

Cabinet Member for Education & Skills	Ref No: ES06(19/20)
December 2019	Key Decision: Yes
SEND & Inclusion Strategy for West Sussex 2019-2024.	Part I
Report by Director of Education and Skills	Electoral Divisions: All
<p>Summary</p> <p>The County Council has developed a new Education and Skills strategy to support the inclusion of all children and young people, particularly those with special educational needs and disabilities (SEND). This strategy builds on the SEND strategy for 2016-2019 and the outcomes of the 2018 Ofsted/CQC SEND local area inspection.</p> <p>The new SEND and Inclusion strategy for West Sussex 2019-2024 has been co-produced during the spring term 2019, with a wide representation of stakeholders, indeed more than 150 people have participated in the development workshops and events. The stakeholders have included parent carers and young people as well as education providers and other professionals from across social care, health and education to ensure it relates to other County Council strategies.</p> <p>A public consultation to seek views on the content of the draft strategy has taken place and the outcome of this is set out in section 3.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>Best Start in Life: Approval and implementation of the SEND and Inclusion Strategy will support the inclusion of all children and young people, with a particular focus on those with Special Educational Needs and Disabilities (SEND)</p>	
<p>Financial Impact</p> <p>The High Needs budget is currently under severe pressure due to the continuing increase in the number of children and young people with Education, Health and Care Plans. The new SEND and Inclusion Strategy aims to increase the level of specialist school provision provided by the Local Authority and also look to reduce the number of permanent exclusions for pupils with SEND in our mainstream schools. This will help to ensure that the County Council will continue to be able to live within the funding provided by government through the Dedicated Schools Grant (DSG).</p>	
<p>Recommendations</p> <p>The Cabinet Member for Education and Skills is requested to:-</p> <ol style="list-style-type: none"> (1) Approve the SEND and Inclusion Strategy 2019 - 2024 and accompanying implementation plan for publication. 	

Proposal

1. Background and Context

- 1.1 In 2016 the County Council published the SEND Strategy 2016-19 which set out the aims and objectives for strengthening education for children and young people with special educational needs and disabilities (SEND). In order to ensure the strategy reflects the future needs of children and young people a review of the existing strategy has been undertaken.
- 1.2 This review has resulted in the development of the SEND and Inclusion strategy 2019-2024 (Appendix 1) which, along with the accompanying implementation plan (Appendix 2) sets out how the County Council will support the inclusion of all children and young people, with a particular focus on those with SEND. The plan and the strategy were developed in tandem by over 150 stakeholders during the first half of this year, and ideally need to be read in conjunction with the draft data dashboard (Appendix 3), which was also developed as part of the strategy. The implementation plan sets out the high level tasks that will be undertaken as part of the new strategy and the associated timeline.
- 1.3 The vision is that all children and young people in West Sussex will, irrespective of their learning needs or abilities, gain the skills and confidence to live well in their community. They will be supported and nurtured through an educational system that responds to their circumstances and prepares them for adulthood.
- 1.4 This strategy builds on the aims and objectives of the SEND strategy 2016-2019 and the outcomes of the 2018 Ofsted/ CQC SEND [local area inspection](#).
- 1.5 The new strategy has been co-produced with parents, carers and young people, as well as education providers and professionals from social care, health and education, to ensure it complements other County Council strategies.
- 1.6 Within the Strategy three priorities have been identified:
 - Knowing our children and families well (an inclusive, person centred approach).
 - Meeting the needs of our children and young people through our schools, educational settings and services.
 - Working together towards solutions (collective responsibility).
- 1.7 Each of the priorities has clear supporting objectives and, set out in the Implementation Plan, are the key activities that will be undertaken to achieve these during the period to 2024. A data dashboard to show how success will be measured has also been developed.
- 1.8 The draft strategy and implementation plan have been the subject of public consultation, as detailed in section 3. The responses identified that there is a high level of support for the vision, priorities and key activities, but that this is tempered by a lack of belief that there will be the funding, resources and

commitment for delivery, due to High Needs costs continuing to escalate at a higher rate than the Dedicated Schools Grant (DSG) funding.

