

Report to:	Overview and Scrutiny Committee (Children's Services and Safeguarding)	Date of Meeting:	Monday 7 November 2022
Subject:	SEND Annual Update		
Report of:	Executive Director of Children's Social Care and Education	Wards Affected:	(All Wards);
Portfolio:	Education		
Is this a Key Decision:	N	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The report updates Committee members on the progress made in relation to SEND (Special Educational Needs and Disabilities) within the Education Portfolio and with reference to the SEND Continuous Improvement Plan.

Recommendation(s):

- (1) that the SEND Continuous Improvement Board will continue to provide robust governance of further developments in this area with oversight provided by the Health and Wellbeing Board.
- (2) the current position in relation to the SEND Team and the linkages with the Education, Health and Care Needs Assessments and compliance
- (3) that the Council will be engaging with the Delivering Better Value Programme delivered with the support of the Department for Education and financial advisors in order to address the long-term financial sustainability of the High Needs Funding Budget.

Reasons for the Recommendation(s):

The Health & Wellbeing Board provides system leadership, keeps the Council's Cabinet informed of progress and if necessary, will escalate concerns.

Overview and Scrutiny Committee (Children's Services and Safeguarding) provided additional scrutiny of the delivery of the Improvement Plan.

The Delivering Better Value Programme is part of a national programme supporting 55 Local Authorities with High Needs Funding deficits and will provide a clear framework of self-evaluation and action plan to ensure financial sustainability in the future.

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

What will it cost and how will it be financed?

(A) Revenue Costs

The in-year deficit and accumulated financial deficit position relating to the High Needs Budget are identified within the report. Officers are currently reviewing all options available to the Council to mitigate the increasing financial pressure on the High Needs budget. It is hoped that the remedial actions identified within this report and work undertaken through the Delivering Better Value programme will address some of the financial risks associated with the High Needs budget and help provide financial sustainability in future years.

(B) Capital Costs

N/A

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): All implications are detailed within the report. Both the Council and ICS (formerly CCG) have invested significantly in SEND services and support.	
Legal Implications: The Children and Families Act (2014) places a statutory duty on local authorities, education providers, ICSs, and other NHS organisations to provide support for children and young people with SEN or disabilities aged 0-25. In doing these local authorities, NHS England and their partner ICSs must plan for agreeing the education, health and social care provision reasonably required by local children and young people with SEN or disabilities.	
Equality Implications: The SEND Continuous Improvement Board will be kept informed of all equality implications, risks, and mitigations.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Contribution to the Council's Core Purpose:

Protect the most vulnerable:
Allows a Sefton wide focus on educational support for children with SEND. The delivery

of the Improvement Plan has ensured a focused response on providing improved outcomes for the children and young people with SEND and their families. This will continue in future developments.

Facilitate confident and resilient communities:

Developments allow greater localised control and focus on the SEND requirements of the borough of Sefton in the review and delivery of SEND Specialist Education Placements and Support Services. The continued delivery of the Improvement Plan continues to build trust and confidence in the community that the Council and its Health partners are delivering on their commitments.

Commission, broker and provide core services:

Developments strengthen the role of Strategic SEN Commissioning at a Sefton borough level and encourages greater collaboration with in-house SEND Settings for better outcomes for children.

Place – leadership and influencer:

The Council has worked with partners, in particular commissioners and providers of Health Services, to work towards common goals in relation to the delivery of the Improvement Plan.

The Council has a key role in holding the whole system to account on this matter and has ensured an evidence-based plan was delivered against.

The continuation of the SEND Continuous Improvement Board demonstrates the Council's and partner commitment to continued improvement.

Drivers of change and reform:

The Council is working with partners, in particular Health, to make change happen to improve outcomes for children and young people with SEND.

Facilitate sustainable economic prosperity:

Developments allow for a broader financial focus on the borough of Sefton for education SEN support.

Greater income for social investment:

Developments allow for a broader financial focus on the borough of Sefton for education SEN support.

