

# SEND and Education

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## SEND Transformation Plan

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## **Purpose**

Leicester City Council is facing significant financial pressure around SEND and the High Needs Block (HNB). The council remains committed to meeting the individual needs of all children with SEND whilst ensuring best value and funding efficient use of resources from the High Needs Block.

A SEND Transformation has been developed to support this the change needed to meet manage the deficit budget in the HNB. Achieved through a system of change and reform across the council aligned to the DfE Change Programme Partnership and the HNB Management Recovery Plan.

The SEND Transformation Plan aims outlined in this plan arise from identified areas of development that are required to support a more efficient use of the High Needs Block funds.

## **Aims of SEND Transformation Plan**

### **Aim 1 New DfE Reforms – The SEND and AP Change Programme**

Leicester City along with Leicestershire and Rutland local areas (partners) have committed to participate in the DfE reforms for SEND and AP. The DfE published their SEND and Alternative Provision Improvement Plan in March 2023, which followed the SEND and Alternative Provision Green Paper published in March 2022.

The improvement plan is intended to establish a new single national SEND and AP system to allow children to fulfil their potential, build parents trust and provide financial sustainability. The DfE have set up a national Change Programme to test and iterate the reforms set out in the improvement plan, covering the following workstreams:

- Local Area Inclusion Plans
- EHCP template testing and digitisation
- Local data dashboard for SEND
- Alternative Provision
- Strengthening Mediation
- Effective Multi-Agency panels
- Advisory tailored lists
- Bands and Tariffs
- National standards
- Transition from Early years and Post 16
- Early language support for every child (ELSEC)
- Partnerships for Inclusion of Neurodiversity In Schools (PINS).

### **Aim 2: Developing Ordinarily Available offer: LA, Schools, Settings & Colleges**

The SEND Transformation Project will collaborate effectively with LA Schools and Academies, Early Years setting and Post 16 colleges to increase early identification and early intervention through the Ordinarily Available offer/ Inclusive Mainstream Provision. The current data (Exclusions data, attendance data, part-time timetable data, BERA audits, request for statutory assessment data, and E3 top-up funding data) indicate that some schools are struggling to support CYP with SEND in their mainstream offer.

### **Statutory Responsibility**

The Children and Families Act of 2014 (CAFA 2014) and SEND Code of Practice (COP) identify the support pathways required to meet the individual needs of Children and Young People (CYP) with SEND.

The COP identifies that schools are expected to remove barriers to learning and put in effective special educational provision in place. Schools are expected to follow a graduated approach of support utilising their ordinarily available provision and resources. The COP of practice identifies the graduated response as:

*“A model of action and intervention in early education settings, schools and colleges to help children and young people who have special educational needs. The approach recognises that there is a continuum of special educational needs and that, where necessary, increasing specialist expertise should be brought to bear on the difficulties that a child or young person may be experiencing.”*

Schools are also expected to comply with their legal responsibilities to use their ‘best endeavours’ (section 66 of the CAFA 2014) to address SEND needs by making ‘reasonable adjustments’ (Equality Act 2010). The acronym BERA has been devised from these legal duties. Leicester City have used the BERA Framework and devised an in-depth audit tool called the BERA audit to support schools to achieve a high standard of inclusive practice.

Schools have an identified notional budget to support pupils with SEND. In Leicester City schools can apply for additional Top-up (Element 3) funding to add to their notional spend to ensure children with SEND have additional resources.

The SEND COP also includes a statutory duty to assess CYP who may have a special educational need to see if they require an Education Health and Care Plan (EHC Plan).

*“Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs 104 assessment (see Chapter 9). To inform its decision the local authority will expect to see evidence of the action taken by the school as part of SEN support” (section 6.63)*

The SEND COP also states:

*“Children and young people with SEN have different needs and can be educated effectively in a range of mainstream or special settings. Alongside the general presumption of mainstream education, parents of children with an EHC plan and young people with such a plan have the right to seek a place at a special school, special post-16 institution or specialist college.” Section 1.38 COP*

To support schools to develop their ordinarily available offer, in addition to the BERA framework and auditing process Leicester City Council support schools, settings and colleges to implement and monitor with the embedding of this process. (This workstream also links to the Change Programme; Ladder of Intervention and National Standards see below 4.3).

Furthermore, Leicester City Council opts to use the HNB to resource a large SEND Support Service. In a recent questionnaire schools reported that this resource is valuable and provides a necessary layer of support to schools. However, demand for support is high and SENDSS support managers and City Psychology Service, report that increasingly time is spent on statutory assessment rather than early intervention. To develop the SENDSS offer further and to increase capacity to support schools with their

ordinarily available SENDSS teams are required to review current systems processes and offers of support.

