

Public Document Pack

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04 March 2021

Dear Member,

**Children and Young People's Services Scrutiny Committee - Wednesday,
10 March 2021**

Please find enclosed the following documents for consideration at the meeting of the Children and Young People's Services Scrutiny Committee on Wednesday, 10 March 2021 which were unavailable when the agenda was published.

Agenda No	Item
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| 5. | Inclusion in West Sussex (Pages 3 - 30) |
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Yours sincerely

Tony Kershaw
Director of Law and Assurance

**To all members of the Children and Young People's Services Scrutiny
Committee**

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Children and Young People's Services Scrutiny Committee
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10 March 2021

Inclusion in West Sussex

Report by the Director of Education and Skills

<p>Summary</p>

<p>The number of children and young people being identified with Special Educational Needs & Disabilities (SEND) is increasing year on year and the range of learning needs is becoming more complex. In addition, an increasing number of children and young people are showing signs of social, emotional and mental health difficulties. Exposure to Adverse Childhood Experiences (ACEs) including neglect, witness to domestic violence and both drug and alcohol abuse can lead to children and young people showing anxiety, anger and difficulties in their relationships with others. Sometimes this manifests itself in challenging behaviour. However, all children, irrespective of their starting points, their challenges or learning needs, have a right to an education that enables them to thrive, to learn and to develop the skills they need to become active participants in society.</p>

<p>For most, their education and learning needs can be successfully met in mainstream classrooms where the culture of inclusion and access to the appropriate expertise enables them to flourish. Some may require reasonable adjustments to be made to ensure that their needs can continue to be met alongside their peers as they progress through school.</p>

<p>West Sussex County Council launched its SEND & Inclusion Strategy 2019-24 in November 2019 following significant engagement with schools, external agencies and the parent community. Central to the strategy, and core to the School Effectiveness Strategy 2018, is the promotion of inclusive schools where practitioners have the expertise, commitment and flexibility to meet the diverse needs of children including those with additional learning or emotional needs within mainstream education. The Strategy aims to provide a county wide approach to meeting the diverse range of children's needs through a graduated response beginning with inclusive schools, the development of expertise and capacity building along with a range of specialist provision that can successfully meet the needs of those children with complex challenges and who need specialised support.</p>
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<p>The SEND & Inclusion Strategy is now sixteen months into the implementation of a five year programme of change. This report outlines the work done to date and the impact currently taking place. It outlines the range of actions in support of embedding inclusive practice and, the progress being made on the provision of specialist places for children with more complex needs. It also summarises how the local authority is responding to both increased demand and also the commissioning of provision for those children excluded by schools.</p>

<p>The report explores the support, challenges, and financial implications of the increasing numbers of children and young people requiring more specialist support, including financial pressures on the High Needs Block Grant provided to support SEND by the DfE. It summarises the statutory responsibilities of the local authority in these areas.</p>

The report does not cover current outcomes and achievement of children with SEND or focus on the broader issues of inclusion to overcome social disadvantage. Due to the current pandemic and the partial closure of schools over the last year, along with the impact this has had on national assessments, there is limited comparative data available on achievement and outcomes. In recognising the significant impact Covid has played on the progress and achievement of different groups of children and young people, including those who are disadvantaged and also those at the end of their school lives, these issues are worthy of a separate report and scrutiny.

The focus for scrutiny

The Committee is asked to consider the information in this report and the evidence provided by subject experts at the meeting on the County Council's approach to inclusion and how the plans and actions being taken are contributing to both improving provision for pupils and developing an inclusive approach to education in West Sussex schools.

Key areas for scrutiny include:

- a) The key projects, priorities and actions being implemented as part of the SEND and Inclusion Strategy 2019-24 (section 2.5) and how these demonstrate that appropriate progress is being made to meet the aims of promoting inclusive practice and improving provision for Children and Young People in West Sussex.
- b) To consider how the evidence provided demonstrates that the County Council is fulfilling its local authority statutory duties relating to the exclusion of pupils.
- c) To identify any areas that this Committee may wish to consider for future scrutiny.

The Chairman will summarise the output of the debate for consideration by the Committee.

1. Background and Context

- 1.1 Inclusion is a keystone of our SEND & Inclusion Strategy 2019-24 and also central to our School Effectiveness Strategy 2018. It is the aim of our combined approach to SEND and School Effectiveness to champion all children and young people to ensure that they have the best start in life. This includes the disadvantaged, those with particular learning needs, and those who are our most vulnerable. Inclusion is more than ensuring children have a place in school, but also that that place enables them to thrive within a provision that is appropriate and facilitates achievement and success.
- 1.2 To this end, many parts of the Department for Children, Young People and Learning work together alongside Public Health and external partners to ensure that schools and families receive the appropriate guidance, support and challenge to enable them to achieve our goals for young people. Teams across the department are involved in different ways in ensuring

that provision is available to meet the diverse range of pupils' needs, and that schools can access appropriate support and guidance when required.

- 1.3 The education of children, and decisions made both on provision within schools and also on the exclusion of children, is a responsibility that rests solely with schools and their governing bodies, not the local authority. The local authority's role is set by statutory guidance which restricts its position to one of advisory and ensuring compliance with the law. With regard to exclusions and children excluded, the role of the local authority is to ensure that the process for excluding a child is followed fairly and according to the statutory guidance for schools. It is the local authority's role to ensure alternative provision is available for those pupils who have been permanently excluded by their schools. In relation to SEND, the local authority has particular responsibilities for assessing children and the agreeing of an Education, Health and Care Plan (EHCP) for those who meet the threshold. It is also the role of the local authority to work with parents/carers to agree a school place that can meet the needs of the child. Therefore, much of what the local authority does to support inclusion in schools is non statutory guidance and advice, working to support change through additional support and influence.
- 1.4 Whilst some of the support services provided to secure greater inclusive practice in our schools are funded through the County Council, much is funded through the 'High Needs' direct grant from the Department for Education (DfE). This grant covers the additional costs associated with funding appropriate support and provision for children with special educational needs both within our maintained mainstream and special schools. It also funds specialist placements in the independent sector for those children and young people up to the age of 25 years whose needs cannot be met in the county's schools. Our High Needs allocation in 2020/21 is £88m with £77m being spent on educational placements and £11m in other areas such as staffing, alternative provision transport, and both collaborative and preventative initiatives.
- 1.5 Spending is largely driven by the number of pupils with an EHCP. In March 2015 West Sussex had 3,423 children and young people with EHCPs, and since that time those numbers have risen to 5,785 in 2020. By early 2021, the figure had risen to 5,999. The number of children with an EHCP is rising year on year nationally. In West Sussex, the annual increase in new EHCPs was circa 11% and above the national trend. However, over this last year, the annual rise has reduced to 7% which is below the national increase. This reflects greater control and earlier intervention in meeting the needs of an increasing number of pupils without the need to escalate to an EHCP.
- 1.6 One of the main reasons for the increasing number of EHCPs nationally and within West Sussex has been the extension of support to young people up to the age of 25. Special Educational Needs Statements previously lapsed at age 19. However, since 2015 when the system was reformed, West Sussex, along with all other local authorities, has been supporting a new cohort of young people aged 19-25 for which the local authority has received no additional funding. This has resulted in the financing of demand for both post-16 and post-19 support rising

considerably and the High Needs Grant not keeping pace with this sudden and significant increase.

