

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

1 SEPTEMBER 2016

SPECIAL EDUCATIONAL NEEDS AND INCLUSION STRATEGY 2016 - 2020

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Summary

Members are asked to consider and comment on the proposed Medway Special Educational Needs and Inclusion Strategy 2016-2020 before it is submitted for approval by Cabinet on 27 September 2016.

The strategy promotes, supports and encourages greater inclusion for Medway children and young people with special educational needs and/or disabilities within their local schools and communities, enabling them to have independent living and work skills by the time they reach adulthood.

The strategy is an integral part of a wider Council strategy on making Medway a more inclusive community, developing resilience and enabling all residents to fulfil their potential.

1. Budget and policy framework

- 1.1 The strategy is consistent with the priorities set out the Council's Plan 2016 – 2021 to enable Medway's people to realise their potential, through enabling older and disabled people to live independently, ensuring that families are resilient, and all children achieving their potential in schools.
- 1.2 It also links to the Council Plan priority to maximise regeneration and economic growth, by ensuring that residents have the skills to access jobs and are able to get around Medway.

2. Background

- 2.1 The Education Act 1996 (As amended), the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001, The Special Educational Needs Code of Practice 2001, Children and Families Act 2014, The Special Educational Needs and Disability Regulations 2014, and the Special Education Needs and Disability (SEND) Code of Practice 2015, sets out the statutory duties of local authorities to meet the needs of children and young people with special educational needs. The extent to which local authorities

are meeting these duties is judged by joint Ofsted/Care Quality Commission inspections.

- 2.2 There is no statutory duty for a local authority to have an SEND strategy. However, it is clearly sensible for any local authority to set out its strategic priorities in such a key area of public service. The strategy identifies gaps in current provision, which is a key element used by the Education Funding Agency when deciding the nature of future free school developments in Medway.
- 2.3 Medway Council currently maintains approximately 1,613 Statements of Special Educational Needs (SEN) or Education, Health and Care Plans (EHCP). The number of requests for new assessments has increased by 40% since 2014. Special educational provision is funded through the High Needs Block of the Dedicated Schools Grant (DSG).
- 2.4 Medway has a higher proportion of children and young people with Statements/Plans in special schools, including out of area special schools, than most other local authorities, placing Medway well within the bottom quartile of all local authorities. Medway also has very high rates of exclusion. Taken together, this places a significant financial burden on the DSG and on the home to school transport budget, which is funded by the Council.
- 2.5 The strategy sets out our priorities and key actions to address these issues. Specifically, it states that the Council will use its commissioning powers and its financial responsibility for SEND funding to help support more young people with SEND in mainstream schools.
- 2.6 Medway currently has approximately 1,132 places in special schools, special units and Pupil Referral Units (PRUs), of which 939 are in special schools. This is a higher proportion than might be expected and explains, in part, why there is a lower number of children with SEND in mainstream classes. In order to address this, the strategy includes a proposal to review both SEND funding and the nature and extent of support offered by special schools to mainstream schools, known as outreach.
- 2.7 If, as planned, more children currently attending special schools attend mainstream schools in the future, it should be possible to use the places freed up to accommodate children currently placed out of area. Experience suggests that children currently placed out of area are unlikely to return, but that younger children coming through the system can be accommodated locally, rather than placed elsewhere.

3. Options

- 3.1 Option 1: there is no statutory requirement for a local authority to have an SEND strategy, and members may decide not to proceed with a strategy, or to amend the current draft.
- 3.2 Option 2: approve the SEND and Inclusion Strategy to enable approval at Cabinet in September 2016 with the aim of implementation in Autumn 2016.

4. Advice and analysis

- 4.1. The last special educational needs strategy was in place between 2010 and 2014. Since the 2010-2014 strategy there has been a change in legislation governing special educational needs and/or disabilities (Children and Families Act 2014), and school funding reforms (April 2013). The proposed strategy has been written taking account of current funding for pupils with special educational needs and/or disabilities and the new duties imposed on the local authority and schools through the Children and Families Act 2014, The Special Educational Needs and Disability Regulations 2014, and the Special Educational Needs Code of Practice January 2015.
- 4.2. In exercising or performing its respective powers and duties under the above-mentioned Acts, in meeting the needs of pupils with special educational needs and/or disabilities, the Council has a statutory duty to have due regard to the efficient use of public resources and to avoid the unreasonable use of public expenditure. The strategy aims to ensure that by keeping Medway pupils with SEND in local educational provision, not only will they be fully included within their community, but resources are used more effectively.
- 4.3. The strategy sets out aims for provision and opportunities for young people, aged 16+ and 19+ with special educational needs and/or disabilities. Medway Council's special educational needs Transition to Adulthood Team is currently working with a third sector organisation, Skillnet, to set up internships for young people with special educational needs and/or disabilities. Work with Mid Kent Further Education College is also taking place to enable greater opportunities for young people with special educational needs and/or disabilities to develop the skills necessary to access employment.
- 4.4. The strategy applies not only to pupils with special educational needs and disabilities resident within Medway, but to children looked after to Medway Council who are placed out of the local authority area, particularly at the Post 16 or Post 19 stage of their education.
- 4.5. The strategy identifies that Medway is an outlier for all English local authorities for the number of children and young people identified as having Autism Spectrum Disorder (ASD). The figure for Medway primary pupils with ASD is 8.1% and for secondary it is 15.5%. This compares to an average of 6.5% and 8.3% respectively for other English local authorities. We intend to establish an autism pathway for Medway as recommended by the National Institute for Clinical Excellence (NICE).
- 4.6. The Autism Pathway is essential to ensure that diagnosis is made correctly and to determine whether Medway does indeed have a higher than national average of children with ASD. This will enable effective planning for education, health and social care provision, and to establish whether diagnoses are found to be correct.
- 4.7. The NICE autism pathway recommends a multidisciplinary team, to include detailed assessment of academic skills and intellectual ability, speech, language and communication skills (including social communication skills), physical health and nutrition, behavioural needs and sensory sensitivities.

