
REPORT FOR: CABINET

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| Date of Meeting: | 21 February 2019 |
| Subject: | Special Educational Needs and Disability (SEND) Strategy 2019 -2024 |
| Key Decision: | Yes |
| Responsible Officer: | Paul Hewitt, Corporate Director, People Services (Interim) |
| Portfolio Holder: | Councillor Christine Robson, Portfolio Holder Young People and Schools |
| Exempt: | No |
| Decision subject to Call-in: | Yes |
| Wards affected: | All |
| Enclosures: | Annexe: SEND Strategy 2019-2024 |

Section 1 – Summary and Recommendations

This report presents the Special Educational Needs and Disability (SEND) Strategy 2019-2024. It details the key elements of the Strategy and provides an up-date on the Strategic Priorities and the continued implementation with partners.

Recommendations:

Cabinet is requested to:

1. Agree the SEND Strategy 2019-24 and Strategic Priorities as set out in this report and Annexe.

2. Delegate authority to Corporate Director People Services, following consultation with the Portfolio Holder for Young People and Schools, to review and amend the Strategic Priorities as required during the period of the Strategy.

Reason: (for recommendations)

To enable the Local Authority to fulfil its statutory duties for SEND in the Children and Families Act 2014 and secure a continuum of provision and support with partners for pupils aged 0-25 with SEND.

Section 2 – Report

Introduction

1. Harrow Council and its partners, including parents, schools, colleges, health and the voluntary sector, are ambitious for all children and young people and are committed to supporting them to achieve their best outcomes. For children and young people with special educational needs aged 0-25, this requires partners, to work together to ensure that there is high quality, integrated and inclusive education, and support that is flexible and responsive.
2. The SEND Strategy provides the framework for partners to work together to achieve the vision and outcomes for SEND in Harrow. This Cabinet Report presents the SEND Strategy 2019 – 2024.

Options considered

3. The following options were considered:
 - Option: 1 Do nothing.
This is not recommended, because it would fail to maximise the positive impact on provision and services for children and young people with SEND and the use of available resources.
 - Option 2: Continue the development and implementation of the SEND Strategy and Strategic Priorities.
4. Option 2 is recommended because it enables the Local Authority to fulfil its role to champion vulnerable children and young people, parents and families and promote educational excellence including for those pupils with SEND. It has a statutory responsibility to ensure that there is sufficient high quality provision and to achieve this, the Local Authority needs to work collaboratively with partners and service providers.
5. In addition, as a borough, Harrow is experiencing a considerable growth in its population and an increase in demand for SEND in an extremely challenging financial context. There is a need for a strategy to confirm strategic priorities with partners which will enable resources across the system to be deployed most efficiently.

Background

6. The SEND Strategy was agreed by Cabinet in July 2014, with a vision, guiding principles and 6 priorities. A Working Group was established to develop the SEND Strategy and a series of task groups, with headteachers and officers, were established to develop and implement the Strategic Priorities. The priorities were revised and subsequently agreed by Cabinet in July 2016. A review of the vision, principles and strategic priorities was undertaken in Spring 2018 in partnership with stakeholders

including schools, CCG and parents, to take into account changes both nationally and locally within schools, the LA and the CCG.

7. There was general support for the vision and guiding principles and no revisions were suggested by the review. The Strategic Priorities were considered to be relevant and suggestions were made about key activities that should be undertaken and information that would be required to develop the implementation plan.
8. The new Strategic Priority Communication was proposed. The suggestions included reviewing overall communication in Harrow including the Local Offer website and through schools and settings and to devise a clear communication strategy for new and regular information including professionals, families and outside agencies. Information should cover the continuum of SEND including severe, moderate and low need and SEN in mainstream without an ECHP. Communication is essential for parents and carers to have access to information about services but it is also key to develop services for the future. In this context, the Local Authority and partners including the CCG engage regularly through the following channels:
 - SENCO Forum
 - Clerks and Governors Termly Forum
 - Headteachers and Directors Meeting
 - Harrow Parents for Disabled Children (HP4DC) Parents Forum
 - Harrow Education Partnership Board
 - Children and Young Peoples Commissioning Executive
 - Local Area Inspection Working Group

