

**Sub Group 1 Report Summary**

**March 2019**

**1. Introduction**

- 1.1 This report provides a summary of the context and evidence base, the key issues arising from the work, and the recommendations and next steps for implementing changes required to meet the needs of more children and young people and their families in local provision.
- 1.2 The full report contains detailed information regarding needs of pupils placed out of area, the provision they are accessing, and the costs of that provision, as well as additional information that has informed the recommendations.

**2. Background**

- 2.1 This piece of work supports the delivery of Hertfordshire's SEND Strategy 2018 – 2023 and the vision set out in the Specialist Provision Workstream Terms of Reference state that:

'The range of specialist provision across Hertfordshire will be developed to ensure that Hertfordshire is able to make local provision to meet the needs of the majority of children and young people with complex SEND within Hertfordshire as close to their local community as possible.

The pattern of provision will be strategically planned on the basis of evidence of what is required both now and in the future'.

- 2.2 It also supports delivery of the SEND Transformation Programme (initiated June 2018), which aims to transform services and support through:
  - Providing effective intervention
  - Managing demand
  - Making efficient use of resources

**3. Key Issues**

This section summarises the issues identified by the group and from feedback from other partners.

**Issues relating to existing provision and gaps in local provision**

- Hertfordshire's changing demographic.
- Physical capacity and appropriateness for changing needs of some special school accommodation.
- Lack of visibility and therefore lack of knowledge in mainstream schools of the Special School Admission Guidance.
- Some mainstream schools suggesting special school placement without reference to the Special School Admission Guidance.
- Increase in demand on special school places linked to growth in numbers and some types of need.
- Rising numbers of pupils being placed in independent and non-maintained special schools and specialist Alternative Provision (AP).

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- Large number of pupils moving from mainstream schools to OOA specialist placements or independent schools.
- Increase in school exclusions of pupils with SEND, with some partners feeding back that unlawful exclusions are still happening.
- Analysis of other data demonstrates that the percentage of children on part time timetables at mainstream schools is high for pupils with SEND.
- Significant increase in numbers of EHE children who have attended school with SEND.
- Changes in complexity of needs across all sectors, but no clear and consistent understanding of what is meant by 'complex needs'.
- Current skill set of some providers and services to meet the changing profile of needs.
- The accessibility of suitable provision for children 0-5 with complex needs that can provide their entitlement, including sufficiency of suitable childcare.
- Challenges and tensions of different processes in adulthood, including age of transition (18 in social care and health services and 16, 18 or 19 in education, and 16 – 25 in some colleges).
- Support over the long school holiday periods for families with children with the most complex needs.
- Lack of the right residential provision linked to schools meeting the most complex needs.

### **Issues relating to parental confidence, quality offer, monitoring and quality assurance**

- Numbers of tribunals (both decisions and concessions).
- Inconsistency in practice across settings and schools, including inconsistency in securing and using ENF funding to support children to have their needs met in mainstream schools.
- Parents looking elsewhere due to lack of the type of local provision they believe will best meet their child's needs.
- Monitoring of out of area placements is not rigorous enough for children who are not looked after.

### **Issues relating to SEND resourcing**

- Changes in Post 16 funding impacting on the curriculum offer.
- Pupils moving from mainstream to local special schools when their needs should be able to be met in mainstream schools with the right support, putting further pressure on Hertfordshire special school places. It is believed that some of this pressure is as a result of real term reductions in mainstream school budgets.
- Difference in cost between local special schools and independent and non-maintained special schools, and not necessarily different or better quality provision.
- Need to challenge the costs of some out of area placements.

### **Issues relation to Multi-agency working**

- Working effectively across services/agencies and joint service planning.
- Permanent exclusion of pupils with an EHCP when an alternative procedure should be used through multi agency collaboration and support, and evidenced amendments to an EHCP that supports the child to either remain in their current school or transfer to a more suitable school without disruption to their education. Some schools report that multi agency support is not

quick enough or does not happen so they feel they have no other choice than to permanently exclude.

- Availability of therapy that includes sensory integration is an increasing feature of SEND Tribunals.
- The process for commissioning placements, including joint commissioning of pupils with very complex needs and CLA placements, including lack of consistency in accessing joint funding to support placement where needed.

#### **Other issues**

- Impact of ongoing changes to the Ofsted framework.
- Ability of some transport providers to manage some complex needs and access to school – exclusion from transport but not exclusion from school.
- Challenges of the changes in market providers for complex needs.
- Implications of changes in SEND Code of Practice and Children and Families Act.
- Implications of the SEND Joint Area Inspection and of the Single Route of Redress.

