



ISLINGTON

# Children's Services Scrutiny

## Special Educational Needs and Disability (SEND)

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## **SEND Code of Practice:**

- Provides statutory guidance on duties, policies and procedures relating to the Children and Families Act 2014
- Where the text uses the word '**must**' it refers to a statutory requirement under primary legislation, regulations or case law
- The code applies to all children and young people with SEND age 0-25
- All relevant bodies (including local authorities, governing bodies and all schools and settings) **must** fulfill their statutory duties towards children and young people with SEND in light of the guidance set out in the Code

## **The First-tier Tribunal (Special Educational Needs and Disability):**

- When considering an appeal from a parent or young person, the First-tier Tribunal (Special Educational Needs and Disability) ('the Tribunal') **must** have regard to the Code of Practice. The Tribunal will expect LAs and schools to be able to explain any departure from the Code.

## **Key Principles of the Code:**

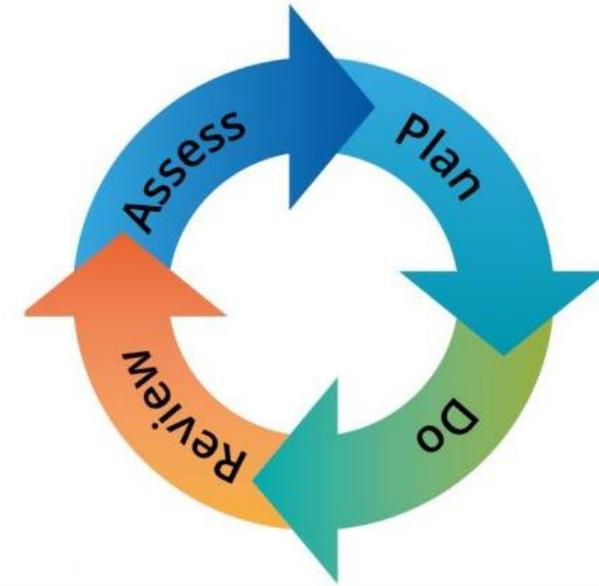
- Full participation of parents, children and young people in assessment, planning and review
  - Collaboration between Education, Health and Care Services
  - A focus on inclusive practice
  - Supporting successful transition to adulthood
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## How does the Code translate to practice?

- The Children and Families Act 2014 **secures the general presumption in law of mainstream education** in relation to decisions about where children and young people with SEND should be educated, and the Equality Act 2010 provides protection from discrimination for disabled people.
- Where a child or young person has SEND but does not have an Education, Health and Care (EHC) plan they **must** be educated in a mainstream setting
- The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:
  - **must** consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures
  - **must not** refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs
  - **must not** refuse to admit a child on the grounds that they do not have an EHC plan
- Where a child does have an EHC plan, the child's parent {or the young person if over 16) has the right to request a particular school, college or other institution to be named in their EHC plan and the local authority **must** comply with that preference and name the school or college in the EHC plan unless to do so would be:
  - unsuitable for the age, ability, aptitude or SEND of the child or young person, or
  - incompatible with the efficient education of others, or the efficient use of resources

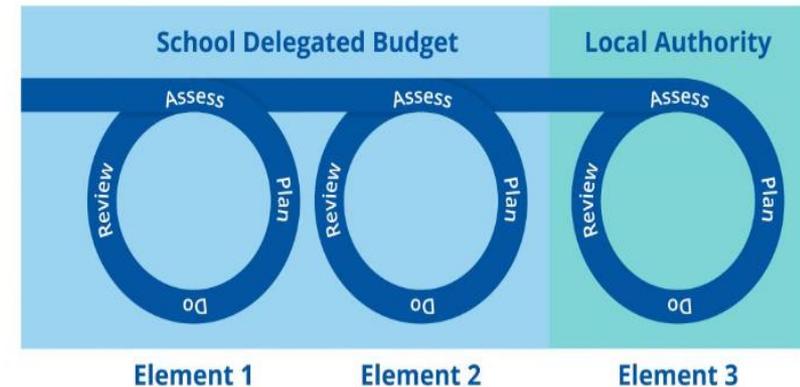
## How does SEND work in mainstream schools?

