

## SEN REVIEW AND PROPOSALS FOR DEVELOPING A REVISED SEN STRATEGY: SCOPING PAPER

**A position paper to scope the issues in Kent to help identify priorities for review and the development of an SEN Strategy and Implementation Plan**

### **1. Introduction**

**1.1** This paper scopes the position in Kent with regard to how children and young people (CYP) with special educational and/or disabilities (SEND) are supported, looks at what the data and other qualitative information tell us about the quality of provision for them and the progress they make, and identifies priorities for a review and developing an SEN Strategy.

### **2. Data on Children and Young People with Special Educational Needs**

**2.1** Kent supports its CYP with lower level special educational needs and/or disabilities (SEND) in a variety of provisions, including state-funded<sup>1</sup> mainstream schools, pupil referral units and alternative provision. For those CYP with higher levels of need who have a Statement of SEN, they also have access to special education provision in state-funded mainstream and special schools and, as deemed appropriate, to special schools in the independent sector.

**2.2** Kent has a school population of just under 233,000 and, of those, CYP with SEND are supported in stated-funded mainstream and special schools in Kent as follows<sup>2</sup>:

<b>Phase, including academies</b>	<b>Statements</b>	<b>School Action Plus</b>	<b>School Action</b>
Nursery	0	2	3
Primary	1114	7634	14,667
Secondary	1404	7324	13815
Special	3027	0	0
Total	5545	14,960	28,485

These numbers do not include Kent CYP who attend state-funded schools in neighbouring LAs.

**2.3** Those CYP with Statements of SEN which are maintained by Kent but which are not included in the above table are placed as follows<sup>3</sup>:

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<sup>1</sup> Any school funded using public money, which includes LA maintained schools and academies, and which is free at the point of admission

<sup>2</sup> Data from Autumn 2011 School Census

<sup>3</sup> Data from combination of Area SEN Finance and Information Officers (FIO) working spreadsheets and MIU weekly FIO Impulse Report as at 20 February 2012

a) Kent CYP in state-funded schools in other LAs	b) Kent CYP in Independent Schools	c) OLA looked-after CYP (whose Statements are maintained by Kent) in independent schools	d) CYP with no current placement	e) Total a+b+c+d
121	296	139	42	598

### **3. Kent and its Statistical Neighbours (SN)**

- 3.1** Attached at Appendices 1 (a) to 1(c) are summaries of the comparative incidence of SEN in Kent and its Statistical Neighbours (SNs).<sup>4</sup>
- 3.2** Table 1 (a) shows that Kent, along with East Sussex, Worcestershire, Staffordshire and Lancashire, supports more CYP with Statements in its schools than the number of Statements it maintains. In other words, Kent is a net importer of CYP with Statements from other LAs.
- 3.3** Of the statutory assessments Kent carries out, the percentage that result in Statements being issued is smaller than for its SNs. However, its placement of CYP with newly issued Statements in maintained special schools is higher than the average for the group.
- 3.4** Kent maintains a lower rate of Statements than its SNs, with only 2 LAs having a statementing rate which is lower. However, its percentages of CYP at School Action and School Action Plus are higher than the SN averages and so its overall SEN profile shows a higher incidence of SEN than its SNs.

### **4. Statutory Assessment Referrals and Statements of SEN in Kent**

- 4.1** Attached at Appendix 2 is an analysis of statutory assessment referrals, statements issued and Statements maintained in Kent between April 2008 and December 2011.
- 4.2** The data show that Kent's rates of statutory assessment referral and statementing have remained stable over the past 3 to 4 years. In fact, there has been a slight fall in the number of statements issued although until the January to March 2012 figures are available, it is not known whether this trend continued for the year 2011-12.
- 4.3** While there are not significant changes to the number of statement issued, there are changes to the need categories identified in Statements. Autistic

<sup>4</sup> Data taken from the Office for National Statistics publication on its website

Spectrum Disorder (ASD) is the category where there is the most significant increase. There is an upward trend in CYP identified with ASD and there has also been a significant downward trend in the number identified with Moderate Learning Difficulties (MLD) and Specific Learning Difficulties (SpLD).

