

## Health and Wellbeing Board

22 January 2020

<b>Title:</b> Demand for School Places for Pupils with Special Educational Needs and Disabilities (SEND)	
<b>Report of the Director of People and Resilience</b>	
<b>Open</b>	<b>For Information</b>
<b>Wards Affected All</b>	<b>Key Decision:</b> No
<b>Report Author:</b> Andrew Carr, Group Manager School Investment, Organisation and Admissions	<b>Report Author:</b> Andrew Carr Group Manager School Investment, Organisation and Admissions
<b>Accountable Director:</b> Jane Hargreaves, Commissioning Director Education	
<b>Accountable Strategic Leadership Director:</b> Elaine Allegretti, Director of People and Resilience	
<b>Summary</b>  The report articulates the increasing demand for school places for pupils with Special Educational Needs and Disabilities (SEND). It explains the new SEND forecasting model to be used going forward to predict and indicates the level of demand to be anticipated over the next four-year period. In addition, the report highlights the anticipated types of SEND likely to be seen and finally what provision is needed to meet this increase demand both in terms of facilities and professional healthcare support.	
<b>Recommendation(s)</b>  The Health and Wellbeing Board is recommended to note the:  (i) Increasing demand for school places for pupils with SEND over the next four-year period, for primary and secondary places, and (ii) Types of SEND are likely to be presented over this period and corresponding provision required to support these pupils.	
<b>Reason</b> The Council have the statutory responsibility for providing a school place for every pupil who lives in the borough and wants one. There are implications on health colleagues in the provision and planning of services to meet the needs of these pupils.	

### 1. Introduction and Background

- 1.1 Nationally, the demand for places for pupils with Special Educational Needs and Disabilities (SEND) is increasing exponentially. The number of pupils with Statements or Education, Health and Care Plans (EHCPs) requiring specialist provision to meet their needs has risen by 35per cent since 2014 in London (London Councils data), and the complexity of these needs is increasing.

1.2 Barking and has experienced rapidly increasing numbers of children and young people requiring support for SEND. This report articulates the reasons as to why the demand for school places for pupils with Special Educational Needs and Disabilities (SEND) has increased and a new forecasting model is being used which shall forecast with greater accuracy the level of demand to be anticipated over the next 4 year period. In addition, the model and report highlight's the most likely types of SEND likely to be seen over this period. Finally, the report outlines the type of provision required to meet this demand.

## **2. Why has the number of pupils and young people with SEND increased?**

2.1 There are four areas which are generally acknowledged to have contributed to the significant rise in children with a statement of SEN or an EHCP and the number of children who have been permanently excluded and or who require alternative provision. These are;

- legislative changes,
- Underlying demographic factors
- policy decisions which have had an impact on inclusion
- funding pressures within in education and children's services.

## **3. Legislation**

3.1 The Children's and Families Act 2014 included far reaching reforms of SEND practice which deliberately and appropriately raised expectations of parents and carers of children with SEND in terms of the level of support that their child should receive as part of a state-funded education. Although welcomed, the introduction of the SEND reforms was accompanied by a rise in the number of children and young people given EHCPs. Another strand of legislation was the extension of responsibility for children and young people with SEND from 0 to 18 to 0 to 25 which increased the number of young people who would have normally transitioned from Children's to Adult Services.

## **4 Underlying demographic factors**

4.1 Historically the rates of children and young people with SEND have remained relatively stable, and a simple increase in population would be expected to contribute to a proportionate increase in the number of children and young people with EHCPs. However, alongside the basic population growth there are a number of factors at play which appear to be increasing the percentage of the population that might experience SEND. The confluence of three distinct trends suggests both that children and young people are presenting with higher levels of need and that there is greater identification of underlying need that may always have been present in the population; These are:

- Advances in medical science which have resulted in children with life-limiting conditions having a longer life expectancy. For example, the survival rate of premature babies has increased which often leads to developmental complications.

