

18 September 2018

**TITLE OF REPORT                      Out of Authority Special Educational Needs and  
Disability (SEND) placements**

*Report of the Director of Children's Services*

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**1.        Purpose**

- 1.1        To update the Forum on the progress being made to review and reduce out of Authority placements

**2.        Summary**

- 2.1        This paper describes the work being undertaken to review and reduce Out of Authority (OOA) placements through the Specialist Provision Workstream of the SEND Strategy. It sets out an overview of the current profile of placements and numbers by cost brackets and a summary of the work completed to date

**3.        Recommendations**

- 3.1        Schools Forum notes the progress on the work being undertaken to review Out of Authority placements and its link to future strategic planning.
- 3.2        Schools Forum suggests any further actions to support the progress of this work.

**4.        Background**

- 4.1        Hertfordshire's SEND Strategy has been refreshed as a 5 year strategy and is awaiting Cabinet approval. It has been approved by the SEND Executive (July 2018).
- 4.2        The Specialist Provision workstream has been reconfigured as part of the refreshed SEND Strategy to implement the recommendations of the Special School Review work carried out in 2017/2018. Other elements of specialist provision will be brought through this workstream so that all elements of

specialist provision are considered together as part of a graduated approach to meeting complex SEND needs in Hertfordshire.

- 4.3 The workstream's focus is on developing the range of specialist provision across Hertfordshire 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 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.
- 4.4 The workstream will produce a clear and robust evidence-based specialist provision commissioning strategy based on a clear analysis of what is required to meet the majority of needs of children and young people within Hertfordshire. This may include proposals for changes in current provision, including reconfiguration and/or re-designation of some special schools.
- 4.5 The anticipated outcomes of the workstream are set out below:
- Duplication and gaps in provision will be identified.
  - Options developed for a pattern of specialist provision across Hertfordshire that meets existing and future needs locally.
  - All specialist provision will have a clear designation and description of the profile of needs of pupils it will meet which will be clearly articulated on the Local Offer.
  - Guidance and pathways will be developed with clear expectations of what universal and specialist services and provision will provide as part of a graduated response to identifying and meeting needs early.
  - Specifications and service level agreements will be developed for all specialist provisions and new/proposed provisions.
- 4.6 3 sub-groups have been established to take forward the work:
- Sub Group 1: Out of Authority placement analysis (task and finish to inform sub group 2 work).
  - Sub Group 2 - Developing special school model for the future.
  - Sub Group 3 - Developing a graduated response – support for mainstream and specialist provisions, including ESCs.
- 4.7 This report summarises the work being undertaken by sub-group 1 which has met twice and will be meeting monthly until completion of the work. Work is being undertaken with different stakeholders between meetings.

## **5. Progress through sub group 1 - Out of Authority (OOA) placement analysis**

- 5.1 The key issues identified by sub-group 1 are set out below.
- Numbers being placed out of area are increasing.
  - There is a perceived gap in provision for children and young people with autism and high levels of anxiety.
  - Some children are managing in the educational setting, but need more support to manage at home. There is a need for the right local provision to support the care element which should be linked to Short Breaks, including early help and support for families.

- Local provision needs to meet a greater range of needs of children and young people with behaviour that is challenging, including social, emotional and mental health (SEMH) needs.
- The newly introduced single route of redress adds a new element of pressure to the system.

5.2 The key tasks being undertaken by sub-group 1 are set out below.

- Collate detailed data on all OOA placements and carry out deep dive into profile of needs of children and young people.
- Map education, health and care needs of these children and young people.
- Develop a system for identifying children and young people who without the right holistic support for them and their families, may be at risk of requiring an out of authority placement in the future.
- Map outcomes to current provision and identify gaps.
- Track starting points and destinations of pupils accessing OOA provision.
- Develop options for a pattern of provision that would meet these needs locally, including proposals for residential provision where required to meet needs.

