

# STRATEGIC OVERVIEW AND SCRUTINY COMMITTEE

21 March 2024

## SEND PROGRAMME UPDATE

### Report of the Portfolio Holder for Children and Families

Strategic Aim:	Support the most vulnerable	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr T Smith, Portfolio Holder for Children and Families	
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Ward Councillors	N/A	

### DECISION RECOMMENDATIONS

That the Committee:

1. Notes the increase in numbers of children requiring Education Health and Care plans and the implications of this on the High Needs budget.
2. Notes the actions being taken with the aim to deliver better value and increase parental confidence in their local education provision.

## 1 PURPOSE OF THE REPORT

- 1.1 This report aims to provide Scrutiny Committee with an overview of how the Local Authority's Special Education Needs provision is being reviewed to ensure it is meeting the needs of children and young people in our area, and the actions being taken to ensure resources are being used effectively and best value delivered.
- 1.2 This report is accompanied by a separate presentation which will provide further detail on the main points covered in this report.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 A child or young person has special educational needs (SEN) if they have a learning

difficulty or disability which calls for special educational provision to be made. The definition of disability in the Children and Families Act 2014 is the Equality Act 2010 definition: a person is disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

- 2.2 Councils must keep education and care provision under review and consider if it is sufficient to meet the needs of children and young people in their area. Rutland County Council and Leicester, Leicestershire and Rutland Integrated Care Board (ICB) are jointly responsible for the planning and commissioning of services for children and are increasingly making use of local, regional and national data sets to ensure our services are effective in meeting the needs of Rutland families.
- 2.3 The recently formed SEND Area Strategic Programme Board provides challenge and offers an opportunity to work as a partnership across the area to continue to drive forward improvement. This Board is responsible for steering Rutland's SEND strategic development across the Rutland Area Partnership and for monitoring progress against recommendations made within the Ofsted/ Care Quality Commission Area SEND inspection report and the impact of actions taken to improve SEND systems for Rutland children and their families.
- 2.4 Working closely with our Parent Carer Forum, and making time to ask for, and listen to, the voice of the child/ young person, enables us to gather and act upon feedback from those whose needs are to be met by our service. It was noted in the Ofsted/ Care Quality Commission Area SEND inspection of Rutland Local Area Partnership (May 2023) that *Groups such as the Rutland disabled youth forum have contributed significantly to the review of the 'local offer'. The local authority's pledge to parents and carers to improve communication has led to more parents feeling that their voice is heard. The voice of the child and young person as well as their parents comes across strongly in most education, health and care (EHC) plans.*

### **3 RUTLAND CONTEXT**

- 3.1 Children with EHCPs currently attend a range of education settings, in and out of Rutland, with a good proportion attending mainstream education, which gives a strong basis for the aim to increase Parental confidence in their child's needs in their local community.
- 3.2 There continues to be an increase in requests for Education, Health and Care Plan assessments which reflects national trends. However, the LA will continue to undertake programmes of work to increase parental confidence in locally available mainstream education, through which children and young people's additional educational needs may be met through good quality ordinarily available provision, or through reasonable adjustment to that provision, funded through the High Needs Fund where this is required. Children and young people with more complex needs which cannot be met through existing and universal provision may need an Education, Health and Care (EHC) plan to ensure their needs are met and they make progress towards their identified outcomes.
- 3.3 Children with EHCPs currently attend a range of education settings, in and out of Rutland, with a good proportion attending mainstream education, which gives a strong basis for the aim to increase parental confidence in their child's needs being met in their local community.

## **4 DELIVERING BETTER VALUE PROGRAMME**

- 4.1 Support for children and young people with SEND across all settings should be focussed on helping them to achieve the best possible educational and other outcomes, preparing them for adulthood. To this aim, the Local Authority is engaged in a range of support, guidance and training across the education sector with the intended outcome that parents feel confident that their child's needs will be met within their local community, where this is in the child's best interest. Key within this is the Delivering Better Value (DBV) programme.
- 4.2 DBV is a transformation programme managed by the Department for Education (DfE) and the Chartered Institute of Public Finance and Accountancy (CIPFA) to support Local Authorities with High Needs Block Overspends.
- 4.3 By offering a more robust offer of specialist support within in our setting – where staff can identify, assess, and meet the needs of a child or young person with SEND early, we will build confidence in the SEND system. Parent carers will see their children and young people are well-supported and that there is a clear pathway to progress to more specialist support when / if this is needed. This in turn will embed the 'graduated response.' (This process is one all schools should follow once a child or young person school has been identified as having an additional learning need).
- 4.4 If Rutland schools applied the graduated response consistently, then over time our increased offer to mainstream school should reduce the need for an EHCP for anything other than to meet the most complex needs. This will overtime ensure that young people with SEND will be part of the communities they reside in and can grow into adulthood secure in the knowledge their needs are understood and that they belong.

