

EAST SUSSEX COUNTY COUNCIL

# Strategic High Needs Block Review Report



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## Preface

This report summarises the findings and recommendations of a year-long review of High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND) in East Sussex. Its content is underpinned by subsidiary reports and transcripts, which emerged contemporaneously with the findings, and contributed to transforming the review's recommendations into actions.

Alongside the review a report was commissioned from The Isos Partnership by the Chief Executive at East Sussex County Council, Becky Shaw,<sup>1</sup> to better understand the challenges and pressures inherent in managing the demand and cost of SEND in East Sussex. In addition, a report by the National Association of Head Teachers (NAHT)<sup>2</sup> brings a useful account of the national pressures on funding for pupils with SEND. Both of these reports correlate well with the findings that emerged from the East Sussex High Needs Block (HNB) Review and validate its final recommendations.

This report explores the complexity of East Sussex's SEND landscape, drawing on the experiences and perspectives of parents and carers, pupils, education providers and services to construct a set of recommendations for education providers and the Local Authority (LA). Emergent findings from the review process have gained traction with schools and led to the early implementation of a number of the recommendations. The outcomes of the review will shape a new East Sussex SEND Strategy<sup>3</sup> which will be implemented from September 2018.



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### I. Introduction

The Children and Families Act (CFA) 2014<sup>1</sup> requires Local Authorities to keep the provision for children and young people with special educational needs and disabilities (SEND) under review, working with parents, young people and providers. The Act states that when considering any reorganisation of provision, decision makers must be clear about how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for pupils with SEND.

In December 2016, the Department for Education (DfE) proposed a National Funding Formula to come into effect from April 2018, including a revised formula for SEND that determines the allocation of funds to the High Needs Block (HNB)<sup>2</sup>. The new SEND formula indicated that East Sussex was historically underfunded and proposed an increase capped at 0.5% in 2018/19 and 1.5% in 2019/20.

In March 2017, to coincide with the introduction of the revised school and HNB funding formulae, the DfE provided all LAs with funding to conduct a review of the use of HNB, alongside additional funds for capital development to address gaps in provision for pupils with SEND<sup>3</sup>. The Code of Practice DfE 2015, 4.15<sup>4</sup> sets out how partner bodies, including all education providers, must co-operate with the LA in reviewing the 'Local Offer' of SEND provision. This co-operation was at the centre of this review and has generated a strong body of evidence on which robust recommendations are constructed.

From early 2016, the East Sussex Children's Services Department (CSD) has engaged with schools through Schools' Forum, and Headteacher and Special Educational Needs Coordinator (SENCo) meetings, to develop a shared understanding of the increasing demand for specialist provision for pupils with SEND<sup>5</sup> and the pressures on the HNB to meet this demand. An understanding developed between CSD, schools and colleges about the shared accountability for managing these demands and pressures. This provided a strong foundation on which to manage the HNB Review.

CSD seconded a project lead for the review from within the department and seven staff, responsible for inclusion and SEND in East Sussex schools, were seconded to lead discrete strands of the review. The strand leads established focus groups comprising participants from parents and carers, schools and services (health, social care, mental health and therapies), to provide evidence, challenge and support to the review process.

The High Needs Funding Review did not seek to identify savings, as the funding available from the DfE remained largely unchanged. However, it was about finding ways to meet increasing demands and sustainably and fairly deliver better outcomes. The relationship between learner need, outcomes, provision and cost was at the centre of this review.

<sup>1</sup> <http://www.isospartnership.com/> 'Managing and forecasting demand and cost in children's services,' June 2018.

<sup>2</sup> Analysis of High needs Funding, NAHT 2018 (Accessed 05/07/18)

<sup>3</sup> East Sussex SEND Strategy 2018-2021, due to be published Sept 2018

<sup>4</sup> The Children and Families Act, PART 3 - Children and young people in England with special educational needs or disabilities, (2014): <http://www.legislation.gov.uk/ukpga/2014/6/notes/division/4/3> (Accessed 05/07/18)

<sup>5</sup> Department for Education. The national funding formula for schools and high need, (2017): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/648532/national\\_funding\\_formula\\_for\\_schools\\_and\\_high\\_needs-Policy\\_document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/648532/national_funding_formula_for_schools_and_high_needs-Policy_document.pdf) (Accessed 12/06/18) Ref: DFE-00259-2017

<sup>6</sup> Department for Education. S31 Grant determination for a high needs strategic planning fund in 2016-17, (2017): DCLG ref 31/2916 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/655575/High\\_needs\\_strategic\\_planning\\_fund\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655575/High_needs_strategic_planning_fund_revised.pdf) (Accessed 12/06/18)

<sup>7</sup> Department for Education and Department of Health and Social Care. SEND Code of Practice: 0 to 25 years; (2014): <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25> (Accessed 12/06/2018) Ref: DFE-00205-2013

## 2. The Local Picture

In 2016, the Ofsted Joint Local Area Inspection Report recognised in East Sussex ‘a strong commitment to improving outcomes for children and young people who have SEND, shared by professionals across the county,’ as well as ‘effective information management systems,’ through which leaders evaluate progress towards the ISEND strategic aims.

Ofsted confirmed the accuracy of the Local Area’s assessment of its quality of SEND provision and impact of HNB funding<sup>8</sup>. The assessment identified a number of key factors:

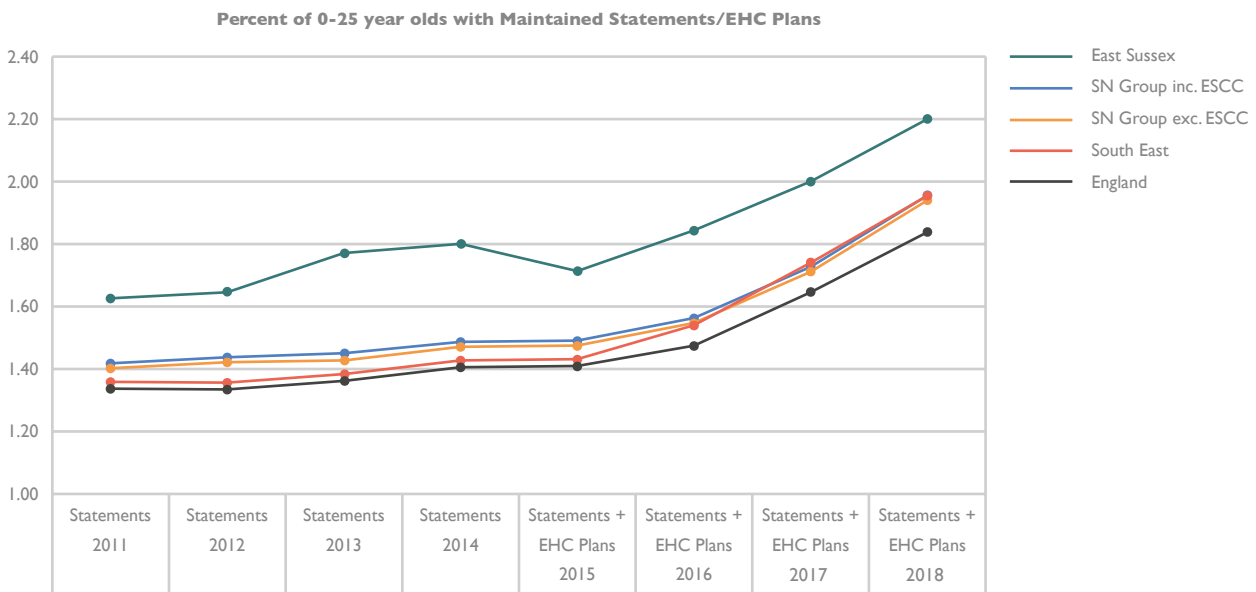
- The proportion of pupils with Education, Health and Care Plans (EHCPs) was historically higher than national averages, statistical and regional neighbours. (Model A)
- The proportion of pupils receiving SEND Additional Needs (AN) support has steadily declined since 2013, more sharply than similar national and statistical neighbour trends, resulting in a gap of almost 2%. This meant schools were identifying fewer pupils for SEN support than would be expected. This suggested that proactive early intervention by schools was too low, leading to escalating demand along the continuum of provision. (Model B)
- At least 2% of pupils with EHCPs therefore have needs that equate to those at the lower level of SEND support.
- The higher proportion of pupils identified with very high needs impacts on the cost per head of the 0-19 population. At £318 per head, the 2017-18 S251 budget<sup>9</sup> was higher than the statistical neighbour average of £302 per head. (Model i)
- Low parental confidence in school SEND provision was driving demand for EHCPs and special school placements.
- There was a reduction in the proportion of pupils with newly issued EHCPs being placed in mainstream schools. (Model C)
- Referrals for specialist placements were increasing for pupils who attend mainstream schools. (Model C)
- Increasing numbers of pupils were securing places in the independent non-maintained special school sector (INMS), often as a consequence of appeals. There was no evidence that outcomes in these schools were at least in line with those of their maintained special counterparts, in spite of the significant cost differential. This demand was fuelling a rapid market expansion of INMS providers who were capitalising on the opportunities presented by the Children and Families Act, placing further pressure on the High Needs Block. (Model D)
- The largest increase in the number of pupils with EHCPs was seen in the post-16 sector. Fewer pupils ceased a statutory plan at the end of KS4 or KS5, despite progressing to more advanced levels of study having met their outcomes. (Model E)
- The extension of pupils’ statutory SEND up to the age of 25 was not funded by the government and is a major contribution to the pressure on HNB funding. (Model E)
- Since the 2014 SEND Reforms, East Sussex has sustained a small reduction in issuing new EHCPs. This is an early indication that assessment of pressures and actions to address these are appropriate. (Model G i, Model G ii)

This combination of factors has placed significant pressure on the HNB budget<sup>10</sup>. In 2017/18, Schools’ Forum agreed an inter-block transfer of £4m from the Designated Schools Grant (DSG) to the HNB to fund these pressures. Forecast projections on pupil need and demand for specialist provision show an ongoing pressure on the HNB budget which cannot be met within existing resources.

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### Model A

Percentage of pupils in East Sussex with Maintained Statements/EHCPs compared with Statistical Neighbours, South East and National



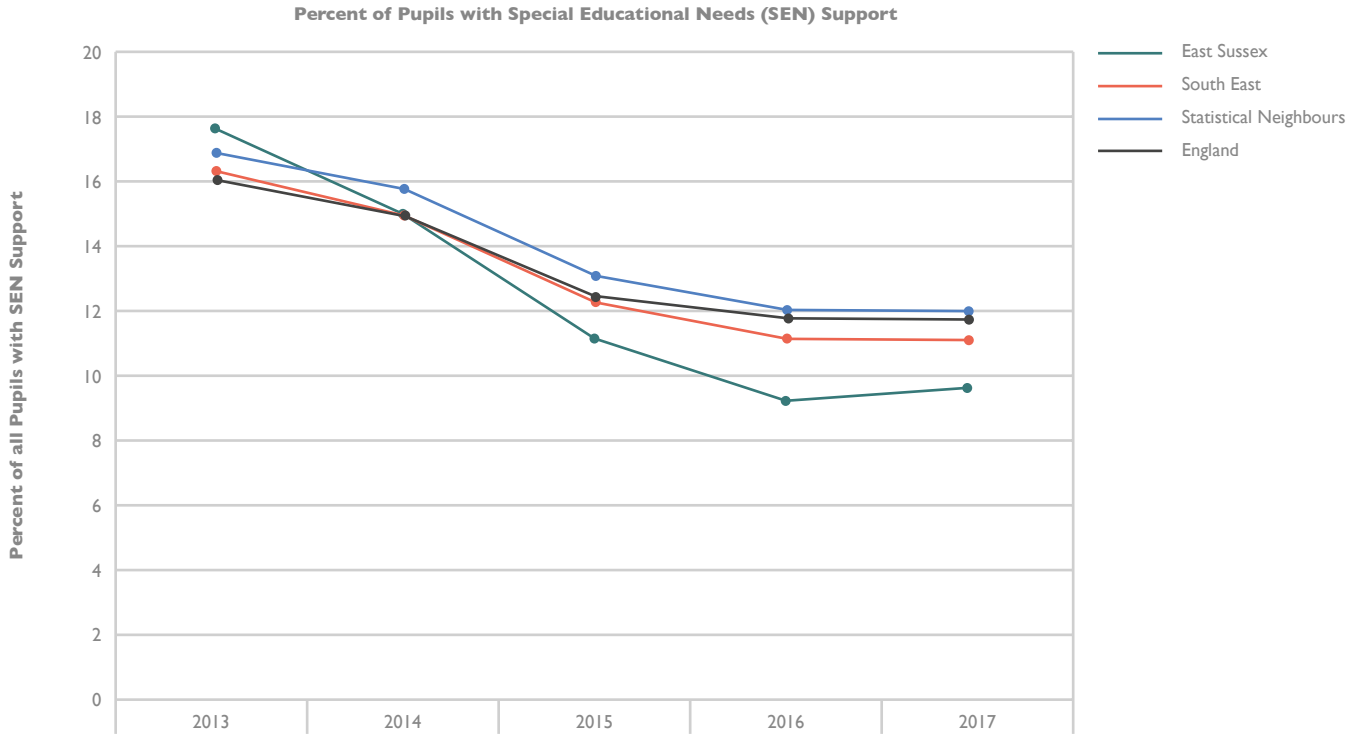
<sup>8</sup> Ofsted and the Care Quality Commission (CQC). Joint local area SEND inspection in East Sussex (2016): p.2 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/594789/Joint\\_local\\_area\\_SEND\\_inspection\\_in\\_East\\_Sussex.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594789/Joint_local_area_SEND_inspection_in_East_Sussex.pdf) (Accessed 12/06/2018)

<sup>9</sup> Department for Education, Statements of SEN and EHC plans: England 2018, (2018): <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2018> (accessed 12/06/18)

