

Executive

29 November 2018

Report of the Corporate Director, Children, Education and Communities

Portfolio of the Executive Member for Education, Children and Young People

The Inclusion Review and the Special Needs Capital Grant

Summary

This report provides the members of the council's Executive with an update on the work taking place to review processes and provision for children with special educational needs and/or disabilities (SEND). In the last five years there has been a considerable increase in children and young people identified with special educational needs and/or disabilities both nationally and in the city. In York:

- those entitled to an Educational, Health and Care Plan (EHCP) have increased from around 500 to nearly 800;
- those with a diagnosis of Autism have more than doubled;
- numbers attending our two special schools, and the main hub for alternative provision, have increased well past the original capacity they were designed for.

York, in common with a number of local authorities, has therefore embarked on a comprehensive Inclusion Review which could see changes to processes, governance and the commissioning of provision. This Review is still under way. In the short term, the most pressing need is to accommodate the increases outlined above – at all age ranges and in all types of provision. The proposed changes to school funding through the move to the National Funding Formula (NFF) and the changes to the school curriculum and accountability measures have also added additional pressures for mainstream settings and schools. There are concerns about the rising numbers needing specialist support, and about how best to deal with complex social and behavioural issues that school staff are now facing.

Recommendations

1. The members of the council's Executive are asked to note the progress of the Inclusion Review and the actions being taken to meet additional need and manage the pressures on the High Needs funding block of the dedicated schools grant (DSG).
2. The members of the council's Executive are asked to note the progress of the capital plan being developed through the Inclusion Review. Members are asked to approve the capital projects outlined in the report which form part of the SEND scheme in the Children's Services approved capital programme. This will be partly funded from the use of the Department for Education Special Education Provision Capital Grant with additional resources coming from the basic need grant.

Background

3. The number of children with special educational needs and/or disabilities, particularly those with complex autism and those with social, emotional and mental health (SEMH) conditions, is growing. As with all aspects of school place planning projecting the number of places needed for children with SEND is complex and multi-faceted. In order to project need the local authority (LA) uses the information available from population level data provided by the Office for National Statistics, information from health, early years sufficiency data and the January school census returns. The January school census records the numbers of children and young people with special educational needs and what their primary need is.
4. The LA also collates data regarding the number of statutory assessments and information about young people who have left school, at post 16 or post 18 or 19, if in special school. The LA is also using trends data to project future need through an analysis of national and local data trends with regards to SEND and primary need. The school census data shows a rise in numbers of children and young people with special educational needs year on year. In January 2018 12% of the school population were recorded as having special educational needs, a rise from 11.6% in January 2016.
5. In the last 5 years York, in common with LAs nationally, has also seen a significant rise in requests for statutory assessment. Requests

for statutory assessment are made when a child has needs greater than those of his/her peers and the school/provider cannot meet these needs within the delegated SEN funding for schools. The requests for statutory funding have gone up from 60 in 2013/14 to 119 in 2016/17. This suggests there is a higher level of need for additional support for children with SEN.

6. The greatest increase in requests for statutory assessment has been the requests for children and young people with autism, followed by the increase in the needs of children and young people with social emotional and mental health needs (SEMH). This therefore suggests that the greatest need for additional provision will be for children and young people with autism and social emotional mental health needs.
7. This has led to a need to review current provision and identify areas where provision needs to be developed to meet need. As a result the Local Authority (LA) has started an Inclusion Review which is adopting a system leadership approach through working with school leaders, council officers, parents and other stakeholders to review and develop strategy, processes and provision to meet the needs of children and young people with special educational needs and/or disabilities. The recommendations from phase 2 of the review are included as Annex 1 of this report. The development of in-city education provision alongside the development of therapeutic and short breaks support through the Centre of Excellence will help to reduce the need for high cost out of city placements and help to improve outcomes for children and young people.
8. The growth in SEND numbers has been recognised nationally by central government and this has led to the allocation of SEND capital funding. The first phase of the capital projects linked to the Inclusion Review has involved identification of projects to meet existing need in the education system. Over the next three years York has been allocated £590K by the Department for Education through the Special Provision Capital Grant to fund additional provision for children and young people with special educational needs and/or disabilities. Various projects have been identified for the use of this funding to meet existing need, however, it has been recognised that additional funding will also need to be allocated from basic need to ensure that sufficient provision is developed to meet growing need across the 0-25 age group. In addition the LA approved £525k of its

own capital resources to contribute to this additional provision through an earlier CRAM process.