- The Impact of Adverse Childhood Experiences and early life trauma, for example, domestic violence, substance misuse, separation and loss, have resulted in an increase in requests relating to SEMH needs.
- Poverty. There is a strong correlation between levels of deprivation in an area and the levels of SEND (Institute of Fiscal Studies report Living Standards, poverty and inequality in the UK). It is not difficult to imagine what the impact on a child's social, emotional and mental health might be of living in absolute poverty or indeed what the impact might be on a family's resilience and ability to support their children in Education if they are contending with the challenges of living in poverty and have a child or children with special educational needs or a disability.

## **5 Policy decisions that have an impact on inclusion**

- 5.1 It is important to recognise that nearly half of all children and young people with SEND are educated in mainstream schools and those in the main are absolutely committed to supporting children and young people with SEND to thrive. However, some national policy decisions place great pressures on schools which inadvertently can in some cases change their behaviour and approach to SEND.
- 5.2 An example often cited is the introduction of Progress 8 which is an accountability measure for Secondary Schools which focuses on an 'academic core'. The consequence of this means that too often the progress made by children and young people with SEND will make no positive contribution to a school's Progress 8 score and by implication those schools with a higher percentage of children and young people with SEND than their neighbouring schools will appear to be achieving less well. The issue is that the accountability regime currently in place such as Progress 8 has not rewarded those schools which have maintained a high degree of inclusion and arguably has incentivised schools to take a less inclusive stance.

## **6. Funding pressures with Education and Children's Services**

- 6.1 There are continued pressure on the High Needs budget, which is largely driven by demand, there are approximately £4m of pressures that will need to be offset through a combination of actions including demand management and efficiency savings. The level of overspend on the demand/needs driven areas suggest that the pressures will continue into the next financial year.
- 6.2 The latest government announcements indicate an 8% increase in the High Needs Block from April 2020 for Barking and Dagenham – equating to around £2.4 million before academy recouptment. This is much needed but remains insufficient.
- 6.3 The latest forecasts indicate that 2019/20 may be the most challenging for the Borough, management is working closely with Schools Forum High Needs Working Group to implement strategies to contain cost within budget.

**The financial implication on the general fund as a result of the increase in the number of SEND cases is as follows:**

- 6.4 There are a number of high cost placements of SEND children who have a LAC status which currently sits within Children's Care & Support. The budget pressure of this cohort to the service is estimated at £1.4m.
- 6.5 In addition, there is a direct impact on the Education Health and Care (EHC) Team, Education Psychology service (EPS) and the Special Schools Transport. Due to the increase in the total number of children in LBBB requiring an EHCP. The EHC team's current establishment does not have enough capacity to cope with the extra workload. This has led to extra resources being sought over and above what the current budget allows. The same applies to the EPS as both services provide statutory duties. The special school transport is also currently experiencing a budget pressure due to the number of children requiring the service and the complexity of the cases which create a need for additional special travel arrangements being put in place.
- 6.6 The 3 areas above all sit within the Disability service and currently projecting a budget pressure of £728k.

**7. Forecasting growth in SEND**

- 7.1 The provision of school places is a national issue, particularly London due to the rising population which has impacted on the demand for school places in general. For Barking and Dagenham, the provision of school places has been a major area of capital investment over the last 12 years and since 2007 there has been a continuous need to create additional high-quality provision to meet that demand.
- 7.2 The forecasting of the pupil population is continually reviewed and twice yearly reported to the Cabinet. This is to ensure that long term plans are developed so that there are sufficient school places for every pupil who wants one in the borough. The provision of a school place is a statutory function of the Council, so it is vitally important to forecast the demand as accurately as possible and to balance this with the right number of additional school places. This could mean expanding existing schools and building new where there are new communities such as on Barking Riverside.
- 7.3 There are a number of factors which are taken into consideration when calculating this overall pupil demand, the main ones are:
- Numbers of pupils currently in the borough;
  - Birth figures;
  - New housing proposals, as advised in the Local Plan Review;
  - Historical data e.g. pupils living in borough but choosing out borough schools;
  - Internal knowledge of recent population fluctuations, in particular the impact of population movements into and out of the Borough.