Leicester City Council, as part of the Change Programme will be developing a new strand of the BERA to support mainstream schools in developing internal 'Alternative Provision' for CYP. We anticipate this will increase the capacity for schools inclusive offer within their mainstream.

In addition to the development of the ordinarily available offer (BERA) in schools, additional resource is required in the Early Years to support our children prior to entering formal education. The LA has been awarded Family Hub status which has provided the opportunity within the Early Help service to focus on the readiness for school. It is anticipated this will provide early intervention which will support children's needs to be identified and the right provision is in place. The current landscape within Leicester City Council indicates that the graduated approach is not always followed or insufficient time is not always provided to children allowing them to receive support at earlier intervention levels. This increases the number of EHC requests with specialist settings being identified. Childrens development with the right interventions at an early stage can see positive outcomes for children and can change the need for specialist settings. Currently the increase in EHCPs is higher than our available number of specialist provision places. Subsequently there are limited places available in special schools for those with more complex needs.

### **Aim 3: Local Authority Process reforms & Sufficiency**

#### **Process Reforms**

Demand for Education, Health and Care Plan requests is high and there is significant pressure on SES to meet deadlines. An evaluation of current systems and process and consideration given to changes to streamline systems and processes would ensure increased efficiency and would improve timescales. Currently 65% of EHC plans meet the 20-week deadline which is above national average. The number of EHC plans requested and issues has increased significantly from pre-pandemic levels.

DfE reforms are recommending a set of criteria for compliance for panel processes to ensure a more robust approach to both request for statutory assessment and issue of an Education Health and Care plan (EHCP). DfE suggest such changes would improve efficiency in allocating resource.

However, whilst managing change, consideration needs to be given to the legal test (Children's and Families Act 2014 36(8)) which states the Local Authority must assess on the following criteria:

*“(a) The child or young person has or may have special educational needs, AND (b) It may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. In addition consideration has to be give to c) Despite Relevant and purposeful action rate of progress has not increased.”*

Tribunal figures, appeals and mediations figures would increase if early intervention and faith building in the Ordinarily Available Offer do not seem satisfactory to parents and carers.

Changing systems and processes within SES need to be managed sensitively to increase parent confidence in the process and improve school engagement.

#### **Funding Reforms**

Leicester City opt to use the HNB to provide 'top up' funding for schools to support SEND students as part of the graduated response prior to an EHC needs assessment. An

evaluation of current systems and processes to look at how funding is distributed and for how long, could ensure efficiency of spend and provide schools with additional financial security.

### **Sufficiency**

The data demonstrates that the number of students with SEND is rising yet the government have not assured any Local Authorities of an increase in allocation to the HNFB. Therefore, there is no additional funding to increase capacity in the system for pupils that have Special School named on their EHCP due the lack of increase from DFE.

In response to this Leicester City has developed Designated Specialist provision, providing 270 placements for students with an EHCP, offering specialist provision based in mainstream schools across the city.

In addition, in August 2024 there will be a pilot of a Special SEND Unit at Imperial Avenue Infant school for students with an EHCP naming special school provision.

Responding to a rising concern from schools, in September 2022 Leicester City commissioned a review of secondary provision for pupils with social emotional and mental health needs (SEMH). This identified a substantial increase in the number of students identified with SEMH needs.

*“The number of pupils with SEMH as a primary need has grown significantly in recent years. The Local Authority’s pupil planning forecasts for SEND also show a continued substantial growth in future years, with the largest increase predicted for mainstream.”*

Recommendations from the review indicated that ‘satellite’ hubs of provision might be a next step in increasing provision and developing inclusive practices

### **Aim 4: Increase confidence for parents and carers**

Nationally there has been, a lack of parental confidence in the SEND systems and an increase amongst parents believing that the only way to support their child’s SEN needs is to have a psychological assessment and source an Education Health Care Plan (EHCP). Parent Carer Forums, Special Needs Jungle and social media are advocating ‘pushing’ Local Authorities to assess children through the EHCP process. Celebrities are advocating in newspapers to ‘keep trying’ to get an EHCP and discussions on TV chat shows present parents with the idea ‘to keep sourcing EHC assessment’.

Many parents/carers do not believe that a mainstream school offer or mainstream school additional resource provision is the best for their SEND child. The feeling amongst parents is the gold standard for their Children and Young People is to receive an EHCP with additional funding. Parents feel funding and 1:1 support is the only way for their Child or Young Person to be supported to make progress in school. In addition, increasingly parents feel special school education is the best placement for their child or young person and increasing numbers are requesting independent special education settings for their Children and Young People.

