

## Appendix A2.1

### External review of Westminster's spend on children and young people with High Needs

*Peter Gray: Senior Consultant: SSCYP:*

#### 1. BACKGROUND TO THE REVIEW

##### National context

- 1.1 Funding for children and young people with 'high needs' (HN) is provided to local areas by central government. It is a defined block within the area's Dedicated Schools Grant (DSG), which also includes delegated funding for mainstream schools (Schools Block) and core funding for Early Years settings (Early Years Block).
- 1.2 Funding covers the costs of placements in specialist and alternative provision (state-maintained and independent/non-maintained special schools, mainstream units/resource bases and pupil referral units (PRUs)) along with additional provision for children and young people with High Needs in mainstream schools, early years settings and FE colleges. It also includes the costs of some specialist support services for children with special educational needs and disabilities (SEND).
- 1.3 The amount of funding is set by central government and is based on the amount of money Local Authorities were spending on this kind of provision at the point when the DSG was created. The Government is currently consulting on proposals to distribute HN funding to local areas on the basis of formula indicators (as part of its 'Fairer Funding' initiative). However, despite the reported growth in numbers of children and young people with HN, and in the severity of needs, funding has remained relatively stable with only modest increases to take account of inflation and the rise in overall child population.
- 1.4 Local Authorities retain a responsibility to keep HN spending under review, to ensure that it meets the needs of children with significant and complex SEND in a cost-efficient and equitable way. Over recent years, it has been possible for them to manage increasing demands and pressures through use of 'headroom' funding (spare capacity within the DSG). As DSG has become increasingly constrained, Authorities have had to start drawing on available reserves or seeking Schools Forum approval to transfer money from other blocks (Schools or Early Years). This approach is not sustainable in the longer-term.
- 1.5 The Government's SEND reforms have generally been welcomed in terms of making provision and services more child/family-centred. However, there is already evidence of a significant increase in parental expectations, which has not been matched by a corresponding injection of additional funding. Financial pressures are compounded by

the extension of statutory responsibilities to the full 0-25 age range, again with no increase in funding to meet this extended period of education.

- 1.6** In this context, most Local Authorities are needing to give urgent consideration to how they can make the best use of available HN funds, working in partnership with education providers, parents/carer and other agencies. The Government has provided additional funding this year to support such strategic activity.

### **Local context**

- 1.7** Tri Borough Children's Services have been jointly commissioned by Hammersmith & Fulham, Kensington & Chelsea and Westminster Councils. Since their formation, officers have sought to develop the Local Offer for children with SEN and disabilities so that this provides services that are streamlined and cost-effective, as well as meeting local requirements. There has also been a desire to ensure that there is greater equity in provision across the three Boroughs, and that children can have their needs met as locally as possible, without having to travel a long way from home.
- 1.8** Examples of developments include the commissioning of a single provider (TBAP) to deliver provision and services for pupils at risk of permanent exclusion/with social and mental health needs, and the recent proposal to develop more local special school provision for children with learning disabilities in Kensington & Chelsea so they do not have to attend schools further afield.
- 1.9** Officers are keen to ensure that developments in services and provision across the 3 Boroughs take account of the following principles:
- 1) Match with the changing nature of local needs
  - 2) Broad recognition of the importance of meeting these within finite resources (including funding delegated to mainstream schools and settings as well as that provided additionally from the High Needs Block), and of achieving best value for money
  - 3) Equity in resource access for children and families living across the area (while accepting some local differences in the nature of provision available)
  - 4) Appropriate levels of funding for schools and specialist providers, that take account of the above
  - 5) The need to continue to strengthen local capacity in order that needs can be met closer to home, and to reduce reliance on more distant high cost alternatives
  - 6) The need to ensure that provision and funding leads to the best possible outcomes for local children with SEND, both in the short-term but also achieving positive transitions to a more independent adulthood.
- 1.10** HN budget pressures are being experienced in all 3 Boroughs, but are particularly acute in Hammersmith & Fulham, where a £3 million pound overspend is predicted for this financial year. As a short term measure, Schools Forum has agreed a transfer of £750k from the Schools Block for 2017/18. However, other significant measures will be needed to help manage future spend within the budget available.