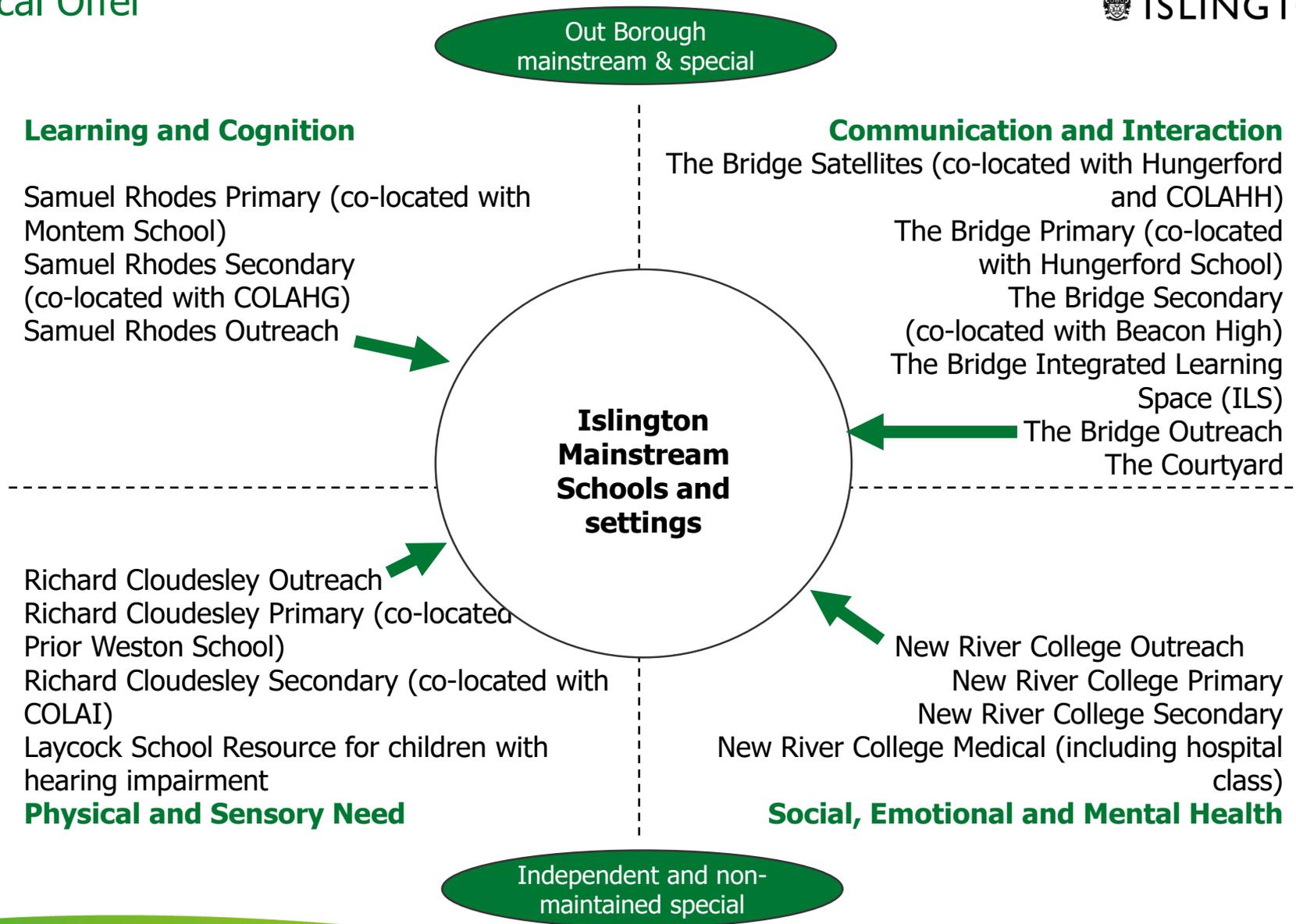
- School-based provision is called SEND Support
- Schools are expected to follow a 'graduated approach' to SEND Support intervention that takes the form of cycles of 'assess, plan, do, review' as an ongoing process to make sure provision is meeting identified needs.
- They should also consult relevant external agencies, make use of assessment tools and materials, record observations and evidence of progress.
- For children with significant or complex needs, where levels of support and intervention do not lead to expected progress, schools or parents may request a statutory Education Health and Care assessment. If needs are assessed as beyond a level that can be met from resources normally available to schools, an Education, Health and Care Plan may be issued.