Cleaner Greener

The creation of more local in-house SEN provision should reduce SEND home to children's transport journeys and so reduce carbon emissions

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6994/22) and the Chief Legal and Democratic Officer (LD.5194/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

The Council has and will continue to engage with the Integrated Care System (ICS, and formerly Clinical Commissioning Group (CCG)), other Health partners, the voluntary, community and faith sector, schools and other settings, and Sefton Parent Carer Forum on this matter.

Engagement with Sefton Parent Carer Forum continues a regular basis, with more flexible opportunities such as the use of Microsoft Teams being used since the COVID 19 pandemic.

In Spring 2022 Consultation events with parents and carers were co-facilitated with the Parent Carer Forum to capture their voice in relation to Sefton's current position. The annual Parent Carer Survey has also been undertaken in 2022 with the results recently published over the summer of 2022.

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

There are no appendices to this report

Background Papers:

The following background papers, which are not available elsewhere on the Internet can be accessed on the Council website:

Overview and Scrutiny Committee Report - SEND Continuous Improvement Plan Update January 2022

Council Report - High Needs Funding Update January 2022

Cabinet Report - High Needs Funding 2022-23 Quarterly Monitoring Update February 2022

Cabinet Report - High Need Monitoring Report – July 2022

1. Introduction/Background

- 1.1 This report informs Overview and Scrutiny members of the progress made in the SEND area under the Governance of the SEND Continuous Improvement Board since the last report to the Overview and Scrutiny Committee in January 2022.
- 1.2 Members of the Committee will already be aware that the Local Area was subject to a Notice to Improve and an Improvement Plan following an Ofsted Local Area Re-Inspection in 2019. This notice was lifted by the Parliamentary Under-Secretary of State for Children and Families in June 2021 after a revisit.
- 1.3 Subsequent to this, the Local Area Partnership agreed to continue to deliver a SEND Improvement Plan to ensure continued progress against required standards and support and challenge continues to be received from DfE Advisors and NHS England through the SEND Continuous Improvement Board (SENDCIB). The SENDCIB and its subgroups have continued to meet to monitor progress made and agree any required action to prioritise continued improvements.
- 1.4 Running alongside the ongoing work with the Improvement Plan, Sefton is one of a significant number of Local Authorities nationally that is experiencing a deficit position in relation to its High Needs Funding Budget. In response to this national climate, the Department for Education has established two programmes to provide support and challenge to Local Authorities with the aim of enabling them to establish financial sustainability in relation to their High Needs Funding Budgets. For those with the highest budget deficits, the Safety Valve Programme is in operation to resolve their position. Many Local Authorities in this position are having their deficit budgets removed by the DfE to put them back in a level position financially with new operating processes and systems agreed to maintain their sustainability.
- 1.5 Sefton is in the second support programme known as Delivering Better Value, for those 55 Local Authorities who do not have the most severe financial deficits but do still have significant deficit amounts on their High Needs Budget. Local Authorities in this programme **will not** have their deficits wiped clean and will instead be supported through DfE advisors and financial advisors commissioned by the DfE to rigorously self-evaluate their current positions, systems, data and forecasts and create an Action Plan that will have the intended outcome of achieving financial sustainability in relation to the High Needs Budget over an agreed period of time. The briefings for this programme have emphasised that this is not intended to be a pure cost-cutting exercise, but rather an efficiencies and transformation programme that may, in appropriate circumstances, involve invest-to-save style approaches to ensure long-term financial viability.
- 1.6 In this situation the Council has 2 objectives:
 - i) To provide a first-class service in accordance with best practice and government advice and support those who need it; and

- ii) To ensure that this service is financially sustainable, with the Council's annual expenditure being within government funding that is allocated and in addition is able to address the deficit owing.

