

Swindon

Review of The High Needs Block

July 2017

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1.0 EXECUTIVE SUMMARY

Swindon Borough Council commissioned a review of its High Needs Block funding in April 2017 as required by the Department for Education.

The review took place between 24 April 2017 and 19 July 2017 and was carried out by external consultant, Andrew Blow. The purpose was to review and advise on the way that the High Needs Block is used in the Borough of Swindon, and advise on how best to use mainstream, specialist and alternative provision across the area.

The objectives were to:

- Support Swindon Borough Council to deliver better outcomes for children and young people
- Enable a better fit between needs and services
- Look at ways to raise levels of satisfaction with SEND
- Provide better value for money
- Improve relationships between service users and providers.

1.1 Evidence Base

The evidence base for this review included consulting with a range of key stakeholders including:

- Head teachers of special schools
- Parents and carers
- Headteacher of EOTAS
- SENDCos in schools and settings
- Swindon Association of Secondary Heads
- Swindon Association of Primary Heads
- Finance Officers at Swindon Borough Council (SBC)
- Principal Education Psychologist SBC
- SBC Lead Officer for Exclusions
- Lead SENAT officers

In addition, a range of documentation was analysed including:

- SBC Local Offer website
- The SEN Performance Scorecard. (SEN 2)
- The High Needs Budget finance spreadsheets
- Exclusion Reports
- EOTAS Funding Reports
- High Needs LA Benchmarking Tool

1.2 High Needs Review Steering Group

A High Needs Review steering group was set up to monitor the progress of the review and to offer support and guidance as well to consider the recommendations arising out of the review. The group consisted of key stakeholders including Headteachers, parent representation and key local authority officers from education and early help agencies. This group met three times over the period of the review.

1.3 Recommendations

The review generated 14 recommendations covering a range of aspects of issues relating to the High Needs Block funding. These are covered in detail at the end of the report. In summary though the recommendations are as follows:

- 1) There need to be clearer protocols for managing the HNB funding to ensure that the way funding is used and directed is evidence based and meets need.
- 2) There needs to be consistent, evidence-based SEND reasons for any disparities in funding which are clearly evidence based within an SEND context.
- 3) A detailed matrix of descriptors for each level of need within in each area of need is required. This should relate to settings where possible so that the borough can develop a clearly defined continuum of provision.
- 4) There should be agreed costs across services against specific interventions. A matrix could be developed to allow this to happen across education, health and social care.
- 5) The same rates should apply for SEN Support interventions in schools to enable schools to cost Element 2 costs.
- 6) There needs to be a secure and clear set of protocols for information sharing and decision making between SEN, Social Care and the CCG regarding placements in all complex cases.
- 7) The current work to bring clarity to the funding of EOTAS needs to be continued to ensure appropriate funding is in place to meet the needs of pupils in this provision
- 8) The funding of special schools should be reviewed to avoid the use of a complex banding system moving to more of a place based and top-up system. This would give more financial stability to schools.
- 9) A similar funding model as suggested in 8) could be used for SRPs to also provide more financial stability.
- 10) The banding system used for mainstream schools should be retained. However, the banding system should be re-visited to ensure that the values of bands more readily can be applied to the cost of the additional interventions requested or identified by the reports used when making an EHC application.
- 11) Make more use of timed interventions in EHC Plans, for example at times of transition so that the funding can be removed when it is no longer needed without lengthy bureaucracy.
- 12) Consider devolving further an initial portion of HNB funding to schools based on a formula derived from the number children and young people on SEN Support. This will enable the school to quickly access HNB funding when needed. This funding would need to be ring-fenced, individual child or young person focused and separately accountable to the local authority through the governing body.
- 13) There is a need to reverse the current trend of rising exclusions from an already high base and the over-identification of SEMH (behavioural) difficulties through re-focusing on how children and young people learn best (metacognition)¹ and become successful in mainstream schools. An increasing proportion of these children and young people are being excluded from school, either for fixed terms or permanently. The data clearly suggests that a proportion of these have had some other SEN identified prior to being labelled SEMH. Other children and young people with other SEN are also being excluded.
- 14) Re-establish the quality assurance of the use of SEN funding in schools. The outcomes of this process will inform best practice, hold schools to account and ensure the most cost-effective use of HNB funds.

¹ Metacognition – being aware of and making use of an individuals cognitive processes to support learning.

1.4 Next Steps – Addressing the Recommendations

The final High Needs review steering group discussed the final draft report and its recommendations and the report will be considered by the SEND board at its next meeting. The recommendations will be prioritised to enable full discussion with consideration of whether to and how to implement the recommendations. The report will then be taken to a number of other bodies such as the primary, secondary and special school Headteachers groups, an appropriate parents/carers group as well as Schools Forum. A final agreed report will be published on the My Care, My Support website.

2.0 CONTEXT OF THE REVIEW

The review took place between 24 April 2017 and 19 July 2017.

The purpose was to review and advise on the way that the High Needs Block is used in the Borough of Swindon, and advise on how best to use mainstream, specialist and alternative provision across the area.

2.1 Objectives

The Objectives were to:

- Support Swindon Borough Council to deliver better outcomes for children and young people
- A better fit between needs and services
- Higher satisfaction
- Better value for money
- Better relationships between service users and providers.

2.2 Outcomes

Four outcomes are expected to flow from this review

1. A revised Strategic Funding Plan for high needs provision
2. More effective collaboration between local authorities
3. Better value for money in special schools and other specialist institutions
4. Improved strategic and operational working with Health and Social care partners.

2.3 Evidence Base

The evidence base for this review included:

- Head teachers of special schools
- Parents and carers
- Headteacher of EOTAS
- SENDCos in schools and settings
- Swindon Association of Secondary Heads
- Swindon Association of Primary Heads
- Finance Officers at Swindon Borough Council (SBC)
- Principal Education Psychologist SBC
- SBC Lead Officer for Exclusions
- SBC Local Offer website
- Lead Officers for EHCP assessments.
- Data from:
 - The SEN Performance Scorecard. (SEN 2)
 - The HNB spreadsheets

- Exclusion Reports
- EOTAS Funding Reports
- High Needs LA Benchmarking Tool

2.4 Swindon Council Commission

In 2015 Swindon Council commissioned a review of the Specialist Provision in Swindon for Special Educational Needs (SEN). That review was triggered by a Cabinet report in September 2014 that showed the relatively high proportion, compared to national, regional and statistical benchmarks, of children and young people (CYP) in Swindon who had a Statutory Statement of SEN and were placed in specialist provision. The review report proposed to commission research to strengthen the LA's understanding of the drivers behind the observed trends, and to use that understanding as a basis for the development of options to reduce trends and/or manage the cost implications.

This report constitutes that next step.

2.5 Quality Assurance

The review was overseen by a project steering group. The core steering group included representatives from the following bodies: Swindon Borough Council (SBC), Swindon Association of Secondary Heads (SASH), Swindon Association of Primary Heads (SAPH) and the Association of Swindon Special School Heads (ASSSH). The Clinical Commissioning Group (CCG), Public Health and Swindon Parent Carer Forum.

2.6 Definition

For the purposes of this review I am identifying that the term "High Needs Provision" reflects the provision that is funded through the High Needs Block.

This provision could be in a mainstream school, in a resourced provision in a mainstream school, or in specialist providers, including special units or, special schools and academies, non-maintained and independent special schools and special post-16 institutions.

2.7 The 2015 Review of the Specialist Provision in Swindon for Special Educational Needs (SEN)

2.7.1 The 2015 review gathered evidence from families, children, service teams, providers as well as data analysis round provision and outcomes.

This review produced and tested a number of hypotheses that impact upon the levels of expenditure in the High Needs Block budget.

These hypotheses focused on the causes behind the following:

1. Swindon identifies and statements (since September 2014 gives EHC Plans) to a relatively high proportion of children and young people (C&YP).
2. More pupils are identified as having BESD (Social, Emotional and Health (SEMH) needs since Sept. 2014) and are excluded from school in Swindon than in many other LAs.
3. Swindon spends more on high needs pupils than many other LAs
4. Outcomes for children and young people with SEND are no better and often less positive than those achieved by children and young people with SEND in other LAs.

The report found support for each of the main hypotheses.

2.7.2 Hypotheses 1, 2 and 3 directly impact upon the focus of this current review which is concerned with the level and use of the HNB funding and as such provides significant

evidence for areas which should be addressed when considering the use and levels of HNB funding. Hypothesis 4 relates to the overarching purpose of the HNB and all work with C&YP with SEND which is to improve their outcomes as a consequence of the support and intervention provided.

The contributory factors to the hypotheses, 1, 2 and 3 are:

- A longstanding consensus that significant investment in specialist provision is the best way to meet the needs of the most vulnerable learners.
- The response to a child's or young person's SEND is driven by a deficit model and does not sufficiently focus on the assets, strengths and talents that the child or young person, their family and community can contribute.
- A lack of confidence that mainstream schools, particularly secondary schools have the resources, expertise and confidence to meet a wider and more complex range of SEND with recourse to an EHC Plan.
- Use of Early Help Record identifies some needs that are more social than educational.
- Some children have their needs identified and addressed early enough.
- Not enough children make sufficient progress through SEN Support (including the use of specialist intervention).
- Some pupils do not have their SEND identified and addressed appropriately
- The reliance on specialist provision has limited the extent to which the wider system has assumed responsibility for more vulnerable learners.
- Too many children and young people attend out-of-borough specialist provision
- Sometimes there is only an educational response to needs that have significant social and/or health element.

2.7.3 The report identified a number of key areas for development including:

1. The need to measure the impact of provisions to identify:
 - If children and young people achieve good outcomes,
 - Which provisions give the better outcomes
 - If there are other provisions that could get similar or better outcomes.
2. The need to build capacity and confidence in mainstream schools to meet a wider range of SEND. That there are some pockets of very good inclusive practice across primary and secondary schools.
3. Specialist provision is often suggested as the solution when mainstream schools say they cannot meet needs, or in a crisis with little innovation around mainstream schools meeting needs.

2.7.4 The report questioned the extent to which the level of multi-agency support and expertise that is available in early years is sustained once a child enters full-time education.

2.7.5 The report concludes that “unless something changes the reliance on statutory provision is likely to remain high and that the LA will have to invest further in specialist provision.” The report also highlights the extent to which current policy and practice, “unintentionally channels at least a proportion of children and young people with SEND, who might otherwise have their needs met within [SEN Support] towards [statutory assessment] and specialist provision.”

2.7.6 In determining the appropriateness or otherwise of how the HNB is spent the current review will need to consider the drivers that Swindon uses both consciously and inadvertently to direct the ultimate spend, including the thresholds of need and provision

at which individual schools, colleges and other settings consider that they have exhausted the Element 2 funding for a particular child or young person.

