

APPENDIX A: CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

Cabinet

SEND Change Programme

11 June 2020

Recommendation(s)

That Cabinet

- 1) Approves the development of a SEND & Inclusion Change Programme, adopting as a framework the four elements set out in paragraph 2.1
- 2) Supports the further detailed scoping of the SEND Change Programme, with proposals for prioritisation of projects across the four work streams including the DSG recovery plan to be brought back to Cabinet in July

1. Executive Summary

- 1.1 The purpose of this report is to bring together the different elements of strategic work regarding Special Educational Needs and Disabilities (SEND) into one 'strategic framework for change'.
- 1.2 A further report on the financial challenges facing Warwickshire as a result of SEND and the proposed recovery response (Dedicated Schools Grant Recovery Plan) will be presented to Cabinet in July.
- 1.3 The challenges in the SEND system within Warwickshire are significant. In 2014, the Children and Families Act brought in new statutory duties through the provision of Education, Health and Care plans for children and young people with SEND. Both nationally and locally, there have been unintended consequences to this legislation. Most notably, we have seen changing behaviours in the system, with a significant increase in the number of learners moving from mainstream to specialist education. This is influenced by increased needs, the limited confidence some parents have in mainstream schools to meet those needs, and financial pressures within schools.
- 1.4 The legislation also extended the age range of the SEND Service from 4-19 years to a 0-25 year's service. Whilst there has been some additional funding, this has been insufficient to meet the demands of the extended age range and the growing needs against the High Needs Block of the Dedicated Schools Grant.

- 1.5 The crisis in SEND funding and services is a national issue facing all councils and has been reflected in a number of recent reviews including the [Public Accounts Committee](#), [National Audit Office](#), [County Council Network](#) and [Local Government Association](#). The National Audit Office concluded that:

'The system for supporting pupils with SEND is not, on current trends, financially sustainable. Many local authorities are failing to live within their high-needs budgets and meet the demand for support. Pressures – such as incentives for mainstream schools to be less inclusive, increased demand for special school places, growing use of independent schools and reductions in per-pupil funding – are making the system less, rather than more, sustainable. The Department needs to act urgently to secure the improvements in quality and sustainability that are needed to achieve value for money.'

- 1.6 Fundamental transformation is needed within the SEND system in Warwickshire to deliver the scale of change required. There are three main challenges facing the Council:
- i.) The DSG Recovery Plan, which is currently being developed, may not lead to full financial recovery against the cumulative overspend. WCC could make meaningful inroads to the overspend alongside addressing increasing demand, adhering to statutory duties and delivering the SEND & Inclusion Strategy. Given the scale of the financial challenge this will likely fall short of closing the annual gap, meaning alternative Council funding (subject to Secretary of State approval) or national additional national funding would be a key consideration; and
 - ii.) Demand to meet SEND requirements increases at a faster rate than change can be delivered. Investing the right level of resources to support the SEND Change Programme and seeking to address the projected overspends will be key. However, this won't necessarily speed up full benefits realisation which is expected to be delivered over a five-year programme of work. Furthermore, detailed work will be undertaken by officers on the level of investment required to support the SEND Change Programme and where this could be funded from.
 - iii.) In order to achieve the scale of change required within the SEND area the programme will require some difficult choices to be made. Based on other Councils' experiences this is necessary and is highly likely to generate strong views and feelings from some of those impacted. Without strong leadership support for this, we will be unable to deliver the full benefits of our recovery and sustainability plans.