- 1.7 These reforms have also raised the expectations of children, young people and their families with an expectation that young people will stay in education until they reach 25. This similarly adds pressure on the High Needs Dedicated Schools Grant.
- 1.8 Other key reasons for spending pressures being experienced in West Sussex, include:
 - The needs of children with special educational needs and/or disabilities are becoming more complex and this is driving increased financial pressures across the system.
 - There is a shortage of local specialist educational provision to meet need, particularly in relation to Autism Spectrum Disorder, and this is resulting in increased specialist placements with independent providers.
 - We are also seeing increased demand for top-up funding, additional funding to provide specialist staffing and support across all settings.
- 1.9 Based on an assumption that the number of pupils identified as needing additional support through an EHCP will continue to rise at the current rate, it is projected that expenditure in High Needs is set to increase further in 2021/22.

2. The SEND and Inclusion Strategy 2019-24

- 2.1 The West Sussex County Council Special Educational Needs and Disability (SEND) and Inclusion Strategy (2019-24) was co-designed with our schools and external stakeholders to manage provision for children with SEND within the resources available. To this end, the key principles at all levels aim to reduce the upward pressure on funding independent school placements designed for children with more complex needs. They do this by strengthening inclusive provision in mainstream schools along with SEND capacity in local schools and clusters through training, the provision of local specialist support centres (SSCs) attached to mainstream schools, and through additional early targeted support. All of these aim to increase the capacity of mainstream schools to successfully meet the needs of an increasing number of children with EHCPs, thereby creating space for children with more complex needs to be educated within the maintained special schools and ultimately reducing the outward flow of children into the independent special school sector with their associated higher costs.
- 2.2 The Strategy focuses on understanding information and data on developing SEND demand, and the use of this information to appropriately plan places and provide early support and intervention within an inclusive approach. The Strategy also focuses on ensuring that we have sufficient places and capacity to meet the range of needs within schools from mainstream, to schools with attached SSCs, and to special schools that meet more complex needs, thereby providing a graduated response to meeting children's learning requirements at every level. It also demonstrates a commitment to co-ordinated working across all stakeholders and partners to ensure that, collectively, the needs of

children are supported effectively, and that our schools are genuinely inclusive and able to fully meet the learning needs of children.

- 2.3 Currently our highest numbers of children and young people accessing our expensive out of county provision have a diagnosis of autism or are identified as having Social, Emotional and Mental Health (SEMH) needs.
- 2.4 A key strand of the SEND & Inclusion Strategy is that of promoting inclusive practice and equipping schools with the skills and capacity to respond to pupils who have a range of complex emotional and social needs that often manifest as challenging behaviours. The strategy is developing a graduated response for managing such children through reasonable adjustments to curriculum, appropriate access to support, and a continuum of appropriate and alternative provision to meet needs and reduce the risk of children becoming permanently excluded.
- 2.5 The over-arching strategy is underpinned by detailed plans against each priority, enabling stakeholders to be informed and able to challenge the progress we are making. The [SEND and Inclusion Strategy 2019 -2024](#) is published on our website along with the most recent [implementation progress report](#) and [project dashboard](#). We are committed to enabling, challenging and supporting all schools as inclusive institutions so that best outcomes are achieved for all pupils and we have agreed to share progress against our ambitions on a termly basis. The SEND and Inclusion Strategy has been addressing the quality of provision for children and young people requiring specialist provision through the following projects and actions:

2.5.1 Support for SEND:

The 'Ordinarily Available Inclusive Practice' (OAIP) guide is currently being piloted across West Sussex in mainstream schools and settings with an understanding of the types of everyday support and adaptations that can be made as part of normal teaching practice. The term 'ordinarily available' originates from the SEN Code of Practice and refers to the support that mainstream schools or settings should be able to 'ordinarily' provide through their agreed funding and resource arrangements.

Consultation sessions have also been held with early years and post 16 practitioners to ensure the OAIP is relevant to all education age phases. An Early Years annex has been created for the OAIP to provide information on some specific strategies for our youngest children

There is also a range of additional resources available for schools on the 'Tools for Schools' website which are easily accessible in one place on the Local Offer. The website is organised into the following 4 main areas:

- [Inclusion](#): Inclusion Framework; inclusive practice; disadvantaged groups; celebrating inclusion.
- [SEND toolkit](#): Ordinarily Available Inclusive Provision (OAIP); the 'assess, plan, do, review' cycle; SEND roles and responsibilities; additional SEND strategies, information and links.
- [Child's journey](#): Transition; person centred planning; voice of child / parent; home school partnership; journey to independence.

- [Team around the school](#): Teams that support schools; training and development, locality and area support, news and views.

These provide schools with an opportunity to examine their SEND practice. A draft SEND review model has been produced and will be piloted once COVID 19 restrictions allow.

2.5.2 Support for Developing a Culture of Inclusion

Our four SEND Advisors appointed through the Strategy are beginning to secure impact across West Sussex in ensuring that tools that have been developed by the project are used effectively, and that the desired cultural changes across West Sussex are taking place with consistency being established across all settings.

The aim of the West Sussex Inclusion Framework is to facilitate useful and constructive discussions to highlight good practice and inform whole school and setting development. The Inclusion Framework document has been published, with copies sent to all West Sussex schools and education settings. More information about the [Inclusion Framework](#) can be found on the [Tools for Schools website](#). The document is designed to be used flexibly, in a way that is relevant to a school or setting and will best support its development journey. The framework is also aligned to the Ofsted Education Inspection Framework (EIF). Feedback to date indicates that the Framework is achieving its objective of being a powerful tool to support colleagues at any stage in their inspection cycle.

Free online peer support sessions are being held to provide schools and settings with support on their inclusion development journey. The inclusion framework is used as a reference point for each session with peer support sessions being well received. For example:

"It's exactly what you want: present your 'sticking' point and then use the groups experience and knowledge to build a plan."

"We all learn from each other. Great to hear that others have similar issues."

The link between the Inclusion Framework and the broader School Effectiveness Strategy has been strengthened with changes to the criteria used to categorise schools and to provide additional targeted support and intervention with inclusive practice at its heart. The Area Inclusion and Improvement Boards (AIIBs) have greater access to inclusion data to help target school to school support and to challenge practice.

Already, impact is being seen in the way schools are responding to the Inclusion Framework and to training on therapeutic thinking to bring about cultural change in inclusive practice. Continuing professional development (CPD) programmes for teachers and leaders reinforce inclusive practice and a focus on meeting the needs of all learners within the school community. The proportion of pupils with EHCPs being successfully educated in mainstream schools has increased as schools

more confidently and successfully meet the needs of children with EHCPs, thereby reducing the upward pressure for more specialist placements.