The SEND Strategy 2019-2014

9. The Harrow Special Educational Needs and Disability (SEND) Strategy 2019 – 2024 describes the partners' collective vision and aspirations for children and young people with special educational needs and provides a framework for partners to collaborate to deliver shared priorities for the next five years and sets out how they will be implemented.
10. During the period of the Strategy there will be further changes in order to meet children's needs going forward, the context will evolve as the Children and Families Act 2014 sets in and the landscape of schools and providers will develop with the increase of academy schools. The Strategy therefore needs to have sufficient flexibility to ensure that different or emerging issues can be incorporated.
11. The Strategy outlines the context for SEND nationally and locally, sets out the vision and guiding principles and four strategic priorities. For each Strategic Priority there is a summary of the progress to date, with a high level action plan.

National and Local Context

12. The national drivers for SEND are the Care Act 2014 and the Children and Families Act 2014 and the reforms that these Acts introduced. These include the transfer of SEN statements to Education, Health and Care

Plans (EHCP) and the collaborative approach to assessment of need, the voice of children, young people, joint commissioning, the age range extension to 0-25 years of age and the introduction of the National Funding Formula (NFF).

13. Locally, Harrow has experienced an increase in the number of pupils with SEND, particularly those with EHCPs. There has been a 37% increase in the number of EHCPs from 2015 to 2018. The largest growth is in the under fives and post 16/18 age groups. This growth mirrors the regional picture. All the local specialist provision is at capacity and there are larger numbers of out-borough placements made.
14. The proportion of pupils with SEN Support has remained relatively constant on average around 12% across the same period, this masks an actual increase in the number of children and young people in need of SEN support to 3,600 in 2017, an increase of just under 400 from 3213 in 2016.
15. Local authorities nationally are experiencing a rise in the demand for services for children and young people with Special Educational Needs and Disabilities (SEND) and the spend on High Needs (HN) funding is often exceeding budget. This is partly because of an increase in volume and complexity of need and the impact of the SEND Reforms in 2014, including extending the age range from 0 to 25. The changes to the High Needs funding formula by central Government for the 2018/19 financial year, and beyond, has served in some cases to reduce the overall level of funding available including in Harrow. Regulations have now also limited the opportunity to transfer funds from the Schools Block and will end this option entirely in 2019.
16. The financial context is challenging for local authorities and other partners, however, it is essential that the most efficient and effective use is made of available resources across the system.

Vision, Guiding Principles and Strategic Priorities

17. The vision for SEND is ambitious and aspirational, it stretches beyond the boundaries of the Local Authority to all partners and children and young people with SEND, with or without an EHCP. The vision is:

All children and young people should achieve the best possible outcomes, to enable them to become successful adults. They should have access to a continuum of good and outstanding educational provision that offers choice, progression and pathways and are supported by high quality, integrated and inclusive services from 0-25.

18. To realise this vision, the implementation of the SEND Strategy will be guided by the following principles:
 - Maximising the potential of a continuum of local provision in Harrow for children, young people and young adults from 0 to 25 years of age.

- Developing partnerships with neighbouring Local Authorities, health, other agencies and parents/carers to ensure effective collaboration to meet the needs of children, young people and young adults.
- Developing an integrated approach in the development and delivery of personalised provision, that includes joint decision-making processes between education, social care and health.
- Prioritising early assessment of need and ensuring timely intervention and support.
- Every provider, school, college or other setting, in Harrow to have good or outstanding provision for children, young people and young adults with additional needs and have access to high quality professional development and support.
- Using all data available effectively to identify issues to inform the strategy and monitor its effectiveness over time.
- Including parents/carers and young people's voice in the development of the strategy.
- Ensuring that current and future SEND Reforms are an integral element of the SEND Strategy and progress towards implementation is monitored by appropriate bodies.

Strategic Priorities

19. There are four strategic priorities

Strategic Priority 1: Review in-borough specialist provision in the context of a changing demographic profile, pre-school, school and college organisational changes and other developments

Strategic Priority 2: Review current provision and need for children, young people and young adults with social, emotional and mental health needs to ensure continuum of provision and support. (previously SEBD)

Strategic Priority 3: Improve local education and social care opportunities for post-16 provision working in partnership with other agencies

Strategic Priority 4: Improve outcomes for children and young people (0-25) with SEND and ensure appropriate skilled and qualified staff in all provision.

