

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF EDUCATION, SOCIAL SERVICES AND HOUSING

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	1 JULY 2013	AGENDA ITEM:	13
TITLE:	SPECIAL EDUCATIONAL NEEDS STRATEGY 2013-16		
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 There are a range of national changes underway related to the systems and processes to support children with Special Educational Needs. These changes must be implemented by the council and it is appropriate for the council to develop a new three year strategy to ensure that the implementation of those changes is carried out in a way that continues to meet the vision that service users, schools and the council developed together in 2010.
- 1.2 The council has been following a SEN strategy, adopted in 2010, which has delivered in a number of areas including raised awareness to the needs of children with SEN and LDD, improved access to mainstream services via the short breaks programme, high quality information provided via Family Information Service, the creation of transitions panel and pupil centred Annual Review process to improve the child's journey and have commissioned provision to meet gaps including Snowflakes, ASD Unit at Christ the King, ASD Centre at Reading College and growth at Holy Brook and The Avenue. This work represents a strong base for the next three years.
- 1.3 This report sets out the national changes, a forecast of future demand and an analysis of current resources. An analysis then identifies four strategic priorities for the next three years and outlines a high level plan and some key measures of success. The report seeks the committee's support to undertake a wide-ranging consultation and communication exercise with young people, their families & carers, schools, service providers and neighbouring local authorities to refine the strategy and action plan for future approval by this committee.
- 1.5 This report is supported by a number of appendices as outlined below:
- Appendix 1: The vision jointly developed with service users and providers in 2010.
  - Appendix 2: A need forecast to 2016 based on main category of need.
  - Appendix 3: A list of commissioned provision as at April 2013.

## 2. RECOMMENDED ACTION

- 2.1 The committee is asked to note the range of policy changes that are expected to become statutory and the duties that then flow to the local authorities.
- 2.2 The committee is asked to note the forecast range of needs, with particular attention to the changing pattern of likely demand.
- 2.3 The committee approve the proposed strategic priorities and desired outcomes as the basis for a wide consultation process during July - October 2013, leading to a finalised strategy and action plan.

## 3. POLICY CONTEXT

- 3.1 The council have a duty to ensure that the needs of all learners with Special Educational Needs (SEN) and Learning Difficulties and/or Disabilities (LDD) up to the age of 25 are met. This requires the development of a spectrum of provision for learners provided in partnership with colleagues in health, children's and adult services, including housing, early years' centres, schools and the independent and voluntary sectors. The support and engagement of young people and their families will be crucial to meeting this duty.
- 3.2 The council has to operate a process that assesses eligibility for SEN and when appropriate creates a statement of those needs. The criteria for starting a statutory assessment are based on national guidance while the format and content of statements are locally determined to comply with legally tested requirements. The process has a number of performance measures that are monitored nationally.
- 3.3 A statement has to be specific enough for parents/carers to be able to ensure that their child is receiving the service described in the statement. This requirement is expected to continue alongside the other changes in order that parents can access services more easily.
- 3.4 The Government published a Green Paper on SEN reform called "*Support and Aspiration: A new approach to special educational needs and disability (SEN/D)*" in March 2011. Following consultation and feedback the Children and Families Bill was published in February 2013. The resulting Act is expected to become law during the latter part of 2014. The expected provisions of the Bill can be summarised thus:
  - 1) *Education, health and care (EHC) plans* will replace the current Statements of Special Educational Need and Section 139a assessments and offer a single integrated plan from birth to 25. The plan will offer the same statutory protection to parents as the statement of SEN and will include a commitment from all agencies to provide their services.
  - 2) *Personal budgets* will become a legal right for families with an approved EHC plan if they request it so they can directly buy the support identified in the plan.
  - 3) *Joint commissioning* between Local Authorities and clinical commissioning groups (CCGs) will be required for services for disabled children and young people and those with SEN.
  - 4) *School choice* will give parents the legal right to seek a place at any school of their choice - whether maintained, academy, Free School or Special. Local Authorities have to name the parent's preferred school so long it was suitable for the child, did not prejudice the education of other children or did not mean an inefficient use of funds.
  - 5) *The "Local Offer"* has to be published so parents know exactly what is available including details of: early years, school and college provision and transport to and from it; social care services available, including short breaks; health services, including

speech and language therapy; how to access specialist support; and special and specialist school provision available - including training providers and apprenticeships.