Fig 1: The number (%) of EHCP placements per school designation

	03/2015	%	03/2020	%
Mainstream	1,131	33.0%	1,719	29.7%
SSC	335	9.9%	329	5.7%
Post 16 FE	0	0.0%	1,128	19.5%
Early Years	25	0.7%	86	1.5%
<i>Total in mainstream</i>		43.6%		56.4%
Special School	1,504	44.0%	1,790	31.0%
Alternative Provision	13	0.3%	24	0.4%
Independent	344	10.0%	522	9.0%
Other	71	2.1%	187	3.0%
Total number of EHCPs	3,423	100.0%	5,785	100.0%

Progress in the early identification of pupils' needs and promoting an appropriate focus on inclusion, along with access to appropriate resource, has enabled an increasing proportion of children with EHCPs to be successfully supported and educated within mainstream schools. This is beginning to allow for the better targeting of places for children with more complex needs in the county's special schools. This is gradually beginning to reduce the proportion being placed in the independent school sector. Despite a 69% increase in the number of EHCPs over five years, we have seen a slight fall in the proportion of those children being placed into the independent sector.

2.5.3 Strengthening leadership of SEND

Our School Effectiveness and SEND teams have implemented programmes for leadership to support the cultural change towards SEND and Inclusion required across West Sussex. This includes partnership working with two universities for a National SENCO Award at master's level, and CPD modules for Governors, Head Teachers (HT) and NQTs. The first sessions were held in September 2020 for Governors and New HTs. The NQT SEND/ Inclusion module was scheduled for January 2021 and was oversubscribed with a further session now planned. The CPD teams are now incorporating all the training offered for leadership and management of SEND within a single pathway so that participants can plan their professional development journey accordingly. This is key to building expertise and capacity throughout the system in our schools to deliver the ambitions of the strategy.

2.5.4 Setting Definition and Contracts

West Sussex is now utilising a place planning tool to plan for future SEND places more effectively, using the same methodology as mainstream place planning. This is also being used to support the West Sussex County Council Section 106 policy for developers to ensure that the Local Authority can plan appropriately and receive contributions to support any increase in the number of learners with SEND that arise from future developments. Information being collated is being used to prepare supporting information for two much needed new Special Schools in the centre/north and the south of West Sussex for 150+ places, to meet the increasing needs of pupils with Social, Emotional and Mental Health (SEMH) challenges, and those with Communication & Interaction difficulties, including Autism. More comprehensive data is also being used to plan appropriate additional places in targeted special schools and mainstream schools with SSCs. This aims to provide more locality-based provision with local continuity from primary to secondary phases, and also appropriate college provision within existing mainstream colleges for post 16 students.

The following new SSCs are progressing (all to meet social communication needs) and will deliver to the requirements set out in a provision descriptor:

- i. Felpham Community College– 12 places
- ii. Maidenbower Infant School – 12 places
- iii. Edward Bryant School – 12 places
- iv. Ifield Community College – 18 places
- v. St Margaret's CE Primary School, Angmering – 12 places

Existing SSCs to re-designate to Social Communication and 'grow':

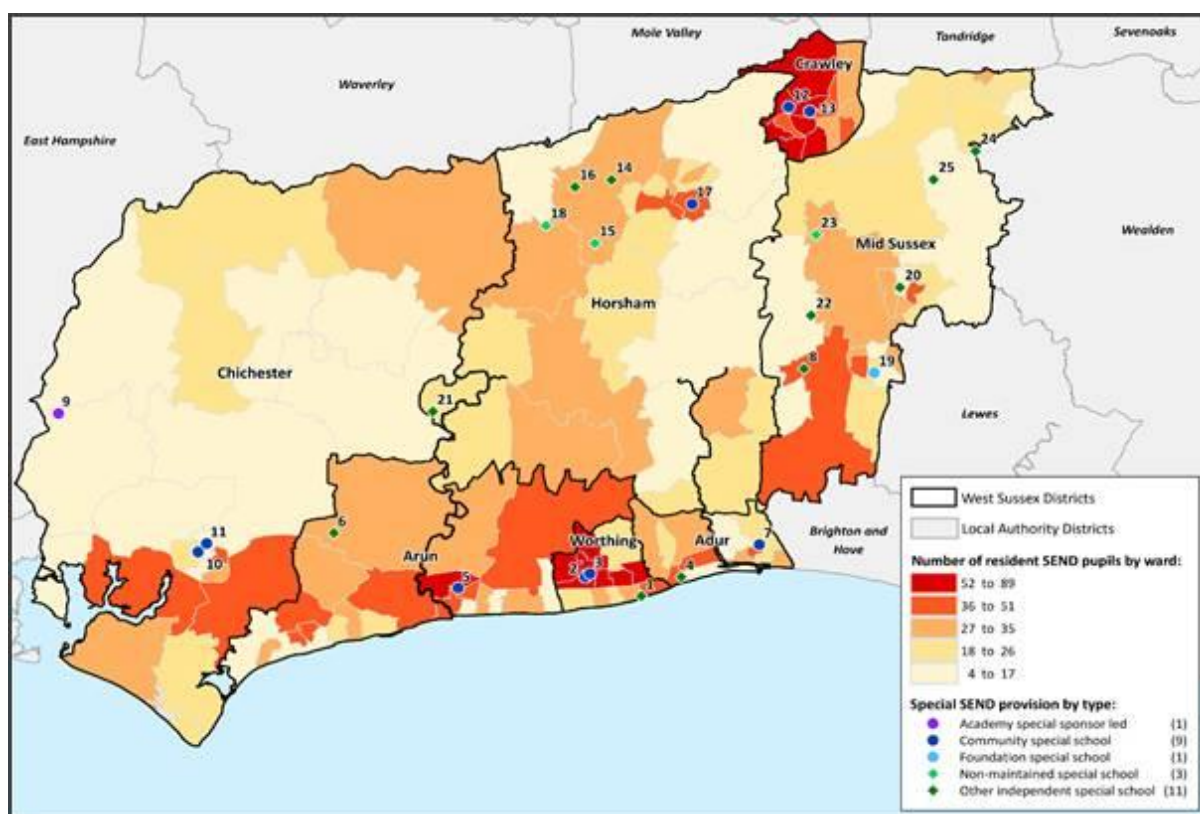
- i. West Park CE Primary School
- ii. Worthing High School
- iii. Warden Park Academy

Feasibility studies have taken place with all the new SSCs although the timeline for delivery remains challenging. Whilst a change in designation has been achieved for some SSCs for opening in September 2021, new settings are not now forecasted to be fully operational until September 2023 at the earliest.

Work is on track (subject to COVID 19 delays) for the delivery of the 104 additional special school places by September 2021. Pent up demand within the settings will, however, fill many of the places.

As a consequence of the Strategy's focus on better use of data, local authority provision is now better mapped and planned across the county with better progression between SSCs and into our schools with specialist provision and also into our college sector for Post 16.

Fig 2: Location of special schools across West Sussex



Contracts or Service Level Agreements (SLA) have been prepared for all West Sussex Specialist SEND settings and a plan of engagement is in progress, subject to the Covid-19 lockdown, to agree and implement these.