5 Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Medway schools will become less inclusive of pupils with SEND	With ever greater emphasis on results, mainstream schools may become more reluctant to include and make provision for pupils with SEND, particularly those who also have social, emotional and mental health difficulties (behaviour).	The current pilot funding project has demonstrated that with additional resources, schools that are willing to include pupils with high level SEND (including those with behavioural needs) can ensure that appropriate provision can be made leading to pupil progress.	C2
The government is proposing to reform the way in which schools and education is funded	As no details are known at the time of writing, the risk cannot be fully or adequately assessed.	Placement of pupils in local educational provision will, to some extent, offset any reduction in high needs funding to the local authority.	C2

6. Consultation

6.1 Consultation on the proposed strategy has taken place with a range of stakeholders over the past three months. These include, among others:

- A cross-section of schools, both mainstream and special
- Special Educational Needs Coordinators (SENCOs)
- Further Education Colleges
- A range of officers from across the Council
- Other local authorities
- Parents and carers

7. Implications for Looked After Children

7.1 More inclusive schools will enable looked after children to stay locally and be educated closer to home, thereby helping placement stability and reducing the number of changes and disruptions to vulnerable children's lives.

8. Financial implications

8.1 The inclusion of pupils with special educational needs and/or disabilities within local provision may generate savings against the future pressure on the High Needs Block of the Dedicated Schools Grant (DSG), and the Special Educational Needs Transport budget (revenue funding).

- 8.2 The greatest potential savings relate to maintaining more children locally and reducing the number placed out of area. Any placement cost savings would relate to preventing future pupils being placed in expensive out of area educational provision. For example, the average cost for pupils with severe autism placed in a non-maintained independent school is approximately £54,500 pa. If local provision were available for these children, we anticipate that the average costs would be approximately £25,000. For children with behavioural difficulties, the average non-maintained independent school cost is £28,650 pa, compared with an average of approximately £24,000 locally.
- 8.3 We anticipate that, with the projected increase in the local population, coupled with a reluctance on the part of some local schools to include children and young people with SEND, the budget will be under significant pressure, with a corresponding impact on the costs to adult services. This strategy, if implemented, will be a crucial factor in helping to reduce costs. This will entail encouraging a culture change in our schools, enabling more children and young people to be educated locally and reducing dependency on more expensive out of area placements.

9. Legal implications

- 9.1 All state-funded mainstream schools and further education colleges in England and Wales receive funding to support the needs of pupils with special educational needs and disabilities (SEND), known as the notional SEN budget. The notional budget enables schools to make provision for pupils with SEND up to a cost of £6,000 per pupil.
- 9.2 In line with SEND Code of Practice guidelines, schools or colleges are expected to take a graduated approach to addressing the needs and provision for pupils with SEND (Code of Practice paragraphs 6.44 to 6.56). Schools are expected to assess the pupil's needs, plan for the provision that he or she requires, implement the support strategies or provision, and review after a reasonable period of time to evaluate the impact and effectiveness of provision put in place.
- 9.3 If support costs for a pupil with SEND exceed £6,000, schools or colleges are able to apply to the local authority for additional funding. In Medway, schools are able to apply for this funding by demonstrating the costs of provision in place for a pupil, through a costed provision map. Additional funding provided for pupil support in mainstream schools is reviewed on at least an annual basis.
- 9.4 If a pupil does not make expected progress against the interventions and support implemented through the graduated approach, an application for education, health and care assessment may be made to the local authority.
- 9.5 Following education, health and care assessment, the local authority may decide that the issue of an Education, Health and Care Plan (EHCP) is necessary. Provision to meet the pupil's needs is specified within the EHCP.
- 9.6 Parents are able to specify a choice of school placement following the issue of a proposed EHCP.

9.7 The local authority must name the school of parental choice unless:

- it would be unsuitable for the age, ability, aptitude of special educational needs of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources
- it would be incompatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

Mainstream education cannot be refused by a local authority, unless the attendance of the child or young person is found to be incompatible with the efficient education for others.

9.8 If the local authority names a school or educational provision in the final EHCP that is not in line with the parental choice, parents are able to appeal to First-tier Tribunal.

9.9 In considering a parental appeal, the Tribunal considers the needs of the pupil, provision required to meet the needs, ability of the named school or educational provision to make provision to meet the needs (as specified in the EHCP). The issue of consideration of placement costs will only arise where **both** the school of parental preference and the LA 's proposed placement can meet the child or young person's needs. In those circumstances, the Tribunal will have to take into account and weigh parental wishes against the efficient use of resources and the unreasonable use of public expenditure.

9.10 In order to comply with the Children and Families Act 2014, local authorities have a duty to make educational provision for young people with special educational needs and/or disabilities from 19 to 25 years old where additional time is required for them to complete the outcomes specified in their ECHPs and it is therefore deemed necessary for their EHCP to continue to be maintained.

9.11 The Children and Families Act 2014 also places a duty on local authorities to ensure careful planning for transition to adulthood for young people with special educational needs and/or disabilities by ensuring that there is joined up work and planning between health, social care, schools and colleges (specified in Chapter 8 SEN Code of Practice January 2015).

10. Recommendations

10.1 Members are asked to consider and provide any comments on the proposed Medway Special Educational Needs and Inclusion Strategy to enable consideration and approval by Cabinet in September 2016.

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Appendices

Appendix A: Medway SEND and Inclusion Strategy 2016-2020

Background papers

Children and Families Act 2014

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

SEND Code of Practice

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

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**SPECIAL EDUCATIONAL
NEEDS
AND INCLUSION
STRATEGY
2016-2020**

Introduction

Every parent wants the best education for their child. For most parents this involves having a choice of schools and, as they grow older, helping young people make choices of which subjects to study, and which career to follow.