- 7.4 Many local authorities particularly in London including Barking and Dagenham have tracked information which indicates a progressive rise in children with SEND. Historically the forecasting of SEND pupils has used a traditional method of using a percentage (2%) of the total child/pupil population to forecast this group of young people. Until recently this has proved satisfactory. However, the changing and increasing numbers has called for a rethink in how future forecasts are calculated.
- 7.5 A number of senior colleagues with SEND expertise have been working together to develop a more sophisticated forecasting model to help us better plan the right amount and type of places needed.
- 7.6 In developing the new SEND forecasting model, the starting point was to use the data on SEND primary need since 2010 for children of primary and secondary age and project that forward into future years. The forecast projections assumed that the trend in prevalence noted from 2010 to 2018 would continue into the future and that the growth in population seen in the period 2010 to 2018 would also continue at the same rate.
- 7.7 Six forecasting models were developed which looked at SEND growth in primary aged pupils to 2022/23 and 2024/25 for secondary.
- 7.8 The six models developed were tested where it was agreed by the team that a hybrid of one version should be taken forward as the most suitable in terms of future SEND forecasting. The model will be tested against school census data as this comes available and any adjustments made to improve forecasting reliability.
- 7.9 The model chosen was used to forecast those pupils and young people who would require a place at either a special school, an ARPs or additional support in mainstream setting, both in and out of Borough so every pupil was captured. This apportionment to different types of provision has been based on past patterns of placement and that to date had been the most effective way in meeting needs of the pupil concerned and their family or carer.

## 8 Primary SEND

- 8.1 Using this new model, the Primary SEND actuals and forecast demands are indicated in appendix 1 of the report. In summary, this would indicate that an additional 113 pupils with SEND are anticipated over the next four-year period. Further analysis of the sub-data sets also enabled the LA to forecast the following types of SEND to be seen over this four-year period. These are:

<b>SEN classifications</b>	<b>Total</b>
ASC Autistic Spectrum Disorder	48
HI Hearing Impairment	3
VI Visual Impairment	2
SEMH Social, Emotional and Mental Health	7
PMLD Profound and Multiple Learning Difficulties	3
SLD Severe Learning Difficulty	10
SPLD Specific Learning Difficulty	0
SLCN Speech, Language and Communication	23

Need	
PD Medical/Physical	5
MLD (Moderate Learning Difficulties)	12
<b>Total</b>	<b>113</b>

8.2 Of the 113 increase in demand in pupil's places, based upon historical patterns of placements, the distribution of pupils is most like to reflect the following table below.

<b>Forecast Distribution According to Provision</b>	<b>Total Number of Additional Pupils Forecast Over 4 Years</b>
Special School	20
Mainstream ARP	14
Out of Borough Mainstream and Independent Schools	4
Mainstream School	75
<b>Total</b>	<b>113</b>

## 9 Secondary SEND

9.1 Secondary SEND will present the greatest demand for pupil places. Similar, using the new forecasting model, the Secondary SEND actuals and forecast demands are indicated on Appendix 2 of the report. In summary, this would indicate that an additional 353 pupils would be anticipated over the next four-year period. Further analysis of the sub-data sets forecast the following types of SEND to be seen over this 4 year period.

<b>SEN classifications</b>	<b>Total</b>
ASC	79
ASC Autistic Spectrum Disorder	10
HI Hearing Impairment	3
VI Visual Impairment	67
SEMH Social, Emotional and Mental Health	7
PMLD Profound and Multiple Learning Difficulties	74
SLD Severe Learning Difficulty	1
SPLD Specific Learning Difficulty	56
SLCN Speech, Language and Communication Need	24
PD Medical/Physical	31
MLD (Moderate Learning Difficulties)	1
<b>Total</b>	<b>353</b>

9.2 Of this 353 increase in demand in pupils, based upon historical patterns of placements, the distribution of pupils is most like to reflect the following table below.