Delivering the Strategic Priorities

20. The Strategic Priorities will be implemented through a range of mechanisms including task and finish groups, individual school projects, strategic projects with partners. There will be a lead officer from Education Services for each priority working with officers in other Divisions, schools

and other partners. Specific elements of the work will involve consultation with young people and parents to ensure the priorities are delivered in a way that best meets local need.

21. It is proposed that up-dates will be provided to Members and that progress will be monitored by senior officers within the People directorate.

Special Educational Needs Funding High Needs Funding Revenue

22. High Needs funding is designed to support a continuum of provision for pupils and students with special educational needs (SEN), learning difficulties and disabilities, from their early years to age 25.
23. There is a duty to admit a child or young person if the institution is named in a statutory Education, Health and Care (EHC) plan. Local authorities use the high needs budget to provide the most appropriate support package for an individual with SEND in a range of settings, taking account of parental and student choice, whilst avoiding perverse incentives to over-identify high needs pupils and students. High needs funding is also intended to support good quality alternative provision for pupils who cannot receive their education in schools.
24. The following are funded from the High Needs Block (HNB).
 - Harrow special schools, including academy special schools
 - Additional resourced provision in Harrow mainstream schools and academies
 - School places in out of borough special schools and independent special schools
 - Educational provision contained in the Education Health & Care Plans (EHC plan) in mainstream schools and academies
 - Post 16 SEN provision including Further Education settings
 - SEN support services and support for inclusion
 - Alternative provision including Pupil Referral Unit (PRU) and Education Other Than At School (EOTAS)
25. The Government introduced a National Funding Formula (NFF) for High Needs from 2018-19. High Needs funding has previously been based on historical allocations plus some annual amounts of growth. In order to manage increasing growth for demand and complexity of need, annual funding transfers from the Schools Block into the High Needs Block have been approved by Schools Forum. Previously there was no limit to the value of transfer permissible.
26. The HNB funding is driven by:
 - Basic entitlement factor for each pupil in a special school or special post 16 institution as recorded on the January Alternative Provision census
 - Historic lump sum equal to 50% of each LA's historical high needs blocks

- Proxy factors for population, deprivation, health and disability, and low attainment.

27. While the DSG formula does include proxies for high need through deprivation and other measures, and does reflect changes in pupil numbers and general 2-18 population, it does not recognise increasing incidence of SEND.
28. The introduction of the High Needs NFF has led to a shortfall in funding, compared with the 2017-18 baseline, of approximately £2.9m. This is because there was an overall shortfall of DSG in 2017-18 which was funded by the use of a brought forward contingency managed by Schools Forum.
29. In addition, between 2013-19 there has been an increase in HNB funding of £5.128m (21%) compared with increase in HNB spend of £8.090m (34%) and an increase in EHC plans from 1,168 in January 2014 to nearly 1,700 by October 2018 (46%). The SEND Reforms in 2014 require LAs to support young people with EHC plans aged 0-25 years compared with (broadly) 5-19 years previously.
30. From 2018-19 the Schools Block is ring-fenced and transfers to the HNB are limited to 0.5% of the Schools Block. For Harrow this equates to approx. £830k. The Schools Forum must be consulted and if it does not agree, the transfer can only be made with the consent of the Secretary of State for Education.
31. There is a significant and growing shortfall within the HNB across London. A recent survey showed that London boroughs had a total shortfall of £78m in 2017-18 compared with HNB allocations, with 32 out of 33 boroughs reporting a shortfall. Up until now, some boroughs, like Harrow, have been able to contain this within the overall DSG by transferring funding between blocks and/or using brought forward contingencies whilst other boroughs are already reporting DSG deficits. However the introduction of the HNB NFF and restrictions on block movements has highlighted more clearly the significant level of underfunding in respect of High Needs.
32. In addition, between 2013-19 there has been an increase in HNB funding of £5.128m (21%) compared with increase in HNB spend of £8.090m (34%) and an increase in EHC plans from 1,168 in January 2014 to nearly 1,700 by October 2018 (46%). The SEND Reforms in 2014 require LAs to support young people with EHC plans aged 0-25 years compared with (broadly) 5-19 years previously. This means that young people are not ageing out (as they previously would) of the system at 19 and more young people continue to enter the system and also at an earlier age.
33. In addition to the reduced funding the pressures on the HNB for Harrow include:

- Increase in EHCPs from 1,185 January 2015 to 1,623 in January 2018. A further increase to just under 1,700 by October 2018.
- Complexity of need and cost of provision increasing
- More children with Severe Learning Disabilities (SLD) in Harrow. In-borough SLD provision cost on average £26k-£29k per annum per child compared with out-borough independent SLD day provision which cost on average £47k-£68k per annum per child
- Extended age ranges means CYP are not ageing out (as they previously would) of the system at 19 whilst more CYP continue to enter the system and also at an earlier age
- Increased demand for placements for post 16 and post 19 provision 70% and 156% respectively
- Majority of SEND provision in-borough is at capacity and therefore there are limited opportunities to increase local provision.
- Increase in the number of tribunals and the cost of outcome of tribunals

34. The SEND Strategy's four Strategic Priorities will contribute to managing and reducing the pressure on the HNB, however projected overspends in the HNB are unlikely to be fully mitigated by the Strategy alone due to the increase in demand. The Council is also:

- Increasing more cost effective local provision and reducing transport costs. The average annual cost of a Harrow SLD special school place is approximately £25k per annum. Similar out borough maintained schools or INMSS are in excess of £30k and £60k per annum respectively. The proposed free school top up funding is £16-19k. these costs are broadly comparable with top rates in current Harrow special schools for a similar need and have recently been benchmarked and identified that they are average and slightly above average compared with out of borough schools and academies offering similar provision.
- Negotiating costs with providers
- Maximising the efficient use of early support and intervention to improve SEN outcomes.

35. In addition, the Council undertook a review to ensure the strategic direction, systems and processes in place are fit for purpose and a review of spending to identify areas of potential efficiencies in the context of the wider funding pressures. The key headlines are:

- The review has not been able to identify how the service can safely reduce its projected overspend in the short term
- The percentages of EHCPs in relation to the overall population supports the case that the SEN service is making appropriate decisions as to whether to progress to an EHCP

- There is a capacity issue within the SEN Service and the review supports the request for growth posts already included in the council's MTFS for 2019-20
- The review supports the LA's strategic priorities to review in-borough specialist provision and local education opportunities
- Savings can be made over the medium to long term by increasing in-borough provision and thereby reducing the requirement for more expensive out of borough provision. However this requires significant upfront investment and over the long term becomes cost neutral. The review has not considered increases in demand.

Capital

36. The SEND Strategy will require capital investment to increase local provision, in particular Strategy Priority 1. In accordance with the DfE's Special Provision Capital Fund Harrow was allocated £3.16m over three years starting in 2018/19. Funding for 2018/19 was used to support the expansion of SLD places at Woodlands Primary School. Further proposals and options will be developed linked with the SEND Strategy.

Performance Issues

37. Schools in Harrow perform very well in comparison to national and the local authorities in London. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding' by OfSTED. As at 31st March 2018, 98.3% of Harrow's primary and secondary schools were judged 'good' (50.5%) or 'outstanding' (45.8%), significantly above the 92% good or outstanding schools in London (60% Good, 32% Outstanding) and 86% nationally (65% Good, 21% Outstanding) (Source: Ofsted Data View).

38. The latest results for Harrow schools showed attainment and progress of pupils with special educational needs were overall above national attainment levels. However, work needs to continue to reduce the gap between their attainment and that of other learners. Nevertheless, overall pupils with SEN in Harrow performed better than the average for pupils with similar needs nationally.

39. The Local Authority continues to monitor key education indicators. The indicators are used locally to monitor, improve and support education at both school and local authority level. They are also used within information provided to the Department for Education.

Environmental Implications

40. The Council's over-arching climate change strategy sets a target to reduce carbon emissions by 4% a year. Schools account for 50% of the council's total carbon emissions. Reducing emissions from schools is therefore a vital component in meeting the Council's target. For new-build schools, the design standards will need to ensure that they meet high energy use efficiency standards. Of particular importance will be the use of low

carbon technologies – particularly for space heating – and these will need to be thoroughly investigated during the design phase.

41. It is expected that planning applications would be required for the development of sites for SEND provision and a school travel plan would be required.

Risk Management Implications

42. Risk included on Directorate risk register? No

43. Separate risk register in place? Risk registers will be developed and maintained for individual elements of the Strategy as appropriate.

