

TITLE OF REPORT: How Gateshead is meeting the needs of children and young people with Special Educational Needs and Disabilities (SEND)

REPORT OF: Strategic Director, Children, Adults and Families

EXECUTIVE SUMMARY

This report provides an update regarding the progress being made in relation to ensuring the needs of children and young people with SEND are being met.

POLICY CONTEXT

1. The Council has statutory duties to promote high educational standards, ensure fair access, promote diversity and ensure education is appropriate to meet the different age aptitudes and abilities of pupils in its area and make efficient use of its resources.
2. The Children and Families Act and the guidance in the SEND Code of Practice 2014 placed a number of statutory duties on local authorities in relation to the identification, assessment and provision for children and young people with special educational needs (SEN) for whom it is responsible.

Background

3. In 2014, the Children and Families Act introduced the biggest reforms for 30 years as to how children and young people with SEND receive support to ensure their needs are met. Prior to the reforms being implemented, if a child required additional support above what a school could provide from its own resources, they would receive a statement of SEN. This covered the child's additional educational needs and the provision that they would receive. Only school-aged children and young people aged 3-19 years were eligible to receive a statement. The reforms replaced statements with Education, Health and Care Plans (EHC Plans), which incorporates not only the child's educational needs but any health and social care needs. The eligible age range for an EHCP was extended to 0-25 years.
4. The 2014 SEND Code of Practice also introduced the following changes from the 2001 Code of Practice:
 - A clearer focus on the participation of children and young people and parents in decision-making at individual and strategic levels
 - A stronger focus on aspirations and improving outcomes for children and young people

- Guidance on the joint planning and commissioning of services to ensure close co-operation between education, health and social care
- Guidance on publishing a Local Offer of support for children and young people with SEND
- Guidance for education and training settings on taking a graduated approach to identifying and supporting pupils with SEN (replacing School Action and School Action Plus with SEN Support
- For children and young people with more complex needs a co-ordinated assessment process and the new 0-25 Education, Health and Care Plan (EHC Plan) replacing statements and Learning Difficulty Assessments (LDAs)
- A greater focus on support that enables those with SEND to succeed in their education and make a successful transition to adulthood
- Information provided on relevant duties under the Equality Act 2010
- Information provided on relevant provisions of the Mental Capacity Act 2005
- New guidance on supporting children and young people with SEND who are in youth custody.

SUMMARY

Increasing numbers of children and young people with EHC Plans

5. The SEND reforms have created an overall increase in in the number of children and young people with Education, Health and Care Plans locally, regionally and nationally.
6. In Gateshead, there has been a 46% increase in the number of children and young people with an EHC Plan since 2015. This is in line with regional, North East and National figures.

| | Gateshead | Sunderland | Newcastle | North East | England |
|-------------|------------------|-------------------|------------------|-------------------|----------------|
| 2015 | 842 | 1135 | 916 | 11,811 | 240,183 |
| 2016 | 982 | 1265 | 1059 | 12,817 | 256,315 |
| 2017 | 1108 | 1283 | 1292 | 14,518 | 287,290 |
| 2018 | 1374 | 1361 | 1370 | 15,945 | 319,819 |
| 2019 | 1231 | 1588 | 1490 | 17,294 | 353,995 |

Data source: SEN2

7. In 2019, 2.1% of the total 0-25 year population in Gateshead had an EHC Plan, compared with 1.9% in Sunderland, 1.3% in Newcastle, 2.1% in the North East and 2.0% in England (ONS mid-year 2018 population estimates).

8. During the calendar year 2018, 22% of initial requests for an EHC Plan in Gateshead were refused. This is lower than some regional neighbours: Durham (41%) and Sunderland (40%), but in line with Newcastle (18%), the North East (23%) and England (25%).

SEN Support in mainstream schools

9. A number of pupils receive support in their mainstream school using the school's own resources (notional budget of £6,000). This is known as 'SEN Support' and means the child does not require an EHCP because their needs can be met by the school. Children and young people with an EHCP taught in a mainstream school receive additional funding from the High Needs Block to meet their needs.
10. The number of school-age pupils at SEN Support has increased slightly from 3400 in 2015 to 3,471 in January 2019, which equates to 11.5% of all pupils in Gateshead. This is in line with regional and national figures.
11. Draft guidance has been prepared for Gateshead settings which is designed to provide clarity on what early years providers and settings and mainstream schools should be doing to provide a graduated response (Assess, Plan, Do and Review) to all pupils as a universal entitlement and to pupils and SEN Support across the four main SEND areas of need. The intention will also be to publish the guidance on the Local Offer site so that it is available for parents.

