

North Somerset Council

REPORT TO THE CHILDREN & YOUNG PEOPLE POLICY & SCRUTINY PANEL

DATE OF MEETING: 24.10.19

SUBJECT OF REPORT: SEND IMPLEMENTATION UPDATE

TOWN OR PARISH:

OFFICER/MEMBER PRESENTING: WENDY PACKER

KEY DECISION: NO

REASON:

This is an update

RECOMMENDATIONS

- To note the progress to date of the new developments resulting from the Specialist and AP Review

SUMMARY OF REPORT

i) As a direct result of the **Specialist and Alternative Provision Review** commissioned in 2017, the Local Authority and schools' community has been working together to implement the recommendations. There are 4 pillars to the new model of provision: Outreach; Resource Centres attached to mainstream schools for High Functioning ASD students; the Pupil Referral Unit (Voyage Learning Campus) currently focusing on permanently excluded (PEX) individuals and tuition and a new Social, Emotion and Mental Health Free School proposed for 2020/21. The development of these provisions is the focus of on-going partnership working, and this paper will highlight the positive progress in each of these areas.

ii) In addition to the above, the **Inclusion Panel** has been working closely with schools to reduce the number of individual students who are being either fixed-term or permanently excluded. Schools can ask for advice and guidance from the Inclusion Panel for students who are presenting with challenging behaviours. Following on from this there has been an increased use of Managed Moves and at an earlier stage, when there is a greater chance of a "fresh start" in a new school being successful.

The number of individual students displaying complex behaviours is increasing. This, coupled with concerns regarding the future reduction in Top Up Funding and the loss of nearly all forms of centrally held intervention services, means that many schools are struggling to meet the needs of some individuals and manage their behaviours. There has been an increase in the number of PEX (permanently excluded) students.

iii) The number of requests for assessments for **Education Health Care Plan** is increasing, which is putting increased pressure on resources.

iv) Significant developments have taken place since the Local Joint Area Review in 2018.

1. POLICY

People and Communities Response to the Specialist and Alternative Provision Review and SEND Local Joint Area review.

2. DETAILS

SPECIALIST AND ALTERNATIVE PROVISION REVIEW PROJECT UPDATE

Specific Learning Disability and High Functioning Autistic Spectrum Disorders (ASD)

Schools were asked in November 2018 to notify the Local Authority of their Expressions of Interest to have Resource Bases for pupils with High Functioning ASD on their sites. Up to £260,161 from the Specialist Provisions Fund in 2019/20 is to be allocated across up to three Good and Outstanding schools to assist with the capital expenses of creating new hubs to enable children and young people with Education Health and Care Plans (EHCPs) between the ages of 3-14 to attend an ASD Resource Base attached to a mainstream school.

Progress is as listed below:

a. **Secondary Provision:** The Regional Schools Commissioner approved the creation of a Resource Base at Nailsea School on 10 June 2019. The base will open for up to 10 pupils across the years 7 – 9 cohorts on 1 September 2020. Whilst structural work to the site is still being procured, the school have progressed internal adaptations to both the physical and organisational capacity of their school to create a permanent Autistic Spectrum Disorder (ASD) and Specific Learning Difficulty (SPLD - Dyslexia, Dyspraxia, Attention Deficit Disorder/ Attention Deficit (Hyperactivity) Disorder, Dyscalculia and Dysgraphia) facility. The second phase of capital changes will take place across the 2019/20 school year and in the summer break of 2020 if still needed.

b. **Primary Provision:** the LA is now working with one primary academy schools hoping to create a High Functioning and Autism Resource Base for up to 10 pupils. The LA is working with the school to develop their application, so they can progress to the consultation and RSC approval stages, if appropriate, from the autumn 2020 onwards.

c. The Council has agreed to include a budget of £275,161 into its capital programme for 2019/20. This includes the 2019/20 Special Provisions Fund allocation of £260,161 plus a £15,000 contribution from the Council's Basic Need allocation 2019/20. This total budget has been made available to assist these academies in making the alterations necessary to their sites. The schemes will be overseen by the Council but procured and delivered directly by the academies.

d. Social Emotional Mental Health – Wave 13 Bid Progress:

The Department for Education announced on 11 March 2019 that North Somerset's bid to establish a new special school within its area could be progressed to the next stage of the process – the trust competition stage. Details of North Somerset's

specification for the new school was added, as requested, to the Council's website on 19 March 2019. The bid specification provided necessary information for potential trust sponsors and included details of a possible site for the new Social Emotional and Mental Health (SEMH) school.

