

Scrutiny Committee Report

SEND pupil place planning model 2022

For review by: Scrutiny Committee

Date of meeting: 17th October 2022

Lead director: Martin Samuels

Presenting Officer: Sophie Maltby



City Mayor

Useful information

- Ward(s) affected: All
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- Report version number: 1.0

1. Summary

1.1 This paper details the SEND pupil place planning model, which has been refreshed for 2022.

2. Recommendations

2.1 This report is for information only.

3. Background

- 3.1 On 16.12.21 the initial SEND pupil place model was shared with the Executive based upon data from May 2021. It was agreed that this data would be annually refreshed in line with pupil planning data for mainstream schools. Appendix 1 is the Scrutiny Committee presentation which summarises the refreshed data for 2022 and its outcomes. Appendix 2 is a more detailed presentation providing additional background information and data, originally drafted for the Education Lead Member.
- 3.2 The agreed requests for Education and Health Care Plans (EHCPs) have continued to increase for the last 6 years from 234 in 2015/16 to 489 in the first 11 months of 2021/22. The expected 2021/22 final figure is 530.
- 3.3 The refreshed model uses an amended methodology to incorporate all those cases where a Statutory Assessment has been agreed by the Special Education Service, rather than just those finalised. Providing a more accurate picture of the demand for EHCPs and thus SEND placements.
- 3.4 The model also takes account of population measures such as the birth rate and housing developments.
- 3.5 The revised methodology and outcomes of the model refresh are detailed in Appendix 1 (SEND place planning model 2022).
- 3.6 The refreshed data indicates a significant increase in demand for SEND placements in all educational settings (mainstream, Designated Specialist Provisions (DSP) and Special Schools).
- 3.7 To address the growing demand for DSP placements an Executive Decision to undertake a DSP Phase 2 programme was implemented on 16.2.22 and will provide 150 additional DSP placements by 2025.
- 3.8 Unlike the 2021 data, as a result of an amended methodology and a sustained increase in requests for EHCPs, the refreshed model indicates that demand for special school places will exceed supply over the next 10 years.
- 3.9 An Options Paper is currently being developed for the Executive to suggest possible ways to meet this demand.

4. Details of Scrutiny

Scrutiny Committee members are asked to note the contents of this report, which is for information only.

5. Financial, legal and other implications

5.1 Financial implications

- 5.1.1 The increase in the total number of EHCPs from this model would mean total gross high needs block expenditure increasing from £74m in 2022/23 to £100m by 2031/32 based on current unit costs, an increase of £25m or 35%.
- 5.1.2 The current high needs block funding in 2022/23 is not sufficient – the forecast this year is for an in-year deficit of £5.5m which will increase our cumulative DSG deficit to £9.3m.
- 5.1.3 All local authorities with deficit DSG reserve balances must prepare a management recovery plan for the DfE which outlines both historic high needs block expenditure and future demand and cost projections together with actions taken or proposed to reduce costs.
- 5.1.4 The DfE have increased high needs block funding significantly in recent years but not sufficiently to accommodate the continued growth in demand or the surge in requests for EHCPs in 2021, which was seen nationally. Only 9% of the formula for high needs block funding is allocated on the basis of the number of pupils with EHCPs and then only those in special schools. The balance of funding is based on historic expenditure and other proxy indicators for SEN such as income deprivation, low attainment and levels of disability living allowance claims. In other words, the vast majority of the funding is not linked directly to demand as measured by the number of EHCPs and the DfE have been quite explicit about this as they believe it would create perverse incentives to do otherwise. Their focus is on reducing the level of demand for plans, ensuring that there is sufficient in-house provision, more inclusion within the mainstream and adequate cost sharing with the ICB.
- 5.1.5 The modelling in this report will form a solid basis on which to prepare the future cost projections for discussions with the DfE.

Martin Judson, Head of Finance

5.2 Legal implications

There are no legal Implications arising from this report.
Julia Slipper, Principal Lawyer

5.3 Climate Change and Carbon Reduction implications

There are no significant climate emergency implications associated with this report.
Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

Schools are covered under Part 6 of the Equality Act 2010. Schools must not discriminate against a child by not offering a place or by only offering a place under specific terms and conditions. They must ensure that the child has full access to education, facilities and services. They must not subject 'the pupil to any (other) detriment' which means they must not subject the child to any form of disadvantage.

Schools and education authorities have a duty to provide reasonable adjustments for disabled pupils.

Under the Equality Act 2010 (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Equality covers all aspects of school life enjoyed by children – teaching and learning, special educational needs and disabilities can affect a child or young person's ability to learn.

The report provides information on a revised methodology that provides a more accurate picture of the demand for EHCPs and thus SEND placements and takes account of population measures such as the birth rate and housing developments. Where options that aim to meet projected demand for children and young people with SEND need, the protected characteristic of disability is highly relevant.

Equalities Officer, Surinder Singh, Ext 37 4148

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

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6. Background information and other papers:

7. Summary of appendices:

Appendix 1: Scrutiny Committee presentation

Appendix 2: SEND place planning model 2022 (extended LMB version)

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision, please explain reason

In determining whether it is a key decision you will need consider if it is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates.

- to be significant in terms of its effects on communities living or working *in two or more wards in the City*.

Expenditure or savings will be regarded as significant if:

- (a) In the case of additional recurrent revenue expenditure, it is not included in the approved revenue budget, and would cost in excess of £0.5m p.a.;
- (b) In the case of reductions in recurrent revenue expenditure, the provision is not included in the approved revenue budget, and savings of over £0.5m p.a. would be achieved;
- (c) In the case of one off or capital expenditure, spending of over £1m is to be committed on a scheme that has not been specifically authorised by Council.

In deciding whether a decision is significant you need to take into account:

- Whether the decision may incur a significant social, economic or environmental risk.
- The likely extent of the impact of the decision both within and outside of the City.
- The extent to which the decision is likely to result in substantial public interest
- The existence of significant communities of interest that cannot be defined spatially.