For parents whose child has a special education need or disability (SEND) the choices may be more limited, but are no less important. All children and young people eventually become adults, and need to be equipped to be resilient in a diverse and challenging world. Whatever their ability, they need to be able to be fully included in society, to assess and take appropriate risks, and to live as independently as possible.

In Medway, we want to support children, young people and their families by encouraging and challenging schools to cater for a wide range of needs and abilities. We believe that all children should be educated as close to their home as possible, which not only reduces the time they have to spend travelling, but also enables them to make and maintain friendships in their local community.

Currently, children and young people with SEND are not as fully included as we would wish. 36.7%¹ of children with Statements or Education, Health and Care Plans are taught in mainstream classes² compared with the national average of 46.7%³. This ranks Medway 122 out of 151 for inclusion nationally, and 3rd from the bottom compared with our statistical neighbours.

In addition, Medway also has the second highest fixed term exclusion rate in primary schools in the country.⁴

This strategy has inclusion at its heart and sets out how we will address these imbalances and how we will effect change.

Medway Council is responsible for commissioning school places in both mainstream and special schools. Over the period covered by this strategy we will be seeking to support more children with SEND in mainstream schools, and fewer in specialist settings. To do this, we will:

- increase the funding available to mainstream schools
- work with headteachers and Special Educational Needs Co-ordinators (SENCOs) to ensure staff are appropriately trained and have the confidence to meet a wide range of needs and
- invest more in adapting buildings, where possible.

This strategy is an integral part of a wider Council strategy on making Medway a more inclusive community. Future work will develop other aspects, such as our partnership engagement with health, our work with adults with learning difficulties and the positive opportunities that local regeneration and economic development can offer.

¹ DFE SFR 25/2015: Special educational needs in England, January 2015

² Mainstream classes are those in LA maintained schools, state-funded academies, SEND units in mainstream schools and resourced provision in mainstream schools.

³ DFE SFR 25/2015: Special educational needs in England, January 2015

⁴ DFE Permanent and fixed term exclusions in England. Local authority tables SFR27_2015

This strategy plays an important role in delivering the priority set out in the Council Plan 2016-17 to 2021 to support Medway's people to realise their potential, through enabling older and disabled people to live independently, ensuring that families are resilient, and all children achieving their potential in schools.

There is also a strong link between this strategy and the Council Plan priority to maximise regeneration and economic growth by ensuring that residents have the skills to access jobs and are able to get around Medway.

A new Ofsted framework for the inspection of local authority services for children and young people with special educational needs and/disabilities started in May 2016. The strategy indicates that we are fully aware of improvements that need to be made, and how we intend to achieve them.

This strategy sets out the priorities for Medway in relation to assessment and provision for children and young people with SEND, and the ways in which we plan to meet these priorities. There are three parts:

Part 1: in which we set out our aims, vision and strategic priorities

Part 2: in which we provide further information, and background information about Medway and the national context

Part 3: Appendices: Links to other Corporate Plans.

The Legislative Background

The development of this strategy has been informed by legislation set out in the Children and Families Act 2014, Regulations, and the SEND Code of Practice July 2015, and the local context for children and young people with SEND.

The Children and Families Act makes provision for:

- Children and young people with SEND to have the right to be educated in mainstream education with their peers
- Children and young people to be at the heart of the system
- Close cooperation between all the services that support children, young people and their families through the joint planning and commissioning of services
- Early identification of children and young people with special educational needs and/or disabilities
- A clear and easy to understand 'local offer' of education, health and social care services to support children and young people with SEND and their families
- Children with more complex needs, for whom a co-ordinated assessment of needs and an Education, Health and Care plan (EHCP) to remain in place until the age of 25
- A clear focus on outcomes for children and young people with EHCPs, anticipating the education, health and care support they will need and planning for a clear pathway through education into adulthood, including opportunities for paid employment, independent living and participating in their community

- Increased choice for parents and young people including a greater range of specialist educational provision, mainstream schools and colleges for which they can express a preference and the offer of a personal budget for those with an EHCP in mainstream provision.

The SEND Code of Practice provides statutory guidance for local authorities, those who work with children and young people with SEND and their parents. The code provides further, detailed information about the duties on local authorities and schools to plan for the needs of all children and young people.

Part 1

Our Aims

We are ambitious for children and young people in Medway. We want to give them the best start in life that we can. Over the next few years it is likely that local authorities will no longer be the main providers of education, but will commission others to provide schools, including special schools and special units. In this strategy we give providers, and would-be providers, a clear steer as to what the local authority wants to achieve on behalf of families in Medway, and our commissioning priorities to achieve these aims.

We will:

- have the highest expectations for children and young people with SEND, ensure that they are fully included in all educational settings and that their needs are met by high performing local schools
- support and enable Medway schools to be inclusive for children and young people with SEND
- act as a champion of vulnerable children and young people in partnership with parents
- maintain a commitment to Medway state-funded schools with strong leadership and inclusive practice for children and young people with SEND.

Our Vision

- **We believe** that every Medway child has the right to attend a good local school. Our default position is that all children should attend a mainstream school unless there is an overwhelming reason why this cannot happen.
- **We believe** that every Medway child and young person has a right to have their health, social care and education needs met within their local community.
- **We expect** every early years setting, state-funded school, further educational college and training provider to make good provision (as defined by Ofsted) for children and young people with SEND, to ensure that they make good progress in their education and development, that they transition smoothly into the next stage of their education and that they are helped to secure independent living and opportunities for employment as far as possible.

- **We will ensure** that the views and wishes of children and young people with SEND and their parents are heard, and we will work with them to ensure that they have confidence in the ability of local providers to meet their children's needs.

Our Priorities

We will use our commissioning powers and responsibilities, and our funding, to deliver the following priorities:

- All children start their education and continue to be educated alongside their peers within their local community
- With our partners, we will ensure a smooth education pathway from childhood to adulthood for children and young people with SEND
- We will ensure that children and young people with SEND have opportunities to develop resilience and learn to be as independent as possible, as they transition to adulthood
- We expect all providers to ensure high quality educational provision, particularly in mainstream schools and further education colleges, for all children and young people with SEND.

