

Schools Forum

15 May 2014

High Needs SEN provision; Future Direction and Planned Savings

This report relates to both maintained and academy schools

Recommendation

The Schools Forum is recommended to:

- 1) Note the progress on local provision development to support pupils with severe and complex educational needs.
- 2) Note the progress on moving towards implementation of the SEND reforms by September 2014.
- 3) Note the plans to strengthen commissioning and procurement processes for services for pupils with a statement of SEN.

1. Purpose

1.1 At the last Schools Forum meeting a report was presented regarding the Dedicated Schools Grant (DSG) and that there was a forecasted overspend in 2014/2015; a key area of this spend being on Independent Specialist Provision (ISP) for children with SEN whose needs cannot currently be met by Warwickshire County Council's mainstream or special schools. Whilst a briefing will be given at this (May) meeting with a more detailed overarching strategic approach to the issue, this report updates the Forum about the financial impact of initiatives already underway to reduce the spend on Independent Specialist Provision.

1.2 The purpose of this report is to update members of the Schools Forum as to the progress in the following areas;

- Update on the strategies and initiatives to address the shortage of additional needs places within Local Authority (LA) maintained provision; setting out alternative provision for pupils with Behavioural, Emotional and Social Difficulties.
- Update on progress to reduce the number and cost of pupils with both additional needs requiring 'top up' funding and those pupils being placed in ISP provision.
- Progress working towards the implementation of the SEND Reforms; Children and Families Bill (2013) and SEN Code of Practice (0 – 25).

2. Background

- 2.1 The Local Authority recognises that too many children and young people with the most severe and complex special educational needs and disabilities are unable to access local education provision to meet their needs. The Local Authority recognises that the consequential over reliance on independent specialist providers is not appropriate or sustainable and it is addressing this through a number of strategies and initiatives.
- 2.2 There is a projected overspend in the overall High Needs Block Funding (an element of the DSG) £4.449m for 2014/2015 as noted in the March Schools Forum Report of which the over reliance on expensive ISP places is a significant contributing factor. Outlined in this report are the actions being taken to curtail growth of this over spend and deliver savings targets in these specific DSG funded areas.
- 2.3 **Strategies and initiatives to address the shortage of additional needs places within Local Authority provision**
- 2.4 There were 266 pupils in independent provision at the 2014 school census date. The average cost per pupil is estimated to be £45,000. There were also 62 in other LA provision at a much lower cost per pupil due to less complex needs of the majority of these pupils. Consequently there were 328 children with a statement of SEN placed in non-WCC schools at a cost of £13,535,000. This resulted in an over spend of £2,984,525 in 2013/14.
- 2.5 Outlined below are the strategies that are both in place or in development to address the budget overspend.

These are:

- Investment in the development of local Academy AEN school provision from September 2015;
- Increase provision in existing special school provision;
- Increase provision in specialist education provision in mainstream schools;
- Establishment of a High Needs Funding Panel both for pre and post 16 provision;
- Embedding robust commissioning arrangements to fully understand pupil needs; existing provision; the impact of interventions; and service costs;
- and using this intelligence to commission sufficient; high quality; outcome driven; fair-priced school and college placements;
- Commission evidence-based early intervention approaches for pupils in mainstream settings to reduce the number of pupils requiring ISP placements;
- Managing requests for SEN assessment of need and statements as we move towards the single Education Health and Care (EHC) plan.

3. New Academy AEN School

- 3.1 WCC have successfully secured finance through the Targeted Basic Need Programme to develop a new school for BESD and ASD pupils in the north of the county, on the old Manor Park school site, Nuneaton. The proposal is for a provision (school plus satellites) with up to 80 places. The DfE have chosen the MacIntyre group as a sponsor for the academy school.
- 3.2 An AEN Project Board has been established with a series of work streams to progress the development of the new school to be completed by September 2015.
- 3.3 One of these work streams will clearly identify pupils currently placed with ISP's who could be repatriated back into the new school. This process will be carefully managed and only involves pupils who have been identified as part of their review/care plan.
- 3.4 A report is to be presented to Cabinet on 8th May 2014 to seek agreement to the land site option for the new school and to go ahead with the planning process. A decision will need to be made in order that the building work can commence and WCC fulfil the conditions of the DfE grant for the school to be built by September 2015.
- 3.5 The aim is to maximise the capital receipt on the surplus Manor Park land sale in order to re-invest the capital in satellite provision across other Warwickshire school sites for pupils with SEN.
- 3.6 Following cabinet agreement a stakeholder consultation will be led by WCC and the Academy sponsors during May 2014.

Estimated Savings

- 3.7 The current average cost of Independent Specialist Placements for ASD/BESD is £45,000. The establishment of an up to 80 place provision could offer savings to both DSG and LA funding (by reduced transport costs). In addition, depending on the size of the capital receipt from the Manor Park land sale and consequent level of investment in satellite provision, additional savings will be realised.
- 3.8 In terms of the impact on the DSG specifically, the savings from the AEN school are estimated to being £660,000, which will be phased from September 2015.
- 3.9 If and when the satellite units are developed, these savings are expected to increase to between £900,000 and £1,160,000 depending on the value of the capital receipt for re-investment.

3.10 See Appendix 1 for the breakdown of these savings which are also included in the table at in section 10 of this report that summarises the overall financial benefit of these initiatives.

4. Enhance Existing Special School Provision

4.1 The purpose here is to develop internal capacity within LA mainstream and special school provision for children and young people with SEN who would otherwise be placed in out of authority placements.