#### **4. Data Summary**

This section summarises the profile of pupils placed out of area

##### **4.1 Summary breakdown of numbers, placements and costs 2017/2018(excluding transport) in Independent and non-maintained special schools and independent schools**

- 156 pupils at a cost of £13,145,549
- 71 were placed following a tribunal appeal lodged by the parent, with 36 conceded by the Local Authority (LA), and 35 as a consequence of a tribunal decision.
- Just under a third of children and young people moved straight from mainstream schools to out of area specialist provision and high cost independent placements.
- A significant number of children and young people move from LD (24), SLD (22) and SEMH (12) schools into independent and non-maintained special schools.
- 17 are primary age, 74 secondary age and 65 post 16 (of which 19 are now 20+). Between June and December 2018 a further 10 primary age pupils were placed out of area.
- 85 were placed when they were of secondary age, and 21 when they were post 16.
- If a child is placed in their primary stage at age 10 and stays until 19, the costs for one child for that period can range between £42,084 - £986,436 for a day placement, and £213,003 and £4,988,511 for a residential placement.
- 114 were placed in independent and non-maintained special schools or specialist FE colleges, 33 in mainstream independent schools. 8 were placed in 'other' independent settings, and 1 in a secure placement.
- 84 pupils in day placements, costing £3,085,356 per annum, with 51 of these costing between £20k and £60k per annum
- 24 pupils in weekly or fortnightly boarding placements, costing £2,094,410 per annum, with 11 costing between £40k and £70k per annum, and 11 costing between £80k and £200k per annum.

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- 23 pupils in termly boarding placements, costing £2,247,782 per annum, with 11 costing between £40k and £70k per annum, and 11 costing between £100k and £200k
- 25 pupils in 52 week residential provision, costing £5,718,001, with 20 costing between £175k and £275k per annum.
- Between June and December 2018, 32 pupils have been placed in independent and non-maintained special schools, specialist colleges, independent mainstream schools or specialist AP. 7 of these are residential placements, of which 2 are 52 week placements. 1 of the 38 week residential placements and 2 of the day placements are CLA.
- Since June 2018 there has been a significant rise in the numbers of pupils identified as requiring specialist alternative provision outside of what is currently available in Hertfordshire.

### 4.2 Breakdown by Primary and secondary needs

- 78 have a primary or secondary need identified as ASC
- 36 have a primary or secondary need identified as SLCN
- 28 have a primary or secondary need identified as LD
- 23 have a primary or secondary need identified as SEMH
- 18 have a primary or secondary need identified as SLD
- 10 have a primary or secondary need identified as PNI
- 8 have a primary or secondary need identified as VI
- 6 have a primary or secondary need identified as HI
- 4 have a primary or secondary need identified as SpLD
- 3 have a primary or secondary need identified as PMLD
- 1 has a primary or secondary need identified as MSI

### 4.3 Summary of placements in maintained and academy special schools in surrounding counties and London Boroughs

- There are 121 placements in this category, 99 in special schools and 22 in specialist provisions/resource bases. The top up is charged directly by the school and is not always consistent with the top up value they are paid by their own Local Authority.
- 19 placements were as a consequence of no place being available in a local school.  
**Special schools**
- 34 placements were a parental preference.
- 6 placements are at the nearest school to the family home address.
- 4 placements were as a consequence of a permanent exclusion or a child at risk of permanent exclusion.
- Given the proximity of the VI/MSI out of area schools to Hertfordshire It would be inefficient to replicate this provision locally, in the same way as other LAs use Hertfordshire's specialist HI provisions.
- The remaining primary needs are roughly equally split across SEMH, ASC, LD/SLD so there is not one predominant need amongst this group.

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- There are a significant number of pupils who go to school outside of Hertfordshire to very similar provision to that in Hertfordshire, with the largest number being due to parental preference. The vast majority of these schools are rated as outstanding or good by OFSTED.

### ***Specialist provisions***

- 21 of the 22 pupils placed in out of area specialist provisions in mainstream schools are secondary aged.
- 18 of these have ASC as an identified primary or secondary need.
- All secondary aged pupils are placed in a designated ASC provision.
- This contributes to the evidence of a gap in this type of provision in Hertfordshire.
  