- 6) *Mediation* before a tribunal and a child's right to appeal will be trialled.
- 7) *Abolition of the School Action and School Action Plus categories*. To be replaced with a single outcome focussed category and redefinition of BESD (behaviour social emotional difficulties) in a way that helps professionals to identify what underlying emotional or social issues might be present, and ensure the right help is put in place.

- 3.5 The funding for SEN provision has been, and continues to be, provided by government through the Dedicated Schools Grant (DSG) and until March 2013 was both ring-fenced and allocated on a per child basis as a direct result of the statutory statementing process led by the local authority. Common practice is that only this money is used to meet the additional need and often a single person was employed to deliver all services in many settings. This also leads to the perception that the funding is local authority money.
- 3.6 From April 2013, the ring-fence has been removed and money has initially been delegated to mainstream schools via a new, locally agreed formula. The expectation is that schools will consider how their entire budget is spent to meet the needs of all children. At the same time it is expected that, in general, children with lower need statements (often referred to in Reading as "Band 4-5 and low 6") will not attract further funding for the school but will still received differentiated services.
- 3.7 The local authority will still commission specific services and administer the payment of case by case fees and top ups for schools. Special schools will receive a base level of funding from their local authority in replacement of the previous "recoupment" process. This change makes comparison of previous and current budgets difficult.
- 3.8 The LA remains responsible for the home to school transport costs related to SEN as well as mainstream schools.

#### 4. THE PROPOSAL

##### The current situation

- 4.1 Since 2010, a great deal of progress has been made in a number of areas including:
  1. An extensive training programme for staff involved in education to raise awareness to the needs of children with SEN and LDD.
  2. We have improved access to mainstream services via the short breaks programme.
  3. High quality information is now available to families via the Family Information Service.
  4. The creation of a "transitions panel" and pupil centred Annual Review process has made it easier for pupils as they transfer from one setting to another.
  5. More specific commissioning of provision to meet identified gaps. Specific examples include Snowflakes, ASD Unit at Christ the King, ASD Centre at Reading College, more spaces at both Holy Brook and The Avenue.
  6. Support and input to non-council led schemes such as the Thames Valley School sponsored by the National Autistic Society which further improve local access to services.
- 4.2 The service has been influenced by the Learning Difficulties and Disability (LDd) strategy group. This group is represented by Parents Forum, Health, Social Care, Voluntary and Independent sector, special and mainstream schools and pre-schools. The service has also engaged in discussions with parents and carers, young people, schools, colleagues within Adult and Children's services and professionals in extended services. Feedback suggests that parents and schools are in general satisfied with the quality of service they receive from the Special Educational needs team. Additionally there have been three

conferences held between 2010 and 2012, for professionals, parents and young people (Mission Transition) and a series of breakfast meetings with Head Teachers to improve the service.

