

Report Title:	SEND Update: Continuous Improvement and Accelerated Progress Plans, SEND Sufficiency, EHCP performance and the Delivering Better Value Programme.
Meeting:	Children, Young People and Families Oversight & Scrutiny Committee
Meeting Date:	18 April 2024
Report Author:	Isobel Booter, Assistant Director Education and Inclusion
Lead Cabinet Member(s):	Cllr Sue Sanderson, Cabinet Member for Children's Services, Education and Skills
Wards Affected	All
PUBLIC, PART EXEMPT OR FULLY EXEMPT	Public
Appendices (if any)	None

1. Executive Summary

- 1.1 This report provides members with an update on Special Educational Needs in Westmorland and Furness, including the Continuous Improvement and Accelerated Improvement Plans, SEND Sufficiency, Education Health Care Plan (EHCP) performance and the Delivering Better Value programme.
- 1.2 As part of Local Government Reorganisation, the key functions and accountability relating to SEND were disaggregated to Westmorland and Furness Council reporting to the Assistant Director Education and Inclusion.
- 1.3 This is statutory service provision which is an area of national focus due to increasing demand and very high expenditure for all local authorities.

2. Recommendation

For the reasons set out in this report, Children, Young People and Families Oversight & Scrutiny Committee is recommended to:

- 2.1 It is recommended that the Scrutiny Committee consider and reflect on the work taking place to improve services and increased provision for SEND
- 2.2 Members are asked to note the very positive outcomes achieved by children and young people of all ages.

3. Information: the Rationale & Evidence for the Recommendations

Special Educational Needs – definition and requirements

- 3.1 A child or young person has special educational needs if they have a learning difficulty or disability which means they have greater difficulty in learning than the majority of others of the same age or a disability which prevents them accessing

learning. Children and young people with a disability do not necessarily have a special educational need.

- 3.2 The requirements to identify and meet the needs of children and young people from the early years to post-16 up to the age of 25 are set out in detailed regulation and monitored through formal inspection arrangements. The role of the local authority is to:
- understand the needs of children in the local area
 - undertake assessments of individual children
 - provide support, advice and training for schools and early years/education settings to identify and meet the needs of children and young people with SEND
 - make decisions about whether to undertake an Education Health and Care (EHCP) needs assessment and whether to issue an Education Health and Care Plan (EHCP)
 - identify provision, funding and the setting
 - co-ordinate the assessment and writing an EHCP
 - maintain the EHCP including the annual review process.
- 3.3 The full range of duties relating to children with Special Educational Needs is set out in Acts of Parliaments which are supported by statutory guidance, particularly the Children and Families Act 2014, the Equality Act 2010 and the 2014 SEND Code of Practice. The Code of Practice is statutory guidance for: local authorities and Integrated Care Boards; the governing bodies of schools including academies and further education colleges; early years and health providers.
- 3.4 The way in which these duties are discharged is subject to national regulatory mechanisms, led by Ofsted and the Care Quality Commission (CQC). The Framework for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities (SEND) sets out the service areas for inspection and determines how inspections are conducted and judged.
- 3.5 An inspection revisit of the local area took place in December 2022, Ofsted Inspectors determined that sufficient progress had been made in improving seven of the nine concerns raised at full inspection which took place in 2019, necessitating a Written Statement of Action.
- 3.6 The focus for improvement, since the SEND Ofsted inspection revisit in 2022, is set out in a Continuous Improvement Plan. This also includes the response to the feedback from the inspection in a Department for Education (DfE) and National Health Service England (NHSE) monitored Accelerated Progress Plan. The Accelerated Progress Plan is reviewed by the Department for Education and NHS England; the most recent review took place in February 2024.

The Continuous Improvement Plan sets out the focus for action in four locally determined areas of improvement, in addition to the two required as part of the APP.