## 2. REVIEW FOCUS AND METHODOLOGY

2.1 To assist them in these developments, the Tri Borough has commissioned an external review, which has been carried out by Peter Gray (SSCYP) who has significant knowledge and experience of both SEND and financial issues. Initial discussions with senior officers suggested the following focus for the review:

- 1) A comparative analysis of current spend on HN, across the 3 Boroughs and their statistical neighbour Authorities, to include top-up rates for local state-funded specialist provision (special schools, mainstream resource bases and TBAP), additional funding provided for children in mainstream schools, early years and post 16 settings, and spend on pupils placed out of Borough (in other state-funded and independent/non-maintained special schools).
- 2) An independent review of the Borough's current approach to funding SEND, at a number of levels:
  - *Mainstream schools:*
    - formula funding model
    - process for targeting additional funds to individual pupils with higher level needs (statements/EHC plans etc)
  - *Specialist provision:*
    - funding and focus of resourced provision/specialist units in mainstream schools
    - funding and focus of the Tri Borough's special schools
    - use of/spend on out of Borough provision
  - *Other services:*
    - advisory/support service inputs (pupil/school level)
    - commissioning/funding of therapy support

2.2 It is expected that the funding review will contribute the following:

- a) a range of accessible benchmarking data that will allow officers and schools to evaluate the current level of spend against other similar LAs and across the Tri Borough area as a whole.
- b) an independent evaluation of the Borough's funding and organisation of SEND provision and services, from its expectations of what should be ordinarily available in local mainstream schools and settings, through to provision for children and young people with more complex needs
- c) recommendations as to how existing funding systems and approaches could be improved and how expectations (practice/outcomes) could be more clearly

expressed and understood at all funding levels, so that local provision and services are more clearly aligned to the principles identified above

- d) an overall report of key findings and recommendations across the 3 Boroughs, with more specific summaries available for further discussion at individual Borough level

**2.3** This report provides a summary of the position for Westminster. It is based on the following:

- **Phase 1:**
  - examination of a range of statistical and financial data
  - interviews with key senior officers (with responsibility for Finance and SEND; and with the chair of Schools Forum
  - survey of provision and spend in a sample of LA comparators (email and phone follow-up)
  - visits to all specialist provisions across the Tri Borough (special schools, mainstream resource bases and alternative providers)
- **Phase 2:**
  - Interviews/discussions with a range of professionals and stakeholders<sup>1</sup>
    - *Local authority officers/services:*
    - *Mainstream school/setting managers:*
    - *Parents/carers and IAS<sup>2</sup> officers:*
    - *Other agencies (Health and Social Care)*
  - Consideration of relevant data and documentation
  - Sampling of current processes and decision-making.

**2.4** The consultant also attended a number of meetings with officers, Schools Forum and other groups during the process of the review to provide an update on progress and emerging issues, and to share perspectives on the likely impact of national proposals.

### **3. WESTMINSTER'S HIGH NEEDS BUDGET:**

***What does it receive from central government and how does this compare to other similar authorities?***

**3.1** When the DSG was created, Local Authorities received funding for High Needs (HNB) to cover the costs of a range of specialist provision and services for children and young people in their area. The position became more complicated in 2013 when the Government introduced the 'place-plus' system. State-funded special schools,

<sup>1</sup> A full list is provided in Appendix 1

<sup>2</sup> Information, Advice and Support (previously Parent Partnership)

alternative provision/PRUs and mainstream resource bases now receive £10k for each designated place and then ‘top-ups’ for individual pupils accessing the provision.