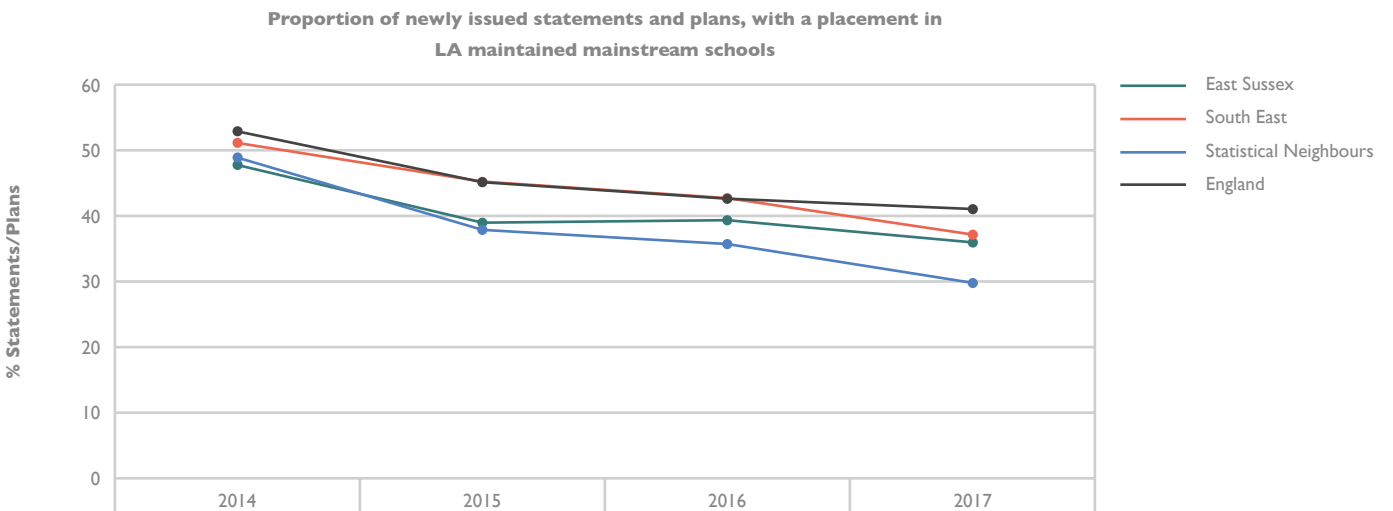
<sup>10</sup> Since 2013, 113 authorities have faced a similar predicament and moved a total of £327 million in this way.

## Model B

Proportion of pupils receiving SEN support compared with Statistical Neighbours, South East and National



## Model C

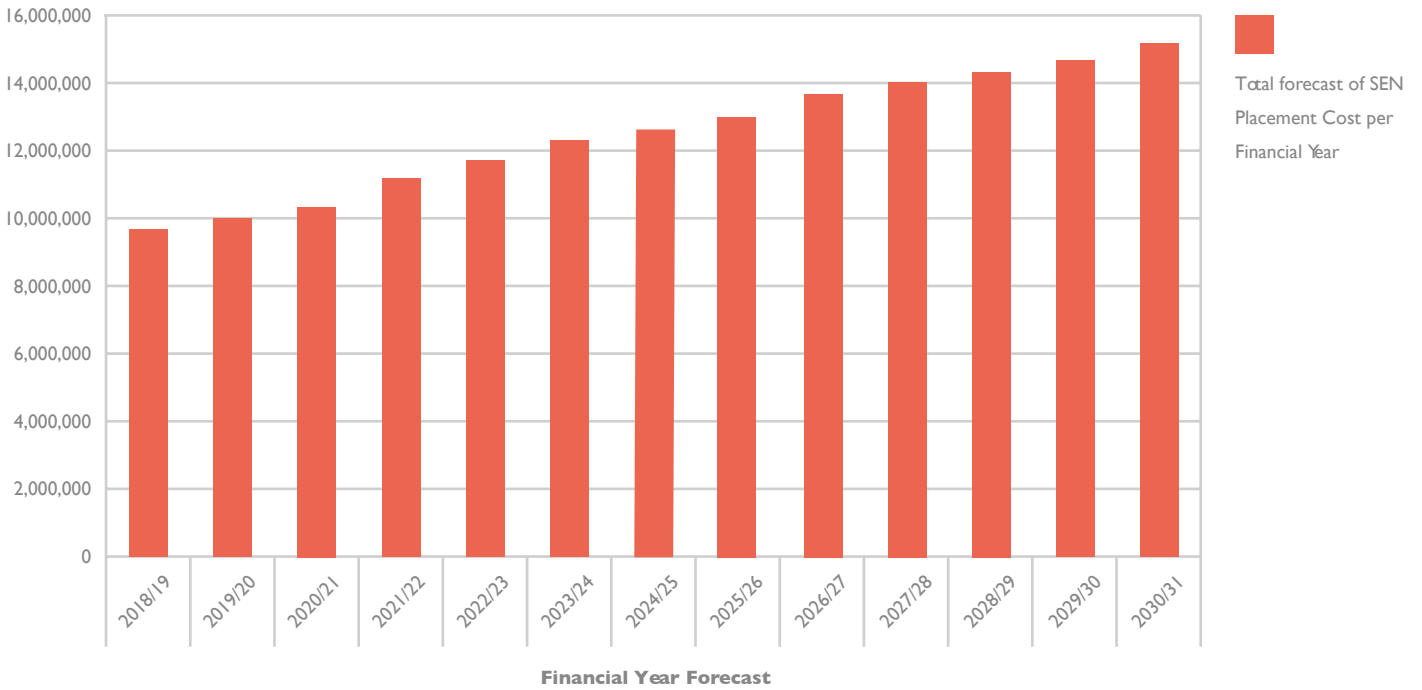




## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

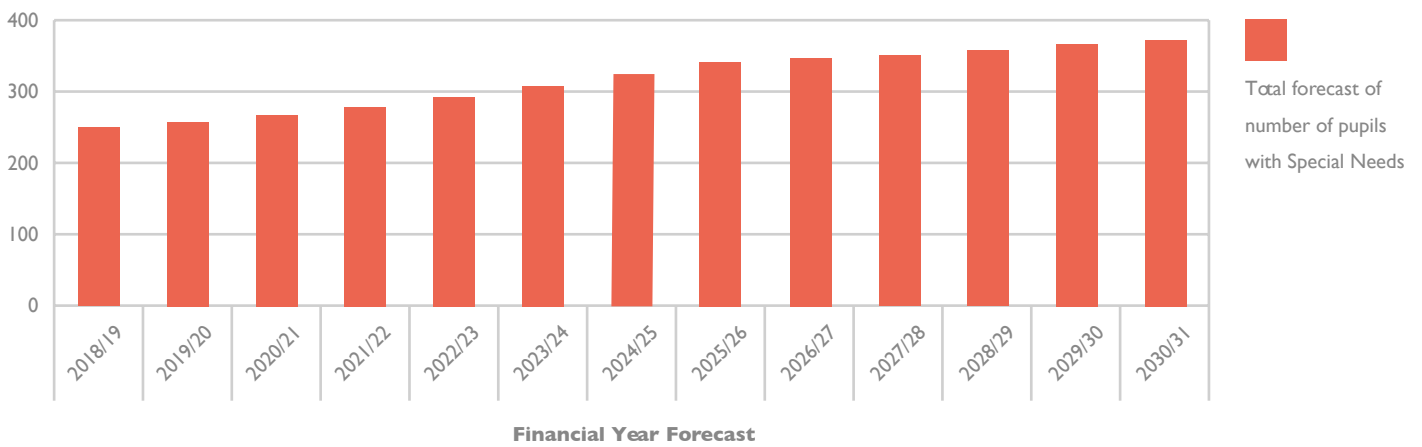
### Model D i

**Total Forecast of INMSS Placement Cost per Financial Year**



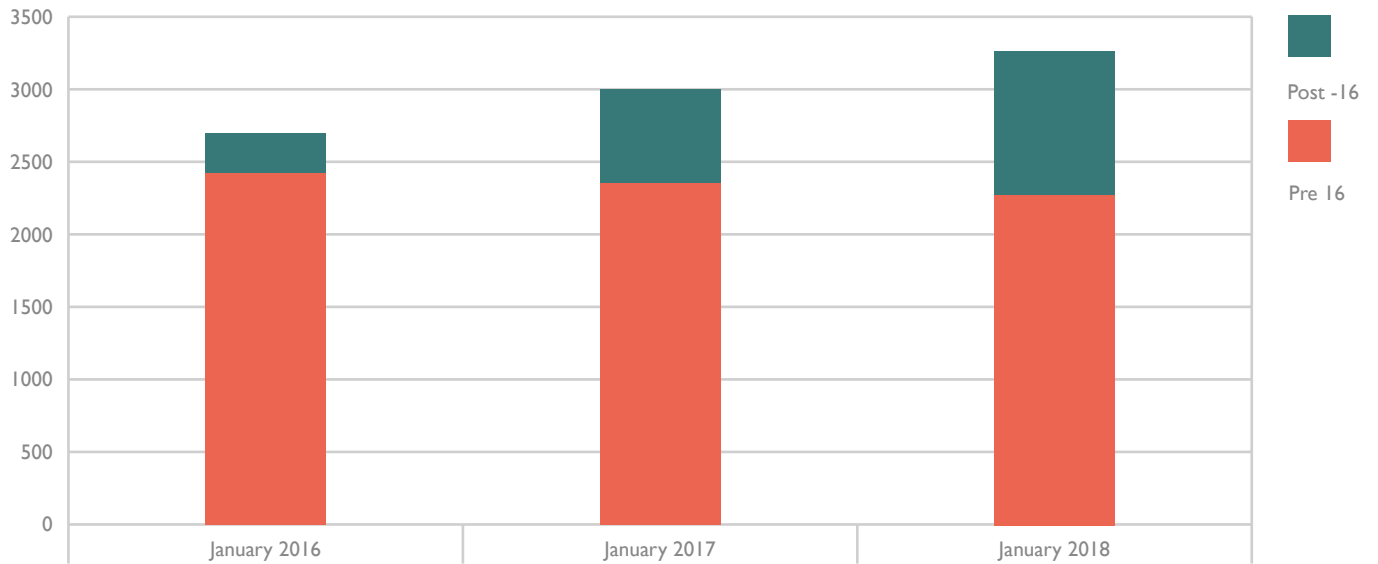
### Model D ii

**Total Forecast of Number of Pupils with Special Needs Placed in INMSS**



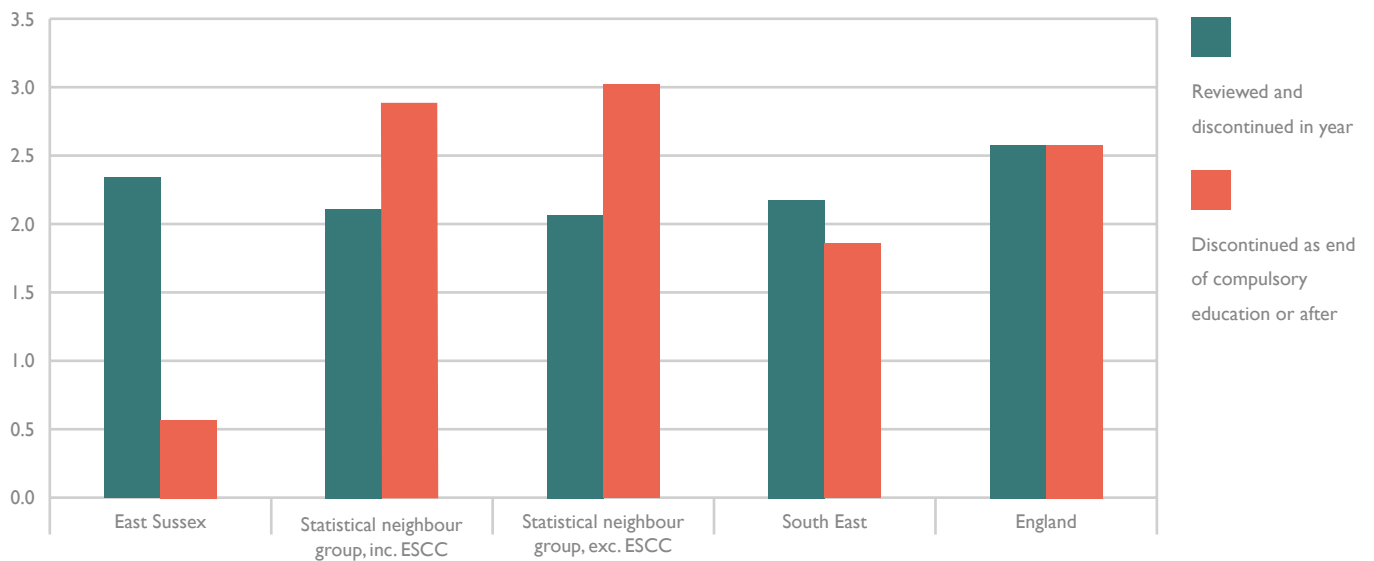
## Model E

ESCC Maintained Statements of SEN/EHC Plans



## Model F

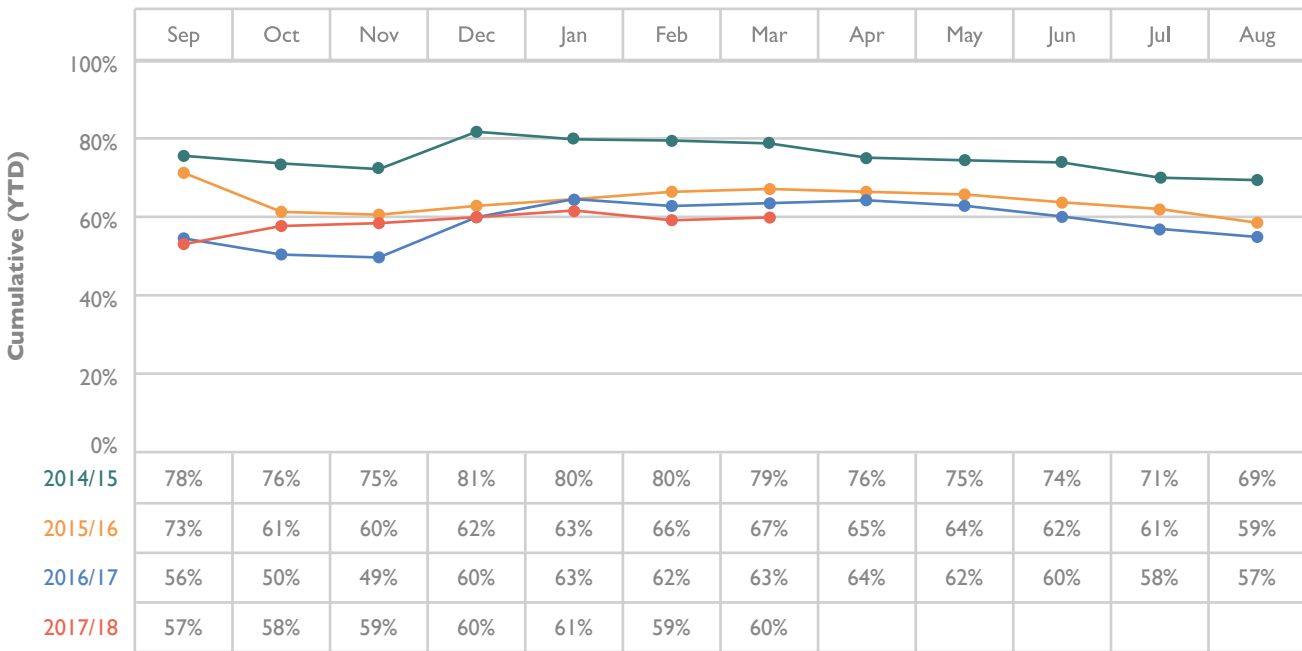
Statements or EHC Plans that have been reviewed and discontinued in the calendar year as a percentage of all statements/plans in 2015



