

Date of meeting:	Thursday, 17 September 2020
Title of report:	High Needs Block Summary
Type of report: Delete as required	For Information
Executive summary: Including reason for submission	Highlights the projected financial pressure in the High Needs Block in 2020-21 and subsequent years, and the specific challenges facing the local authority and schools. The report provides information on SEND trends particularly around Education, Health and Care Plans and exclusions.
Budget / Risk implications:	
Recommendations:	That members of the Schools Forum note the contents of the report
Voting requirements:	None
Appendices: To be attached	None
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Presenting officer: If not the originator	



High Needs Block Summary

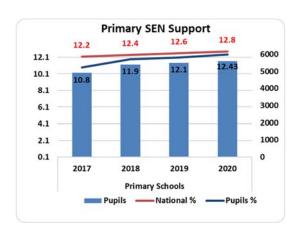
1.0 PURPOSE OF THE REPORT

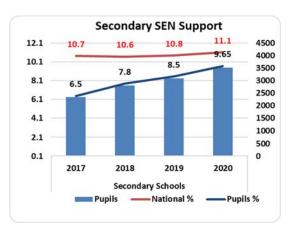
1.1 The paper provides information on trends with Special Educational Needs and Disabilities (SEND) giving rise to the financial pressures. It summarises the current budget and outlines progress in implementing the Strategic Plan for SEND 0-25.

2.0 IDENTIFICATION OF CHILDREN AND YOUNG PEOPLE WITH SEND

Children at SEN Support

2.1 Between January 2017 and January 2020, North Yorkshire has seen a 1.6 percentage point (pp) increase in the number of Primary School pupils in receipt of SEN Support (up from 10.8% to 12.4%), against a national increase of just 0.6 pp (from 12.1% to 12.6%). Similarly, between January 2017 and January 2020, we have seen a 3.2 pp increase in the proportion of Secondary pupils in receipt of SEN Support in North Yorkshire (from 6.5% to 9.7%). Whilst across both phases, North Yorkshire rates remain below the national, over the past 4 years the 'gap' has closed considerably as North Yorkshire's rate continues to increase faster than the national rate.





2.2 As can be seen from the chart above, we continue to see a significant difference between the proportion of primary school pupils receiving SEN Support and the proportion of secondary school pupils receiving SEN Support. The table below shows the breakdown of primary and secondary schools based on the proportion of pupils on roll in receipt of SEN Support. As can be seen a vast majority of schools have between 5% and 15% of pupils receiving SEN Support.

SEN support school analysis								
	North Yorkshire Overall	Number of schools less than 5%	Number of schools between 5- 9.9%	Number of schools between 10-14.9%	Number of schools between 15- 19.9%	Number of schools 20% and over		
Primary	12.4%	21	102	78	60	42		
Secondary	9.7%	7	11	14	8	3		



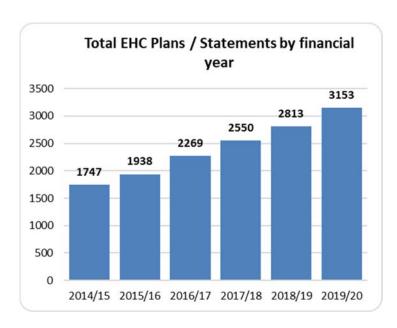
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Children with EHC Plans/statements

2.3 The number of requests for Education, Health and Care (EHC) assessments increased by 76% between 2015 and 2019 (calendar years). The 2020 calendar year has seen an increase to 709, up from 661 in the previous year. This figure also approaches the high of 717 in 2017.

Requests for EHC assessment (calendar)								
2015 2016 2017 2018 202								
407	614	717	661	709				

- 2.4 The percentage of initial requests for an EHC assessment refused an assessment in 2019 was 22.4%, down from 33.3% in 2018. This rate is now slightly below the national rate of 22.8%.
- 2.5 Furthermore, 12.5% of EHC assessments resulted in a decision not to issue an EHC plan. This is slightly down on the 14% last year, and remains above the national benchmark of 5.9%.
- 2.6 Over the past few years, similarly to the number of children in receipt of SEN support, we have seen a considerable and sustained increase in the number of children receiving support via a Statement/EHCP. By the end of the 2018/19 financial year, there were 3,153 children and young people in receipt of support via an EHC Plan. This is up by 12% on the end of last financial year, and represents a longer term increase of 80% compared to the position at the end of the 2014/15 financial year.



