

Report to: Schools Forum

Subject: Special Educational Needs and Disability (SEND) Strategic Review

Date of meeting: 28th February 2018

Report from: Alison Jeffery, Director of Children, Families and Education

Report by: Liz Robinson / Pippa Cook, SEND Strategic Review Leads

Wards affected: All

Key decision: No

1. Purpose of report

- 1.1. To inform Schools Forum of the emerging themes and findings of the SEND Strategic Review and to seek the views of Schools Forum members in order to inform the final report and recommendations.

2. Recommendation

- 2.1 It is recommended that Schools Forum note the emerging themes and findings of the SEND Strategic Review and provide feedback to inform the final report and recommendations, prior to a report coming back to Schools Forum to consider the recommendations.**

3. Background

- 3.1 Schools Forum was advised of the pressure on the High Needs Block and the reasons accounting for this pressure in a report for Schools Forum, prepared by Julia Katherine, Head of Inclusion in November 2017.
- 3.2 Several actions were outlined in that report, designed to ensure that the Local Authority continues to meet its statutory duties to provide special school places and support for the increasing number of pupils with special educational needs and disabilities, within available resources. An action also included undertaking a strategic review of SEND provision.
- 3.3. With funding from government, the SEND Strategic Review was commissioned by Portsmouth and Southampton City Councils to review the provision for children and young people aged 0-25 with special educational needs and disabilities.

- 3.4 The review involved: research and enquiry of the evidence base to inform practice; benchmarking against statistical neighbours and national databases; information gathering and data analysis; visits to a range of provisions in the city; and meetings with stakeholders across education, social care, health and the voluntary sector, parents and children / young people. Proposed recommendations from the review have been shared with stakeholders as the review has progressed with favourable feedback.
- 3.5 The following six priorities were identified by both City Councils:
1. High cost out of city placements
 2. Availability of post-16 provision
 3. Meeting the needs of the growing number of children and young people with autism
 4. Meeting the needs of the growing number of children and young people with severe learning difficulties and complex needs which is putting pressure on special school places
 5. The use of inclusion centres
 6. The identification of SEND and thresholds for requesting an Education, Health and Care (EHC) needs assessment
- 3.6 As a key principle and aim of the Portsmouth SEND Strategy, inclusion and inclusive practice has also been explored due to its importance as part of a graduated response to meeting the needs of children with SEND.
- 3.7 The aim of the review is to ensure that in the light of increasing need, future demands can be met which are financially sustainable.

4. High cost of out of city placements

- 4.1 Nationally there are approximately 6,000 children and young people in 334 independent residential special schools and colleges. There are between 30 to 40 Portsmouth children in out of city placements in independent special schools. Out of city placements rose significantly between 2013 and 2014. Education-led out of city placements have been relatively stable since then.
- 4.2 Of the children currently in out of city independent special schools, 2 are of primary age, approximately 25% are post-16, but the majority are secondary aged pupils.
- 4.3 Of these 30 to 40 children, approximately one third have social, emotional and mental health difficulties (SEMH) as their primary need, approximately one third have autism (ASD) as their primary need, although there are associated challenging behaviours and some learning disabilities also. The remaining third have either speech, language and communication needs, or visual, hearing or multiple sensory impairment.
- 4.4 About two thirds of children out of city are there for social care reasons including a lack of foster care, some due to lack of provision within the city

e.g. no secondary provision for young people with language disorders, and some due to a lack of therapeutic provision e.g. sensory integration therapy. Some pupils are placed out of city following SEND tribunals.