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

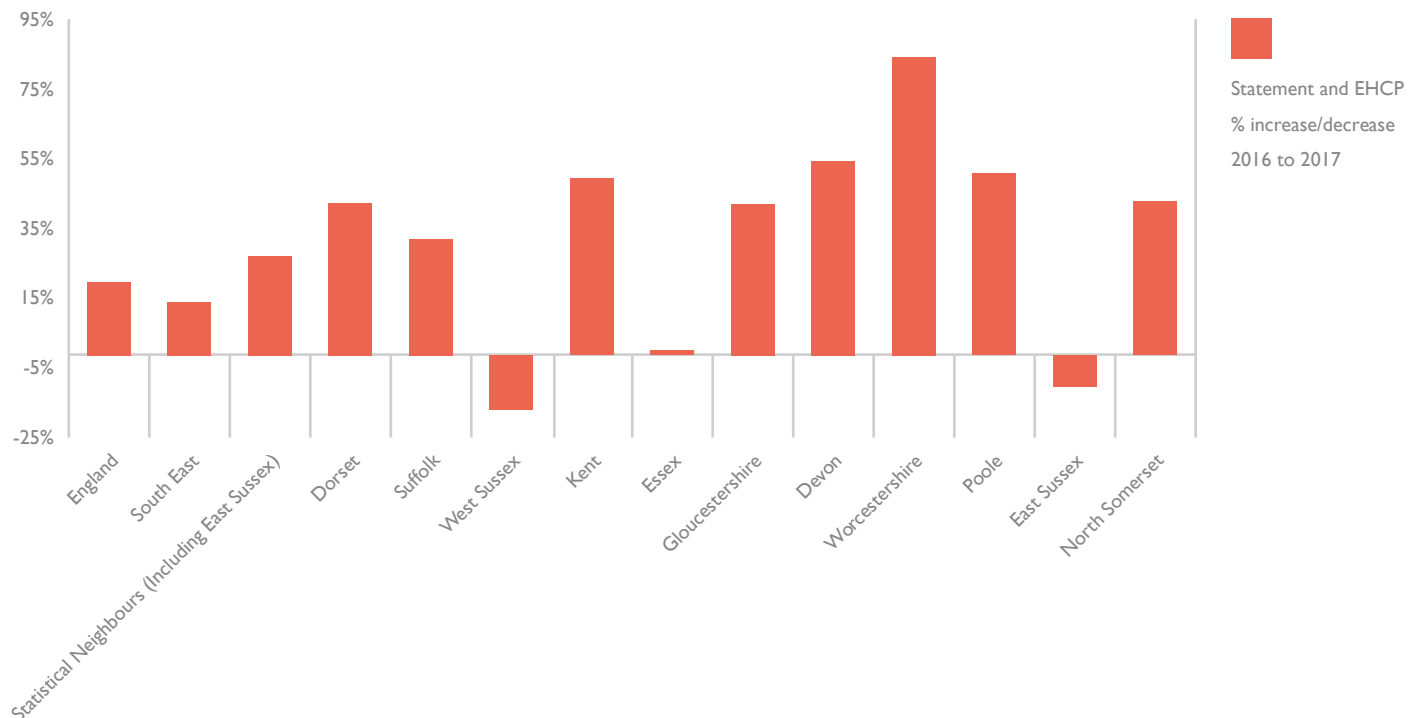
### Model G i

**Proportion of Assessment Requests Agreed for Assessment**



### Model G ii

**Percentage change in the number of new EHCPs issued from previous year 2016/17**



### 3. Strands of Inquiry

The HNB Review focussed activities on the areas of highest spend and/or risk. In total, seven strands were identified and a work plan was drawn up for each, led by seconded senior staff from East Sussex schools and local experts in the field.

Full details of the scope and leads for each of these areas can be found in Appendix I.

The seven areas of focus were:

- 1) **Mainstream SEND Provision.** This area focussed on establishing what support was available to pupils with high incidence, low need SEND by schools through their notional SEND funding budget at the SEND support tier, and examined the current threshold at which this was topped up by high needs funding.
- 2) **Referrals for Statutory Assessment.** This area examined the trends and patterns in numbers of requests for statutory assessment and challenges that were preventing schools from continuing to make provision at SEND support tier. The effectiveness of parent and pupil engagement in the process was examined and contributions from Health and Social Care partner services were explored. It considered whether an EHCP needs assessment guaranteed a holistic appraisal of need and provision and what earlier intervention could achieve in preventing escalation to EHCP level.
- 3) **Alternative Provision.** This area considered the opportunities currently available for mainstream schools when they were not able to engage a pupil with the core curriculum offer. Models to broaden the current offer were investigated.
- 4) **Specialist Facilities in Mainstream Schools.** This area made a thorough evaluation of the current model of specialist provision within the mainstream sector, including its funding, value for money and equity of access across the county. Plans for the development of new provision were explored.
- 5) **Special School Provision.** This area evaluated the entirety of available maintained specialist provision and its sufficiency, alongside intelligence about the changing SEND population. The current funding arrangement was examined for equity between schools and for its sustainability against forecast pupil numbers.
- 6) **Post-16 Provision.** This area explored whether the provision offered by Further Education (FE) College providers matched the needs of the county's young people and helped them to secure the best possible outcomes. It explored whether preparation for adulthood was robust, to ensure that young people in East Sussex could transition to FE pathways through an aspirational and financially sustainable model.
- 7) **Parent/Carer Voice.** This area engaged with a wide group of parents and carers to triangulate the findings that emerged from each of the other areas.

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### 4. Methodology

Seconding school practitioners to lead on each of the strands underpinned the transparency and integrity of the HNB Review process. There were opportunities for these colleagues to meet together, compare their emergent findings and identify common strands to quality assure the process.

To validate the findings as they emerged through working groups, a number of other sources were explored:

- visits and interviews with other LAs
- LA data from regional and statistical neighbours and national counterparts
- field visits to local schools and colleges
- audits and case file scrutiny
- desktop research
- DfE publications, reports and data.

This report is a synthesis of findings directly obtained from participants, as well as those emerging from research or practice.

The review engaged a wide research community from schools, colleges and settings, parents and carers, pupils, health and care professionals, councillors and parent representative groups. Overall, consultation time was in excess of 100 hours.

Working Groups took place in neutral venues, co-delivered by the Project Delivery Manager for moderation and quality assurance.

During the review, emergent findings were triangulated and moderated by a range of stakeholders at the ISEND Governance Group, the post-Ofsted inspection Working Party and the East Sussex Inclusion and SEND (ISEND) Senior Leadership Team.

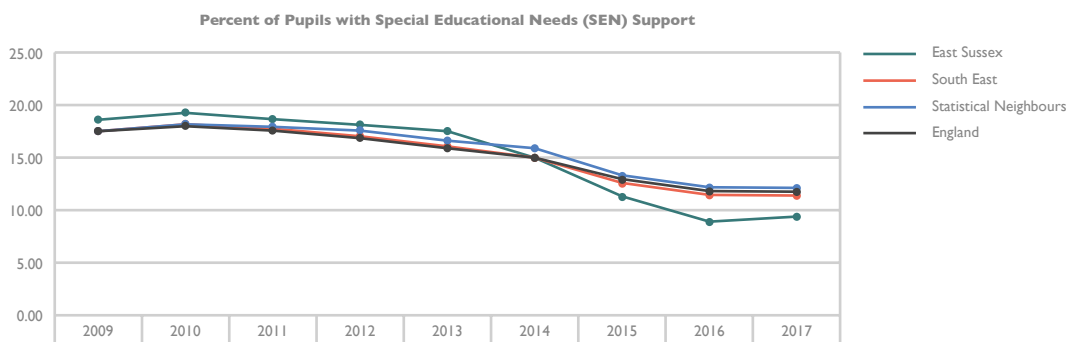
## 5. Findings of the strands

### 5.1 Mainstream SEND Provision

#### 5.1.1 Background

Since the implementation of the Children and Families Act (CFA) in 2014, the proportion of pupils identified as having SEND, but without an EHCP, has fallen significantly across the county. Prior to 2014, East Sussex had an above average proportion of pupils in mainstream schools identified as requiring SEND support, this then fell significantly below national and statistical neighbour averages whilst the proportion of pupils with EHCPs remained high.

#### Model H



The continuum of need presupposes a majority SEND population within the high incidence/low needs tier, supported in local mainstream schools where there is no requirement for HNB funding. In East Sussex, under-identification at this level of need has pushed pupils into the next tier (EHCP) where they receive support through HNB funding<sup>11</sup>. The impact of this has been to create a domino effect along the continuum: more pupils have moved into special provision and pupils whose needs would previously have been met in local mainstream or maintained special provision are moving to independent special provision.

Consequently in East Sussex, the preponderance of pupils identified at the low incidence/high need/high cost level has resulted in under-representation at the high incidence/low need/low cost end of the continuum. The impact of shunting need along the continuum into higher cost provision has diminished expectations of mainstream provision and resulted in significant overspend on HNB funding that is increasing and unsustainable.

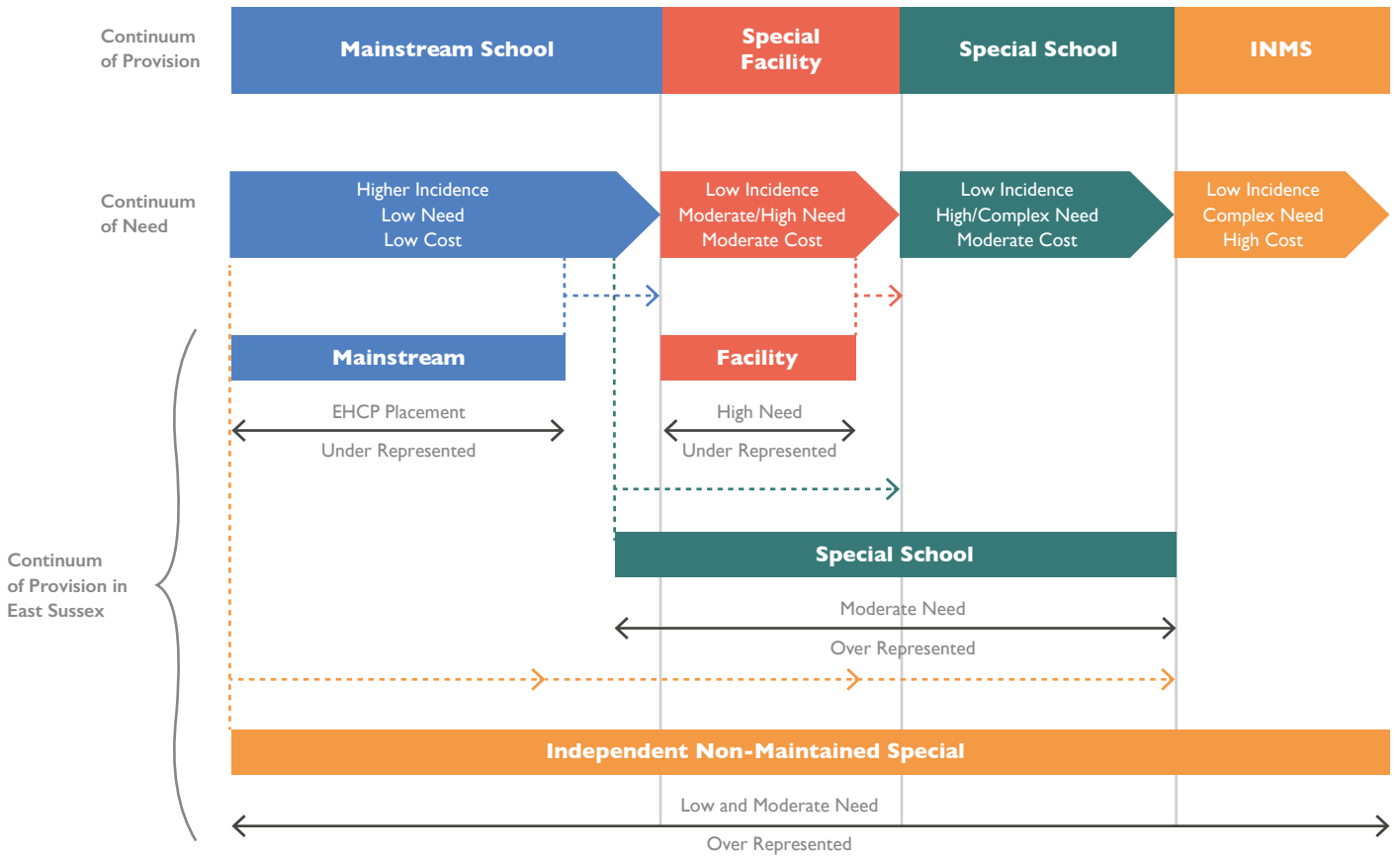
The graphics below (Model I i) illustrate the mismatch of need in East Sussex against the expected continuum of provision. The corresponding redistribution of pupils that must take place in order to bring the local position back in line with provision and HNB funding has been modelled (Model I ii).