In doing this, the review draws upon the evidence base and findings of the 2015 review and the conclusions in 2.7.3. above.

3.0 REQUIRED OUTCOMES

3.1 The Overarching Purpose

The overarching purpose of the review is to gather information from schools, other providers, parents and young people and neighbouring authorities to review and advise on the way high needs funding is currently used and advise Swindon Borough Council on how best to use mainstream, specialist, and alternative provision across the area.

3.2 The Objectives of the Review are to:

Support Swindon Borough Council to deliver better outcomes for children and young people, and:

1. A better fit between families' needs and the services provided;
2. Higher satisfaction with services;
3. Better value for money, and reduced costs (as long term benefits emerge);
4. Better relationships between those providing services and those using them.

3.3 Four key outcomes are envisaged flowing from the Review:

3.3.1 A revised **Strategic Funding Plan for high needs provision** that makes sure there is an attractive offer for parents and young people which will meet the needs of future cohorts, at a cost that is sustainable. This plan is to demonstrate appropriate respective levels of funding between areas of need and services which could include:

- Measures to support mainstream schools in meeting the SEN of a wider range of pupils, and in retaining them within their school (Inclusion). For example through workforce training, and clear routes to access advisory specialist expertise; e.g. educational psychology service, specialist behaviour support for children and young people with SEMH.
- Review the impact on these developments of the traded EPS arrangements.
- Use existing and new analysis to identify:
 - If there is a need to create or expand within-borough special schools, and/or expand specialist provision attached to mainstream schools (special units or resourced provision);
 - Changes to the capacity and focus of existing specialist places, to cater for past and projected changes to the profile of needs, including additional capacity in ASC, through engagement with potential Free School developments and an increase in complex needs in the borough;
 - Changes in the focus of existing staff development programmes that support staff in providing the best teaching and learning experience for children and young people with SEND as prevalent in Swindon.

3.3.2 **More effective collaboration between local authorities** to secure efficient and consistent delivery across borders and within local authorities of:

- SEN assessment and support services (e.g. consistency of EHC Plan formats)

- Specialist regional provision for more complex needs
- More standardised approaches to high needs top-up funding that facilitate better cost control and reductions in bureaucracy.

3.3.3 Better value for money in special schools and other specialist institutions.

- Evidence for how effectively the current pattern and quality of special educational and alternative provision meets needs in the area. Including feedback from parents and young people on the local offer (including the quality of existing provision and any gaps);
- Evidence for how effectively the current pattern of SEN provision and alternative provision prepares children and young people for adult life (viz: the Four Pathways from earliest years to employment and/or higher education; independent living; participating in society; and being as healthy as possible as an adult)
- Proposals for increasing effectiveness through improved benchmarking of costs and other measures leading to improved procurement of utilities that releases more resources that can be focused on improving the quality of provision and outcomes.

3.3.4 Improved strategic and operational working with Health and Social Care partners and how that is demonstrated in the Local Offer.

- Joint funding for SEND;
- Identifiable linkages within the Joint Strategic Needs Assessment for SEND and reviews of education, health and social care provision;
- The development and review of the local offer; identification of any gaps in provision with parent/carer/YP feedback and monitoring;
- Ensuring that the local offer is responsive to the needs of local children and young people and their families.

3.4 Strategic Planning

3.4.1 Generate a high level strategic plan based on recommendations. The review should inform the development of a strategic high needs funding plan that sets out how provision should be made, using the high needs funding Swindon expects to receive in future, in a way that works for parents and young people. The review should ensure the pattern of provision is suitable to meet changing needs, that parents and young people find it attractive, and that it will be affordable within future allocations.

3.4.2 The strategic plan should cover the special educational provision offered by early years providers, mainstream and special schools (including academies, and non-maintained and independent special schools), and the range of post-16 institutions (including further education and sixth form colleges, and special schools post-16 institutions) and the way in which those mainstream and special schools and other institutions access the training and workforce development relating to SEN and disabilities they need.

3.4.3 The plan should be developed in consultation with neighbouring authorities, particularly where children with SEN and disabilities from one local authority area receive their special provision in another.

4.0 THE HIGH NEEDS BLOCK

4.1 School Funding for Special Education Needs

The SEND Code of Practice (January 2015) in paras 6.97 to 6.99 states:

“It is for schools, as part of their normal budget planning, to determine their approach to using their resources to support the progress of pupils with SEN. The SENCO, head teacher and governing body or proprietor should establish a clear picture of the resources that are available to the school. They should consider their strategic approach to meeting SEN in the context of the total resources available, including any resources targeted at particular groups, such as the pupil premium.” (6.97)

This will enable schools to provide a clear description of the types of special educational provision they normally provide and will help parents and others to understand what they can normally expect the school to provide for pupils with SEN. (6.98) This information must be published on the school’s website under the SEN Information Report.

Schools are not expected to meet the full costs of more expensive special educational provision from their core funding. They are expected to provide additional support, which costs up to a nationally prescribed threshold per pupil per year. The responsible local authority, usually the authority where the child or young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold. (6.99)

4.2 Element 1 and Element 2

Schools, colleges and other institutions are funded through their delegated budgets with core funding (Element 1) and a notional SEN budget which is formula based (Element2). Element 1, the core funding, is the funding a school, college or other institution receives to provide high quality teaching. The Code of Practice (paras 6.36 – 6.43) provides clear guidance regarding the responsibilities of teachers for the “progress and development” of the pupils in their class, including “where pupils access support from teaching assistants or specialist staff.” It describes how for higher levels of need schools should have arrangements in place to draw upon more specialised assessments from external agencies and professionals. Where it is decided that a pupil does have SEN, arrangements for appropriate support should then be made through the school’s approach to SEN Support. SEN Support is a graduated approach clearly described in the Code of Practice, paras 6.44 – 6.55.

For pre-16 pupils with SEN at mainstream schools and academies without specialist provisions, local authorities must provide these schools and academies with sufficient funding in their delegated budget to enable them to support these pupils’ needs, up to the cost threshold of £6,000 per pupil per year. This is called the notional SEN budget. (sometimes referred to as Element 2) Local authorities must specify how much of the funding a school receives through the school funding formula constitutes its notional SEN budget. Should a pupil require further support which costs more than £6,000, the additional funding required should be met by top-up funding from the local authority placing the child at the school. Top-up funding rates are agreed locally (current funding system, DfE March 2016). This is Element 3 and is funded from the High Needs Block Funding.

Thus it can be clearly seen that the criteria for a school applying for additional Element 3 funding are linked to an expenditure threshold.

4.3 LA Central Funding for Special Educational Needs – The High Needs Block

High needs funding from the High Needs Block (HNB) supports 0-25 year olds with SEN

and disabilities (SEND). It also supports those of school age who are not in school because they are excluded or otherwise not able to attend school. Alternative provision (AP) for such children and young people includes pupil referral units and hospital schools.

A child or young person has 'high needs' if their education costs more than approximately £10,000 per year. Funding is allocated to local authorities based on their past spending patterns, with some adjustments to take into account the expanded 0-25 age range and to reflect other funding changes introduced in 2013. (Current Funding System, DfE March 2016)

Pages 13 and 14 of Current Funding System, DfE March 2016, describe in detail the funding system from the High Needs Block. It is for the local authority to determine how much top-up funding it allocates, but top-up funding rates should reflect the additional support costs an institution incurs.

Local Authorities have varied methods of allocating HNB Funding to meet the needs of children and young people in schools, colleges and other institutions who have high level Special Educational Needs.

These methods are linked to the way in which the local authority administers its procedures for assessing, funding and allocating Education Health and Care Plans (EHCPs). Some local authorities devolve some funding from the HNB directly to schools, which enables the schools to fund the provision for a child or young person with high levels of need without having to go through an EHCPI assessment. Other local authorities make it a requirement for a child or young person to have an EHCP in order to access HNB funding. Some local authorities allocate funding on a banding system based upon the levels of need. Other local authorities allocate funding to precisely pay for the support that it has been identified that the child or young person needs.

This variation makes direct comparisons of level of spend and use of HNB funds between Local Authorities less reliable. However the elements that contribute to the higher level statistics do provide useful evidence.

4.4 High Needs Place Funding

Place funding is allocated to an institution and includes the funding pupils and students attract for their core education and basic programmes and to provide a contribution to the additional costs associated with a support package. High needs places are typically funded at £10,000 per year in pre-16 settings, although this amount varies dependent on institution type.

4.5 High Needs Funding Operation Guide 2017-2018

Although many of the pupils and students receiving high needs funding will have either statements of SEN or EHC plans, local authorities have the flexibility to provide high needs funding outside the statutory assessment process for all children and young people with high needs up to the age of 19.

Local authorities are encouraged to work with providers in their area (particularly mainstream schools and academies, early years settings and further education institutions) to ensure there are clear processes for allocating top-up funding, so that the statutory assessment process is not the sole means of securing additional support for children and young people with SEND.

Information about these processes should be published, for example in the local offer of SEND services and provision. This does not replace the statutory right for institutions,

parents or young people to request an EHC plan assessment, but should provide local authorities with greater flexibility in meeting the costs of additional support for those with high needs incurred by institutions. (6.1)

DfE urge local authorities to reduce administrative costs, particularly for institutions with students from multiple local authority areas, by adopting common commissioning approaches with neighbouring authorities and using the same agreements for high needs pupils and students across all institutions. (6.2)

An institution will be allocated funding based on the total number of high needs places. For many high needs pupils or students the institution is named in the statement of SEN or EHC plan. However, for funding purposes, once this place funding is allocated to an institution it is not associated with or reserved for a specific local authority or individual pupil or student. It is for the institution to decide how best to apportion their total allocated place funding across the actual number of local authority commissioned places, taking into account the provision and support that may be specified in the statements of SEN or EHC plans. Once a pupil or student is placed in an institution, the commissioning local authority then agrees an amount of top-up funding for the individual pupil or student over and above the place funding to make up the full cost. The rate of top-up funding may reflect a degree of under or over occupancy of place numbers.

Other factors that could impact on the way local authorities determine the top-up funding for individual pupils and students are:

- The way institutions set their budgets and break down their costs and overheads
- The extent to which local authorities and institutions agree on standardised rates, local banding arrangements and streamlined administration to reduce the need for detailed negotiation of different top-up funding amounts for each pupil or student. Place funding is not withdrawn if an individual does not occupy the place. It provides institutions with a guaranteed budget for the year that gives them a degree of financial stability. A local authority may expect an institution to explain why a specific level of top-up is appropriate for a particular pupil or student before entering an agreement, but cannot seek to recover funding for places which it perceives as being unused from the previous or current academic year. Places should not be earmarked or reserved for a particular local authority. (6.3)
- For those institutions that cater solely for children aged under 5, such as nursery schools, it is not a requirement that places are funded at £10,000, supplemented by top-up funding for individual children. (7.1)

4.6 The High Needs Block in Swindon

The data for this section is derived from the HN Budget 2017-18 and the Budget Summary 2016-2017 Table 2 Schools Budget by sector 2016-2017. The HNB allocation to LAs is similar across the two periods.

