

CABINET

January 2022

SEND RECOVERY PLAN - UPDATE

Report of the Portfolio Holder for Education and Children's Services

Strategic Aim:	Protecting the vulnerable	
Key Decision: Yes	Forward Plan Reference: 011021	
Cabinet Member(s) Responsible:	Councillor David Wilby Portfolio Holder for Education and Children's Services	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

- Notes the update, the emerging impact of the Special Educational Needs and Disabilities, (SEND), Recovery Plan group of projects and to endorse the actions planned to continue to address the High Needs Budget deficit.

1 PURPOSE OF THE REPORT

- Rutland's vision is to support all children and young people with Special Educational Needs and or Disabilities (SEND) to lead healthy, independent, and safe lives, to be a County that promotes inclusion, to maximise their opportunities to be independent and focuses on their abilities not their disabilities and wherever possible, have their needs met locally. (Rutland SEND and Inclusion Strategy 2019).

2. CONTEXT

- The Council receives ring fenced funding for High Needs from Government as part of the DSG. This funding can be supplemented through transferring funding from other DSG blocks including the Schools Block (0.5% can be transferred with approval from Schools Forum) and any transfer over 0.5% must be approved by the Secretary of State.

- 2.2 The High Needs block funding meets the costs of place and top-up funding for institutions meeting the needs of children to access specialist services or expertise commissioned by the local authority. It does not meet the costs associated with legal challenge, assessment costs, travel costs etc.
- 2.3 The projected financial deficit on DSG by March 2022, is predicted to be in the region of £822k. The High Needs cumulative deficit is projected to be about £1m. There has been additional Government funding over the last few years, but this has not kept pace with either inflation or been in line with the growing demand driven by parental choice.
- 2.4 Despite funding increasing over the last few years, the Council is carrying a deficit on High Needs funding. The School and Early Years Finance Regulations 2020 (which came into force in February 2020) are clear that “LAs will not be permitted to fund any part of the deficit from sources other than DSG (and any specific grants whose conditions allow them to be applied to the schools budget) without the authorisation of the Secretary of State”. In theory, the Council could apply to use its General Fund to subsidise costs, but this is not considered an option.
- 2.5 The Council’s deficit and projections are that by the end the financial year the deficit will be in excess of £1m with this growing by c£500k per annum. Further details of the financial position can be found in Section 3, (Financial Implications below)
- 2.6 Whilst we continue to run a deficit, costs will be met by Schools (local authorities have no legal responsibility in this area) which means that while this continues schools are footing the bill.
- 2.7 Consequently, any deficit must be recovered over time. The DSG conditions of grant require that any local authority (LA) with an overall deficit on its DSG account must be able to present a plan to the Department for Education (DfE) for managing their future DSG spend.
- 2.8 Local Authorities in this situation are strongly encouraged to have a management plan in place, Rutland has the SEND Recovery Plan overseen by the SEND Programme Board and reporting regularly to Schools Forum (SF). This plan was set in action following a Summit with schools in November 2018 and included all schools and other education providers, setting out the challenges and potential solutions. Following this, decisive action was taken, and Schools Forum agreed to commit £357k over a 5-year plan to change practice, start to halt the rise in year-on-year financial pressures and demand on special provision, and to begin to address the budget deficit.
- 2.9 Success measures for this type of work, regionally, are predicated on reducing the need for any local authorities’ use of independent school places, review, and reform of the ‘Education Health and Care Plan (EHCP) offer’. In Rutland the SEND Recovery Plan projects are particularly focused on:
- reviewing and reforming early years pathways,
 - reforming commissioning practices to address sufficiency problems and
 - and action to help schools reduce inaccurate identification of children wrongly labelled as having SEND which can otherwise lead to underachievement, sometimes due to a poorly designed or taught curriculum.
- 2.10 The SEND Recovery plan includes actions to motivate schools to utilise a Graduated Assessment response when children’s needs appear to be escalating, all of the SEND Recovery plan projects are designed to build confidence, skills, expertise, and capacity in and alongside mainstream schools’ staff with the goal being sustainable skill sets for leaders

and school teams.

