

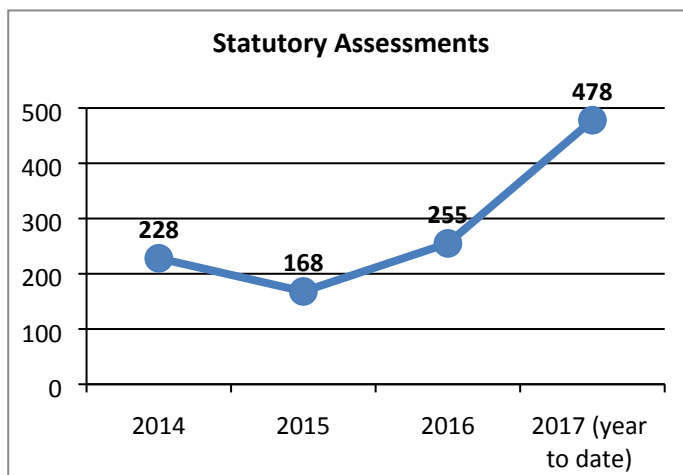
EDUCATION AND LEARNING SEN UPDATE

Background and current position.

Over the last 12 months members have had briefings on many elements of school funding as pressures have increased and difficult decisions have had to be made. Overview and Scrutiny have asked for an update report focused on SEN funding arrangements following the development of plans to make some changes to the funding arrangements in future. Any plans to change school funding arrangements have to be planned in full partnership with schools, take into account parental wishes and feelings, ensure sufficient notice, avoid where possible school holiday communication gaps and align fully with national funding arrangements. This makes for a complex set of considerations, with compromises sometimes required.

Changes in demand

Over the past 8 months we have had a 99% increase in the number of statutory assessments. The graph below shows the increase in statutory assessment based on calendar years as reported to the DfE.



Factors affecting this increase are;

- statutory increase to include 0-25 age range
- inclusion of the Further Education (FE) sector – completely new to statutory processes
- use of SEN assessments to attract further school funding
- primary focus of parental preference; increased parent expectations about choice & control
- anyone (schools, parents, other professionals) being able to make a request for statutory assessment
- demographic change

Changes in DfE requirements

There is now a statutory requirement to amend all plans for pupils in years 6 and 11 (this was previously only year 6) and recommended good practice is to further amend years 2 and 9.

The expected increase in amendments from Sep 2017 is 310% [Table 3b]

Table 3b: After 2017 – Amendments for learners with a Statutory Plan
 (Four year group cohorts to be amended every year)

Year	No in Yr 2	No in Yr 6	No in Yr 9	No in Yr 11	Total
2017/18	100	243	309	393	1,045
Increase	(796 volume) 310% increase				

Part of the statutory assessment process includes the legal requirement to provide a visit and report from an Educational Psychologist.

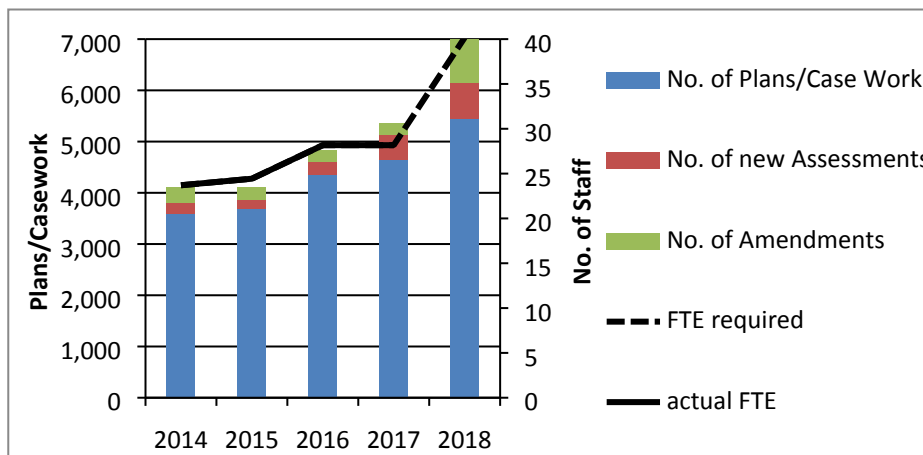
Three key areas of Educational Psychology statutory work:

- For new Education Health and Care Plans and re-assessments, advice and information must be sought from an Educational Psychologist. The Educational Psychologist should consult any other psychologist known to be involved with the child or young person.
- Educational Psychologists are expected to contribute to Annual Reviews and transfers between phases and into adulthood for CYP with an EHCP
- Educational Psychologists provide support, advice and attend Tribunals for Devon CC

We must also offer independent support from the Devon Information, Advice and Support Service.

Both of these services are also under considerable strain to meet the demands of increased assessment caseloads.

The chart below reflects predicted growth based on the number of new requests in place in 2017. We are currently reviewing staffing levels in light of these changes.



Non Statutory Plans

Non statutory funding was introduced by the Local Authority in April 2014. The strategic aim was to increase school funding and reduce the need for statutory assessment for pupils with lower level or short term SEN need. The massive increase in statutory assessments indicates that this strategy has not worked. Alongside the increase shown above we have seen also seen a significant rise in requests for funding to support pupils who do not have a plan.

There are 800 children in Devon with non-statutory plans and the cost of this has risen from £257k in the 2014/15 financial year to £3.2 million in the 16/17 financial year. Whilst this exponential growth is concerning, our analysis also shows that the average cost of a non-statutory plan in a mainstream school in 2016 was £4,785 compared to an average cost for a statutory plan of £4,383. This goes against the strategic aim as the plans were for children with lower need. If the level of needs requires this level of funding, the children should have all the protection that a statutory plan offers and the schools should have the consistency, openness and transparency that the statutory process provides.

The above is intended to further clarify information already provided, not repeated here. The link below is to the online open letter and the key facts document already provided <https://new.devon.gov.uk/educationandfamilies/archives/5963>.

Members have submitted a wide variety of questions about the proposed changes. These have been grouped together under broader headings. The information below aims to answer the questions.

1) Increase in requests for EHCPs.

It is anticipated that we will see an increase in requests for EHCPs as a result of the changes. However, as described above, at present we have around 800 pupils for whom schools receive significant amounts of money to support their SEN provision and in some cases schools are receiving more funding for pupils without an EHCP than those with an ECHP. As an EHC plan is designed to support those children with a higher level SEN needs, this is not an equitable system and additionally means that some pupils may not be getting the support and protection that a statutory EHCP plan provides.

2) Increased staffing pressure and staff turnover.

Staff are under significant pressure but this is due to the increase in requests, new DfE requirements as explained above and the requirement to transfer all old style statements to new EHC plans. The anticipated increase in requests for statutory assessment will add to this but it is important that we have a system which is fair and equitable and monitors that we are meeting children's needs.

Staff turnover has been linked to the fact that using the DfE SEN transformation grant (which is designed to support LAs to transfer all statements to EHCPs) we have employed a team of staff on fixed-term contracts to undertake this work. As the funding for these roles ceases in March 2018 there has been a constant process of recruitment and induction due to the temporary nature of the post.

3) Young people losing funding if they do not meet EHCP thresholds.

Some young people may not meet the threshold for statutory funding but this is highly unlikely to be pupils who now receive significant additional funding. If this becomes evident it raises questions as to the appropriateness of the ongoing funding and validates the change of process. The High Needs Block is designed to support those who have more complex needs and as such they should have a statutory plan. As the councillor briefing showed schools currently have £44 million in their budget to support children with SEN, **this funding is not changing**. Higher levels of funding are still available but will now be accessed through a transparent and equitable process of assessment for a statutory plan.

4) Spending on Independent Schools including non-independent special schools and the monitoring of it.

