

**Brighton & Hove City Council**

**For general release**

**Meeting:** Children Families & Schools Sub-Committee

**Date:** Monday 14 March 2005

**Report of:** Director of Children, Families and Schools

**Subject:** SEN Review Options

**Ward(s) affected:** All

**1. Purpose of the report**

- 1.1 To set a new 5 year strategy for SEN, in outline
- 1.2 To set out options for change in our current structures to take us towards our strategic objectives.

**2. Recommendations**

- 2.1 That members confirm support for the broad thrust of the outline strategy and ask officers to develop the detail for report to this committee.
- 2.2 That members ask officers to develop options for change
  - In the structure of Special Schools;
  - The management and delivery of education assessment and support services and
  - The development of training programmes for schools and teachers in inclusive education.
- 2.3 That members ask officers to ensure that:
  - The options for change reflect the Children's Trust Partnership Commissioning Strategy and

- That due account is taken of the current service review and design processes for Children's Disability Services and for CAMHS.

### **3. Background**

Shortly after the Unitary Authority was established in 1997, the then Education Committee set up the SEN Task Group. The group's remit was to devise a strategy for meeting special educational needs and specifically to shape proposals for meeting the needs of pupils with emotional and behavioural difficulties. A special school for pupils with emotional and behavioural difficulties, provision for excluded pupils and a behaviour support service was established – the Alternative Centre for Education (ACE). Combining these functions in one school was innovative and has proved effective.

3.2 The SEN Task Group also set up 'continuum groups' which, as sub-groups of the Task Group, considered specific special needs such as autism, specific learning difficulties and emotional and behavioral difficulties. These continuum groups advised the Learning Support Service on its programme of work in each specialist area.

3.3 A proposal for a new approach to funding special schools was produced as part of the strategy. In a mainstream primary or secondary school, funding follows the pupil and schools recruit pupils from the area. If pupil numbers fall, the budget is automatically reduced. In a Special School, the LEA decides how many pupils will need a place and the budget of the school is based on the LEA's estimate of the number of places which might be needed. The funding for the place will continue, even if the place is not used by a pupil. The unit of place funding had been standard according to the type of school.

The innovative funding proposal was for the use of a matrix so that the pupils in each school were categorised according to complexity of need and presumed cost in meeting that need. This meant that the funding would more nearly reflect the profile of need of the pupils in each school, in that year. Matrix funding was introduced for 2003 / 04. It has been overtaken by the funding crisis of 2003 / 04 and the Minimum Funding Guarantee for 2004 / 05 and 2005 / 06, introduced by the Secretary of State to reduce turbulence in school funding.

3.4 The work done with pre-school children with Special Needs has resulted in better identification of need and better pathway planning. This has realised another Task Group goal, which was greater mainstream inclusion. The

number of children placed in schools designated as being for moderate learning difficulties has fallen significantly, especially in the primary phase. Their needs are being met in their local primary school, in their community.

- 3.5 Added to this list of significant achievements are the qualitative judgements made about the individual special schools and learning support services. Ofsted inspections have been judged very positive about all schools and services. The assessment service usually meets its performance indicators.

#### **4. Approach to Review**

- 4.1 There have been critical comments on aspects of the service from external inspectors
- 4.2 In the LEA Inspection by Ofsted 2000, there were recommendations that the mainstream schools formula for funding special needs should be reviewed and adjusted. There were also recommendations that the number of places in special schools should be reviewed and surplus places removed, to achieve better value for money. The surplus places exist because, as described in paragraph 3.4, more children with learning difficulties are able to thrive in mainstream schools but the LEA has not withdrawn the place funding from the Special Schools. Removing surplus places would not, therefore, involve moving any child out of a special school or denying any child a place that he or she needed.
- 4.3 District Audit officers reviewed Special Needs arrangements and reported on value for money issues and in particular, the use of 'empty places money' in some special schools to offer outreach support to mainstream schools. (Recommendations attached as Appendix One)
- 4.4 In the Ofsted inspection in 2004, inspectors commented adversely on the absence of a forward looking strategy for SEN agreed with and known to, all schools. Inspectors also rated value for money as satisfactory only, because of the number of empty places in some special schools and the lack of co-ordination between the Learning Support Services and the Special School outreach providers.
- 4.5 There have been significant changes in the national context in which the Special Needs services operate. There is pressure for greater mainstream inclusion but a continuing requirement to meet parental preference. In 'Removing Barriers to Achievement' the DfES emphasises the importance

of investing resources in front line service to pupils and reducing the use of statutory assessment (Statements).