4.6.1 Swindon has has an HNB income of £30.22 million².

In 2017 this sum is used as follows:

- | | |
|--|----------------|
| 1. Top up funding (individual C&YP) | £15.17 million |
| 2. Out of Borough placements | £ 2.41 million |
| 3. Place funding (Special Schools, Special Resourced Provisions and Alternative Provision) | £8.38 million |

² Swindon High Needs Budget.

- | | |
|---|---------------|
| 4. Delegated Schools Budget HNB Direct Funding Recoupment | £3.63 million |
| 5. Centrally retained | £0.63 million |

4.6.2 The place funding supports:

569 children and young people in special schools

172 children and young people in Special Resourced Provisions (SRP)

195 children and young people in Alternative Provision (AP), including 10 places purchased at Oakfield for 2018.

4.6.3 For special schools and SRP's

- Place funding is at £10,000 per place.
- Top up funding per children and young people is determined by the band they are allocated.
- Supplements are provided to support additional needs.

4.6.4 For alternative Provisions

- Place funding varies, for some it is a fixed total per year, for others funding is per place at £10,000 per place.
- Top up funding is at £8,700 or £6,250
- Some are funded at a daily rate.
- Some top ups are paid by the excluding school, others from the HNB.

The AP arrangements are further explored in Section 3.13.

4.6.5 The lines in the Budget Summary which relate to the HNB are those used for comparator purposes by the EFA. It is not easy to reconcile the funding lines between the high needs block expenditure sheet and the budget summary. For example in the budget summary there is a figure at line 1.2.5 SEN Support Services. These are defined in the guidance as including:

"The costs of non-delegated centrally retained specialist SEN support services for pupils with or without statements or EHC plans, whether supported directly by the local authority or commissioned by them. This will include services for visual, hearing and physical impairment, specific learning difficulties, speech, language and communication, profound and severe learning difficulties, and autism. You should include:

- the costs of these services for 0-5 year olds
- any costs of providing these services to home educated children
- the costs of early years SENCOs who are centrally managed across a number of early years providers."

4.6.6 This line has an allocated figure of £478,088. There is no comparable figure identified in the High Needs Expenditure Budget for the total of this spend nor the component factors. There is a line in the High Needs Budget that refers to Commissioned Services for £1.3m, which from the definition, could be part identified as SEN Support Services.

4.6.7 These two budget summary documents are overseen by two separate finance teams and there does not appear to be written guidance as to how they relate. This makes it difficult for those overseeing the operating functions of the budget from an SEND strategic perspective, rather than as an accounting exercise, to be able to align budget expenditure with the SEND data to make strategic decisions, nor to make clear comparisons with other LAs for modelling purposes.

4.6.8 This lack of clarity is also significant because this figure plus other lines which contribute to top-up funding have produced the comparator referred to elsewhere in the report which shows that Swindon is a low spender in SEN support services, yet a very high spender in top up funding.

4.6.9 Comparison of Swindon's High Needs Block Funding spend per head with their statistical neighbours³ and England shows that Swindon is a high spending authority on top up funding but a low spending authority on SEN support and inclusion services in maintained schools.

In the table below in the "position" column 1 is highest spending out of 11 comparators and 11 is lowest spending.

Element	Position of Swindon out of 11 against 10 Statistical Neighbours	Spend £	Highest £	Lowest £	England £
Place Funding	4	143	178	71	118
Top Up funding (maintained schools, academies, free schools and colleges)	1	317	317	138	206
Top Up funding (non-maintained and independent schools and colleges)	6	63	175	0	84
SEN support and inclusion Services	9	32	202	29	59
Alternative provision services	2	20	46	0	7
Hospital education services	1	10	10	0	4

4.6.10 In addition, Swindon has in place a number of initiatives to support schools, for example:

- the SEND Champions Initiative which enables key practitioners to support new SENCOs and also to share effective practice
- The Teaching School, an alliance of 47 schools which provides training and support for schools including training for new SENDCOs and in good practice in supporting children with challenging behaviour in Early Years,
- The SEN Forum which brings together all key agencies involved in SEND to discuss and move forward on key SEND issues
- The Nyland Campus Outreach Team also provides support for schools and children with challenging behaviour from Early Years to the end of Year 6.
- School to school support also operates in the borough, for example the support provided by St Luke's School to Beckmead and Jonty Clarke which shows the

³ High Needs LA Benchmarking Tool

impact specialist support and advice can have on reducing exclusions and improving provision.

- The ASC and ARC Advisory service has a team of 8 based at Uplands School and is valued by schools.
- A highly experienced special school Headteacher has been commissioned to review the effectiveness of SRPs and support special schools. He will also pilot a small scale project on reducing exclusions.

In addition to the above, the SEND board meets termly to discuss on and decide/advise on key policy issues relating to SEND within the borough. A transitions board is in place to look at better meeting the needs of young people as they transition on to adulthood and possible continued support from adult services. This board also has a focus on moving towards independent living and the employment and training as appropriate.

4.7 The Operation of the High Needs Block

4.7.1 In order to introduce greater consistency Swindon Borough Council implemented a band based approach of top-up funding for all mainstream students requiring SEND support over and above that provided by the delegated resources. The universal banding was designed to follow the model established for specialist settings and FE Colleges. The model was consulted on in the autumn term 2014 and a pilot scheme was put in place in April 2015. At the September 2015, Schools Forum the pilot was reviewed and it was agreed that this would be implemented from April 2016.

4.7.2 Swindon has a comprehensive guide to the High Needs Funding Arrangements in the local authority that is refreshed each year. This provides detailed information for parents, settings, schools and colleges about the funding arrangements and how to apply for funding giving clear guidance about the information that needs to be submitted and the processes gone through. There is a strong emphasis in the documents on what has been done to support the child's learning and development, what has been successful and what needs to be done further, and what the cost will be.

4.7.3 The guidance notes that the delegated funding allocated to mainstream schools/academies, enables early intervention, and appropriate provision for all students with Special Educational Needs and Disabilities. It states that only in exceptional circumstances should there be a need to apply for Additional High Needs funding or an Education Health and Care (EHC) Plan.

4.7.4 However, whereas the England national figure for the percentage of pupils with an EHC Plan/Statement has been stable at 2.8% for since 2012, the percentage for Swindon rose from 3.5% in 2012 to 3.8% in 2015 and 2016. It has now reduced to 3.7%.

4.7.5 The similar comparison for pupils with SEN Support for England has fallen from 17.0% in 2012 to 11.6% in 2016, and the Swindon figure has fallen from 17.2% in 2012 to 12.9% in 2016. The figure for January 2017 shows a rise 13.3%.

4.7.6 Swindon's statistical neighbours showed a figure very much in line with the England figure for EHC Plans/Statements for this period and for pupils with SEN Support a fall to 9.8%.

4.7.7 The Swindon SEN Scorecard is therefore showing that despite the recent fall by 0.1% the borough is still on a rising trend for EHC Plans compared the falling trend both nationally and with statistical neighbours, and is doing so at a higher level of numbers.

4.7.8 The rate of requests for Statutory Assessment has recently stabilised with a small increase from 39 per 10,000 of the population to 40.4 per 10,000, whereas for England and the statistical neighbours the rate is greater than Swindon's at 45.0 and 43.4 respectively.

4.7.9 The number of requests for Statutory Assessment needs to be seen in the context of other data and the picture is complex. For example in 2015 Swindon refused 22.5% of initial requests for assessments, but in 2016 did not refuse any. Whereas Swindon's statistical neighbours refused 24.3% in 2015 and 31.4% in 2016. For England the figures were 27.4% and 28.2% respectively. When looking at the percentage where a decision was made to assess but then to not issue a plan the figures show:

	2014	2015	2016
Swindon	0.0%	0.7%	3.5%
Statistical Neighbour	8.7%	4.7%	3.3%
England	3.7%	3.8%	4.4%

This data, in turn needs to be seen in the context of; the trend in Tribunal decisions which show an increase in finding for parents who are challenging an LA decision not to assess, and the increased efforts by Swindon SEN Team to seek successful mediation outcomes.

4.7.10 For children and young people at SEN Support, Swindon mirrored the fall in trends from 2012 – 2015, but whereas the national trend has continued downwards, Swindon's trend has begun to rise into 2017. This will place an upward pressure on the HNB.

4.8 Swindon Top-Up Values

4.8.1 As has been noted Swindon has developed a banding system to allocate HNB top-up funding to individual C & YP.

4.8.2 Children in primary and secondary special schools and SRPs are funded through top-ups across 6 bands where Band 1 is the highest value and Band 6 is the lowest value

4.8.3 For the purposes of managing the HNB Swindon uses the standard areas of need.

4.8.4 Taking into account the 8 lines of needs plus the two lines of behavioural support plus two lines for EOTAS this makes 12 lines of funding category supported by:

- 3 nursery bands,
- 6 primary special school bands,
- 6 secondary special school bands,
- 6 mainstream school bands
- 6 post-16 college and training provider bands.

4.8.5 In addition, there are 15 supplements that apply to special schools and SRPs and to a smaller extent to post-16 colleges and training providers.

The SEMH supplements only apply for children and young people in the highest three bands, and the special school supplement for ASD is only available to pupils who are on Band 1. None of the supplements apply to children and young people in mainstream school placements. Within the terminology there is an inconsistency between the use of ASD and ASC.

4.9 The Band Values

Early years and Foundation Stage (EYFS)

4.9.1 Nursery settings are funded at high, medium or low rate according to the decisions made by the assessment panel based on the child's needs. These are hourly rates varying between £12, £8 or £4 per hour. Very clear information is given in High Needs Funding Arrangements 2016-2017 (Swindon Borough Council) regarding the process for Independent Playgroups/Nurseries and Mainstream Nurseries to apply for this funding.

4.9.2 Swindon Portage and Special Tots are funded from the Delegated Schools Budget.

4.9.3 Nursery children with identified SEN can be funded from £238,000 HNB funding via top ups at a high rate of £12 per hour, a medium rate of £8 per hour, or a low rate of £4 per hour.

4.9.4 These rates are provided by Swindon to a setting to support the education of an individual child. If, in doing this, the setting uses this funding to provide additional adult support, the setting will need to provide the on-costs of that employment from within its own budget. Alternatively it may take the cost of the on-costs from the hourly rate. These rates therefore provide very marginal additional resource at a critical stage in a child's development.