<b>Forecast Distribution According to Provision</b>	<b>Total Number Additional Pupils Forecast Over 4 Years</b>
Special School	117
Mainstream ARP	61
Out of Borough Mainstream and Independent Schools	55
Mainstream School	120
<b>Total</b>	<b>353</b>

## **10 Future SEND Provision in the Borough**

- 10.1 The current SEND provision and their respective capacities have been mapped against current pupil numbers on roll and forecast using the new model over the next four period to understand the additional type of places to be required.
- 10.2 Firstly, the review forecasting model has underpinned the Council's existing strategic plan for the need for a new permanent school to support pupils with Social Emotional, Mental Health (SEMH).
- 10.3 A new Free School called Pathways, operated by the EKO Trust opened in September 2019 on the City Farm site. Pathways will operate at this site until the Department for Education construct a purpose-built school at another location within the borough. The new SEMH School will have the capacity to take up to 90 pupils when completed.
- 10.4 The second aspect of review again underpinned the need for a school to support pupils with Severe Learning Difficulties and Autism. Here a new special school would be needed to provide places for up to 160 pupils, predominantly for older children.
- 10.5 The DfE have previously approved the opening of such a new school in the Borough whereby under the Free Schools programme they would locate a suitable site and build the SEN school for an Academy Trust to operate. Currently Officers in the Council are assisting the DfE in a search for a suitable site to take the project forward. In reality a purpose-built school will not materialise until 2022-23 at the earliest.
- 10.6 The timescales for this means that the demand for SEN Places pupils will be beyond current capacity therefore consideration will need to be given to setting up some form of additional provision in a temporary location. Alternatively, pupils can be placed in independent provisions but these would be comparatively expensive and not in the best interests of the pupil.

## **11. Implications for Health**

- 11.1 Clearly the implications for commissioned health provisions are also great. The majority of these services are commissioned through the CCG, particularly for children with the most complex needs, and are focused on therapies, including Occupational Therapy, Speech and Language Therapy, and CAMHS.
- 11.2 Whilst there is work that can be undertaken within the local authority to increase and improve tier two health services (for example, £187,000 has been secured through the Local Transformation Partnership) to develop tier two CAMHS to improve our early intervention in this area and help to manage demand), the responsibility for tier three services currently remains outside of the jurisdiction of the Council.
- 11.3 In order for health colleagues to plan services as best they can, we will work to share our plans and implications for demand with the CCG at the earliest possible date and will continue to negotiate the positioning of spend to accurately reflect and respond to demand.

## **12. Consultation**

- 12.1 These proposals are not Ward specific. There has been consultation with a range of officers throughout the Council in order that appropriate matters are considered including financial, legal, risk management.
- 12.2 This report and its implications were considered at the People and Resilience Management Group on the 17<sup>th</sup> October 2019.

## **13. Financial Implications**

*Implications completed by: Kofi Adu Group Finance Manager*

- 13.1 The High Needs budget for 2019/20 is £28.7m, forecasted spend is circa £32.7m, this equates to an estimated overspend of circa £4m. This forecast is largely driven by demand. The level of overspend on the demand/needs driven areas suggest that the pressures will continue into next financial year. Management is working closely with Schools Forum High Needs Working Group to implement strategies to contain cost within budget.

## **14. Legal Implications**

*Implications completed by Lindsey Marks Deputy Head of Legal Community*

- 14.1 The Children's and Families Act 2014 requires a Local Authority to ensure that there is a sufficiency of provision for pupils with SEN and review it annually; make arrangements for the Education, Health and Care Needs assessments of pupils/students and maintain and review Statements of SEN and EHC Plans; publish information on SEN funding and provision; monitor the progress of children with SEN; provide a statutory information, advice and support (IAS) service to parents of pupils/students with SEN/D; and provide a Mediation Service to parents of pupils/students with SEN.