- 4.6 The 'Five Year Strategy for Children and Learners' promotes more autonomy for schools and especially secondary schools. It also promotes schools working in partnership to deliver services currently provided by the LEA. There are other elements which shape the planning for future delivery of services.
- 4.7 The passage of the Children Act, the publication of 'Every Child Matters' and the National Service Framework have set the agenda for children's services across education, health and social care, including those children with special needs.
- 4.8 Brighton and Hove Children's Trust Partnership has developed a local strategy which sets out the principles for the integration of children's services, including a joint approach to service redesign and commissioning.
- 4.9 The outline of a new strategy proceeds from an analysis of the achievements, an understanding of the critical comments and a recognition that the national and local context has changed and will continue to develop.
- 4.10 It is important to recognise that this is a review of the whole system which links the parts of the service together. The high quality of the constituent parts of the service indicate that the issue is systemic – the whole is less than the sum of its parts.

## **5. Process**

- 5.1 The origins of the Special Needs review lie in the recognition that the strategy agreed in 1997 had not been refreshed and that the areas for reform – schools funding, school place planning, management of centrally retained services – are all areas of responsibility for CFS.
- 5.2 At early conferences held to communicate the issues to a wider range of stakeholders and to hear their views, the need to co-ordinate the education, care and health inputs was obvious.
- 5.3 The Children's Trust commissioning team planned to start reviews of services which meet special needs in the city. It was decided to proceed

with reviews in parallel, although unlike true parallels, managers have ensured that the reviews intersect frequently, to ensure coherence.

- 5.4 This report considered the outcomes from three working groups: one group considered the structure of special school provision, another considered the management of learning support services and the third considered the development of capacity to meet Special Needs in mainstream schools.
- 5.5 This proposal is therefore brought, at this stage, to CFS Sub-Committee. Currently the responsibility for determining the Local Authority's proposals for the number and type of schools maintained lies with this committee, and final decision making powers lie with the School Organisation Committee. The process of consultation and implementation of any change is lengthy and anticipation of change is creating a climate of severe uncertainty for the Special Schools. It is, therefore, urgent to move forward.
- 5.6 The Learning Support Services are currently financed from the education budget. While no change will be proposed which will conflict with possible developments in health provided services, some changes need to be synchronised with changes proposed in mainstream and special schools.
- 5.7 Future papers should follow the agreed routes to the Children's Trust Board. This paper will contain no proposals related to development in services within the health economy but future papers to the Children's Trust Board should make clear a fully co-ordinated strategy across all parts of the Children's Trust.

## **6. Strategic Objectives**

- 6.1 By 2009, we should see a system which functions effectively, without friction, to
- Identify need
  - Direct resources appropriately and effectively to meet need
  - Support families and carers and schools to meet the needs of all children and young people
  - Fosters inclusion and independence
  - Provides equity and equality of opportunity to all.
- 6.2 Equality of opportunity will flow from the accurate identification of need and the management of resources to meet needs.
- 6.3 Equity will flow from ensuring that children and young people are educated in the right settings, based on need, allowing all learners to flourish.

6.4 Currently, there is friction between carers and providers, between services and carers, between services and schools and between schools and the authority. The reduction of friction will flow from partnership management when all resources are known, there is clear communication between providers and users of the services and expectations are realistic.

## **7. Steps towards 2009**

7.1 The points of friction in the system need to be clearly identified. Some parents believe that they have had to fight to have their child's needs recognised and met. There needs to be excellent communication with parents and carers from the point where needs are identified. This may be at the birth of the child. Needs may emerge as the child grows older. Integrated and co-ordinated pathway planning would improve mutual understanding of needs and provision.

7.2 Improvements in the support for mainstream schools to identify emerging needs accurately and plan appropriate learning programmes, will also reduce frictions between carers and providers. Mainstream schools currently believe that they have insufficient support and resource to meet some children's needs. Parents of children with special needs in mainstream schools welcome inclusion but sometimes feel that the school is unable to adapt its systems sufficiently to allow their children to thrive.

7.3 A better partnership between schools and support services over the allocation of resources – in a form of commissioning – should reduce some of the current frictions. A new form of partnership will have to resolve potential inconsistencies in the relationships envisaged between schools and the Local Authority. In 'The Five Year Strategy for Children and Learners', the government encourages Local Authorities to move from a provider role to a commissioner role while also encouraging schools to form partnerships to become commissioners of services for children, or potential providers, or both. Schools however, will not be commissioned by the Local Authority, they will remain autonomous with control of their delegated budgets.