Strategic Priorities and Action Plan

1. All children should start their education and continue to be educated alongside their peers within their local community.

In April 2016, of the 1224 Medway school age children with Statements or EHCPs, only 36.7%⁵ attended or had access to mainstream classes⁶. The majority are placed in either Medway state-funded special school provision, or independent special school provision.

The reason we want children to be educated in their local schools is because other placements are usually outside of the child or young person's local community area. Our most vulnerable children have to travel the longest distances to and from school. The child or young person may become disenfranchised from their local community through not having local friends or taking part in local activities.

Although some children with SEND can be assessed from birth, assessment is intended primarily for those children who have an extremely high level of need that is apparent from, or before, birth. Other children with SEND do not need to be assessed in order to receive additional support. We will ensure that pre-school children with SEND are provided with the opportunity and support to access mainstream nursery provision, and progress to a mainstream school provision to enable time for further development before assessment. This will ensure that assessed needs are identified correctly, and provide parents with an informed choice between continued local mainstream provision or, if appropriate, special school provision.

⁵ DFE [SFR 25/2015: Special educational needs in England, January 2015](#)

⁶ Mainstream schools or resourced provision in mainstream schools

By enabling a child with SEND to attend their local school, local friendships can be formed that can continue beyond school hours. Local friendships can lead to inclusion in out of school activities and at the weekend or school holidays. Inclusion in a local mainstream school can also lead to greater contact for parents of SEND children with other local parents. Experience also teaches that children without SEND benefit from having a more mixed peer group as it enables them to develop empathy with, and understanding of, other people.

To achieve priority 1, we will:

	By:
Review the way in which Element 3 ("top-up") funding is determined according to need to ensure that mainstream nurseries, school and colleges have adequate resources to make good provision for children and young people with SEND	January 2017
Commission and/or decommission places in Medway state funded special schools and state-funded resourced provision in accordance with the rise in the Medway population and/or according to level of need	September 2018
Create a resourced provision in a Medway state funded mainstream school for secondary age pupils with a severe/profound hearing impairment	September 2017
Transfer the responsibility for placement in specialist nursery provisions to the Medway Decision Making Group without the need for assessment	September 2017

2. With our partners, we will ensure a smooth education pathway from childhood to adulthood for children and young people with SEND.

Between 2011 and 2014 Medway was part of a pathfinder project looking into new ways to assess and make provision for children and young people with SEND. This work has continued as the Children and Families Act (CFA) became law in September 2014.

Under the CFA, Local Authorities, together with Clinical Commissioning Groups, must place children and young people with SEND, and their families, at the centre of their planning to secure better outcomes.

As children and young people with SEND progress, effective planning needs to take place between all relevant agencies at key stages involving parents and the child or young person, to ensure appropriate support and opportunities for academic, emotional and social progression.

Dual educational placements can now be named in education, health and care plans⁷. This means that we can support children in a mainstream school whilst, at the same time, give them access to facilities and skills found in our special schools. This means we are better

⁷ SEN Code of Practice January 2015 Section 9.85

able to help children and young people to be prepared for mainstream education, and adult life, as they progress and achieve.

Local Authorities must plan transition to adulthood for children and young people with SEND. Greater emphasis is now placed on the role of health services and social care to work with education to ensure timely assessments which help to determine eligibility for services. Even if an assessed child or young person is not eligible for a service on transition to adulthood, they must be provided with information and guidance about how their needs can be met and the provision and support that can be accessed in their local area.⁸

We will ensure that, at each stage of a child or young person's progress through life, parents are aware of the agency or officer who will co-ordinate the advice through the process e.g. SEN officer at assessment and Key Stage school transition; social care at transition to adulthood.

At Post 16, young people with SEND must be offered further education or work based training. At Post 19, although education is no longer statutory, where young people require additional time to achieve the outcomes set out in their EHCPs, educational or training provision must be provided. We will ensure that there is suitable educational provision locally for young people at Post 19 as well as opportunities for work based training or internships.

To achieve priority 2, we will:

	By:
Create a fully integrated SEN/0-25 Disability Team to ensure effective planning for young people with SEND at transition stages	January 2017
Create an Autism Pathway in line within NICE ⁹ guidelines to ensure multi-disciplinary assessment and diagnosis leading to better planning for children and young people with Autism or Asperger's Syndrome	September 2017
With health colleagues, ensure that young people with SEND and their parents/carers are made fully aware at the time of their transition review about the transfer for health care on reaching 16/18 years old.	September 2017
Ensure that there is an effective and defined process in place for all children transferring from pre-school settings to Year R.	September 2017
Ensure that at each stage through education, health and care assessment, parents of children with SEND and young people with SEND are fully aware of their keyworker and role in relation to each process.	June 2017

⁸ SEN Code of Practice January 2015 Section 8.65

⁹ National Institute for Clinical Excellence

3. We will ensure that children and young people with SEND are provided with opportunities to develop resilience and learn to be as independent as possible, as they transition to adulthood.

All children and young people with SEND, within their capacity, need to have the skills to make their own decisions and manage the everyday challenges that we all face.

The three fundamental building blocks to resilience, as described by the National Centre for Excellence in Residential Child Care, are:

- A secure base – a sense of belonging and security
- Self esteem – an internal sense of worth and competence
- Self efficacy – a sense of mastery and control, along with an accurate understanding of personal strengths and limitations

Inclusion of children and young people with SEND within their local schools and communities has the potential to promote a greater sense of belonging, whilst self esteem is enhanced through the promotion of a child or young person's strengths and the ability to recognise and self manage difficulties. Ultimately, self efficacy for young people with SEND can be accomplished through playing a full part in society particularly through work opportunities.