4.9.5 The SEN Inclusion Fund is an additional source of income for Early Years providers which is available through the local authority, however, **this information for providers nor parents is not currently readily available on the Swindon Local Offer website, My Care, My Support.**

4.9.6 Children in Koalas pre-school setting for children with SEND are aged 0-4 years 11 months and supported by the Clinical Commissioning Group (CCG) and Swindon Borough Council (SBC) through the Social Care budget. The majority of children in Koalas have an existing statutory assessment and EHC Plan, others are being assessed.

4.9.7 The usual pathway from Koalas is to a special school or to a primary school with an SRP. Some go to mainstream school supported by a plan.

4.10 Mainstream School Top-Up Bands

The table below shows the mainstream school top-up values and the difference between a band and the one above it.

Mainstream schools the band values

	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Primary and secondary band	£8,285	£6845	£5405	£3965	£2525	£1085

values						
Difference from band above	n/a	£1440 17.4%	£1440 21.0%	£1440 26.6%	£1440 36.3%	£1440 57.0%

4.10.1 The Mainstream bands have a consistent difference of value between each band. This has the benefit of being consistent and transparent, however it is a rising percentage difference with the band above because of the decreasing value of that band. **The LA may wish to revisit the decision to have a consistent financial difference when relating the value of the additional support required to the movement of funding from one band to the next.**

4.10.2 When a child leaves a pre-school setting, where they have been receiving support, to enter their primary education they may be assessed for an EHC Plan. If they have not been supported by HNB funding up to this point, a plan makes the HNB funding available. If they have an existing EHC Plan, this will be reviewed. The panel makes a decision about which band of funding the child will receive. This is done based upon the Banding Descriptors. The same set of descriptors apply to learners in all phases and sectors and in some cases the same level of need is used in every band, for example, “has difficulties developing appropriate relationships with peers”.

4.10.3 For a child leaving Early Years at age rising 5 a learning barrier or learning delay may well be linked to a developmental delay. Children at 4 years of age are hugely variable and are progressing along a developmental pathway at very different rates. Consequently the wording “has difficulties developing appropriate relationships with peers” could be identified in response to a range of circumstances that may be developmental, cognitive, social or medical. The descriptors do not take account of these differences.

4.10.4 Interviews with officers working with these descriptors for children moving into their primary school have identified difficulties with using them accurately. For example, “has difficulties developing appropriate relationships with peers” is placed within Cognition and Learning Difficulty, in all six bands but does not appear in “Speech and Language Difficulty”.

4.10.5 The greatest area of difficulty is identified when a child is exhibiting behavioural issues that are very likely to be connected to anxieties about learning and being “normal”. If a child has experienced some learning difficulties in pre-school settings when moving to a primary setting they will carry the issues with them.

I Can Talk Issue 6 (ICAN)⁴ quotes the work of Jerome, A.C., Fujiki, M., Brinton, B. and James, S.L. (2002) Self-Esteem in Children with Specific Language Impairment Journal of Speech, Language and Hearing Research 45, 4, p700-14 in describing how for many children with SLCN, their language skills are not proficient enough to be used as a learning tool and so they can fail before the task has even begun, and how:

“This can be incredibly frustrating and have a serious impact on how they see themselves and how they are seen by their peers”.

4.10.6 If they have levels of anxiety and frustration related to these they will communicate through behaviour as the strongest communication they have.

⁴ Speech, Language and Communication Needs and Primary School-aged Children- ICAN 2008

McNamara and Moreton⁵ in discussing children's behavioural reactions to feedback reinforcing their academic low self esteem as "destructive, aggressive, a lack of motivation, sullen looks or over-talkative and noisy interruptions."

This will tend to elevate the funding expectations of the receiving school.

4.10.7 When this level of descriptor imprecision is linked to the band differences identified shown in the table above, the difference in funding a child might receive at that transition point in their school journey could be significant.

4.10.8 It could also lead to over funding when viewed in the context of the third bullet point as identified in paragraph 5.14.1 of the 2015 Review:

"A lack of confidence that mainstream schools, particularly secondary schools have the resources, expertise and confidence to meet a wider and more complex range of SEND with recourse to an EHC Plan."

4.10.9 The difference between Band 4 and Band 5 for mainstream schools is shown in the table above. If a child is allocated Band 4 funding when the actual cost of providing the identified support in the EHC plan would lie near the top of Band 5 the borough would be overfunding to the extent of £1440 per year.

4.10.10 The incidence of reducing funding against an EHC Plan is low, as is the incidence of ceasing to maintain a plan (or previously a statement), as evidenced from the school responses, and this compounds the overspend as it becomes generated over the period the child or young person is in education which is up to age 18. The data for the 16 – 19 and 20-25 age groups shows:

	2016		2017	
Age group	Swindon (Jan)	England (Jan)	Swindon (March)	England (Jan)
16 - 19	12.8%	16.1%	19.1%	20.2%
19 - 25	0.1%	0.4%	0.6%	2.7%

4.10.11 Swindon is already seeing growth in the proportion of plans in the older age groups with the greatest movement in the 16-19 year old group.

4.10.12 Evidence from interviews with officers, headteachers and parents shows that the extent to which primary (and secondary schools) feel able, or are able, to be equally inclusive of children with SEN is variable. There is some highly inclusive practice in schools, for example Westrop Primary School, where the various pots of funding are used in an holistic way that is creative and generates good outcomes for children.

4.10.13 Swindon has 13 Special Resourced Provisions supporting 172 C&YP and many are well run according to recent quality assurance visits. There are 6 special schools which cater for 569 children and young people of which 4 are judged good or better (one outstanding school was recently "School of the Year" in the TES awards) one is requires improvement and one is in special measures (it has however, improved significantly due to intervention and will move to join a successful academy chain in January 2018). However, according to a recent Ofsted inspection of one school and recent discussions

⁵ S McNamara & G Moreton Changing Behaviour, David Foulton 2001

with the LA DfE SEN advisor the local authority does need to know its special schools better (there is no SEN adviser to schools). The LA agrees with this assessment and the LA is recruiting an SEN consultant with a background in Lead Inspector/SIP and working in Special Schools.

4.10.14 SENCOs have a legal duty under The Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 (hyperlink) 5.(2)(b) (vii) in

“Promoting the pupil’s inclusion in the school community and access to the school’s curriculum, facilities and extra-curricular activities”.

In addition, the Code of Practice Jan 2015 identifies as a key function for the SENDCO:

“Advising on the deployment of the school’s delegated budget and other resources to meet pupils’ needs effectively” (6.90)

“The SENCO has an important role to play with the headteacher and governing body, in determining the strategic development of SEN policy and provision in the school. They will be most effective in that role if they are part of the school leadership team.” (6.87).

4.10.15 At present Swindon does not have an agreed, published definition of Quality First Teaching which will define the practice threshold (although this is clear with the national Teaching Standards) when Element 2 funding may be required to enable children and young people to make appropriate progress. The SENDCO also has an important function in helping teachers to understand that threshold.

4.11 Swindon Special Schools and Special Resource Provision (SRPs) Top-Up Bands

Primary Special Schools and SRPs

	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Band Value	£11,668	£10,501	£7,001	£4,376	£3,500	£1,750
Difference from band above	n/a	£1,167 10.0%	£3,500 33.3%	£2625 37.5%	£876 25.0%	£1750 50.0%

Secondary Special Schools and SRPs

	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Band Value	£12,282	£11,054	£7,369	£4,606	£3,685	£1,842
Difference from band above	n/a	£1228 10.0%	£3,685 33.3%	£2,763 37.5%	£921 20.0%	£1843 50.0%

Primary/Secondary Special School differential

	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Band value difference	£614	£553	£368	£230	£185	£92
Difference as a percentage of secondary	5%	5%	5%	5%	5%	5%

Special to Mainstream Differential

	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Mainstream primary	£3383	£3656	£1596	£411	£975	£665

difference from special primary						
Mainstream difference	-29%	-34.8%	-22.8%	-9.4%	-27.9%	-38%
Mainstream secondary difference from special secondary	£3997	£4209	£1964	£641	£1160	£757
Mainstream difference	-32.5%	-38.1%	-26.7%	-13.9%	-31.5%	-41%

4.11.1 The difference between the bands within primary and secondary special schools shows a broadly consistent variation and the primary secondary difference remains constant at 5% of the equivalent secondary band. However, secondary special schools are funded at a band premium over primary special schools. In addition the mainstream to special band differences show a significant variation of between 38% and 9% in the case of primary and 41% to 13.9% difference in the case of secondary.

In mainstream schools 535 out of 592 band awards are in bands 2,3,4,5.

In special schools bands cluster in bands 1,2 and 3 with 427 out of 461 with 14 of the remainder being bespoke.

In SRP's there is a clear peak in band 3 with 83 out of 176, and 159 band awards are in the top 4 band values.

This leaves only 16 out of 176 band awards in the bottom 3 bands and one bespoke band.

4.11.2 These patterns suggests that a review of the place value funding and the top-up funding for each special school, based upon the profile of needs of the population of each school, could reveal that an increased place value plus funding to meet the cost of additional bespoke provision would provide:

- A reduced bureaucratic process,
- More focused funding,
- A more consistent budget with which to manage the school staffing.

4.11.3 A more clearly defined continuum of provision from mainstream SEN Support, mainstream EHC Plans, SRPs and special schools to low incidence, high level out of borough placements, which enables in-borough special schools to effectively meet higher level needs than is currently the case, combined with place funding that supports the described provision would generate the possibility of reducing the cost of out of borough placements.

4.11.4 Supplements

Supplement funding is identified within the top-up funding for primary and secondary pupils in special provision, and for a limited number of supplements, for post-16 providers. The supplements give additional funding on a personalised basis for:

- Manual handling (including Post-16)
- Medical needs (including Post-16)
- ASD in SRPs
- ASD in band 1
- Access to mainstream inclusion
- SEMH (3 levels for high band C&YP)
- Therapy (3 levels)

- Teaching requires British Sign Language
- Transition (Post-16 only)
- High Risk Areas (Post-16 only)
- Open Campus (Post-16 only).

4.11.5 The total spent on supplements in 2016-17 fell compared to 2015-16 by £160,595, (8.5%). During the same period the only supplements that saw an increase in funding were medium and high level SEMH at an increase of £18,240 and £42,750 respectively. All other supplements saw a fall in funding levels.

4.11.6 This fall in funding is reflected in a drop in the children and young people receiving supplements of 239. The fall came from all supplements bar the high and medium level SEMH supplements which saw an increase of 10 and 6 children and young people respectively.