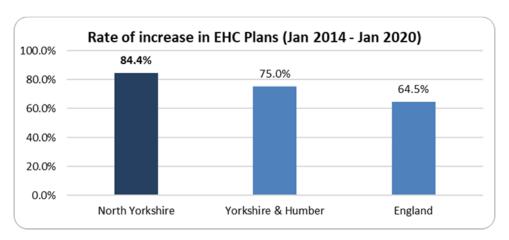
2.7 Over the period between January 2014 and January 2020, the number of children receiving support under an EHC Plan (or Statement of SEND before their introduction in 2015), has increased by 84.4%. This is a notably higher increase than



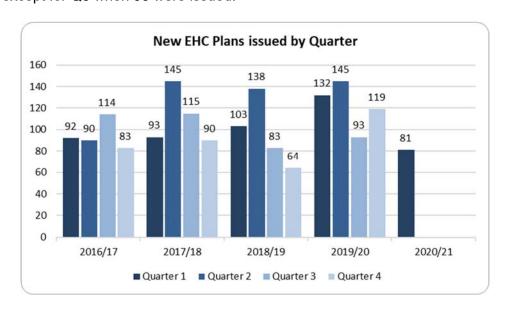
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has been seen across the Yorkshire & Humber region (75%) and is significantly higher than the national increase (64.5%).



2.8 Since the start of 2016/17, the average number of new EHC Plans issued per Quarter has been 106. Over Quarters in 2019/20, however, we have seen the number of new EHC Plans issued each Quarter being above this average in all except for Q3 when 93 were issued.



2.9 Having witnessed a considerable increase in the number of ceased EHC Plans between 2015 to 2018 calendar years, the 2019 calendar year saw a drop to 75 EHC Plans ceased. This is a 40% decrease in the number of ceased plans compared to 2018 and has compounded the increasing total of North Yorkshire EHC plans considering new EHC plans issued increased by 5% (414 to 434) in the same period.

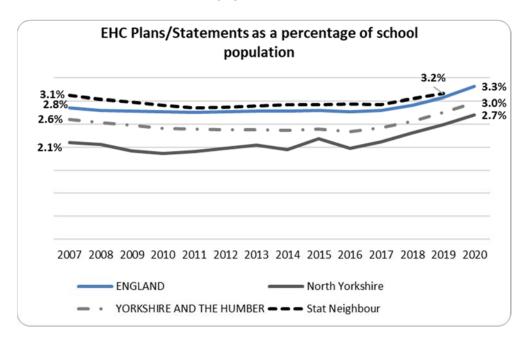
Ceased EHC plans									
2015	2016	2017	2018	2019					
80	51	113	124	75					



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2.10 The rate of EHC Plans as a percentage of the school population has increased in line with a national increase since 2015 but has remained below all benchmarks.



2.11 The EHC Plan forecast - based on historic trends since the implementation of the SEND code of practice - is shown in the table below (forecast numbers for the beginning of January in each year). The forecast takes into account new plans issued and plans ceased.

This forecast has been adjusted upwards based on a drop in the number of discontinued EHC plans there has been in the past financial year. In 17/18, there were a total of 145 NYCC EHC plans discontinued, 43% of which were for the reason of the young person reaching the age of 18 and no longer wanting to engage in training. A total of 110 were discontinued in 18/19, 46% for the same reason. In 2019/20, only 60 were discontinued, a drop of 59% on 17/18.

To date, in 2020/21, there have only been 4 EHC plans discontinued since lockdown (Covid-19), due to a period of extension in maintaining of EHC plans during this time. The forecast for January 2021 onwards in the table below, includes an expected return to EHC plans being discontinued, in line with previous years. The forecast will be required to be re-evaluated, if the number of EHC plans ending continues to decrease beyond this period.