2.5.5 Improving Transition Management for SEND pupils

This workstream covers the important area of transition pathways and protocols for parent carers and settings. Work commenced in September 2020 and included representatives from schools, parent/carers, health, and social care. The work is focusing on points of transition from EYs to YR; KS1 to KS2; KS2 to KS3; Y11 to post 16, transition points that can lead to challenges in ensuring continuity of provision as the child moves schools. Work being developed is also ensuring that the output guidance includes both the education and health & care aspects of transition for pupils with SEN Support & EHCPs.

2.5.6 Developing a Strategy for Appropriate/Alternative Provision

A key element of the SEND & Inclusion Strategy is that of reducing the risk of exclusion for children and young people by building a culture of inclusive practice in schools whilst also further developing and implementing the strategy for West Sussex's Appropriate and Alternative provision. This workstream builds upon the SEND and inclusion work undertaken to date including the OAIP, Inclusion Framework, Graduated

Approach and Therapeutic Thinking, along with national research and recommendation including that of the Timpson Review 2019.

2.5.7 Appropriate Provision

Appropriate Provision in West Sussex is underpinned by article three of the United Nations Convention on the Rights of the Child which states 'the best interests of the child must be a top priority'. We believe that educational provision should meet the individual needs of the child and that, wherever possible, this should be in the mainstream school setting. However, we recognise that for some young people who have significant medical needs, mental health needs or who exhibit very challenging behaviour an *appropriate* alternative to mainstream school may best suit their individual circumstances.

Some schools have an internal programme of alternative provision with reasonable adjustments made for those pupils who are struggling to meet the requirements of a primarily academic curriculum. In some cases, this is facilitated by a broader curriculum offer including vocational skills or by working with other providers to provide an enhanced timetable.

There are several appropriate alternatives to mainstream schooling or curriculum choices available to schools in West Sussex. These alternatives have been developed over the last few years through creating a menu of Providers, which includes angling, equine therapy, forest schools, farm placements and the Council's Lodge Hill facility. Information on available providers is shared as part of the Local Offer. This enables schools to consider alternative provision as part of the child's broader curriculum offer.

In addition, the local authority, in partnership with secondary schools across the county, commissions places from in our Further Education Colleges for children in Key Stage 4 whose educational needs can be met more effectively through a vocational curriculum offer. This approach has been proven to meet the needs of some young people whilst also introducing them to the FE sector at an earlier age, thereby reducing the potential of them becoming NEET at a later date. Schools will also independently commission day placements for pupils through the Training and Skills Development programme (TSD) at the FE colleges, again enhancing the curriculum offer and introducing students to vocational skills.

West Sussex County Council, in partnership with headteachers in two localities on the coastal strip, are working to create a targeted preventative approach to exclusions which includes early identification and both targeted and time limited interventions. The projects are based on therapeutic approaches to resolve anxieties and support greater self-management to reduce the risk of escalating conflicts and permanent exclusion. The projects form part of the continuum of provision available across West Sussex which includes support to schools (including outreach), the West Sussex Alternative Provision College (APC) and SEMH special schools. The projects are managed by secondary schools in the locality working collaboratively, and involve external organisations delivering the programmes on their behalf. The engagement of schools is

essential in ensuring greater ownership and also establishing the programme as part of each school's graduated response.

One of the two projects began in January 2021 and has been working with a group of KS3 children in area South. The project and its outcomes will be fully evaluated and there is keen interest from the other areas of West Sussex who are also looking to working collaboratively in such a way to de-escalate the risk of exclusion through targeted support at an earlier stage.

2.5.8 Alternative Provision

Alternative Provision is that which is arranged by local authorities or schools, for pupils who do not attend mainstream school for reasons such as school exclusion, behavioural issues, school refusal, or short/long-term illness. For permanently excluded children, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion.

West Sussex commissions places in alternative provision at the Alternative Provision College (APC). It also commissions places at both Chichester College Group and Brighton Metropolitan College: Northbrook, for those pupils aged 14-16 yrs who have been permanently excluded from schools. Whilst commissioning such places, we are committed to greater local accountability and collaboration between schools and Alternative Providers for the provision and both progress and achievement of those attending. This is in line with the Timpson Review of 2019. To this end, we are working to establish local management committees involving school representation at the APC and strengthening relationships between schools and the colleges for commissioned places. We are finalising a Service Level Agreement (SLA) with each provider to identify expectations in provision, data sharing and reporting on achievement and progress to ensure provision meets the needs of children and provides value for money.

2.6 Exclusions

The exclusion of pupils from full time education is a power that rests with headteachers alone but with the Governing Body of a school needing to confirm that the decision taken by the headteacher is lawful, reasonable and fair. A local authority *does not* have the power to overrule an exclusion or to direct a school not to exclude or to reinstate a pupil. The government statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England' (September 2017) outlines the roles and responsibilities. An extract summary of this statutory guidance is provided in Annex A.

Data on the exclusion of pupils from schools and academies in West Sussex shows a mixed picture over time. The exclusion of pupils with SEND has been an issue in the past and was raised as a key priority in the Education and Skills Annual Report 2020. Although the proportion of fixed term exclusions in West Sussex schools, albeit rising, remains below the

national and regional average, permanent exclusions remain above the national and regional average.

The following information details the DfE publicly available data for exclusions in West Sussex, compared to the South East and national equivalent.

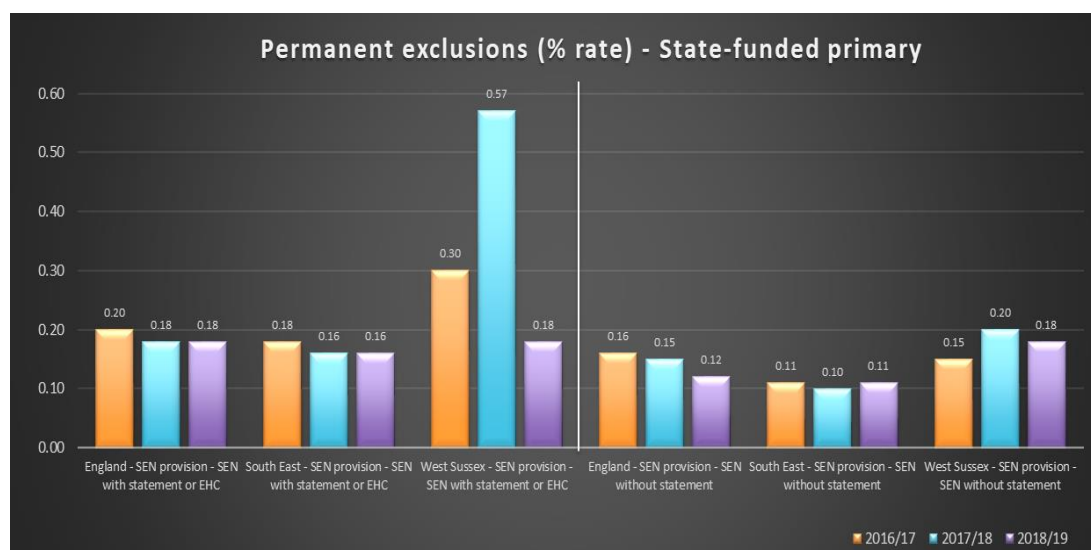
Fig 3: Permanent and Fixed Term Exclusion Data