4.11.7 The local authority has come to an agreement with Schools Forum to release HNB funding without, or prior to, getting an EHC Plan. The SEN Service is requiring schools to provide detailed provision maps to show how the existing funding for a child or young person is used to support their SEN, and its impact, when applying for an EHC plan or a revision of funding under an EHC Plan. This type of fiscal control will need to be rigorously extended to the early release funding and should not slow the process as every children and young people who is on SEN Support should have such a plan to show how their Element 2 funding is used.

The July 2017 DfE note of visit indicates that there needs to be greater clarity around what constitutes Quality First Teaching with schools and parents. This may give rise to a lack of clarity regarding the threshold for using Element 2 funding in schools and the threshold for requests for statutory assessment – although as noted earlier, a national definition is in place. Furthermore, the focus (for example within Ofsted) has focused much more on learning and outcomes.

4.12 Education Other than at School (EOTAS) (Alternative Provision)

Swindon currently operates with the following Alternative Provision for children and young people who have been permanently excluded from mainstream schools, or are unable to attend mainstream school for some other reason or vulnerability.

Name	Phase	Size
The PRU at Stratton	Secondary	45
Riverside	Sec	45
Marlborough House	Hospital School	20
LA tuition Service	Sec	70 available but actual numbers vary from low in September to high in the summer.
Oakfield		35
Nylands	Primary	8

The Hospital School provides education for inpatients at the Children's Unit in the Great Western Hospital

The Oakfield is a consortium offer by secondary academy schools. It is currently under review as the consortium has broken up and the local authority is now stepping in to manage the setting. It is not run by EOTAS, but EOTAS has purchased 10 places at £10,000 each for 2017-2018.

The Tuition Service will join EOTAS in a transition period from September 1st 2017 until April 1st 2018.

To improve the quality of provision, two new buildings have been bought to rehouse EOTAS and the Tuition service as previous buildings have not been up to standard and not been able to provide a broader curriculum offer.

4.12.1 In addition there are two special schools for children and young people with social, emotional and mental health needs. The primary school has 42 places and the secondary school 77 places. The primary school is used as the provision to support primary aged pupils permanently excluded and who have an EHC Plan.

4.12.2 Swindon reserves 203 places for children and young people whose behaviour is such that they cannot be educated in mainstream schools, and 119 places in special schools for children and young people with Social Emotional and Mental Health Needs.

4.12.3 The percentage of new EHC Plans during the year in 2016 given to children and young people in alternative provision was 4.1% which was significantly higher than the figure for England as a whole (1.0%). For 2017 (May) the figure for Swindon is lower at 2.1% with England at 1.1%, but the accounting period is not finished.⁶

4.12.4 This data indicates that Swindon is investing significantly in supporting the education of C&YP who have been identified as having Social Emotional and Mental Health needs, or are unable to attend mainstream school because of their behaviour.

4.13 Exclusions

Comparative data⁷ for 2015-2016 and 2016-2017 shows

Primary Sector

Academic year	Number of permanent exclusions	Number of FTE's	Number of pupils with FTE	Total days FTE
2015/16 end term four	4	201	105	274
2016/17 end of term four	9	220	95	383

This shows a 9% rise in fixed term exclusions (FTE), and the days lost to education has risen by 40%. 20 schools have excluded pupils and 44% of the FTEs have come from one school.

⁶ Swindon SEN Performance Scorecard May 2017

⁷ Swindon Exclusions Report end of Term 4 2017

Secondary Sector

Academic Year	Number of permanent exclusions	Number of withdrawn permanent exclusions	Number of FTE's	Number of pupils with FTE	Total days FTE
2015/16 end of term four	12	19	592	345	1173
2016/17 end of term four	31	23	855	460	1773

4.13.1 These data show a 158% increase in permanent exclusions in 2016-2017 compared to the same period in 2015-2016 with one school accounting for 26% of the permanent exclusions.

4.13.2 The number of FTE's has risen by 263 (44%) and days lost to education has risen by 600 (51%).

4.13.3 Five secondary schools used the practice of permanently excluding a pupil and then withdrawing the exclusion. There were 23 such events in 2016-2017 which means, in effect, that secondary schools responded to the behaviour of 54 young people this year by permanently excluding them in the first instance.

4.13.4 The percentage of children and young people with an identified SEN receiving at least 1 fixed term exclusion most recent data.⁸

		2012/13 %	2013/14 %	2014/15 %
SEN Support	Swindon	6.5	6.1	6.0
	Statistical Neighbours	5.7	5.8	n/a
	England	5.4	5.1	5.6
EHC Plan/Statement	Swindon	10.8	8.3	8.1
	Statistical Neighbours	6.2	6.0	n/a
	England	6.6	6.4	6.3
All SEN	Swindon	6.1	6.5	6.4
	Statistical Neighbours	4.6	5.8	n/a
	England	5.5	5.4	5.7

This data shows that Swindon consistently excludes more children and young people from mainstream education who have identified SEND than their statistical neighbours and in England as a whole.

⁸ Swindon SEN Performance Scorecard May 2017

4.13.5 There have been no permanent exclusions from special schools in Swindon for a number of years and the number of fixed term exclusions has fallen by 42% compared to 2015-2016 (due in the main to considerable improvement in practice in one school).

4.13.6 There have been no permanent exclusions within EOTAS and the number of fixed term exclusions and days lost to education value of have both fallen compared to the same period in 2015-2016.

4.13.7 The most recent data for the numbers of EHC Assessments carried out by EOTAS for C&YP who they support having been permanently excluded is

	Total population	Number assessed for EHC Plans this year	Number assessed for EHC Plans last year	Number in each setting with EHC Plans currently	Number in each setting with plans last year
Stratton	42	8	7	2	4
Riverside	61	14	2	8	11
Marlborough House	13	0	0	0	0

4.14 Identification of SEMH

The Swindon data for the trends in identification of primary needs shows no immediately obvious trends other than significant increases in SEMH figures for year groups 5 to 11 at SEN Support level for years 2015-2017. However, when these numbers are tracked for the same cohort year on year, the following patterns emerge.

Cohort in Year 8 in 2016	In 2016 (In Y8) EHC Plans	In 2017 (In Y9) EHC Plans	In 2016 (In Y8) SEN Support	In 2017 (In Y9) SEN Support
MLD	25	9	87	75
SEMH	19	21	73	72

4.14.1 The number of children and young people who have an EHC plan with a primary need of MLD within the same cohort drops from 25 to 9 between Year 8 and Year 9 which suggests that the primary need has been re-identified. There is a similar pattern, though not so marked, for Year 9 into Year 10 (29 to 20), and for Year 10 into Year 11 (29 to 20). When the total cohort is looked at (Years Nursery to Year 11) the number of MLD plans drops from 197 to 118, whereas the number of plans for other primary needs remain broadly constant.

A similar pattern can be seen for SEN Support with MLD dropping from 1149 to 1073, but SEMH primary needs rise (829 to 902).

As has been noted above, the number of permanent exclusions has risen from 12 to 31 and the number of fixed term exclusions from 592 to 855.

4.14.2 Comparative data from the DfE for the most recent years available (Swindon 2015 and 2016, England 2016)⁹ shows:

⁹ Swindon SEN performance scorecard

SEMH

SEN Support	2016	2017
Swindon	21.1%	21% to date
England	17.3%	Not yet available

EHC Plans Statements	2016	2017
Swindon	17.4%	15.9% to date
England	12.3%	Not yet available

SLCN

SEN Support	2016	2017
Swindon	15.4%	15.9% to date
England	20.9%	Not yet available

EHC Plans Statements	2016	2017
Swindon	19.9%	10.9% to date
England	14.0%	Not yet available

MLD

SEN Support	2016	2017
Swindon	27.3%	23.7% to date
England	26.8%	Not yet available

EHC Plans Statements	2016	2017
Swindon	12.4%	10.4% to date
England	13.4%	Not yet available

These data show that, compared to England as a whole, Swindon identifies more children and young people as requiring support for SEMH at both SEN Support and EHC Plan and uneven patterns in SLCN and MLD.

4.14.3 Whereas these data do not give a definitive picture, they suggest that there are underlying issues that are impacting upon the number of children and young people who are being excluded from schools with identified or unidentified SEN.

1. The highest proportion of exclusions are for “Persistent Disruptive Behaviour”¹⁰,

¹⁰ Swindon Exclusions 2017 04 Report

Reason for Exclusion 2016-2017	FTE total	FTE %	PEX Total	PEX %
Persistent Disruptive Behaviour	598	42	15	37
Physical Assault against an Adult	109	8	12	29
Physical assault against a Pupil	225	16	8	20
Verbal Abuse against an Adult	213	15	3	7
Verbal Abuse against a Pupil	64	4	2	5

2. Swindon has a high, and rising proportion of children and young people identified as having social and emotional and mental health difficulties.
3. Swindon has relatively low comparative funding of SEN support services and high levels of HNB support spending.
4. Swindon invests significantly in support services for behaviour and SEMH in the primary phase.
5. Swindon is experiencing an increasing number of exclusions especially within the secondary phase.
6. The pattern of primary needs (4.15.0) and the high number of FTE's for persistent disruptive behaviour suggests that primary needs are being re-identified from learning to SEMH with disruptive behaviour being an issue.
7. The case studies received from special schools show that they are addressing underlying issues that are causing the children and young people behavioural responses.
8. Words such as "anxiety", "frustration" are common plus the increased incidence of ASD.

4.14.4 As has been noted above (3.11.4) going to school is a major event in a child's life. They become part of large numbers of children of their own age attending and they wish to be part of that "normal" group. Research shows that they go expecting to learn and to make friends because that is what they have been told school is about. If they have a learning barrier, they find that something is causing them not to fulfil that expectation in the same way as those with whom they wish to be friends. If they are supported with this barrier and they acquire the skills of resilience or find alternative strategies their self-esteem can remain intact. This process is enhanced if they discover that school is showing them that they have other valuable qualities both to themselves and the people with whom they associate.

4.14.5 Where this does not happen, anxiety and frustration and confusion build which often results in behavioural responses to which schools respond by excluding the child or young person. Schools are under additional pressures to meet performance targets and these provide an additional leverage on the exclusion pathway.

4.14.6 When a child is excluded for their behavioural response the process itself re-confirms to the child or young person that those in authority who are expert and understand these things are rejecting them from the normal system. This provides another layer to:

- Frustration at not learning,
- Fear through not understanding why
- Anxiety that they are different and will become separate.
- And now rejection.

McNamara and Moreton provide a comprehensive, referenced analysis of the antecedents of emotional and behavioural difficulties in Chapter 1 of Changing Behaviour¹¹ that illustrates these processes.