The LA met with potential sponsors on Wednesday 8 May 2019. Eight MATs attended the event. The enthusiasm to work with North Somerset to create both the new school and professional support for existing school and other providers was encouraging. The deadline to submit applications to the DfE to run the school was 30.09.19. We have been informed that there were 5 submissions. Potential sponsors are likely to hear if they can progress through to an interview stage by the end of 2019. As a Free School the DfE will be responsible for delivering the new school buildings. They have, with other schemes, asked the Local Authority to pay for any 'abnormal' costs, the value of which is currently unknown.

e. Expansion of the age range of Westhaven Special School to include

infant-aged pupils: There is a projected increase in demand for special school places for pupils with Complex Learning Difficulties due to demographic growth and an increase in the numbers of pupils with these learning characteristics.

The 2017/18 Special Educational Needs and Disabilities and Alternative Provision (SEND and AP) Review acknowledged the growing number of children and young people with identified SEND and our responsibility to provide appropriately to meet their diverse needs as locally as possible. The Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2019 <http://www.n-somerset.gov.uk/wp-content/uploads/2018/09/Education-Provision-in-North-Somerset-a-commissioning-strategy.pdf>, supports parity of provision across the special schools. The strategy, approved by the Executive in September 2018, supports the increase in provision for pupils requiring Complex Learning Difficulties support from age 4 to be provided by Westhaven Special School.

As a Foundation school, Westhaven Special School can oversee its own public school-expansion consultations. The school currently caters for 120 pupils aged 7 – 16.

The school undertook a first-stage public consultation between 7 May to 14 June 2019 to seek views on increasing its capacity from 120 to 138 places to enable it to admit up to 18 infant-aged pupils from September 2019 onwards. Of the 61 responses received, 85% were in support of the proposal to expand the school, 11.5% were opposed and 3.5% had no view.

The Governing Body published a public notice on 24 June 2019. This gave a second opportunity for the public to express their views about the expansion of the school. Two further responses were received from members of the community. One responder was supportive of the expansion but had concerns regarding the traffic. The other responder objected to the proposal on the grounds of increased traffic volume.

This increase in provision is to support the extra demand across North Somerset as well as providing local provision for pupils currently educated in mainstream schools who will benefit from specialist support earlier in their education journey. **The Executive Committee of North Somerset Council considered the report at their meeting on 11 September 2019 and agreed to the expansion.**

In parallel with this process, a planning submission has been made and was approved on 31 July 2019. Work to deliver a demountable infant-phase building will start on site around July 2020 in time for September 2020. In the meantime, the school has undertaken some internal modifications to enable it to admit up

to 6 pupils into a reception class from later this month should its request to expand be formally approved.

A budget of £126,085 from the Special Provisions Fund 2019/20 and £5,000 from the Basic Need allocation 2019/20 has been approved within the Council's Capital Programme. This will cover some updates to the existing school buildings this summer (£31,000 in the summer 2019) and the relocation and setting up of a demountable building currently in use at another school, alongside supporting outdoor learning spaces.

f. Complex Physical Needs - Baytree School: There is a projected increase in demand for special school places for pupils with Severe and Profound Learning Difficulties (SPLD) due to demographic growth and an increase in the numbers of pupils with these learning characteristics. Since 2015 the numbers of North Somerset children with an Education, Health and Care Plan (EHCP) has risen from 534 to 948. Currently 78% (740) of children and young people are educated within North Somerset with the remaining 22% (208) educated outside the area or receiving alternative provision. The Council supports 'local schools for local children' and seeks to secure appropriate provision for pupils with EHCPs as close to their home as appropriate.