Greatest areas of need

12. The greatest areas of need in Gateshead amongst school-aged children and young people at both SEN Support and those with an EHCP are:
 - Speech, Language and Communication Needs (SLCN) – increased from 627 in 2015 to 917 in 2019
 - Moderate Learning Difficulties (MLD) – increased from 655 in 2015 to 800 in 2019
 - Social, Emotional and Mental Health (SEMH) – increased from 481 in 2015 to 629 in 2019
 - Specific Learning Difficulty (SpLD) – increased from 329 in 2015 to 443 in 2019
 - Autism Spectrum Disorder (ASD) – increased from 293 in 2015 to 462 in 2019

Data source: School Census

13. The greatest areas of need amongst children and young people with an EHCP placed in Gateshead special schools are:
 - Autism Spectrum Disorder (ASD) – 188 (Jan 2019)

- Moderate learning difficulties (MLD) – 127 (Jan 2019)
- Social Emotional and Mental Health (SEMH) – 88 (Jan 2019)
- Speech and Language Communication Needs (SLCN) – 56
- Severe learning difficulties (SLD) – 47

Specialist provision

14. Normally only children and young people with an EHCP can access a special school placement, unless a statutory needs assessment is being undertaken.

15. There are 6 special schools/academies in Gateshead catering for children with different types of needs:

| School | Type of provision | Age range |
|--------------------------|--|----------------------------------|
| Eslington primary school | Social, Emotional and Mental Health (SEMH) Difficulties | Early years, KS1 and KS2 |
| Furrowfield School | Social, Emotional and Mental Health (SEMH) Difficulties | KS3 and KS4 |
| Gibside School | Learning Difficulties including Autism | Early Years, KS1 and KS2 |
| The Cedars Academy | Physical Disabilities and /or speech and language/communication difficulties | Early years, KS1-KS4 and post-16 |
| Dryden School | Severe and Profound and Multiple Learning Difficulties | KS3-4 and post-16 |
| Hill Top School | Moderate Learning Difficulties including Autism | KS3-4 and post-16 |

16. The number of school-age pupils being taught in special schools in Gateshead has risen from 492 in 2015 to 641 in 2019. Gateshead currently has the highest proportion of school age pupils being taught in special schools as a percentage of whole school population, compared with regional and national figures.

17. The majority of Gateshead's special schools are currently full. There has been an increase since the reforms in the number of referrals from mainstream schools for EHCP needs assessment being received. This has resulted in increased numbers of children receiving an EHCP, an increase in spend from the high needs block and an increase in the number of children being placed in a special school setting.

18. There are currently 43 children aged under 16 years being educated in independent special schools outside of Gateshead; the majority of which attend Percy Hedley and Northern Counties Schools in Newcastle. Most of these children receive free home to school transport. A few of these children are placed out of authority due to the child's social care needs. There are 21 young people aged 16 or over attending out of authority independent special schools/colleges, the majority of which attend Percy Hedley/ Hedley's College.

19. Parents or young people with SEND have a legal right to request a particular school to be named in their EHC plan and the Council can only refuse the request under 3 conditions:

- The setting is unsuitable for the age, ability, aptitude or SEN of the child/young person;
- The attendance of the child or young person would be incompatible with the provision of efficient education for others; or
- The attendance of the child or young person would be incompatible with the efficient use of resources.

20. Parents have a legal right to appeal to the SEND Tribunal (SENDIST) if they disagree with the Council's decision about the named school.

Additionally Resourced Mainstream Provision (ARMS)

21. Gateshead currently commissions five primary and two secondary schools to provide 65 additionally resourced mainstream provision places annually for pupils who have an EHCP and require additional specialist support, but who benefit from accessing a mainstream setting for their social and emotional development. Currently 52 places are taken up in the ARMS provision and 10 are vacant, mainly in the secondary school sector. A review of ARMS provision is to be undertaken in the coming year as part of the SEND review.

Social, Emotional and Mental Health (SEMH)

22. In response to growing numbers of children with Social, Emotional and Mental Health needs in the primary sector, Eslington Primary School expanded onto two sites in September 2015, creating an additional 30 places. Eslington is an outstanding special school catering for pupils with SEMH. The school has been full since the numbers were increased in 2015.

23. The number of children and young people with SEMH needs is continuing to increase. In the past 2 years, the number of children and young people with SEMH as their primary need with an EHCP has increased by 25% and the number of pupils at SEN Support with SEMH as their primary need has increased by 22%.

| Year | SEMH - SEN Support | SEMH - EHCP | Total |
|-------------|---------------------------|--------------------|--------------|
| 2014 | 300 | 141 | 441 |
| 2015 | 359 | 150 | 509 |
| 2016 | 469 | 156 | 625 |
| 2017 | 513 | 180 | 693 |
| 2018 | 512 | 200 | 712 |
| 2019 | 629 | 225 | 854 |

Data Source: School Census (SEMH as primary need; reported by schools)

24. Although the commissioned numbers were increased in the primary sector in 2015, the numbers were not increased in the secondary sector. Gateshead has one

secondary special school, Furrowfield, designated to cater for young people with SEMH needs, commissioned for 71 places, which are full.

