

ADCS WRITTEN RESPONSE TO THE NATIONAL AUDIT OFFICE VALUE FOR MONEY STUDY: SUPPORT FOR PUPILS WITH SEND

To what extent has the Department for Education created a set of incentives that influence local authorities and schools to direct funding to pupils on the basis of need?

There are a number of perverse incentives built in to the system. Falling resources and an accountability system that prioritises academic attainment above inclusion has resulted in a growing number of mainstream schools feeling unable to meet the needs of learners with additional needs. The SEND reforms created the idea of a notional £6,000 contribution by the school to meeting a pupil's education plan, however, this was not funded and was introduced against a backdrop of an 8% real-terms reduction in per pupil funding between 2014/15 and 2019/20 (NAO, 2016). With less support available in the classroom, a growing number of learners are being moved out of mainstream schools into specialist provision. Exclusions are rising too – according to government data learners with SEND now account for almost half of all permanent exclusions despite representing only 14% of the school population.

A rising number of learners are moving out of mainstream schools into more costly special school or independent school placements and local authorities (LAs) have sought to 'top up' budgets by using reserves or transferring funds from the general schools budget to the SEND budget, known as the High Needs Block, however, the government has moved to restrict this flexibility which is exacerbating budget pressures. Indeed, the findings of new research from the LGA, ['Have we reached a tipping point?'](#) found over the last four years the system has moved from a net surplus to a deficit position with a projected High Needs Block overspend of between £1.1 and £1.6 billion nationally by 2021.

Do you consider that need is assessed consistently across England, and between different groups of pupils (for example, between boys and girls or between different sorts of need)?

Anecdotal evidence and the outcomes of local area SEND inspections do indicate there is a significant variation in the health contribution to the planning process and the support subsequently offered is inconsistent at a local level.

How far do you consider that the Department has made clear what it expects local authorities and schools to do to support pupils with SEND, and supported the exchange of good practice?

Until spring 2018 the Department's focus was on LAs meeting its deadline for transferring existing statements to education, health and care (EHC) plans, a mammoth task on top of affecting cultural change within our own organisations and across the local partnership. More recently there has been a greater focus on quality and experience in our discussions with the Department. It is hoped the SEND System Leadership Board, which is in the process of being set up by the Department, will bring more focus to bear in this space. More needs to be done to support LAs, schools and the health sector to come together to develop meaningful partnership approaches, supported by joint commissioning, in order to improve the outcomes of children and young people with SEND. This needs to happen at a local as well as a national level - there is an urgent need for Department and the DoHSC to come

together to develop joint guidance on the funding arrangements for children and young people with SEND health needs, it would be helpful if DoHSC also committed to formally reviewing its Continuing Healthcare assessment framework.

More generally, the focus of the reforms has been meeting the needs of individual learners rather than the collective needs of all children and young people with SEND in a local area, resulting in demand outstripping available resources. The reforms were rightly ambitious and parental expectations rose as a result, however, the impact of wider reforms to the education system, the NHS and austerity were significantly underestimated.

Difficulties in engaging with health partners is exacerbated by complex organisational structures with the commissioning and provider split, which results in a very disjointed funding system that does little to support equality of access for all based on need. The health sector's priorities are being driven by the new NHS long term plan but the focus of this work is largely driven by challenges in caring for older people rather than meeting the needs of children and young people.

To what extent do you consider that there are:

a. enough school places, of the right type and in the right places to meet the needs of pupils with SEND effectively?

There is a national shortage of special school places which is driving increased use of costly independent placements, typically located outside of the geographical boundaries of a child's home LA which include additional transport costs. Groupings of LAs are examining ways to reduce out of area SEND placements by increasing local capacity, however, both the capital and revenue funding to support such a shift is limited.

Further, reforms to different aspects of education policy over the last decade has resulted in LAs holding a range of statutory duties but not the necessary levers to fulfil them e.g. sufficiency of schools yet an inability to build new schools. For the last few years funding for new special schools has not kept pace with population increases or rising levels of need – the number of learners with EHC Plans as increased by 35% in the five years to 2017/18 (DfE, 2018). At the end of last year, the Department announced extra funding for the special provision capital fund in 2019/20 in recognition of the pressures building in this area, however, it will take several years for this new capacity to be released and our reliance on independent provision is likely to continue to grow. Capital funding has previously been distributed in a piecemeal way; going forward a sustainable funding strategy is required as a matter of urgency.

b. sufficient appropriately trained staff, including in local authorities and SEND co-ordinators in schools, to support pupils with SEND effectively?

The SEND reforms, although rightly ambitious, were not accompanied by a national drive to recruit and train the required numbers of professional and support staff e.g. occupational therapists, speech and language therapists or educational psychologists. At the end of last year, the Department also announced plans to train more educational psychologists from September 2020 onwards which is a welcome development, however, it will be several years until children and young people feel the benefit of this additional investment.