- 1.9 As part of the new strategy, a review of existing specialist provision has been undertaken. In addition, the number of children with SEND that are educated in independent non maintained special schools as their needs are not able to be met in West Sussex maintained schools or Academies has also been reviewed.
- 1.10 The High Needs Block funding from the Department for Education is currently no longer sufficient to meet the increasing costs of providing for the number of children with Education Health and Care Plans (EHCPs). In March 2015 3,423 children and young people in West Sussex had EHCPs and by June 2019 this number had risen to 5,440. To date, the shortfall between the additional cost of meeting the educational needs of those children and young people with an EHCP and the Dedicated Schools Grant (DSG) allocation for High Needs received from government has largely been found from DSG reserves. However, these reserves are likely to be fully depleted by the end of the current financial year.
- 1.11 The needs of children with SEND are also 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 (ASD) and Social, Emotional and Mental Health Needs (SEMH), and this is resulting in the County Council needing to increase the number of children educated in specialist placements with independent providers. There is also an increased demand for top-up funding across all settings.
- 1.12 There is a lack of capacity within mainstream schools to provide a graduated response to additional needs. Many schools are facing financial pressures and therefore do not have the capacity to provide additional support to pupils. As a result, this is driving up the demand for more specialist education services, as children with low level SEND who could potentially attend mainstream schools are being educated in more specialist provision. This is coupled with an increase in the number of pupils with SEND being excluded and the need to provide costly alternative provision for these pupils. Parental requests for specific high cost placements and tribunal decisions to support parental preference are also further driving demands on the Dedicated Schools Grant High Needs Block.
- 1.13 The new strategy will therefore look to increase provision for children and young people with SEND by increasing the number of classrooms in maintained special schools and through the creation of additional Special Support Centres (SSCs) in maintained mainstream schools. Through doing this it will be possible to educate more children locally and reduce the costs associated with educating children out of county in Independent Non-Maintained Special Schools (INMSS). There will also be a potential reduction in transport costs by placing children more locally.
- 1.14 The proposal to increase the number of special support centres (SSCs) in maintained schools also featured as part of the existing SEND Strategy, and as a result Cabinet Member [approval](#) to develop Phase 1 of this project, was

provided in December 2018. With the development of this new strategy, Cabinet Member approval was also given to develop Phases 2 and 3 of the SSC project in December 2019.

2 Proposals

2.1 Adoption of SEND and Inclusion Strategy

2.1.1 It is proposed that the new SEND and Inclusion Strategy for West Sussex 2019-2024 is adopted. The Cabinet Member for Education and Skills is therefore asked to confirm the approval of the SEND and Inclusion strategy 2019 to 2024 and accompanying implementation plan for publication.

2.1.2 The objectives for the implementation of the strategy are as follows:

- Local Authority maintained and academy provision meeting the needs of most pupils with SEND by 2023.
- The numbers of placements into the independent sector are measurably reduced and, where they remain, are reviewed annually and actions arising are successfully followed through.
- Maintained schools are inclusive and meet the needs of pupils with SEND with appropriate support.
- Early intervention opportunities are maximised.
- There are no permanent exclusions in primary schools for pupils with SEND and the proportion of permanent exclusions in secondary for pupils with SEND is no more than 20% of the annual figure of exclusions for 2017-18
- Specialist School provision provided by the Local Authority is financially sustainable
- Achievement and progress made by pupils with SEND is at least in line with national average for similar pupils
- The costs of providing education for pupils with SEND are managed within the High Needs budget
- There is a measurable reduction in the overspend on SEND transport costs
- Quality assurance in place to ensure "what good looks like" is achieved
- The implementation tasks and plan which arises from the SEND Strategy is achievable within the timelines set (supported by the required resource).

2.1.3 The delivery of the implementation plan and achievement of the objectives will also require investment in the following additional resources:

- Three project workstream leads on a temporary fixed term basis to lead the culture for inclusion, SEND offer and settings workstreams, and
- Three additional SEND school advisors on a permanent basis to provide Quality Assurance to INMSS, SSC, Special School and Mainstream settings. They will also provide training and development and support for the local SENCO networks.