- 4.4 The data show that there are considerably more CYP from other local authorities whose statements are maintained by Kent whose primary need is Behaviour, Emotional and Social Difficulties and Thanet receives a higher number of those CYP than other districts in Kent.

## 5. **Support for CYP with Statements of SEN in Kent**

This section sets out a summary of provisions used by Kent for CYP with Statements.

### **Mainstream Schools**

- 5.1 There is a total of 2518 CYP with Statements placed in Kent state-funded mainstream schools. Within some of these mainstream schools there are specialist provisions for particular need types (formerly known as units/designations) where 735 of these CYP are placed (September 2011 figure). There are 60 such specialist provisions. Details of these provisions and placement numbers are attached at Appendix 3
- 5.2 The CYP who are placed in these provisions attract a per-pupil sum of money referred to as Individually Assigned Resources (IAR). It is a diminishing rate as more pupils are placed. However, there are also 614 CYP with Statements in mainstream schools but not in specialist provision who attract IAR as a result of the severity and complexity of their needs. This makes a total of 1349 CYP across all Kent state-funded mainstream schools who attract IAR.
- 5.4 Attached at Appendix 4 is a table showing the 2011/12 rates of IAR per CYP per need type and a breakdown of the number and allocation of funding across the need types.

### **Maintained Special Schools**

- 5.5 There are 24 special schools in Kent<sup>5</sup> supporting 3027<sup>6</sup> CYP with severe and complex needs. Of the 24, 11 are for Profound, Severe and Complex Needs (PSCN) and they cover the age range from pre-school to 19. These schools are sometimes referred to as the District Special School as each district, except for Dover and Deal, is served by one. However, Dover and Deal District is served by 2 specialist PSCN units, one primary and one secondary, attached respectively to Whitfield (and Aspen Unit) Primary School and Dover Christ

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<sup>5</sup> Foxwood and Highview are part of the same federation serving the district of Shepway

<sup>6</sup> Autumn 2011 Schools Census

Church Academy. Each of these PSCN units support 52 and 39 CYP respectively<sup>7</sup>.

- 5.6** Attached at Appendix 5 is a list of all special schools with their designated need types, designated numbers and roll numbers as at 19 January 2012.

### **Alternative Provision**

- 5.7** For a number of CYP with Statements, they need access on occasions to provision in Pupil Referral Units (PRU) (including health needs units) or to a mix of home and group tuition programmes. For other young people provision is arranged in Alternative Curriculum Programmes and there is small group of CYP who are educated at home. Those educated at home total 44 and those in other alternatives including PRUs total 105<sup>8</sup>.

### **Independent and Non-Maintained Schools**

- 5.8** For a small but significant number of CYP with Statements, provision is arranged in schools in the independent and non-maintained sector. These schools cover a range of need types but mostly support CYP with ASD and BESD. There are 435 CYP placed in these schools, 139 of which are looked-after CYP from other LAs and for whom Kent has the responsibility for maintaining a Statement<sup>9</sup>.
- 5.9** Attached at Appendix 6 is a table showing the breakdown of placement numbers by need type, indicating those placements with funding from Health and/or Social Care.

### **Out of School**

- 5.10** As at February 2012, there are currently 42 CYP with no placements<sup>10</sup>.

### **Support through integrated working arrangements**

- 5.11** Kent has always supported inter-agency and inter-disciplinary working and practices at both an operational and strategic level to support CYP with SEND. A variety of decision-making and planning groups and forums exist at both a local and strategic level where joint protocols and arrangements, including some limited joint-funding arrangements (for example, for placements in the independent sector, therapies and the children's specialist equipment store), are in place. These working arrangements evolved over time, supported by

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<sup>7</sup> Data from MIU weekly FIO Impulse Report as at 20 February 2012

<sup>8</sup> Data from combination of Area SEN Finance and Information Officers (FIO) working spreadsheets and MIU weekly FIO Impulse Report as at 20 February 2012

<sup>9</sup> Data from Area SEN Finance and Information Officers (FIO) working spreadsheets

<sup>10</sup> Data from MIU weekly FIO Impulse Report as at 20 February 2012

the national and local agendas, all of which have increasingly placed an emphasis on multi-agency and multi-disciplinary working. The development of these multi-agency arrangements has been on both a planned and ad hoc basis.