- 4.5 Once children are placed out of city they rarely return until they reach the end of statutory education. With the increase in age of statutory responsibility it is possible that some of these young people will stay in out of city provision until they reach 25 years with a consequent increase in costs.
- 4.6 It is recognised that there will always be some children who need to be educated out of city due to the complexity of their needs. A small number of children with SEMH need to be out of the city to break a cycle of exploitation and harm even when educational needs might be met locally. There may be scope for working in partnership with Southampton and Hampshire Local Authorities in providing reciprocal provision for young people who need to be out of their local community to avoid the costs of independent out of city provision.
- 4.7 Placements can be volatile and whilst pupils are tracked and monitored, Local Authorities have admitted that they struggle to attend annual reviews due to capacity issues¹. Independent schools are in a strong position to demand more funding and support to maintain a placement, forcing the Local Authority to react. Planning and consideration of value for money must be more proactive.
- 4.8 Closer working with neighbouring authorities, Health Clinical Commissioning Groups and parents and young people to strategically plan and commission out of city provision to meet the upcoming pattern of demand, could help all agencies manage their capacity. This is therefore being explored further.

Ideally children should be able to access appropriate provision within the city, subject to there being sufficient affordable and effective provision. The following initiatives are underway:

- New special free school for children/ young people with autism and challenging behaviours (due to open in 2020)
- Development of The Harbour School's Vanguard Key Stage 4 provision in Cosham focussing on a vocational curriculum which will be better equipped to meet the needs and interests of the most vulnerable young people with the most challenging behaviour.

- 4.9 In addition, the following could be considered:

- Residential provision / respite to prevent family breakdown and support those young people whose needs have too great an impact on the family or for young people who need 24 hour wrap-around provision

¹ *Good Intention, Good Enough? Lenehan and Geraghty report, commissioned by DfE Nov 2017*

- Secondary language inclusion centre or development of peripatetic communication and interaction service, including a specialist teacher adviser and a speech and language therapist.
- Provision of sensory integration therapy.

5. Post 16 provision

- 5.1 Post 16 providers are willing and able to take students with a wide range of SEND but find delays in students confirming their placements makes forward planning a challenge in ensuring that appropriate resources are available when required. Better planning for transition at 14 years of age onwards may help to alleviate some of these challenges.
- 5.2 With the extension of statutory protections for children and young people with SEND up to the age of 25, the demand for post 19 provision will increase. Working with adult social care, using Transformation Bid funding, there is a proposal to develop packages of supported housing, daytime social and educational activities and work experience which could provide innovative solutions to external college placements, supporting transition into adulthood and integration into local communities.
- 5.3 The table below shows the significant increase in young people post 16 with an EHCP in 2016 and post 19 between 2012 and 2017. It is anticipated that these numbers will continue to increase.

Table 1: No of pupils with statements/EHCPs by age

	2012	2013	2014	2015	2016	2017
<5	32	25	30	29	30	37
5-10	395	414	418	418	417	482
11-15	396	402	427	444	464	496
16-19	53	53	54	64	120	232
20-25	0	0	0	0	1	22
Total	876	894	929	955	1032	1269

(Source: SEN2 Return)

- 5.4 Whilst there are 254 EHCPs in place only 107 are funded from the High Needs Budget.
- 5.5 The table below shows the significant reduction in cessation of statements / EHCPs in 2015 which is thought to be largely due to statements / EHCPs being maintained beyond 16 years.

Table 2: Numbers of discontinued statements/EHCPs

2010	2011	2012	2013	2014	2015	2016	2017
103	100	80	95	80	6	2	4

- 5.6 Potential numbers of Post 16 and Post 19 EHCPs (based on current plans projected forward)

Table 3: Numbers of post 16 and post 19 EHCPs

	2017	2018	2019	2020	2021	2022
Post 16	232	316	405	426	430	427
Post 19	22	38	40	40	40	40
Potential number of plans funded from HNB	107	150	190	200	200	200
Change from previous year		43	40	10	0	0

- 5.7 As identified above the need for Post 16 provision is increasing with a consequent increase in costs. Engagement with Post 16 providers and Special School Headteachers, Adult Social Care and parents will be required to determine the nature of the provision to meet this need.
- 5.8 The Local Authority is working proactively with Colleges, Adult Services and parents and young people to cease EHCPs, where appropriate, when young people have completed their education.