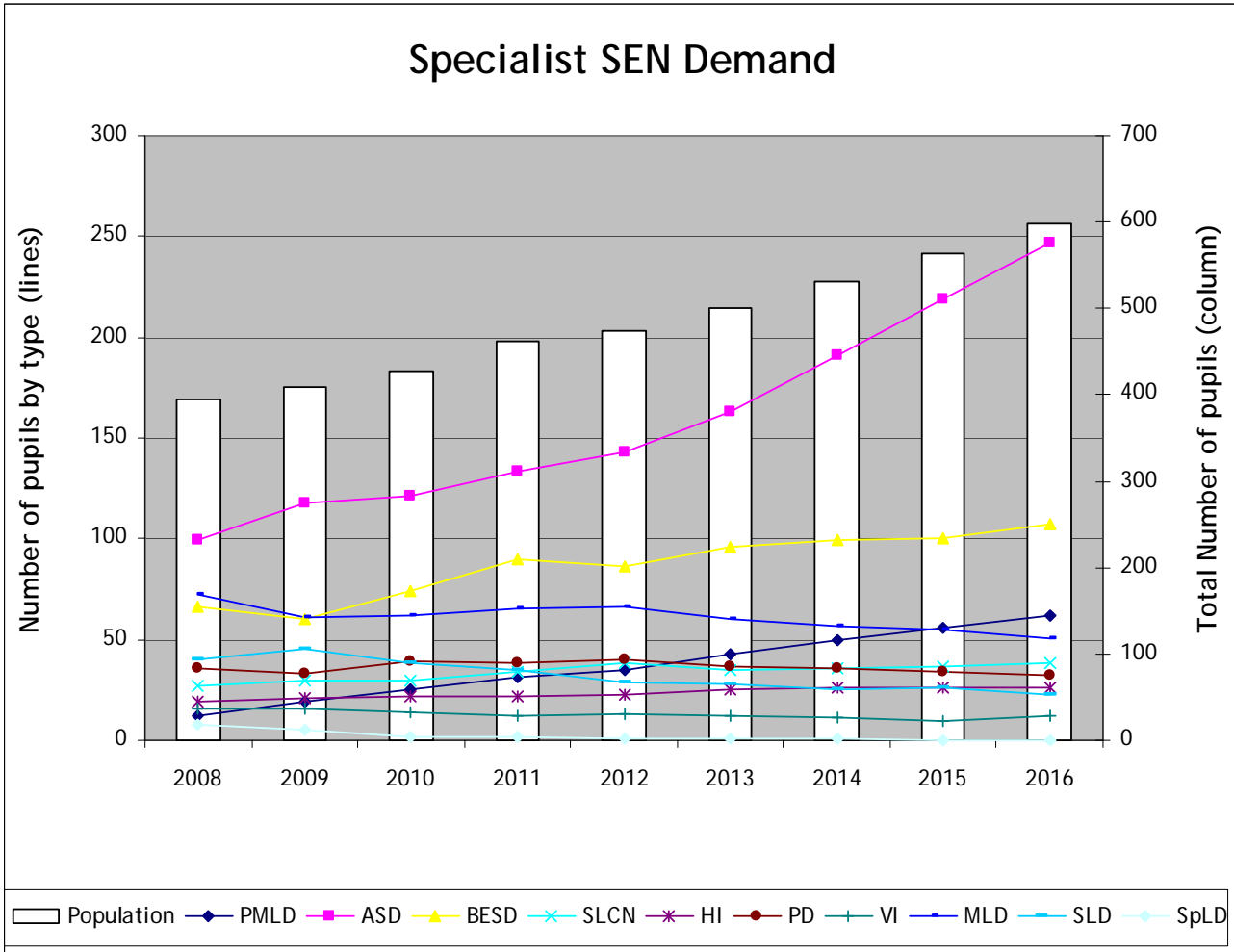
- 4.3 The attainment of children with statements has improved a little over the 2010-12 period as set out in the following table. At age 16 the attainment has grown by 12% points compared to 10% across the country for all students. While this progress is welcomed, there is still more to be done to narrow this attainment gap, with focus at all stages.

Year	Key Stage 1 (L2+ R/W/M)			Key Stage 2 (L4+ EM)			Key Stage 4 (5 A*-C)		
	SEN	Rdg	Nat	SEN	Rdg	Nat	SEN	Rdg	Nat
09-10	55/42/58	85/79/88	87/83/91	35%	72%	73%	18%	78%	70%
10-11	55/41/67	85/79/90	85/81/90	30%	69%	74%	21%	80%	75%
11-12	55/39/60	85/79/88	87/83/91	36%	77%	80%	30%	84%	80%

- 4.4 There is a range of provision commissioned and used by Reading pupils. The resources commissioned by Reading or used by large numbers of Reading's residents are listed in Appendix 3.

**The forecast level of demand**

- 4.5 The last Joint Strategy Needs Analysis (JSNA) developed by the PCT indicated significant growth in the number of people in Reading with additional needs. This indicated both population growth and proportional growth in specific areas.
- 4.6 The council's commissioning team have extensively explored the data and the graph below demonstrates the forecast demand by primary need type to 2016. Appendix 2 contains the data and the glossary of terms for the key:



- 4.7 The graph includes all levels of need for both mainstream and special schools. The need types are ordered by percentage growth over 2008-16.
- 4.8 The data suggests that PMLD, ASD and BESD services have to be the focus of the strategy to enable us to effectively meet the growing level of need in these areas. To align with the vision the strategy will seek to create sufficient capacity for children with these needs close to their families. We will seek to do this with existing providers as well as through new approaches such as wrap-around services which improve the overall impact of a range of services.
- 4.9 The growth and impact of ASD is growing in a number of areas and Berkshire Autistic Society has already been commissioned to consider a whole life ASD strategy for the region and this should help inform the detailed action planning required for SEN.