4.2 The Local Authority has secured funding for an additional 30 post-16 places at Welcome Hills School. The expansion programme is for a 6th Form provision at a site close to the school, with a planned completion of September 2014.

4.3 Funding has also been secured for an additional 30 places at Brooke School, with planned completion in December 2014. In both cases, the phasing of pupils will impact on the timing of the savings.

4.4 Discussions are taking place with River House School to increase the number of Individual Learning Packages (ILP) for pupils with behavioural difficulties in Years 10 and 11. River House currently offer 20 ILPs at a cost of £550,000 including transport. ILPs are a mechanism by which the school manages a package of learning for BESD statemented students that are on roll but are, on the whole, delivered off site. These are therefore additional placements to the current capacity of the school. Riverhouse staff work with these learners in various satellite settings across the county. The type of provision includes a mixture of small group work and work related learning with Colleges and Individual Educational Providers.

4.5 These saving projections are also included in the table at section 10 of the report.

5. Enhance Specialist Provision in Mainstream Schools

5.1 A SEN Strategic Development and Capacity Building Group has been established and met for the first time in April. This is to be a monthly meeting to develop the Vulnerable Learners Strategy and look at options for building internal capacity within mainstream and special schools for pupils with additional needs. Special School Head teachers are part of these groups along with representatives from Integrated Disability Service, Autism Service, Early Intervention Service and the Educational Psychology Service. This area of development is also being supported by the work of the Interim Service Manager, Planning, Sufficiency and Access.

5.2 Different delivery models are being explored such as SEN satellite units from existing schools. The group will encourage ideas and proposals from schools and will be considered in the light of Warwickshire's SEN needs analysis and

sufficiency strategy. As work progresses with this group, updates will be brought to the Forum.

6. Establishment of a High Needs Funding Panel both for Pre and Post 16 Provision

- 6.1 A High Needs Funding Panel was established in September 2013. This multi-agency panel includes representatives from the primary, secondary and special school sectors. It considers requests for top up funding above Band D (£8,415) and requests for Independent Specialist Placements. It is anticipated that a cost reduction will be brought about through better understanding and scrutiny of how schools targeted the use of their budgets to meet the needs of pupils with additional needs (£6,000). Any decision regarding additional funding (top up and ISP) is made through the High Needs Funding Panel.
- 6.2 Data collected from the High Needs Funding Panel highlights where schools are unable to meet need and provides useful information for future service planning. The primary need is BESD and ASD, at Key Stage 3 and 4 mainly in the north of the county. Further details are included in Appendix 2

6.3 Top Up Funding for Special Educational Needs in Mainstream Schools

- 6.4 The Dedicated Schools Grant (DSG) allocated budget for top up funding 2013/2014 was £5,071,526. The aim of top up funding is to meet the individual needs of children and young people with additional needs over and above the level of funding provided to institutions through the main schools funding formula. Schools are expected to fund lower level SEN provision within their core schools funding.
- 6.5 Records show that since its inception 88% of requests for top up funding have been agreed. This shows the impact of the group but also highlights either that more needs to be done if funds are to be appropriately targeted or that the correct children are being referred for top up as early interventions such as Area Behaviour Partnerships are having the desired impact. The next steps are to apply clearly defined eligibility criteria to ensure that schools are managing the needs of their own pupils within their school budgets before applying for top up. In addition a matrix tool has been developed to establish the precise needs of eligible pupils so that the appropriate level of funding is allocated to each school to buy in the additional support as required. See Appendix 2 for a breakdown of the panels' activity.

6.6 Requests for Independent School Placement funding

- 6.7 As detailed above, spend on children with a statement of SEN placed in non-WCC schools was £13,535,000 in 2013/14. This was an over spend of £2,984,525.
- 6.8 Requests for children to be considered for funding for an ISP placement also go to the High Needs Funding Panel. Any requests for this additional resource is

closely examined and local options exhausted before agreement is given to placement with an independent provider.

- 6.9 Panel records show that 93% of requests for ISP placements have been agreed since the inception of the panel 8 months ago. Consequently 7% (4 pupils) of requests have been declined. This trend aligns with the gradually increasing ISP new placement numbers since 2011, see Appendix 3. This information suggests that the panel is able to identify alternate destinations for few pupils, and that there is a significant lack of identified alternate provision, including LA special school places or local support services to maintain the existing mainstream placement.
- 6.10 The panel is reviewing the referral process and will revise the documentation that schools and ASRS officers complete. In particular, the revised forms will require more evidence from schools about the use of previous core and top-up funding and the reasons why this spend has not achieved placement stability. This requirement for detailed information will help to create a far more detailed dataset, describing the use of SEN pupil funding, than is currently available to those making decisions about commissioning appropriate services for Warwickshire pupils with a statement of SEN.