6. Legal implications

- 6.1 The frequently cited prevalence of autism is 1.1% of the population. With a 0-19 population of 49,951 this equates to 549 children and young people. With a school population of 28,581 this equates to 314 children and young people. There are currently 260 children and young people in Portsmouth with EHCPs where autism is identified as their primary need. The numbers of children identified in Portsmouth is lower than the average for England.
- 6.2 A high level of importance can be placed on diagnosis, when the important issue is to address needs. Many health and education professionals question the value of diagnosis. Portsmouth considers itself to be a "needs led city" whereby children's needs are met through a graduated process based on their presenting needs rather than purely the diagnosis.
- 6.3 Some of the children whose primary need has not yet been identified as autism will be in their early years, some will be identified but coded under another primary need e.g. communication and interaction, because there is not a formal diagnosis, and some will be managing without the need for additional support. However the discrepancy suggests that the numbers of children with autism is likely to continue to increase before reaching a plateau.
- 6.4 The increasing awareness and understanding of neurodiversity will be a powerful approach to meeting the needs of this group of children and young people in the future.
- 6.5 Children and young people struggle due to challenges and inflexibility within the environment, school organisation and curriculum, which are particularly evident within secondary provisions and impact on many other pupils as well.

- 6.6 Based on an understanding of pupils needs a graduated range of provision should be available from: autism friendly schools; 'autism champions' within each school; outreach support potentially from a newly established Peripatetic Communication and Interaction Team; Inclusion Centres with varying and flexible levels of withdrawal / integration; and special schools. All levels of support must provide flexible, graduated support without the child or young person having to move school.
- 6.7 30% of children and young people in high cost out of city independent special schools have autism. These are young people with more severe forms of autism with challenging behaviour. The number is likely to increase as the age of statutory protections increases. To help prevent young people going out of city in the future:
- The Local Authority is already setting up a new special free school for children and young people with autism which will be developed to support young people with more complex needs and challenging behaviours including those who have historically been placed in out of city provision
 - Consideration is being given to the development of new residential provision as proposed in 4.10 which would support young people who have needs that are exceptionally complex or challenging for their families to manage or where social issues mean they cannot be cared for at home.
- 6.8 80% of people with autism have sensory processing difficulties which significantly contribute to challenging behaviour exhibited. . It is recommended that the e Local Authority explores the potential introduction of a sensory integration service, noted in 4.49, to support children and young people at school and home, advice on environmental issues and equipment and support schools to become autism friendly.

7. Meeting the needs of children and young people with severe learning difficulties and complex needs

- 7.1 The numbers of children with severe learning and complex needs is increasing year on year due to increasing survival rates at birth and increases in medical management and technology.
- 7.2 Portsmouth has fewer children identified with severe learning difficulty (SLD) and profound and multiple learning difficulties (PMLD) as their primary need compared with the national average. Research into the incidence and prevalence of PMLD suggests an annual national increase of 4.8%².
- 7.3 Improved quality of special school provision, changing attitudes and increased parental power has led to an increase in demand for special school placements.

² (Eric Emerson (2009) 'Estimating future numbers of adults with profound multiple learning disabilities in England' Centre for Disability Research, Lancaster University, England).

