

# High Needs Block funding for Special Educational Needs and Disabilities (SEND) and Inclusion Support

## Consultation Information

17 July – 17 October 2019



## Introduction

In Durham, the organisations that work with children and young people with Special Educational Needs and Disabilities (SEND) have a shared ambition that our county will be a place where all children are healthy, happy and achieving their potential.

We aim to work with children, young people and young adults with SEND, vulnerable learners and their parents/carers and professionals to ensure we offer opportunities for good health, independence, inclusion in community and learning settings and opportunities for employment and life skills and experience.

This is part of our [SEND Strategy 2019-2020](#), which can be viewed on Durham's Local Offer web pages.

### Why we need to make changes

The funding for the way we work at the moment, is not sustainable.

Currently funding for SEND and inclusion services in learning settings comes from the government through what is called the High Needs Block (HNB) of the Dedicated Schools Grant pressures on the council have resulted in spending being 15 per cent more on these services than the HNB provides.

Pressures are caused by:

- an extended period of ongoing austerity
- government funding not keeping pace with demographic and inflationary demands
- government reforms have extended the age range of young people we are required to support through the HNB up to the age of 25
- and the changing and increased complexity of needs of our children and young people.

### SEND and the law

Schools, local authorities and others have responsibilities set out in the Children and Families Act 2014 and the SEND Code of Practice 0-25. Local authorities are funded by government through the High Needs block of the Dedicated Schools Grant. Schools receive funding, based on a formula, to support children who have additional needs. This funds support for children with 'high needs'; defined as those where the additional support costs are more than £6,000 p.a.

The SEND Code of Practice expects the *majority of children and young people with SEN or disabilities to have their needs met within local mainstream early years'*

*settings, schools or colleges (s9.1) with their SEN support being adapted or replaced depending on how effective it has been in achieving the agreed outcomes (s6.63).*

*Where a child or young person is not making progress, the local authority will consider whether the special educational provision required to meet their needs can reasonably be provided from within the resources normally available to schools or whether it may be necessary for the local authority to make special educational provision in accordance with an EHC plan (s9.55).*

The proposals set out below take the Children and Families Act and the SEND Code of Practice as the starting point.

## **Pre-consultation and engagement activities**

In pulling together our proposals, we have had conversations with a range of providers, sought feedback from parents and carers and children about existing services to help us understand what is important. We will continue to engage those we work with and this consultation period will help us to understand further how we can achieve reductions to the budget, what the proposals will mean to people, services and organisations and how best to avoid any unexpected impacts.

This includes the High Needs Review (Dec 2017), the Social Communication and Interaction (including ASC) review (2018) and discussions with County Durham schools throughout 2018/2019 including Schools Forum, SEND and Inclusion Schools Forum Reference Group, Communities of Learning and Behaviour Partnership Panels, and Leadership Teams of Special Schools (March – April 2019).

This work has been overseen by the SEND and Inclusion Resources Board and is being carried out with internal and external stakeholders, including:

- Representatives from families and young people (Making Changes Together Parent and Carer Group)
- Schools Forum Reference Group
- Schools Forum
- Durham Association of Primary Headteachers
- Durham Association of Secondary Headteachers
- Special Schools
- Head Teachers briefings – Nursery, Primary and Secondary schools
- Community of Learning
- Behaviour Panel in North Durham, South West Durham, East Durham, and Central Durham
- Education and SEND and Inclusion staff

## Approach and Proposals

We believe there are changes to high needs provision that we can make together with children and young people, their parents/carers and providers that will improve services and will use the funding more effectively.

We believe these changes can be made through the following commitments:

- To support an education system where inclusion of children and young people in their local schools is the norm, giving parents and carers confidence that their children's needs will be understood and met
- To offer a range of specialist learning provisions for some young people who have a high level of needs
- To make every effort to use the all of the resources available to young people effectively and efficiently.

Our goal is to make changes to the way we work whilst ensuring the best outcomes for children and young people using the services. We are reviewing all areas of spending to identify ways to improve efficiency, promote early support, working in partnership and change what we offer where possible whilst also recognising the specific needs of individual children and young people, the overall volume of young people with SEND needs and the changing pattern of demand on different service areas.