6.11 Post 16 High Needs Funding Panel

- 6.12 A Post 16 High Needs Funding Panel was established in February 2014 to consider requests for funding for college placements and Independent Specialist Colleges. The panel is multi agency and includes representatives from Adults and Children's Services, Education and Health to make decisions on tripartite funding from Education, Health and Social Care.
- 6.13 As college placements routinely start in September current applications have been considered over the past few months and will continue to be considered over the next few months for the learners commencing college in September 2014. The panel applies scrutiny to the appropriateness of the provision offered to meet assessed needs in both meeting the desired learning outcomes and also in meeting the level of additional support that each learner requires. Where proposed support appears to be superfluous to requirements or costs appear in excess of what is expected, officers are negotiating with providers to ensure the appropriate resource at a fairer price.
- 6.14 A certain degree of success has been achieved this year in locating students nearer to home, in reducing the number of residential placements being agreed as appropriate and in challenging the prices of Independent College Provision. However the full cohort for September 2014 is not as yet complete and agreed and as such the comparisons between this year and previous years regarding progress in reducing costs whilst maintaining access to appropriate provision is difficult to portray at this stage. Appendix 4 shows the available information to date.
- 6.15 To make further progress next year the data collected from this year's cohort and anticipated future learners is being used to produce a Market Position

Statement to signal to the market our future post 16 educational needs. This communication, it is planned, will assist in developing the market and specifically Warwickshire Colleges in better meeting the needs of learners with special educational needs into the future.

7. Robust Commissioning Approach

- 7.1 A comprehensive needs assessment along with the mapping and review of the effectiveness of current provision will help us to understand how we can redesign the distribution of services/resource allocation across the county to appropriately meet the needs of our SEN children and young people.
- 7.2 Through the high needs panel process, the quality and depth of information supporting a referral for ISP placement and top up funding has improved. This information will be used to establish a fine level of detail about the needs of each of the pupils and the services and strategies which schools have employed to meet those particular needs. It will also help to establish the pattern of need across the county and those high referring schools.
- 7.3 Commissioners believe that the revised referral forms will provide a rich source of information which will afford both a better understanding the needs of SEN children and young people and also what educational support and interventions work well for what kinds of need. This exercise will also identify any strategies which appear to be less successful. Findings will establish what services schools and commissioners should further commission to meet the range of SEN needs.
- 7.4 Commissioners recommend that any current support services (both WCC and independent providers) are reviewed as part of this wider exercise. A number of current service level agreements are in place for WCC services, including EIS and IDS. It is recommended that the performance and outcome monitoring indicators are revisited so that commissioners can better understand the impact these services have in reducing and preventing the escalation of additional needs.
- 7.5 The high proportion of ISP usage (approximately 10% of all stated children) suggests that there is work to do in building the capacity of our mainstream schools and colleges to have the skills, expertise and specialist facilities to meet the specific needs of children with additional educational needs. In addition these educational establishments should be supported in retaining pupils through the use of evidence-based interventions that have proved effective in retaining and not excluding those most difficult to educate and engage. Commissioners will be looking at statistical neighbour authorities to find out what strategies and interventions are proving to be successful elsewhere.
- 7.6 Clear thresholds and resource allocation tools need to be further embedded so that where children cannot be contained in a mainstream environment and/or additional resources are required to meet additional need. Commissioners will support this process of enhancing referral forms, thresholds, eligibility criteria

and associated matrix as a way of developing a more rigorous and personalised approach, which in time may become a way of distributing a personal budget to individual families.

7.7 Where ISP provision remains the best option for any pupil, Strategic Commissioning will continue to ensure that these are procured in ways which conform to WCC Contract Standing Orders and achieve high value for money. Framework contracts (which are used by other LAs both singly and collectively) will be let. Regional and sub-regional collaboration will be explored.

8. Managing requests for SEN Statements/Assessment of Need as we move towards the single EHC plan.

8.1 Through a pilot scheme in North Warwickshire (commenced January 2014) we are scrutinising requests for assessments of need and statements through offering High Needs Funding in certain cases. The Local Authority is encouraging greater use of High Needs Funding as we move towards implementation of the new SEND reforms.

8.2 The High Needs Funding Panel has the flexibility to explore creative alternative solutions to supporting pupils in mainstream school through the use of High Needs Funding rather than a statementing process.

8.3 As we move towards the introduction of EHC Plans there has been a small reduction in the number of referrals for statutory assessment. There were 405 referrals in 2013 compared to 444 the previous year. However, it should be borne in mind that in 2009 the LA received 301 referrals and 327 in 2010.

9. Progress working towards the implementation of the SEND Reforms; Children and Families Bill (2013) and SEN Code of Practice (0 – 25).

9.1 The SEND Implementation Lead, Judith Humphry was appointed in January 2014. Judith has been working closely with stakeholders and schools to help them develop the 'local offer' and understand the impact and expectations of the new reforms.

9.2 The Children and Families Bill (2013) and SEN Code of Practice (0 – 25) sets new expectations on the local authorities in their provision of services for disabled children and families. Families will be given more choice and control over the support they want and there will be greater use of personal budgets in line with the 'personalisation' agenda.

9.3 Warwickshire is being supported by Solihull Council as Regional SEND Pathfinder in piloting and working towards implementation as of September 2014.

9.4 In order to deliver on the reforms the Assessment Statement and Review Service (ASRS) will need to be reconfigured in order to respond to a new way of working. Significantly SEN statements will be replaced by the single

Education Health Care plan. Once the reconfiguration has been agreed a staff consultation will follow and the new service and staff team will be in place by September 2014.

- 9.5 Additionally through a Department for Education, SEN Reform Grant (not DSG) a Transition Team will be established to work on converting existing statements to EHC single plans. From the work undertaken by the Pathfinders it is indicated there will be fewer single plans than statements, however the person centred approach takes longer and it is estimated that the plans will take longer to complete.

10. Summary of Potential Savings

- 10.1 The table below details the expected savings as outlined in the discussion above. These figures equate to a whole year impact, once the initiative is fully operational. These savings will be phased in from 2015/16 and included in the overall DSG savings plan.