**SEN Finance**

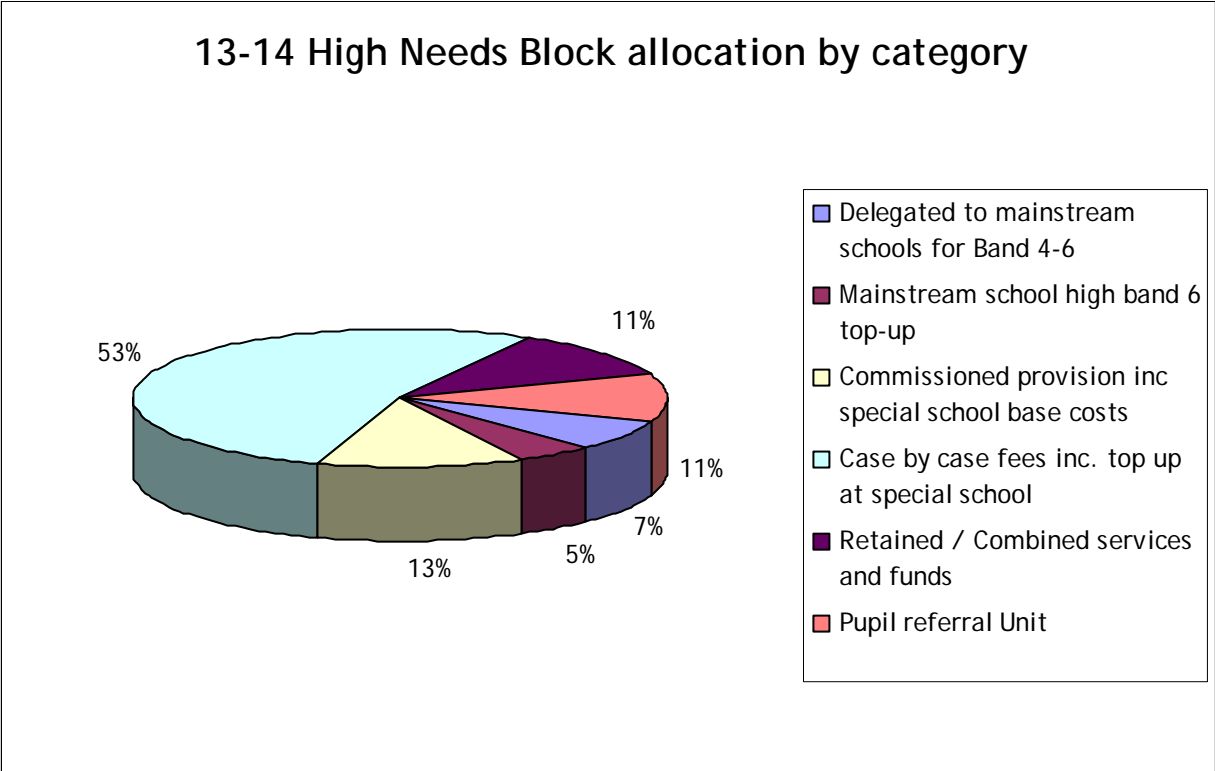
- 4.10 As set out in 3.5, the SEN funding is provided as part of the overall education budget for Reading. The spend on placements for pupils with statements of educational needs over the last four years has seen a year on year increase in response to growth as set out in the table below:

Financial Year	Placement expenditure
09-10	10,287,484
10-11	11,577,681
11-12	11,527,961