- 7.4 Due to an increase in the numbers of secondary aged pupils in Portsmouth there have been fewer places becoming available for younger children in special schools in recent years.
- 7.5 In order to manage the required increase for special school places, the Local Authority has agreed to an increase in Year R and Year 1 places at Willows Centre for Children.
- 7.6 Mary Rose Academy has a 12 (part-time) place nursery for children with profound and multiple disabilities (PMLD). Currently 5 children attend. The places are part of the overall agreed Approved Pupil Number (APN) and are not protected places. Places are not always available when need arises. This is frustrating for parents as some children miss the opportunity to attend the nursery altogether. Willows can meet need but some parents express a strong preference for Mary Rose Nursery due to the complexity of need of their children and the knowledge that they will require placement at Mary Rose Academy at school age.
- 7.7 An option could be to consider the potential of protecting a number of places for nursery provision at Mary Rose Academy for those children with the most profound needs who are clearly going to require ongoing placement there. Parents should be involved in reaching the decision on the way forward with regard to the wider issue of provision for young children with SEND prior to starting school.
- 7.8 Due to the increase in age range of statutory protection it is anticipated that the numbers of young people aged 16+ with EHCPs will continue to grow, requiring additional capacity to meet educational needs post 16, and a different, more vocational offer.
- 7.9 The special schools have recently been re-designated with new admissions criteria. In future the special schools will only cater for those children with more complex needs with children with moderate learning disabilities being supported in mainstream schools.
- 7.10 It is predicted that the number of children and young people with complex needs will increase significantly over the next 5 years which will require the development of additional capacity across the continuum of provision.
- 7.11 Capital funding for building works is being provided already for Cliffdale Primary Academy and The Harbour School, and also for Redwood Park Academy. Further funding may be required to support additional numbers of pupils with complex needs in specialist provision.

8. Inclusion centres

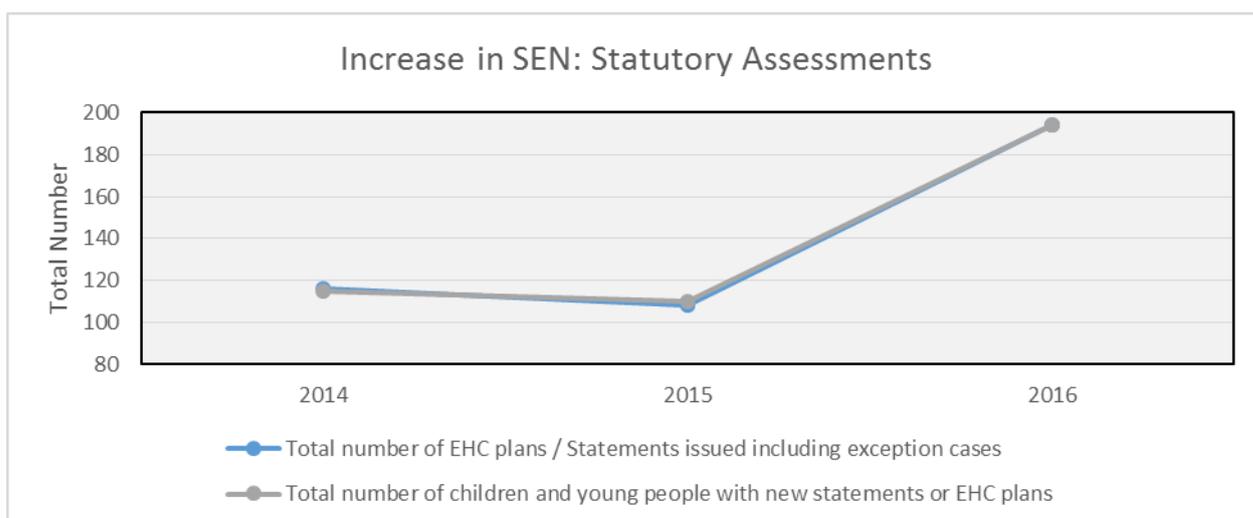
- 8.1 Inclusion Centres provide a half-way house between mainstream schools and Special Schools offering pupils the opportunity to be part of a mainstream environment whilst also receiving the support and specialist

teaching that is available at a special school. They should provide flexible graduated provision with pupils spending increasing amounts of time within their mainstream classes as they progress through the school with the opportunity to spend time within the inclusion base at times of need.