Savings area	Pupil/learner numbers	Timescales	Estimated Savings
AEN School/satellite units	Up to 80	School ready for September 2015 and satellite units ready for September 2016. Full year savings expected in 2017/18	£900,000 to £1,160,000
Welcome Hills Post 16 placements	30	Provision ready for September 2014 and full year savings expected in 2015/16	£791,000
Brooke School places	30	Provision ready for December 2014 and full year savings expected in 2015/16	£815,000
River House ILP's	TBC		TBC
Total			Minimum £2,506,000

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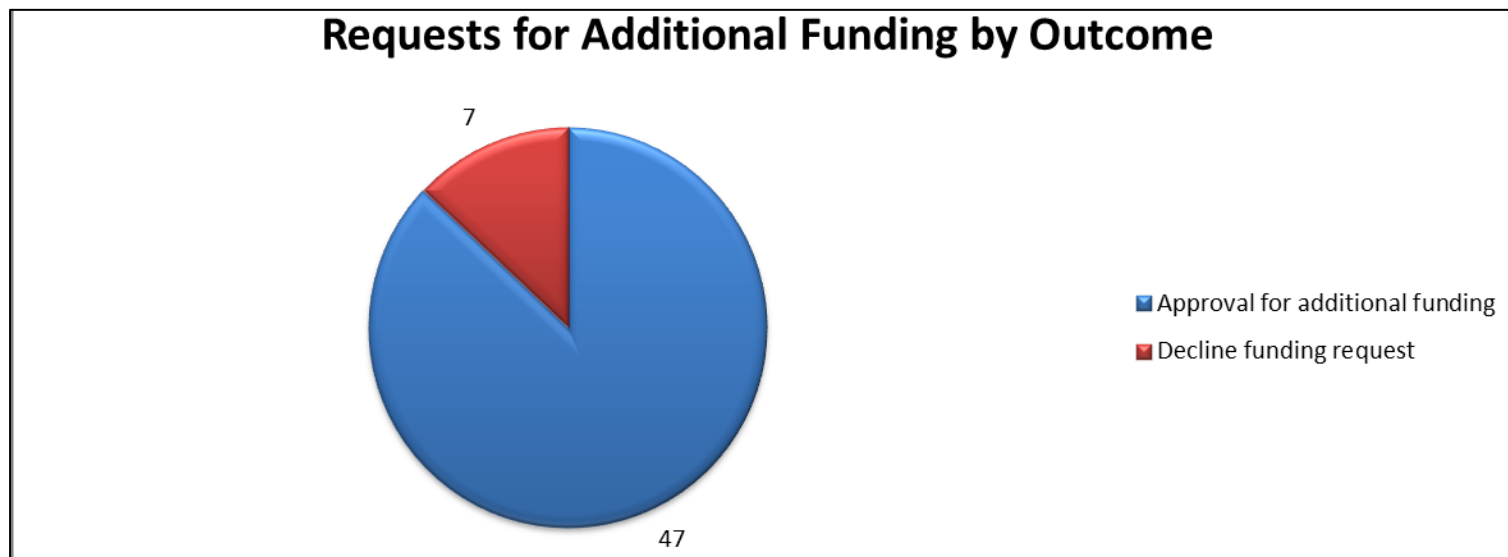
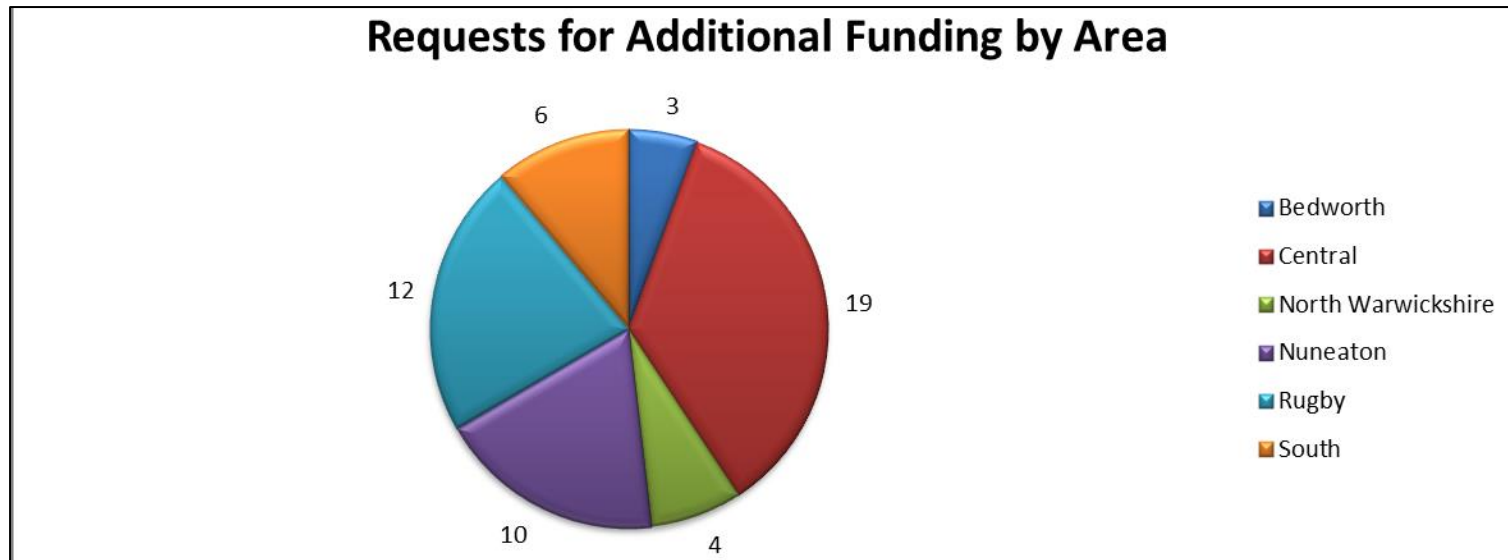
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Appendix 1