2.1.4 The SEND and Inclusion Strategy project has 4 workstreams (SEND Offer, Culture of inclusion, Setting definition/ place planning and contracts, and reporting finance and surveys). One of the workstreams will be led by the existing project manager. The other workstreams will be led by experienced subject matter experts from within the business in order to ensure that the

project objectives and the stepped change is achieved. This required focus cannot be given to the project unless these individuals are freed up from their day jobs to be able to undertake the tasks set out within the implementation plan, and therefore there is a need to backfill these positions until 31st March 2021.

2.1.5 The main role of the SEND school advisors will be to embed the inclusion agenda in our mainstream schools and to challenge and support our specialist provision. In order for the objectives of the SEND and Inclusion Strategy to be delivered we will need a cultural shift in our schools. This will require a shift in pedagogy, curriculum and leadership. The new posts will not only support and challenge our mainstream schools to meet the needs of pupils with SEND and embrace the inclusion agenda, they will also support effective resource planning across all areas of need, hold schools to account for their use of SEN funding and drive best practice to improve outcomes for pupils with SEND.

2.1.6 Progress of the project against these objectives, the implementation plan and the data dashboard (that references national and regional benchmarks), will be reported on a termly basis and made public.

2.2 Additional Classrooms in Special Schools

2.2.1 A further strand of the new strategy is to increase the number of classrooms in maintained special schools. The funding for this investment is to come from the Special Provision Capital Fund, which was created from monies provided by government to help local authorities create new school places and improve existing facilities for children and young people with SEND, in consultation with parents and providers. The total allocation for West Sussex is £5.526m.

2.2.2 To date, £0.650m of this fund has already been approved on the capital works required to enable expansion of the Maidenbower Special Support Centre. The remaining £4.876m is planned to be spent on the following 5 schemes:

School	Need	Planned Places	Design Fee	Capital Cost	Revenue Saving per annum
Palatine, Worthing	Additional 4 classrooms	36	£0.200m	£1.900m	£0.900m
QE2, Horsham	Additional 2 classrooms	16	£0.050m	£0.750m	£0.400m
St Anthonys, Chichester	Additional 4 classrooms	36	£0.200m	£2.000m	£0.900m
Hérons Dale, Shoreham	Additional small group spaces	12	£0.015m	£0.170m	£0.300m
Fordwater, Chichester	Increased provision for pupils with Profound & Multiple Learning Difficulties	4	£0.015m	£0.160m	£0.100m

Total	104	£0.480m	£4.980m	£2.600m
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2.3 Additional Special Support Centres (SSCs) in Mainstream Schools

2.3.1 As part of the new strategy it is also proposed to increase the number of special support centres in maintained schools. As described in paragraph 1.14 Cabinet Member approval to develop Phase 1 of this project was provided in December 2018.

2.3.2 Since the start of Phase 1 further work has been undertaken looking at both needs across the county and the willingness/suitability of maintained schools to have an SSC. As a result of this review, Cabinet Member approval to develop Phases 2 and 3 of this project was also provided in December 2019.

Factors taken into account

3. Consultation

- 3.1. In order to develop the new strategy representatives from a cross section of stakeholders were invited to participate in strategy development workshops and events. 150 people took part in these and stakeholders included parent carers and young people as well as education providers and other professionals from across social care, health and education.
- 3.2. The draft strategy was then the subject of a public consultation through an online survey on the council's 'Have your Say' Consultation Portal and 177 replies were received. A summary of the consultation responses is included in Appendix 4. A full [analysis](#) of the consultation responses has been shared with the Cabinet Member
- 3.3. A number of discussions were held with existing forums including Primary, Secondary and Special Head teacher Executives groups and the West Sussex Parent Carer Forum to ensure their views were incorporated into the Strategy.
- 3.4. A further public consultation was held to seek views on the final draft strategy document together with the high level implementation plan. A summary of the outcome is also included in Appendix 4.
- 3.5. The Cabinet Member for Children and Young People has been kept updated and consulted during the development of the strategy.
- 3.6. The Children and Young People's Select Committee carried out pre-decision scrutiny of the proposal at the meeting on 11 September. The Committee asked to be kept updated on aspects relating to financing the delivery of the implementation plan and progress against the objectives; they supported the Cabinet Member to proceed in publishing the Strategy and Implementation Plan.
- 3.7. Schools Forum previewed the proposed decision at the meeting on 3 October 2019. As part of this process their consent was sought to approve the