- There is an impact on social integration when the placement is at significant distance from the local community as relationships are not as easily formed in the local community. This particularly impacts at weekends and holiday periods.
- Where transport is provided, due to the smaller numbers there are significant transport costs.

#### **4.4 Summary of day placements in independent and non-maintained special schools**

- There are 36 day placements of non-looked after children in non-maintained and independent special schools, 22 of whom are in schools for children with ASC and high anxiety.
- The cost of these placements per annum is £1,924,927 plus transport costs for some pupils equating to £500,083.
- Small classes and access to therapists on site are a common feature of these schools.

#### **4.5 Summary of residential placements in independent and non-maintained special schools**

- There are 41 non-looked after children in out of authority residential specialist placements.
- The cost of these placements is £5,132,953 plus transport costs for some pupils equating to £224,483.
- Half are either in Asperger's and ASC associated needs placements, or in placements for pupils with ASC and SLD with challenging behaviours, reinforcing the evidence that these are the areas of need where Hertfordshire needs to develop more local residential (or with high levels of social care support) provision if children with these types of needs are to be able to have their needs met locally in the future.

#### **4.6 Summary of placements for Children Looked After (CLA) in day and residential placements**

- There are 8 CLA in day placements at a cost of £361,733 plus transport costs of £58,900
- There are 16 CLA in residential placements of which 15 are 52 week placements at a cost of £3,195,929 plus transport costs of £58,900.
- Transitioning back in adulthood can be a challenge for young people and local services.
- The majority of placements for CLA are for teenagers with behaviour that is very challenging and often ASC in their profile of needs.

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- Some of the day placements are at a distance from Hertfordshire, but are local to where the child lives. This distance can impact on transition back at 18 when the young person is leaving care.
- There is more rigour in monitoring residential placements of CLA, and it is recommended that the same approach is taken with non-looked after children and young people.

### **4.7 Summary of placements in independent mainstream schools**

- There are 33 pupils placed in these types of provision, at a cost of £712,083 (including some transport costs).
- 18 of these are placed at Egerton Rothsay at a cost of £424,463 plus a transport cost to there of £36,670.
- The majority of these schools are settings with small class sizes and pupils have access to an academic curriculum.
- Egerton Rothsay is slightly different as it has a focus on children with SEND and access to a range of specialist staff on site. The highest cost placements are at Egerton Rothsay where costs vary significantly.
- The proposed development of specialist bases in mainstream schools and LD schools for pupils with SCD and ASC, further development of the quality assurance frameworks for schools and settings, and a clear SEND training programme linked to identified needs may help to improve parental confidence in local provision.
- Work with the CCG needs to consider how the therapy related needs could be met more locally, alongside the development of clear pathways identifying the most effective evidence-based approaches to meeting these needs in universal settings (SEND Support Guidance).

### **4.8 Summary of placements in independent specialist Post 16 providers and specialist FE colleges**

- There are 21 students placed in this type of provision with 15 in residential placements of which 3 are 52 week placements at a cost of £1,593,564.
- The descriptions of the provision available on their websites would suggest that other than the residential element, the majority of education provision is similar to that provided in local special schools.
- Consideration needs to be given to broaden the post 16 offer locally to achieve the same or better outcomes. This is being considered through the Preparing for Adulthood work which is a key theme of the SEND Transformation work.

### **4.9 Summary of placements in Alternative Provision (AP)**

- At June 18 there were 5 young people with EHCPs accessing small bespoke specialist AP at a cost of £131,395 per annum.
- In the last 6 months there has been a significant increase in requests for this type of placement.
- The development of more bespoke provision across years 10 and 11 in SEMH schools plus an option for post 16 in SEMH related provision linked to the college provision for those that

need it that prepares young people for adulthood could support these needs being met in current provision

**5. Transport**

- The number of pupils being transported to out of county placements has increased from 129 in December 2017 to 170 in November 2018 at an additional cost of £636,931.
- The average cost per pupil has increased from £14,170 per annum to £14,499 per annum.
- 90 of these are single pupils in a vehicle.
- The average cost of a pupil travelling as a lone pupil is £16.5k per annum.

**6. Elective Home Education for children and young people with SEND**

- As at June 18, 63 children and young people with an EHCP were recorded as Elective Home Education.
- 19 were primary age
- 22 had ASC identified as a primary need, and 17 SEMH as a primary need.
- 24 were primary age at the time of the parent withdrawing them from school, and 39 were secondary age.
- 29 were in a mainstream setting before they were EHE, and 12 from an SEMH school.
- It is not clear how many parents felt there was no alternative, and how many made a genuine choice. A series of questions have been developed to help establish more detail on the reasons for home educating.