<sup>11</sup> Department for Education and Department of Health and Social Care. SEND code of practice: 0 to 25 years; (2014): 1.26, "The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated", (Accessed 05/07/2018) Ref: DFE-00205-2013

# High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

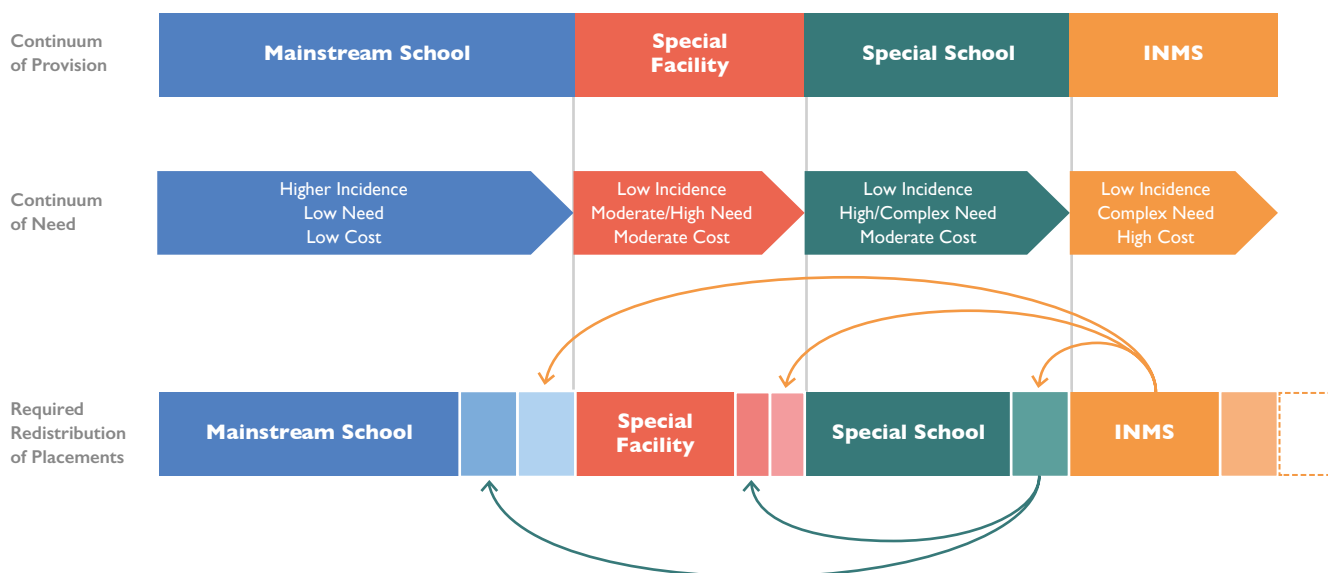
## Model I i

Discrepancy between East Sussex Continuum of Provision and Continuum of Need



## Model I ii

Action required to redress discrepancy between East Sussex Continuum of Provision and Continuum of Need



Factors behind the under-identification at SEND support tier were explored to determine what constituted expectations of provision for pupils at this level. The aim was to establish clear and consistently applied thresholds for top up funding in mainstream schools across the county. This would ensure funding was more fairly distributed according to an agreed framework, built on the assumption of a robust offer at the SEND support tier in all schools.

In order to establish this, a thorough review was undertaken of the East Sussex Special Educational Needs (SEN) Matrix, drawn up in accordance with the CoP DfE 2015, 9.16, which states that 'Local Authorities may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment'. As a central tool for schools to use to establish consistency, and to assist in their early identification of need, it is critical that the East Sussex SEN Matrix reflects accurately the continuum of need and thresholds for different levels of provision. This strand also sought to identify how best to harness and develop the SEND knowledge, skills and expertise of SENCOs in schools to ensure well-co-ordinated, equitable and effective provision of additional support for pupils at SEND support tier. Broadening the capacity of mainstream schools will be essential in order for pupils with SEND to move out of specialist placements and for more pupils to be educated locally, as set out in the ISEND Strategy 2016-18<sup>12</sup>. SENCOs will be key to achieve this through the rigour they could bring to defining the expected offer of SEND support within schools and the effective use of delegated SEND budgets.

### 5.1.2 Mainstream SEND provision key findings

- **Building parental confidence in mainstream provision, in order to redress the balance of provision across continuum of need**

To enable more pupils to be educated locally, mainstream schools must build parental confidence in their offer at SEND support tier. Parents and carers, schools and professionals reported many instances where enquiries about admission of pupils with SEND had been negative, or they had been directed to other schools that would better cater for their child's needs. The schools' explanation for this



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

practice was that they had insufficient funding or were ill-equipped to provide adequate support.

In some cases, parents were advised by schools to apply for EHCPs or to seek specialist provision. Part-time timetables and informal exclusion arrangements were sometimes reported as taking the place of robust SEND support at school. A growing pattern of parents delaying their child's school start and an exponential rise in elective home education for pupils with SEND were both linked to a lack of confidence in SEND support at school. These practices undermine the principles of the CFA and have a direct impact on pupils, schools and HNB budget.

### • Building capacity for inclusive practice and good SEND Continuing Professional Development (CPD) in schools is a priority

The responsibility of schools, settings and colleges in building their capacity to deliver a good SEND support tier offer is crucial to ensure that pupils access the right care and support in their mainstream school and secure the best possible outcomes<sup>13</sup>. This will reduce the resource spent on EHCPs, which in turn will release money to provide creative and bespoke non-statutory, early intervention for individuals or groups, helping schools to meet the needs of both current and future cohorts.

The role of schools, settings and colleges in securing wider sharing of knowledge and understanding is vital. Schools must take responsibility to develop a strong network, connecting them locally and regionally to gain the best return on the money and time they invest in training. School leaders have not sufficiently responded to the findings of a SENCo audit which indicated that SENCos have confidence in their own knowledge and understanding, but feel that teachers need more support to meet the needs of pupils with SEND. In many instances SENCos reported that they do not have sufficient impact on provision and outcomes as they are not given enough time and are not sufficiently engaged in school leadership or the management of the SEND budget in order to impact on provision and outcomes in their schools.

A framework has been drawn up to assist in securing consistent understanding of the expectations of a good core SEND offer in schools. The East Sussex Quality Mark for Inclusion will be launched in September 2018.<sup>14</sup>

### 5.1.3 Mainstream SEND provision recommendations

#### Recommendations for schools and school partnerships:

- Improve quality first teaching and the SEND support offer to drive higher expectations and standards for all pupils.
- Analyse the use of notional SEND funding to ensure early intervention provides effective support at SEND support tier, as an alternative to statutory needs assessment.
- Ensure SEND has a prominent place in the strategic leadership of the school through SENCo involvement in the Senior Leadership Team and accountability for the notional SEND budget.
- Adhere to inclusion thresholds through application of a core standards quality assurance framework.
- Develop staff expertise to ensure that a pupil's identified SEND needs are met at an early stage without the need for an EHCP needs assessment.
- Commit to sharing knowledge and skills and ensure that staff make full use of SEND CPD events and SEND hubs.
- Improve engagement with parents to build confidence in SEND support.

#### Recommendations for the Local Authority:

- Revise the East Sussex SEN Matrix to inform assessment of need and provide an East Sussex agreed continuum.
- Develop an online platform, which schools will own, to facilitate communication and sharing of resources between SENCos<sup>15</sup>.
- Implement a decision-making panel at which schools can moderate decisions about non-statutory resource to develop provision for groups of pupils.

## 5.2 Specialist Facilities in Mainstream Schools

### 5.2.1 Background

East Sussex specialist facility provision comprises four primary facilities and eight secondary facilities in mainstream schools, excluding those for hearing impairment.

#### Model J

The geographical locations of the specialist facilities in mainstream schools



<sup>12</sup> East Sussex County Council, ISEND - Inclusion, Special Educational Needs and Disabilities Strategy 2016-2018, (2016), <https://www.eastsussex.gov.uk/media/9380/isend-strategy-final-2016-2018.pdf> (Accessed 05/07/18)

<sup>13</sup> Department for Education and Department of Health and Social Care. SEND Code of Practice: 0 to 25 years; (2014): 6.36 "Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.", <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25> (Accessed 12/06/2018) Ref: DFE-00205-2013

<sup>14</sup> East Sussex Quality Mark for Inclusion, due to be launched September 2018

<sup>15</sup> The East Sussex SENCo Network will be launched on Yammer in September 2018.

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

School Name	Geographical District	Primary Type of Need	Agreed Number of places currently available	Agreed Number of places for September 2018
<b>Primary</b>				
Manor Primary School	Wealden	ASD	8	8
Wallands Primary School	Lewes	SLCN	16	16
West St Leonards Primary Academy	Hastings	Severe Physical or Sensory Disability	12	11
ARK Little Ridge Primary Academy	Hastings	SLCN	16	11
<b>Total:</b>			<b>52</b>	<b>46</b>
<b>Secondary</b>				
Uckfield Community College	Wealden	ASD	6	6
St Leonards Academy	Hastings	ASD Severe Physical or Sensory Disability	25	18
Hastings Academy	Hastings	SLCN	10	8
Peacehaven Community School	Lewes	SLCN	20	18
Eastbourne Academy	Eastbourne	ASD	7	7
Hailsham Academy	Wealden	ASD	12	12
Heathfield Community College	Wealden	ASD	12	12
Bexhill Academy	Rother	ASD	12	12
<b>Total:</b>			<b>98</b>	<b>86</b>

ASD – Autism Spectrum Disorder    PD – Physical Disability    SLCN- Speech, Language and Communication

Places are funded from the HNB at £10K per head, per annum alongside an agreed monthly banding. Since the 2014 SEND reforms, two other facilities have closed and some of the current facilities are under-subscribed. This increases pressure on higher cost special school placements.

The occupancy of specialist facilities in East Sussex is variable; some are well-attended and over-subscribed, while others are not. All facilities receive place funding irrespective of the number of pupils attending and it is essential that this resource is maximised. Additionally, some facilities have consistently been unable to provide a viable alternative to special schools/INMS, with parents often pursuing the latter particularly at phase transfer. The review sought to understand the reasons behind these differences and to address this challenge in planning future provision.

There are no benchmarking data sets available from other LAs about the provision of facilities, pupil needs or costs. There is, therefore, no learning that can be used in East Sussex to inform an improved model.

## 5.2.2 Specialist facilities in mainstream schools key findings

### • Special facilities are funded inconsistently and inequitably

A thorough review of the costs associated with running each provision, alongside evaluative visits and scrutiny of EHCPs, found that funding is not matched to the respective needs of pupils in different facilities. Rather, the level of funding is based on historical legacy. This means that top-up values bear no correlation to categories of need, geography, deprivation factors, or costs associated with the actual delivery of provision. Variance was found of up to £2,720.42 per pupil, per month across schools.

Within this variation, an additional layer of discrepancy showed that some schools received funding for all pupils at the same value, whilst others had pupils banded at different levels. For one school the difference was as much as £30,067.42 between the highest and lowest bands. Appendix 2 details the current banding system for facilities. The review found that some facilities considered their funding insufficient to meet need.

### • There are geographical gaps in provision in some areas of East Sussex

More facilities are operating in Hastings and Wealden than elsewhere in the county and there are no specialist facilities in any primary schools in rural areas. There are no facilities in the north of the county and no primary facilities along the western coastal strip. There is a need for more secondary provision in the west around the Lewes area, in Eastbourne and in the rural north.

### • There are gaps in provision to meet needs in discrete areas and phases

There are more secondary facilities than primary, meaning that there is no direct 'feeder' provision at primary for each secondary facility. Whilst it would be expected that pupils enter secondary facilities from a range of primary schools, there should also be the potential for a small core group to transfer from a primary facility to a mainstream secondary school.

At both the primary and secondary phases more facilities are required to make provision for Autism Spectrum Conditions (ASC), Social, Emotional and Mental Health (SEMH) and for pupils with co-morbidity of these needs.

There is currently sufficient provision for discrete speech, language, and communication needs and for pupils with physical difficulties.

### • Commissioning of provision must be informed by need; have a clear place along the continuum of provision and drive improved practice in the host school

With the increase in complexity of pupils' needs, in particular those spanning two categories such as ASC and SLCN or ASC and SEMH,

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

facilities must in future be equipped to meet the needs of a more diverse population. Offering provision to a broad cohort that might span two categories of need raises implications for training and expertise of staff that must be planned for.

A lack of clarity shared by schools, parents and professionals alike, over the designation and purpose of some facilities has resulted in a challenge to ensuring that placements are used for the right pupils and that all places are filled. Facilities have often been an ‘after-thought’ for an individual pupil when other provision has been considered, rather than having a clear role across the continuum of provision aligned to the needs of pupils in East Sussex.

The impact that a facility has on the wider school population is inconsistent. Where this works most effectively, the expertise within the facility is shared across the mainstream school so that frontline staff have a greater understanding of, and confidence in, supporting the needs of pupils with more complex SEN. This leads to low rates for statutory assessment, however this practice is not evident in all schools.

### • There is variance in what pupils and their families can expect from facility provision

Models of delivery vary greatly across the facilities. Some pupils are educated almost entirely within a ‘unit’ and some almost entirely in mainstream classes. The recognised model of good practice provides access to a safe base that can be used where needed throughout a pupil’s career in the school, whilst facilitating access to mainstream curriculum to promote social learning with peers and the best possible academic outcomes.

All facilities observed have access to specialist teaching to support pupils’ wider needs, but in some cases provision beyond this is ‘virtual,’ and lacks a clearly defined pastoral base to enable pupils to build resilience. East Sussex has been unable to defend many SEND first tier tribunal cases, despite otherwise good provision and excellent pupil outcomes at facilities, due to the lack of a dedicated base for pupils, resulting in placement in costly INMS provision at a distance from the pupil’s community.