In a review of local area SEND inspections, Ofsted (2017) found that training for health staff on the SEND reforms has been variable. Consequently, the transitioning of services

between 0-18 and 19-25 year olds has been a challenge. Inspectors also found that the quality of education and health care plans varies across local areas inspected with a fairly common feature being a lack of consistency in the contributions from health in assessments.

ADCS believes a holistic workforce strategy for the totality of the children's workforce is needed where oversight and ownership are taken at the national level, as at present individual professions receive the majority of focus and funding e.g. teachers or social workers. That said, schools play a vital role and it would be helpful if initial teacher training programmes, and ongoing professional development opportunities, focused in a more meaningful way on meeting the needs and aspirations of learners with SEND.

What more could be done to measure outcomes for pupils with SEND?

There remains a gap here, particularly in relation to the 19-25 cohort, where the worry is that residential education placements are being used as a substitute for care - the government has not yet articulated what 'good enough' looks like in terms of outcomes for this older cohort. It is hoped the new SEND System Leadership Board will prioritise this task once it becomes fully operational later this year.

More needs to be done to develop an effective model for this older cohort of young people with SEND. There is an increasing use of residential specialist placements for this older age group as a proxy for a university experience which, at times, is driven by parental expectations. We need to be ambitious for our young people and ensure we are meeting their needs but acknowledge that in doing so, there may be a tension with parental expectations.

At the same time, preparing for adulthood must start as early as possible for children and young people with SEND and must interface across health, social care and education, bringing into view issues around housing and supported employment. There is a significant gap in support services for those who are not continuing with education and do not meet the vulnerable adult definition, this can be problematic as there can be an expectation that SEND services will step in to fill the void. Similarly, transition planning to adult services for those young people who are returning home after they have left residential school and require support from adult services, is crucial in order to avoid young adults entering long-term residential placements in adulthood.

What are the main strengths and weaknesses in the current system, and what are the consequences of these?

ADCS members absolutely support the underpinning vision and aims of the reforms which promised to give children a stronger voice, a clearer focus on children's outcomes, closer co-operation between education, health and social care alongside a clearer articulation of services in the local area. However, sufficient funding, particularly for the 19 – 25-year-old cohort, was not forthcoming nor was a clear articulation of what success looks like.

The complex interplay between these reforms; to wider changes to the education and schools system, and to the health system, alongside the ongoing impact of austerity all factor in the difficult situation we find ourselves in now. That virtually all LAs are overspent in this area shows the challenges we face are not down to a lack of local leadership or ambition but a chronic lack of investment and a naivety about the bigger context. As a result, the number of children and young people with EHC Plans has increased by more than a third

over the last five years and the number of children and young people educated in special schools and specialist colleges has risen by a quarter over the same period.

Is the current system sustainable? How could support, and outcomes, for pupils with SEND be improved, within current funding levels?

The current system is not sustainable, and while LAs have attempted to mitigate the funding pressures we face, the financial constraints are such that the ability to manage within budget going forward is highly unlikely. Added to this, in such a personalised area of provision it is difficult to forecast demand let alone reduce costs and funding simply isn't keeping pace with the levels of need evident in local areas.

Recent research commissioned by the LGA (2018) found that while system-wide influences are fuelling demand and cost, there are also structural constraints that significantly limit how local areas can manage that demand. A high percentage of expenditure is tied to individual pupils and placements which cannot be released in the short term. The weight given to parental preference in tribunal decision making risks LAs' ability to maintain a threshold for undertaking EHCP assessments and any attempts to control our budgets. Borrowing limitations and a cap on transferring funding is making it increasingly difficult for LAs to create the financial headroom that would be needed to invest in the kind of preventative activity that could, in time, break the cycle of escalating costs.

Any additional funding from the Department to relieve current pressures in this area is welcome, but the £125m per year for the next two years falls far short of bridging the existing and projected funding gap or allowing us to meet the raised expectations of parents and carers.

Has the Department established effective mechanisms for parents and young people to understand their rights and seek redress when their rights are not being met, and removed barriers to them doing so?

Tribunals are the primary mechanism for parents to challenge local decision making. The adversarial nature of this binary process further adds to the conflict and levels of dissatisfaction in the system. The outcomes of tribunals are advisory despite this being a formal, legal process which again adds to frustrations. This means that where LAs are making threshold-based decisions around assessment, these are increasingly being challenged successfully. Tribunal decisions can have significant financial implications with some highly individualised placements costing hundreds of thousands of pounds annually. When set against a backdrop of a 50% reduction in funding for local authorities since 2010 (NAO, 2018) and the underfunding of these new reforms, difficult decisions are inevitably being made by LAs about the fair and equitable apportioning of funding daily. A more sustainable approach to high needs spending is required; one which must be weighed against questions of individual parental preference.

Improved support around the mediation process also needs to be explored in order to resolve challenges brought about by parents at an earlier stage, to head off the need for a formal, legal process to resolve all disputes.