In order to promote resilience and reinforce the transition to adulthood, we will ensure that young people with SEND have the same rights and opportunities as their mainstream peers by changing their placement post 19. This will involve working with FE and training providers to increase the range of options available, including apprenticeships and work based training. In order to avoid any young person becoming institutionalised, we will not support schools expanding their offer to post 19.

We will ensure that young people with SEND are able to access work based opportunities to develop skills required for employment through links with local businesses and enterprise.

To achieve priority 3, we will:

	By:
With partners, establish early work processes and practice to support emotional health and well-being in schools	June 2017
Promote travel training for assessed young people with SEND attending special schools and resourced provisions through letters, parent information sessions in school and at Person Centred Annual Reviews (PCAR)	September 2016
Plan and deliver effective pathways for Medway children and young people with assessed SEND , including those who are leaving care	June 2017
Extend the support of the Medway Physical and Sensory Service Advisory Teachers for hearing impairment, visual impairment and physical disability to Mid Kent College	June 2016
Work with commissioned independent services to source internships, work based training opportunities and supported work	July 2017

opportunities in local businesses for young people with SEND	
Ensure that there is clear advice about finance, housing and sexual health and other relevant matters for young people at Post 16/19	July 2017

4. We will expect all providers to ensure high quality educational provision, particularly in mainstream schools and further education colleges, for all children and young people with SEND.

Compared with the rest of the country, Medway has a very high percentage of children with Statements or EHC Plans in special schools and, consequently, a much smaller proportion in mainstream schools. We fully recognise the skills that special schools have to offer but, equally, have to acknowledge that there are children in special schools in Medway who would be in mainstream schools, with support, in other areas of the country. We think this can be explained, in part, by the mechanism we use to fund children in special schools, where we currently use the historical costs of the schools, not the needs of the children. The result of this process is to fund children in special schools at a higher level than we fund children, with the same level of need, in mainstream schools. In the long term, this is not sustainable. The government is currently proposing to change the way children with SEND are funded by using a national formula similar to, but different from, that used to fund mainstream schools.

In order to ensure fairness and consistency, we propose to change our funding mechanism for element 3 funding, usually called “top-up funding”, so that children and young people with the same level of need are funded more equally, regardless of their school setting. We also propose working with Medway special schools to refine and develop their outreach work, whereby they use their skills and expertise to support more children in a mainstream setting.

Although there are currently relatively few children and young people in Medway with assessed need in mainstream school provision, where parents of children or young people with SEND have chosen mainstream education there is evidence to show that, with a personal budget for education, and with the assistance of Medway outreach services, mainstream schools can make good provision and ensure progress.

Medway has no special school or specialist resourced provision for secondary age pupils with severe/profound hearing impairment. At secondary transfer, pupils with severe/profound hearing impairment usually transfer to “out of area provision”, either to the state-funded resourced provision based at a mainstream Kent school - if there are places available- or to an “out of area” non-maintained special school on a weekly boarding basis. This does not fit with the intention to ensure local provision for children and young people with SEND, as well as representing an inefficient use of resources.

Whilst we fully support more inclusion within mainstream schools we recognise that there are occasions when a child or young person will benefit from an alternative curriculum offer. We have identified a need to increase the alternative provision available for primary aged pupils, some, but not all of whom, have SEND, and will be seeking to develop this facility within Medway.

To achieve priority 4, we will:

	By:
Carry out a pilot study around funding linked to assessed need to enable a comprehensive budget (Element 3 funding) to be offered to parents and young people with assessed SEND.	March 2017
Pre-school children: Provide training and support for private, voluntary and independent institutions for nursery provision (PVI) to ensure that pre-school children with SEND are fully included.	September 2017
Key stage 1 and 2: Investigate ways in which speech and language support and therapy can be delivered in mainstream school settings to benefit a greater number of children.	September 2017
Key stage 3: Create an effective programme to ensure introduction and successful transfer to mainstream secondary schools for Year 6 pupils with SEND.	January 2018
Work with a local school to develop a secondary provision for young people with hearing impairment.	September 2017
Key stage 5 and Post 19: With commissioned and partner agencies, ensure that there are opportunities for local education or training, including independence, and work experience. Ensure that young people and their parents are provided with detailed information about local opportunities at Key Stage 4-5 transition.	April 2018
For all Medway state-funded schools: Provide training to SENCOs and Headteachers Promote links between schools to demonstrate good practice Focus our resources to support the development of best practice, starting with mainstream schools who are able to evidence inclusion.	March 2017
Support the development of an alternative curriculum provision for primary aged pupils.	September 2017

Part 2

Local Context

2.1 Increase in Medway population

Medway has a growing population. Over the next 20 years we anticipate that 29,000 new houses will be built. Over the next 5 years, the school age population (4-18) is expected to increase by 1126¹⁰ children.

Local Authorities have a statutory duty for the assessment and provision of children and young people with SEND from birth to 25. If the current trend of 3% of children having an EHC plan continues, Medway Council will have to ensure provision for around an additional 60 of the Medway school age population during this period.

However, local data indicates that, over the past 4 years, an average of 70 children and young people, with Statements/EHCPs, per calendar year have moved in to Medway. The majority of these children attend specialist educational provision.

Furthermore, as Local Authorities now have responsibility for education provision for assessed young people aged 19-25 who require additional time to achieve the outcomes set out in their EHCP, a further increase of approximately 150-200 over the next 5 years is also expected.

By 2020, therefore, we anticipate that Medway Council will be maintaining approximately 2000 education, health and care plans.

2.2 School placements for Medway children and young people with SEND

In January 2015, DfE National Statistics (SFR14-15 Tables) indicated that Medway had fewer assessed children and young people in mainstream educational provision¹¹ compared with statistical neighbouring local authorities: 36.7%¹² in Medway compared to a national average of 46.7%¹³.