2. SEND Change Programme

2.1 The SEND Change Programme would bring together plans on four areas:

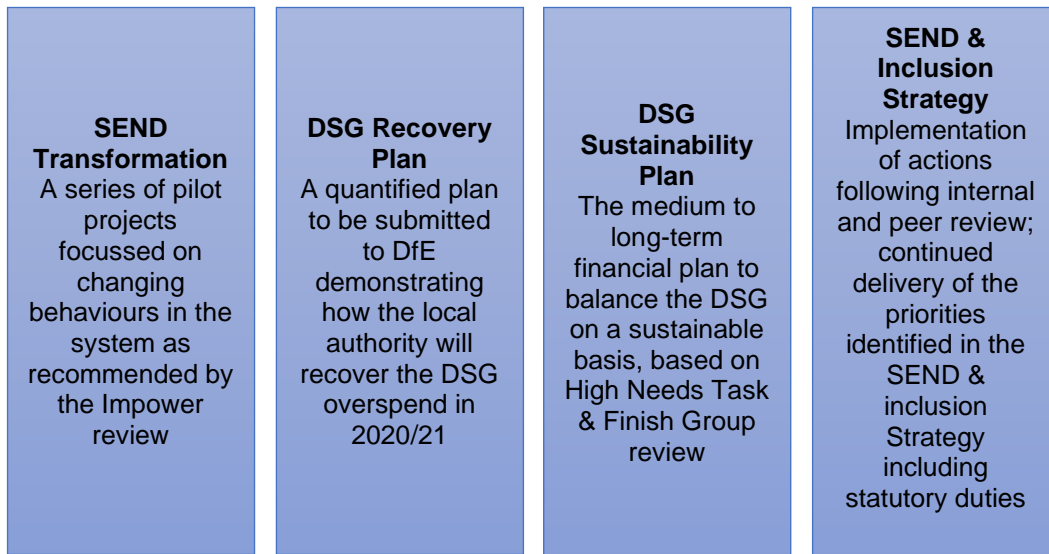
- (i) transformation of system behaviours (informed by an external review undertaken by Impower),
- (ii) DSG Recovery Plan 2019/20,
- (iii) DSG Sustainability Plan 2024/25,
- (iv) Delivery of statutory duties (including the SEND and Inclusion Strategy).

2.2 The programme will enable the Council to use the corporate infrastructure to address the system behaviours, savings and financial sustainability, whilst ensuring delivery of statutory duties. The programme will be managed in accordance with the Council's programme management standards and it is intended that additional capacity will be provided by the programme management teams.

2.3 The programme pulls together many different strands of work from the past year into one place. Those different strands of work include:

- i.) Launch of SEND & Inclusion Strategy by Cabinet, following public consultation (April 2019)
- ii.) Approval of SEND & Inclusion Strategy Delivery Plan by SEND & Inclusion Board (May 2019)
- iii.) DSG High Needs Task and Finish Group review and plan presented to Schools Forum (April-September 2019)
- iv.) SEND Peer Review (September 2019)
- v.) Impower Transformation Review (November 2019 – March 2020)
- vi.) Schools Forum DSG Recovery Plan task-group (April 2020)
- vii.) Self-evaluation and readiness for inspection (reviewed termly by SEND & Inclusion Board)

SEND Change Programme



- 2.4 A list of over 120 activities and recommendations is currently being reviewed to determine whether each one should be included as a project in the programme, be considered 'business as usual' or be stopped. Each project is then being scoped including costs, benefits, capacity to deliver, level of investment required, stakeholders, leadership and timescales. Projects will then be prioritised and presented for allocation of resources as part of the Council's usual arrangements for requests for funding and within the current resource envelope.
- 2.5 As part of the Council's transformation fund, funding has already been set aside to support this programme and any further funding required to complete the programme will need to be requested and approved through the relevant governance arrangements.
- 2.6 Whilst the Council can no longer fund services within the DSG block without Secretary of State approval, it can allocate resources to deliver the SEND Change Programme. However, there is a new route to apply to the Secretary of State for a short-term disapplication of the DSG funding rule, although the channels and timescales for this require more work.
- 2.7 The success factors of the change programme will be:
- i.) The High Needs Block (HNB) part of the Dedicated Schools Grant (DSG) is balanced on a sustainable basis and the current in year overspend is met;
 - ii.) Element 3 funding (top-up funding that schools receive through EHC plans) from the High Needs Block is applied in a transparent way, which is fair and equitable and meets the provision for children and young people

- which is outlined in Section F of their Education Health and Care plan (EHC plan);
- iii.) The local authority is delivering its statutory duties in line with the Children and Families Act 2014;
 - iv.) Educational outcomes for children and young people with special educational needs (at both SEN support and those with EHC plans) are good or better; and
 - v.) Children and their families with SEND report feeling well supported, in line with the SEND & Inclusion Strategy vision.

SEND Transformation

2.8 The transformation element of the SEND Change Programme will be implementing the recommendations of the Impower review. The Impower review has focussed on best practice and comparisons with national benchmarks. The final report is available to Members on request.