Fixed Period and Permanent exclusions (% rate)		England			South East			West Sussex		
Metric	Phase	2016/17	2017/18	2018/19	2016/17	2017/18	2018/19	2016/17	2017/18	2018/19
Fixed period exclusions (% rate)	State-funded primary	1.37	1.40	1.41	1.66	1.64	1.59	1.49	1.57	1.53
	State-funded secondary	9.40	10.13	10.75	7.90	8.27	8.67	6.86	7.91	8.69
	State-funded special	13.03	12.34	11.32	15.91	15.91	16.49	10.26	11.95	9.97
	Total	4.76	5.08	5.36	4.41	4.56	4.75	3.83	4.32	4.60
Permanent exclusions (% rate)	State-funded primary	0.03	0.03	0.02	0.02	0.02	0.02	0.03	0.04	0.03
	State-funded secondary	0.20	0.20	0.20	0.13	0.11	0.12	0.22	0.23	0.25
	State-funded special	0.07	0.07	0.06	0.06	0.08	0.06	0.17	0.11	0.16
	Total	0.10	0.10	0.10	0.06	0.06	0.06	0.11	0.12	0.12

2.6.1 Permanent Exclusions

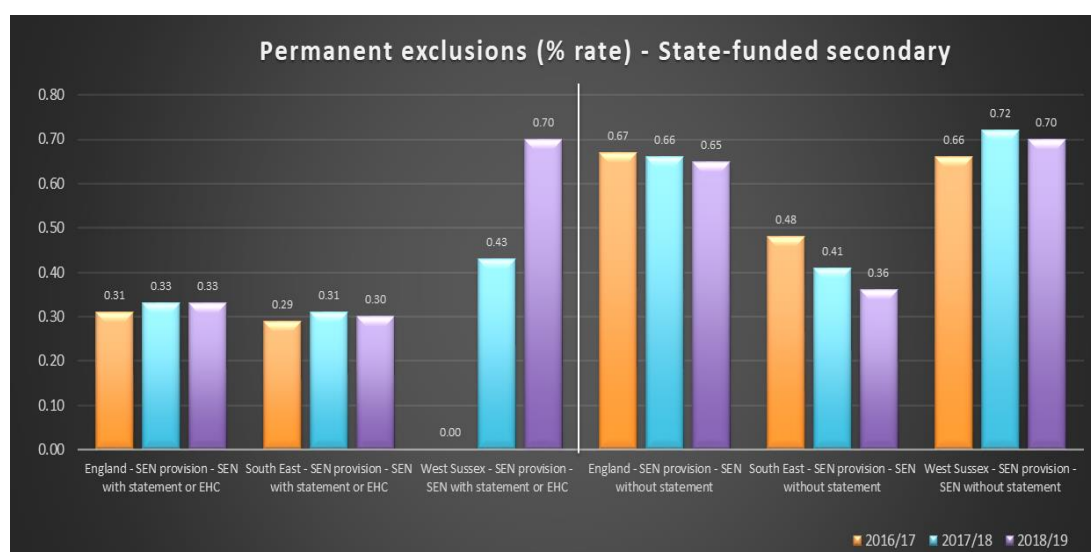
The following information shows the rate of permanent exclusions by school phase taken from the DfE publicly available statistics. Due to the lag in Exclusions data being collected within School Census, along with the onset of the Covid-19 pandemic in the Spring and Summer terms of 2019/2020 academic year, the information below reflects the latest comparative data. For primary phase pupils with an EHC Plan, West Sussex has had a significant improvement in the rate of permanent exclusion with a reduction of 0.39%, bringing the rate in line with the national figure. For SEN Support pupils, although higher than the national and South East figure, this again reduced in 2018/19.

Fig 4: Permanent Exclusions SEND Primary



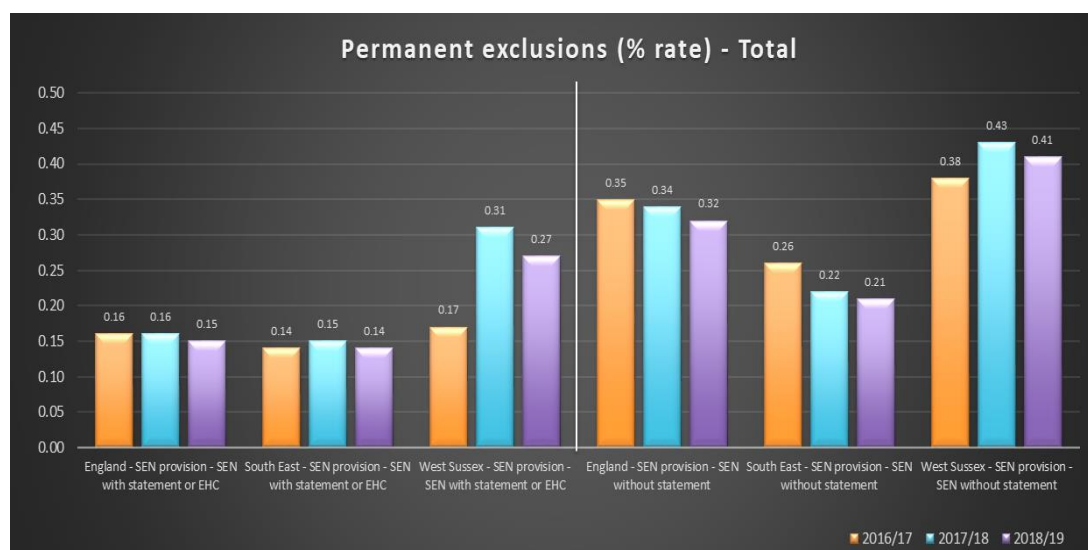
For secondary phase pupils with an EHCP, West Sussex has had an increase in the permanent exclusion rate by 0.27% and this is now higher than both the national and South East figure. For SEN support pupils, although higher than the South East figure, this reduced in 2018/19 and is broadly in line with the figures nationally.

Fig 5: Permanent Exclusions SEND Secondary



Overall, for pupils with an EHCP, West Sussex has had an improvement in the permanent exclusion rate and, although higher than the national and South East figure, the gap reduced in 2018/19. For SEN Support pupils, although higher than the South East and national figure, this also reduced in 2018/19, maintaining the gap with the national average.