2. The SEND Team and Education, Health and Care Plans

2.1 The SEND Team has experienced an unsettled year in relation to staffing and capacity since January 2022. The Interim Service Manager in post at the start of the year left the Local Authority at the end of June 2022 with a new Interim Manager starting at the start of September 2022. The service has also experienced a level of turnover within the Casework Officer posts with a number of staff leaving due to a number of reasons including retirement, recognition of capacity concerns and also sadly due to the death in service of one of the Officers.

2.2 At the same time the Service has continued to experience increasingly high levels of demand in terms of number of Education, Health and Care Assessment requests received and the number of EHC Plans in existence requiring Annual Review and oversight of those Plans.

Requests for EHC Assessments

2020 – 412

2021 – 602

2022 – 726

EHC Plans in existence at the end of year

2020 – 1765

2021 – 2243

2022 – 2584

2.3 Due to the increased levels of demand and capacity issues affecting the team, there has been a significant decrease in compliance with the statutory timescale of 20 weeks to complete an EHC Assessment and produce a Final EHC Plan. The percentage completed within 20 weeks for 2021 (Jan – Dec) was 60.1%. This decreased for the calendar year 2022 to 18.1%. However compliance within the months of November and December increased significantly to 40% and 40.7% respectively showing clear indicators of recovery and improvement within the system.

Of the 325 current EHC Assessments ongoing in the system as at January 2023, 184 of them are over the 20 week timescale. Once these EHC Assessments are completed and assuming that the majority will result in EHC Plans being created, this will increase the overall number of EHC Plans in place and maintained by Sefton to nearly 2800. This would represent an increase of just under 60% in the number of EHC Plans maintained in Sefton over a period of just two years. (As a national comparator the national SEN 2 figures taken at January each year to capture the previous year's figures show an increase in EHC Plan nationally from January 2020 to January 2022 of 20.6% from 294,758 in January 2020 to 355,566 in January 2022.)

2.4 For the academic year 2022-23, in terms of Annual Review of EHC Plans the SEN Team are prioritising:

- 186 Plans that will require review and confirmation of placement destinations for September 2023 by the 15th February 2023 (for those in Year 6 moving to Year 7 and Nursery moving to Reception); and

- 189 Plans that will require review and confirmation of placement destinations for September 2023 by the 31st March 2023 (for those in Year 11 moving Year 12 or those post Year 11 moving to a new placement in September 2023)

3. Actions Taken to Address SEND Team and EHC Plan Position

3.1 In order to address the leadership capacity required in the SEND Team, a new Interim Service Manager was appointed at the end of July 2022 and started 5th September 2022. Since the starting the Service Manager has focused on identifying areas of priority in capacity, practice and process within the SEN Team.

3.2 Additional appointments have been made with 3 new permanent Case Work Officers starting in September and October 2022 and a further permanent appointment commencing in February 2023. 3 further temporary Case Work Officer posts have also been agreed to be funded to the end of August 2023, with other current Fixed Term posts also extended to this time to provide further medium-term capacity and stability for the service. In addition, as a strong example of multi-agency working a social care officer will become part of the SEND Team to support co-production and the timeliness and quality of social care advices for the EHC Assessments.

3.3 The Interim Service Manager has conducted process reviews and is refining processes to create greater efficiency and effectiveness in service delivery. Delayed EHC Assessments are being prioritised alongside work to ensure greater compliance with those EHC Assessments that currently remain within the 20-week timescales.

3.4 The development of the data management system for the SEN Team and wide Education services has been highlighted to an Executive Leadership Team level and has been recognised by the SEND Continuous Improvement Board as a key priority for implementation. A best value review has been carried out by the provider, Capita, and a time-lined Action Plan is to be set to ensure swift implementation of recommendations made that will produce further efficiency and effectiveness within the case management system for the SEN Team.

4. Sefton's High Needs Funding/Budget Position 2022-23

4.1 The High Needs Funding Budget has run at a deficit for a number of years, with the accumulated deficit increasing each year, due to funding provided from central government not matching the financial demands from within the current system. Despite an increased level of funding for this financial year the current budget forecasts indicate that this will not be sufficient to meet the additional cost pressures on High Needs this year.