9. Various capital projects have been identified which will be supported by the SEND Capital Scheme, mainly funded from the Special Education Provision Capital Grant. These projects include:
 - developing additional special school and mainstream provision for children with complex autism;
 - the development of SEMH provision at the Danesgate Community;
 - work to develop more local provision for young people 19-25.
10. All these projects will help to meet existing needs that have been identified through the Inclusion Review. The council's Executive is asked to approve the use of the funding for these projects and to note the possible future allocation of additional funding from basic need which is an expectation from the Department of Education to access the full allocation of funding from the Special Needs Provision Capital Grant. Further work is taking place to establish future need and approval for projects requiring the use of basic need funding to provide additional school places for children and young people with SEND will be sought from the council's Executive.
11. Hob Moor Oaks Primary Special School has been experiencing significant in- year place pressures during the academic year 2017-18 as the number of children with complex autism is continuing to grow. A small number of highly complex children currently on roll at the school need to be provided with smaller personalised learning spaces to meet their needs. In order to ensure that the needs of the children could continue to be met from September 2018 some initial capital works to create a personalised learning suite needed to take place in August 2018. The cost of these works amounts to £84,980.78. It is clear that further work on the Hob Moor Oaks site will need to take place in order to ensure that the school is able to meet current and future need however, the details of future capital works will be determined following a full feasibility study in the autumn term 2018. An indicative budget of £250,000 has been identified to complete this work however a more detailed report will be developed and shared with the Executive Member for Education, Children and Young People. Approval for any additional capital works will be sought at a lead member decision making session following the completion of the detailed feasibility study.

12. Additional detailed feasibility studies will be taking place as part of the Inclusion Review to ensure that the development of provision across the 0-25 age range has been identified within the school place planning forward plan.
13. Work is also taking place to develop additional enhanced resource provision in a maintained primary school to meet the needs of children with complex autism and to develop additional satellite provision in a mainstream secondary school. The additional secondary satellite provision will mean that children on the roll of Applefields Special School are able to be supported to access provision on a mainstream secondary school site. This will build on the success of the satellite provision currently hosted by Manor Church of England Academy.
14. In order to ensure that sufficient specialist provision is in place for children who have SEMH as their primary need work is taking place with the Danesgate Community. The use of capital funding to develop the provision with the Danesgate Community will help to reduce the need for out of city placements for children and young people with SEMH as their primary need. This will facilitate the development of a supportive pathway in to further learning and employment to improve the outcomes of children and young people whose complex behaviours make it difficult for them to succeed in mainstream education.

Consultation

15. The LA is committed to the principles of good, timely communication and consultation with all partners/stakeholders. The LA wants to ensure that effective engagement and communication with key stakeholders is in place to ensure that the decision making process is transparent and well understood. An important element in this consultation process is the work currently taking place with the York Schools and Academies Board and consultation with parents and carers.

Options

16. The work associated with the Inclusion Review and the management and delivery of the SEND capital programme is challenging and requires specialist knowledge of the legislation and planning processes. The delivery of sufficient school places remains a

statutory duty of the local authority however to discharge this effectively there is a need to understand demographic trends and to work with a range of stakeholders including academy trusts and the Department for Education. The capital schemes identified in this report would ensure that sufficient school places are delivered in the areas of the city where they are needed and would also ensure that the growth in the need for SEND places could be met. This would be achieved through the use of the Special Needs Capital Grant and an allocation of funding from basic need to support the maintenance of a mixed economy of provision to include enhanced resource and satellite provision in mainstream schools and additional special school places.