These areas are:

1	Quality of Education Health and Care Plans and timeliness of Annual Reviews
2	Implementation of support for Autism and the Autism Pathway
3	Arrangements for aspects of transition
4	Outcomes in education and the sufficiency of education provision
	APP Actions
5	Support for emotional health and wellbeing including CAMHS
6	Improving the experience of children and young people with SEND and their families (building the trust and faith of parents and carers)

- 3.7 The SEND Partnership Board remained pan-Cumbria until December 2023 to support a smooth transition and monitor the progress in implementing these actions at their twice termly Board meeting. At the Board meeting in November 2023, it was reported that 65 of the 119 actions set out in the Plan had been completed, with a further 22 on track for scheduled completion. This is a total of 73% i.e., 87 actions which form the overall Plan.
- 3.8 The SEND Continuous Improvement Plan is now being revised in the context of the newly established Westmorland and Furness SEND Partnership from January 2024. The inaugural SEND meeting was held in March 2024. The plan will need to demonstrate improvement and evidence impact in areas that were raised in the December 2022 revisit inspection, along with all other aspects set out in the Ofsted/CQC evaluation criteria. It is anticipated that an inspection of services for SEND in the local area could take place from as early as summer 2024 and work is underway to ensure preparedness. A draft Self-Evaluation against the new Ofsted/CQC SEND Inspection Framework has been developed and is now being refined to evidence areas of strength and those for further improvement. It is essential that as a local area we are able to demonstrate that 'we know ourselves well' and that we are taking action to improve.
- 3.9 Progress on the delivery of the Accelerated Improvement Plan was reviewed by the DfE and NHS England in February 2024, when it was determined that the implementation of improvement needs continued support and challenge to assure regulators that sufficient progress is being made. This will take place as two separate Local Authority areas, with a particular focus on the support for children and young people's emotional health and wellbeing including CAMHS. This is also a priority for action in *Ambition for Every Child*.

Sufficiency and Suitability of Provision for Children with SEND

- 3.10 There are currently three Special Schools and one Pupil Referral Unit (PRU) in Westmorland and Furness, however there are significant geographical areas with no access to special school or PRU provision.

There are no special schools with expertise in supporting children with Social Emotional and Mental Health Needs and this, coupled with lack of sufficient provision for other needs, is necessitating use of independent provision with significant cost implications.

- 3.11 A detailed SEND Sufficiency Review has recently been completed for Westmorland and Furness, funded by the DfE Delivering Better Value (DBV) Programme (see below). This information is contributing to the *Education Sufficiency Strategy* which includes a section on SEN Sufficiency. The consideration of the draft document is a separate item on this agenda.
- 3.12 Although the total number of children with an EHCP pupil being taught in the Local Authority's schools was higher than all benchmarks between 2018/19 and 2021/22, it is clear from the analysis to date that there is currently insufficient specialist provision in Westmorland and Furness, which has been exacerbated by Local Government Reorganisation.
- 3.13 The *Education Sufficiency Strategy* will set out the current position and future need to enable decisions about increasing local provision so that wherever possible children and young people are able to attend school in their local area. This is a strategic priority set out in *Ambition for Every Child* – for separate consideration on this agenda.
- 3.14 In the context of a developing strategy for the longer term, work has already begun on to develop provision to meet immediate need. A new Alternative Provision in Barrow will provide much needed support from 2025 for children who require a more specialist approach to access the curriculum due to social and emotional difficulties.
- 3.15 Four classrooms are under construction at Sandgate Special School in Kendal with an additional 30 places for September 2024 and Resourced Provision at a primary school in Eden has recently been approved.

Children with SEND in Westmorland and Furness

- 3.16 The total number of children in Westmorland and Furness aged 0-19 is 43,399 and 55,898 including those aged 0-25. Of these, the January 2023 school census recorded 4,353 receiving school based Special Educational Needs Support; 13.4% of school aged population.
- 3.17 This census also recorded 1,565 with an Education, Health and Care Plan (EHCP); 4.81% of the school aged population. At the end of September 2023 there were 2,513 children and young people with an Education Health and Care Plan from 0-25, *including* those educated in schools outside Westmorland and Furness. The percentage of these children with attending mainstream stream schools in Westmorland and Furness is higher than all our comparators.
- 3.18 During the three months following local government reorganisation there was a significant reduction in the numbers of EHCPs finalised within the required 20 weeks (from 75% to 34%). A recovery plan was implemented, and the success rate by the end of 2023 had increased to 74% with an overall annual success rate of 52.9%

including exceptions compared with 49.1 nationally. Currently 81% of new EHCPs are completed within the statutory 20 week timescale which is a considerable improvement on the previous year. There remain challenges within review timescales.