Therefore, in the following sections we:

- suggest a new approach to meeting needs more effectively
- suggest how we might be able to support children with very high needs without the need for placements a long way from home
- look at how we might make specialist support available to children in mainstream schools who would benefit
- outline new ways of meeting the needs of children who are excluded or for whom mainstream school is not the best option
- suggest how our approach to Post 16 education might help young people progress towards employment and independent living.

To do this, the SEND and Inclusion Resources Board have chosen the following areas for initial focus, due in large part to their impact on spend from this fund:

Key initial areas being reviewed:

- (a) all areas of spend from centrally managed services;
- (b) funding and places in Special Schools;

- (c) the commissioning of service areas which support children and young people with SEND, including integrated therapies and equipment, auxiliary aids and adaptations;
- (d) the model for top up and targeted funding for schools
- (e) financial support provided through local partnerships of schools;
- (f) pupil referral unit and alternative provision.

We want to ensure we provide the right support, at the right time, in the right place, based on the money we have available. We want you to have your say on how we can offer the best possible service in a sustainable and affordable way and provide it as close to where children and young people live as possible.

The approach and proposals detailed below support the aims in the County Durham SEND Strategy Plan 2019-2020 and the Children and Young People's Strategy 2019-2022.



## 1. Proposal for Centrally Managed Services

**To seek views on:**

**A proposal to continue to provide centrally managed services in the future and carry out extensive reviews to ensure value for money and a reduction in costs where possible.**

### **Current Position**

Local authorities use their high needs budget to pay for central services relating to SEND and alternative provision, as permitted by government regulations.

In Durham, centrally managed services that Durham County Council manage include a range of functions such as support to nursery pupils, sensory and learning difficulties, as well as SEND management and support. For more information please view the [Support and Services for Schools and Settings 2019-20.pdf](#) directory which describes our range of services.

We have undertaken a review to make savings within our functions and reduced our management and support service which has resulted in savings of £0.218 million from 2018/19.

In 2018/19 we spent £4.9 million in this area and we forecast we will spend £4.9 million this year. Based upon the proposals outlined above we think we will be able to further reduce expenditure in this area from April 2020.

### **Focus of the consultation**

A more extensive review of all areas of spend is underway, it is planned to reduce the core areas of spend further from April 2020.

We believe that centrally managed services ensure a consistent approach and quality of service. Therefore, we propose to continue to provide centrally managed services in the future.

## 2. Proposal for Special Schools provision

### To seek views on:

- **Enhancing the offer provided by Special Schools ensuring that there is the capacity to meet the current and future needs of children and young people with SEND** – This aims to reduce pressure on the budget by providing an improved, local offer and thereby reducing the number of out of area, high cost independent placements.
- **Reducing the number of existing Social, Emotional and Mental Health places in line with placement trends over the last 3 years.**

### Current Position

The ten special schools in County Durham offer a broad range of specialist teaching and support for children and young people with the most complex special educational needs.

Funding from the High Needs Block is provided for a set number of places in each of the schools. The schools receive different amounts for child places, depending on how the place is banded and they can request further top up funding to help meet a child's needs.

Whilst there is a broad range of specialist provision in the county, there are currently 37 vacant places in County Durham. In contrast, places are being sought in the private independent sector (sometimes out of our county), which can often be significantly higher than a place in our special schools plus extra transport costs. This is placing a higher cost demand on the funding.

In 2018/19 we spent £24.2 million in this area and we forecast we will spend £24.4 million this year. Based upon the above proposals, we think we will be able to reduce expenditure for additional funded places in out of county provision.

### Focus of the consultation

We want to extend the range of specialist places offered in County Durham, so children can access services locally rather than attend out of area, high cost independent placements.

It is proposed to consult on the type and number of places available in our special schools, identifying the gaps to ensure that all places are appropriately filled and that the offer is in line with the needs of County Durham children.

### 3. Proposal for joint commissioning of services (Integrated Therapies)

#### To seek views on:

- **Bringing together the resources from education, health and care to improve local access to speech and language therapy, physiotherapy and occupational therapy for children and young people.**
- **Developing new ways of offering therapies locally which meet the aspirations and preferences of families within the available resources.**
- **Make the best use of therapists to offer prompt assessments, delivery of appropriate therapy in local settings and promote the confidence of families.**

The scope would also be extended to focus on prevention and early intervention through a multi-disciplinary team approach. It would clearly define the health and education offer and enable the assessment and ongoing treatment of children in local schools.

We propose to start the transformation work in June 2020 in order to develop the new service.