EHC Plan fo	EHC Plan forecast (January - based on historic trend since implementation of the SEND code of							
	practice)							
2020	2021	2022	2023	2024	2025	2026	2027	
3,069	3,274	3,452	3,547	3,659	3,783	3,880	3,988	



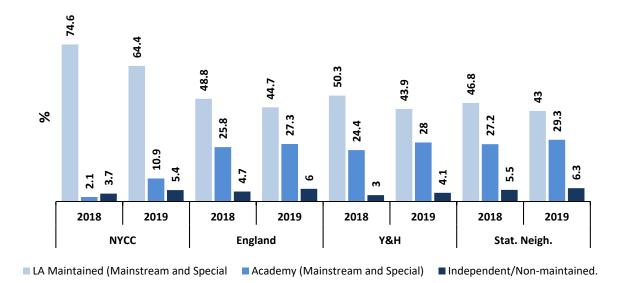
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Count of North Yorkshire funded Statements and EHC plans by age group

Age Group	Jun-15	Jun-16	Jun-17	Jun-18	Jun-19	Jun-20
Under 5	36	45	57	61	88	97
5 to 10	563	618	718	872	959	1030
11 to 15	784	804	874	936	1025	1135
16 to 19	408	498	578	599	672	732
20 to 25	5	62	130	141	201	252
Total	1796	2027	2357	2609	2945	3246

Placement of children with an EHC Plan

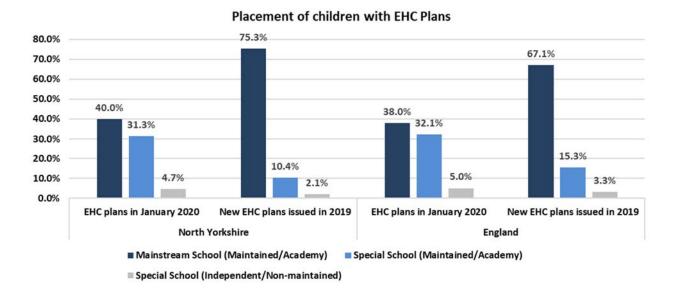
2.12 The rate of children with a North Yorkshire EHC plan being educated in mainstream schooling (40%) are similar to the national rate (38%), as of January 2020. However, a higher proportion of children being issued with a new EHC plan in the 2019 calendar year are being educated in mainstream (75.3%) than national (67.1%).





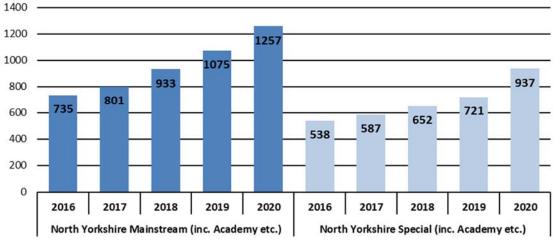
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2.13 The number of pupils (Reception to Year 11) with an Education, Health and Care Plan in North Yorkshire mainstream schools (maintained and academy) has increased by 71% since 2016, from 735 in 2016 to 1,257 in 2020. Similarly, the number of pupils with an EHC Plan in North Yorkshire special schools (maintained and academy) has increased by 73%. Over the past 4 years, both groups have seen a steady increase as the overall EHCP cohort as increased.



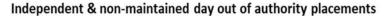


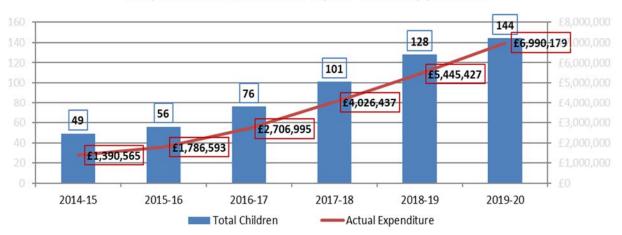
2.14 The total number of pupils in independent and non-maintained day out of authority placements (which includes independent and non-maintained providers in North Yorkshire) has shown a year on year increase since 2014-15. The expenditure has also increased year on year. In 2019-20 the total actual expenditure was £6,990,179, an increase in expenditure of 74% since 2017/18 and an increase of 402% since 2014/15.



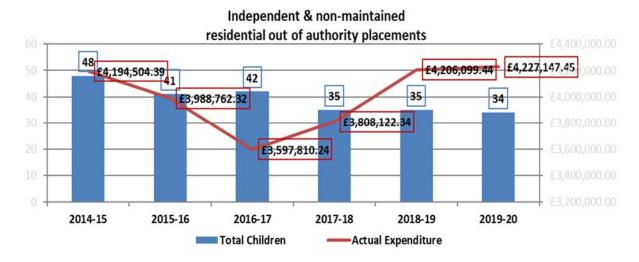
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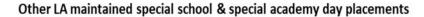
2.15 The total pupils in independent and non-maintained residential out of authority placements (which includes independent and non-maintained providers in North Yorkshire) has gradually decreased since 2014-15. Expenditure reduced over the period 2014-15 to 2016/17, but increased between 2016-17 and 2019-20 despite fewer pupils. In 2019-20 the actual annual expenditure was £4,227,147 for 34 pupils, a similar expenditure as in 2014-15 but when there were a total of 48 pupils.