4.14.7 The cost of this to the local authority can be seen in the amount being spent under the supplements and the pressure being experienced by the EOTAS service. The amount spent on SEMH supplements rose by £51,490 between 2015 and 2016 whereas the amount spent on speech and language therapy, occupational therapy and physiotherapy supplements fell by £24,337, £33,990 and £33,907 respectively.

4.14.8 To support behaviour outside the EOTAS system Swindon uses:

- The special school, SRP and mainstream bands,
- An SEMH graduated response Assessment Class band for special schools,
- Two SEMH special schools – Nylands and St Lukes as well as some out of borough provision

4.15 EOTAS Funding

The funding of the different elements of EOTAS makes this quite a complex system from a financial perspective. In summary, the total budget spent is £2.1m and this assumes a traded income of £0.3m.

The sources of income and the amounts of different types of income vary between settings and there needs to be enhanced clarity in the amounts from various funds, nor an immediately clear rationale that lies behind those sums. This is currently being reviewed at length through discussions with secondary schools and other providers.

The available information at the time of this report indicates that:

- The young people in the Tuition Service do not benefit from any top-up funding from the HNB.
- The Tuition Service is funded at a block sum of £880,800.
- Stratton PRU is funded at £10,000 place for 45 places funding plus 45 top-ups of £8,700.
- The Hospital School has fixed funding at £191,500 from the DSG.
- Marlborough House has fixed funding at £276,800
- Riverside is funded per place at £10,000. The school placing the pupil in this setting pays top-ups at £6,250.

4.15.1 From September 2017 the Tuition Service will be included as part of EOTAS.

A detailed piece of work is being done to determine the precise costs and the sources of the funding for children and young people who are not attending fulltime in maintained Swindon Schools with the aim of moving to place funding with top up criteria that provide funding to match need for all and a financial model that supports inclusion and disincentives exclusion.

4.15.2 The budget for the PRU has an “earning target” of £335K.

¹¹ S McNamara & G Moreton Changing Behaviour, David Foulton 2001

This is derived from an agreed formula with schools of between £22 to £28 per day from the 6th day following a permanent exclusion up until the 31 March in that year charged at a maximum 195 days in a school year.

Under this model, the maximum that a secondary school may be charged is between £5,320 to £8,180 for a PEX.

4.15.3 When compared to the cost of intervention to support a young person to remain in school, permanent exclusion appears to be a (financially) preferable option for schools and the current process could be seen as subsidising schools to exclude and moving costs from the schools delegated budgets to central HNB funding.

4.16 Post-16

4.16.1 There are 2 main FE providers, Swindon College and New College. There are a range of training providers such as Catch 22 and Green Labyrinth and the Uplands Educational Trust Training Centre. Crowdys Hill special school has also just opened a post-16 provision.

Attainments for SEN Learners in Swindon by age 19 have fluctuated year on year from 2013/14 to 2015/16. However, the gap between SEN learners' attainments and non-SEN learners' attainments in Swindon is smaller than that for England as whole for Level 2, Level 2 including English and mathematics and for Level 3.

The pressures on the colleges to be able to provide an appropriate range of programmes with appropriate support is becoming increasingly difficult as the demand grows and more learners with SEND stay within the system from age 16 to 19 and 19 to 25. In addition the numbers of those returning to seek education beyond 19 is increasing.

4.16.2 Swindon College states that it is under pressure with staffing and there are insufficient resources to support all those who require it.

4.16.3 Both colleges are represented on School's Forum. The college representatives have status as full members except that they are unable to vote on matters relating to schools funding. It is felt by some members of the college community that Schools Forum business is generally only of relevance to 0-16 providers and that this contributes to a lack of understanding of the issues with which the colleges are dealing when transitioning a young person with SEND from school to college.

4.16.4 When a young people in Year 12 enters Swindon College with an EHC plan, the funding bands from the school including the five supplements that are available in the college setting move with that young people. The college finds this helpful, as it removes one significant administrative task during a period when a learner with SEND will be experiencing a lot of change and will be needing significant support. Not least the need for the learner to adapt to a large, complex and open campus

The Keeping in Touch (KIT) meetings aiming to develop a strategic approach to the relationship between schools/college within the Brunel SEN MAT and Swindon Borough Council are valued by the special schools.

4.16.5 The college say that the size of the cohort that they admit means that it does not have the capacity to cost in detail every student's needs and so the banding system is helpful. The expansion of the 16-25 year old programmes has added to the pressure and

the college feels that not all schools yet fully understand the issues and difficulties that the colleges face.

The annual review process is seen to present a “massive challenge” to the Swindon College who understand that whilst the LA expects the college to carry these out, the same demand is not made on New College. Swindon College say they do not have the resources to be able to attend annual reviews prior to Year 11 and this impacts upon the ease of transition.

4.16.6 Students can change their views late in the process and so the scope for flexibility in funding is needed during Year 11 and into Year 12.

The inherited bands help with this area of potential complexity. If one student is slightly under-funded this can be balanced by another student who is slightly over-funded and so overall the college manages the system to meet needs. Many students with SEND attend programmes designed for all students and which have currency in the market place in order to enhance their employment opportunities. The college view is that learners with SEND can succeed in these programmes, but require support to do so.

4.16.7 At present the Swindon College does not have the resource to offer personal care and so that is not offered.

4.16.8 The complexities of the funding system for learners with SEND between 19 and 25 years who wish to be supported on college programmes may be illustrated with the following case study.

Case Study

A student who is rising 19 years of age at Swindon College and was at another college before she attended her current college. Before that she had attended a secondary school with a special resourced provision. She was in FE when the conversions from Statement to EHCP took place and she was not transferred. Because of that, she currently has Element 1 in the same way as any other mainstream student without SEN. At the moment she accesses 1:1 support in class for a scribe, in unstructured time she has her carers in the college to support her. The college see it as their duty to support this student whether or not she is funded, which is what they do.

She approached the college to ask if there is any funding that she could access for the academic year beginning in September 2017. The College can only access Element 3 for students that have an EHCP (from Sept 2017) and the College can only claim Element 2 for those students that have Element 3 awarded. So the college is currently unable to access any SEND funding for this student. The student will also have to pay her own fees and the college is unable to remit these.

If the LA agreed to an EHCP at the minimum level of funding the college could draw down the Element 3 and Element 2. However, the student would have to request that she wanted to be considered for an EHCP and so far she has not. The College intends to find a way to mitigate these fees without the need for an EHCP but it still means that the College cover all her support costs.

The college sees a noticeable increase in students applying to be assessed for EHCP as soon as they realise that they are going to be charged fees at the age of 19. The college tries to maintain all students up to the age of 18 years and 11 months for support if they need it so many don't feel the need for the protection that an EHCP provides up to the age

of 19 when they becomes liable for fees. At this point the cost of FE programmes is potentially prohibitive in them carrying on with their studies unless they have an EHC plan. This is the reason for the EHC plan application and not the severity of the learning need which may not meet the threshold for an EHC plan as it has been applied up to the age of 19 years.

4.17 Out of Borough Placements

Out of Borough Placements, sometimes called external placements, covers those pupils who, for a range of reasons and often because of the complexity of their needs, are placed in a school or setting that is not maintained by Swindon Borough Council.

4.17.1 The indicated budget spend on these placements is £2.1m plus EFA additional funding making £2.4m. Actual costs to the date of this report are £1.6m supporting 22 children and young people at an average cost of £72,727. The range of costs per placement is a lowest of £3,658 to a highest of £208,985. This is broadly in line with statistical neighbours. National comparators are difficult to interpret in this context because of the variations that can lie behind the figures.

4.17.2 There are currently no clear, agreed terms of engagement nor protocols between Social Care, CCG and the SEN Service regarding the decision-making for high-cost, complex out-of-borough placements, nor out-of-borough placements that are made on grounds other than education.

Information sharing from Social Care to SEN when Social Care change a placement, sometimes at short notice, needs to be improved and decisions are often taken without any prior consultation with, or even disclosure to, the SEN service. There are consequent funding implications for both services (and sometimes also the CCG) for which there is no agreed procedure. Social Care currently ask for a one-third contribution toward the cost of the placement even though the SEN service can meet the educational needs with an in-borough placement.

The view of the SEN service is that as the child or young person's educational needs can be met in an in-borough placement the cost to the SEN service should be the cost of the in-borough placement. The costs in these cases when placed out-of-borough are often high.

4.17.3 This type of case exemplifies the need for very clear terms of engagement where services collaborate in supporting a child or young person, as is required under the Children and Families Act 2014.

5.0 THE PATHWAYS TO ASSESSMENT

5.1 Swindon has a substantial information guide for Early Years, Mainstream Schools and Academies, FE colleges, training providers and specialist provisions.

5.1.1 Schools and settings are advised on how to make applications for High Needs funding and the supporting evidence including an Early Help Record and Plan to show what has been put in place and its impact.

Schools are then asked to detail what additional support is to be put in place to meet each outcome by the range of agencies involved including the school

5.1.2 A concern from schools is that the documentation tends to be repetitive and to be burdensome. Where urgent support is needed, for example when a child enters a primary school and has no previous evidence of special needs, the time taken to accumulate the evidence means that the child does not get the support they need quickly.

5.1.3 On receiving the documents, if the SEN team are of the view that the application does not meet the criteria for it to be considered by the panel, the parents and the school are given clear feedback and offered support if necessary. When the application has been considered by the LA, if the decision is not to assess, the school and parents receive support.

5.1.4 The pathway within the LA from application to plan is designed to be as smooth as possible and to avoid delay. A flowchart showing the process is available on the Local Offer website, My Care, My Support.

6.0 FEEDBACK FROM PARENTS AND CARERS

6.1 Obtaining representative feedback from parents and carers (P&C) in this aspect of the borough's services is difficult because where the process has gone well and their child or young person is settled well in school, P&C just want to settle into being a parent. The tribunal data for 2015-2106 shows there were 6 hearings and one was conceded.

Feedback was provided by the Parents and Carers Forum whose membership tends to be from those P & C who have experienced difficulties in securing the support that they wished for their child and have limited membership.

6.2 Feedback received during the review from P & C focuses significantly on the processes and the provision put in place rather than directly at the allocation of the high needs funding. However those concerns expressed which relate to the remit of this review are:

- Needs are not being met at an early age
- The use of exclusions to access resources
- The slow production of reports from CCG
- Lack of understanding of SEN amongst governors
- Training of senior managers in SEN
- Lack of true partnership between Swindon and parents
- Education Psychology Service (EPS) and Social Care (SC) do not routinely contribute to annual reviews
- Lack of EPS capacity and failure of schools to buy the service.
- Increase in refusal to assess
- Financial criteria are used to inform provision rather than needs
- Lower level needs not being met results in escalation, and then these become behaviour difficulties
- Lack of confidence in support being delivered outside EHC plan, hence the demand for a plan
- No QA round SEN Support
- Concern around schools not buying in the help they need.
- Concern about the quality of SENDIAS

6.3 These concerns impact upon the use and level cost of the HNB and resonate with the issues identified elsewhere in the report. For example the lack of confidence in the nature of support being provided at SEN Support can lead to increased applications for EHCP assessments and HNB support where a child or young person's needs can be met effectively through the delegated Element 2 funding.