## **5 CHANGE PROGRAMME**

- 5.1 The Change Programme, nationally, is made up of 32 local areas, organised into 9 regional Change Programme Partnerships (CPPs). Each CPP has a lead Local Authority (LA) and partner Integrated Care Board, and up to 3 partner Local Authorities. In the East Midlands, Leicestershire, Leicester and Rutland form the regional Change Programme Partnership, with Rutland the Lead Partner authority.
- 5.2 The government's vision, set out in the SEND and Alternative Provision (AP) Improvement Plan (March 2023) is to create a more inclusive society through a new national SEND and AP system that is built around the right support at the right time and high aspirations for all children and young people. The SEND and Alternative Provision Improvement Plan set out an ambitious roadmap towards a national system that consistently provides the right support, at the right time in the right place for disabled children and young people and children and young people with special educational needs, or those in alternative provision, wherever they live in the country. The vision for the Change Programme builds on this roadmap and sets the ambition for the future of the SEND and AP system.
- 5.3 Rutland's engagement with this programme supports our aim to build parents' trust: parents and carers experience a fairer, easily navigable system (across education, health, and care) that restores their confidence that their children will get the right support, in the right place, at the right time.

- 5.4 The SEND and AP system will be integrated across health, education and care, with these local SEND and AP partnerships working together to produce an inclusion plan that sets out how they will work together to commission and deliver identified need, so that children and young people and their parent carers will have access to inclusive support through a mainstream offer or in specialist settings including alternative provision.

## **6 CONSULTATION**

- 6.1 Formal consultation has not taken place. However, the Local Authority works closely with parents and carers through the Parent Carer Forum and other parent carer collaborations. Feedback from families, including the voice of the child, is key within the planning of future services and activities.

## **7 ALTERNATIVE OPTIONS**

- 7.1 If the Local Authority does not take action, the numbers of Education Health and Care Plans could continue to increase, and children and young people may continue to travel out of county for specialist provision where this may not be the best option or in their best interest.
- 7.2 Rutland mainstream schools will not be seen as an option for the education of many children and young people who have a special educational need and/ or disability whose needs could be met within their community.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 Special Needs Education is funded by the Dedicated Schools Grant (DSG) High Needs Fund. Changes to the delivery model as presented to the Scrutiny Committee, is key within the Council's Recovery Plan, providing the opportunity to invest more in supporting children in mainstream settings and thereby contributing towards easing the deficit in the Dedicated Schools Grant. In recent years, the High Needs Block has operated in challenging environments with new demand being experienced and inflationary pressures resulting in an increase in price. As a result, the deficit has increased from £0.1m in 2018/19 to a forecast deficit of £2.4m by 2023/24. As part of the Delivering Better Value scheme, the Council was required to provide a model of a possible deficit position which showed that the deficit on the DSG could reach £16.9m by 2029/30 if no mitigations were undertaken.
- 8.2 The deficit is a key risk to the financial resilience of the Council. In April 2020, a new regulation was introduced that enabled any deficit on the schools' budget to be transferred to the Dedicated Schools Grant Adjustment Account for a specified period of time for the deficit to be made good. This had the effect of separating schools' budget deficits from the local authority General Fund for a period, initially set at three years but later extended to March 2026.
- 8.3 Given the information received to date, and to some degree knowledge of the approach being taken by DfE for 'Safety Valve' Councils (where the value of the DSG deficit is significant) the Council is required to assume for financial planning purposes that the expectation for the Council to fund this deficit position. The Medium-Term Financial Strategy has used the model per Delivering Better Value scheme which estimates the deficit could have risen to £5.3m by March 2026. Given that the Council's Risk Reserve is forecast to be £7.1m at this date, for the Council

to fund the DSG deficit at the £5.3m would jeopardise the financial resilience and sustainability of the Council. It is therefore essential to build on recent local service-based activities, which have led to improvements being made in the SEND service provision, whilst at the same time robustly reviewing and reducing key cost drivers to ensure the Council's financial sustainability.