transfer of £0.155m from General Dedicated Schools Grant (DSG) Reserves to pay for the additional resources required to start implementing the new strategy in the current financial year. Schools Forum members highlighted that consideration should be given to engaging with governors and governing bodies to seek their views in relation to the proposed Strategy. The officers involved in the project delivering the implementation plan will ensure that Governors and all stakeholders are fully engaged in the roll out of the strategy, as they have been in its development. Schools Forum provided positive feedback on the strategy, although there were reservations about how the cohorts of young people with SEND could be properly supported given the limited High Needs funding that was currently available. The concerns centred around the funding models for the new SSCs, and it was agreed that officers would address these concerns as part of the separate key decision process for this additional investment. In order to begin progressing the new strategy, Schools Forum agreed to the transfer of £0.155m from General DSG Reserves.

4. Financial (revenue and capital) and Resource Implications

4.1 Revenue Consequences of Proposal

4.1.1 A summary of the additional high needs funding from the DSG required to implement and deliver the new SEND and Inclusion Strategy is set out below:

Revenue Costs	Current Yr 2019/20 £m	Year 2 2020/21 £m	Year 3 2021/22 £m	Year 4 2022/23 £m
3 Workstream Leads	n/a	0.210	-0.210	0.0
3 School Advisors	n/a	0.210	0.0	0.0
Total	n/a	0.420	-0.210	0.0

4.1.2 The average Independent and Non-Maintained Special Schools (INMSS) placement costs the DSG High Needs Block £0.042m per year, whereas the average Special School placement costs £0.017m per year. Therefore, it has been assumed that the capital investment into new classrooms in Special Schools will save an average of £0.025m per placement. With capacity for a further 104 planned places being built, it is estimated that this will save **£2.6m** per annum once all places have been filled.

4.1.3 The average SSC placement also costs £0.017m per year, so the additional 84 places recently approved under Phases 2 and 3 of this project will potentially save £3.528m (84*£0.042m) from the INMSS budget in a full year, but will cost an additional £1.428m (84*£0.017m) in core and top-up funding to the new SSCs. A net saving of **£2.1m** per annum.

4.1.4 All future High Needs costs need to be met from within the DSG, and a summary of the High Needs recovery plan which is underpinned by the new SEND and Inclusion Strategy is set out below:

	20/21 £m	21/22 £m	22/23 £m	Total £m
Additional Pressures:				
SEND Placements	4.6	4.0	4.0	12.6
Additional Specialist Support	2.3	1.0	1.0	4.3
SEND Strategy Initiatives	0.4	-0.2	0.0	0.2
Savings:				
Additional Classrooms in Special Schools	0.0	-1.5	-1.1	-2.6
Developing additional SSCs - Phases 2 and 3	0.0	-1.2	-0.9	-2.1
Total Net Cost	7.3	2.1	3.0	12.4
High Needs Block DSG Allocation:				
Increased DSG Funding	7.5	5.3	3.0	15.8
Replace 2019/20 One-off Funding:				
Transfer from DSG Reserves	-2.4	0.0	0.0	-2.4
Local Authority Contribution	-1.0	0.0	0.0	-1.0
2020/21 One-off Funding:				
Transfer from DSG Reserves	0.8	-0.8	0.0	0.0
Transfer from Schools Block	2.4	-2.4	0.0	0.0
Total Funding	7.3	2.1	3.0	12.4

4.1.5 The timing of the savings set out above is ambitious as the cost avoidance savings in reality will only be generated as and when future young people with an EHCP are to be placed in an educational setting, and not as soon as the new facilities have been created. However, the work being carried out as part of the new SEND and Inclusion Strategy will help to facilitate these savings.

4.2 Capital Consequences

4.2.1 The provision for the SCC and the additional classrooms for special schools will be built into the Capital Programme for 19/20 – 23/24 submitted to Full Council in the February 2020 budget papers.