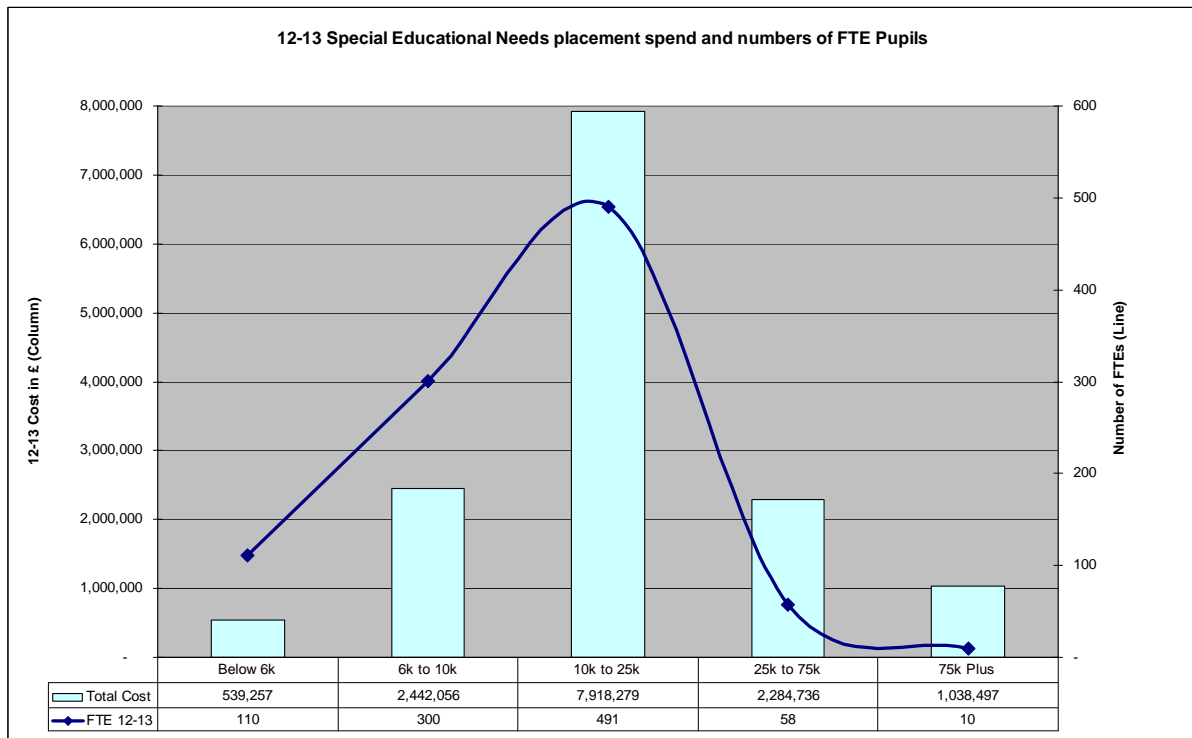
12-13*	12,378,192
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\* Estimated Outturn

4.11 Closer analysis of this expenditure, along with the other calls on the High Needs block shows that over half of the SEN spend currently goes to non-mainstream schools on a case by case basis which is often resource intensive. The spend breakdown estimated for 2013-14 is illustrated in the following pie chart:



4.12 Further, in financial year 12-13, the distribution of costs is illustrated in the following graph. This shows that 7% of the spend went to just 1% of cases and 25% was spent on 7% of cases.



### The implications of policy, demand and finance for the next three years

- 4.13 The changes to mainstream school funding has already begun. With the delegation of SEN money into the overall school budgets, Government is expecting mainstream schools to manage the needs of all pupils in due course and that these children will not, in future, have a statement of special educational needs. This transition will need to start at once. The impact will be that the overall number of statements will fall as young people complete their education.
- 4.14 This immediate change will lead to young people and families seeing a range of different approaches as schools take a whole budget approach. The most likely change will be a reduction in the number of times that a statement turns into a single, dedicated 1:1 assistant to work with a child. This will look and feel quite different and it will be essential to ensure clear communication to prevent unnecessary concern amongst families.
- 4.15 The small amount of money retained centrally for mainstream top ups should be considered to help the transition impact in the first year of this strategy before moving the long term position of providing case by case exceptional support.
- 4.16 The level of demand indicated by the forecast will require the development of increased capacity and alternative ways of meeting need. There is no separate capital programme for special needs provision, the funding streams are shared with mainstream schools and therefore will require consideration in the round with mainstream projects. A review of provision took place in late 2012 and this will inform specific proposals for the action plan.
- 4.17 From September 2014 statements are due to be replaced with a single common Health, Education and Social Care plan for the most vulnerable children. There is pan Berkshire work in progress to prepare for that change and the action plan will incorporate the work in that area.
- 4.18 The level of change is significant and the future potential of personal budgets requires that early work is undertaken with families to ensure that they are informed. Once informed they can understand what might be different in the day to day experience and have an effective voice as "champions" for children with SEN in Reading. Parents and

carers should also have the opportunity to provide case by case satisfaction feedback to help assess areas that are working well and where further improvements should be sought.