5.3 Sub-group 1 is intended to be time-limited with recommendations being developed to inform the work of sub-group 2. An action plan has been co-developed to ensure that the right actions are taken in a timely manner to inform recommendations for next steps by November 2018 (attached at Appendix 1). In addition lead officers are working closely with the broader special school head teacher group.

5.4 A detailed spreadsheet incorporating all children and young people placed in independent and non-maintained special schools outside Hertfordshire and within Hertfordshire has been developed to enable a detailed analysis of needs and costs. Following feedback from the sub-group further information has been added to this to incorporate those children and young people with Education, Health and Care Plans (EHCPs) who are home-educated and those that are placed in maintained special schools/academies in other Local Authorities. Some initial analysis has been carried out and further deeper analysis is ongoing.

5.5 As at June 2018, 156 children and young people with an EHCP were placed in Independent and Non Maintained special schools and funded independent schools.

5.6 114 were placed in independent and non-maintained special schools and 33 in mainstream independent schools. 8 were placed in 'other' independent alternative provision such as Red Balloon / On Track, and 1 in secure provision.

5.7 The table below sets out the number of children and young people moving into an independent or non-maintained special school or independent school by designation of previous setting

<b>Number</b>	<b>Designation of previous school</b>
2	Nursery
25	Mainstream primary/infant/junior school
25	Mainstream secondary/upper school
24	Learning Disabilities (LD) school
22	Severe Learning Disabilities (SLD) school
2	Hearing Impaired (HI) school
6	Physical and Neurological Impaired (PNI) school
12	Social, Emotional and Mental Health (SEMH) school
3	Further Education (FE) college
4	Pupil Referral Unit (PRU)
1	Primary Support Base (PSB)
4	Speech, Language and Communication (SLCN) Base
3	Elective Home Education (EHE)
1	Visual Impairment (VI) Base
5	Out of education
14	N/A of which 5 were movers in already at the school, and 7 were already at the school prior to tribunal direction.
3	Independent mainstream school.

5.8 Of these, 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.

5.9 The table below sets out the numbers of placements made in the last 4 years as at June 2018. Primary and secondary needs vary, and the table below identifies the most frequent primary needs. Some children looked after (CLA) may be placed in a school out of area due to their home address being in that area.

<b>Year</b>	<b>Number</b>	<b>Comment</b>
2015	21	3 CLA, 5 tribunal concession, 5 tribunal direction, 9 a primary need of Autistic spectrum condition (ASC).
2016	40	6 CLA, 9 tribunal concession, 5 tribunal direction, 13 a primary need of ASC, 9 a primary need of SEMH.
2017	48	10 CLA, 13 tribunal concession, 8 tribunal direction, 18 with a primary need of ASC, 9 with a primary need of SEMH, 7 with a primary need of LD (of which 3 were a tribunal direction, and 2 a tribunal concession), 7 with a primary need of SLD (of which 4 were CLA with a secondary need of ASC and 2 were a tribunal concession)
2018 (6 months)	8	1 CLA, 1 tribunal concession. 4 with primary need of ASC, 2 with a primary need of SEMH

5.10 85 children and young people are in day placements, and 70 in residential placements.

5.11 The cost of day placements range between £4,676 per annum and £82,500 per annum. 2 placements have a social care and or health contribution to them, and 4 are post 16 funded placements.

5.12 Of those in residential placements, 29 are in 52 week placements, and of these 16 are children looked after. 5 moved straight from mainstream secondary schools into residential specialist placements.

5.13 The table below show the numbers of placements by cost bracket

	Number	Average cost	Tribunal conceded or decision	Needs
£4676 – 10k	5	£7,688	4	2 x HI 1 x ASC 1 x ASD/SEMH 1 x PMLD
10k – 20k	14	£15,886	10	7 x ASC 2 x LD 1 x HI 1 x PNI 1 x SLCN 1 x SPLD/SLCN 1 x SEMH/ASC
20k – 30k	25	£24,686	16	3 x SLCN 5 x LD 4 x LD/ASC 3 x SLCN/LD 2 x ASC 4 x SEMH 1 x SEMH/SLCN 2 x SPLD/LD 1 x ASC/SLCN
30k – 40k	14	£35,811	4	4 x ASC 2 x ASC/SLCN 2 x ASC/SEMH 4 x SEMH 1 x SEMH/LD 1 x LD/SLCN
40k – 50k	15	£42,916	7	2 x HI 3 x VI 1 x MSI 1 x PNI 2 x SEMH 3 x SEMH/ASC 1 x SLCN/PNI