Medway is third from the bottom for inclusion amongst statistical neighbours, and placed at 122 out of 151 for inclusion nationally.¹⁴

Even if we are able to match our statistical neighbours and increase the proportion of of Medway children and young people with SEND in mainstream schools by 2020, we will still require approximately 1392 places in special school or specialist resourced provision. In reality this number is likely to be higher as inclusion in mainstream will require time to embed.

¹⁰ ONS data March 2016

¹¹ Mainstream school placement or resourced provision based in a mainstream school

¹² DFE SFR 25/2015: Special educational needs in England, January 2015

¹³ DFE SFR 25/2015: Special educational needs in England, January 2015

¹⁴ DFE SFR 25/2015: Special educational needs in England, January 2015

2.3 Projected increase in children and young people with EHCPs and impact on other services

Of the 1608¹⁵ Statements and EHCPs maintained by Medway Council, approximately 900 pupils (55%) are known to either the 0-25 social care disability team or the Looked After Children's team. A projected increase to 2000 EHCPs over the next 5 years indicates that approximately 1100 children and young people with SEND will require support from Medway social care.

This increase will impact not only on education provision, but also on the demand for respite (short breaks) and, into the future, the demand for supported living or residential accommodation. We will work with partners in housing and other agencies to further develop high quality and supportive living arrangements for young adults with SEND to enable them to stay in their local community.

The creation of an integrated SEN/0-25 Social Care Disability Team will be able to track the requirements of children and young people with assessed SEND more effectively, and enable effective commissioning of services.

2.4 Autism diagnosis in Medway

Medway is an outlier for all English local authorities for the number of children with autism. The figure for Medway primary school children with identified autistic spectrum disorder (ASD), but without an Statement or ECHP, is 8.1% and for secondary school pupils 15.5%. This compares to an average of 6.5% and 8.3% respectively for other English local authorities.¹⁶

As at March 2016, 28% of Medway pupils with Statements/EHCPs had diagnoses of ASD. Only 4.6% of those attend mainstream school provision.¹⁷

The Autism Pathway, as recommended by the National Institute for Clinical Excellence (NICE) Autism Pathways, existed in Medway prior to 2010, but was discontinued. We now plan to reinstate it. The Autism Pathway is essential to ensure that diagnosis is made correctly and that appropriate provision is made. It will also help to determine why Medway has a higher than national average of children with ASD.

2.5 Assessment of pre-school children and impact

71% of 5 year olds in Medway achieve a good level of development.¹⁸ This is significantly better than the average for England (66%)¹⁹. Furthermore, nationally, 21% of children with identified SEND achieve a good level of development by the time they are 5 years old. In Medway 27% of children with identified SEND achieve a good level of development by the time they are 5 years old.

¹⁵ SEN2 figures December 2015

¹⁶ SFR 25/2015: Special educational needs in England, January 2015

¹⁷ Medway SEN data

¹⁸ www.gov.uk/government/statistics/early-years-foundation-stage-profile-results-2014-to-2015 Additional Tables by Pupil Characteristics – table 7.

¹⁹ DFE Statistical first release. Early Years Foundation Stage Profile attainment by pupils characteristics, England 2014

Typically, requests for assessment from the pre-school service are received for the 3-4 year old age group. Over the academic years 2010-11 to 2014-15, Medway SEN received an average of 45 requests for assessment of pre-school children aged 3-4 years, per academic year.

In 2013-14 requests for assessment were made for 3.9% of the total 3-4 year old cohort. This figure is above the national average for assessed children nationally and nearly 25% higher than school requests for assessment for school-age pupils.

The majority of the children assessed at pre-school age in Medway tend to enter either a special school or resourced provision on entry to primary school.

As children progress through their specialist provision it sometimes becomes apparent that, as they were assessed at such a young age, they are placed inappropriately, or their level of development has progressed to a level where mainstream school placement would be appropriate. Unfortunately, very few, if any, of these children transfer back to mainstream provision, or transfer to an alternative specialist provision more suitable to meet their needs.

2.6 Permanent and fixed term exclusions from Medway schools and academies

Medway has one of the highest rates for fixed term and permanent exclusions from school in England.

In the year 2013-14, 70 children and young people were permanently excluded from a Medway school. This exclusion rate, 0.16%²⁰ of the state-funded school age population, is the highest percentage bar one other authority²¹.

During the same period, 2.48%²² of the Medway state-funded school population received fixed term exclusions, compared with 3.5% nationally²³. Although below the national average, the average number of days of fixed term exclusion per Medway pupil was 7.37 days: the highest in England.

In 2013-14, 0.31% (59 pupils) of Medway secondary age pupils were permanently excluded from state-funded schools: the second highest percentage for secondary age pupils in England.

Local Authorities have a statutory duty to ensure provision for pupils who have received either fixed term or permanent exclusions from school from the 6th day following exclusion.

Medway has two secondary Pupil Referral Unit (PRU) provisions, The Rowans, with 52 places, and Will Adams, with 40 places. Since the beginning of 2012, both PRUs have been full with pupils permanently excluded from Medway state-funded schools. As a consequence, the PRUs are unable to take pupils who have received fixed term

²⁰ DFE Permanent and fixed term exclusions in England. Local authority tables SFR27_2015

²¹ DFE Permanent and fixed term exclusions in England. Local authority tables SFR27_2015

²² DFE Permanent and fixed term exclusions in England. Local authority tables SFR27_2015

²³ DFE Permanent and fixed term exclusions in England. Local authority tables SFR27_2015

exclusions from school, which results in an additional cost to the local authority for making “6 day provision” from other, more expensive, providers.

In most other local authorities, pupils who have been permanently excluded from mainstream school, or who are in danger of being excluded, are found places at an alternative school through a managed move process. Experience elsewhere shows that, with commitment from the receiving school and support from the local authority, the managed move system can work for excluded pupils. However, the numbers of successful managed moves in Medway are extremely small, usually due to the reluctance of an alternative school to accept the pupil. Yet again, Medway is an outlier, with significantly worse statistics than other parts of the country.