The 2017/18 Special Educational Needs and Disabilities and Alternative Provision (SEND and AP) Review acknowledged the growing number of children and young people with identified SEND and our responsibility to provide appropriately to meet their diverse needs as locally as possible. The Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2019 <http://www.n-somerset.gov.uk/wp-content/uploads/2018/09/Education-Provision-in-North-Somerset-a-commissioning-strategy.pdf> approved by the Executive in September 2018, supports the increase in provision for pupils requiring SPLD education provided primarily by Baytree Special School.

In June 2019 a decision was taken by the Executive Member for Children's Services and Lifelong Learning to approve the commencement of consultations to expand Baytree Special School. The first stage of a 3-stage statutory process started on 19th September and will end on 25 October 2019. Views are being sought on whether there is support to expand Baytree Special School from a 72 to a 120-place school located across 2 sites.

Following a request of Councillors at a CYPS Policy and Scrutiny meeting on 20 June 2019, a further review of potential sites for the 2nd location for Baytree Special School was undertaken. The Executive Member for Business, Economy and Employment approved the use of a site adjacent to Brookfield Walk in Clevedon as a potential 2nd site for the school, subject to obtaining planning permission to develop the land for this purpose.

Basic concept layouts for key spaces and functions have been developed alongside the assessment of necessary site surveys by the appointed architects, Rio. The allocation of this site has proved to be controversial with the nearby local community, supported by their member for parliament, Dr Liam Fox, MP. The neighbours have expressed their opposition to the 2nd school site being located on greenbelt land adjacent to the M5 in Clevedon. Other potential issues, in addition to the site's Green Belt status, include drainage and ecology constraints have been expressed. The initial surveys have not identified any issues that could not be addressed through the design process and appropriate mitigations. The air quality of the site is within

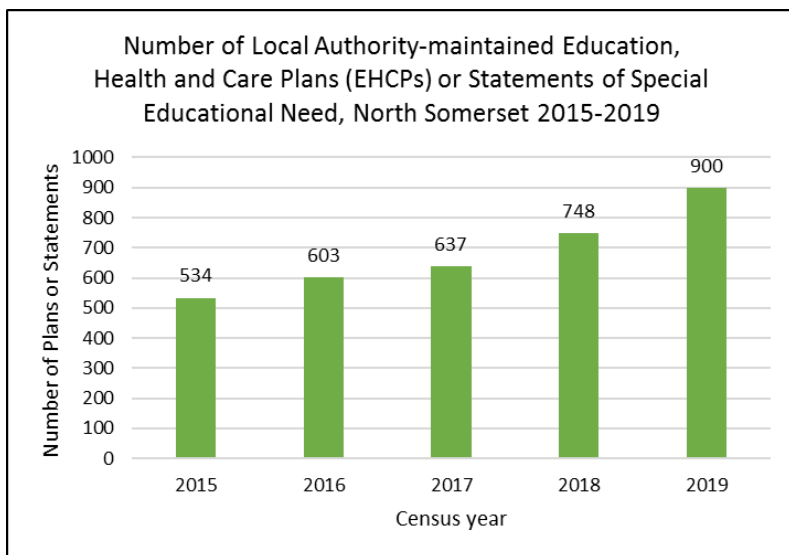
the required parameters for the development of a special school. Details of school plans to date and other site considerations are available for review alongside the expansion consultation as part of the pre-planning process. It is hoped a planning submission can be made from November 2019.

Engagement with partner agencies, especially health, has now recently taken place. A lack of funding commitments from other organisations to co-locate services means that many of the opportunities for integrated health care may not be possible within the education budget available.

The work needed to progress this scheme will be considerable. This is especially the case as the application will need to convince the Planning Authority that it complies with the exemptions allowed as 'very special circumstances' when asking for an application within the greenbelt to be approved. In addition, local opposition could delay or stop the scheme. The Council continues to work on securing the c£12.5m needed to progress this application. The 2020/21 Special Provision Fund allocation of £260,161 and the two additional allocations totalling £544,524 have been set aside for this scheme. The decision makers for these decisions are the Planning Authority in terms of a planning submission and the Council's Executive in relation to the expansion approval request.