4.2 Earlier in 2022, Cabinet agreed to a rightsizing of the funding provided to Special Schools in Sefton as funding had not been amended for a number of years to reflect the number of places provided by each setting. This was intended to ensure financial viability for each of the schools and remove the threat of them

otherwise needing to set deficit budgets themselves within the next two financial years. This has resulted in an additional pressure of £2 million on the High Needs budget as a result. However, due to the previously unexpected cost of living costs and resultant pay claims and deals for workers the schools will continue to face financial uncertainty this year, as will mainstream settings due to the increased staffing costs. This does however have a higher impact on special schools and schools with resourced bases due to the higher staffing levels that they have within the schools.

- 4.3 In addition, to support increased numbers of SEN pupils requiring specialist provision from September 2022 the Council agreed to the rental of 3 additional temporary classrooms along with minor building works to several existing classrooms using the High Needs Capital budget. There have also been increased numbers of pupils still requiring Independent provision either due to lack of capacity within maintained provision or parental preference.
- 4.4 This increase along with the Special School uplift has meant that the updated forecast for the 2022/23 budget is now projected deficit of -£5.8 million. This deficit does not take account of the potential increases from the Pay Awards or any further pupils that require additional support or placements in the rest of the financial year.
- 4.5 An accumulative deficit position on the High Needs budget of £18.2m would be in place should this position materialise. At this stage it is not considered that any further options exist to mitigate this increase in year however this will continually be tested and will be a key subject within the discussions in the Delivering Better Value Programme.

5. Delivering Better Value Programme

- 5.1 Sefton will be part of the second tranche of Local Authorities engaging with the Delivering Better Value Programme from January 2023. This programme starts with an initial 6-month diagnostic stage where DfE and financial advisers will work with the Local Authority to carry out a full diagnostic of the High Needs Funding and SEN systems locally. To prepare for this the DfE have provided a Management Tool to enable the Local Authority to gather and provide the relevant information and data to support this work.
- 5.2 Once the diagnostic stage is completed, the advisers will work with Local Authority Officers to produce an Action Plan to address the funding deficit and ensure effective, efficient systems that enable the High Needs Budget to be financially sustainable. Timelines for this will be agreed, and a small amount of money available nationally is available to be bid for to support this work.

6. Current initiatives to enhance provision and support for pupils and mitigate High Needs Funding Spend

Mainstream Support

- 6.1 In the Cabinet meeting that took place in June 2022, it was an agreed action to reinstate a system to provide High Needs Funding to mainstream schools to pupils prior to a pupil having an EHC Plan in place, to enable earlier intervention and support in schools. This would have an objective of reducing the number of

requests for EHC Assessments that are received by the Local Authority and slow the demand for specialist placements, supporting more pupils to remain and thrive in mainstream provision. This system is in further development with a planned implementation date of Easter 2023 at the start of the new financial year.

- 6.2 As an alternative to funding based on providing support to an individual pupil, which for the significant majority of times results in a 1:1 Teaching Assistant being attached to a pupil, the Local Authority has introduced a Group Funding approach for schools to be able to request. This model enables schools to consider a cohort of pupils with High Needs and consider how their needs could best be met as a group. This enables to tailor support more specifically to those pupils and initial groups have ranged from pupils requiring cognition and learning support, to groups with Autism and groups that require a nurture-based approach. Impact reports from the first groups to feedback after their first year demonstrate positive progress against pupil outcomes. In addition to the impact for pupils, the group funding approach also generates savings for both the Local Authority and the school, as opposed to the individual pupil funding model. (For example, for a group of 8 pupils individual funding approaches would create a cost for school of £6000 x 8 pupils = £48,000 and a cost to the LA of £9000 x 8 pupils = £72,000. In a group funding approach where the LA funds a teacher for the group up to a total cost of £52,000 and the school funds a Teaching Assistant for £22,000 the LA saves £20,000 and the school £26,000.)
- 6.3 In addition to providing funding to schools, the Local Authority's support services including Inclusion Consultants, Educational Psychologists and Autism/Complex Needs Teams are developing new systems of support to mainstream schools to enable higher levels of inclusion and for schools to be supported to meet children's needs. An Inclusion Strategy is to be developed over the course of this academic year that will be clear on expectations, roles and responsibilities for all involved in ensuring inclusion in schools succeeds. Current work is also underway to enhance the support offer to schools in relation to Social, Emotional and Mental Health needs for pupils in response to clear feedback that this is an area that schools require more support around.