7.4 A closer partnership across the Special Schools and with mainstream schools, working with authority managers, should lead to greater agreement on appropriate placements for individual pupils. An objective would also be to provide for more pupils in the City and fewer in other LEA and independent schools. Close collaboration across providers would reduce the occasional stresses between authority and school.

7.5 The design of a partnership, which is truly collaborative in the interests of children, will be challenging but lies at the heart of these proposals.

## **8. Options for Change**

8.1 To achieve greater inclusion in local community schools, a programme of development and training to increase capacity and confidence will be required. The development programme would form part of the overall thrust on school improvement. It is part of the personalisation agenda and a school which manages pupil transition well and adapts curriculum and teaching and learning strategies to meet special needs, will meet all needs well, including those of the most able.

8.2 To ensure that our maintained special schools are able to provide for as many children and young people as need that setting, a capacity development programme will be needed. The current designations of Severe Learning Difficulties (SLD) and Moderate learning Difficulties (MLD) no longer reflect reality and redesignation to 'Complex Needs' should be considered. The Alternative Centre for Education and Patcham House Special School would also need to be redesignated although consideration will be given to the appropriate designation. Complex Needs may be appropriate.

8.3 The Local Authority, in consultation with all its partners, will need to determine how many places in Special Schools and settings will be required in the medium term. Those places which are currently empty, but paid for, should be removed from the total. The Authority will need to ensure that, when this is done, in line with the recommendations of inspectors and auditors, all the schools, which the authority maintains, have a viable budget.

8.4 In the process of determining the right number of special school places to maintain and in redesignating special schools, the Authority will need to set out how children and young people with special needs, currently in mainstream or special schools, will be assured continuity in their education and support. It is normal for pupils to move in to and out of special schools as their needs change and as they develop. This would continue. Changes will be managed to avoid disruption to individual pupil's education. Since the staffing of schools is related to current needs, teaching and support staff changes will only follow changes in the pattern of needs over time, as happens now.

8.5 The Special Schools focused on complex needs should form a close partnership. This partnership would secure greater flexibility in

determining placement in a Special School setting and be able to determine the development programmes needed to increase capacity to meet very high levels of need in individual pupils.

- 8.6 There will need to be a broad partnership across all city schools, reflecting collective responsibility for the education of Brighton and Hove children. This will also be a partnership which encompasses the services currently managed by the Local Authority and in due course, those provided through The Children's Trust.
- 8.7 The Learning Support Service and the Educational Psychology Service are currently centrally managed. The way in which these resources are used should be more collaboratively planned with schools. The continuum group arrangements (para.3.2) have valuable elements of user input and customer feedback but these now need to be updated and brought in line with commissioning arrangements. These services should therefore become part of the wider schools partnership.
- 8.8 The educational assessment services will also be part of the wider partnership.
- 8.9 The work of the Education Other Than At School (EOTAS) team should be examined in conjunction with the remit of Patcham House School and ACE, all of whom are providing for some pupils of mainstream ability who do not thrive in a mainstream setting. There may be a need to reconfigure the provision.
- 8.10 Units and facilities in mainstream schools should be reviewed and brought in to a common management framework. Currently, some are managed by schools within delegated budgets, some are managed by Special Schools at a distance and some are managed by the Learning Support Service. We need to ensure that there is a clear Service Level Agreement, which details teaching approaches as well as place provision.
- 8.11 This arrangement should ensure that each pupil placement is made in a way which reflects parental preference, meets pupil need and attaches the right level of support to pupil and school to make that placement a success.
- 8.12 As the review of linked services in health and social care progresses, the proposed management and governance framework will need to ensure that there is coordinated delivery to children and their families in line with The Children's Trust Partnership Service Strategy.

## **9. Behavior Management**

- 9.1 A major issue for schools today is the maintenance of acceptable standards of behaviour to secure learning for all pupils. The Behaviour Support Service is located in ACE. Discussions have been arranged, with secondary heads initially, to consider how in-school support can be developed and external support maintained or increased. The Secretary of State has announced that she expects all secondary schools to group together in partnerships to commission behaviour support from further delegated LEA funds.
- 9.2 The outcome of those discussions will be a factor in the further debate about reconfiguration of services provided by ACE and Patcham House School. Behaviour Support and training is also needed in all Special Schools as pupils have increasingly complex needs.
- 9.3 Although not necessarily a “special need” exclusion from school requires planning and provision. As ACE is the provider of Pupil Referral Units for excluded pupils, issues of resourcing and management of excluded pupils will be a consideration in this review.
- 9.4 The current service redesign process for CAMHS will also influence the development of Behavior Support provision.