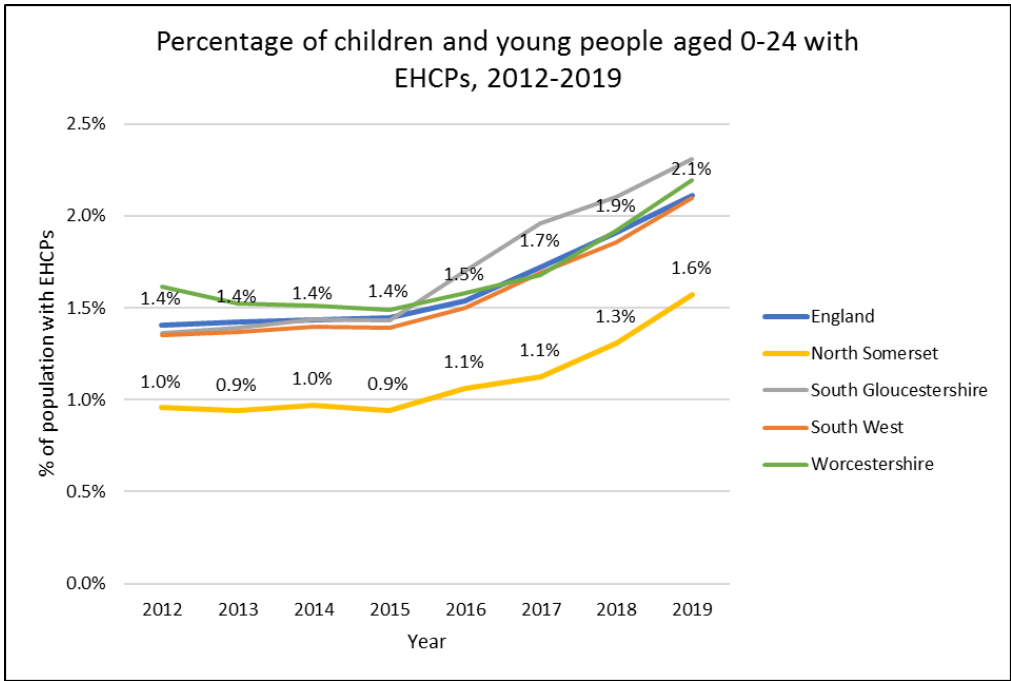
INCREASE in NUMBER of EDUCATION HEALTH CARE PLANS

Between January 2015 and January 2019, the number of North Somerset children with an EHCP rose from 534 to 900, a 69% increase over only four years. As of July 2019, the number of Plans had risen to 967, an **81%** increase since 2015.



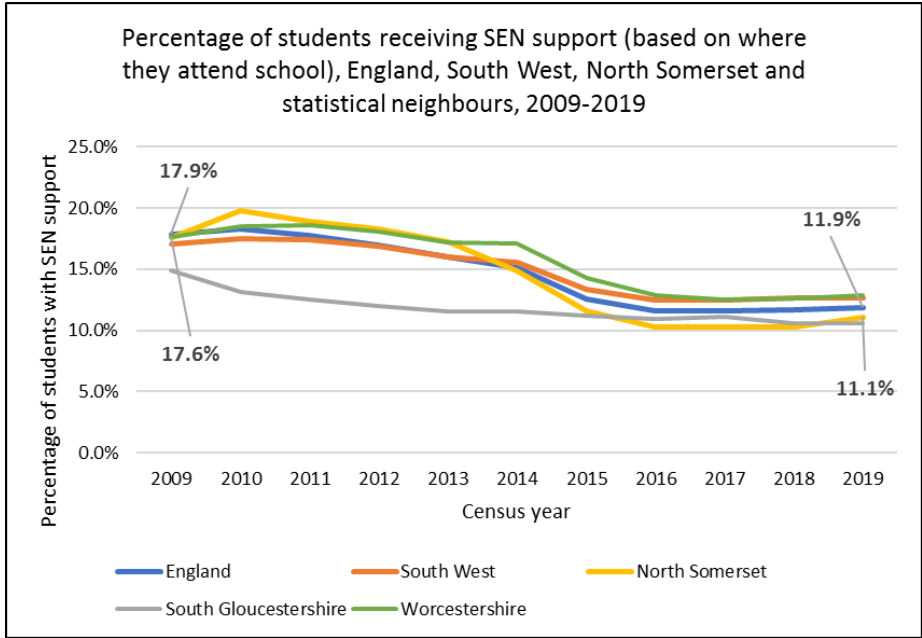
Source: Department for Education, Statements of SEN and EHC Plans: England 2019 (National and local authority tables); Analysis of information from Capita One database, July 2019