- 3.2** The Government provides overall funding for HN to each local authority area, but the EFA (Education Funding Agency) then makes deductions so it can pay for places in academies<sup>3</sup>. The new system also abolished inter-Authority recoupment (which was used to recover costs for pupils attending provision from other areas). In the first year of the new system, the EFA adjusted High Needs budgets to take account of the number of places occupied by out of Area children. However, this was a ‘one-off’, with subsequent cross-border changes not taken into account.
- 3.3** In making comparisons between budgets allocated to different Authority areas, it is therefore important to look at funding *before* EFA deductions are made, and to recognise that areas with higher ‘net import’ of pupils should receive higher than expected allocations.
- 3.4** Table 1 (below) shows HN budget allocations (prior to deductions) to Westminster and its statistical neighbour Authorities (all London Boroughs). These are adjusted for overall size (using 0-19 resident population figures<sup>4</sup>).
- 3.5** Westminster receives the lowest level of HNB funding in the comparator group. However overall it exports more pupils to specialist provision in other Authority areas (63 places x £10k = £630,000), so could expect (with this taken into account) to be £13 higher on the adjusted figure (= **£522**). Westminster’s budget is also enhanced by the fact that it has a special free school (St Marylebone Bridge) whose places are funded by the EFA outside the Borough’s HN allocation. Even with these two elements included, Westminster’s HNB remains below average for the comparator group. The current Government fairer funding proposals imply an increase of only £160k in Westminster’s HNB. This is mainly because of the amount of protection provided to higher-funded Authorities through the proposed ‘funding floor’ and use of ‘historical factors’ in the proposed distribution formula
- 3.6** Hammersmith & Fulham’s HN allocation is also low. This is despite the fact that it is a high ‘net importer’ of pupils from other Boroughs who attend its special school provision. Overall it is providing 189 places more for out of Borough pupils than it uses elsewhere. It would be reasonable therefore to expect an uplift of 189 x £10k per place = £1.89m, leading to an additional £51 to its adjusted figure (= **£562** nearer to the average for the group). However, the Government’s funding proposals indicate that it would only receive £600k additional funding (for the reasons given above).

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<sup>3</sup> Deductions are also made for places in Alternative Provision free schools once these have been established for two years.

<sup>4</sup> Office for National Statistics (ONS) 2015

- 3.7 It should be noted however that mainstream school budgets in Hammersmith & Fulham are significantly higher than average for the comparator group (see data for 2013/14 in Table 2), whereas in Westminster they are lower, particularly at the primary phase.

**Table 1: High Needs Budgets (before EFA deductions) for Tri Borough Authorities and statistical neighbours (adjusted for 0-19 resident population<sup>5</sup> and ordered from highest to lowest):**

Local authority	HNB (before deductions) (£m) (2016/17)	Resident population (0-19)	HNB adjusted for size (£)
Wandsworth	42.72	65,830	649 <sup>6</sup>
Camden	32.28	52,065	620 <sup>7</sup>
Tower Hamlets	43.98	72,059	610
Lewisham	43.97	73,717	596
Islington	25.80	45,583	566
Kensington & Chelsea	17.48	31,285	559 <sup>8</sup>
Southwark	38.91	69,752	558
Hackney	36.44	66,474	548
Greenwich	39.10	72,548	539
Lambeth	36.90	68,748	537
Hammersmith & Fulham	19.03	37,238	511
Westminster	24.23	47,645	509
<i>Average</i>			567

- 3.8 RBKC receives an average amount of HNB funding for the LA comparator group. However, this includes £1.165m for the costs of hospital school provision which is a resource for children admitted with medical or mental health needs from a wide geographical area. With this element removed, RBKC's HN allocation (adjusted for size) is £522, which is below average for the group. However, the Borough is a net exporter of pupils to specialist provision in other Authority areas (29 places x £10k = £290k)<sup>9</sup>, so would expect to be £15 higher on adjusted figure: net effect of both these elements would mean an expected adjusted figure of **£537**). The Government's proposals show no change to Kensington & Chelsea's HNB.