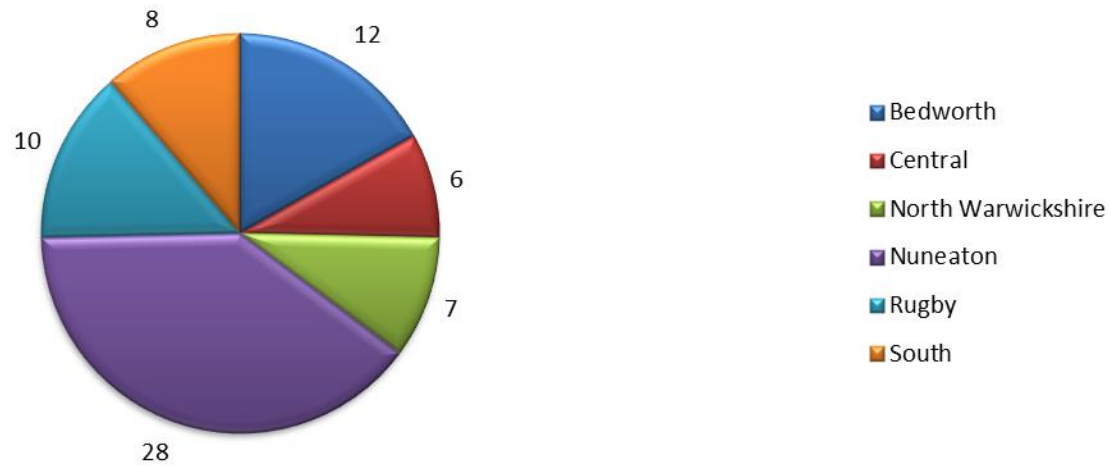
Savings forecast from developing new AEN provision

Save £10k for 30 pupils From September 2015 to March 2016	£175,000		
Save £10k per pupil for 30 pupils from April 2016 to August 2016		£125,000	
Save £10k per pupil for 60 pupils from September 2016 to March 2017		£350,000	
Save £3k per pupil for 20 post 16 pupils from September 2016 to March 2017		£17,500	
Save £10k per pupil for 60 pupils for April 2017 to March 2018			£600,000
Save £3k per pupil for 20 post 16 pupils from April 2017 to March 2018			£60,000
Extra Pre-Opening Costs	£(100,000)		
TOTAL Dedicated Schools Grant (DSG) savings expected	£75,000 in 2015/16	£492,500 in 2016/17	£660,000 in 2017/18

Appendix 2: Charts presenting information about High Needs Panel Activity and Agreed Funding



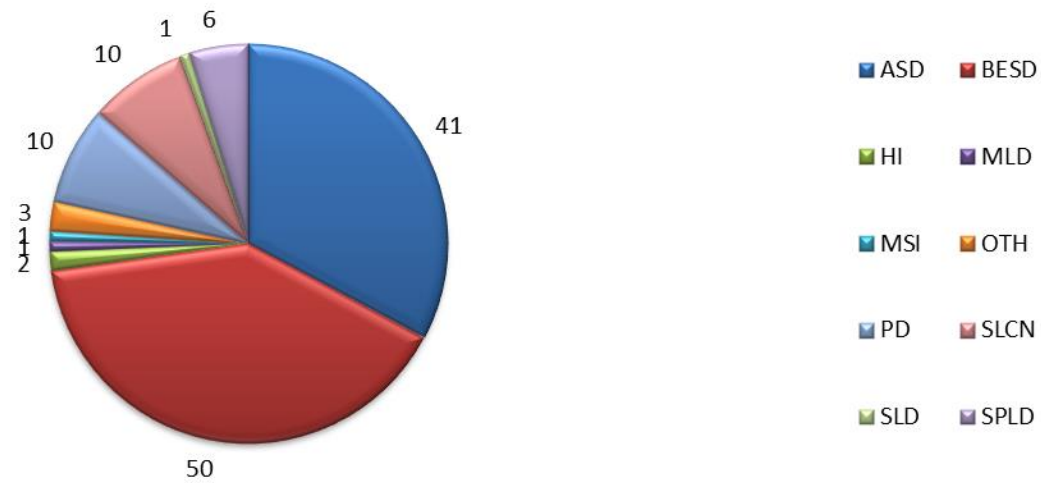
Requests for Independent Specialist Placement by Area