6.4 The concerns voiced around schools not buying the services they need also links to the capacity within the Education Psychology Service to provide Early Intervention support which in turn links to lack of clarity in identifying needs and the use of labelling as a short-cut to identifying provision. The EPS acknowledges that the level of effectiveness of the current deployment pattern of the service is dependent upon the school or setting SENDCo. EPS currently prioritise Years -1, 5 and 9 if the needs of the child have changed. The schools value the Early Years inputs and support prior to a request for assessment. However, risk in this age-related deployment pattern is that children develop at different rates that will be influenced by many factors, and working to a rigid form of development pathway could lead to a child's needs being missed or wrongly identified. This risk should be also seen in the context of the reduction of Speech and Language Therapy and Occupational Therapy spending identified in 3.15.6. The recently appointed Principal Education Psychologist is aware of the issues around the current deployment and team organisation and is working to resolve these.

6.5 There is a professional concern about the use of labelling (e.g.ASD/ASC) in order to obtain resources to support a child or young person, rather than addressing the accurately observed barriers to learning and development. Work is being done by Dr Krishna Bannerjee on how this may be addressed and this work is illustrating how a child or young person could be more effectively and economically supported through not trying to label these needs. Setting this in the context of the increase in the incidence of diagnosed ASD/ASC indicates a possible significant avoidable cost.

7.0 THE VIEWS OF THE SCHOOLS

A questionnaire was sent to the SENDCos in all mainstream schools. There were 8 responses (out of a possible 83 – approximately a 10% return). One was from the Tuition Service and one was from a federation of three schools and one had an SRP. The range of the numbers of pupils in the mainstream schools with EHC Plans or Statements was from 2 to 12.

7.1 The responses to the questions were:

7.1.1 Does the level of HNB funding allocated to an individual child or young person enable the school/setting to provide the interventions stated in their EHC Plan?

There was a split between responses, some saying generally this was the case, but others said that it was nowhere near enough and that it did not cover the full cost. It was observed that staff recruitment can be a problem in order to find the support that the pupil needs.

7.1.2 Do you find the way in which the LA allocates HNB funding easy to understand? If not, please state why.

The majority of replies confirmed that they could understand the way the funding is allocated. However, the following points were made:

- There is a lot of duplication in the documentation requested.
- Schools have to wait a long time for reports so pupils with high needs are not getting the support quickly enough.
- The paperwork does not always capture the child's needs.
- It is unclear why some children get funding and others do not.

7.1.3 If a young C or YP needs/circumstances change can you secure additional HNB resources quickly?

The general view is that it is too slow and bureaucratic but the Early Help Record does help it progress quicker. The pace does not meet parents' expectations.

7.1.4 When you make a request for an EHC Plan, or following a Review of an existing plan, do you specify the additional resource needed and how much it will cost to implement?

Some schools do and some do not. There was a view that schools can now specify what they need, but it is not easy to specify a precise intervention or associated cost.

7.1.5 Have you ever requested a reduction in top-up funding for a C or YP or recommended ceasing a plan? If so how many times?

Reduction in funding

One school – twice

One school once

Seven schools – never

Ceasing a plan

Two schools – twice

One school - once

Five schools - never

7.1.6 Any other comments

- The level of need being refused funding seems to be rising every year,
- Applications for EHC plans are very time-consuming.
- It is necessary to make repeated requests.
- SENAT cannot cope with double-sided documents.
- Some parents still think they are getting funded for TA hours.
- Parents do not realise that the level of funding in each band has been reduced.
- They do not understand that this is happening at LA and national level.
- It would be helpful to have requests for funding accepted before the end of the summer term. (To aid recruitment and put resources in place)

7.2 The views of the special schools

The special school head teachers group provided information directly to the reviewer. Their comments were:

- There needs to be some form of band funding combined with place funding to give graduated funding within the same school.
- The paperwork that schools need to prepare for a statutory assessment is largely fit for purpose but there are elements of repetition, for example in completing the banding sheet where the amount of funding needed is identified.

- The band descriptors are not sufficiently detailed nor do they relate sufficiently to the areas of need. In addition they do not recognise the links to the cost involved to meet that need.
- Schools should get used to time-restricted funding.
- Funding should be available for EYFS children before they start school/nursery to support a graduated response.
- Carry-over of funding is needed at transition points in a pupil's education.
- The Parent Contribution forms are not overly user-friendly, for example for parents who have English as a second language or may have a learning difficulty.
- Schools should be more accountable for commissioning alternative provision from within their delegated budgets. This is a repeated concern.
- The use of notional funding (Element 2) in mainstream schools should be quality assured.
- There is not a consistent level of pay for comparable SEN TA roles across different schools. SRPs, special schools and mainstream schools all have different agendas round funding because of the different environments in which they work, for example staffing, spaces, school organisation.
- When funding ceases when a student leaves, the staff cannot be moved as easily and this impacts upon school budgets
- Better use should be made of existing plans from other LAs when children and young people move into the borough from outside Swindon. Interim arrangements to avoid dislocation of learning would be helpful.
- There is a perception that there are bands for different needs that are funded differentially.
- Supplements are awarded based on the cost not on need.
- Funding cannot be back-dated
- The accuracy of information held and used for C & YP funding allocation needs rigorous checking but this is extremely time consuming.
- Some bespoke timetables are partly or wholly funded.
- Funding can be hard to understand as there is no set funding formula.

8.0 ANALYSIS

8.1 The High Needs Block spending patterns, like any budget account, are created by a series of decisions and actions which derive from imposed constraints and the cultural and political imperatives of the decision makers. These imperatives are, in turn, influenced by the stakeholders. The HNB, very specifically, is seen to impact on the lives of individual children, young people and their families and as such is a highly emotive area.

The way in which the sums of money are allocated from the HNB can illustrate these underlying influences. Special Educational Needs by virtue of its name means that special cases will arise. Where a way of funding those needs is found which lies outside the agreed funding arrangements and creates a special case, it also creates precedent. In seeking to resolve these conundrums a local authority will make adjustments that can appear inconsistent and unfair. Swindon is no exception to this.

8.2 The High Needs Funding Operation Guide 2017-2018 (EFA) identifies factors that could impact upon the way a local authority administers its HNB and illustrates the

complexity of this area. It further urges that the statutory assessment process is not the sole means of securing additional support for children and young people with SEND.

8.3 Feedback has identified that there has developed in Swindon in some schools, a culture that mainstream schools increasingly cannot meet the SEND needs of children and young people without increasing funding and, even then, for more young people a mainstream school is not the appropriate setting.

8.4 The evidence in section 4 supports this, as Swindon has developed over time a complex funding process with needs being supported in a range of settings at different levels. This has occurred through the addition of funding elements introduced to resolve identified difficulties that schools experience. However, this complexity is not always accompanied by clear enough criteria to always support the funding decisions.

8.5 The pressures that schools, staff, headteachers, governors are under from the constrained curriculum and emphasis on attainment levels mean that their priority is how they can resource the children and young people achieving their targets. The nature of the curriculum means that children and young people are expected to learn and demonstrate that learning in a particular way. Yet the work of Howard Gardner and others has clearly demonstrated that children and young people learn in many different ways. This is especially true for young people with identified “barriers” to learning.

8.6 Section 3.15.0 shows a concerning issue that the number of Year 8 EHC plans for MLD in 2016 was at 25, but in 2017 that figure has dropped to 9, but it is unclear where there are other changes to compensate. However over the whole of the school cohort there is a clear decrease in learning as a primary need (76) and a similar sized increase in SEMH (73).

8.7 The data in section 3.15 and the conclusions drawn elsewhere in this report suggest that Swindon is at a point where the combined pressures of:

- Reduced school budgets resulting in a loss of learning support staff
- The pressure on results for schools and headteachers,
- The culture that special needs are best supported in special settings, including Special Resourced Provisions within mainstream schools
- Not always effectively addressing the needs of children with SEND at points of transition,
- Children and young people’s behaviour in school not being seen as a response to their experiences, anxieties, frustrations, and sense of being unable to meet their learning and social expectations in school,
- Reduced support for schools,
- Constrained EPS access.

Plus:

- A complex HNB funding pattern
- Lack of sufficiently detailed guidance in some areas of need on the application of funding based on the areas of need and the support and intervention needed by the child or young person leading to appropriate placement and funding,
- Lack of criteria referenced shared funding agreement between Education, Social Care and CCG, especially for high-cost out-of-borough placements, based upon agreed principles about the impact of health and social care inputs on the ability of a C or YP to attend and benefit from education.

Is leading to:

- Schools increasingly seeking to integrate children into the school rather than develop the school to include the child.
- An increase in pupils with learning needs being re-identified as behaviour needs (SEMH)
- An increase in exclusions from an already high level.
- A continuing demand for specialist placements
- Increased demand for HNB funding.

This will generate a number of key pinch-points and issues for schools, parents/carers and young people and the local authority within the system which could lead to doubt and possible loss of trust, friction, challenge, and cost. However, this is not the case currently.

8.8 The evidence, some anecdotal, shows that there is a majority parents of children and young people who are happy with their child's school and are not dissatisfied with the process that they have been through to secure an EHC plan and HNB support, and do trust that the school will do the best for their child or young person. Parents and schools welcomed the speeding up of the EHC process that has allowed quicker access to funding. The reform to the Special Needs Assessment Team that has contributed to this has also been welcomed. The dashboard shows that 100% of plans were completed within 20 weeks in December 2016.

8.9 The cost of Out-of-Borough SEND placements (OOB) is an outcome rather than a contributory element to the management of the HNB. Where a local authority has:

- A clearly defined continuum of SEN provision through mainstream placements, SRP's, special schools,
- Clear descriptors of the needs and their severity that are met in the various settings,
- A shared understanding of Quality First Teaching and the threshold of SEN Support.
- Effective arrangements to enable schools to access external support for children and young people with identified SEN.
- The use of Element 2 and Element 3 is quality assured.
- The number of specialist SEN places required is based upon accurate strategic projections and clear expectations of inclusion
- Clearly described expectations of the level of needs met through the notional, delegated SEN funding,
- A HNB funding arrangement based upon the levels of needs to be met in various settings and clear, costed interventions and staffing levels,
- A clear adhered-to protocol of shared decision making between SEN, Social Care and the CCG with respect to decision-making about the appropriate placement for complex cases.
- A clear set of agreed guidelines regarding the shared responsibilities for funding complex case placements based upon the priorities of a case from each services stated delivery perspectives.