## **6. Funding for SEN**

**6.1** Kent invests significant funding (nearly 20% of the DSG) in schools and from County budgets to meet the additional and special needs of CYP. Appendix 7 shows a summary of the budgets for schools and academies, delegated and non-delegated, for the periods 2009 -10, 2010 -11 and 2011-12. It shows that in addition to the significant level of funding delegated to schools, there is also a significant level of non-delegated SEN funding which supports the needs of CYP. These non-delegated budgets include funding for therapies, specialist equipment and placements in the independent sector.

**6.2** In addition to this funding, the budget for transport for CYP with statements is £17m.

**6.3** The above budgets do not include funding that comes from other agencies to support the special educational needs of CYP. For example, Education is not the only provider of services for schools. Health is also a key commissioner of therapy services for schools. Health and Social Care also joint fund some of the placements in the independent sector (see Appendix 6).

## **7. Attainment**

**7.1** Appendix 8 sets out the KS2 outcomes for SEN pupils and non-SEN pupils. Overall, the number of Kent pupils with SEN at key Stage 2 who achieved Level 4 in English and Maths in 2011 was one percent below the national average. If we look individually at School Action, School Action Plus and Statutory Action (Statements), there was one percent more CYP supported at School Action Plus who achieved Level 4 in English and Maths in 2011 than the national average. The number who achieved Level 4 at School Action and Statutory Action were respectively two percent and one percent below the national average. The gap between SEN pupils and non-SEN pupils at KS2 is greater in Kent than nationally, standing at 53% as opposed to 52% nationally.

**7.2** Appendix 8 also sets out the KS4 outcomes for SEN pupils and non-SEN pupils. More Kent pupils at both School Action and School Action Plus achieved 5 GCSE A\* to C grades in English and Maths than this cohort did nationally in 2011. However, for pupils with Statements, the percentage who achieved at this level was one percent lower than the national figure.

7.3 At both key stages 2 and 4, the data show that Kent pupils receiving free school meals do much less well than the average nationally for this cohort of pupils, whether they are at KS2 or KS4.

## 8. **Effectiveness of Kent SEN provision**

8.1 All pupils with SEN at all stages of the Code of Practice are enrolled in every school in Kent so it is very important that all schools make effective provision for them. Pupils with statements of SEN can also be enrolled in any school, but the numbers are highest in special schools and mainstream schools with specialist mainstream provision.

8.2 An analysis of the overall effectiveness judgement from each school's latest Ofsted inspection (summary attached at Appendix 9) shows that although the difference between secondary schools with a specialist mainstream resource and those without a specialist mainstream resource is small (69% good or better for those without versus 64% good or better for those with), the difference for primary is much greater (75% good or better for those without versus 37% good or better for those with).

8.3 The quality of provision in special schools (79% good or better) is the highest of all, with pupil referral units (57% good or better) the second lowest.

## 9. **Issues to be addressed**

### **SEN Review September 2010**

9.1 Following the cessation of the Lead School Programme, Members agreed in September 2010 to carry out a comprehensive review of SEN policy and provision. Through the process of developing and implementing the Lead School Pilot there were a number of improvement issues identified that needed to be addressed:

- There was generally a lack of clarity or shared understanding across the LA at all levels and among all groups on what the SEN strategy, policies and operational procedures comprised
- There was a failure to manage demand effectively, whether the demand came from schools, other agencies, LA services or parents/carers.
- The current statutory assessment criteria had been in place for approximately 11 years and were in need of review
- A significant level of funding was available directly to maintained special and mainstream schools and academies. However, historically, the nature and level of this support and how it was intended to be used, had not been as clearly spelt out by the Local Authority as it could have been. Challenge to schools on how they supported children with SEN had been limited and the process had not been sufficiently robust or universally applied.