- 3.19 Children with an EHCP achieve Good Level of Development 0.9% better than this cohort nationally. For those with SEND support, outcomes are 0.8% better than national. In KS1, Phonics results are 7.2% higher than national with KS1 results overall 2.1% above this cohort nationally. At SEN Support, results were -5.6% below the SEN support group nationally. In KS2 children with an EHCP were -2.8% below similar pupils nationally. SEN Support outcomes were the same as nationally.
- 3.20 At GCSE, students with an EHCP performed 12.6% higher than students nationally at Eng/Maths 4+ and in the top percentile. At Level 5+ (strong pass) results were 0.7% better than national. Progress 8 score was 0.04 better than national. SEN Support outcomes matched the national result at Eng/Maths Level 5+, whilst 3.8% better than national at Level 4+. Progress 8 measure at SEN Support was 0.27 better than national.
- 3.21 Westmorland and Furness has the highest percentage of young people engaged in mainstream education and training at 61.7% and is leading the way with Supported Internships at 4.4%.
- 3.22 The number of young people Not in Education Employment or Training (NEET) is the lowest by significant margins with all comparators including England; 16-24 NEET EHCP is 22.6% compared with national at 46%. At 16 and 17 SEND NEET is 8.6%; this is better than national and northwest figures at 10.8% and 12.7%. SEND NEET 20-24 is 52.2% (46 young people), with national 81.5% and northwest 77%.

Funding for SEND and the Delivering Better Value Programme

- 3.23 The funding to support children with SEND is provided via the High Needs block of the Dedicated School Grant (DSG). The initial budget available for the High Needs Block in 2023/24, after academy recoupment, was £25.944m based on the provisional allocation from central government as confirmed in December 2022. The 2023/34 High Needs DSG allocation is considerably lower than all benchmarks, as is the disaggregated High Needs capital.
- 3.24 Performance against the High Needs Block budget is monitored monthly with reports presented to senior management and to Cabinet on a quarterly basis, as well as to each Schools Forum meeting. The in-year forecast pressure at the end of Q3 was £6.742m with the pressure relating to the growth in demand for Education Health Care Plans (EHCPs) and lack of local provision necessitating the use of independent provision for both pre and post 16.
- 3.25 This position is in the context of significant deficits nationally, which were estimated to be more than £2bn in 2021 and expected to total £3bn at the end of 2023. Whilst the deficits do not currently form part of a council's balance sheet the statutory override is proposed to end in 2026.

- 3.26 In response two schemes have been implemented by the DfE to support the management of this situation – the Safety Valve Scheme and the Delivering Better Value (DBV) for SEND programme. The legacy council applied on behalf of the two new unitary councils to become part of the DBV programme, receiving approval for a £1m grant to support work which aims to reduce the deficit.
- 3.27 A DSG Management Plan for Westmorland and Furness was submitted to the DfE in early February as required, with feedback awaited. As required by the DBV Programme a governance structure has been established for the oversight of this work reporting to the SEND Partnership Board, with working groups to ensure colleagues in schools are involved with the development of potential solutions.
- 3.28 The approach set out in the Plan is focused on reviewing the continuum of support and provision, whilst ensuring a greater level of SEN sufficiency within the wide rural area. The latter will be achieved by increasing resourced provision and special school places both pre and post 16 and reviewing Alternative Provision.