- 2.11 The key question is, will the implementation of the SEND Recovery Plan ensure that the deficit is recovered over time? As section 3 shows, the answer to this question is no. Section 3 does show that the interventions made by the Council have made a positive impact on the finances surrounding the High Needs Block, but due to significant increases in demand the position will not be recovered.
- 2.12 The issue is a national one and Rutland's position is not different to many authorities in that demand for services are outstripping the funding available. The DfE has announced that the consultation on the revised Funding of the High Needs system should be out in the new year (no date has been specified) this will ultimately determine whether the deficit will be recovered.

3. DEPARTMENT FOR EDUCATION-HIGH NEEDS CAPITAL ALLOCATION FUNDING

- 3.1 Part of the SEND Recovery plan is to grow the capability and capacity of Secondary schools for 'what is ordinarily available in local schools. The Department for Education (DfE) have provided Capital grant funding programmes to help increase mainstream school places and maintain children with SEND in mainstream provision locally. RCC are working with our parent representative group to build reassurance among parents and building inclusion confidence in local school's transition arrangements. A new development, working with Uppingham Community College as a lead partner, with a working title for the facilities of 'Mainstream plus' provision is aiming to enable more children with EHC plans, (EHCPs) to transition from Primary education effectively and thrive in local mainstream Secondary phase education.

4. NURTURE EVIDENCE BASED PRACTICE

- 4.1 Nurture practice, based on attachment theory, has been piloted successfully in Rutland in partnership with Edith Weston Primary School part of the Brooke Hill Academy Trust. Nurture interventions are evidence-based programmes for specific children to increase their emotional wellbeing, intended for primary school children who have difficulties coping in mainstream classes and may be at risk of underachievement and disrupting their education and that of others. They support children's mental health and wellbeing and can lead to improved self-esteem and enhanced school achievement and attainment.
- 4.2 The Nurture pilot was initially designed to support up to 6 students yearly on site at Edith Weston and further equip Rutland primary schools to confidently assess attachment needs and help build the confidence of all schools to provide Nurture practice and interventions on their own school site, in order to specifically prevent children's exclusion or escalation out of the mainstream school system. One of the children assisted through a Nurture intervention moved from a high-cost placement (circa £75 k yearly)
- 4.3 In September 2021 Schools Forum received a report detailing the impact over the 16 months of the Nurture pilot including through the pandemic restrictions. 16 individual children and their associated schools had been supported with Nurture interventions. 9 received (or continue to receive) on site interventions (agreed through the multi-agency panel) and 7 children though outreach support from the Nurture hub staff.
- 4.4 RCC are developing an agreement with Edith Weston to bring Nurture into standard practice. This will secure these successful interventions for Rutland and focus on further propagating sustainable Nurture practice across Rutland schools.

5. SUPPORTING CHILDREN WITH SOCIAL EMOTIONAL OF MENTAL HEALTH NEEDS FROM ESCALATING

- 5.1 The range of projects within the SEND Recovery Plan, are delivering a number of initiatives new to Rutland, and which are intended to increase capacity within mainstream schools by assisting schools and other education providers, to act early where they see a child's social emotional and mental health (SEMH) needs are escalating and put in place support or evidence-based interventions that may prevent children moving into the SEND system and thus help children to continue successfully in mainstream education without the need for an EHCP
- 5.2 Specialist SEMH teachers are linked to schools as the first place to raise any concerns about any children's needs and get expert input prior to any case level work being commissioned through the Education Inclusion Partnership (EIP).
- 5.3 The Education Inclusion Partnership draws on existing Rutland resources and commissions interventions where there is a gap in services, it has purchased interventions such as specialist tutoring, specialist counselling, speech and language therapy, additional specific psychological interventions. This is detailed in the Toolkit of Resources, clearly outlined, and regularly updated for schools to make services easy to find on the Local Offer site.
- 5.4 A Primary Phase Panel meets monthly to allocate resources for cases that need specific action- a coordination and assessment function helps make sure these are targeted and manages the process to activate resources.
- 5.5 Over 100 children have now been considered through this sector led panel process. In time schools will have the knowledge, skills, confidence, and expertise to activate resources with an improved understanding of need and without the need for a panel and may be able to commission directly from their own funds or pool resources directly. All primary schools are now activating resources through the panel for particular cases with parental consent.
- 5.6 There is universal acclaim for the work of this schools' led partnership, feedback is collected three times a year, most recently in Summer 2021, a further report is expected in January, just one example of a wave of positive feedback from schools indicates that the EIP is meeting its aim to build sustainable and swift access to skills and expertise and reduce the need for EHCPs;