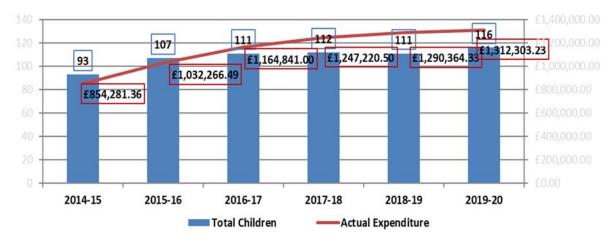


2.16 The total pupils in other Local Authority maintained special school and special academy day placements has shown a relatively small increase since 2014-15. The total annual expenditure has increased year on year increasing by 53.6% since 2014-15 for a total increase in children of 24.7% in the same period.



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3.0 IMPACT ON HIGH NEEDS BLOCK FUNDING

3.1 The High Needs Block 9in 2020-21 for North Yorkshire amounts to £51.16 million:

Budget Area	Budget as per March 2020 (£k)	Change since Original Budget (£k)	Revised Budget (£k)	%
High Needs Commissioning	45,817	(1,270)	44,547	87.1
Alternative Provision (PRUs, Hospital Provision)	4,312	-	4,312	8.4
SEN Support & Outreach	3,340	(177)	3,163	6.2
Enhanced Mainstream Schools	1,954	-	1,954	3.8
Other Budgets	661	-	661	1.3
Virtual School	486	(486)	-	
SEN EY	249	-	249	0.5
Education Psychology	190	(190)	-	
AD – Children and Families	67	(67)	-	



School Improvement	66	(66)	-	
High Education for LAC	47	(47)	-	
Specialist Equipment	39	-	39	0.1
Prevention	7	(7)	-	
Budget Shortfall	(4,806)	1,038	(3,768)	(7.4)
TOTAL	52,429	(1,271)	51,158	100

3.2 The High Needs Commissioning Budget amounts to £44,547k and can be further broken down to illustrate areas of deployment of funding

Budget Line	£k	%
North Yorkshire Special Schools	18,365	41.2
Independent and Non-maintained Special Schools	7,880	17.7
North Yorkshire Mainstream School E3 Top-up Funding	6,486	14.6
Special Provision Institutions	3,385	7.6
Pooled Budget	1,991	4.5
Other Local Authority provision	1,960	4.4
FE Colleges	1,769	4.0
Personalised Learning Pathways	1,166	2.6
Early Years	812	1.8
Other	733	1.6
TOTAL	44,547	100

3.3 The estimated financial pressure in 2020-21 is in the order of £4m. This will add to the accumulated High Needs Deficit built up from financial pressure in previous years, which already stands at £6.1m. Please note that changes in government regulations since January 2020 now prohibit the local authority from using its general resources to fund in-year High Needs shortfalls.



- 3.4 Demand predictions outlined in section 2 indicate that, other things being equal, the underlying financial pressure of £4m will grow by approximately £1.5m £2.5m in each of the next few years.
- 3.5 The High Needs Block provisional allocation for 2021-22 amounts to £57.13m. The allocation will be subject to further revision using updated data on pupil numbers in special schools (Basic Entitlement Factor), the difference between the total number of high need places North Yorkshire commissions and provides (Import-export Adjustment), and the number of places funded directly by ESFA (High Needs Deductions). In addition, the allocation will incorporate funding that is currently received separately for teachers' pay and teacher's pensions employer contribution grants outside the HNB. A like-for-like comparison with 2020-21 shows an increase of £5.20m.

4.0 STRATEGIC PLAN FOR SEND UPDATE

- 4.1 The Strategic Plan for SEND Education Provision 0-25 2018-23 (the Strategic Plan) was approved by the Executive in early September 2018, and published in the same month. Since then work has taken place to implement the actions in the plan, in order to achieve our vision for all children and young people with SEND to:
 - have the best educational opportunities so they achieve the best outcomes
 - be able to attend a school or provision as close to their home as possible
 - make progress with learning, have good social and emotional health and be prepared for a fulfilling adult life
- 4.2 The implementation of the Strategic Plan has been overseen by the SEND Strategic Board, and a SEND Implementation group has met regularly to ensure the work progresses in a timely way, and to focus on specific actions. A comprehensive implementation plan is in place.
- 4.3 The actions in the plan are delivered by a number of teams across Inclusion and there is also partnership working where required, for example with ALSS in respect of their offer for young people with SEND. Following the restructure of Inclusion, oversight and monitoring is carried out by the SEND Provision and Resources team.