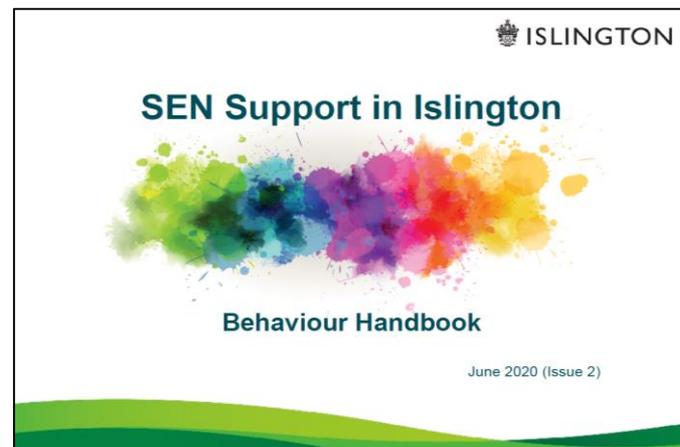
## Who pays for SEND? (national model)

- There are three levels of SEND funding, with Elements 1 and 2 paid through school budgets, and Element 3 directly from the local authority.
- All schools get funding for each pupil as part of their delegated funding - this is called the Age Weighted Pupil Unit (AWPU) or Element 1.
- Support which is in addition to or different from the general is covered by another source of funding which is part of a school's delegated budget, known as Element 2.
- For children with more complex needs, Element 3 'top-up' funding (i.e. to top up already available Element 1 and 2) funding is managed by the local authority, normally through an EHC plan.





# Islington SEND Handbooks:



Behaviour Handbook

SEND Handbooks

## Number of EHCPs

# 1509

Number of EHCPs active as at Jan 2021  
(1364 at 2020)

145 more ECHPs for 2021 mean:

- 145 x £14,891 (av cost of EHCP) = £2.16M additional spend
- 145 more Annual Reviews
- 38 more families requesting transport
- 48 more special school places

For All EHCPs...

26% are for Girls  
(23% in 2020)



74% are for Boys  
(77% in 2020)



For Years 0 – 14...

Year 5: largest cohort, with 109 EHCPs (av for Years 0-11 is 94)

Year 11: highest cost cohort at £1.8m pa

70 LAC with EHCPs

Year 7: highest % of girls with an EHCP at 31% (31 girls)

Year 0: highest proportion of children with ASC at 80%

## Area of Need

# 47%

of all EHCPs identify Autism as the main area of need (47% at 2020)

## 62%

of children aged 0-11 with EHCPs have ASC as their main area of need (62% at 2020)

## 37%

of young people aged 12-25 with EHCPs have ASC as their main area of need (34% at 2020)

## 19%

EHCPs for SEMH rose by this amount between Jan 2020 to Jan 2021 (8% rise from 2019-2020)

Autism and all other areas of need:



# 80%

of all EHCPs identify Autism, Moderate/ Severe Learning Difficulty or SEMH as the main area of need (81% in 2020)

## Children attending special school

# 34%

of all children/young people with an EHCP attend special school (38% at 2020)

There are four more children and young people with ASC placed in special school in Jan 2021 than there were in Jan 2020.

Average cost of mainstream place for ASC: £23,641  
Average cost of special school place for ASC: £67,043  
(Do the Maths, London Councils 2018)

## SEND Transport

# £3,754,000pa

the cost of SEND Transport (2021)

£15,696: the average cost of a journey by taxi  
£6,332: the average cost of a journey by bus



ISLINGTON

## Special Educational Needs and Disabilities (SEND)

Islington profile and projections: 2020-21

# Data Health Warning....

We currently have 1509 children with an EHCP, 178 of whom have no additional education top up. Of the remaining 1331:

- **Total Islington cost** (mainstream & special) – £14,609,451 [991 children / yp @ av. cost of £14,742 per pupil]
- **Total out-borough cost** (mainstream & special) - £5,225,996 [334 children / yp @ av. cost £15,515 per pupil]