The key risks for the Strategy are engagement with partners and availability of resources. SEND funding is provided by the DfE through the National Funding Formula. The Strategy will need to be delivered within the constraints of the funding available.

Procurement Implications

There are no procurement implications for the overall Strategy, but there will be specific procurement and commissioning undertaken for various elements. If the Council commissions services procurement routes will be explored to secure value for money.

Legal Implications

The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for the provision of primary and secondary education in their area.

Under s.14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

The Children and Families Act 2014 made significant changes to the way that educational provision was assessed and provided for to children and young people with SEND. Section 27 of the Act requires a local authority to keep under review its educational, training and social care provision for children and young people who have SEND and to consider the extent to which the provision is sufficient to meet need. In exercising its functions a local authority must consult prescribed persons, including children and young people with SEND and parents. The Strategy sets out the existing consultative forums and consultation and engagement will be undertaken on specific activities as aspects of the Strategy are implemented.

Financial Implications

Revenue Funding

There are significant pressures on the HNB of the DSG due in part to a new national funding formula for High Needs being introduced in 2018-19 and continued growth in demand for and complexity of Education Health and Care Plans (EHCPs) and children requiring specialist SEN provision. Part of this is as a result of the SEND Reforms 2014 which increased the age range of pupils eligible for EHCPs from 0-25 years old compared with 5-19 years old prior to this. No additional funding has been received in the HNB to recognise the extended age range.

A key priority of the SEND Strategy is to enable more children to be educated in the borough which is more cost effective than children being educated at out of borough SEN provision in either maintained/academy provision or particularly in the independent and non-maintained sector. In addition this also causes pressure on the SEN home to school transport budget which is funded through the council's general fund.

Capital Funding

There is currently £4.5m built into the capital programme for SEN Provision in 2018-19. At present approx. £400k has been committed to the expansion of Woodlands School from September 2018. The LA will also receive £3.16m from the DfE's capital grant for special provision following a recent uplift. This will be added to the capital programme in addition to the existing £4.5m taking the total budget available for SEN provision to £7.66m.

The total commitments against these funds are still be explored and developed in line with the SEND Strategy.

Equalities implications / Public Sector Equality Duty

44. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
45. An initial review of Equalities Impact has been undertaken and the overall conclusion of these assessments is that the implications are either positive or neutral. In particular increase in special school provision will help to ensure sufficient school places for the increasing numbers of children with special educational needs in Harrow. The assessments have not identified any potential for unlawful conduct or disproportionate impact and conclude that all opportunities to advance equality are being addressed. The equalities implications will be kept under review and updated assessment will be considered by the Corporate Director when making a decision.

46. Harrow's schools are successful, inclusive and provide a diversity of provision. By acting to ensure all children in Harrow have access to a high quality school place, Harrow is promoting equality of opportunity for all children and young people.

Council Priorities

The Council's vision is: **Working Together to Make a Difference for Harrow**

47. The Council Priorities are as follows:

- Making a difference for the vulnerable
- Making a difference for communities
- Making a difference for local businesses
- Making a difference for families

48. The Council Strategic Themes are to:

- Build a Better Harrow.
- Be More Business-like and Business Friendly.
- Protect the Most Vulnerable and Support Families

49. The recommendation supports these priorities and strategic themes by:

- Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
- Providing high quality local mainstream and special educational need provision in schools for children close to where they live.
- Seeking to secure further investment in schools in Harrow for the benefit of its residents.

Section 3 - Statutory Officer Clearance

Name: Jo Frost



on behalf of the
Chief Financial Officer

Date: 28 January 2019

Name: Sarah Wilson



on behalf of the
Monitoring Officer

Date: 8 February 2019

Section 3 - Procurement Officer Clearance

Name: Lisa Taylor

on behalf of the Head of Procurement

Date: 28 January 2019

Ward Councillors notified:

NO as it impacts on all Wards

EqIA carried out:

Initial EqIA undertaken based on EqIAs for other school organisation proposals.

EqIA cleared by:

Section 4 - Contact Details and Background Papers

Contact: Johanna Morgan, Divisional Director People Services Strategy, johanna.morgan@harrow.gov.uk 0208 736 6841

Background Papers: None

Call-In Waived by the Chair of Overview and Scrutiny Committee

NO – CALL IN APPLIES