- 8.2 Portsmouth has 9 Inclusion Centres for pupils with Communication and Interaction, and Language disorder, (primary only), autism (primary and secondary), sensory impairment (primary and secondary) and SEMH (primary only). It is recommended that primary and secondary provision for the same needs are aligned. Provision at primary must anticipate and prepare pupils for the transition to secondary school. The secondary autism provision would benefit from having a qualified teacher in the Inclusion Centre to provide a more flexible approach for pupils who cannot access mainstream immediately or who require some teaching support during their school career. This could be linked to the proposed potential peripatetic communication and interaction team see 4.10.
- 8.3 Inclusion Centres are regarded favourably by parents and young people with SEND.
- 8.4 Once a child is placed in an Inclusion Centre they rarely leave which can result in a cohort whose needs are not as great as other pupils being supported wholly within mainstream. Clear entry and exit criteria and very careful management of parental expectations within the context of total provision available would ensure that all children's needs are met within the resources available.
- 8.5 Some mainstream schools have developed their own in-house provisions e.g. nurture groups for vulnerable or anxious pupils; and enhanced Speech and Language Therapy provision to improve whole school practice.
- 8.6 The development of a Secondary Language Inclusion Centre and/or a peripatetic Communication and Interaction Service could support young people with significant language disorder who may otherwise go out of city.
- 8.7 All schools must be encouraged to support a wider range of pupils 'in-house' given the increasing demand on special schools to support children with increasingly complex needs. Consideration could be given to setting up a 'seed fund' to incentivise schools to develop inclusive practice

9. Identification of SEND and thresholds for requesting an EHCP assessment

- 9.1 The number of Portsmouth children with a statement or EHCP remained constant at 3.1% for a number of years but increased to 3.3% in 2017. The national average is 2.9%. The actual number of new assessments completed in Portsmouth each year has doubled in three years.



9.2 Apart from a rise in population and incidence of special educational needs, there are a number of other reasons that may account for this increase:

- The Code of Practice recommends a graduated approach to assessing and reviewing needs and progress before requesting an EHC assessment but the law allows for an assessment to proceed if there is any doubt of SEN. This makes it more difficult not to agree to a request for assessment.
- There is a perception that school funding is inadequate. Special Educational Needs Co-ordinators (SENCOs) have disclosed that EHCPs are seen as a means to ensure funding is targeted at pupils who need support. However the unintended adverse consequence is that it becomes increasingly challenging to meet needs for pupils on SEN Support.
- SENCOs may make a request on behalf of a parent in order to be seen as supportive to the parent or to prevent damage to relationships, even when they do not think it is necessary.
- Tribunals are not seen by Local Authorities to support them in refusal to assess.
- The Children and Families Act extended the age range resulting in a need to fund educational provision up to the age of 25 years.

9.3 The EHCP process, which was reduced from 26 to 20 weeks, is still long, complicated and costly in terms of time and staffing capacity.

9.4 Some Local Authorities are beginning to pilot processes to target additional funding to pupils without going through the EHC assessment process. There are arguments for and against this approach. It may streamline processes or it may add another layer of bureaucracy. Parents would have to have full confidence in the process for it to work instead of the EHC assessment process. These developments are being monitored and if early signs from other LAs are promising then further work exploring how Portsmouth could implement these processes will be considered. The EHC assessment would then be kept for those pupils with complex needs who require a multi-agency

approach. The time saved could be re-invested in completing the assessment and planning process as it was originally intended.

- 9.5 It is recommended that the SENCO network is used as the means to ensure SENCOs understand the pressures on the High Needs Block and are aware of the best evidenced based approaches to support pupils so that EHC assessments are reserved for those pupils with the most severe, complex and long term needs.