<sup>5</sup> ONS mid year estimates 2015

<sup>6</sup> High net importer to specialist provision

<sup>7</sup> Includes £42 for hospital schools (Great Ormond St etc)

<sup>8</sup> Includes £37 for hospital schools (Chelsea Royal etc)

<sup>9</sup> This includes 'import' into RBKC places funded at Parkwood Hall

**Table 2: Funding for mainstream schools (basic pupil element and SEN related factors) in Hammersmith & Fulham and a sample of comparator LAs (data taken from DFE LA data proforma 2013/14)**

LA	Basic entitlement (£ per pupil)				Deprivation (£ per pop)	Prior attainment (£ per pop)	Dep + PA (£ per pop)	Overall £ per pop
	Primary	KS3	KS4	TOTAL				
Camden	3355	4560	5014	3914	1176	204	1380	5294
Greenwich	3009	4209	5201	3517	1013	45	1058	4575
H&F	3594	5113	5113	4106	1277	157	1434	5540
Islington	3576	4635	4635	3940	899	116	1015	4955
K&C	4043	6132	6132	4684	302	48	350	5034
Wandsworth	3680	4637	5741	4122	462	330	792	4914
Westminster	3330	4911	5593	3977	557	288	845	4822
<i>Average (comps)</i>	<i>3512</i>	<i>(4885)</i>	<i>(5347)</i>	<i>4037</i>	<i>812</i>	<i>170</i>	<i>982</i>	<i>5019</i>
<i>Average England</i>	2922	4065	4621					

#### 4. OVERVIEW OF WESTMINSTER'S HIGH NEEDS SPEND:

*What does it spend on different types of provision and how does this compare to other similar authorities?*

- 4.1** This has been one of the most difficult aspects of the review, as it is important to ensure data on costs and provision usage are accurate and defined in similar ways. Officers are increasingly hard-pressed and it can be difficult to get other Authorities to give priority to comparator surveys that are not their immediate concern, even if these are seen to provide potentially useful information. The exercise would have been easier if there had been collective agreement at the outset that this was valuable for all, and if officers across the comparator group had been more involved in the survey design.
- 4.2** The survey asked LAs for information on the following<sup>10</sup>:
- (i) **Additional funding to mainstream schools**<sup>11</sup> (in and out of Borough) and number of pupils receiving this kind of support: this included any funding devolved to schools (eg for pupils with lower level needs)
  - (ii) Number of places in **mainstream resource bases** (in and out of Borough), top-up rates and numbers of pupils accessing this provision
  - (iii) Number of places in **state-funded special schools** (in and out of Borough), pre 16 and post 16, top-up rates and numbers of pupils accessing this provision

<sup>10</sup> Including funding deducted from the HNB allocation and paid to academies/AP free schools

<sup>11</sup> Including 6<sup>th</sup> forms

- (iv) Number of places in **alternative provision/PRUs** (in and out of Borough), top-up rates and numbers of pupils accessing this provision
- (v) Number of pupils in **independent/non-maintained special schools**, pre 16 and post 16, and overall costs (High Needs budget only<sup>12</sup>)
- (vi) Number of students in **independent specialist colleges** (ISPs), and overall costs (as above)
- (vii) Additional expenditure for children in **Early Years** settings (HNB)
- (viii) Top-ups for students with High Needs in **mainstream FE colleges**<sup>13</sup>
- (ix) Spend on hospital schools (if any)
- (x) Spend on SEN support services<sup>14</sup> (High Needs budget only)

**4.3** A breakdown of Westminster's spend on High Needs for 2016/17 is provided in Table 3 (below). It can be seen that there has been an underspend of around £2m. The majority of spend is on specialist and alternative provision (60% of overall total). Despite having a range of local provision, the Borough has a relatively high number of children and young people (109 - £3.84m) placed in specialist provision in the independent/ non-maintained sector, most of which is out of the local area, meaning additional transport and/or residential costs. It also makes significant use of specialist provision in other Authorities (98 pupils).