Fig 6: Permanent Exclusions SEND overall

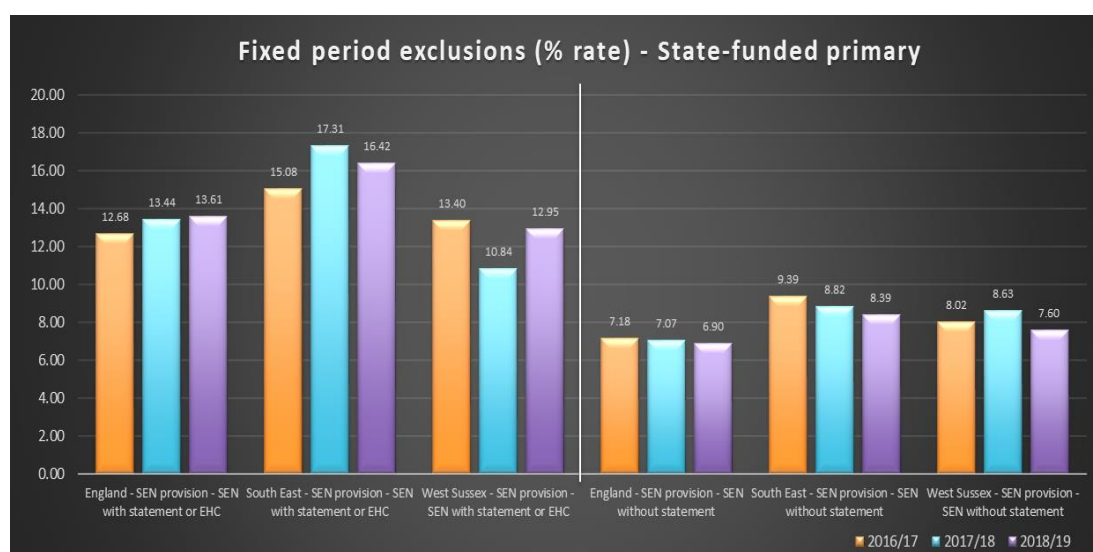


2.6.2 Fixed-Term Exclusions

The following information shows the rate of fixed term exclusions by school phase taken from the DfE publicly available statistics. Due to the lag in exclusions data being collected within school census, along with the onset of the Covid-19 pandemic in the Spring and Summer terms of 2019/2020 academic year, this is the latest comparative data.

For primary phase pupils with an EHCP, West Sussex has had an increase in the fixed term exclusion rate but this is still below the national and South East comparative figures. For SEN support pupils, although higher than the national figure, this reduced by almost 1% in 2018/19 and was lower than the South East.

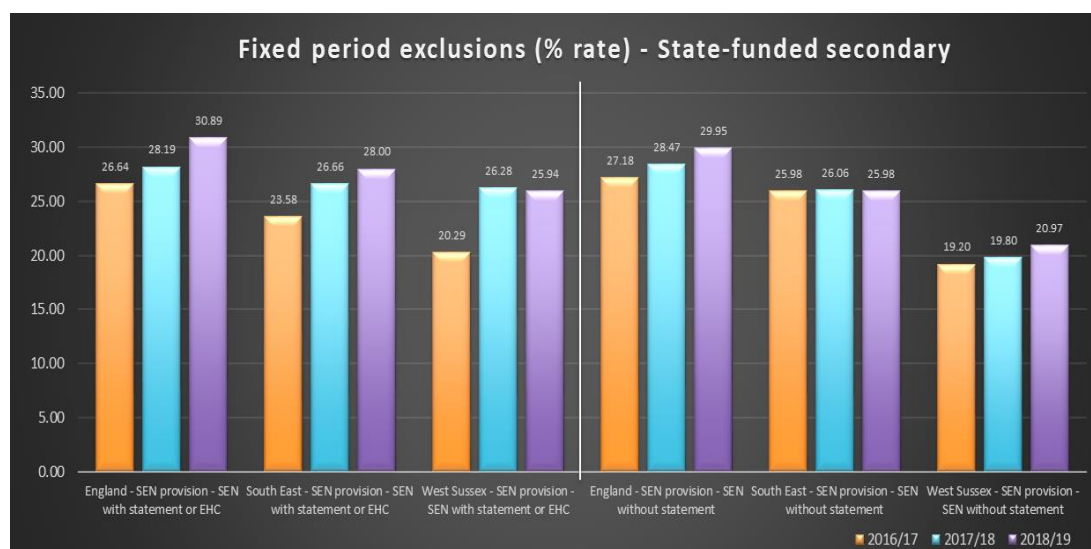
Fig 7: Fixed Term Exclusions SEND Primary



For secondary phase pupils with an EHCP, West Sussex has had a slight fall in the fixed term exclusion rate and this is much lower than both the national average by circa 5%, and the South East average by circa 3%.

For SEND Support pupils in school, i.e. those identified by schools as having SEND but without an EHCP, although there is an increasing trend year-on-year, West Sussex is still much better than the national average by around 9%, and the South East average by around 5%.

Fig 8: Fixed Term Exclusions SEND Secondary



2.7 Support for Excluded Pupils

West Sussex County Council's Fair Access Team commissions alternative provision for those pupils who have been permanently excluded or are in need of alternative provision for medical reasons. Alternative Provision for those pupils who remain on a school's roll and are dual registered with an Alternative Provider are commissioned and monitored by their school.

The team works with schools who identify children at risk of exclusion and signpost the school to those services that may be able to provide support to the school, the child or the family with the aim of avoiding the exclusion. This will include working across Children's Services including external agencies to engage professionals in working together to address the matters contributing to the consideration of exclusion. If a school is experiencing challenge from a number of pupils, this may also be through a team around the school approach. The team will work with schools and individual pupils in school with the aim of preventing exclusion and sharing strategies for managing challenging behaviours.

The Fair Access Team are advised of any child who is being permanently excluded or who has been subject to a number of fixed term exclusions where their sum amounts to 45 days or more in an academic year. In these instances the team will explore with the Headteacher whether exclusion has been the last resort, look to any strategies or support, and also alternatives that can be put in place to avoid permanent exclusion and advise the Headteacher on the legislation in regard to exclusion. In addition, the team will also ensure that parents are aware of the process and that they fully appraised of the situation.

The Fair Access Team attend the Governors' Disciplinary Committee which is a requirement to consider the Headteacher's decision to permanently exclude a pupil and whether to uphold the exclusion. Attendance is

required in local authority maintained schools, and if invited by an academy or free school, or at the request of the parent when a child has been excluded in these settings.

Fig 9: Permanent Exclusion Data WSCC as at 01 03 21 with figures for reinstatement

	Academy PEx Issued then withdrawn	Academy (declined to reinstate)	Maintained PEx Issued then withdrawn	Maintained (declined to reinstate)	Grand total PEx Issued then withdrawn	Grand Total (declined to reinstate)
2017-18						
Primary	3	16	1	11	4	27
Secondary	19	58	11	49	30	107
Sub total	22	74	22	60	34	134
2018-19						
Primary	3	13	4	11	7	24
Secondary	21	90	14	27	35	122
Sub total	24	103	18	46	42	149
2019-20						
Primary	2	7	6	11	8	18
Secondary	18	50	16	27	30	77
Sub total	20	57	22	38	38	95
2020-21*						
Primary	3	0	1	3	4	3
Secondary	5	16	0	12	5	28
Sub total	8	16	1	15	9	31

*not a full academic year

2.8 Commissioning Alternative Provision

In most cases children who have been permanently excluded or who are in need of alternative provision for reasons of ill health will be referred to the Pupil Referral Unit (PRU) otherwise known as West Sussex Alternative Provision College. The West Sussex Alternative Provision College (WSAPC) is currently rated by OFSTED as Good (April 2018). Chalkhill Education Centre (Education provided by WSAPC) is currently rated outstanding – (December 2017)

The Fair Access Team currently monitor this provision for individual pupils through regular meetings with WSAPC. However, a more formalised approach is required and is being enhanced by introducing a Service Level Agreement with WSAPC which outlines, roles and responsibilities and monitoring and reporting expectations.

