

Special Educational Needs and Disability task and finish group

Purpose

For discussion and direction.

Summary

This report sets out the work undertaken by the Special Educational Needs and Disability (SEND) task and finish group since its first meeting in March 2018 and outlines further pieces of work in this area that the LGA could undertake to strengthen both our understanding of SEND pressures facing councils and our lobbying work ahead of the Spending Review.

Recommendation

Members of the CYP Board are invited to note the work undertaken by the task and finish group to date and discuss the priorities for future research and lobbying work on SEND and high needs funding, as summarised in paragraphs 6 – 10 of this report.

Action

Officers to action as appropriate.

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Special Educational Needs and Disability task and finish group

Background

1. In January 2018 the Children and Young People Board agreed to set up a task and finish group to oversee the Board's work on Special Educational Needs and Disability (SEND), in response to feedback from member councils that highlighted SEND support as an area that is causing considerable concern as rising demand for support for children and young people has not been mirrored by increased funding.

Work undertaken to date

2. The Task and Finish groups continues to be lead on the development of a coherent, evidence-based narrative of the current state of SEND provision in England, as well as a clear vision for how this provision should be designed and delivered in future.
3. To date the Task and Finish group has overseen the completion of the following work streams:
 - 3.1 Holding a series of regional workshops, where discussions fed into the *Developing and sustaining effective local SEND system; a practical guide for councils and partners*. This guide seeks to draw together what partners in local areas have done to develop and sustain effective, system-level approaches to supporting young people with SEND; from these approaches, distil some key practical messages that could be used by partners in local areas across the country, adapted to their local circumstances and priorities and; share, develop and refine these key messages formatively and iteratively through co-productive discussions with leaders from local areas across the country.
 - 3.2 Publication of *Have we reached a 'tipping point'? Trends in spending for children and young people with SEND in England* report, which found that councils are facing a £1.6 billion high needs funding gap by 2020-21. The findings of this report contributed to the Department for Education announcing that an additional £250 million was being made available for council high needs budgets for the 2018-19 and 19-20 financial years, as well as £100 million for additional SEND school places.
 - 3.3 Publication of a revised 'must know' for Lead Members for Children's Services on SEND, which was produced in conjunction with the Council for Disabled Children and National Network of Parent-Carer Forums.
4. A project looking at the demand and cost drivers for home-to-school transport is on-going, with the findings expected to be published before the end of the summer. While this project is looking at both mainstream and SEND home-to-school transport, the Task and Finish Group has agreed to provide Member oversight.
5. Elsewhere we are represented at officer level on the DfE-led SEND Leadership Board, which was set up to look specifically at effective SEND commissioning in response to a

recommendation made by Dame Christine Lenehan. Involvement in this Board, alongside representatives of ADCS, ADASS and the Department for Health and Social Care, will provide further opportunities to undertake further work looking at the identification and sharing of effective practise.

Options for further work

6. SEND/high needs continues to be an area of significant concern for member councils and the LGA is keen to continue to build on the work that has been undertaken to date. The very clear message from councils engaged in completed research projects is that without further injections of funding there is very little prospect for many of them recovering from the deficit position they are now facing. For some councils lifting the cap on funding formula increases would significantly aid their attempts to balance budgets going forward, but this is only the case for those which seek to gain under the current formula. Furthermore, it has been argued strongly that there are demand pressures, based on changes to legislation, such as the extension of responsibilities to 25 and very strong emphasis placed on parental preference, which have never been sufficiently costed in to the funding model.
7. The Isos *tipping point* report found that to create a more sustainable funding settlement going forward there may be merit in considering some key questions around how incentives in the system might be better aligned to support inclusion, meet needs within the local community of schools, and corral partners to use the high needs block to support all young people with SEND as a collective endeavour. The Board is asked to consider whether work should be commissioned looking at one, or more of the following:
 - 7.1 How can mainstream schools be supported, incentivised and rewarded for maintaining an active and effective approach to inclusion?
 - 7.2 How can the pressure on the capacity of local maintained special schools be alleviated?
 - 7.3 How can the financial impact of increasing numbers of high-cost placements in Independent, Non-Maintained Special Schools and out of area provision be addressed?
8. The Board will also want to consider whether we undertake work looking specifically at the provision of SEND support to post-16 young people. Extension of SEND support up to the age of 25 has resulted in this being the area that has seen the biggest growth in Education, Health and Care Plans and the LGA has been approached by organisations working in this area that are keen to commission research looking at the effectiveness of existing arrangements.
9. Member councils are also raising concerns around the provision of SEND support in the early years, both as a result of rising demand and due to the implications of national policy and funding changes. The introduction of 30 hours free childcare for 3 and 4-year-old children of eligible working parents has not been sufficiently funded, leaving providers unable to provide additional support to children where they may have done previously. In addition, councils are raising concerns around the efficiency and suitability of both the

SEN Inclusion Fund and the Disability Access Fund, which are both supposed to improve access to early education for children with SEND. With the new policy and funding changes having been in place for two years, the Board will want to consider whether now is an appropriate time to review whether these have had unintended consequences on provision for children with SEND, and how councils can ensure these children receive the support and early education they are entitled to.

10. The LGA will be responding to the DfE's SEND and Alternative Provision (AP) call for evidence, published on the 3rd May. This will focus on the current funding arrangements for those with special educational needs, those with disabilities, and those who require alternative provision, as well as helping the Department to understand how the current available funding is distributed, and what improvements to the financial arrangements could be made in future to get the best value from any funding that is made available.

Next steps

11. Once agreed by the Board, work will be undertaken/commissioned by officers and overseen by the Task and Finish Group.

Implications for Wales

12. There are no implications for Wales.

Financial implications

13. There are no additional financial implications arising from this report.