**Table 3: Westminster's HN spend, broken down by types of provision**

<b>Type of provision</b>	<b>Spend (£)</b>	<b>% of overall spend</b>
Additional funding in mainstream	4,611,311	20.9
Mainstream resource bases	1,616,676	7.3
State funded special schools (pre 16)	5,125,015 <sup>15</sup>	23.3
Alternative provision/PRUs	2,112,524	9.6
I/NM <sup>16</sup> special schools (pre 16)	2,865,774	13.0
State funded special schools (post 16)	451,204	2.0
I/NM special schools (post 16)	858,658	3.9
Independent specialist colleges	116,163	0.5
Mainstream FE colleges	1,174,704	5.3
Early Years (HNB)	470,235	2.1
Hospital schools	297,100	1.3
SEN support services (HNB)	2,319,802	10.5
<b>TOTAL</b>	<b>22,019,166</b>	
<i>Budget</i>	<i>24,230,044</i>	
<i>Surplus/deficit</i>	<i>+2,210,878</i>	

<sup>12</sup> Some pupils are jointly funded by Health and/or Social Care

<sup>13</sup> Currently colleges receive Element 2 funding (£6k) for students with statements/EHC plans direct from the EFA. This funding will transfer in 2017/18 to the HNB LAs where colleges are located, with the EFA making deductions on the basis of agreed numbers of places. The Government is proposing that cross-border usage will be part of the planned methodology for annual import-export adjustment.

<sup>14</sup> Including any contracts with therapy service providers

<sup>15</sup> Includes 19 places at St Marylebone Bridge free school which are funded by the LA above the EFA figure

<sup>16</sup> Independent/non-maintained. Places in non-maintained special are paid by the EFA before HN allocations are made to local authority areas. LAs only pay top-up. LAs pay the full costs for independent special schools.

4.4 Table 4 (below) compares Westminster’s spend profile with the other TriBorough Authorities. Adjusted spend is used, which takes account of different population sizes (0-19 as before). Spend in RBKC is also well within the budget available. However Hammersmith & Fulham has a significant overspend. Westminster spends relatively less on Alternative Provision and post 16 places in state-funded special schools. It also spends slightly less on SEN support services. However, both Westminster and RBKC spend significantly more than LBHF on school-age placements in the INM special sector.

**Table 4: Westminster’s HN spend (adjusted for 0-19 population) compared to other TriBorough LAs**

Type of provision	Hammersmith & Fulham (£ per 0-19)	Kensington & Chelsea (£ per 0-19)	Westminster (£ per 0-19)
Additional funding in mainstream <sup>17</sup>	100.66	93.24	96.78
Mainstream resource bases <sup>18</sup>	42.56	25.66	33.93
State funded special schools (pre 16)	193.78	55.16	107.57
State funded special schools (post 16)	23.28	18.58	9.47
Alternative provision/PRUs	112.70	67.12	44.34
I/NM <sup>19</sup> special schools (pre 16)	35.10	58.76	60.15
I/NM special schools (post 16)	14.18	37.65	18.02
Independent specialist colleges	10.57	16.46	2.44
Mainstream FE colleges	14.39	22.27	24.66
Early Years (HNB)	9.43	7.79	9.87
Hospital schools	0	37.24	6.24
SEN support services (HNB)	53.66	70.17	48.69
<b>TOTAL</b>	<b>610.31</b>	<b>510.10</b>	<b>462.15</b>
<i>Budget</i>	511	559	509
<i>Surplus/deficit (approx.)</i>	<i>(-99)</i>	<i>+49</i>	<i>+47</i>

4.5 Westminster’s use of specialist/alternative provision overall is lower than LBHF but higher than Kensington & Chelsea (see Table 5 below).

4.6 Table 6 (attached) extends the analysis to a wider group of LA comparators. The broader comparison confirms Westminster’s relatively high level of spend on school age placements in INM special schools. However, the Authority currently spends significantly less than average on post 16 specialist placements in both the INM and state-funded sectors. It also spends less than average on state-funded special school and AP/PRU provision.