2.7 Educational provision for young people aged 16-18 in Medway

Local authorities must ensure education or training provision for young people with special educational needs to the age of 18.

Local authorities must also ensure education or training provision for assessed young adults with SEND to the age of 25 to either enable them time to complete the outcomes detailed in their EHCPs and/or provide them with skills to access employment and independent living (supported as required). However, there is no statutory duty to continue in education beyond the age of 18.

Medway currently maintains 419 EHCPs for Post 16 pupils. Over the next 5 years, and based on current SEN records, the Post 16 cohort is likely to increase from 394 (2018-19) to 468 (2020-21)²⁴

At Post 16, young adults with assessed SEND can request a placement at a special school to age 19. This is usually a continuation of their current school placement. Alternatively, they can transfer to a mainstream further education college, independent specialist college (known as an independent service provider – ISP) or a DFE registered 19-25 provision. Medway and Kent have no local ISPs. Therefore, if the LA agrees to fund a place at an ISP, it is invariably on a boarding basis.

As at April 2016, the cost of supporting fourteen 19 year old people with SEND in independent specialist colleges was just over £1.2m.²⁵ This compares with the cost of supporting thirty 19 year old young people in local FE college provision of £292,000.²⁶

Young people are also able to opt for work based training or an apprenticeship.

The local authority is responsible for funding either the “top up” costs in an FE college, ISP or state-funded school provision, and SEND support costs in a work based training or apprenticeship placement.²⁷

²⁴ Medway SEN records: SEN database (February 2016)

²⁵ Medway SEN financial records April 2016

²⁶ Medway SEN financial records April 2016

²⁷ “Top up” funding is in addition to the £6,000 per HN place allocated to mainstream schools, FE colleges and ISPs. The HN place funding is deducted at source from the HN block funding for the LA in which the school, FE college or ISP is registered. In state-funded special schools, there is a £10,000 placement cost also deducted

Medway SEN, together with the 0-25 Disability Team, who have responsibility for funding the social care aspect of a placement in an ISP, have drawn up guidelines for the placement of Post 16/19 young people in further education colleges and ISPs.

We work with our local FE provider, Mid Kent College, to ensure appropriate courses and support for young people with SEND. We have also worked in collaboration with a local special school, Rivermead, to create 40 places at Mid Kent College as a year long introduction to the mainstream college for pupils with ASD and associated anxieties and vulnerabilities. These places have proved to be both successful and very popular.

2.8 Educational excellence everywhere

The White Paper 'Educational Excellence Everywhere' sets out new responsibilities for both schools and for local authorities. The local authority will retain responsibility for commissioning places, managing admissions, vulnerable children, including those with SEND, and advocacy for families. In Medway, more than 50% of schools are already academies, with more likely to transfer over the next few years. Although the legal position remains clear, and no school can refuse to admit a child because they have SEND, we have noticed an increasing reluctance on the part of some academies to cooperate in this duty. There also appears to be a correlation between children who have SEND and those who are excluded from schools.

We will continue to work with schools on the basis of shared responsibility for children and young people with SEND, but will also not shy away from challenging schools where we feel they are failing to meet their responsibilities to meet the needs of all pupils.

2.9 Proposed funding changes

In spring 2016, the government consulted on changes to the funding of pupils with high needs, 0-25. At present, funding for SEND, both in terms of place funding for schools, and top-up funding for individual children, comes via a central government fund called the High Needs Block, which is part of the Dedicated Schools Grant. The proposal for the future is that local authorities will be funded according to a national funding formula, based on the health of the local community, prior achievement and historic funding. The government has recently announced (July 2016) that the implementation of any changes would be delayed until 2018/2019, to enable further consultation and that, in the meantime, the DSG would remain at current levels. Until further details are known, it is impossible to gauge the impact of potential changes on our ability to fund SEND in Medway. In light of this, we are proposing to change the way we, in turn, fund SEND, moving away from funding special schools according to their historic costs, to funding children, based on the contents of their Statement or Plan, regardless of whether they are in a special or mainstream setting. We will consult with schools to ensure that we do not destabilise provision during this period of change.

at source from the LA HN block funding for academy provisions, or passed to maintained special schools by the LA in which the special academy or maintained school is registered

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Appendix 1. The priorities set out in the Medway Council Plan for 2016-21 are:

- **Medway: a place to be proud of**
 - A clean green environment
 - Medway on the map
- **Maximise regeneration and economic growth**
 - A strong diversified economy
 - Residents with jobs and skills
 - Preventing homelessness
 - Delivery of new homes to meet the needs of Medway residents
 - Getting around Medway
- **Supporting people to realise their potential**
 - Older and disabled people living independently
 - Resilient families
 - Healthy and active communities
 - All children achieving their potential in school

The Medway Council SEND strategy links to all the priorities in the Council Plan. The strategy also links to priorities set out in other services in the Children & Adults Directorate and other related agency strategies.

Medway SEN priorities	Medway social care: looked after children	Medway adult social care strategy: "Getting better together"	Medway emotional well-being and mental health service	Medway Early Help	Medway Youth Trust
<p>All children should start their education and continue to be educated alongside their peers within their local community.</p>	<p>Prevent the escalation of need through an integrated, well co-ordinated and holistic offer of service that is totally child centred</p>	<p>Develop an integrated service model, including joint health and social care personal budgets, direct payments, individual service funds and joint funding of long term condition support as part of the Better Care Fund.</p>	<p>Establish Early Help with clear pathways to that help are known about by the people who need it</p>	<p>To devise a system that is focussed on making a significant difference to specific aspects of children and young people's lives.</p>	<p>Young people are prepared so that they are ready to learn and work, through parity of esteem between academic and vocational pathways, suitable academic and vocational courses, and clear progression routes</p>