#### Current Position

Children can require therapies to meet a clinical health need, a special educational need, or both. This can lead to confusion around who is responsible for offering therapies to support the inclusion and progression of children in nurseries, schools and colleges.

Currently, speech and language therapy, occupational therapy and physiotherapy have been commissioned by a range of local organisations such as the Durham Clinical Commissioning Groups (CCGs), Durham County Council, NHS England alongside some local schools, colleges and communities of learning (COLS).

In County Durham, the three Children's NHS Therapy Services are commissioned by the CCGs and are provided by; County Durham and Darlington NHS Foundation Trust providing Physiotherapy and Occupational Therapy and North Tees and Hartlepool NHS Foundation Trust providing Speech and Language Therapy.

Whilst most of these services are not paid for by the High Needs funding, the availability of therapies can inform parental preference regarding the type of placement children and young people receive.

We know some families are seeking education out of the area, so their child can access integrated therapies which both meets their health and their educational needs.

This option adds costs to both the High Needs fund and the CCG budgets including the cost of the additional transport needs.

### **Engagement to date**

Over the past 18 months, we have been working with the Children's Therapy Services commissioned by the Durham Clinical Commissioning Groups to understand what they offer, what contractual concerns exist and engaging with children, young people and their families to learn more about their experiences of the services.

Families told us:

- There were difficulties accessing the services and families can't contact the services via telephone.
- Waiting times and timescales need to be improved in terms of first appointments, follow ups and waiting for equipment.
- Education Health Care Plans (EHCPs) need more health input.
- Communication needs to be better between the therapy services, schools and parents.
- Therapies currently don't work together which causes delay in treatment when discharged from a service but then another service needs their input.
- Discharges / discharge processes could be improved to ensure patients are discharged with appropriate advice to manage needs at home when therapy is no longer needed.

#### **4. Proposal for Joint Commissioning of Services - equipment, auxiliary aids and adaptations**

##### **To seek views on:**

- **A proposal that assistance requested by schools from the high needs funding only be used to purchase items that are deemed to be specialist (not normally available in a school or setting).**
- **Review the existing guidance so all schools apply a consistent approach.**

##### **Current Position**

All schools have a duty to make reasonable adjustments to support the inclusion of children with special educational needs and/or disabilities and have some additional funding included as part of their core budget to help them.

Children who have significant needs including hearing impairment, visual impairment, physical disabilities and difficulties with communication sometimes need specialist equipment and adaptations and require assistance in funding from the high needs block. This equipment needs to be appropriate to the child or young person's needs, safe and up to date.

The council and partners are working together to ensure we get value for money and that the equipment, aids and adaptations are offered are fair and timely. It is important that the resources are used for children and young people with high level needs and that the everyday resources available in schools are available to be accessed by children with less significant needs.

##### **Engagement to date**

The proposals have been developed taking account of the findings of a review in 2018 which considered several aspects of this service, including:

- Views of parents, carers and children and young people about the current arrangements
- How children and young people are identified and assessed
- Who approves and funds items
- How these are procured, monitored and reviewed
- Transition arrangements

Through this broader consultation, we wish to obtain more feedback on our proposed approach.

## 5. Proposals for the Top Up and Targeted Funding support to schools

### To seek views on:

**Applying a clear and consistent banding system to guide schools to plan how to meet the needs of children before and when applying for Top up Funding.**

**Refreshing the SEND planning tools currently available on The Local Offer SEND Planning Tools webpage to help people understand a new system.**

**Offer Targeted Support Funding through an application process with set criteria agreed with schools.**

We propose to make changes effective from April 2020 to give schools time to understand these and plan accordingly.

### Current Position

The council uses high needs funding to provide Top up Funding to schools and colleges when provision to meet an individual child or young person's SEND needs would cost more than the core funding that the school or colleges receive for the child.

We use a graduated approach to identify and support children and young people with SEND. This means that the large majority of young people with SEND will have their needs identified and met through a SEND Support Plan (11.4% of all young people). Where a young person's needs are more complex, their needs will be identified and met through an Education Health and Care Plan (EHCP) (2.9% of all young people).

In County Durham, Top up Funding can be accessed for young people who have either a SEN support plan and/or an EHCP to prevent any unnecessary delays in support.