The percentage of children and young people in North Somerset with EHCPs or Statements has historically been far below national and regional averages. The chart below shows how North Somerset (yellow line) compares to England, the South West, and the local authorities to which it is statistically most similar (South Gloucestershire and Worcestershire).



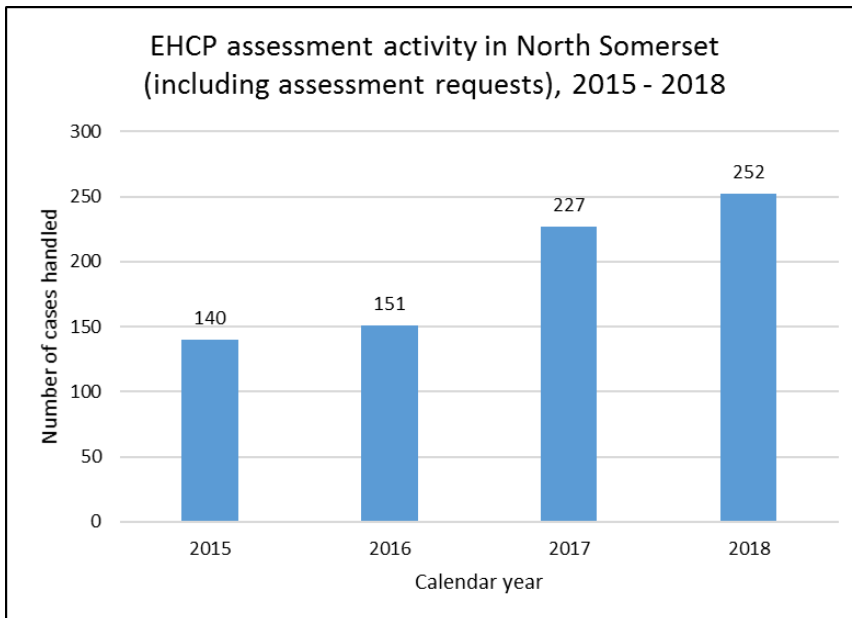
Source: Analysis of DfE statistics (Statements of SEN and EHC Plans: England 2019) and ONS population estimates. Actual percentages are shown for England and North Somerset.

At the same time, the availability of SEN support in schools -- available to students who do not have EHCPs -- has fallen. The yellow line in the chart below shows that, prior to the 2014 SEND reforms, North Somerset had a similar proportion of students in its schools receiving SEN support to the national average. After the SEND reforms, the proportion dropped dramatically across the Board, but in North Somerset it was a particularly dramatic change.