Children and young people will be placed in appropriate settings and the numbers of SEN placements in regional, low incidence, high-cost settings will be controlled to a minimum for that population.

8.10 There is evidence from a range of sources that in Swindon there could be improvements to the educational framework within which SEND education functions and the allocation of funding takes place. This impacts at many levels from supporting

SENCOs in making judgements about thresholds of practice and therefore funding, to matching funding to needs and placements. Without such a clear framework which is understood and accepted by all stakeholders there can be no move to a new culture of inclusion, a commonly applied set of principles and the budgets brought under control.

The relationship between 7.10 and 7.11 and the Local Area Inspection of the implementation of the Children and Families Act, 2014 is clear. When all aspects are in place the LA can be secure in responding to the key questions of how effectively do we identify needs, and how effectively do we meet needs?

9.0 RECOMMENDATIONS TO CLARIFY AND REDUCE THE USE OF THE HNB TO SUPPORT C&YP IN DIFFERENT SETTINGS WITH THE BOROUGH, AND ENABLE FUNDING DECISIONS TO BE TAKEN ON THE BASIS OF AGREED RATIONALES WITH CLEAR SEND MANAGEMENT OVERSIGHT.

9.1 Develop clearer protocols for managing the High Needs Block Funding

There is a need to develop clearer protocols for managing the High Needs Block Funding from an SEND strategic perspective based upon the SEND data.

This will require clearer alignment between the HNB as it is spent and the way in which the HNB is allocated in the Budget Plan.

1. Ensure that there are consistent, evidence-based SEND reasons for any disparities in funding

Ensure that there are consistent, evidence-based SEND reasons for any disparities in funding between pre-school, primary and secondary schools, and if a banding system is retained, between the bands.

These differences should be published so schools and parents can understand them.

2. Create a detailed matrix of descriptors for levels of need

Create a detailed matrix of descriptors for each level of need within in each area of need and relate that to settings where possible so that the borough can develop a clearly defined **continuum of provision**.

This matrix will inform the nature and levels of need met by:

- mainstream schools though their delegated notional SEN budget,
- HNB funded children and young people in mainstream classes
- Specialist Resource Provisions
- Special schools.
- Out of borough provision for very low incidence high level needs.

In negotiating and agreeing the level of needs met by SRPs it is suggested that criteria related to levels of inclusion into mainstream classes/activities for a child or young person at entry and as targets are discussed so that there is clarity about whether an SRP is a special unit within a mainstream school and/or a facility to develop inclusion for the child or young person concerned.

3. Cost interventions against agreed rates.

A matrix could be developed that will identify the interventions that are appropriate for different levels of need and the services providing support and intervention.

These interventions to be costed against agreed rates from SEN, Social Care and the CCG. These rates are the level at which the borough and CCG will fund through

High Needs Block funding, an EHC plan, or through an agreement for emergency short-term provision. The matrix would provide clarity about those Social Care and Health provisions which specifically support education as opposed to social and health wellbeing.

4. The same rates will apply for SEN Support interventions.

When a school is accounting for the costs of interventions funded by their delegated notional SEN budget, Element 2, in order to apply for HNB funding (either through an EHC Plan or not) the same rates will apply.

5. Secure a clear set of protocols for information sharing and decision making between SEN, Social Care and the CCG

Secure a clear set of protocols for information sharing and decision making between SEN, Social Care and the CCG regarding placements in all complex cases, especially out-of-borough high cost placements

This would include agreement regarding the funding responsibilities between SEN Services, Social Care and CCG with respect to all complex cases, but especially out-of-borough placements.

This protocol and agreement to take account of those placement decisions that need to be taken quickly in order to safeguard a child or young person but will still maintain their best opportunities for education in order to sustain their future life chances.

6. Continue the current work to bring clarity to the funding of EOTAS

a) Continue the current work to bring clarity to the funding of EOTAS and align it with the funding model for SEND based upon levels of SEND and evidence based interventions as appropriate.

b) Review the level of school contribution to the cost of educating an excluded child or young person in order to remove any financial disincentive for inclusion.

c) Check to ensure that the funding is sufficient in the short term to provide enough places and support for the number of children or young people who require it.

This Recommendation links to Recommendation 12.

7. Review the funding for special schools

At present the funding for a young person in a special school consists of the place funding at £10,000, plus a band funding, and possibly a supplement.

As is shown in 3.12.1 the number of children and young people in special schools with bands 1,2 and 3 is 427 out of 461, and there is a similar clustering in Specialist Resource Provisions.

It is recommended that the borough review the place funding for special schools to identify a place funding value that contains two elements.

a) The place element at £10,000,

b) An agreed top-up element that is consistent as a base level for **all** the children and young people in that special school. (3.12.1 - 4.12.3)

The size of the place funding top-up will be criteria based using the matrix referred to in Recommendation 4. If a place is taken by a child or young person from another authority the same agreement as currently exists will continue with the other local authority paying the top-up funding as now. This is why there needs to be two elements.

Where a child or young person's EHCP identifies specific provision that is higher than/different to/supplementary to those identified as being met by the provision funded by the two elements of the place funding these will be funded to the school as precise bespoke elements at cost.

This will reduce the need for a complex banding system for special schools and will enable a very clear relationship between the needs of the child or young person and the cost. It will also give a securer financial base for the school based upon their core business.

8. A similar funding model for SRPs

In other local authorities a similar funding model for SRP's as that described in Recommendation 8 is used to give a predictable funding model for SRP's. The premise for an SRP is that as a child or young person progresses through the school they will become increasingly included in the mainstream school so that the SRP resource that supports them can be switched increasingly to another who needs it more.

In general such a model recognises a differential between an SRP that meet SLCN needs and one that meets ASD needs on the basis that where SLCN comes from an ASD the issues are more complex and may need additional support for effective inclusion, particularly on entry to the provision.

This model of reducing support gives an opportunity for greater fiscal control but requires the use of an effective matrix of needs in a defined continuum in order to identify the amount of place funding top-up. The clear identification of the range of needs which fit with increasing inclusion is essential for this model to work. This model is recommended for SRP's.

9. Retain and review the banding system for mainstream schools.

Schools value a banding system for allocating high needs block funding, and it brings an element of simplicity to the work of the funding panel. However, there must of course be a link between the value of the band and the cost of the interventions requested. All schools should be maintaining a costed provision map for a child or young person from when they first enter SEN Support so that they can make decisions about the effectiveness of their use of both Element 2 and HNB funding. When this is done the application for HNB funding is straight forward.

The recommendation is that the banding system is re-visited to ensure that the values of bands more readily can be applied to the cost of the additional interventions requested or identified by the reports used when making an EHC application.

This recommendation includes simplifying the application documents to avoid the duplication of information that SENDCos identify that they are currently required to do.

10. Time Limited Interventions

Make more use of timed interventions in EHC Plans, for example at times of transition so that the funding can be removed when it is no longer needed without lengthy bureaucracy.

11. Devolve a tranche of HNB funding directly to mainstream schools

Consider devolving further an initial portion of HNB funding to schools based on a formula derived from the number children and young people on SEN Support.

This will enable the school to quickly access HNB funding when needed. This funding would need to be ring-fenced, individual C or YP focused and separately accountable to the local authority through the governing body.

If a child or young person funded through the devolved funding is subsequently awarded an EHC Plan, any further HNB funding awarded, which is associated with the plan, will need to be specifically targeted against the additional support that the plan will provide.

- *Chunk of HNB to schools – formula based on SEN support learners*
- *System exists SENAT*
- *In the south west HNB was distributed*
- *Is the problem taken away by doing this?*
- *Look at Nottingham LEA = twice a year – mainstream*

12. Reverse the current trend of rising numbers of exclusions

There is a need to reverse the current trend of rising exclusions from an already high base and the **over-identification of SEMH (behavioural)** difficulties through re-focusing on how children and young people learn best (**metacognition**)¹² and become successful in mainstream schools.

Section 3.15 and 7.6 clearly indicates that the proportion of children and young people who are identified as having SEMH is high compared to other local authorities and is rising.

An increasing proportion of these children and young people are being excluded from school, either for fixed terms or permanently. The data clearly suggests that a proportion of these have had some other SEN identified prior to being labelled SEMH. Other children and young people with other SEN are also being excluded.

This creates both an upward drive of HNB costs in later school and college years but also is very likely damaging to the C&YP concerned and their families.

If early intervention, transition at year 6 and then into KS4 were more effective in promoting learning and meeting these C&YP's emotional and needs linked to social environments and learning at these critical points, the indicators are that more young people would be far better (and less expensively) included in the education system with the accompanying benefits in life outcomes and reduced costs downstream.

The impact of the reduction of funding in schools reducing the numbers of pastoral staff and teaching assistants is noted as having a possible impact on these figures. The pressure to improve some data in schools such as Progress 8 and Attainment 8 is also likely to have an impact with the focus on raising standards in core subjects and EBACC.

There is clearly some good practice already in place within the primary and secondary phases in Swindon where children and young people are being included and successful. It is recommended that the borough identifies and builds on this practice to build a culture of inclusion in mainstream schools, using the work in Recommendation 3 to provide a framework to enable all staff in mainstream schools to acquire the understanding and skills to be able to understand and teach a diversity of learners.

Without this happening, the continuum of provision for SEN will not become a reality, exclusions will continue at an unacceptably high level, the HNB will not be contained and the human outcome will be more young people not being appropriately educated alongside their peers and being valued for who they are

¹² Metacognition – being aware of and making use of an individual's cognitive processes to support learning.

13. QA SEN funding in schools

Re-establish the quality assurance of the use of SEN funding in schools. The outcomes of this process will inform best practice, hold schools to account and ensure the most cost-effective use of HNB funds.

The LA has the statutory responsibility for the provision and progress for all children and young people with an identified SEN at a Swindon address regardless as to where they are educated.

The Children and families Act 2014 requires that the local authority knows how effectively it identifies SEN and how effectively it meets the needs of children and young people with SEN.

This responsibility lies at the heart of the key questions that Ofsted will ask when they carry out a Local Area Inspection. Whereas the inspection team for a local area inspection will not make judgements about individual schools it will want to know how the local authority knows the answers to these questions and will verify those answers in the field.

Final decisions: PN

This needs to go to SEN Board

CCG Agenda – in the future

ASH Agenda – in the future

An Executive Summary needs to be prepared from these notes for Guidance to SEN Board

Must go to schools forum in the future

Priorities to be determined

Timeline and project plan to be created/prepared

What is already happening? Initiatives