Conversely, some facilities have been found to limit individual pupil outcomes and undermine the inclusive ethos of the school, because pupils with SEND have minimal access to mainstream classes. This poses difficulties for those pupils at transition because they have not been supported to develop independence. Almost all pupils transition from KS2 facility provision to specialist support. For too many pupils this is in a special school or INMS at KS3, despite facility placements being available.

### 5.2.3 Specialist facilities in mainstream schools recommendations:

#### Recommendations for special facilities:

- Reflect the changing needs of the SEN population by broadening admission criteria.
- Develop expertise to become centres of excellence, demonstrating exceptional SEND teaching and learning across the school and across the locality, with capacity and organisational arrangements in place to support communities of schools to meet SEND needs locally.
- Build clear progression routes between school phases, so that where required, pupils can transition smoothly between primary and secondary phase facilities.
- Ensure that each facility has an identified base which can support pupils on a full-time basis where this is required.
- Develop the use of therapeutic approaches to address complexity of need i.e. SEMH needs presenting alongside ASC needs, to prevent placement breakdown.
- Communicate the aspiration with pupils, parents and professionals, where appropriate, for transition to mainstream and provide support to achieve these goals.

### Recommendations for the Local Authority:

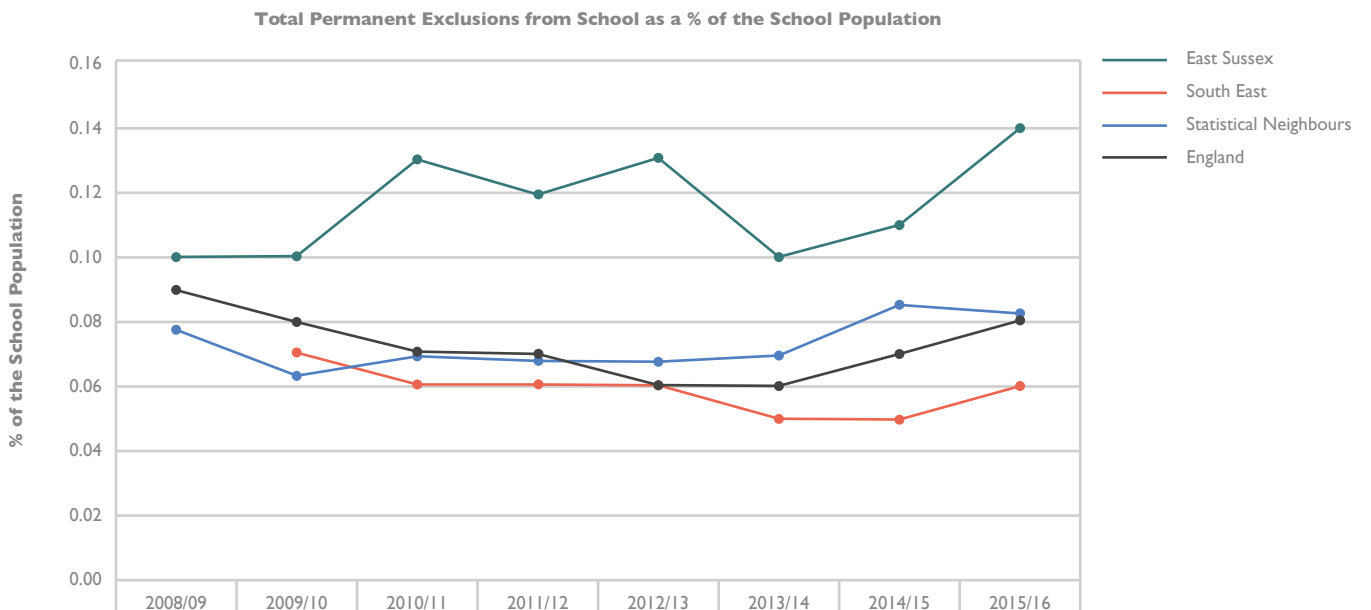
- Provide a platform for the LA and school facilities and professionals to strategically govern facility provision countywide, ensuring that it delivers value for money and is matched to local SEND need.
- Review the funding of facilities and introduce a single value top-up for similar designations of schools to ensure consistency, fairness and value for money.
- Set out clear expectations for facilities in a new Service Level Agreement (SLA) to include admissions, exit criteria and Key Performance Indicators (KPIs).
- Develop clarity on the role of facilities and their value across the county so that parents have confidence that they represent a valuable opportunity and that pupils are well supported.
- Develop and implement clear criteria to govern consistent decisions about placements and admissions.

## 5.3 Alternative Provision

### 5.3.1 Background

Permanent exclusions across East Sussex have been consistently above national and statistical neighbour levels for a number of years. Schools report a perceived lack of Alternative Provision (AP) as a contributing factor to increasing permanent exclusions, often for young people with challenging behaviour.

### Model K



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

In many LAs, AP is the sole responsibility of individual schools. In East Sussex over £400k of HNB funding provides Personalised Foundation Learning (PFL) through a Pupil Referral Unit (College Central). This has, historically, been managed through secondary Behaviour and Attendance Partnerships (BAPs), which have overseen the commissioning and allocation of young people to AP placements.

This funding will be subsumed into the wider provision through the AP Free School and, therefore, this area of the review was focussed on what could be learned for the future delivery of AP once the new provision opens in 2019. Some of the key findings will also be incorporated into the review of BAPs, which is separate to the HNB Review.

### 5.3.2 Alternative provision key findings:

- **There is inconsistent use of Alternative Provision across the county**

Use of AP varies significantly from school to school. Provision at Key Stage 4 through College Central and on PFL courses is highly regarded, but schools remain frustrated by the lack of capacity and this is exacerbated by limited public transport for schools located some distance from AP.

Schools are interested in increasing capacity to facilitate much more flexible movement in and out of current provision through temporary placements with planned returns to mainstream schools.

East Sussex AP commissioning guidance has not been widely used by schools and there are concerns over the robustness of agreements with organisations for the provision of vulnerable learners to deliver better outcomes. Attendance at AP is variable and concerns have been raised about the effectiveness of arrangements for reporting absences from AP providers to schools, and how effective school systems are at responding to these.

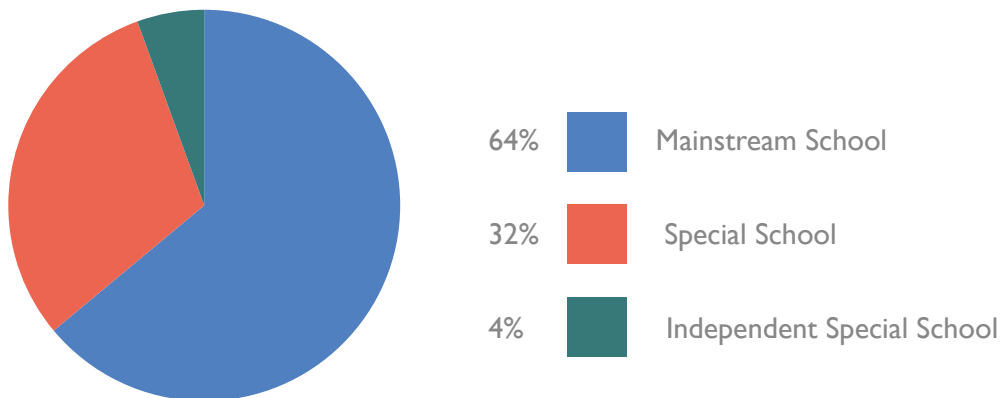
Whereas central commissioning is largely seen as preferable because of the quality assurance implications of external provider use, there is an interest in joint commissioning arrangements between local schools or via Behaviour and Attendance Partnerships.

Analysis of the use of the LA's Teaching and Learning Provision found that 32% of supported pupils had been referred from maintained special schools. These pupils were being tutored at an additional cost to the HNB Funding, rather than taking up their placements in special schools. In effect, this practice passes the cost of provision to the LA, and double funds the school.



## Model L

### Referrals from School Type to the LA Teaching and Learning Provision (TLP)



- **High levels of permanent exclusion limit the flexibility of College Central to offer more preventative, short-term provision**

There is a statutory requirement for College Central to make full-time provision for permanently excluded pupils. The high level of permanent exclusion therefore limits its capacity to offer more flexible AP. Full-time placements at College Central cost the HNB £16k per pupil per year. Each full-time placement could be utilised flexibly by up to three pupils on a part-time basis if the number of permanent exclusions can be reduced.

The number of long-stay pupils in PRU placements exacerbates the capacity issues in College Central. Where pupils do not swiftly move back to mainstream schools, their opportunities for onward placement are reduced and this results in disproportionate number of pupils remaining in PRU placements for long periods of time.

- **Partnership approaches to reducing exclusions have varying impact**

Whereas secondary Behaviour and Attendance Partnerships have been effective in supporting school-to-school placements, they have not reduced exclusions or increased the capacity of schools to support more pupils who have problematic behaviour.

Conversely, the Hastings Primary Placement Panel (HPPP), a joint venture between local schools and the LA, has secured a significant reduction in permanent exclusions across the town and created a highly effective model for co-operation around pupils with SEMH needs. This model has been extended to Eastbourne primary schools where improvements are also starting to show. The primary placement panels have reduced the pressure on Flexible Learning Provision (FLP), the primary provision of College Central. This has, in turn, increased the availability of provision for pupils at risk of exclusion.

- **Too many pupils who attend College Central move into specialist placements**

When the needs of pupils are not identified sufficiently early, resulting in placement in a PRU, there is an increased likelihood of referral for statutory assessment and subsequent placement in a special school. A significant number of admissions into SEMH special schools come through a PRU, creating an upward pressure on specialist placements and thereby reducing capacity and increasing costs.



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### • The early intervention offer to pupils who are excluded is inconsistent

Too many pupils are excluded from school and are placed in AP. This could be prevented by the consistent use of comprehensive early intervention. The most inclusive schools have effective systems for ensuring that needs are identified and that a range of support from in-school and support services is put in place to overcome identified barriers and support re-engagement with mainstream education. Where pupils do not access this support, they are at increased risk of exclusion and disaffection, which can quickly put them on the pathway to high-cost provision.

### 5.3.3 Alternative provision recommendations

#### Recommendations for schools and school partnerships:

- Improve the use of early intervention so that all opportunities are utilised to support pupils in mainstream settings.
- Ensure that AP sits alongside the range of other support available to pupils and individual pathways are in place to ensure that pupils make appropriate progression.
- Use established Quality Assurance processes to underpin commissioning of AP, and to ensure that safeguarding and quality education standards are met.
- Improve attendance monitoring of young people on AP provision and ensure that regular reporting mechanisms are in place to track provision and follow up swiftly on poor engagement.
- Work together to explore options to set up and manage on-site provision, which promotes ownership of pupils and their outcomes and delivers support in a sustainable way.
- Work with College Central to reduce permanent exclusions and improve reintegration rates back to mainstream schools, decreasing the number of pupils moving from the PRU into specialist placements.
- Address non-engagement or persistent absenteeism to maximise the placement resource available, including alternatives to using Teaching and Learning Provision to avoid double-funding.

#### Recommendations for the Local Authority:

- Work with the new AP Free school to ensure that there is suitable reach and breadth of provision across the county.
- Work with Local FE providers to explore opportunities for developing AP for pupils at the start of Key Stage 4.
- Build on the success of the Hastings and Eastbourne Primary Placement Panels to reduce the number of pupils who are permanently excluded.

## 5.4 Maintained and Academy Special School provision

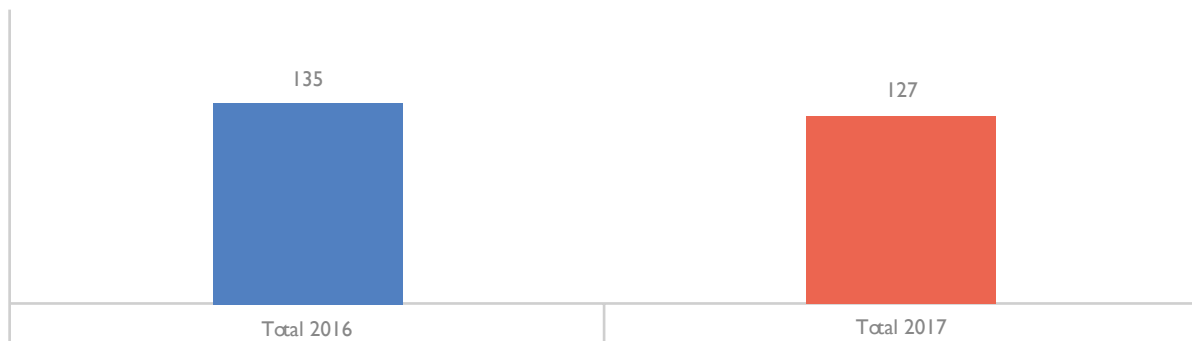
### 5.4.1 Background

The current pressure on places in maintained and academy special schools in East Sussex illustrates the shift of pupil need along the continuum to higher cost provision (see section 5.1 above). In East Sussex 1.6% of all pupils are placed in maintained special schools, although this figure remains steadily at 1.4% nationally. The pre-existing high proportion of EHCPs means that pupils with equivalent need, educated in the mainstream elsewhere, are more likely in East Sussex to be placed in special schools, or even INMS, at significantly higher cost.

In January to December 2017, 127 pupils transferred from mainstream schools or nurseries to special schools. In the same period in 2016, this was 135. Despite this modest decrease in numbers, demand for mainstream special school places commissioned by East Sussex (Model L i) is more than 50% greater than current capacity. As explored in 5.1 above, comparison of statistically similar neighbours with East Sussex data suggests that many of these pupils should have their needs met within an inclusive mainstream school.