				1 x LD/SLCN 1 x ASC/HI
50k – 60k	9	£56,960	8	3 ASC 1 ASD/SLCN 3 SEMH 1 SEMH/ASC 1 SLCN
60k – 70k	6	£63,136	3	4 x ASC/SLCN 1 PMLD 1 PNI/VI
70k – 80k	6	£72,644	1	2 x SLD 1 x SLD 1 x ASC 1 x ASC/SEMH
80k – 90k	3	£82,593	1	2 x ASC 1 x ASC/SPLD
90k – 100k	1	£90,000	1	SEMH
100k – 110k	4	£105,708	1	1 x ASC 1 x ASC/SEMH 1 x ASC/SLCN 1 x VI/PNI
110k – 120k	3	£114,117	0	SLCN PD
120k – 130k	1	£125,034	0	ASC/SLCN
130k – 140k	2	£134,047	1	SEMH/ASC
140k – 150k	5	£147,826	2	1 x ASC 1 x ASC/SLD 1 x SLD/SLCN 1 x PNI 1 x SLCN
150k – 160k	2	£151,679	1	1 x SLD 1 x SLD/SLCN
160k – 170k	4	£165,526	0	1 x ASC/SLCN 1 x LD/SLD 1 x SLD 1 x VI/SLCN
170k – 180k	3	£175,185	1	1 x ASC/LD 1 x ASC 1 x ASC/SEMH
180k – 190k	2	£185,000	0	1 x ASC/LD 1 x ASC/SLCN
190k – 200k	4	£192,871	1	2 x SLD 1 x ASD 1 x SLD/ASC
200k – 250k	3	£234,518	0	3 x SLD/ASC
250k – 300k	4	£265,129	0	2 x ASC 2 x SLD/ASC
£300k +	1	£323,123	1	1 x ASC/SEMH

5.14 25 are part funded by Social Care, and 17 are part funded by Health.

- 5.15 Questionnaires have been developed to support dialogue when getting feedback regarding the history from
- Parents/carers
  - Young people
  - Previous school
  - Other professionals
- These will be carried out over September and October.
- 5.16 A similar draft template has been developed to support identification of children and young people who may be at risk of an out of authority placement if the right provision is not put in place early to support them and their family and the school they attend. This will be discussed at the special school heads group in September with a request for it to be completed by mid-October.
- 5.17 Deeper analysis of their history, including gaining feedback from key stakeholders as identified above, is being carried out during August, September and October on a cross section of children and young people focussing on those that have been placed over the last 4 years, those placements with higher numbers of Hertfordshire children and young people, and those with the highest cost.
- 5.18 Contracts have been interrogated to establish the detail in these and previous monitoring arrangements. A number of providers have been contacted to gather clearer information on what is being provided and to get a clearer cost breakdown. Some of these have been provided and are being cross referenced with Education, Health and Care Plans (EHCPs). This will inform a more consistent approach to contract management and monitoring.

## **6. Conclusion**

- 6.1 The sub group has progressed the work to date speedily and progress has been seen between meetings. It is imperative that all partners continue to work together to carry out the identified actions in a timely way and co-develop an evidence base that will inform local commissioning of specialist provision and places, as well as a clear graduated response to identifying and meeting needs early and locally that meet the aspirations of the SEND Strategy and the Children and Families Act (2015).
- 6.2 This work will in turn inform the capital requirements, including best use of the 3 year DfE SEND Capital Grant which totals £8,124,621 over the 3 year period.
- 6.3 Schools Forum will be kept updated with the progress of this work.

Appendix 1: Specialist Provision Workstream Sub Group 1 Action Plan