#### **The strategic priorities for the next three years**

4.19 The strategy is proposed to have four priorities to address the issues outlined in 4.13 - 4.18 above. The exact words will be part of the consultation exercise and will be developed through that process. Each is described in turn below and will be supported by a multi-year action plan which will be developed in detail during July - October 2013.

4.20 Priority 1: To ensure that Children and Young People with Statements of Special Educational Needs/Education, Health and Care Plans will have their education, health, social and emotional needs met from provision within the locality of Reading or neighbouring Local Authorities whenever possible.

This priority seeks to make placement and commissioning decisions based on need and interventions that directly make a difference to the young people and that, wherever possible, those services are provided in the local area. It requires that service development is coordinated to meet all levels of need and not just focus on one area.

4.21 Priority 2: Develop provision within Reading or in partnership with our neighbouring Local Authorities which reduces reliance on the most expensive and remote options.

This priority asks the service commissioning process to redistribute funds towards local services which reduce reliance on the most expensive independent placements. This is likely to require early intervention and "wrap around" services in addition to specific education places.

4.22 Priority 3: Work with families to enable them champion better outcomes for their children.

This priority aims to ensure that parents and families have better information to make choices, to challenge providers and to understand the level of expectations that every service should hold for their children's progress. It will set the ground for personal budgets in those cases where parents wish to take that responsibility.

4.23 Priority 4: Work with schools and other providers to make best and transparent use of the finances available to narrow the achievement gap for SEN children.

This priority is focussed on ensuring that every pound is spent in a considered way and that a wide group of stakeholders oversee allocation of revenue and any capital funding. It will be the council's role to facilitate the relationships and processes to enable this improved way of working. Working together we should be able to increase predictability for all operational budgets and provide a clearer range of services to families.

4.24 The measures of success over the three year life of the strategic plan have to be focussed. The three measures could be:

1. The achievement gap for children with SEN in Reading is better than the national average by end of Academic year 15-16 at EYFS, KS1, KS2 and KS4.
2. Parents and pupils report improved satisfaction with their progress year on year.
3. The overall budget being effectively used to improve value for money by end of AY 15-16 (eg lower average cost type measure)

4.25 These success measures will be part of the consultation process, and there are clearly other indicators of success and progress that continue to be measured.

#### **5. CONTRIBUTION TO STRATEGIC AIMS**



5.1 This work is at the heart of equality considerations:

- *To promote equality, social inclusion and a safe and healthy environment for all* is supported by a range of schools (mainstream and special) which are appropriately located and funded to meet the range needs of additional needs faced by the Reading population

## 6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 The vision was jointly developed in 2010 and is still valid. A number of providers, a few parents and LA officers have worked together to draft the strategic direction. That has identified that while the strategy is relatively simple to describe, a great deal of communication will be required to enable a broad understanding of why the strategy is appropriate.

6.2 For this reason it is proposed to run a consultative process during the Autumn term to ensure understanding and to garner support for the changes that will need to be made.

## 7. EQUALITY IMPACT ASSESSMENT

7.1 An EIA will be undertaken as part of the strategy consultation and action plan development and will be reviewed as part of the decision to approve the strategy later in 2013.

## 8. LEGAL IMPLICATIONS

8.1 There are many regulations surrounding the production and content of Statements for children (in the future EHC Plans), including ensuring sufficient clarity for parents and carers to be able to track that their child is receiving the services described in the statement.

## 9. FINANCIAL IMPLICATIONS

9.1 The SEN costs are met from the High Needs Block within the DSG. If the High Needs Block is overspent in a given year it is a decision of Schools Forum the next year to meet the shortfall by reducing other areas which will impact on the money schools see in their budgets. Regulatory changes suggest that if the schools forum do not agree to such, the LA can appeal to the Secretary of State. The pressure however can transfer to the LA if that appeal is not supported.

9.2 Given that the funding stream has already been modified, there will need to be a transitory allocation process relating to the "high band 6" element of the budget to enable schools to continue to deliver current expectations and transition during the academic year 13-14.

9.3 The detail of the action plans to be constructed will identify the likely revenue and any capital costs required to commission more effective services. Each proposal will require a costed proposal which seeks to provide improved value for money over the next three years.