### Model L i

**Placement Change  
Mainstream to Special**



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

Research into practice in other LAs did not reveal a blueprint for funding of special schools or any model for the distribution of special school places which could be easily transposed into an East Sussex context. Many of the challenges set out in section 2 above were shared by LAs within the SE19 network<sup>16</sup>. There was no national model that could be used to determine arrangements for organising provision<sup>17</sup>. Furthermore, there was no correlation between the numbers per head of population of pupils in special schools and geographical location<sup>18</sup>. Moreover, funding levels varied for similarly sized LAs or those sharing similar demographic indicators<sup>19</sup>. A benchmarking exercise commissioned by Reading County Council (January 2018), evidenced great variation in high needs top-ups for special schools in seven regional LAs.

This lack of regional and national benchmarks necessitated a detailed local analysis of the causes underlying pressures for special school placements so that place planning and commissioning decisions could take account of this evidence. All maintained and academy special schools in East Sussex hold current Ofsted judgements of good or outstanding provision<sup>20</sup>. This has been facilitated and sustained by the current single value funding arrangements of the past three years, which supplement the £10K per head place funding.

### 5.4.2 Maintained special school provision key findings

- **There is a need to re-align special school top-up funding to better reflect pupil need**

A disparity between single value top-ups for special schools of a similar type was analysed using proxy indicators and confirmed the need to align funding for schools with homogenous cohorts. Wider research was unable to identify an ideal commissioning model from which to determine the cost, number and distribution of special school places for pupils with SEND.

The ambition to review special school funding therefore had to satisfy itself with building on ground secured by the original single value top-up (SVT) funding system whilst addressing the local anomalies. This model creates security for schools and the Local Authority in that costs can be planned based upon the number of placements needed, as opposed to the perceived needs of each individual pupil.

The profile of students has changed within each school over time, highlighting inequities in the historical single value top-up model. There is insufficient funding to provide for students with complex and severe physical and medical needs, and in some cases there is an overlap between the needs of pupils in special schools and those in mainstream placements.

The total high needs funding envelope for special schools has been realigned following careful analysis, to reflect more accurately the cost of provision in each school. In consultation with special school headteachers, a revised SVT has been agreed which increases the funding to those schools which were historically under-funded through a redistribution of funding already within the system.

Appendix 3 shows the previous and revised SVT for special schools.

<sup>16</sup> Regional strategic and operational group of the following single/upper tier local authorities; Bracknell Forest, Hampshire, Oxfordshire, Surrey, West Sussex, Buckinghamshire, Portsmouth, Southampton, East Sussex, Medway, Brighton and Hove, Royal Borough of Windsor and Maidenhead, Slough, Reading, Kent, Milton Keynes, West Berkshire, Isle of Wight and Wokingham

<sup>17</sup> Parish, N. & Bryant, B., The executive summary of 'Research on funding for young people with special educational needs', (2015): [https://consult.education.gov.uk/funding-policy-unit/high-needs-funding-reform/supporting\\_documents/Research\\_on\\_Funding\\_for\\_young\\_people\\_with\\_special\\_educational\\_needs.pdf](https://consult.education.gov.uk/funding-policy-unit/high-needs-funding-reform/supporting_documents/Research_on_Funding_for_young_people_with_special_educational_needs.pdf) (accessed 12/06/18) Ref: DFE-RR470

<sup>18</sup> Department for Education, Statements of SEN and EHC plans: England 2018, (2018): <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2018> (accessed 12/06/18)

<sup>19</sup> Reading Regional Specialist Provision benchmarking exercise, Helen Redding, January 2018

<sup>20</sup> Ofsted Inspection Reports for schools, [https://reports.beta.ofsted.gov.uk/?authorization=tZr5bAM5%20%202.0%&utm\\_expId=gyYp9QX6SaG8wthFEXT0Ew.l&utm\\_referrer=https%3A%2F%2Fwww.google.co.uk%2F](https://reports.beta.ofsted.gov.uk/?authorization=tZr5bAM5%20%202.0%&utm_expId=gyYp9QX6SaG8wthFEXT0Ew.l&utm_referrer=https%3A%2F%2Fwww.google.co.uk%2F) (accessed 12/06/18)

• **The continuum that links mainstream and special school provision is unclear**

Analysis of the data around placements of pupils in East Sussex provided evidence that the thresholds in special schools have shifted as a result of the increase in EHCPs and the drop in pupils receiving SEN support. It was not possible to determine consistently a pupil's placement from their EHCP which reinforced the overlap in provision articulated in section 5.1. The outcomes in a number of EHCPs audited were found to be equal to those being delivered in mainstream schools.

The disparity of needs between different students in special school cohorts raises questions about the consistency of thresholds that govern consultation and placement processes for special schools. The absence of a Special School Matrix means that expectations and thresholds are not set out clearly.

No evidence was found of an ethos that promotes the return to mainstream for pupils that might aspire to this, whilst recognising reduced reliance on support as good progress. Indeed, special school placements are regarded as permanent by most parties. As a result, almost all pupils entering special schools in Reception year, Key Stage 1 or 2 in East Sussex remain in those placements until the end of Key Stage 4. This is illustrated in Model L ii, which shows the very low numbers of pupils making the transition back from special schools to their local mainstream school.

**Model L ii**

**Placement Change  
Special to Mainstream**



There is a lack of clarity about the role of special schools in providing support for mainstream schools and Further Education colleges. All mainstream schools consulted as part of this review articulated the need for improved partnership opportunities with special schools, affordable and accessible links to teaching schools within the special school sector and more flexibility over placement options. In addition, schools and parents expressed frustration about the lack of timely support and advice that preceded breakdown of placement in mainstream; improved partnerships with special schools would provide valuable expertise in this area.

• **There is inconsistency in the rigour of personalised planning and its review**

An audit of EHCP outcomes and annual reviews for pupils in special schools found inconsistency. Some outcomes were not specific or measurable, and some reviews did not determine impact or measure progress. This lack of rigour correlates with the poor identification of pupils able to transition to their local mainstream school and the expectations that parents and professionals have about how long placements would last.

• **Provision is not sufficiently responsive to a changing pattern of pupil needs**

Some pupils placed in special schools have a higher level of co-morbidity than would have been seen historically. Largely because of advances in medical care, pupils with more complex needs now form a larger proportion of the cohort in some special schools than previously.

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

Pupils with ASC and SEMH are the largest-growing cohort, with an increasing trend for pupils with both diagnoses (Model M). These pupils are often difficult to place in maintained special schools and form the majority of placements in independent non-maintained special school placements.

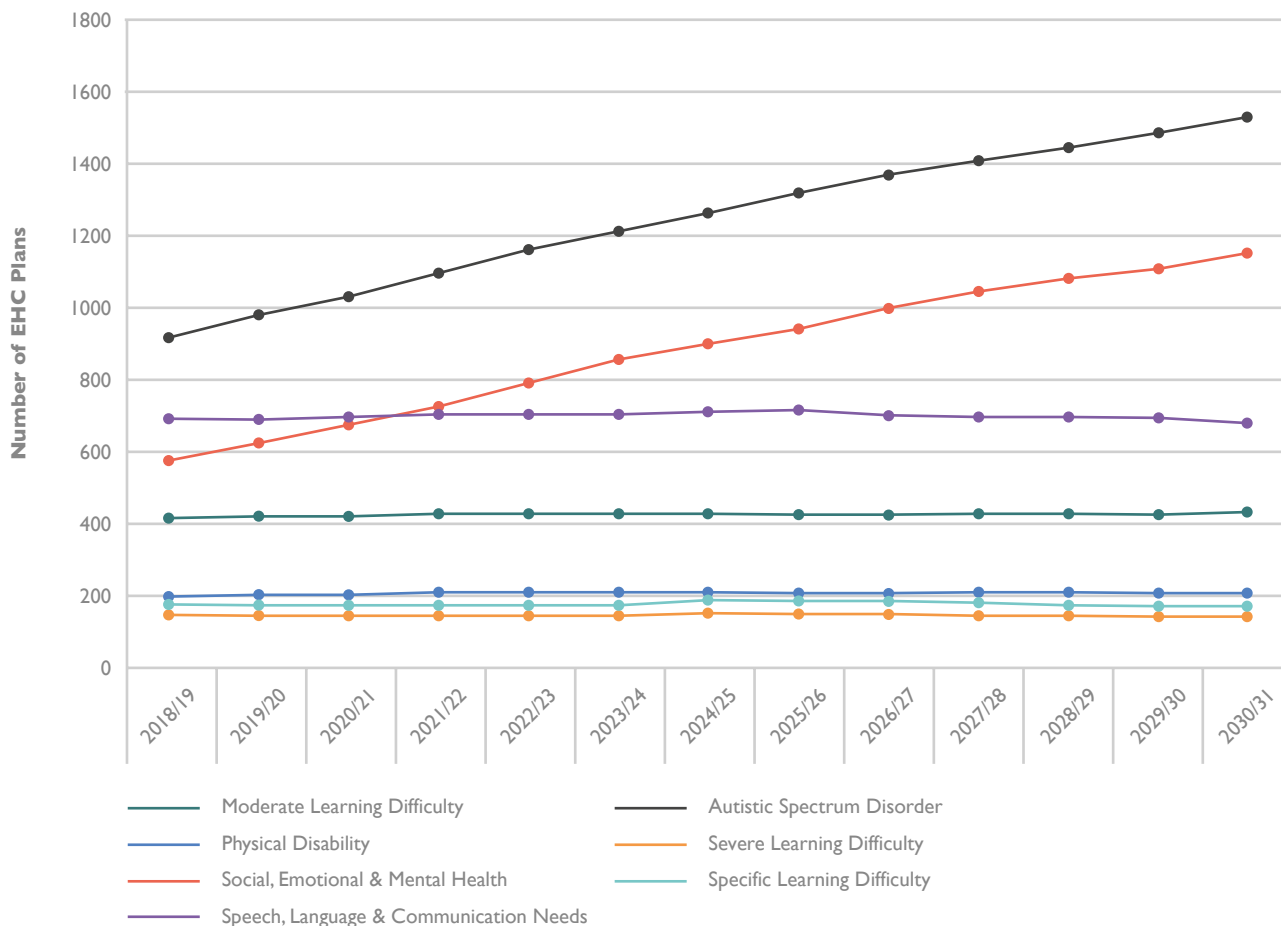
The pace and response required to develop a range of provision to meet changing complexity of need poses a challenge for the schools and is thought to be a contributory factor in the small but significant number of pupils who do not achieve success within current provision.

Developing expertise to meet the needs of pupils with trauma or attachment disorder alongside a range of other SEN should be a priority for all schools in East Sussex. The concept of fostering development and reasoning skills espoused by Marjorie Boxall (2002) through deeply embedded understanding and delivery of a play based, 'phase not age' approach to trauma in pupils is yet to be consistently embedded by all schools.

Special schools referrals comprise 32% of the total of pupils for whom bespoke tuition package is provided by the Local Authority's Teaching and Learning Provision (TLP). This service delivers statutory education to pupils who otherwise would be out of education as a result of school placement breakdown or levels of anxiety that prevent access to the classroom. Special school pupils receiving this service are being double funded and preventing mainstream pupils from accessing the service. The strength of personalised curriculum planning and capacity for individual response to pupil need in special schools using this service must be examined to understand the origins of these referrals (Model L).

### Model M

East Sussex Forecast EHC Plans for Ages 4-24



### 5.4.3 Maintained special school provision recommendations

#### Recommendations for special schools:

- Respond collectively to individual pupil placements to identify a local solution to prevent costly INMS or out of county provision.
- Lead on re-establishing the continuum of provision need in East Sussex by promoting with parents and pupils the benefits of flexibility and movement between special and mainstream sectors.
- Improve expertise across all the schools for pupils presenting with a combination of ASC/SEMH, complex trauma and/or attachment need to incorporate research-based therapeutic approaches, so that more pupils with overlapping needs can be accommodated in local special schools.
- Evaluate the Annual Review process with partner services, to ensure that outcomes are measurable, signpost to independence and adulthood, and consistently set aspirations for pupils to transfer, where appropriate, from special schools to mainstream schools or FE Colleges.
- Work with pupils, parents and carers, professionals and mainstream schools to set clear expectations and promote supported reintegration of pupils from flexible learning provisions to mainstream.
- Consistently support the LA in appeals to the SEND tribunal, even where parents and carers are reluctant to engage with the provision on offer.

#### Recommendations for the Local Authority:

- Consult with special schools on a less rigid approach to designation and a Matrix of Need and Provision that sets out thresholds for special school admissions.

## 5.5 Post-16

### 5.5.1 Background

Recent SEN legislation has enabled more young people to choose to remain in education up to the age of 25. No additional funding was allocated by central government to meet this change in eligibility or the subsequent rise in demand and consequently costs are escalating.

#### Model M

##### Local issues and developments: East Sussex learner numbers in local FE Providers

	Bexhill College	Dv8	Plumpton College	MET Brighton	Sussex Coast College, Hastings	Sussex Downs College	West Kent College
Number of HN Learners 15-16	6	0	38	3	49	54	7
Number of HN Learners 16-17	11	2	71	3	54	57	8
Number of HN Learners 17-18 (TBC)	11	1	80	6	66	64	0

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

Costs, showing a year-on-year increase for Post 16 local mainstream colleges, were as follows:

### Model N

2015-16	2016-17	2017-18	2018-19 (provisional)
£881,330	£1,381,607	£1,619,855	£1,640,769 (prediction)

Two workshops were attended by FE Colleges, special schools, parent representatives, the East Sussex Transition Team, an ISEND post-16 representative, a planning and participation team representative, the Youth Employment Service (YES) and the East Sussex Parent and Carers' Council (ESPaCC). The attendees reviewed data, as well as key strategy documents, held by East Sussex County Council and the FE colleges. Processes of neighbouring Local Authorities were reviewed, including forms completed, timelines, costings, support provision and payment schedules.

### 5.5.2 Post-16 key findings:

- **Information about post-16 SEND provision in East Sussex is inconsistent and not easily accessible to all**

Schools and parents are not sufficiently aware of the range of local post-16 provision relevant to students with SEN, including all post 16 courses offered by maintained providers, apprenticeships, traineeships and supported employment. This impacts on the choices available to young people and their families, their confidence in the offer that local post-16 providers can make and, ultimately, value for money.