4.3 Human Resources

4.3.1 The delivery of the implementation plan will require investment in the following additional resources:

- Three project workstream leads on a temporary basis until 31st March 2021, and
- Three SEND school advisors on a permanent basis.

4.4 IT

4.4.1 Additional software will be required to supplement existing County Council IT packages to assist in supporting the planning of pupil places for children with SEND. This is expected to cost £0.020m as a one-off cost, plus an on-going annual licence fee. These costs can be found from within the existing Education IT budget.

4.5 Other Resources

- 4.5.1 A number of SEND service development projects will also be required to be carried out as part of the implementation of the new SEND and Inclusion Strategy. It is estimated that these will cost approx. £0.1m on an annual basis, and will be found by re-prioritising existing funding from within the DSG High Needs block.

5. **Legal Implications**

None for the purpose of this report

6. **Risk Implications and Mitigations**

Risk of not approving the strategy and its implementation	Mitigating Action (in place or planned)
The County Council will not adequately cover off / close the actions from the January 2018 SEND Inspection outcome and this could result in a poor follow up OFSTED in 3 years	The mechanism for covering off/ closing the actions relating to the educational aspects of the SEND Inspection have been covered by the development of the SEND and Inclusion Strategy. Progress against the current implementation plan is monitored at the regular monthly SEND management team meetings. If actions are slipping or not working as planned than an alternative implementation plan may need to be prepared.
The County Council will not achieve the SEND strategy objectives stated in section 2.1	Progress against the objectives in the new strategy are being monitored on a monthly basis by the SEND Leadership Team, and a monthly SEND strategy project highlight report is being produced.
The Secretary of State for Education will not approve the County Council's disapplication request to overturn Schools Forum decision on 28 th November 2019 not to transfer the proposed £2.4m from the DSG Schools block to the DSG High Needs block.	If the £2.4m transfer is not approved by the Secretary of State the County Council will either need to: <ol style="list-style-type: none">1) make additional savings from within the DSG by cutting discretionary areas such as Area Inclusion Improvement Boards, or reduce top up allocations to mainstream schools for pupils with EHCPs, or2) allow DSG reserves to go into a deficit position to be repaid from future years DSG allocations. If a deficit exceeds 1% of total DSG (circa £6.3m) the County Council will need to report to the Department for Education on how the DSG account will be brought back into balance.

7. Other Options Considered (and reasons for not proposing)

- 7.1 Do nothing – let the existing strategy expire. Forecasts of increased SEND demand and analysis of current performance by benchmarking against other authorities shows that a 'do nothing' option is not appropriate.

8. Equality and Human Rights Assessment

- 8.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
- 8.2 The SEND & Inclusion strategy will help all children and young people (0-25) in West Sussex, irrespective of their learning needs to achieve the skills and confidence they require to make a positive contribution to the community in which they live. They will be supported and nurtured through a local educational system that responds to their diverse circumstances and prepares them for adulthood. An Equalities Impact Analysis has been undertaken for the proposed strategy. An overview of the key equalities issues is provided in Appendix 5. This analysis has not identified any potential for unlawful conduct or disproportionate impact and concludes that all opportunities to advance equality are being addressed within the strategy.
- 8.3 Engagement responses have highlighted some equalities issues (for example the need to home educate because of no suitable local provision to meet the need) which will be addressed as part of the development of the detailed Implementation Plan. The detailed Implementation plan will also be subject to an Equalities Impact Assessment to help ensure compliance with Public Sector Equalities Duties.

9. Social Value and Sustainability Assessment

- 9.1 We will include sustainability considerations in the formulation of the tasks and actions that support the delivery of the implementation plan, which will underpin this strategy. We are currently liaising with the Sustainability Team and others to do this'

10. Crime and Disorder Reduction Assessment

- 10.1 None for the purpose of this report

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Appendices

Appendix 1 - SEND and Inclusion Strategy

Appendix 2 – Implementation Plan
Appendix 3 – Data Context
Appendix 4 - Consultation summary rounds 1 and 2
Appendix 5 – Equalities impact assessment

Background Documents

None