2.9 The Impower review concluded that:

Warwickshire County Council has a number of strengths to build upon as it develops its new way of working in support of children and young people with SEND. Its staff are open to engaging with new ideas and are committed to delivering the best outcomes for children, young people and their families. It is also clear that a number of pathways for support, such as those for visual and hearing impairments, work very well and deliver appropriate, timely support for many children and young people. Out in education settings there are some excellent practitioners working hard to ensure that children with additional needs are included and enabled to thrive at their local schools. However, Warwickshire's High Needs System is faced with a number of challenges, many of which are shared by areas around the country:

- *There is an overuse of specialist placements for children with SEND, which will lead to increasing spend from the High Needs Block in future;*
- *Warwickshire's mainstream settings are seeing lower funding levels than in neighbouring local authorities, which arguably impacts their ability to respond appropriately to children's needs;*
- *Sometimes children's needs are lost when decisions are being made about their education placements;*
- *Support to children with Social, Emotional and Mental Health (SEMH) needs is not routinely provided at an early stage – and these children take the greatest share of high cost independent specialist provision;*
- *Often, support is not accessed until a crisis has been reached – by which point, interventions are more costly;*
- *Collaborative working would make more impact in preventing needs from escalating, but is rare before crisis points;*
- *Challenges in the High Needs System must be owned equally by Health, Social Care and partners across the education sector, and WCC can do more to develop this shared ownership; and*

- *More support with moves between placements could increase placement stability in the long-term.*

2.10 The suggested transformation programme consists of six projects to ensure best practice and early intervention is implemented within Warwickshire. A business case has been developed for each project and will be submitted through appropriate governance arrangements for funding from the transformation fund:

Trial 1: Changing the conversation	To ensure a consistent, early response to children/ young people's needs, to avoid unnecessary escalation
Trial 2: Needs-focussed panels	To increase effective decision-making through application of behavioural insights in WCC Education panels with a stream-lined, multi-disciplinary structure
Trial 3: Child-centred inclusion pathways	To establish a pathway for routine reviews of provision that will ensure support is consistently appropriate to need and facilitates progress towards outcomes
Redesign of the Local Offer website	To relaunch the Local Offer website through coproduction with parents and carers to make it the go-to place for CYP, their families and professionals
Development of WCC Transitions guidance	To reduce difficulties encountered by children with SEND in transitioning to new settings
County-wide SEMH campaign	To develop awareness of SEMH needs as educational needs via a publicity campaign

2.11 This programme primarily focusses on cultural and behavioural changes in the system in order to achieve best practice. There are a number of operational administrative, commissioning and contracting actions to be taken to augment the Impower Review recommendations. Other projects, regarding statutory duties and working with partner agencies, are picked up under the fourth element of the programme (SEND & Inclusion Strategy).

DSG Recovery Plan

2.12 Due to the overspend in the High Needs Block in 2019/20, the overall Dedicated Schools Grant has overspent by more than 1%. As a result, Warwickshire is required to submit the DSG Recovery Plan to the Department for Education (DfE) 'as and when requested'. A sub-group of Schools Forum has been established to set out a quantified plan for recovering the 2019/20 overspend.

- 2.13 The DSG Recovery Plan and financial implications will be presented to Cabinet in July, following scrutiny by Schools Forum.

DSG Sustainability Plan




- 2.14 The current baseline projection shows the gap between expected budget and expenditure to be rising in subsequent years before interventions. As a result, a long-term sustainability plan will also be required. The sustainability plan currently draws upon the work of the High Needs Task and Finish Group (presented to Cabinet on 16th December 2019) and will be further developed with school leaders. Many of the activities are already underway (such as the new special school on the Pears site and investment in Resourced Provision).

SEND & Inclusion Strategy

- 2.15 Internal and peer reviews of the SEND & Inclusion Strategy were conducted in January-March 2020. The recommendations will be taken forward and included in the priority activities in the SEND & Inclusion Strategy (Appendix A) to form the fourth element of the SEND Change Programme Framework.
- 2.16 The activity within the SEND & Inclusion Strategy focuses on statutory duties, joint working and preparation for adulthood. The plans for the new academic year are being updated ready for September 2021.

3. SEND & Inclusion Strategy Achievements

- 3.1 The achievements of the last year, against the measures set in the SEND & Inclusion Strategy, are set out below.