## 10. BACKGROUND PAPERS

10.1 The relevant background information has been included in the appendices as required.



## Appendix 1: The vision for SEN and LDD young people in Reading.

- A1.1 The vision for children and young people with learning difficulties and/or disabilities in Reading was developed by Reading Local Authority's Learning Disabilities and/or Difficulties strategy group in partnership with families and professionals in January 2010. It is:

For all children and young people to receive their education and learning opportunities within the Reading community or as close to their community as can be arranged.

To provide opportunities where children, young people and families in Reading are respected, valued, achieve their potential and contribute to society in an inclusive non-judgemental environment.

To have fully inclusive, appropriate and local provision and to reduce the reliance on out of Authority and out of Berkshire region residential placements.

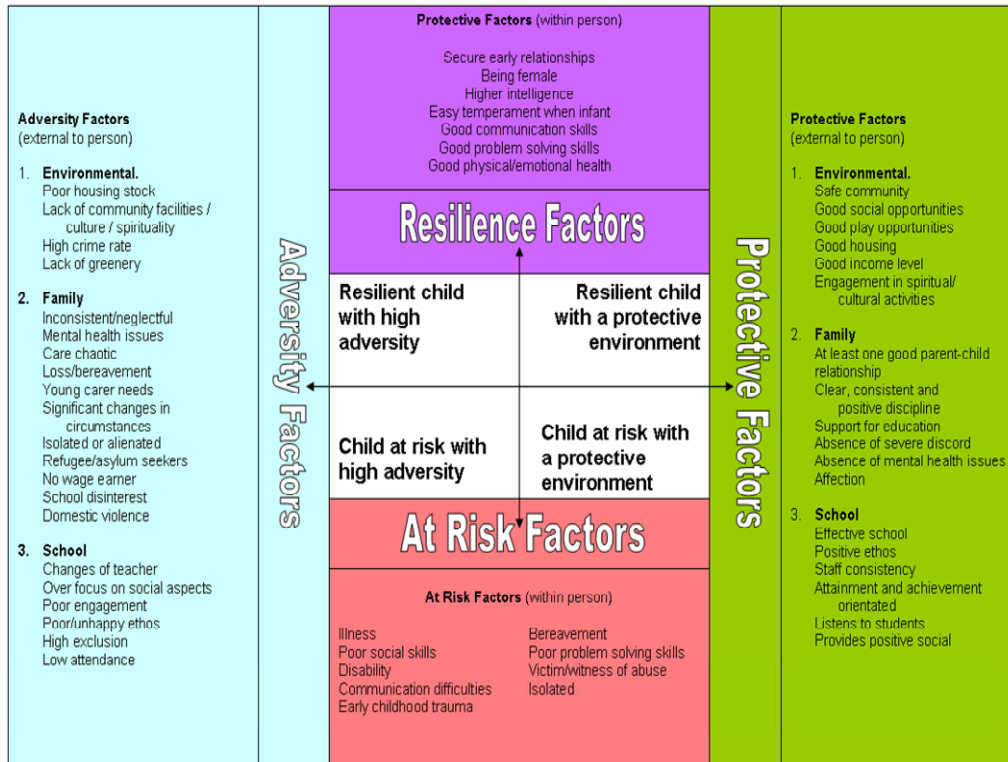
To have common practices across Berkshire for the planning and delivery of 14 - 25 SEN and LDD provision.

The transition planning for young people who have SEN / LDD will be person centred, holistic and multi-agency, avoid repetition and be outcome focused.

The completion of Section 139 assessments will be coordinated by the Transition team in order to ensure that there is a seamless transition from school to further education.

- A1.2 The group believe that vulnerability in children and young people and their families can be predicted or anticipated. Similarly there are known protective factors that build resistance. The following matrix (developed by The Centre for Inclusive Education, Bristol University 2008) will guide the development of services that work with schools, early years settings and families to provide both preventative services targeted at vulnerable children and their families and services that provide specialist interventions.

## Protection / Vulnerability Matrix



## Appendix 2: SEN Need forecast to 2016.

- A2.1 We have made various attempts to model projected SEN numbers in the medium term. While using different methodologies they all point in the same basic direction.
- A2.2 The methodology chosen in the table below was to take the statement numbers broken down according to primary SEN need at 31 October each year going back to 2008, subdivided into individual national curriculum years - NCY (not shown in the table below). The numbers of those attending mainstream provision was then stripped out and detailed formulae used to look at average percentage growth across the cohorts.
- A2.3 These are not particularly high numbers which makes projections less robust. These are our best estimates and, whichever methodology we used, all point in the same general direction.