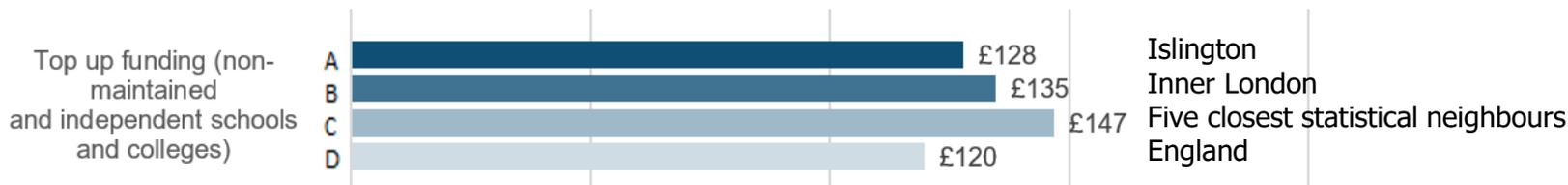
Of the 334 children / yp attending out=borough

- 44 (13%) are LAC at a cost of £775,993 (£17,634 average cost per pupil)
- 140 (41%) are in FE

## For mainstream / special breakdown:

	Mainstream		Special	
	In-borough	Out-Borough	In-borough	Out-Borough
<b>Total cost</b>	£4,593,608	£2,586,564	£10,015,843	£2,383,607
<b>Number</b>	585	255 <sup>1</sup>	407	79
<b>Average cost per pupil</b>	£7,852	£10,143	£24,669	£30,159

- Of 255 out-borough mainstream, 117 (around 50%) are in FE colleges
- Of £2,383,607 out-borough special, 31 (2%) are in independent schools at a cost of £1,164,565 (average cost £35,566 per pupil)... but, our spend is lower than comparators



- Of out-borough (mainstream and special) 193 (57%) are attending school / college in adjacent boroughs (Camden, Hackney, Haringey). Another 44 (13%) are LAC (total 70%)
- 22% of Islington resident children & yp with SEND attend school out-borough. 25% of non-SEND cyp go out-borough

## English county councils warn of £1.3bn special educational needs deficit

Local authorities say they face 'a financial cliff edge' due to 'an explosion' in number of children needing support



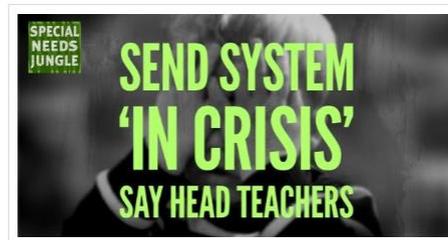
▲ A survey by the County Councils Network and Society of County Treasurers shows the deficit for 40 authorities has gone up from £134m to a projected £1.3bn. Photograph: Dominic Lipinski/PA

County councils in England are warning of a £1.3bn **special educational needs** deficit which threatens to derail their finances and undermine capacity to support recovery efforts after the pandemic.

They say the total deficit is set to increase eightfold in just five years as a result of "an explosion" in the number of children requiring additional support and they warn they are facing "a financial cliff edge"



SEND Community Alliance



## SEND crisis: A teacher's perspective

Tagged in SEND

Emma Parker has nine special educational needs and disabilities (SEND) children in her class, who aren't getting the support they desperately need.



NEU

### SEND Review , Why Change the System ?

Despite some amazing practice:

- A system now characterised by anger and disillusionment
- A system which is no longer financially sustainable



Vicky Ford (Minister of State for Children and Families) gave the following statement to update on the SEND Green paper (which was promised by mid-July) on 8<sup>th</sup> July...

'I would like to turn now to the SEND Review as I know many of you will want to know how we're getting on with this piece of work.