	<ul style="list-style-type: none"> • The number of early years settings awarded the Warwickshire Inclusion Kitemark (WIncKS) has increased from 40 to 59 • Timeliness of EHC plans increased from 60% to 86% in 2019 • Increased number of Resourced Provision places created (92 to 98) and increased utilisation (48 to 70); two further resourced provision due to open September 2020 • For post 16 learners, the number of placements in independent settings has reduced from 5.9% to 3.8% • Business case for new special school approved • RISE (including CAMHS) has maintained referral to first appointment times to within 6 weeks for over 95% of cases • Early Help Strategy and Delivery Plan published • Supported internships increased from 32 to 57 • SEND transport risk assessments have increased to 520 in the past year (up from 144)
	<ul style="list-style-type: none"> • SEND & Inclusion Guidance (revision to SEND Provision Matrix) timescales extended • Joint Commissioning Plan published and progressed with business cases being developed for decision
	<ul style="list-style-type: none"> • The proportion of learners with EHC plans in mainstream settings has reduced by 1%, whilst it has risen in specialist settings, independent specialist settings and alternative provision • Number of learners independently travel trained remains low • Workforce development plan has not significantly progressed due to capacity

3.2 An overarching SEND Change Programme is now required to deliver the activity recommended within resources available. Timescales and milestones within the programme scope are being developed.

4. Financial Implications

4.1 The DSG High Needs 2019/20 financial position was an over-spend of £7.343m, offset by Council funds of £2.103m resulting in a deficit carry-forward of £5.240m as a starting point for the financial year 2020/21.

4.2 The increase in DSG High Needs Block funding allocations for 2020/21 was £5.147m, however the growth pressures in pupil numbers, complexity of need and unit cost of placement are expected to continue to out-strip the grant funding.

4.3 The agreed Council's strategy was to set aside enough reserves to make good the High Needs Block cumulative deficit over the five-year MTFs, until the DSG is in a balanced position. The current reserve set aside is £30m over five years. Further work is being done on the financial implications and will be reported to Cabinet in July 2020.

4.4 The DSG Recovery Plan (to be presented in July) may fundamentally impact the Councils MTFS as approved at Council in February 2020. If further allocations to reserves are required to address the cumulative gap this may result in the need to initiate further savings within the MTFS refresh across all Council services.

4.5 The SEND Change Programme will need to identify, quantify and achieve interventions to ensure that locally there is assurance that resources are being used effectively and sustainably.

5. Environmental Implications

5.1 There are no specific environmental implications arising from the decision being made as part of this report.

6. Timescales associated with the decision and next steps

6.1 The four elements of the SEND Change Programme have different timescales for delivery.

- i.) SEND Transformation (Impower) - Short term: September 2020 – July 2021
- ii.) DSG Recovery Plan – Medium term: September 2020 – March 2023
- iii.) DSG Sustainability Plan – Long term: September 2020 – July 2026 (ongoing)
- iv.) SEND & Inclusion Strategy – Medium term: Now – March 2023

6.2 Each part of the programme will have key milestones (to be confirmed as part of detailed scoping).

Approvals of SEND Change Programme Framework	By June 2020
Detailed scoping of SEND Change Programme and prioritisation of projects	By July 2020
Approval of DSG Recovery Plan by Cabinet	July 2020
Submission of DSG Recovery Plan (part of SEND Change Programme)	As and when requested by DfE (expected by end of July 2020)
Implementation of SEND Change Programme	From September 2020
Report to Overview and Scrutiny Committee	September 2020
Monitoring by Corporate Board, Schools Forum and Cabinet (NB. SEND & Inclusion Board currently monitors half-termly)	Ongoing and at Key Decision Points

Appendices

APPENDIX A: SEND & Inclusion Strategy

Supporting Documents

1. Allocation of 2020/21 Dedicated Schools Grant, 30th January 2020, Cabinet
2. High Needs Block, 16th December 2019, Cabinet
3. SEND & Inclusion Strategy, 11th April 2019, Cabinet

	Name	Contact Information
Report Author	Ross Caws / Duane Chappell	rosscaws@warwickshire.gov.uk duanechappell@warwickshire.gov.uk
Assistant Director	Ian Budd	ianbudd@warwickshire.gov.uk
Lead Director	Strategic Director for Communities	markryder@warwickshire.gov.uk
Lead Member	Portfolio Holder for Education & Learning	colinhayfield@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s):

Other members:

Cllr Izzi Seccombe
Cllr Colin Hayfield
Cllr Yousef Dahmash
Cllr Pam Williams
Cllr Corrine Davies
Cllr Dominic Skinner