- The level of health services, such as speech therapy, occupational therapy, physiotherapy and nursing, was insufficient to meet needs and those services that were available were patchy, with great variations in service level between one locality and another.
- There was often a mismatch between the views of schools and parents on delivering therapy interventions and the views of those of professionals managing and commissioning the services.
- Parents and many professionals had insufficient confidence, whether justified or otherwise, in local SEND provision.
- There was inadequate provision in both mainstream and special schools to meet the needs of children and young people with Autism Spectrum Disorder and Behavioural, Emotional and Social Difficulties.
- Provision for children and young people with severe and complex special educational needs was not sufficient or adequate at the early years or post-16 phases
- There was still a significant number of Kent maintained special schools that were not able to reach their designated capacity due to the limitations of their buildings both in size and the suitability of the accommodation
- There was a lack of a robust evaluation framework for special educational needs provision and services
- There was increasing reliance on out of county placements.

**9.2** Most of these issues still remain and will need to be addressed through the SEN Strategy review. Their consequences continue to be felt and they are:

- a) There is a significant level of inconsistency and inequality in delivering services and managing budgets
- b) The LA often finds it difficult to effectively discharge its statutory responsibilities and making referrals for statutory assessment/seeking additional funding/resourcing is often seen as a solution to an SEN problem rather than the means to achieving better learning and progress
- c) Referrals for statutory assessment are high and rising.
- d) There are still many schools who do not feel they can meet the needs of children and young people with special educational needs without additional funding and some do not fully appreciate how they should be using the funding they receive.
- e) There are still too many children being identified as having special educational needs when they are lower attaining and their lack of progress is due to poor teaching
- f) Children are too often educated too far from home, travelling long distances to school or placed in residential provision within both maintained and non-maintained provision
- g) Too many children are placed in out-county provision and decisions to place are not taken within the context of an agreed multi-agency strategy where placements are positive decisions as opposed to a reaction to an urgent situation

- h) Increasing numbers of parents/carers seek assessments from the independent sector, putting additional pressures and demands on resources.
- i) It is difficult to defend services where we want to convince parents, professionals, Tribunals, the courts, the Ombudsman and others that our services and provision are good.
- j) There is a disagreement between Education, Social Care and Health about where responsibility lies for meeting needs of some children and this acts as a barrier to effective multi-agency working.

## **10. Conclusions**

**10.1** Much of the data and information provided in this scoping paper reinforce the issues and their consequences that were previously identified and as set out in section 9 above. They do not need to be repeated as they remain issues for resolution but there are some points that are worth drawing further attention to:

- a) Compared with its SNs, Kent over-identifies CYP with special educational needs at School Action and School Plus and, although it compares more favourably nationally in a modest way, there are considerably more children identified at KS2 at School Action than there are nationally (27% and 22% respectively).
- b) While the rate of statementing in Kent (2.8% in 2011) is lower than the average for its SNs, the level of delegation to Kent schools is high and statements are often issued when there is no additional funding being made available to the school. Further, Kent CYPs with Statements are more likely than their SNs to be placed in specialist provision and among those SN authorities KCC has a high rate of placement in the independent sector.
- c) While overall Kent invests generously in SEN provision, there are inequalities across the County where some areas of Kent are better served by some services than others. In particular, this happens in relation to the provision and in relation to the various health services such as speech therapy and nursing care.
- d) When the Special School Review was undertaken in the early half of the 2000s, schools were re-designated in terms of both their need types and numbers (including post-16 numbers for PSCN schools) and new admissions criteria were defined. A capital programme was planned to ensure that each special school was either rebuilt or underwent significant refurbishment. However, over the past 10 years, there has been considerable pressure on special school places. Much of this pressure comes from the need to secure suitable post-16 provision for young people in PSCN schools and from pressure to find suitable provision for CYP with ASD. The situation has been compounded by the fact that the planned Capital Programme was not able to be progressed because of the current financial situation and the need to implement budget cuts.