This area of spend is rightly an area of interest, within the system, for example SEN specialists in DCC and Devon Education Forum and without. Regulations place a strong emphasis on parental preference saying 'that children should be educated in accordance to their parent's wishes' In two recent cases we have been ordered by tribunal to place in Independent mainstream schools. This is not a decision that the LA takes lightly. An audit (by the DCC audit team) of our placements at independent schools has been arranged for the Autumn term

It should be noted however that independent provision is often the only provision that has the type of specialism required to meet the child's needs.

5) Home to School transport and independent travel.

The Local Authority has duty to provide home to school transport for any child under 16 who lives more than 2 miles (for primary aged children) or 3 miles (for secondary) from home to their nearest school. For children with SEN, transport is provided to their most appropriate nearest setting as deemed by their statement or EHC Plan.

Where possible, we provide our young people with independent travel training and our Transport Coordination Service (TCS) manages the scheme. This was expanded in 2016 and full details are available on our transport web pages. (<https://new.devon.gov.uk/educationandfamilies/school-information/school-and-college-transport/independent-travel-training>). In order to use public transport to access school it has to be available at the appropriate times and in a rural county that is often not the case. For example in some areas a child could not get to school until 11am and would have to leave at 2pm as those are only buses running; in other places the bus does not operate every day.

Our Education Transport Policy sets out public transport as the first option to consider when TCS are allocating children to the most appropriate transport. Travel Training supports this principle. This is followed by contracted transport (coaches and minibuses), a petrol allowance for the parent, with taxis then being the last resort. However taking into account the rural nature of the County, the distances some children have to travel to get to their nearest school and the complex needs of some individuals, taxis are often the only option. This may include specialist vehicles to accommodate wheelchairs, specialist seats and equipment and specifically trained crews to ensure the child is transported safely taking into account their additional needs. Where possible TCS does feed some children into the nearest appropriate main route but this again has to take into account needs of the child and the travel times (45 minutes for primary and 1 hr 15 minutes for secondary).

TCS regularly review transport in terms of the most appropriate transport provided for an individual. It also has an ongoing regular route network review programme which generated £430k in year savings in 2016/17. This was on top of savings generated through travel training (170k). This work is ongoing but reviewing transport for children with SEN takes time and needs proper consideration of the impact of any change on the child, family and school. TCS manages Education transport alongside other transport functions (Public Transport, Social Care and more recently non-emergency patient transport for the NHS) and is constantly looking for ways to share resource and provide a more effective network for all. In terms of the location of school placements the council only provides transport to the nearest appropriate school unless ordered otherwise by a judge or a parent wins at independent appeal. Full details of the school transport policy can be found at: <https://new.devon.gov.uk/educationandfamilies/school-information/school-and-college-transport>

6) **Communication with schools and parents and timing.**

School representatives were involved in conversations with the LA over the second half of the summer term. A joint High Needs Task Group has been running to decide the best way forward. The letter was to confirm the action decided to schools, before the end of term so that staff did not waste time on paperwork for the wrong type of funding. Schools will often use the long Summer break to complete this kind of work.

The information was not aimed at parents and no child will lose their funding in September. Contact details for our SEN team were provided for reassurance. Anyone with concerns could contact them directly.

7) **High Needs Budget allocation.**

With all party support, we have been and still are campaigning for additional funding for schools and for pupils with SEN. Under our current system the DfE could rightly argue we are spending millions of pounds on non-statutory provision and therefore have enough money. As we acknowledge above most of the pupils with non-statutory funding are likely be eligible to transfer to an Education Health and Care plan. This change of process therefore means that in addition to providing the young person with all the protection that the plan brings, it also allows us to better evidence the pressure, we and schools are under.

Electoral Divisions: All

Cabinet Member for [Children Services and Schools](#): Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries:

Dawn Stabb, Head of Education and Learning

Email: dawn.stabb@devon.gov.uk

Tel No: 01392 383212

Room: 136, County Hall