Analysis

17. The Inclusion Review is designed to deliver the following outcomes:

- There is a shared vision for the inclusion of children and young people across the Local Authority and School Community;
- There is greater clarity around the use of the High Needs funding element of the DSG to ensure that limited resources are used more effectively;
- There is a 'meeting in the middle' between achievement and inclusion; recognising outcomes for children and young people in terms of academic progress (rather than attainment) as well as engagement;
- There are clear and agreed pathways for children and young people with social, emotional, mental health needs (SEMH) (including learning needs analysis, referral, assessment, planning, review, transition, multi agency engagement)
- These pathways are described across a continuum of support from school level, enhanced resource provision, satellites, in school arrangements and out of school arrangements.
- Remodelled in reach and outreach support arrangements to increase capacity, confidence and skills across the school community, including systematically sharing best practice;
- New evidence based enhanced resource provision children with complex autism.

- Reviewed Behaviour and Attendance Partnership (BAP) arrangements for the City that are informed by and support the new approach to inclusion.
 - Reviewed governance arrangements and roles across the LA and school community that ensure progress and compliance against the new vision/ strategy.
 - Reviewed pathways will secure positive longer-term outcomes in terms of educational success, destinations and 'life skills'.
18. The growth in the numbers of children being assessed with SEND is putting pressure on the High Needs Block of the dedicated schools grant. All LAs nationally are feeling this pressure and the situation in York is no different to that being experienced nationally.
19. In order to manage these pressures it is crucially important that sufficient local provision is developed to meet increasing demand to reduce the need to place children and young people in expensive out of city provision. The capital projects outlined in this report are designed to help to manage this pressure however, further work will also need to take place to support the continuing professional development of school staff and to refresh and develop governance processes to maintain an inclusion school system in the longer term.

Council Plan

20. The Inclusion Review and use of the SEND capital grant supports the Council Plan priority to deliver a prosperous city for all by ensuring that the City has sufficient provision for children and young people with special education needs and/or disabilities.

Implications

21. Financial - All of the schemes referenced in this report are already contained within the approved CEC Capital programme. The SEND scheme, which is where the schemes in Table 1.2 will be funded from, totals £1.165m, made up of £575k funded from the LA's own capital resources, and £590k allocated from the DfE Special Provision Capital Fund. To date, only £50k has been committed from this therefore the total proposed expenditure of £617k in Table 1.2

above is affordable within the remaining uncommitted budget within this scheme.

22. **Human Resources (HR)** - There are no HR implications.
23. **Equalities** - The capital works identified through the Inclusion Review are focused on ensuring that the Council fulfills its duties under the Equalities Act 2010. The planning of new school provision has to have due regard to the provisions of the Act.
24. **Legal** - Members are very familiar with their duties under the Equalities Act 2010. In summary, those subject to the equality duties must, in the exercise of their functions, have due regard to the need to:
 - a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- a. Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b. steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

This is particularly relevant to children with special educational needs who may well have protected characteristics arising from disabilities.

The Council also has a general duty under the Children Act 2004 to have regard to the need to safeguard and promote the welfare of children.

- **Crime and Disorder** -There are no crime and disorder implications.
- **Information Technology (IT)** - There are no IT implications.

- **Property**
- The purpose of the recently approved Community and Asset Strategy is to make best use of the land and property assets available to communities and public services in York, empowering communities and stimulating creative and innovative solutions that satisfy identified need, whilst ensuring that financial and community benefits are maximised for the benefit of residents and help deliver the Council priorities. This process is already ongoing but will have heightened importance as planning for future school places and their location is undertaken once the Local Plan is adopted and implemented. There will therefore need to be close working together on this between Education, Asset and Property Management and the project manager for the Community Asset Strategy implementation.

Risk Management

25. The failure to deliver sufficient school places is a significant risk for the council as it would lead to reputational damage and add to financial pressures if the needs of children with SEND cannot be met through good local provision. The approach outlined in this report will guarantee the efficient management of supply and demand.

Contact Details

Author:

Chief Officer Responsible for the report:

Maxine Squire

Interim Corporate Director, Children, Education and Communities

Specialist Implications Officer(s)

Name Philip Callow

Title Head of Asset and property Management

Tel No. 01904 553360

Name Mike Barugh

Title Principal Accountant

Tel No. 01904 554573

Name Andrew Docherty

Title Assistant Director, *legal and governance*

Tel No. 01904 551004

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Annexes

Annex 1 - recommendations from the Inclusion Review

Abbreviations

LA - local authority

SEND – Special Educational Needs and/or disabilities

SEMH- Social Emotional Mental Health