Medway SEN priorities	Medway social care: looked after children	Medway adult social care strategy: "Getting better together"	Medway emotional well-being and mental health service	Medway Early Help	Medway Youth Trust
<p>With our partners, we will ensure an education pathway from childhood to adulthood for children and young people with SEND.</p>	<p>High quality and evidence based care that makes a positive and sustained impact in improving the lives and outcomes for children and young people.</p>	<p>Develop an Employment Strategy that supports disabled people and those with mental health needs into paid employment. This will include support and education for employers and support where required for the employed.</p> <p>Help schools and colleges to prepare people with disabilities, for work, raising expectations and skills.</p>	<p>Accessible information and support for children, young people, families and others in regular contact with children and young people.</p>	<p>Collaborative working and improvement of key processes for access, decision making, and information sharing to deliver well integrated, effective interventions.</p>	<p>Opportunities that lead to change are created through more apprenticeships and traineeships, developing the breadth of Post 16 offers, and drawing on labour market intelligence.</p>
<p>We will ensure that children and young people with SEND are provided with opportunities to develop resilience and learn to as independent as possible, as they transition to adulthood.</p>	<p>Secure the right intervention, at the right time, to enable effective step down and rehabilitation home or permanency</p>	<p>Work with housing planners and providers to produce a co-ordinated social care housing strategy that improves access for older and disabled people to appropriate housing.</p>	<p>Schools and services take a "Whole Family" approach in work with children and young people, with regard to impact on parents, siblings and family life.</p>	<p>To ensure our network of services and support enables us to respond quickly and appropriately by having the right services in place.</p>	<p>Aspirations and opportunities are aligned by ascertaining young people's preferences, educational/training opportunities, supporting schools/colleges to develop Information and Guidance programmes, ensuring progression for young people with SEND.</p>
<p>We will expect all providers to ensure high quality educational provision, particularly in mainstream schools and further education colleges, for all children and young people with SEND.</p>	<p>Secure most cost effective sufficiency of local provision to meet core need groups and achieve sustainable cost savings</p>	<p>Monitor our transition from children's social care to adult social care to minimise the impact on long term disability care costs.</p>	<p>To ensure effective and holistic multi-agency team working for children and young people including those that are Looked After or adopted</p>	<p>A shared commitment to preventative measures to make a significant difference to the outcomes in supporting children, young people and families.</p>	<p>Barriers to participation are overcome by creating environments in which young people with SEND can progress their education, training and employment in Medway.</p>

Medway SEN priorities	Medway social care: looked after children	Medway adult social care strategy: "Getting better together"	Medway emotional well-being and mental health service	Medway Early Help	Medway Youth Trust
			Effective transition at key life stages in education, health and care.		A whole system approach by improving information sharing, and working with schools, colleges and training providers.

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Appendix 2: Medway Special Educational Needs and Inclusion: a strategy for action 2016-2020

Our priorities and ambitions		
<ul style="list-style-type: none"> All children should start their education and continue to be educated alongside their peers within their local community. With our partners, we will ensure an education pathway from childhood to adulthood for children and young people with SEND. We will ensure that children and young people with SEND will be provided with opportunities to develop resilience and learn to as independent as possible, as they transition to adulthood. We will expect all providers to ensure high quality educational provision, particularly in mainstream schools and further education colleges, for all children and young people with SEND. 		
Theme	What we want to achieve	Our priorities for 2016-17
Inclusion	The needs of Medway children and young people with assessed SEND will be fully met in high quality state-funded provision in Medway mainstream schools and FE college, resourced provision in mainstream schools and special schools in Medway	<ul style="list-style-type: none"> Work with Medway state-funded special schools and resourced provisions in mainstream schools to plan for future places as the 0-25 Medway population increases (HN return 2016/17) Develop secondary resourced provision in a mainstream school for pupils with a severe/profound hearing impairment
Progression and independence for children and young people with SEND	Children and young people with SEND will develop the academic and day to day living skills they need locally to enable them to be as independent as possible.	<ul style="list-style-type: none"> Extend and promote the independent travel training programme to young people with SEND in Medway Council Work with the 0-25 Disability Team to develop packages of education training and support locally for young people with SEND at Post 16
Partnership working	A shared understanding between all relevant Council departments and agencies around the needs of assessed children young people with SEND to enable planned and effective transition through the key stages of education	<ul style="list-style-type: none"> Create an integrated SEN/0-25 social care disability team Work with Mid Kent College to develop study programmes and provision for a greater number of Medway young people with assessed SEND Develop joint working between Medway the Medway Integrated Family Support Service (Early Help) and the Educational Psychology Service to address and support issues affecting children and young people with SEND at an early stage Consult with health colleagues (Designated Medical Officer), Educational Psychology Service and Medway Community Health to work towards the development of an ASD Pathway for diagnosis
Local choice and opportunities for parents of children and young people with SEND	A choice of high quality local state-funded school provision (and at Post 16 educational or training provision) with a personal SEN budget as required, and internships with local businesses at Post 16.	<ul style="list-style-type: none"> A pilot project to test personal educational budgets linked to need for children with assessed SEND in mainstream schools, and the development of internship opportunities.

Appendix 3: Glossary of terms used in/by special education needs

ASD	Autistic spectrum disorder (also called Autistic spectrum continuum)
CAMHS	Child and adolescent mental health service
CCG	Clinical commissioning group
DFE	Department for Education
DSG	Dedicated schools grant
EHCP	Education, health and care plan
FE	Further education
HI	Hearing impairment
ISP	Independent service provider (special further education college)
LA	Local authority
LAC	Looked after child/children
LD	Learning difficulty
LDD	Learning difficulty and/or disability
MLD	Moderate learning difficulty
OT	Occupational therapy
PMLD	Profound multi learning disability
SALT	Speech and language therapy
SEMH	Social, emotional and mental health
SEN	Special Educational Needs
SENCo	Special educational needs co-ordinator
SEND	Special Educational Needs and/or Disability
SLCN	Speech, language and/or communication need
SLD	Severe learning difficulty
SpLD	Specific learning difficulty (also called dyslexia/dyscalculia)
VI	Visual impairment