*Numbers of Reading resident pupils needing specialist provision (either special school or resource unit) broken down by primary need as at 31 October each year*

	Actual numbers receiving specialist provision					Predicted numbers expected to need specialist provision			
	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>ASD</b>	99	118	121	133	143	163	191	219	247
<b>BESD</b>	66	60	74	90	86	96	99	100	107
<b>HI</b>	19	21	22	22	23	25	26	26	26
<b>MLD</b>	72	61	62	65	66	60	57	55	51
<b>PD</b>	36	33	39	38	40	37	36	34	32
<b>PMLD</b>	12	19	25	31	35	43	50	56	62
<b>SLCN</b>	27	30	30	34	38	35	36	37	38
<b>SLD</b>	40	45	38	35	29	28	25	26	23
<b>SpLD</b>	8	5	2	2	1	1	1	0	0
<b>VI</b>	16	16	14	12	13	12	11	10	12

ASD	Autistic Spectrum Disorder
BESD	Behavioural, Emotional and Social Difficulties
HI	Hearing Impairment
MLD	Moderate Learning Difficulties
PD	Physical Disabilities
PMLD	Profound and multiple Learning Difficulties
SLCN	Speech, Language and Communication Needs
SLD	Severe Learning Difficulties
SpLD	Specific Learning Difficulties
VI	Visual Impairment

- A2.4 As can be seen we are predicting a need for a further 104 places in specialist provision for ASD learners over the next four years. The other area of growth is in numbers of PMLD learners - Profound and Multiple Learning Difficulty. Their numbers (they are mainly but not entirely in specialist provision) are expected to increase from 35 to 62 over the next four years.

A2.5 The following table sets out the data in terms of growth rates to help explain why some areas of need require specific priority actions. It should be noted that some of the cohort numbers are very small and therefore change percentages may be significantly affected by one or two children.

	Growth Rates		
	2008-16	2008-12	2012-16
PMLD	417%	192%	77%
ASD	149%	44%	73%
BESD	62%	30%	24%
SLCN	41%	41%	0%
HI	37%	21%	13%
PD	-11%	11%	-20%
VI	-25%	-19%	-8%
MLD	-29%	-8%	-23%
SLD	-43%	-28%	-21%
SpLD	-100%	-88%	-100%
<b>Total</b>	51%	20%	26%

**Appendix 3: Currently commissioned provision in Reading as at 18 June 2013.**

A3.1 The following table outlines the provision, from resource unit to special school, that is either commissioned by or receiving base funding from the council from April 2013. It includes the total capacity and the current number of Reading resident children on roll.

Provision	Primary need	Registered capacity	Numbers of Reading resident pupils
<b>Reading Special Schools</b>			
The Avenue	ASD/PMLD/MLD	122	97
Phoenix	BESD	64	34
The Holy Brook	BESD	32	25
<b>Reading Pupil Referral Unit</b>			
Cranbury College - PRU	Various	132	121 (16 statemented)
<b>Reading Resource Units</b>			
Prospect	SLCN & MLD	30	29
Christ the King	ASD	10	10
Manor Primary	MLD	10	5
Highdown	VI	8	7
E P Collier	SpLD	12	12
Blessed Hugh Faringdon	ASD	15	15

A3.2 The following table outlines other key resources used to support Reading resident pupils

Provision	Primary need	Registered capacity	Numbers of Reading resident pupils
<b>Out of Authority Special Schools</b>			
Brookfields (West Berkshire)	MLD/SLD/PMLD/ASD	199	119
Addington (Wokingham)	MLD/SLD/PMLD/ASD	205	30
Bishopswood (Oxfordshire)	MLD/ASD/PMLD/PD	38	8
Southfields (Wokingham)	BESD	85 (16 residential)	10
<b>Non-Maintained Special Schools</b>			
Red Balloon	Various	Not Known	10
Tadley Horizon	MLD/ASD	Not Known	6
Chilworth House	BESD	Not Known	7
May Hare	HI	Not Known	8