Parents are sourcing external SEND advocates to support them in appealing decisions and navigating the tribunal process.

### **Aim 5: Placement reforms**

At present specialist placements are both negotiated on an individual basis in consultation with specific Independent Special School providers (ISS) and in some cases negotiated as a block to gain lowered rates. The present situation could be considered to be a seller’s market for the Independent Special Schools due to the level of demand across LAs regionally for these placements. All negotiations re placement and fees at present are

conducted by SES staff members, with input from Finance at key times, such as when Independent Special Schools are negotiating uplifted fees for upcoming academic years.

## Action

The new workstreams which are included in the project are organised around the following themes:

### Aims

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| 1 | New DFE Reforms links to the Workstream   | Change Programme Partnership                               |
| 2 | Developing the Ordinarily Available offer links to the Workstream                   | Ordinarily available provision (OAP) and Early Prevention, |
| 3 | Local Authority Process, reforms and Sufficiency links to the following workstreams | Process reforms, Funding reforms and Sufficiency           |
| 4 | Increase confidence for parents and carers  | links to the OAP   |
| 5 | Placement Reforms links the workstream  | Placement reforms and Non eligible HNB expenditure.        |

## Anticipated Impact

The ultimate intention of the Transformation Project and Management Recovery plan is to recognise the SEND need and the increase demand it places on the HNB and to find collectively across the whole SEND System creative solutions to meet needs in a cost-effective manner. The table below summarises the anticipated impact for each aim.

### Aims

- 1 New DFE Reforms links to the Workstream

### Anticipated Impact

Participating in the DFE 'test and learn' of the new reforms for SEND and AP known as the Change Programme will improve standards and experience for CYP and their parent carers, whilst shaping the future development of SEND. Leicester City are leading on Banding and Tariffs and Alternative provision. In addition, supporting colleagues in Rutland who are leading on Mediation and Multiagency panel workstreams as well as the EHCP Standardisation and National Standards.

- 2 Developing the Ordinarily Available offer links to the Workstream

Build capacity in mainstream schools to provide inclusive education opportunities to support students with SEND through an inclusive mainstream offer. SENDSS support services can offer a different pathway of support to ensure they have capacity to support mainstream schools Inclusive Mainstream Provision. New initiatives such as Early Language Support for Every Child (ELSEC) and Partnership for Inclusion of Neurodiversity in Schools (PINS) will focus on early identification and intervention and building capacity within mainstream schools to meet individual needs.

- 3 Local Authority Process, reforms and Sufficiency links to the following workstreams

Process reforms will ensure efficient ways of working to ensure additional resources, training and professional support are effectively distributed in a timely manner. Process reforms will ensure accurate data is captured and requests for support and assessment are processed in good time.

Funding reforms will ensure that resources are readily available to ensure early identification and intervention to mainstream schools to support their inclusive mainstream offer. Funding reforms will allow schools to access top up funding over longer

periods of time allowing support for CYP to become embedded and maximise opportunity for progress.

#### Sufficiency

Completion of DSP phase 2 by April 2025 will total 150 extra placements for students across the primary and secondary phase with an EHCP for communication and interaction.

Following the SEMH Review, a pilot scheme will be trialled at Beaumont Leys secondary which will provide SEND provision for students with SEMH needs under a new model of provision. In addition, a pilot at Fullhurst Community College will trial an Internal Alternative Provision. Work across the Alternative Provision strand of the Change programme will focus on fluidity between the offers (mainstream, DSP, AP and Special) will ensure accurate placement of CYP to meet their needs across the range of provision provided in LCC.

- 4 Increase confidence for parents and carers

The plan will increase parent confidence that the needs of their CYP can be met.

Working in partnership with schools, parents & carers to ensure collaborative working where person centred approaches and meeting the individual needs of each child are paramount. Informal mediation processes will provide parents with opportunities to discuss CYP's needs and appropriate support.

- 5 Placement Reforms links the workstream

Placement and Commissioning to be completely reviewed in order to identify areas to develop process, protocol and systemic change. This is likely to include developing the embedding of block commissioning of placements in ISS and the identification of key staff members to develop strategic liaison with ISS providers. There may be the potential to explore economy of scale and resources through liaison across LRR LAs to work as a unified group but this is in the very early development stages.

## Summary

The five Aims link to the workstream flow identified in the Transformation Project Plan. The embedding of inclusive practices and supporting schools to develop their mainstream offer will support parents in developing trust in the education system for SEND children. Children will receive the right support at the right time in the right place.