25. There are currently 15 young people with SEMH needs in the secondary sector being educated in specialist SEMH provision out of Gateshead. There are also a number of young people with an EHCP with SEMH as their primary need in the secondary sector currently being educated in a mainstream school because there is a waiting list for places at Furrowfield. There is a risk that the mainstream schools will permanently exclude these pupils because they are unable to meet their complex needs. Permanently excluded pupils would ordinarily move into the Pupil Referral Unit (PRU), however, this is not necessarily the right provision for these pupils, as they have an EHCP and complex needs, therefore alternative provision would need to be put in place which can be costly. This type of provision is not always full time and may not be appropriate to the needs of the child.
26. There is a need to increase the number of specialist SEMH places in the secondary sector in Gateshead to prevent more young people needing to be educated in provision out of Gateshead which incurs high placement and transport costs, and to prevent young people being permanently excluded from mainstream schools. SEMH is a growing area of need regionally and nationally.

Post 16 and Preparing for Adulthood

27. Section 8 of the SEND Code of Practice states:
'Professionals across education (including early years, schools, colleges and 16-19 academies), health and social care should support children and young people with special educational needs (SEN) or disabilities to prepare for adult life and help them go on to achieve the best outcomes in employment, independent living, health and community participation.
28. Being supported towards greater independence and employability can be life-transforming for children and young people with SEND. This support needs to start early and should centre around the child or young person's own aspirations, interests and needs. All professionals working with them should share high aspirations and have a good understanding of what support is effective in enabling children and young people to achieve their ambitions'.
29. The SEN Team has requested that schools and settings amend Section B of the young person's Education, Health and Care Plan from Year 9 onwards to include the four Preparing for Adulthood headings, as set out in the SEND Code of Practice:
- Higher education and/or employment
 - Independent Living
 - Friends, Relationships and Community
 - Being Healthy
30. This is to ensure that the EHCP outcomes focus on how the young person can be supported towards greater independence and/or employability as early as possible, not only at the point they leave school.
31. In addition, the Council has worked with the Post 16 Pathways group, which has representation from all Gateshead Post-16 providers, to develop clear and

transparent information about the learning pathways available to learners with SEND when they leave Year 11. This information can be found on the Preparing for Adulthood page in Gateshead's Local Offer:

www.gateshead.gov.uk/localoffer

32. In July Cabinet agreed to offer only Y12 and Y13 places in Gateshead special schools due to the need to ensure that young people achieve the best possible outcomes and also the number of post 16 places being provided being over the commissioned numbers, and the impact this is having on the high needs block overspend, which currently stands at £1.5M.

SEND Service

33. Due to the increase in the number of new needs assessments and overall number of EHCPs it has been necessary to review the staffing establishment in the SEND Service.

34. It has been agreed to provide 4.4 fte additional posts into the Service. The main impact of this will be to ensure a timely response to making amendments to EHCPs following annual reviews and also to ensure that the 20 week timescale for completion of EHCPs is achieved. It is hoped that the Team will be fully staffed by June 2020.

Parent/ Carer Forum

35. Parents in Power is no longer the recognised Parent Carer Forum for Gateshead. Supported by Contact, the forum has recently been relaunched as Gateshead PCF. They are now being supported by Barnardos and the SEND Service Involvement Worker to ensure that they are fully informed and involved in relation to developments across the local area.

SEND Strategy Group

36. The SEND Strategy Group has been re-established to ensure that the Council's statutory duties as set out in the Children and Families Act 2014 and the SEND Code of Practice are met and that SEND issues are identified and addressed by the relevant Council's strategic bodies. The Strategy Group have identified the following key themes to take forward:

- To support early years providers and mainstream schools to improve inclusion for all children and young people with SEND.
- To ensure that SEND specialist educational provision in Gateshead fully meets the needs of children with SEND.
- To support young people to have high aspirations, become as independent as possible and are supported at key transition points to prepare them for adulthood.
- Children and young people with SEND to enjoy good mental health and emotional wellbeing.

NEXT STEPS

37. Implement the recommendations from High needs block review:

- Review ARMS provision during 1920-21
- Review the need for increased SEMH provision and the residential provision at Furrowfield School
- Consider a reduction in central teams funded via high needs block
- Step up the monitoring role to reduce further increase in requests for top-ups
- Finalise the guidance on how schools can provide SEN support more effectively and promote educational inclusion to reduce growing numbers of EHCPs
- Continue to investigate whether we can bring pupils back into Gateshead and reduce the numbers accessing alternative provision

RECOMMENDATION

38. It is recommended that the Families Overview and Scrutiny Committee receive the update report on how the Council is meeting the needs of children and young people with SEND and agree to the Next Steps.

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