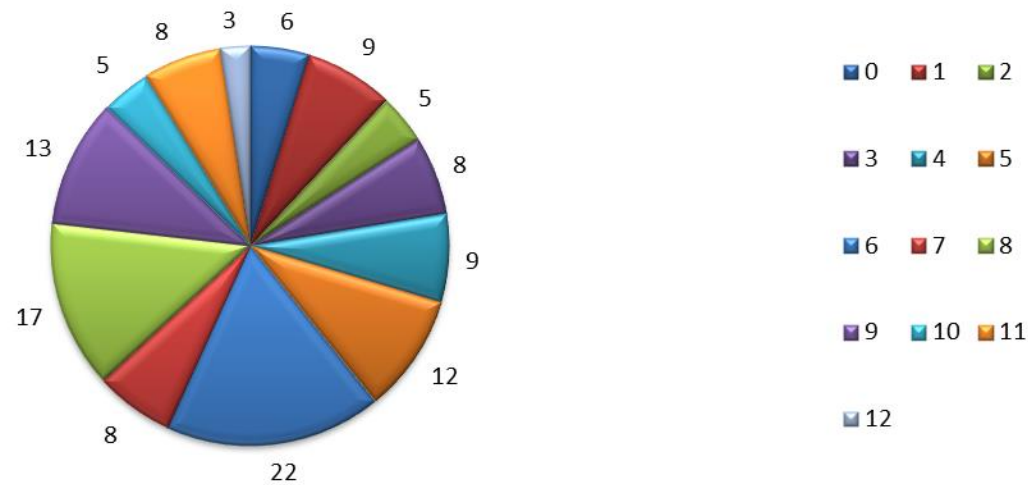
Requests for Independent Specialist Placement by Outcome

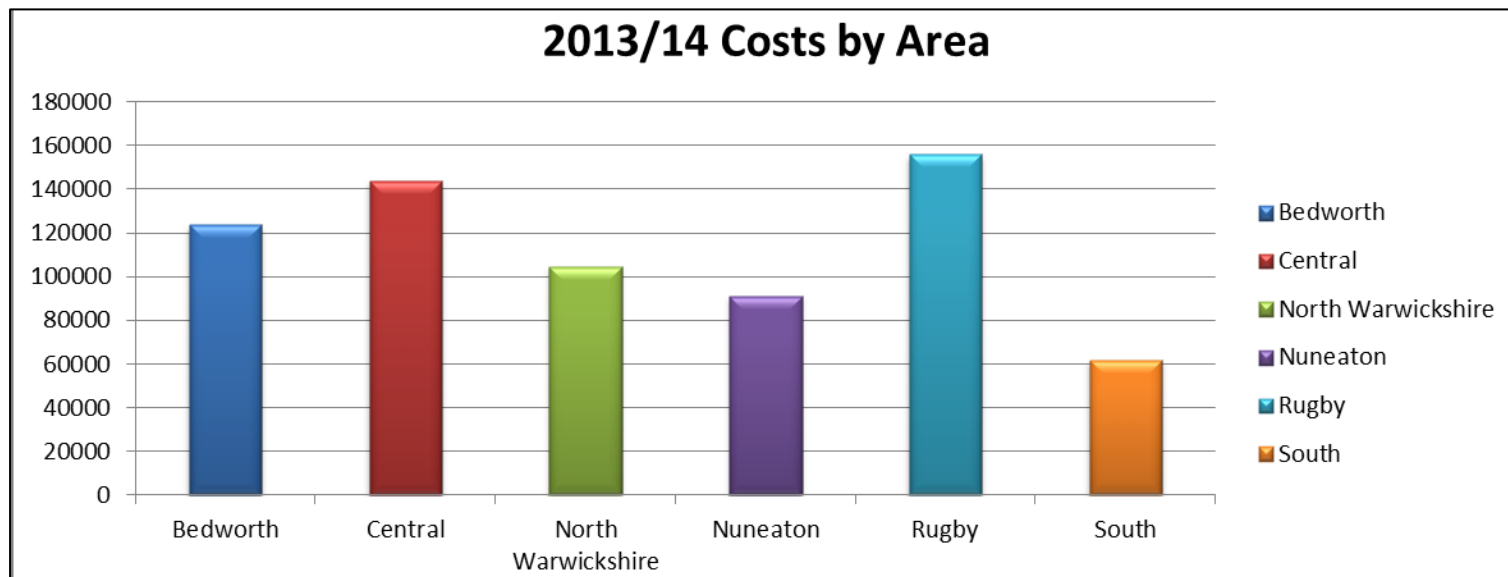
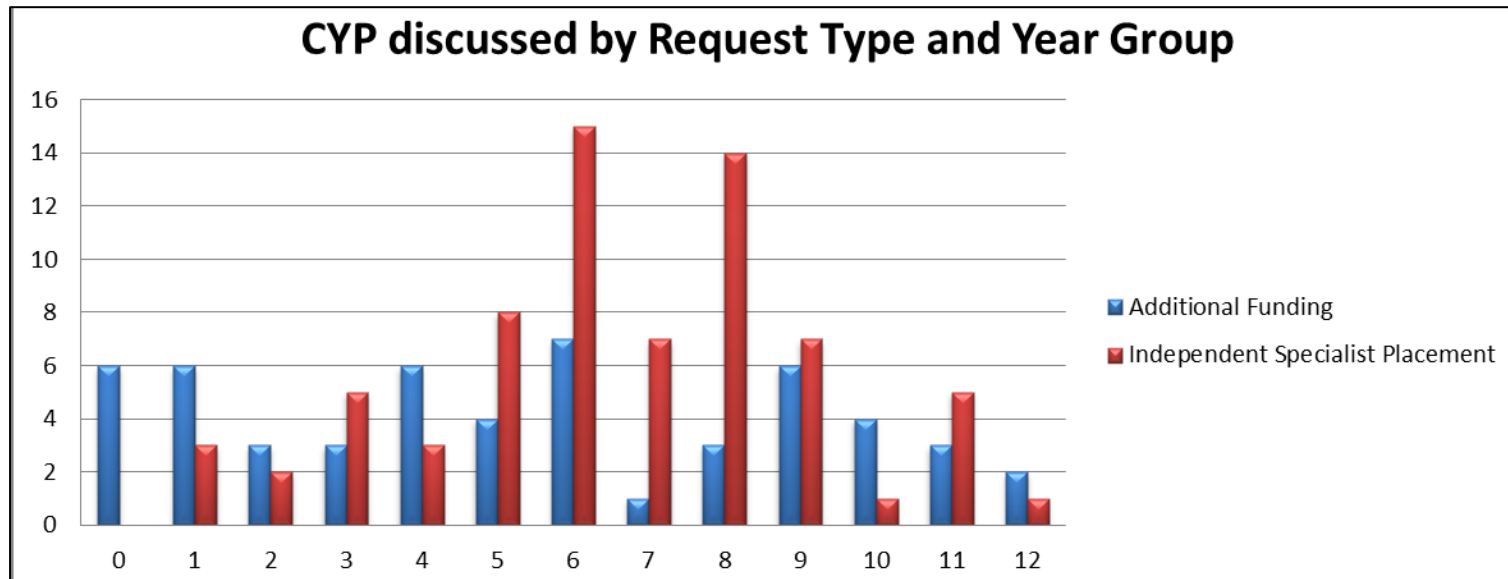