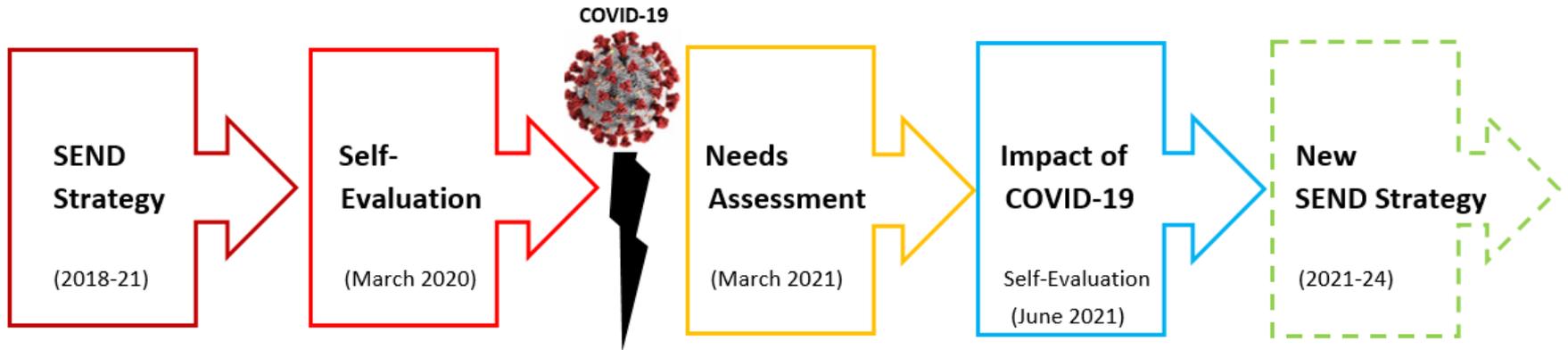
We know systemic change is needed across education, health and care if we are to improve outcomes, and better prepare young people with SEND effectively for adult life.

We know the SEND system does not identify and respond to need quickly enough and is driving an adversarial climate where parents only feel confident their child will get the same opportunities as every other pupil through an EHCP (Education Health and Care Plan), which in turn is driving up unsustainable pressure on budgets.

The pandemic has inevitably slowed the pace of this crucial review, but more importantly, as the HMCI spoke about last month, it has materially changed the context the SEND system is operating in. We need to take the time to get this right and to ensure we are designing a system which is protected against unintended consequences.

The Review team and I will continue to work closely with ADCS and other sector and system leaders, at pace over the coming months so we are in a strong position to publish bold proposals for public consultation as soon as possible.'





- Priorities:**
- Sustainable, affordable and attractive local offer
  - Improved SEND Support offer
  - Better provision for children with Social, Emotional and Mental Health needs
  - Developing Progression to Adulthood pathways

**Strengths and areas for development:**

**Strengths:**

- Leadership and governance
- Partnership working
- Co-production
- High quality provision
- Good outcomes

**Areas for Further development:**

<p><b>Strategic</b></p> <ul style="list-style-type: none"> <li>• Progression to Adulthood</li> <li>• SEND Support</li> <li>• Social, Emotional and Mental Health (SEMH) needs</li> <li>• High needs funding (including capital plan)</li> <li>• Autism pathways</li> </ul>	<p><b>Operational</b></p> <ul style="list-style-type: none"> <li>• Integrated approach to family support</li> <li>• Processes and timescales</li> <li>• Young people's voice</li> <li>• Parent/carer engagement</li> <li>• Advice and information (local offer)</li> </ul>
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- Key themes:**
- Needs have changed – so must our offer
  - Lost learning through COVID-19
  - Rise in ASC and SEMH needs
  - Inequality and need to rebuild trust in the system
  - Strategic focus must shift to mainstream

SEND Review - Phase 2 progress				
Priority of parents and carers, children and young people				
SEND Review - Phase 2 progress				
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- Components of the new plan:**
- Allocation of funding to support settings: currently perceived as unfair and inadequate
  - Increased need / demand: (volume and complexity) – EHCPs and SEND Support. Resource bases and cluster funding
  - Inclusive practice – not fully embedded across all settings. Training and support for culture shift

( COVID-19 Disruption )

## Key drivers for local change:

### **Allocation of funding to support settings:**

Currently perceived as unfair and inadequate

### **Increase in need / demand (volume and complexity):**

Both EHCPs and SEND Support

### **Inclusive practice:**

A view that this is not fully embedded across all settings

## Models under consideration

Greater devolution model

Additionally resourced provision

Area of expertise model

Solution circles

EHCP Head-teacher Moderation