**7. Pupils with SEND who are Out of Education**

- In order to ensure the right provision is available locally further analysis is required of those pupils who are not in school full time, and the cost of their support packages.
- Currently 8 pupils are accessing 'No Limits' which is an example of a support package that provides a half-way house to pupils that need a part school and part community based package.
- Half of the pupils come from St Albans and Decorum.
- The current cost of No Limits for pupils with EHCPs is £168,207.
- Analysis of this group's needs could help determine what we need local providers to do within Hertfordshire.

**8. Feedback from families who have a child who has recently been placed out of area**

- The Local Authority contacted families of the most recent children placed out of area, asking if they would be willing to provide feedback to HPCI regarding their experiences and what we could have done differently, or could do differently in the future to support children with their child's profile of needs more locally.
- 8 parents have responded to date agreeing to provide feedback, and HPCI is in the process of contacting them.
- Once collated, this feedback will further inform the recommendations and influence the actions taken to further develop and improve access to specialist provision in Hertfordshire.

**9. Analysis of pupils at risk of going out of area if we do not get the provision and support right now**

- Special schools heads have provided information using a template on pupils they feel are at risk if we do not get the support right.
- This feedback has informed the recommendations.

**10. Recommendations**

Recommendations have been split into different headings and will form the basis of time-limited actions once approved.

**10.1 Existing Provision**

- Quantify short- term (2019/2020) and medium term pressure on special school places in localities by mapping children who meet the admissions guidance for special schools not currently in a special school against capacity. (This work has started). Develop short and longer term options for meeting that demand through enhanced accommodation on site, potential for satellite classes in mainstream schools, managed by the special school, and potential for second sites where demand is sufficient using special school place planning methodology. Priority for SEND Capital.
- Use special school place planning methodology to identify future potential income generation from other sources to meet future needs linked to demographic growth.
- Review availability of nursery placements for under 5s that meet the 30 hour entitlement with very high levels of need and put provision in place where there are gaps.
- Identify models of specialist early years providers/provision, including in special schools in order to establish future model of delivery across the county that addresses the gaps.
- Develop indicators to support identification of schools causing concern with regard to SEND, and the support available to secure improvement.
- Carry out moderation of levels of need across LD, PNI and SLD schools to establish the numbers of pupils with similar profiles of need. This will provide information regarding the number of places required for different types of provision for the future (medium and long term) as well as providing an evidence base for possible changes in designation.
- Carry out site/accommodation analysis on SEMH schools and develop costed options on what is required to enable all SEMH schools to accommodate and meet the needs of girls, pupils with more complex needs, including those with ASC /SCD, and years 10 and 11.
- Carry out analysis of destinations of young people who have returned from out of area provision in the last 3 years.
- Work with transport colleagues to develop a protocol to reduce exclusions from transport.
- Through the transformation project, identify cost effective options for transporting eligible pupils with SEND that ensures they are able to access a full time suitable education that meets their needs.
- Implement a systematic approach to identifying pupils at risk of an out of area placement if holistic multi agency provision and support is not in place early to meet their needs and the needs of their family.
- Identify and share best practice in transition between primary and secondary schools (mainstream and special), and schools and colleges.

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- Identify opportunities for joint agency training in SEND and ensure induction and CPD for services and schools supports delivery of the SEND Strategy.

### **10.2 Quality offer - monitoring and quality assurance**

- Develop the core offer for different designations of school (across specialist and mainstream) as a clear continuum linked on the Local Offer from the SEND Quality Offer Toolkit, to the core offer for specialist provisions and special schools.
- Specifications for all newly commissioned provision will be linked to the expected core offer for that type of provision and monitoring frameworks developed to support their monitoring and quality assurance.
- Implement the same monitoring processes/rigour of virtual school in monitoring all OOA placements.