2.9 Emotional Health and Wellbeing

West Sussex is committed to a therapeutic understanding of children and young people and, to support this, a well-being workstream is being introduced.

Initially the work will be to gain an understanding of the therapeutic approaches that are currently used across West Sussex. A “have your say survey” is planned for later in the spring term 2021 to capture this information. A longer-term aim of the workstream will be to produce a West Sussex Charter to provide a common understanding and language which can be collectively held and adhered to.

Alongside this development, online ‘Therapeutic thinking to behaviour management’ workshops were held in the autumn 2020 with more being planned for the spring term 2021. The sessions support the development and embedding of a therapeutic thinking approach into schools’ professional development programmes, policies and everyday practices.

2.10 Hearing and Visual Impairment

A new workstream has been established to deliver the recommendations for change set out in the review of this provision. A task and finish group has been established and a paper has been produced on the future delivery model. After review this will then be progressed in conjunction with the HI/VI SSC provision descriptors and aligned to the SLA.

3. Parental Satisfaction

Parental satisfaction is measured in different ways across the services provided. The proportion of EHCPs completed within the statutory 20 week deadline has been consistently higher than the national average of 60% by an average of 15 percentage points. The number of complaints from parents is relatively low considering the high and growing number of children with SEND within West Sussex. The number of Stage 1 complaints made regarding SEND services and provision is low with a minority of these being upheld. For the very few going to Stage 2 over the last three years, none have been upheld.

Fig 10: Complaints

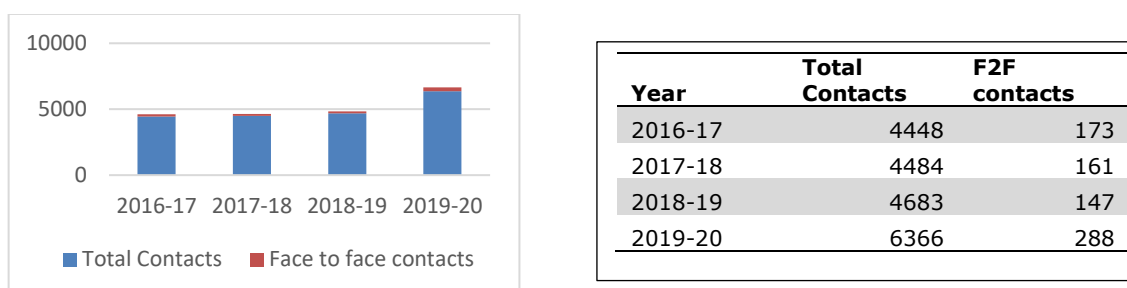
Year	Total 1 st stage complaints recorded	%EHCPs	Number upheld/part upheld	% of complaints
2020	23	0.4%	9	39%
2019	17	0.33%	6	35%
2018	13	0.27%	4	31%

Year	Total 2 nd stage complaints recorded	%EHCPs	Number upheld/part upheld	% of complaints
2020	1	0.0002	0	
2019	4	0.0008	0	
2018	2	0.0004	0	

Year	Total LGO complaints recorded	%EHCPs	Number upheld/part upheld	% of complaints
2020	3	0.0005	1	33%
2019	3	0.0006	1	33%
2018	2	0.0004	1	50%

The Council operates its own internal, and independently managed SEND Information and Advice Service (SENDIAS). The service provides independent advice to parents of children with SEND. The need for such a service is key to managing expectations and also supporting and mediating where issues arise. Feedback from parents and practitioners on the contribution the service provides to support where parents need additional support, have particular anxieties, or where the provision is failing to meet need, is overwhelmingly positive.

Fig 11: SENDIAS contacts with parents



Feedback on the service, which is rated Good by the Council for Disabled Children (CDC), demonstrates the value provided to parents in time of need.

The following are examples of positive feedback that shows the importance of an effective, impartial SENDIAS service to both parent carers, voluntary groups, professionals, schools and the Local Authority:

"Very valuable service that has given me hope and faith in the system for my son's future." - **parent carer**

"The value that SENDIAS brings has been demonstrated through feedback from families and it is this which has prompted the decision to make the funding permanent. For us, it is peace of mind of knowing that there is knowledgeable, independent support and advice available for families at a time when they feel they need it most." - **Children's Commissioning Manager (Health)**

"Invaluable service, were able to support and advice when we didn't know what to do or where to go" - **parent carer**

"I felt a bit lost about where to turn and what to do. This service and the wonderful lady that I have spoken to a couple of times were extremely helpful, kind listened well gave me great advice and of course told me to contact her anytime. After my first chat I felt calmer and after my second chat I felt very positive. I don't know what lies ahead but I know I can count on this service. Thank you" - **parent carer**

"Thank you so much for your support. You handled the meeting beautifully and were very balanced. I think it really helped give some clarity to the family and manage their expectations" - **SENCo**

"I have recommended SENDIAS to my parents and have always had positive feedback. I have also attended workshops run by Reaching Families where SENDIAS have attended and they also are so helpful and informative." - **Nursery worker**

"You have explained everything well, you have been fantastic, I can now support the family informed" - **Family Support Worker**

4. Resources

- 4.1 As at the end of 2019/20 the County Councils Dedicated Schools Grant (DSG) reserves went into deficit for the first time by £1.7m. This year, despite a £10.7m increase in our High Needs DSG allocation, the High Needs block is still currently forecast to overspend by £9.3m.
- 4.2 It is currently assumed for budgeting purposes that the number of pupils identified as needing additional support through an EHCP will continue to rise at the current rate of 500 per year.
- 4.3 The cost of placements in independent and non-maintained schools (INMS) is currently exceeding the 2020/21 budget by £6.7m. After allowing for the full year effect of 2020/21 places (£1.0m), fee increases (£0.6m) and potential further growth of 101 places (£3.1m), it is estimated that this cost pressure will increase by a further £4.7m next year, with a total pressure of £10.1m being forecast.
- 4.4 An additional £0.3m pressure is also being incurred in relation to 14-16 college placements and hospital tuition this year. This is not currently expected to increase in 2021/22.
- 4.5 The number of Post-16 placements has also risen over the last year, with a £0.4m overspending currently being forecast, largely due to 3 additional placements in Special Independent Provision. Numbers are expected to grow by a further 96 next year, but with the majority (76) likely to be at no cost to the LA, an additional £0.5m cost pressure has been estimated based on 17 additional SEND college placements and 3 independent places estimated.