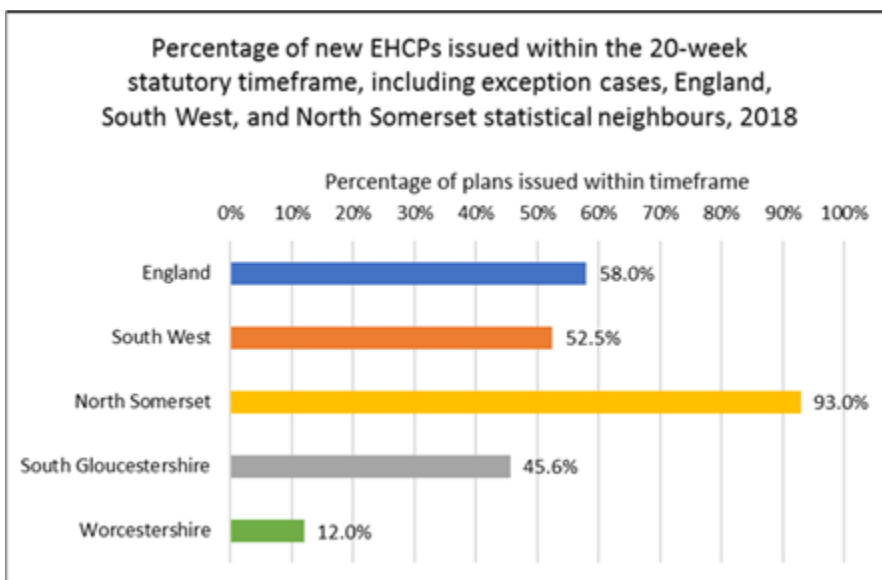
Source: Analysis of DfE statistics (Special educational needs in England: January 2019). Actual percentages are shown for England and North Somerset.

Since 2015, North Somerset has seen a rapid increase in EHCP assessment activity, [which may be at least partially attributable to the decrease in SEN support available to children in school.] The chart below shows the total assessment activity for each year since 2015 (number of assessments made plus number of assessment requests refused). By the end of 2018, assessment activity was up 80% from 2015 levels, and [the expectation is that the volume of requests is unlikely to decrease].



Source: Analysis of DfE statistics (Statements of SEN and EHC Plans, England: publications for 2016-2019 inclusive).

It is anticipated that the percentage of children and young people aged 0-24 with EHCPs in North Somerset will begin to approach the national and regional averages over the next few years. To put this in perspective, if North Somerset had been on par with the national average on Census Day 2019, it would have been maintaining around **1,200** EHCPs, not 900.



The increased demand for EHCP assessments raises capacity issues in respect of staffing requirements. Additional funding will be required. Currently a significant shortage in educational psychologists, a service commissioned by North Somerset from SSE in Somerset, is having a negative impact upon our ability to meet the statutory time lines.

The above information highlights the need for continued investment in SEND and the importance of the new provisions. It also demonstrates the increasing need to re-consider investment in preventative, early intervention means of supporting individual young people and their families thereby reducing the costs and demands for expensive support at a later stage. Schools and other educational settings are expressing concerns at the reduction to

Top up Funding, which was the result of last year's review and the negative impact it is having upon their ability to support vulnerable young people. In November 2019, there will be a further consultation on Top Up Funding as the demands on the High Needs Block of funding continue to increase.

Local Joint Area Review Update

Significant work has been undertaken in response to the Written Statement of Action following the Local Joint Area Review. The SEND Programme Board has worked to provide the strategic leadership to respond to the areas outlined in the LJAR. The Local Offer, which is available on North Somerset's web-page now includes new guidance relating to SEND developed through multi-agency working and co-production. This includes guidance on the Graduated Response and Education Health Care Plans (EHCPs). There is continued work being undertaken on the Quality Assurance of EHCPs.

3. CONSULTATION

Consultation for the expansion to Baytree Special School is live until October 25th. There will be a future consultation on Top Up Funding starting in November 2019.

4. FINANCIAL IMPLICATIONS

The need to potentially increase staffing to meet the demands for additional EHCP assessments.

5. LEGAL POWERS AND IMPLICATIONS

n/a

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

n/a

7. RISK MANAGEMENT

- i) Baytree Increased Provision: inability to meet the increased demands for students with profound and multiple learning difficulties (PMLD)
- ii) Increase in EHCP requests: inability to meet the statutory guidelines for EHCP assessments

8. EQUALITY IMPLICATIONS

n/a

9. CORPORATE IMPLICATIONS

n/a

10. OPTIONS CONSIDERED

n/a

AUTHOR

Wendy Packer
Education Inclusion Service Lead and Virtual School Head Teacher