“Rapid response from the EIP service has allowed [our school] to implement strategies quickly. This has enabled us to make accelerated progress supporting a child with a variety of needs. Through the support offered by the EIP/SEMH link teacher, we have seen a significant reduction in physical behaviours and continue to work together to support the child further.

Strategies offered by the Autism Specialist Teacher have been implemented class wide as there were many other children who would benefit from the strategies and techniques. We would not have made an EIP referral for these children, but they have now benefitted too.

We have used the EIP and High Needs Funding to support a child successfully. When the child joined, we intended to apply for an EHCP, but following the High Needs Funding and EIP support, we are no longer looking to follow this pathway.”

- 5.7 Secondary Phase targeted work is also seeing an impact, with significantly reduced exclusions at Catmose, for example, which can be attributed to the work in partnership.

- 5.8 A senior Speech, Language and Communication professional provides 3 days a week from Leicestershire Primary Trust (LPT). This specialist has begun building relationships with Early Years settings and coaching friendly communicating environment skills in order to impact avoidable language delay. This is to supplement statutory work and to work at a lower level of need, for example, facilitating individual or group work for vocabulary, social use of language. They are also beginning work with Secondary School teams.
- 5.9 A Provider Group meets monthly to ensure not only EIP funded but wider services are coordinated and cohesive and that there is good communication and no duplication between providers
- 5.10 The Special Educational Needs Coordinators (SENCo) network has developed with the support of Rutland Learning Trust and the Education Inclusion Partnership Coordinator to identify gaps in skills and knowledge and is working with a Regional Whole School SEND programme over the remaining years of its operation to help promote evidence-based practice in inclusion and shape a sustainable learning network for Schools SENCo at Primary and Secondary phase.
- 5.11 Work to examine Value for Money and review Early Years pathways in partnership with The Parks provision and Oakham Primary School has been progressing. This is designed to share and expand inclusionary practice in the Early Years sector. SEND Consultancy, a team of SEND education experts, are working to flesh out visioning work undertaken in partnership to explore an inclusive model of provision for the early years pathway.

6. ALTERNATIVE OPTIONS

- 6.1 RCC has a duty to provide sufficient SEND education provision and places. All the alternative options cost more, require children to travel further afield (with associated costs to RCC) and impact their ability to form and benefit from being educated with community peers.
- 6.2 RCC are strongly advised by the DfE, to have a robust management plan in place to address system changes required. The SEND Recovery Plan is our management plan.

7. FINANCIAL IMPLICATIONS

- 7.1 The financial implications shown below are the implications on the Dedicated Schools Grant (DSG), which although the Council does hold and manage, deficits are not to be covered by Council's Finances.
- 7.2 The Council do produce a High Needs Recovery Plan to help manage the deficit on the high needs block. This is in the process of being updated to reflect revised assumptions around funding increases and the impact of the interventions.
- 7.3 The current modelling if no interventions are made is shown in the table below (figures in brackets denotes income/surplus).

	2020/21	2021/22	2022/23	2023/24	2024/25
	£000	£000	£000	£000	£000
High Needs DSG B/Fwd Deficit / (Surplus)	457	575	1,028	1,734	2,648
Transfer From Schools Block	(126)	(132)	(132)	(132)	(132)

High Needs Allocation*	(4,224)	(4,579)	(4,976)	(5,225)	(5,486)
Placement costs	4,468	5,164	5,814	6,271	6,823
High Needs DSG C/Fwd Deficit / (Surplus)	575	1,028	1,734	2,648	3,853
Recovery Plan Impact			(33)	(93)	(135)