Annual review of Strategic Plan

- 4.4 The first review of the Strategic Plan took place in Autumn 2019. As the plan is a longer term five-year plan a number of the key actions were still to be completed. Consideration of the impact at that point only therefore gave a snapshot and short term impact at the end of the first year.
- 4.5 The full first annual review of the Strategic Plan can be found here. Paragraphs 4.6 to 4.13 set out some of the main highlights and progress made during the first year of the plan and more recently.



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The Continuum of Education provision

- 4.6 In terms of **universal provision** for SEND:
 - The Ladder of Intervention for SEMH was introduced following extensive engagement and development.
 - Relationship based approaches to supporting behaviour (including the Pivotal approach) are being rolled out across the county.
 - Free delivery of SENCO networks has continued.
 - Support has been provided for SENCOs to identify and support children and young people requiring SEN support in mainstream schools.
- 4.7 The impact of action for universal provision has been:
 - There has been an increase in children and young having their needs met at SEN support. In addition, this increase is not as a result of an increase in the overall school population which may point to better identification of needs within schools.
 - There is some evidence of a decrease in the number of children and young people with EHCPs who have been fixed term or permanently excluded.
 - A higher proportion of children with an EHCP were attending a mainstream school in North Yorkshire in January 2019 than nationally.
- 4.8 In terms of targeted provision for SEND:
 - Remodelling of the PRS and AP provision has taken place in terms of commissioning, funding and delivery. The new model is to be implemented from September 2020.
 - Work has taken place to develop the new model of targeted provision set out in the Strategic Plan (see Section 7).
 - Consultation took place on the proposed model for education for children and young people with medical needs was completed in October 2019. The new Medical Education needs service will be implemented from September 2020.
- 4.9 In terms of specialist provision for SEND:
 - There was an increase in the commission of special school places in 2019/20 compared to the previous year and capacity in 5 special school increased by at least 49 places as a result of work through the Special provision capital Fund.
 - Mowbray School (Ripon) opened in January 2020.
 - The bid for the special free school in the Selby area was successful and work is ongoing to develop the school. Wellspring Academy Trust have been appointed to run the school.
 - There has been significant improvement in the post 16/19 offer for young people with SEND.

Local governance, accountability, decision making and support.

4.10 Locality Boards have been set up in Selby, in Scarborough, Whitby, Ryedale, and in Hambleton Richmondshire. Initial progress has been made to setting up a board in

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- Harrogate, Knaresborough, Ripon. As yet there is no board for the Craven area, but work is underway to address this.
- 4.11 The Inclusion Service restructure has created locality based multi-disciplinary hubs which will become operational from September 2020. As part of this, inclusion panels will be developed and implemented.

Reshaping the high needs budget

- 4.12 Due to the significant pressures on the High Needs Budget, a key element of the Strategic Plan was and remains to re-shape the High Needs Budget to ensure SEND education provision can be delivered, and the budget is used efficiently.
- 4.13 The following points indicate the impact of actions in the plan on the High Needs Budget:
 - A new, more transparent and less bureaucratic banding system has been introduced, and all children and young people with EHCPs were moved to this by the end of March 2020.
 - A process for accessing element 3 funding for pupils at SEN support in clearly specified circumstances has been piloted and introduced. The pilot of this process resulted in over half of children and young people in receipt of the funding being maintained at SEN support.
 - Once the revised funding model for PRS/AP is fully in place in 2021/22 there will be a reduction in spend against the High Needs Budget of £1.2 million.
 - The increased commission and capacity in special schools is expected to reduce the need for more expensive placements in other LA and independent and non-maintained schools.
 - It is estimated that being able to educate pupils at the proposed special free school in Selby would result in a long-term saving to the High Needs Budget which could be in the region of £250,000 to £500,000 per annum and in the longer term, result in savings of £300,000 to £500,000 per annum in the Local Authority transport budget.
 - The Inclusion restructure will result in a reduction in spend against the high needs budget of £250 000.