- 4.6 Mainstream EHCP and personal supplements (including payment to other LAs) are currently forecasted to overspend by £1.5m this year. With numbers expected to increase by a further 153 in 2021/22, and an inflationary uplift to Individually Assigned Resources (IAR) rates of 2% being proposed, these costs are expected to increase by a further £0.8m (£0.6m growth + £0.2m inflation).
- 4.7 The increasing number of planned places in special schools and special support centres is resulting in an overspend of £0.3m this year, largely due to the need to hire an additional temporary classroom at St Anthony's. Allowing for a 2% increase in special school budgets (in line with the real terms protection increase being given to mainstream schools within the Schools block) and an increase in the number of pupils of 131, many of whom will hopefully fill current vacant funded places, a further £0.7m is being forecast for next year.
- 4.8 The Specialist Support Programme budgets are forecasted to overspend by £1.2m in the current financial year. Currently only an inflationary increase of £0.1m has been estimated for next year, with further discussions around forecasting increased demand in this area still to take place.
- 4.9 Staffing budgets are currently forecasted to breakeven. However, an additional £0.5m pressure is being estimated for next year to cover pay awards, the potential recruitment of 2 specialist outreach teachers and an additional advisory teacher and support worker to cover increased demand in the Elective Home Education Team.
- 4.10 The pressures set out above are summarised in the following table:

	2020/21 Pressure £m	2021/22 Pressure £m
INMS Places	5.600	10.100
Pre-16 College & Hospital Tuition	0.300	0.300
Post-16 College & ISP Places	0.400	0.900
Special School & SSC Places	0.300	1.000
Top-up Funding	1.500	2.300
Specialist Support Programmes	1.200	1.300
Staffing	0.000	0.500
Total Pressure	9.300	16.400
Less: DSG increase (ex Teachers Pay/Pensions Grant)		-9.400
2021/22 Budgeted Shortfall		7.000

- 4.11 The High Needs block provisional allocation for 2021/22 is £99.717m, which is £10.841m higher than the 2020/21 final allocation of £88.877m. £1.4 of this DSG funding relates to the teachers' pay and pension employer contribution costs which were previously funded through separate grants and therefore is not new monies.
- 4.12 Given the pressures set out above, the 2021/22 budget has therefore been set assuming a £7m shortfall, and Schools Form has agreed for

these funds to be transferred from DSG reserves. The DSG deficit is therefore expected to increase to £18m by 31st March 2022.

- 4.13 The DSG conditions of grant require all Local Authorities with a deficit at the to submit a plan to the DfE for managing their future DSG spend. This plan is currently being worked on by officers and includes a number of initiatives which are central to the SEND & Inclusion Strategy 2019-24. These support the direction being taken to reduce the proportion of children and young people with SEND being placed in Independent special schools by increasing the number of SEND places in SSCs and special schools.

Factors taken into account

5. Issues for consideration by the Scrutiny Committee

- 5.1 The Committee is asked to consider the information in this report and the evidence provided by subject experts at the meeting on the County Council's approach to inclusion and how the plans and actions being taken are contributing to both improving provision for pupils and developing an inclusive approach to education in West Sussex schools.

6. Risk Management Implications

- 6.1 that if there is isn't sufficient provision, children and young people with SEND will not receive an appropriate education and be able to fulfil their potential.
- 6.2 Ensuring that the County Council has sufficient appropriate provision and places for the increasing number of children and young people with SEND is crucial in reducing the financial risk to the County Council and the longer term risk of the need for ongoing care and support, and possibly more specialist placements due to the lack of timely assessment, intervention and support.

7. Other Options Considered

- 7.1 None considered.

8. Equality Duty

- 8.1 Every child has the right to a good start in life and should not be discriminated against due to learning needs, disabilities, gender or race. Children with special educational needs have the same right to access learning and education provision that helps them reach their full potential and achieve well as their peers who do not have additional learning needs.

Disadvantaging children through restricting access to learning, in an environment that is not inclusive and does not offer the same opportunities to interact, to learn and to socialise with their peers, restricts their ability to become fully rounded individuals. Excluding children from education has to be the last resort and all schools have a duty to consider all other options and the impact on the individual that any exclusion would have. Adolescent boys and boys from particular cultural heritages are more likely to be excluded from school. It is for the local authority and the SEND & Inclusion Strategy to monitor exclusion to ensure that no child is discriminated against due to gender or race.

9. Social Value

- 9.1 The SEND & Inclusion Strategy aims to increase the numbers of children and young people remaining within their local communities for their education journey from pre-school to further education. It aims to ensure access to the specific support they need to be successful in their learning without the need for long journeys, and with the ability to learn and socialise with their peers within the communities they live.

10. Crime and Disorder Implications

- 10.1 National data suggests that children who are permanently excluded from mainstream or special education are significantly more likely to be exploited or end up in crime. Pupils who are excluded from mainstream education are less likely to develop the core skills they need to access work and further education and are more likely to struggle to fit into society. Inclusion in learning helps develop social norms and to moderate their behaviour and relationships. Improving outcomes for children and young people in their local communities reduces the risk of crime and disorder.

11. Human Rights Implications

- 11.1 All children and young people have the right to an appropriate education that meets their individual learning needs and which supports their emotional and mental wellbeing. Being excluded from learning or being discriminated against because of ability, SEND or social context breaches the right of every child to have an education that builds on their individual needs and attributes, and enables them to succeed and make a valuable contribution to society.

Paul Wagstaff

Director of Education and Skills

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Annex A - Extract from 'Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion' (September 2017)

Annex B - Extract from: Alternative Provision Statutory guidance for local authorities January 2013

Background Papers - None

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Annex A: Extract from 'Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion' (September 2017)

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

All children have a right to education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion; and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period.

A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.

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Annex B: Extract from: Alternative Provision Statutory guidance for local authorities January 2013

Good Alternative Provision

Good alternative provision is that which appropriately meets the needs of pupils which required its use and enables them to achieve good educational attainment on par with their mainstream peers. All pupils must receive a good education, regardless of their circumstances or the settings in which they find themselves. Provision will differ from pupil to pupil, but there are some common elements that alternative provision should aim to achieve, including:

- good academic attainment on par with mainstream schools – particularly in English, maths and science (including IT) – with appropriate accreditation and qualifications;
- that the specific personal, social and academic needs of pupils are properly identified and met in order to help them to overcome any barriers to attainment;
- improved pupil motivation and self-confidence, attendance and engagement with education; and
- clearly defined objectives, including the next steps following the placement such as reintegration into mainstream education, further education, training or employment.

Commissioning good-quality alternative provision

Responsibility for the alternative provision used rests with the commissioner. The nature of the intervention, its objectives and the timeline to achieve these objectives should be agreed and clearly defined. Progress against these objectives should be frequently monitored, appropriate reviews should be built in and continuity into the next stage in the child's life should be considered. Where reintegration to the school is an objective, there should be agreement on how to assess when the pupil is ready to return and the school should provide an appropriate package of support to assist their reintegration. These objectives and plans should be agreed with providers, set out in writing and regularly monitored, including through frequent visits to the provider.

The monitoring process takes account of the requirements of the Alternative Provision Guidance which includes:

- Hours offered – part time timetables
- Attendance
- Academic and social progress and engagement
- Accreditations and qualifications being pursued
- Vulnerabilities and supporting services
- Exit plan

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