- 7.4 Due to the high level of demand in the SEND service – requests for education health and care assessments, (EHCA), and the increasing numbers of Education Health and Care Plans, (EHCPs), the Council are seeing the SEND Recovery Plan is unlikely to address any of the current deficit (£1.028m) and will only go part way to mitigating the new demand coming through the system. The initial SEND Recovery Plan showed a saving of £135k by 24/25. It is expected that with the success of the interventions para 3.5 the revised model will show an improvement against this.
- 7.5 On the 1st of April 2021 there were 260 EHCP's in place, this has increased by 14 (5.4%) to date this year with an additional 18 requests for a EHCP assessment. If all of these go on to require support that would equate to a 12% increase in demand this year
- 7.6 The Council has agreed a number of actions with Schools Forum as part of the Council's SEND Recovery Plan. The table below shows the intervention and the basis of the business case

Provision	Business Case Basis	Current Position
Nurture Provision (para 2.13 – 2.16)	Assumes 1 independent place saving and 2 maintained special school place saving (£113k)	Exceeded expectation. Provision was designed to support 6 children and has supported 16. Crucially at least 1 of these children would be in a high-cost placement.
Education Inclusion Partnerships (EIP) (para 2.18 – 2.27)	Assume 3 placement decrease in specialist provision, 15 decrease in academy mainstream (£279k)	See 3.7

- 7.7 The success of these projects is also subject to several influencing factors including the commitment of schools to engage, test and commit to alternative approaches and parental preference not to pursue an EHCP even when a school do not necessarily support this.
- 7.8 It is clear from the direct feedback from schools that the level of demand for specialist places would have been significantly higher than the current number if the interventions of the SEND Recovery Plan had not been in place.

Mainstream top-up Rates

- 7.9 To further add to the pressure on the school's block, Schools Forum asked the Council to review its funding rates to mainstream provision. The rates paid to schools have been in place for a significant period of time and not reviewed since 2015.

- 7.10 The Council does have the final say on determining rates, best practice is to consult with Schools Forum.
- 7.11 The High Needs Funding Guidance states that “local authorities must treat those placed in maintained provision, in academies and free schools, in the further education (FE) sector, and in non-maintained and independent provision on a fair and equivalent basis when making arrangements for funding young people with high needs”. The Council has seen increases in non-mainstream provision due to the way places are commissioned over the same period, under the guidance the Council will have to inflate the rates paid to mainstream schools.
- 7.12 Schools Forum have agreed to use CPI as a basis from 2015 to 2021. The additional cost of the current cohort will result in an additional c£170k being added to the deficit per annum. This increase will be applied from April 2022.

8. LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 There are no additional legal and governance implications over the need to commission additional services on behalf of Schools Forum within agreed RCC guidelines.

9. DATA PROTECTION IMPLICATIONS

- 9.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks or issues to the rights and freedoms of natural persons.

10. EQUALITY IMPACT ASSESSMENT

- 10.1 A full Equality Impact Assessment is not required. The Local Authority has a duty under the Children Act and the SEND Code of Practice to meet the needs of children with additional need or deemed to be children in need.

11. COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no community safety implications.
- 11.2 The LA has a statutory obligation to safeguard vulnerable children at home and in the community, some children with SEND may be supported as Children in Need under Section 17 of the Children Act 1989

12. HEALTH AND WELLBEING IMPLICATIONS

- 12.1 Families give consent for case level interventions; support is otherwise offered by external services to resource staff skills and wellbeing to accurately provide support to children to prevent escalation in Social Emotional and Mental Health needs.

13. ORGANISATIONAL IMPLICATIONS

- 13.1 RCC capacity directly attributable to overseeing the SEND Recovery plan and commissioning services on behalf of Schools Forum, requirement for Finance, Legal, Project Management, and Commissioning resource.

14. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 That Cabinet note the progress and emerging impact of the SEND Recovery Plan group of projects, recognise the reasons for and risks that these projects will not meet the targets set and continue to endorse the actions planned to continue to positively impact the High Needs Budget deficit

15. BACKGROUND PAPERS

15.1 There are no background papers

16. APPENDICES

16.1 There are no appendices

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