Specialist placements – sufficiency

- 6.4 A high proportion of the costs on the High Needs Funding budget originate from costly Out or Borough Independent Special School placements, the majority of which are due to a lack of sufficient maintained places within Sefton Special School and Resourced Provisions. This lack of spaces has resulted from the significantly increased number of EHC Assessments and resulting EHC Plans that have been processed over the past 7 years since the Children and Families Act 2014 came into force.
- 6.5 Over the financial years 2022-23 and 2023-24 the Local Authority has a SEN Capital Budget received from the DfE over £4.5 million. Initial sufficiency forecasts have been carried out to address current and future placement sufficiency concerns in this area and a number of build projects have already been agreed. Four projects were agreed to create additional places for September 2022 with additional mobile classrooms agreed for Rowan Park, Rowan High and Crosby High Schools and internal work agreed to create an additional class at the Pines resourced provision at Redgate Primary School. More significant projects have been agreed to take place at Formby High School to create a new base for

cognition and learning that will generate up to 40 additional resourced places, and adaptation work at the former St Teresa's Infants School site to repurpose the building to host 28 places for Key Stages 1 and 2 for Newfield Special School. This is expected to be complete for Easter 2023 with Formby's timeframes to be confirmed shortly.

- 6.6 Further allocation of the remaining part of the SEND Capital Fund is to be confirmed in due course after further sufficiency forecasting is carried out for the longer-term figures. As an example, from September 2025, there will be a cohort of children transitioning to secondary school from primary ASD resourced provision who will likely require a provision which can meet the needs of children with ASD and/or SLD. Sefton's current provisions which cater for this type of need do not currently have capacity to take in more pupils at Year 7 as most if their intake occurs at a younger age, and so work will need to be carried out to ensure that this cohort can be provided for within borough.

7. The New Ofsted Local Area SEND Inspection Framework

- 7.1 In the summer of 2022 a consultation on a proposed new Local Area SEND Inspection Framework was published. This has now closed, and while there has not yet been a formal response to the consultation outcomes, it is expected that the new Framework, based upon the proposed new SEND systems in the SEND and Alternative Provision Green Paper published in 2022, will commence from Spring 2023 with inspections of Local Areas starting from that point.
- 7.2 As no timetable or rota for inspections is published in advance, the Local Area must ensure that it is prepared for the Inspection as much as possible, should it be chosen as one of the initial inspections in Spring 2023. To this end, a series of self-evaluation workshops were held in November 2022, with attendance from all relevant stakeholders invited, to carry out a self-evaluation exercise against the proposed inspection framework. This enabled the local area to start work on creating a new Improvement Plan based upon the position identified in the self-evaluation work. This will be presented to the SEND Continuous Improvement Board and progress reported on an ongoing basis as with the previous Improvement Plan.

8. Monitoring and Review

- 8.1 Robust governance and strong partnership working delivered through the SEND Continuous Improvement Board will continue to ensure progress against the SEND Improvement Plan and that good practice will be embedded into business as usual.
- 8.2 The progress in relation to the High Needs Funding Budget and sufficiency will also continue to be monitored through existing management reporting processes and regular updates to Cabinet. A quarterly report to Cabinet is already agreed to be in place and will continue to provide a mechanism to ensure that the Leaders of the Council remain fully informed.
- 8.3 Progress under the Delivering Better Value Programme will be monitored nationally by the Department for Education and will also continue to be reported to both Cabinet and the SEND Continuous Improvement Board.