Consequently, a remaining group of 10 schools have been unable to continue to admit pupils to realise their designated numbers. These schools are currently the subject of a revised Capital Programme that is seeking to deliver accommodation within a more restricted budget.

- e) While all PSCN special schools have specialist nursery provision, this provision has never been formally prescribed nor have any admissions criteria been defined nor a funding formula developed.
- f) The SEN legislation and the SEN Code of Practice have been written specifically to deal with the matter of arranging provision for CYP but there is a very significant overlap between CYP with special educational needs and CYP with disabilities. A strategy should seek to develop policy, provision and services to support both disabled CYP and CYP with SEN in a more integrated way.
- g) Despite the good practice in Kent, integrated working has often been left to the goodwill and commitment of people, leaving much to chance and creating inequalities and inconsistencies often leading to ineffectiveness and inefficiencies. Integrated working has not been sufficiently embedded through joint arrangements that maximise the possibilities for joint assessment, decision-making, commissioning (including managing joint budgets), planning and review. This makes life very frustrating for parents who have to deal with too many different professionals to secure the right provision for their child.
- h) Kent does not have provision that is sufficient and/or suitable for young people with special educational needs when they reach the end of their schooling at age 16. Further, the arrangements and processes for managing the needs of this group of young people, including the transition period into 6<sup>th</sup> form/further education and/or supported living are not sufficiently or effectively developed. Added to this is the need to plan for the implementation of the government agenda, set out in the recent SEN Green Paper, to secure appropriate provision and services for CYP from 0 to 25 years of age as part of the local offer.

## **11. Work to date following from the 2010 SEN Review process**

- 11.1** Although there remains a number of areas of work to develop as part of an SEN Strategy, there were, as part of the SEN Review commenced in September 2010, two key pieces of work completed (although not yet formally adopted by Council) and two other pieces of work partially completed. The pieces of work completed are set out below.

## **Mainstream minimum standards (Core Offer)**

- 11.2** This work to define and describe mainstream minimum standards, or the core offer in mainstream schools, has been completed and sets out very clear the expectations of schools in meeting the needs of CYP with SEN using the school's own resources. It seeks to:
- Provide parents with information as to what they can expect from schools
  - Help professionals, including schools themselves, understand what is expected of them
  - Help clarify where a CYP needs access to support that is additional to and different from that which a school can provide from its budget

## **Specialist mainstream provision**

- 11.3** For a significant number of CYP with severe and complex needs, they require access to specialist provision in a special school or in specialist mainstream provision (unit) with additional funding, or in a mainstream school without specialist mainstream provision but also with additional funding. The Review undertook a piece of work here, firstly to describe the offer that should be available to CYP with severe and complex needs in mainstream schools and, secondly, to define the criteria for access to additional funding (Individually Assigned Resources IAR) to support those needs.
- 11.4** The Criteria for IAR document sets out, under the headings Qualifications Skills and Expertise of Adults, Environmental Factors and Support, Equipment and Technical Access to Curriculum, the ways in which schools should be supporting CYP across all need types and clarifies what is expected of them before additional funding is made available.

## **Admissions criteria for PSCN special schools**

- 11.5** A small working group undertook some work to revise the admissions criteria for PSCN special schools. A draft document was prepared. No work has been undertaken on refining the admissions' criteria for other Kent special schools.

## **Local decision-making forums**

- 11.6** A first attempt at drafting a set of local decision-making arrangements was prepared although the draft was shared no further than the original SEN review steering group. The current arrangements that are in progress for the devolution of Specialist Teaching Service staff to special schools may provide the basis for developing local decision-making forums for the future.

## **12. The way forward**

**12.1** This paper highlights a number of areas requiring development and where specific pieces of work need to be taken forward with a view to identifying a clear agenda for action. The attached cover paper sets out the proposed work streams to deliver this agenda together with a timescale for implementation.