## 15. Other Implications

- **Risk Management**

- 15.1 The provision of school places is a matter which is directly identified in the Corporate Risk Register and listed at Corporate Risks 31 – Provision of School Places. This is because the Council have the statutory responsibility for providing a school place.
- 15.2 The DfE hold the risk of delivering the new permanent facilities and they will manage this risk by purchasing the most affordable accommodation which is likely to be a systems build for both projects. Risk of site availability prevent delivery of school places is high. The risk is high impact (4) and medium probability (3) = 12.
- 15.3 The DfE have exchanged contracts with the GLA to purchase a site for the SEMH School however they are yet to secure a second site for the SLDA School. To help mitigate this risk the Council's 'My Place team' are to assist Education Commissioning colleagues and the DfE in identifying potential Council owned sites which are surplus to the business requirements of the Council and may be suitable for the development of a school.
- **Contractual Issues** – There are no contractual issues to be considered.
  - **Staffing Issues** – There are no staffing issues to be considered.

## 16. Corporate Policy and Equality Impact

- 16.1 New schools will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Council's Vision and Priorities, including encouraging civic pride, enabling social responsibility and growing the Borough. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.
- 16.2 The long-term impact will be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion. The short-term outlook is unlikely to be positive on the proposed funding levels as it will be difficult to address need on current budget levels.

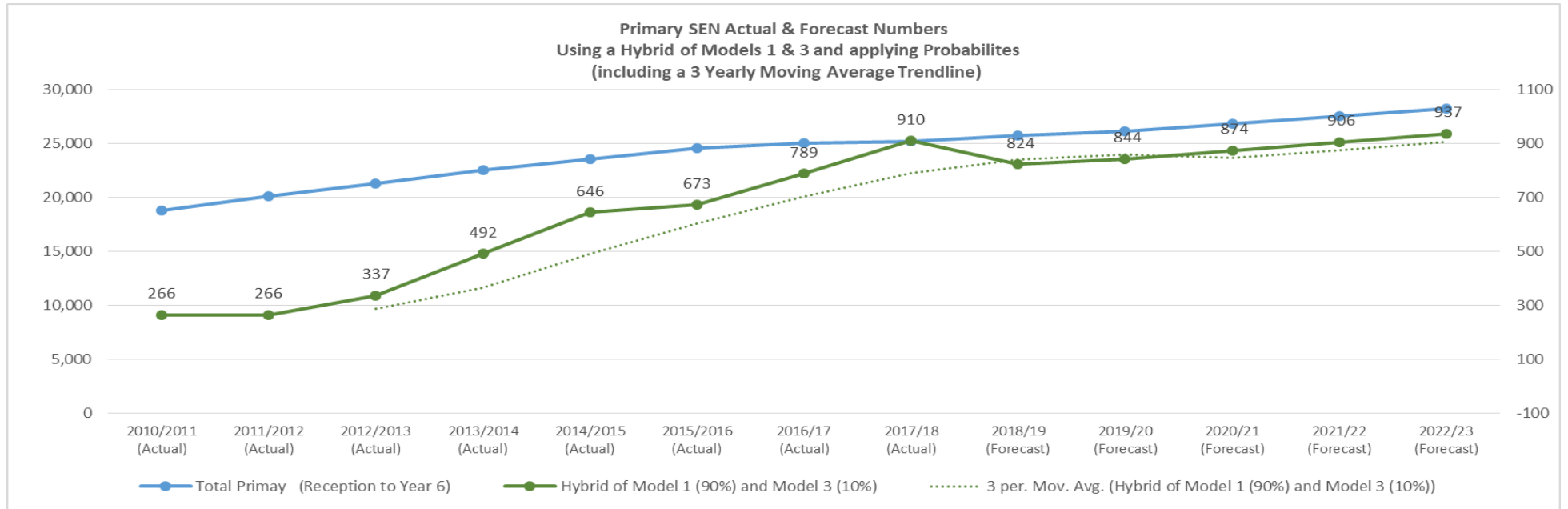
### **Public Background Papers Used in the Preparation of the Report:**

None.

### **List of appendices:**

- Appendix 1 – Primary SEN Actual Forecast
- Appendix 2 – Secondary SEN Actual Forecast

# Appendix 1



## Appendix 2