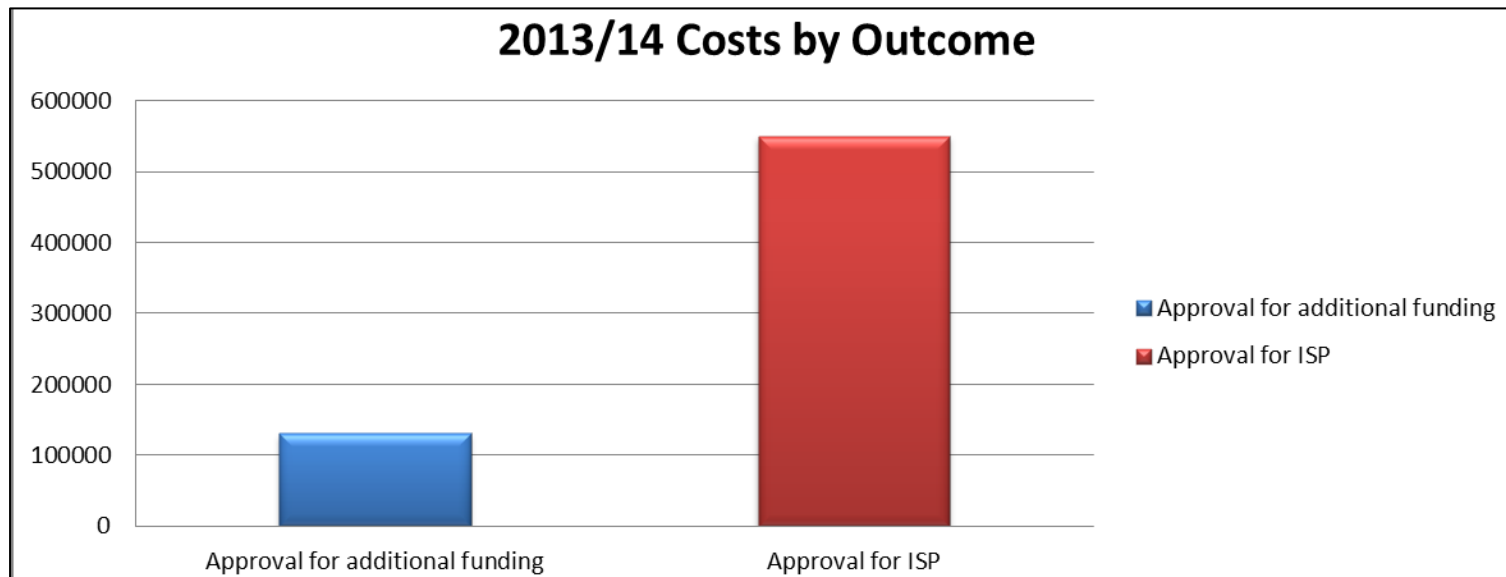
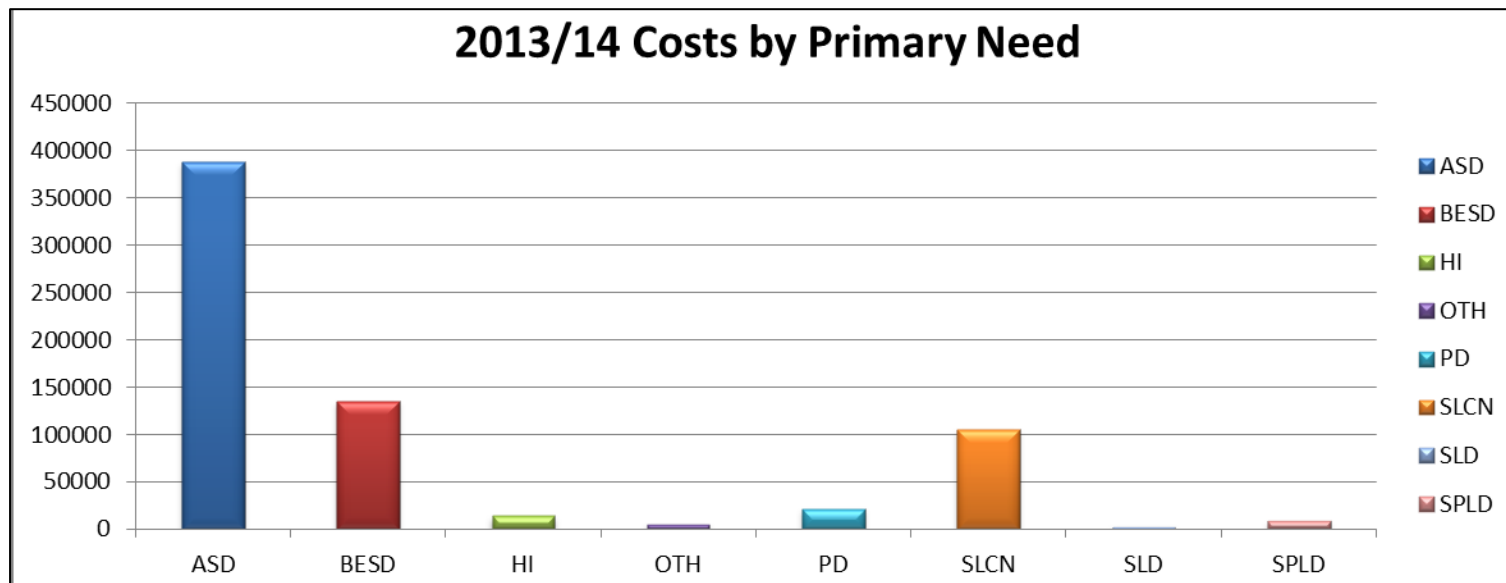
CYP discussed by Primary Need