Updating the Strategic Plan

- 4.14 In both the Strategic Plan and the annual review the intention was set out that there would be a second phase of the plan. This would not be a new or additional plan, but an integral part of the original plan.
- 4.15 The Strategic Plan was therefore updated in May 2020 to include this second phase. The updated plan can be found here.
- 4.16 The updated plan, which will be delivered in the original timescales 2018-2023, includes additional actions relating to:
 - Early years provision for children with SEND
 - Completion of the commission of targeted mainstream provisions across the county
 - Development of the special free school in the Selby area



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- Exploring how special school provision for children and young people with Autism who need access to a mainstream curriculum can be developed
- Exploring how additional specialist provision for children and young people SEMH needs can be developed
- Development of a capital programme to support the development of the continuum of SEND education provision in North Yorkshire
- Development of a shared vision and strategy for SEND across the Council, partners and stakeholders
- Development of joint commissioning.

An overarching strategy

- 4.17 As noted in paragraph 4.16, one of the actions in the updated Strategic Plan relates to the development of a shared vision and strategy for SEND across the Council, partners and stakeholders. This work is in its initial stages.
- 4.18 Whilst there are a number of strategies and plan which include or refer to children and young people with SEND, there is no current overarching strategy for SEND which covers the whole county and covers education, health and social care for children and young people aged 0-25. The rationale for such a strategy includes:
 - It will support the delivery of statutory duties under the Children and Families Act 2014, subsequent regulations and the SEND Code of Practice.
 - Given the continuing and predicted rise in the number of children and young people with SEND, it is timely to develop an overarching strategy to ensure their needs are supported in the most effective way.
 - Feedback from stakeholders including parents/carers is that is that it is
 essential that those working in education, health and social care work
 together to meet children and young people's needs. There are mixed views,
 some positive and some less so, on how services work with children and
 young people with SEND and their families, and how they work together to
 support them. Co-producing an overarching strategy will be an opportunity to
 understand the issues and continue to make improvements.
 - The ADCS peer challenge in respect of SEND in February 2020 suggested that consideration be given to developing a system wide, system owned vision and outcomes based strategy, with an underpinning joint commissioning strategy.
- 4.19 As part of the ongoing work, there will be engagement with Schools Forum in due course on the development of the vision and strategy.

5.0 SPECIAL SCHOOLS

5.1 DfE have proposed a continuation of the Special School Minimum Funding Guarantee (MFG) of 0% for 2021-22. The LA provided a more generous Special School MFG of 4% in 2020-21 and will consider options available to balance special school sustainability issues with general affordability within the High Needs Block overall. A separate paper elsewhere on the agenda addresses Special School budgets in more detail.



6.0 PRS

- In September 2018 transformation of the Pupil Referral Service across North Yorkshire began in line with the actions set out within the Strategic Plan for SEND Provision 2018-23. This aspect of the plan sought to provide a more flexible offer of Alternative Provision to assist schools to reduce exclusion and establish a new funding arrangement that is consistent with special school funding locally and AP funding nationally.
- 6.2 After extensive work in partnership with schools and Pupil Referral Services a new model will be implemented from Monday 7th September 2020. The new AP model will be funded at £18,000 per place provided from HNB and a £5,000 (£26 per day) contribution from referring schools using places to prevent exclusion.
- 6.3 During the development of the new model and the implementation of the new funding arrangement the LA have taken a number of actions to reduce the impact upon PRS budgets and promote future budget stability. These include:
 - Taking a phased approach to the ceasing of previous funding settlements over an extended period between April 19 and Sept 20
 - Increased the number of places commissioned from Sept 2020
 - Front loaded top up funding to reduce the impact of place vacancy
 - Front loaded a proportion of school contributions
- In total the annual spend on the commission of AP will be £2.9m. The transformation work undertaken will realise a saving against the HNB of £796k in the financial year 20/21 with the full annual saving of £1.2m being realised in financial year 21/22.