- 8.4 Rutland County Council is seeing a steep rise in the volume of EHCP's which in turn is creating a steep rise in costs and overspend. Planned initiatives aim to slow down the growth in EHCPs and contribute to a reduction in trend of the increasing High Needs Fund deficit. The DBV program is not expected to make any savings in this current financial year, but forecasted savings are as below:

2024/25 £737k

2025/26 £1,418k

2026/27 £2,231k

2027/28 £3,126k

2028/29 £3,220k

2029/30 £3,317k

- 8.5 The Delivering Better Value grant of £1m over an 18-month period until the 31/3/25 will empower Rutland County Council to invest in sustainable initiatives which will in turn provide greater support to children and young people with SEND to enable them to attend their local mainstream education provider where it is in the child's best interest do so and, more importantly, without the need for an EHCP to be the only driver for well-planned intervention and support. By providing this support, needs will be met in mainstream provisions by the implementation of early intervention strategies which will help to reduce the child's needs, and the associated costs, from escalating.

## **9 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 Councils must keep education and care provision under review and consider if it is sufficient to meet the needs of children and young people in their area (The Children and Families Act 2014 is the Equality Act 2010)
- 9.2 The UN Convention on the Rights of the Child: Article 23 (children with a disability). A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

## **10 DATA PROTECTION IMPLICATIONS**

- 10.1 A Data Protection Impact Assessment (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of individuals.

## **11 EQUALITY IMPACT ASSESSMENT**

- 11.1 An Equality Impact Assessment (EqIA) screening has been completed. No adverse or other significant issues were identified. A copy of the EqIA can be obtained from

## **12 COMMUNITY SAFETY IMPLICATIONS**

- 12.1 The Council has a duty in accordance with S17 Crime and Disorder Act 1988, when exercising its functions, to have due regard to the likely effect of that exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social behaviour).
- 12.2 This duty has been considered and there are no community safety implications relating to the recommendations.

## **13 HEALTH AND WELLBEING IMPLICATIONS**

- 13.1 The definition of disability in the Children and Families Act 2014 is the Equality Act 2010 definition: a person is disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.
- 13.2 The government's vision, set out in the SEND and Alternative Provision (AP) Improvement Plan (March 2023), is to create a more inclusive society through a new national SEND and AP system that is built around the right support at the right time and high aspirations for all children and young people.
- 13.3 Rutland's aim is for parents and carers to experience a fairer, easily navigable system (across education, health, and care) that restores their confidence that their children will get the right support, in the right place, at the right time.

## **14 ORGANISATIONAL IMPLICATIONS**

- 14.1 There are no organisational implications associated with this report.

## **15 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 15.1 There has been an increase in the number of children and young people assessed as having a special educational need which can only be met through the issuing of an EHCP.
- 15.2 By offering a more robust offer of specialist support within in our education settings, where staff can identify, assess, and meet the needs of a child or young person with SEND early, we will build confidence in the SEND system. Parent carers will see their children and young people are well-supported and that there is a clear pathway to progress to more specialist support when / if this is needed.
- 15.3 This in turn will embed the 'graduated response' which all early education settings and schools should follow once a child or young person school has been identified as having an additional learning need. This starts with the quality first teach approaches, such as differentiating tasks to make them more accessible, then if still more support is needed it can move to more targeted support. If this is still not enough, then specialist support may be required in the form of an education health care plan (EHCP).
- 15.4 When Rutland early education settings and schools apply the graduated response

consistently, over time our increased offer within mainstream education should reduce the need for an EHCP for anything other than to meet the most complex needs. This will overtime ensure that young people with SEND will feel more integrated into the communities they reside in and can grow into adulthood secure in the knowledge their needs are understood and that they belong.

- 15.5 With increased confidence and capability of the education sector in meeting the needs of a wider range of pupils within their ordinarily available provision, and the associated confidence for parents and carers that their child's needs can be met locally, the aim to utilise High Needs Funding more effectively can be achieved.

## **16 BACKGROUND PAPERS**

- 16.1 [Integrated Budget Plan \(IBP\) and Medium Term-Term Financial Strategy \(MTFS\) - 2024/25 to 2027/28, Council 26 February 2024.](#)

## **17 APPENDICES**

- 17.1 No appendices

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