- **Currently planning for post-16 pathways for young people with EHCPs starts too late**

The planning for a young person's post-16 pathway often starts too late and is insufficiently detailed, which results in young people being fitted to the options available rather than benefiting from a coherent destination plan. Early destination planning for young people with low-incidence but high needs would support the development of a wider range of cost-effective provision. This provision would better meet young people's needs and support their progression to increased independence in adulthood.

- **Transition processes to FE Colleges are inconsistent and need to be streamlined**

There is a wide variation in the quality and effectiveness of partnerships between secondary schools and post-16 providers. This variation is evident in the provision of information for learners with SEND and their families and in the sharing of information about learners.

A review of process with colleges and neighbouring LAs is needed to ensure consistency of information gathering, timelines, costings, support provision and payment schedules. Consistency of support across all local providers would enable a young person to decide on the educational offer or course, rather than making a choice defined by the type of support on offer.

- **The progression of learners with SEND is not consistently monitored within and across post-16 providers**

Too many young people with EHCPs do not show sufficient progression in their learning during their time in post-16 provision. Some FE providers do not use available information to provide tasks and activities which take learners' specific needs into account. This means that learners do not make the progress they should and too few achieve their targets by the end of their courses. This is sometimes identified as a need for greater support for the learner rather than a focus on improving the quality of the provision.

Too many young people are offered repeat or additional courses at the same level which does not support their development and progression into adulthood. Too often limited learning goals are cited as the objective of the extension when the underlying purpose is to maintain consistency of care. In some instances poor quality provision or weak monitoring of learner progress has required young people to extend

their time in placements to secure outcomes that should have been achieved earlier. This represents poor value for money, but more importantly impacts negatively on opportunities for, and self-esteem of, the learner.

There is variation in the quality and effectiveness of support for learners to enable them to make informed choices about their next steps after their courses finish.

### 5.5.4 Post-16 recommendations

#### Recommendations for the Local Authority:

- Produce a post-16 commissioning framework including dates for costs / payment and monitoring schedule.
- Provide training for post-16 providers to improve the effectiveness of Annual Reviews and destination plans.
- Coordinate training and information for services, schools and parents on the provision and support available at local FE institutions and on the progression routes including apprenticeships, traineeships, supported internships and supported employment.

#### Recommendations for schools and post-16 providers across East Sussex:

- Establish meaningful partnerships that ensure good transition for all learners, particularly for those with SEND.
- A well-planned school/college partnership with clear expectations on both sides including events, information sharing and support provided to enable positive transition from year 11 to post-16 provision.
- Publish independent, clear and accessible information on the range of provision offered for young adults with SEND that is also published in the Local Offer; the information should be accessible for all annual reviews in year 9 and year 11.
- Use the Annual Review process to identify in year 9, 10 and 11 pupils who will no longer need an EHCP in their post-16 provision and provide destination plans to support successful transition to post-16 provision.
- Use the Annual Review process to identify learners who will no longer need EHCPs as they progress through years 12, 13 and 14 to secure a better transition into adulthood.

#### Recommendations for schools and parents:

- Challenge assumptions about a student's readiness to consider planning for the future and adopt flexible early planning processes as an entitlement for learners with SEND.

#### Recommendations for FE providers:

- Provide a range of provision available to learners with SEND which can be accessed without additional support.
- Work with the Local Authority to develop provision for students with higher needs to enable them to move out of specialist placements in year 11 and into maintained post-16 provision.
- Work with the Local Authority to improve the quality of post-16 EHCPs, ensuring that education and wider outcomes are measurable, challenging and evidence appropriate progression.



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### 5.6 Statutory Assessment

#### 5.6.1 Background

Participants explored a wide range of issues around statutory assessment. Data was analysed to identify the source and year group of pupil referrals. Case analysis examined the reasons for referrals requests. Additional Needs Plans (ANPs) were reviewed at SEND moderation panel for evidence of how the SEN delegated budget was utilised. The panel considered how consistently schools were taking responsibility to moderate the allocation of the high needs funding and how this could be improved. Mechanisms for capturing the voice of parents and pupils were also reviewed.

#### 5.6.2 Statutory assessment key findings

- **Few schools moderate the use of HNB**

Feedback from schools who attended SEN moderation panels showed that 95% of respondents had improved their knowledge about the EHC Needs Assessment (EHC NA) decision-making process. Headteachers' participation enhanced their understanding about the complexity of the Code of Practice in action, the appeal process and the necessity for strong LA and school partnership. Whilst representation at panel has broadened, there are still many schools that have not been represented.

- **There is significant variation in the needs of learners and the quality of evidence in EHC NA referrals by parents, schools, colleges and settings**

The purpose of the moderation panel is to understand the extent of the pupil's needs and to evaluate the impact of SEN support provided by the school. In many cases the evidence of Additional Needs planning from schools and colleges through the Assess, Plan, Do, Review cycle was insufficient or absent, meaning that evidence-based equitable decision making is very problematic.

It was recognised that Amaze, in their role as the SEND Independent Advice and Support function in East Sussex, were providing impartial support for families during the EHC NA process resulting in a more holistic, richer EHCP.

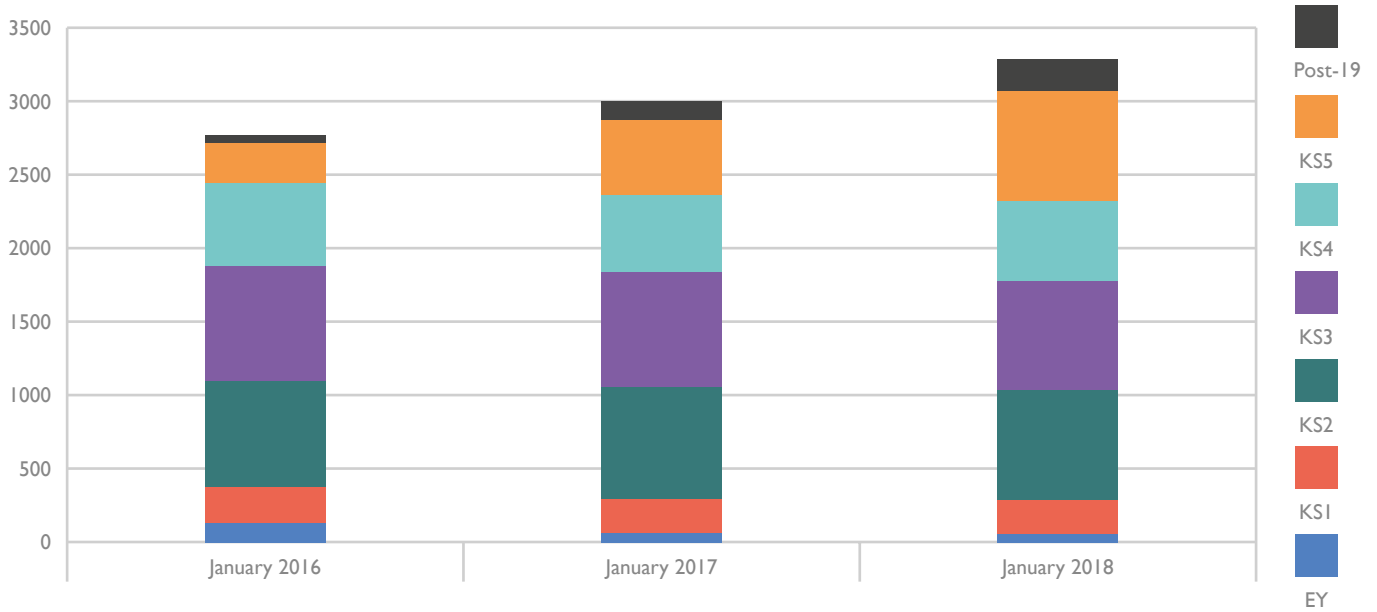
Accounts were given by schools and parents of local lobby groups, operating with a pre-determined agenda, as a legal adversary to challenge the LA. This often generated high levels of anxiety for families, undermining relationships between parents/carers, their child's school and the LA, and preventing an equitable application of the East Sussex SEN Matrix in its locally-agreed benchmarking function<sup>21</sup>.

A spike in referrals for EHC NA (Models O, P and Q) towards the end of KS2 corresponds to a lack of confidence in secondary SEND provision. There is no evidence to support this lack of confidence, and most learners make good progress in secondary provision. However, a significant number of pupils transfer from mainstream primaries to special schools at secondary phase.

<sup>21</sup> East Sussex SEN Matrix, <https://czone.eastsussex.gov.uk/inclusion-and-send/sen-matrix/the-matrix/> (accessed 30/07/18)

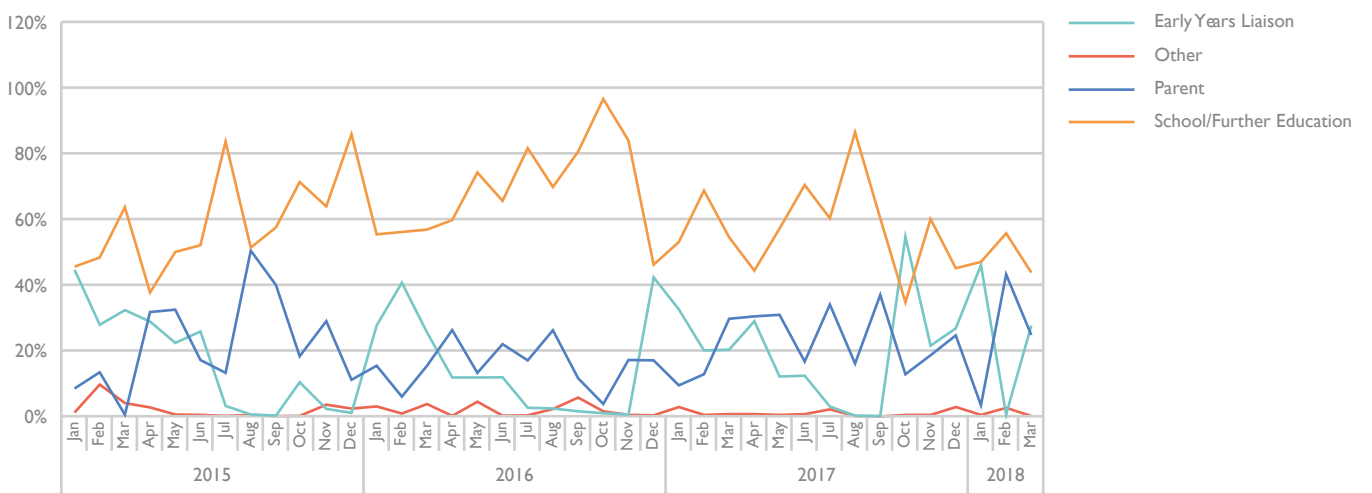
## Model O

ESCC Maintained Statements of SEN/EHC Plans by National Curriculum Key Stage



## Model P

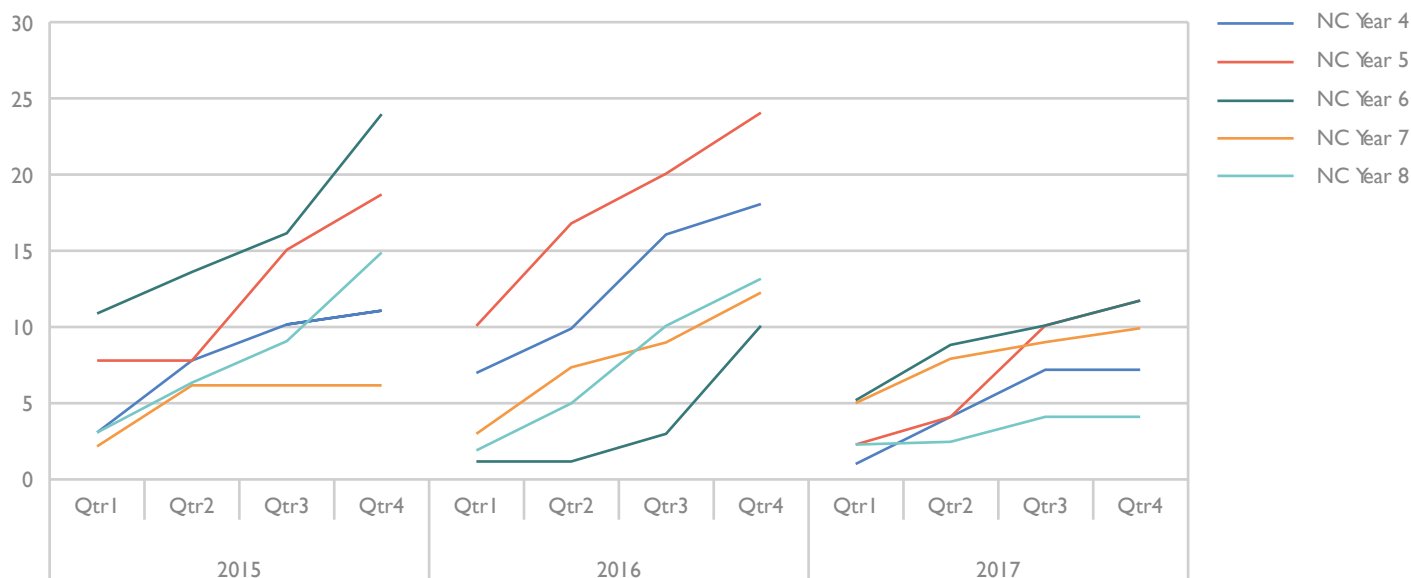
Source of EHCP Needs Assessment (EHC NA) Referral (Percent of Monthly Totals)



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### Model Q

#### EHC Needs Assessment (EHC NA) referrals by National Curriculum Years 4 to 8



#### • The EHCP Needs Assessment process does not fully reflect young people's health and care needs

A panel audit demonstrated that requests for EHC NAs to support pupils with cognitive barriers to learning were a minority. In many cases, the range of learner needs included significant health or mental health needs that were preventing access to the curriculum. Too often, the final EHCP did not fully reflect the breadth of this need.

The consistency of understanding about the purpose and threshold for an EHC NA varied widely across children's services staff as well as schools and colleges. EHC NA requests were frequently received for vulnerable pupils before appropriate and timely input from social care and health had been put in place to support and prevent escalation of wider family, medical or mental health needs. Usually, there was little evidence of meaningful participation from individual pupils in the planning and review of their needs and the proposal of provision.