### **10.2 Resourcing**

- Ensure the review of ENF funding addresses the current inconsistencies that act as a barrier to children remaining in local provision / mainstream schools.
- Review levels of top-ups linked to the core offer for HCC special schools to ensure that the schools are equipped to meet complex needs locally.
- Review resourcing methodology for exceptional needs to ensure that the most complex needs of pupils at risk of moving out of area can be met locally.
- Contact other Local Authorities to check the top-up value for the schools where Hertfordshire is placing pupils, and challenge costs where double funding of place values is happening.
- Identify a joint commissioning budget and protocol for its implementation for the group of CYP with the most complex health and care needs requiring high levels of care and specialist health support. This will help to keep the focus on the most effective way of meeting the CYP's needs.
- Identify possible second sites in areas of high demand / need
- Identify all potential sources of capital funding to support meeting need and demand through consideration of:
  1. securing Section 106 in areas of demographic growth;
  2. securing agreement for sale of land where there is existing poor quality accommodation and using the capital receipt to fund a relocation;
  3. working with special schools to consider school led special school free school applications to meet demand / gaps in provision.

### **10.4 Multi agency working and meeting family needs**

- Develop a summary of effective early intervention packages that are impacting positively on early identification and meeting of needs and link it to the graduated core offer.
- Use the data and feedback from this report in the Short Breaks review work and transformation programme.

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- Take an integrated approach to meeting needs locally, aligning services where possible, including support services, school partnerships, family support, early help, DSPL
- Review the role and organisation of family support workers to ensure families with children with SEND are well supported early. Explore the model linked to special schools in Luton.
- Develop and implement a multi-agency pathway plan to support children, families and schools at risk of placement breakdown earlier and focusses on the whole family's needs
- Develop a multi-agency disruption protocol that ensures agencies work together around the child and family when planned interventions are breaking down / not working. This should include:
  - Systematic monitoring of previous placements of pupils going out of authority, to include what could have been done differently to keep the child in local provision.
  - Systematic monitoring of exclusions (both permanent and fixed term) which leads to actions to better support the child, family and school.(in behaviour workstream)
  - Systematic monitoring of part time timetables to ensure they are implemented in line with guidance (in behaviour workstream)
  - Review of provision and support for pupils with and without EHCPs with medical needs that prevents them from attending school full time (to include special schools).
  - Link to challenge and support of schools (school Improvement and intervention process), that includes commissioning of school to school support where appropriate.
- Ensure that there is an integrated and graduated approach to family support that clearly links early help and support to targeted support and short breaks that enable a family to support and meet the needs of their child at home where possible.

### 10.5 Gaps in local provision

- Develop specialist hubs / bases across mainstream, LD and SEMH schools for SCD/ASC with clear specifications for their core offer and school to school support offer. Ensure the wide range of academic needs is catered for. New local provisions (hubs / free school) must include the opportunity to provide a small setting, therapies on site and access to a wide curriculum in order to fully meet the gaps in provision and to give parents the confidence that local provision can meet their CYP needs.
- Develop the post 16 offer across special schools and colleges so that there is choice for young people and an opportunity for more pupils to remain in school beyond 16 if needed.
- Explore models of special schooling what extend beyond the 38 weeks and model the financial cost of these.
- Work with ESCs to map what could be provided locally and reduces the number of pupils accessing Specialist Alternative Provision out of area.
- Refine the special school forecasting methodology in line with the recently updated DfE Guidance and demographic growth and apply it.
- Review scope of current residential provision, using the analysis of out of county residential placements and local need to identify type and levels of needs it should focus and next steps

to fill the gaps in existing provision (multi agency). Where possible link this with education provided through local special schools.

- Using local special school number data, out of authority data (including analysis of the destinations of pupils who have been out of area), NEET data, develop a comprehensive model of support for 19-25 year olds with the most complex needs and includes housing sufficiency and pathways to employment locally where possible.

#### **10.6 Recommendations for SEND Capital linked to above**

The analysis of data would suggest that the SEND Capital Grant should focus on the following areas:

- Extending accommodation in special schools where there is forecast greatest demand on places that are in areas of growth either on existing sites or a second site (including possibility of satellite classes in mainstream schools)
- The development of ASC/SCD provisions / hubs across sectors.

#### **11. Next Steps**

The recommendations listed above, if approved, can be broken into short, medium and long term actions which will be added to delivery plans of sub group 2 and 3 of the Specialist Provision Workstream, with clear timescales for implementation.

Some recommendations will require Member approval for initiation and implementation, for example those that require consultation through a statutory process.

Recommendations for use of the SEND Capital Grant require approval by the SEND Executive, and demonstrate consultation has occurred through the sub groups and SEND Executive. The SEND Capital Plan must be amended and republished on the Local Offer by the end of March in order for the DfE to release the next allocation.