To request Top up Funding, schools and colleges currently:

- Explain how core funding is used to provide additional and appropriate support.
- Whether there is a good quality support plan or EHCP that demonstrates a graduated approach through
  - a clear assessment of needs,
  - an appropriate plan including a time table of support in school,
  - evidence of the school trying to meet need through core funding,
  - a review of the impact that these efforts have made and
  - what the additional funding is to be used for.

## **What we are proposing for Top up Funding**

At present every school decides on the amount of extra funding they need for each child. This has resulted in differences in the amount of support a young person gets depending on how the school complete an application.

We believe that applying a 'banding system' to Top up Funding will help to support schools to deliver the most effective and efficient support to young people with SEND will help to ensure SEND needs are consistently and more swiftly met.

In Durham, Special Schools are already funded through a banding system which is determined by the description of a young person's SEND for example if a child has autism and requires specialist education, the school will receive an agreed amount of money.

## **Targeted Support Funding**

When schools have a high number of students with Top up Funding, they are required to provide the core funding for each of the young people from the school's budget. Due to the way core funding is provided, this can mean that schools with a high number of students with Top up Funding can find that they do not have enough core funding.

Therefore, Targeted Support funding is provided to help schools increase their core funding.

The amount of Targeted Support funding that a school receives is currently determined by a formula and does not require schools to provide evidence of whether they need more money or what the additional money will be used for. Schools have told us that the current formula is not clear, and they do not always know what extra funding they may receive.

## **What we are proposing for Targeted Support Funding**

We are proposing to provide Targeted Support Funding when a School applies for help. To receive the funding, the school's application will have to meet a set of conditions that we will set in consultation with schools.

In 2018/19 we spent £7.2 million on Top up and Targeted funding and we forecast we will spend £8.0 million this year. Based upon the proposals outlined in this document we think we will be able to reduce expenditure in this area, particularly in reduction to Targeted funding.

## 6. Proposal for Post 16 Funding Support

**To seek views on:**

**Rolling out the fair pricing policy and application criteria to all providers of Post 16 provision in County Durham**

### **Current Position**

The funding that colleges receive from this fund is different to schools. Their core budget is made up of 2 elements: element 1, based on 16 to 19 national funding formula and element 2, £6,000 per agreed place. They are also entitled to a third element as determined by the council which is Post 16 Top up Funding.

Colleges can get this funding for young people with an EHCP and it is based on their costs on the year 11 review of a young person's EHCP.

Post 16 provision is a rising cost due to increased demand for places (a positive aspect of Durham provision) and an increased level of funding requested by colleges since the SEND reforms were introduced.

Following a review of element 3, we found that pricing varied greatly for the same services. Therefore, we have worked with the main providers to develop a Fair Pricing model.

All 2018/19 applications have been quality assured, and value assured using the following criteria:

- Maximum fair pricing rates
- That a typical placement will be based on a 3-day provision for a period of 2 years (variances to this will be considered on exception)
- Details of the course/programme
- Evidence of up to date assessed need
- Rationale for the amount of support that the learner is receiving

Where there is a variance in individual packages or programme offer, providers are requested to adjust accordingly or provide evidence of need and intended impact. Impact will be reviewed for future applications to the High Needs Block.

All Post 16 providers have welcomed the clarity provided by the fair pricing model with the main providers of Post 16 provision in County Durham agreeing to be early adopters of the model. We now wish to roll this Fair Pricing Model out to all Post 16 providers.

In 2018/19 we spent £4.2 million in this area and we forecast we will spend £4.2 million this year. Based upon the proposals outlined in this document we think we will be able to maintain expenditure at this level in this area.

## **7. Proposal to review financial support provided through local partnerships of schools - Communities of Learning and Behaviour Panels**

**To seek views on:**

**Providing funding to support schools and key providers to work in local partnerships to identify and meet the needs of children and young people with SEND and other vulnerable learners in their area.**

**To release the funds on receipt of a clear business plan and for partnerships to report back on the impact of the funding for children and young people.**

### **Current Position**

A small percentage (less than 2%) of the High Needs fund is used to provide additional support to help children have their needs met and help them to stay in the education system. How the funding is spent is decided by local partnerships of schools as it is recognised that different communities may require a different response.

- a) These partnerships of schools are called Communities of Learning (CoLs). There are 15 CoLs within County Durham, each is allocated a budget from this fund to develop support and provision to meet the needs of children and young people with SEND.

Funding is used to enable children's needs to be assessed, focused plans and support to be put in place, and to run intervention programmes and train school staff.