### 5.6.3 Statutory assessment recommendations

#### Recommendations for schools, colleges, settings:

- Strengthen the quality of EHC NA submissions through early intervention, including access to external agencies and ISEND services. Take relevant and purposeful action to identify, assess and meet the special educational needs of a pupil, then evidence these and their outcomes through a plan-do-review document.
- Take ownership of the online platform to share resources and practice between SENCOs<sup>22</sup>.

<sup>22</sup> The East Sussex SENCo Network will be launched on Yammer in September 2018.

- Become accountable for the revised East Sussex SEN Matrix, driving consistency in its use across the county, and plan ahead for future revisions.
- Improve the quality of pupil voice in all processes.

**Recommendations for the Local Authority:**

- Revise the East Sussex SEN Matrix to provide consistency and clarity for schools and parents about levels of provision that can be expected across the continuum of need. This should include costings guidance to support a standardised approach to the use of schools' SEND notional funding.
- Create an online registration process to broaden engagement of schools with the moderation of HNB at SEN panels.
- Identify how social care, health and ISEND can improve organisational communication and shared CPD to better align assessment processes.
- Undertake further joint work between health, care and mental health services to secure joint understanding about the purpose of an EHCP and to ensure that, where carried out, it capitalises on the opportunity to capture a holistic account of the needs of the young person.

**Recommendations for the schools, colleges, settings and the Local Authority:**

- Continue to develop the role of Amaze in providing impartial advice and support to parents and carers about reasonable expectations and collaborative working.
- Follow up every new EHCP with a system that actively manages provision to deliver the identified outcomes, in liaison with parents and carers and involved professionals.
- Draft a continuum of need showing the thresholds at which services might be expected to be involved in supporting individual pupils.

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### 6. Conclusion and next steps

East Sussex County Council would like to thank all those who have contributed to this review and given their time to attend meetings and focus groups and to talk to review staff. This engagement from parents, carers, schools, colleges, settings, health and care professionals, councillors and parent representative groups has helped to create a review document which accurately reflects the East Sussex context. Gathering views from so many parties has also informed the development of recommendations which, taken together, will positively impact on the provision and outcomes for children and young people in schools in East Sussex.

The outcomes of the review will shape the new East Sussex SEND Strategy which will be published in September 2018. The review and the new strategy will be shared with partners through a variety of meetings in the autumn.



## 7. Appendices

### Appendix I

#### Area 1) Mainstream High Needs Top-up

##### Outline

Mandy Lewis, Assistant Headteacher at Peacehaven Community College, led on a review of the current HNF expenditure of pupils who attend mainstream schools. The focus encompassed pupils with an EHCP (not including those attending specialist facilities), who require additional support above and beyond school's contribution of delegated SEN funding (DfE value set at £6k per pupil, per annum), as well as those at SEN support level. This enabled scrutiny and exploration of the following areas:

- Rates of top-up and how they align with the East Sussex Matrix.
- Opportunities for funding non-statutory plans.
- Use of High Needs Block funding for pupils at points of transition.
- Mechanisms for reviewing funding once allocated.
- Review of funding for pupils with Low Incidence Needs.
- Communication with parents and carers about rates of top up and provision.

#### Area 2) Specialist Facilities in Mainstream Schools

##### Outline

Julie Crocker, Assistant Headteacher and Inclusion Manager at Battle and Langton Church of England Primary School, led on a review of the current use, sufficiency and cost of provision in specialist facilities in mainstream schools, (also known as 'resourced provision'). The following scope was determined for this area:

- Review top-up rates across different specialist facilities.
- Develop a Single Value Top-Up (SVT) rate.
- Develop a Matrix for Facilities.
- Identify opportunities for expanding facility provision.
- Develop a common understanding of facility provision.
- Support a parity of provision across similar needs in different facilities.
- Seek the views of parents and carers on access to and quality of provision.

#### Area 3) Alternative Provision

##### Outline

Mel Brown, Assistant Headteacher of Willingdon Community School, led a consultation to determine how East Sussex schools might expand their current organisation of Alternative Provision (AP). During the Review, Mel was seconded to the post of Deputy Principal at Hailsham Community College. The scope of the strand was to review the current use, sufficiency and cost of provision for pupils who are, or are at risk of being, excluded from school. Visits to existing pupil referral units contributed to a breadth of understanding about the current arrangements, although the provision and its top up funding were not reviewed under this framework. With the success of a bid for an additional Free school AP, the focus of further development of Alternative Provision in East Sussex moved within the remit of the Education Improvement Partnerships, which narrowed the focus of inquiry to:

- Review of the impact of Dual –Registered provision on exclusions.
- Review of the impact of Dual-Registered primary placements on reintegration rates.
- Identify opportunities for developing school-managed provision.
- Seek the views of parents and carers on access to and quality of provision.

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### Area 4) Special School provision

#### Outline

This strand was led by Elaine Burgess, SENCo at Heathfield Community College, and set out to review the current use, sufficiency and cost of provision for pupils who require special school provision. The following analysis therefore took place:

- Review of existing Single Value Top-up (SVT) across all special schools and determine future amounts.
- Explore methodologies to improve reintegration rates of pupils from special schools to mainstream.
- Identify any required changes in existing provision to meet local need.
- Seek the views of parents and carers on access to and quality of provision.
- Review of residential provision and existing SLA support from special schools.

### Area 5) Post-16 provision

#### Outline

Julie Dougill, East Sussex SEN Consultant and former Schools Learning and Effectiveness Service Post-16 Senior Manager worked collaboratively with Lucy Butler, East Sussex Post-16 SEN Consultant and former Additional Learning Support Manager at Sussex Downs College, to review post-16 provision. This area encompassed a review of the current use, sufficiency and cost of provision for pupils who require SEN provision at post-16 through exploration of the following themes:

- Review of existing arrangements for the agreement of post-16 placements.
- Explore the development of different provision and methodologies for funding that moves away from individualised support.
- Review of the use of INMS post-16 placements to determine value for money in delivering outcomes.
- Develop a Post-16 Matrix.
- Seek the views of parents and carers on access to and quality of provision.

### Area 6) Referrals for statutory assessment

#### Outline

Maureen Fairhead retired as a long standing East Sussex Primary Headteacher in July 2017 which enabled her to lead on the review of current levels of referral for statutory assessment for pupils who attend mainstream schools by looking at the following:

- Rates of referrals across phases and year groups.
- Use of additional support plans prior to referral.
- Negotiations with pupils and their families prior to referral.

### Area 7) The Parent Voice

#### Outline

Andrew Wright drew on his experience as Deputy Principal and SENCo at Uckfield Community Technology College, a school which hosts a special facility for pupils with ASC, and as a parent of a child with ASC, to lead this strand. Andrew coordinated focus groups with parents that responded to emergent themes as they arose at initial working groups for each strand. Additionally, parents were given the opportunity to contribute to the East Sussex County Council Education Commissioning Plan through specific questions informed by SEN forecasting:

- How would you like to be consulted regarding the kind of SEN support that is available to your school? Would a website where key questions are published and answers requested annually be effective? If so, would you be interested in being added to the mailing list for this website?
- Would you agree that there is a need for more specialist facility places in main stream primary and secondary schools for ASD, Speech and Language and Social, Emotional and Mental Health SEN?

### Project Delivery and Report Author

Emily Taylor, ISEND Senior Manager, coordinated the Strategic Review of High Needs Funding, working with the leads for each area and drawing together material to write the final report.

## Appendix 2

### Previous Banding System for Facilities in Mainstream Schools

ESCC Special Facilities (not including HI facilities)	ESCC Facilities Band 01		ESCC Facilities Band 02		ESCC Facilities Band 03		ESCC Facilities Band 04		ESCC Facilities Band 05	
	Monthly	Annual	Monthly	Annual	Monthly	Annual	Monthly	Annual	Monthly	Annual
(Place funding £10,000)										
Manor Primary School	-	-	177.58	2,131	403.50	4,842	880.83	10,570	924.50	11,094
Ark Little Ridge Primary Academy	194.67	2,336	430.17	5,162	656.08	7,873	1,133.42	13,601	1,177.08	14,125
Wallands Community Primary School	197.50	2,370	433.00	5,196	658.92	7,907	1,136.25	13,635	1,179.92	14,159
West St. Leonards Primary Academy	302.25	3,627	537.75	6,453	763.67	9,164	1,241.00	14,892	1,284.67	15,416
Bexhill High Academy	-	-	170.25	2,043	396.17	4,754	873.50	10,482	917.17	11,006
The Eastbourne Academy	45.58	547	281.08	3,373	507.00	6,084	984.33	11,812	1,028.00	12,336
Hailsham Community College	-	-	183.67	2,204	409.58	4,915	886.92	10,643	930.58	11,167
The Hastings Academy	45.58	547	281.08	3,373	507.00	6,084	984.33	11,812	1,028.00	12,336
Heathfield Community College	-	-	189.67	2,276	415.58	4,987	892.92	10,715	936.58	11,239
Peacehaven Community School	128.33	1,540	363.83	4,366	589.75	7,077	1,067.08	12,805	1,110.75	13,329
Ringmer Community College	-	-	159.17	1,910	385.08	4,621	862.42	10,349	906.08	10,873
The St. Leonards Academy	70.75	849	306.25	3,675	532.17	6,386	1,009.50	12,114	1,053.17	12,638
Uckfield Community Technology College	-	-	194.00	2,328	419.92	5,039	897.25	10,767	940.92	11,291

ESCC Special Facilities (not including HI facilities)	ESCC Facilities Band 06		ESCC Facilities Band 07		ESCC Facilities Band 08		ESCC Facilities Band 09		ESCC Facilities Band 10	
	Monthly	Annual	Monthly	Annual	Monthly	Annual	Monthly	Annual	Monthly	Annual
(Place funding £10,000)										
Manor Primary School	1197.58	14,371	1470.67	17,648	1743.75	20,925	2016.92	24,203	2405.92	28,871
Ark Little Ridge Primary Academy	1450.17	17,402	1723.25	20,679	1996.33	23,956	2269.50	27,234	2658.50	31,902
Wallands Community Primary School	1453.00	17,436	1726.08	20,713	1999.17	23,990	2272.33	27,268	2661.33	31,936
West St. Leonards Primary Academy	1557.75	18,693	1830.83	21,970	2103.92	25,247	2377.08	28,525	2766.08	33,193
Bexhill High Academy	1190.25	14,283	1463.33	17,560	1736.42	20,837	2009.58	24,115	2398.58	28,783
The Eastbourne Academy	1301.08	15,613	1574.17	18,890	1847.25	22,167	2120.42	25,445	2509.42	30,113
Hailsham Community College	1203.67	14,444	1476.75	17,721	1749.83	20,998	2023.00	24,276	2412.00	28,944
The Hastings Academy	1301.08	15,613	1574.17	18,890	1847.25	22,167	2120.42	25,445	2509.42	30,113
Heathfield Community College	1209.67	14,516	1482.75	17,793	1755.83	21,070	2029.00	24,348	2418.00	29,016
Peacehaven Community School	1383.83	16,606	1656.92	19,883	1930.00	23,160	2203.17	26,438	2592.17	31,106
Ringmer Community College	1179.17	14,150	1452.25	17,427	1725.33	20,704	1998.50	23,982	2387.50	28,650
The St. Leonards Academy	1326.25	15,915	1599.33	19,192	1872.42	22,469	2145.58	25,747	2534.58	30,415
Uckfield Community Technology College	1214.00	14,568	1487.08	17,845	1760.17	21,122	2033.33	24,400	2422.33	29,068



## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)

### Current Revised Special Facility in Mainstream Schools Funding

Monthly Single Value Top-up Funding Rates for Special Facilities (September 2018). All schools receive £10,000 place funding per head with the addition of the following top-up per pupil, per month;

#### Autism by Phase

Phase	SVT
Primary Phase	£800
Secondary Phase	£1,000

#### Speech & Language by Phase

Phase	SVT
Primary Phase	£450
Secondary Phase	£550

#### Physical Disability by Phase

Phase	SVT
Primary Phase	£650
Secondary Phase	£750

## Appendix 3

### Previous Single Value Top Up Funding for Special Schools

ESCC Special School / Special Academies	Single Value Top-up (SVT) Rate	
	Monthly	Annual
(Place funding £10,000)		
Cuckmere House	946.67	11,360
Glyne Gap	801.42	9,617
Grove Park <i>(increase from 699.75 to 739.75 from Apr-16)</i>	739.75	8,877
Hazel Court	801.92	9,623
New Horizons	760.25	9,123
Saxon Mount	481.17	5,774
St. Mary's, Horam	698.67	8,384
The Lindfield	479.75	5,757
The South Downs	846.83	10,162
Torfield	666.42	7,997

## Revised Special School Funding

Monthly Single Value Top-up Funding Rates for Special Schools (September 2018)

### ASC and LD

School	Graduated Transition to new SVT September 2018 – August 2019	SVT - September 2019
£10,000 per pupil, per annum place funding and the following top-up:		
The Lindfield	£480.74	£481.17
Saxon Mount	£481.17	£481.17
Torfield	£666.42	£666.42

### SEMH

School	Graduated Transition to new SVT September 2018 – August 2019	SVT - September 2019
£10,000 per pupil, per annum place funding and the following top-up:		
Cuckmere House School	£932.47	£918.48
St Mary's, Horam	£741.78	£760.25
New Horizons	£760.25	£760.25

### ASC CLD

School	Graduated Transition to new SVT September 2018 – August 2019	SVT - September 2019
£10,000 per pupil, per annum place funding and the following top-up:		
Grove Park	£802.71	£846.83
South Downs	£846.83	£846.83
Hazel Court	£833.36	£846.83
Glyne Gap	£833.21	£846.83

## High Needs Funding for pupils with Special Educational Needs and Disabilities (SEND)





EAST SUSSEX COUNTY COUNCIL

## STRATEGIC HIGH NEEDS BLOCK REVIEW REPORT

Children's Services,  
East Sussex County Council South Building,  
Floor H, County Hall,  
Lewes, East Sussex  
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[eastsussex.gov.uk](http://eastsussex.gov.uk)