10. Inclusion

- 10.1 The Portsmouth SEND Strategy supports an inclusive model of education. Research has shown that attainment of pupils is largely independent of levels of inclusivity in schools. Overall attainment in local education authorities with higher levels of inclusivity are similar to those with lower levels of inclusivity³.
- 10.2 There is no single agreed definition of Inclusion. When asked most respondents including parents, young people and professionals, have differing views as to what inclusion means. It can refer to educational, social, moral and human rights.
- 10.3 Those schools that are highly inclusive have a leadership team that believe strongly in the ethos of inclusion, see problems as challenges to be overcome and provide a highly child centred educational offer.
- 10.4 Schools and academies find it challenging to manage the tension between curriculum demands, the resources required to support inclusion, the way in which school results are presented, Ofsted judgements and the desire to be inclusive.
- 10.5 Evidence from the London Leadership Strategy has shown that purposeful and focussed collaboration between schools can improve outcomes for all pupils. The resulting SEN Review Guide has been developed and the Portsmouth Teaching School Alliance has successfully bid to the Strategic School Improvement Fund on behalf of the Portsmouth Education Partnership to establish a city wide programme of support to improve outcomes for pupils on SEN Support in mainstream schools using the SEN Review Guide as a basis for the programme.
- 10.6 Inclusive schools place equal importance on a child's social, emotional and therapeutic needs as well as their educational needs recognising that by addressing the former the pupil will be enabled to access education more fully. These schools fund additional support services such as welfare support workers and Speech & Language Therapy.

³ *Inclusion and Pupil Achievement, Dyson et al. A research report for the DFES 2004*

- 10.7 Many pupils in highly inclusive schools have needs similar to children in Inclusion Centres and not that dissimilar to some children in special schools.
- 10.8 With pressure on special school places and a recognition that some pupils in special schools could be supported in a mainstream environment, the on-going work with all mainstream schools are encouraged and supported to embrace inclusion, sharing the 'load' and managing the demand and needs as a city wide responsibility working through the Portsmouth Education Partnership and with the Local Authority.
- 10.9 Maintaining and supporting pupils with 'moderate learning difficulties' in mainstream schools will allow special schools to focus on pupils with more complex needs and make place pressure more manageable.

11. Data

- 11.1 The data used within this report and the SEND Strategic Review has been sourced mostly from the Local Authority's Data and Information Team to ensure consistency and validity.
- 11.2 It is important to note that the data is reported in different formats. Of particular note is the difference between the Census data and the SEN2 Returns. The former includes all pupils in a school within Portsmouth regardless of their place of residence and therefore includes some pupils from other local authorities. The latter includes all Portsmouth resident children wherever they are at school and therefore includes children in schools in Hampshire and elsewhere.

12. Finance comments

- 12.1 The SEND strategic review sets out the emerging themes and some of the areas being considered as potential options and recommendations in the final report.
- 12.2 Over recent years the Local Authority has seen increasing costs and budget pressures in relation to the High Needs Block of the Dedicated Schools Grant (DSG) which is not sustainable. As set out in the January 2018 report "School Funding Arrangements 2018-19" the Local Authority has not been able to set a balanced budget for the High Needs Block in 2018-19, resorting to the use of the carry forward to cover the increased pressure.
- 12.3 Financial modelling of the potential proposals will need to be completed to help inform the recommendations within the final report.

13. Legal Implications

- 13.1 The *Children and Families Act 2014, Part 3* (together with associated regulations) places statutory duties upon local authorities, schools, colleges and health (NHS) bodies in relation to the identification, assessment and

placement of children and young people with SEND. In carrying out those duties, the relevant organisations must also have regard to the statutory guidance issued by the Department for Education and the Department of Health under that Act, namely the *Special Educational Needs and Disability Code of Practice: 0 to 25 Years*.

13.2 The SEND Strategic Review will assist the Council and its relevant partner organisations in fulfilling those statutory duties and, in particular, ensuring that future needs can be met.

14. Summary

14.1 The emerging themes and information provided within this report along with any feedback from Schools Forum will form part of the total recommendations contained within the SEND Strategic Review report. To be completed by the end of March 2018.

14.2 The final report will be presented to the SEND Board and will inform the Joint Commissioning Strategy.

14.3 Schools Forum are requested to provide comment and feedback to enable the final recommendations to be developed and enable the report to be taken forward to the final stage.

Signed by: Alison Jeffery, Director of Children, Families and Education

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: Alison Jeffery, Director of Children, Families and Education