Next Steps

- 3.29 To recruit to the vacant posts within the SEND service in Westmorland and Furness including the Parent, Carer Engagement Officer role and the SEND Senior Manager role. Both roles have recently been advertised.
- 3.30 Revise the Joint Strategic Needs Assessment for Westmorland and Furness Local SEND Area
- 3.31 To further review Westmorland and Furness Education Health Care Plan Assessment process including reviews and the quality of plans
- 3.32 To co-produce Westmorland and Furness SEN strategy with partners and parent and carers to be aligned with our Ambition for Children and Young People Plan
- 3.33 Under the Governance of the newly established SEND Partnership Board develop in co-production a Westmorland and Furness Continuing Improvement Plan for SEND by June 2024

4. Link to Council Plan Priorities

- 4.1 The work taking place to improve services and support for children with SEND supports the Council Plan priority relating to People: supporting active, healthy happy lives for young and old, and supporting people in need and reducing inequality.

5. Consultation Outcomes

- 5.1 Consultation will take place with providers about the local solutions to meet SEND sufficiency needs as part of the process to develop the Education Sufficiency Strategy. The Parent Carer Forum – SENDAC – will be involved in the development of the new Improvement Plan for SEND.

6. Alternative Options Considered

- 6.1 No alternative options, this is an update report on SEND to include the Continuous Improvement and Accelerated Progress Plans, SEND Sufficiency, EHCP performance and the Delivering Better Value Programme.

7. Climate and Biodiversity Implications

- 7.1 None.

8. Financial Implications and risk

- 8.1 Provision for children and young people with SEND is funded from the Dedicated Schools Grant (DSG) High Needs Block. The allocation for Westmorland & Furness for 2024/25 of £27.051m, after academy recoupment, means that Westmorland & Furness is the 13th lowest funded authority in England. Allocations to LAs are based on a national funding formula of which an element relates to historic expenditure in 2017/18. In Westmorland & Furness the historic spend element equates to 28% of the total High Needs allocation.
- 8.2 Increasing numbers of C&YP with EHCPs, increasing complexity of need and increasing costs of provision plus the impact of the funding formula means that Westmorland & Furness, like many other LAs, has a cumulative deficit on its High Needs Block which at Q3 2023/24 was forecast to be £18.742m.
- 8.3 Whilst a detailed description of future need will be identified as part of the Education Sufficiency Strategy, any increase in provision, such as that currently under construction in Barrow and in Kendal will reduce reliance on expensive Independent Specialist Placements. This should result in reduced High Needs block expenditure.
- 8.4 The Council's participation in the Delivering Better Value in Send Programme has resulted in a grant of £1m to be used to develop initiatives to move to a balanced in year position on the High Needs block and in the longer term to start to pay down the cumulative deficit. The DSG statutory override ends on 31 March 2026 at which point any DSG deficit will be include in the council's balance sheet. The reduction of the deficit will therefore be a priority.

9. Legal & Governance Implications

- 9.1 SEND Sufficiency is a statutory requirement. S.19 Children and Families Act 2014 sets out the principles underpinning the legislation and the guidance within the SEND Code of Practice.
- 9.2 Para 1.1 of the Code sets out the principles by which a Local Authority must have regard to. This is particularly in regards to engagement with a child/young person, their family, and the need to support them all. Various principles are specified and confirmed within this Report, which can be seen in the Code, for example Parent Carer Forums (para 1.13) and how and when to identify a child/young person's needs (para 1.14).

- 9.3 The various plans and programmes as specified within this report should ensure that the legal duties and obligations for which the Council are accountable, are delivered.
- 9.4 This report is to note only, and therefore there are no direct legal implications. The Children, Young People and Families Overview and Scrutiny Committee, is able to note the developments as per 7.7.2 (b) of the Westmorland and Furness Constitution.

10. Human Resources Implications

- 10.1 There are no HR implications to consider within this report.

11. Equality & Diversity Implications

- 11.1 The report details an update on provision and outcomes for children and young people with identified Special Educational Needs and Disabilities. Improving experience, including identification, assessment and provision is a key priority for Westmorland and Furness Council and Local SEND Area.

12. Background Information & Sources (used in preparation of this Report)

- 12.1.1 SEND Code of Practice 2014

Glossary

SEND	Special Educational Needs and Disabilities
EHCP	Education Health and Care Plan
SEMH	Social Emotional Mental Health Needs
DFE	Department for Education (DfE)
NHSE	National Health Service England (NHSE)
DSG	Dedicated Schools Grant
HNB	High Needs Block