- b) In 2015, four Secondary Behaviour Partnership Panels were set up followed in 2016, with a Primary Behaviour Partnership Panel to support the management of behaviour issues and support inclusion in mainstream education.

Senior School staff lead these panels with support from Early Help, SEND and Inclusion Services. These Panels work together to support some of the most challenging and vulnerable students by offering enhanced support to reduce the number of pupils moving between local schools on managed moves, reduce the number of pupils excluded, and prevent an increase in the number of pupils being permanently excluded adding further pressure on an already oversubscribed Pupil Referral Unit.

In both the Behaviour Partnership Panels and CoLs funds are used to support schools working together to train education staff, to help schools identify special educational needs earlier and put the right strategies in place.

In 2018/19 we spent £1.8 million in this area and we forecast we will spend £1.8 million this year. Based upon the proposals outlined above we think we will be able to reduce expenditure in this area.

### **Proposals**

It is proposed to undertake a more detailed review, including consultation with families and each of the current partnerships regarding funding and support arrangements from January 2020.

We are seeking to continue to support collaborative work across schools and ensure the funding maximizes the impact to support SEND and Inclusion needs which cannot be met through other means.

A model which requires a business plan to be developed and spending monitored to ensure it is being spent on children with high needs, will help us to achieve a 15 per cent reduction in funds.

## 8. Proposals for the Pupil Referral Unit (PRU) and Alternative Provision

### To seek views on:

#### Reducing the numbers of children and young people on the roll of The Woodlands Pupil Referral Unit by:

- **Providing more resources to the Behaviour Panels so they can buy additional early interventions and therapeutic support and increase the number of young people back into school, avoiding permanent exclusion and the associated costs.**
- **Increasing the number of young people, particularly in years 7 and 8 who reintegrate quickly into mainstream or specialist schools from The Woodlands (PRU).**

### Current Position

The Woodlands Pupil Referral Unit is the council's provision for both permanently excluded pupils and those identified as close to permanent exclusion. The aim of The Woodlands is to deliver a tailored academic, social, emotional and therapeutic programme to support young people to move on successfully to their next steps in education, employment or training.

The Woodlands has an on-site capacity of 75 but with more than 200 permanently excluded pupils on roll. Over 100 young people access off-site alternative provision supported by this fund. This has caused increasing budget pressures, which is replicated nationally.

In May 2019 a national review of permanent exclusion, alternative and Pupil Referral Unit provision found that whilst permanent exclusion is sometimes appropriate, it should be a last resort. The review calls on local authorities, schools, and other agencies to establish effective partnership working to intervene earlier to avoid exclusion.

Since 2015 we have worked in partnership and we have our locality based Secondary Behaviour Partnership Panels and one Primary Panel.

The High Needs fund enables these panels to buy early intervention and therapeutic support from the Emotional Wellbeing and Effective Learning (EWEL) Team. This supports young people back into school, avoiding permanent exclusion with the consequent costs.

We plan to carry out a review to help us strengthen inclusion and the role Alternative Providers can play in increasing the number of children who return to mainstream or specialist schools from The Woodlands.

We will have conversations with parents and carers, children, Headteachers, Behaviour Partnership Panels, Alternative Providers, The Woodlands (PRU) and representatives from education, SEND and Inclusion teams to help with this process.

In 2018/19 we spent £5.0 million in this area and we forecast we will spend £5.6 million this year. Based upon the proposals outlined we think we will be able to reduce expenditure in this area.

## How to get involved

There are several ways in which you can have your say on our proposed approach.

- Visit [www.durham.gov.uk/consultation](http://www.durham.gov.uk/consultation) for information and to complete the online survey.
- We will be having conversations with parents/carers and children at a range of activities during the school holidays such as short break activities.
- We will be contacting special interest groups which represent children and young people as well as parents and carers and hold a number of Focus Groups for interested parents and carers.
- We will attend meetings of professionals representing schools, special schools, alternative education providers, post 16 learning providers and independent providers.
- We will be having conversations with the Communities of Learning and Behaviour Panels.
- We have provided information to local councillors, Area Action Partnerships, and voluntary sector organisations.
- We are asking our partners to send out information to parents and carers encouraging them to get involved.

## Additional Information

If you need alternative formats, an easy read version or you wish to speak to someone, please email: [HNB@durham.gov.uk](mailto:HNB@durham.gov.uk) or call 03000 260000.