7.0 TARGETED PROVISION UPDATE

- 7.1 During 2019 the local authority engaged with primary and secondary schools regarding the implementation of the new model of Targeted Mainstream Provisions to identify schools with interest in adopting targeted provision status from September 2020. 9 Schools have since applied to implement the model in the first phase.
- 7.2 The local authority has proposed the introduction of 31 targeted mainstream provisions to be phased in over three years. The focus for each provision will be to provide full time education for those children with either Communication and Interaction (C&I) or Social and Emotional Mental Health (SEMH) needs.
- 7.3 The first phase schools will begin operation from January 2021. The impact of Covid 19 has meant some provisions will be delayed and the LA is working with each individual school in the first phase to begin operation as soon as it is practicable for both the school involved and the LA.
- 7.4 In order to deliver this aspect of the SEND Strategic Plan the previous Enhanced Mainstream Model has now been decommissioned. The primary functions of the EMS will continue to be delivered via SEND Locality Hubs and the Medical Education Service from September 2020 in addition to the Targeted Mainstream Provisions.



- 7.5 It is anticipated that the decommission of the current EMS and establishment of the new TMP will result in a reduction in spend of £141,000 in 2020/21. This takes into account:
 - Contingency to support children at risk of exclusion in KS1/2
 - One off severance costs associated with EMS decommission
 - New provision start-up costs
 - Part Year EMS funding
 - Part Year TMP place funding
- 7.6 At full implementation of all 31 provisions it is expected that a reduction in spend of £48,000 will be realised. This saving is unintended and subject to the LA's ongoing review of capacity and future requirements. The strategic intent of this development is to ensure more children are able to be educated closer to home and reduce the need for expensive independent provision in future years. The table below sets out the financial assumptions and expectations associated with the phased implementation.

	Fin Year	Fin Year	Fin Year	Fin Year
	2020-21 (£000s)	2021-22 (£000s)	2022-23 (£000s)	2023- 24(£000s)
Adjusted Base Budget	2101.6	2101.6	2101.6	2101.6
EMS – Summer 2020	1161.5			
Medical Transfer – Summer 2020	80.6			
Place Funding	135.0	999.7	1652.3	1884.0
Top-up Funding	78.0	589.4	1144.3	1400.7
Less E3 Funding –	-78.0	-589.4	-1144.3	-1400.7
already budgeted				
AWPU Funding		285.7	553.7	678.3
Less AWPU provision in budget			-379.2	-508.1
Start-up costs	90.0	120.0	90.0	
Provision contingency	250.0	250.0		
Severance Contingency	200.0			
(Saving) / Cost	(184.5)	(446.2)	(184.8)	-(48.0)



8.0 UPDATE ON SEND CAPITAL

- 8.1 As per the report to Schools Forum in March, the local authority has been investigating opportunities to extend the range and capacity of specialist provisions with the objective of being able to support more effectively young people with high levels of need and reduce the future dependency on more expensive specialist provisions
- 8.2 Progress has been hampered by resources being diverted as a consequence of Covid-19. In addition, our anticipation in the early part of the year was that there was potential to significantly augment the resources within the new Specialist Provision Targeted Capital Programme (Schools Forum March 2020 Agenda item 2.3) through a combination of DfE resources and potentially local authority resources. Both of these opportunities have not been able to be progressed given the significant financial constraints on public sector spending and considerable uncertainty over future spending plans
- 8.3 However, the need for additional specialist provision remains a very significant pressure. The timescale for developing proposals has been deferred to the end of the year and will need to incorporate a realistic assessment of likely available resources. In the meantime, a small level of commitments (circa £300k) have been incurred against the fund, which have facilitated the development of phase 1 targeted provisions (which are partly funded from the DFE SPCF grant) and the provision of additional places for Post-16 learners at Springwater school.
- 8.4 Further updates will be brought to the Schools Forum and High Needs Sub Group as proposals become more developed.

9.0 CONCLUSIONS

9.1 The scale of the financial pressure facing the High Needs Block is significant and likely to continue to exceed the High Needs Dedicated Schools Grant. This financial pressure is not unique to North Yorkshire and reflects the national trend. SEND trends and data indicate that further financial pressure will continue in 2021-22 and beyond and the local authority must continue to implement the Strategic Plan for SEND Education Provision 0-25 to help achieve a financially sustainable position in the medium-term. The additional funding allocation for High Needs from the second year of the three-year £7.6bn additional school funding settlement is welcome. A further allocation in year-three of the settlement is likely to restore in-year parity between demand and funding although this has not been confirmed. The LA will continue to lobby for a fairer funding deal for schools and children with SEND.

10.0 <u>RECOMMENDATIONS</u>

10.1 That Schools Forum:

Receive the report and notes the financial implications

STUART CARLTON

Corporate Director - Children and Young People's Service