CYP discussed by Year Group (all requests)

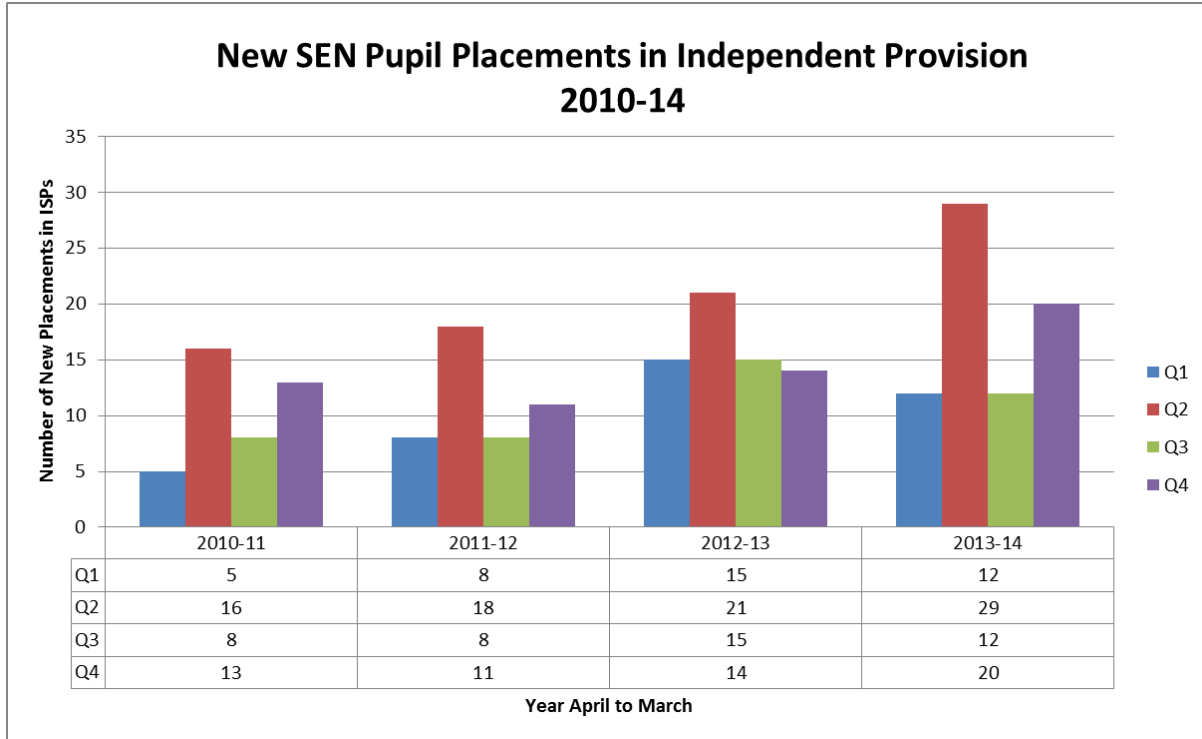






Appendix 3

Table to show new Quarterly SEN Placements over the past 4 years



Appendix 4**Over 16's High Needs Learners in ISP's and related costs**

<i>High Needs Learners, over 16's (educated by Independent Specialist Providers(ISP)</i>					
<i>year</i>	<i>New learners (day and res)</i>	<i>Continuing learners (day and res)</i>	<i>Total</i>	<i>Average Cost</i>	<i>Annual Spend</i>
2011/12	35	48	83	52,179	4,330,857
2012/13	38	46	84	56,839	4,774,476
2013/14	46	56	102	52,228	5,327,256
2014/15	26 approved to date	56	tbc		2,849,682 approved to date

New Learners approved by the Panel to date

16 new specialist college applications (3 residential/13 day) : £313,597

10 mainstream college application £40,813

Total new learners approved to date £354,410

Continuing Learners at specialist college approved by Panel

£1,073,940 : 25 learners (2012-2015)

£1,421,332 : 31 learners (2013-2015)

Total continuing learners approved £2,495,272 (56 learners)

More applications are to be presented to the Panel on 21 May (possibly June as well) for which we are awaiting costings from the colleges.