## **10. Residential Provision**

- 10.1 Further consideration is to be given to the provision of residential places in the City, to meet the special needs of some pupils. For some pupils, educational needs could be met in the city if there were satisfactory care arrangements
- 10.2 Further analysis of this issue will accompany future reports.

## **11. Funding**

- 11.1 This large change process will require dedicated resources. There will be further detailed planning, formative consultation with all stakeholders and the preparation for statutory consultation. When decisions are made, the implementation projects will extend over many months.
- 11.2 A key assurance that parents, teachers and governors will require is that children and young people with special needs currently in our schools will enjoy security and continuity in their education, support and care. (Para. 8.4) They can be assured that avoidance of disruption, the maintenance of quality learning and care and confidence in familiar staff will be at the heart of all that happens. The funding for implementation will need to take account of this requirement.

11.3 Staff in our services will be consulted in detail and will be entitled to a well-managed transition plan to any new structure.

11.4 If decisions are made with capital implications, funds will need to be earmarked in advance. This should be a major consideration in the next stage of planning, if the recommendation is accepted.

## **12. Consultation**

12.1 Consultation with parents and carers on the principles underpinning any proposals and on the overall strategy will require early planning. Parents and Carers are apprehensive about change. The consultation will need to build confidence in the capacity of the local service to deliver improvement.

12.2 Staff and governors in schools will be formally consulted about any proposed changes. However, early formative consultation should be planned to gain acceptance of the principles, strategy and analysis of the systemic issues on which proposals for change are based.

12.3 The representatives of staff in schools and services will be consulted. Staff in Local Authority services will be consulted directly and have an important contribution to make to the next formative stage of planning.

12.4 As part of the Children's Trust, no firm proposals for change or development can be made without detailed consultation among partners. This is underway and will continue.

12.5 The providers of services to adults with learning difficulties or other special needs will be fully consulted. This is an important part of pathway planning.

12.6 The conference days in 2004 and the working groups have enabled a wide group of stakeholders to be involved in the early stages of consultation. Their views have informed the setting of the outline strategic objectives and the definition of the areas where change is required.

## COMMITTEE REPORT APPENDIX



<b>Meeting/Date</b>	CFS Sub-Committee/14 <sup>th</sup> March 2005
<b>Report of</b>	Director of Children, Families and Schools
<b>Subject</b>	The SEN Review Options
<b>Wards affected</b>	All

### **Financial implications**

At this stage it is not possible to quantify any financial implications, however any changes in service provision or reconfiguration of special school provision would have to be met from existing revenue resources. By changing provision, funding may flow between different types of provision, where places may be removed, to achieve better value for money. Any capital implications that may arise would have to be identified and earmarked in advance

*Finance Officer consulted: ....Andy Moore....Date .....16 February 2005*

### **Legal implications**

The outline strategy is in line with the current proposals for co-ordination of children's services generally, both within the CFS directorate and more widely with other agencies, (most particularly the NHS) in the development of the Children's Trust. As the strategy is developed, the committee will need to ensure that the proposed changes in provision of SEN services are co-ordinated with the general review and the move towards integrated services for all children. The strategy must ensure that the authority continues to meet its statutory responsibilities towards pupils with special educational needs and that it does not contravene the provisions of the Human Rights Act

*Lawyer consulted: Naomi Sack Date ....28.02.2005*

<p><b>Corporate/Citywide implications</b></p> <p>The provision for children, young people and adults with Special Needs is a major responsibility for the Council working with health partners and other stakeholders. This review must at all times be consistent with proposals for development of other parts of special needs provision.</p>	<p><b>Risk assessment</b></p> <p>Provision for Special Needs is a major budget issue for Children, Families and Schools.</p>
<p><b>Sustainability implications</b></p> <p>The Council and its partners need to make the most efficient use of available resources in order to deliver a sustainable service, while maintaining a high quality education service across the city. Best use must be made of available sites and buildings, having regard to the transport and travel</p>	<p><b>Equalities implications</b></p> <p>Children and young people with Special Needs must be given the opportunity to develop social and economic independence wherever possible and enjoy a good quality of life. The review will focus on further developments to secure these outcomes.</p>

## COMMITTEE REPORT APPENDIX



issues.	
<b>Implications for the prevention of crime and disorder</b> Special Needs provision for children and young people with social, emotional and behavioral difficulties serves many in the City most likely to be involved in crime and disorder. Improvements in provision should have positive outcomes in this area.	
<b>Background papers</b> Report to CFS - 29 November 2004. Inspection Report, Brighton and Hove LEA, January 2004, Ofsted. Report on Special Educational Needs provision, District Audit, March 2004	
<b>Contact Officer</b> Elizabeth Wylie, Assistant Director, CFS 01273 293474	