<sup>17</sup> Including mainstream 6<sup>th</sup> forms

<sup>18</sup> Includes funding for ASD bases at Fulham Primary and Fulham Boys/Cross (managed by Queensmill)

<sup>19</sup> Independent/non-maintained. Places in non-maintained special are paid by the EFA before HN allocations are made to local authority areas. LAs only pay top-up. LAs pay the full costs for independent special schools.

**Table 5: Numbers of pupils resident in each of the TriBorough LAs attending specialist or alternative provision**

	<b>LBHF</b>	<b>RBKC</b>	<b>WCC</b>	<i>Total</i>
<b>Resource bases</b>	66	27	74	167
<b>State-funded special (pre 16)</b>	217	69	235	521
<b>State-funded special (post 16)</b>	19	9	11	39
<b>PRU/AP</b>	171	80	80	331
<b>INM special (pre 16)</b>	27	50	84	161
<b>INM special (post 16)</b>	10	15	21	46
<b>INM specialist college</b>	8	10	4	22
<b>Total</b>	<b>518</b>	<b>260</b>	<b>509</b>	1,287
<i>% 0-19 in state-funded specialist/ alternative provision</i>	1.27	0.59	0.84	
<i>% 0-19 in INM specialist provision</i>	0.12	0.25	0.23	
<i>% 0-19 in all types of specialist/ alternative provision</i>	1.39	0.83	1.07	

*More detailed analysis of spend areas*

**State-funded special schools**

**4.7** Westminster has 3 local special schools, two of which (College Park and QE11) are LA-maintained. The third, St Marylebone Bridge, was set up a couple of years ago as a special free school, with support from the local girls' comprehensive school and the Local Authority. Table 7 (below) shows the number of funded places for 2016/17 and occupancy (FTE pupils)<sup>20</sup>. The schools receive £10k for each place, with 'top-ups' paid for each pupil attending by the LA where he/she resides. While each school caters for a range of levels of need, the top-up is set at a uniform level based on average costs. Current top-up levels are provided in Table 7.

**Table 7: Special schools in Westminster: Numbers and costs per pupil**

School	Number of funded places	Occupancy	WCC pupils	Other TriB pupils	Other LA pupils	Top-up rate
College Park	100	90	78	7	5	£13,300
QE11	70	58	43	5	10	£21,000
St Marylebone Bridge	19 <sup>21</sup>	40	37	3	0	£10,000 <sup>22</sup>
<b>TOTAL</b>	189 <sup>23</sup>	188	158	15	15	

<sup>20</sup> LA figures. Visits indicates some disparity with school reported numbers

<sup>21</sup> Additional to the places funded by the EFA. The rationale for this arrangement is unclear.

<sup>22</sup> The school charges a higher rate (£15k) to Authorities outside the Tri Borough

<sup>23</sup> Plus EFA places

- 4.8** Most of the special school places (84%) are occupied by children and young people living in Westminster, with a strong commitment to prioritise local access. QE11 has the highest number of pupils coming from other LAs (8 from Brent).

*Nature of provision and rationale for current funding*

- 4.9** Both College Park and QE11 are all through schools (including 16-19). QE11 also has an early years class for children with significant learning disabilities who are admitted at 2/3. St Marylebone Bridge is secondary only.
- 4.10** The range of pupils attending each of the schools has changed over the years. QE11 was originally a school for children with severe/profound learning disabilities but has increasingly taken children with associated medical and mobility needs. The school building has been partly developed to reflect the changing population. However, the older section still presents considerable access issues.
- 4.11** College Park was originally a school for children with moderate learning difficulties (MLD). With greater mainstream inclusion of these kinds of pupils, the school is now admitting a broader range of learners, including some with ASD and physical/sensory needs. There was evidence from this review, however, of some gaps in provision leading to placements outside the Borough and in the INM special school sector (particularly with ASD/where the school is needing to deal with challenging behaviour).
- 4.12** St Marylebone Bridge was set up to provide for pupils with speech, language and communication needs. The rationale for its establishment is unclear, as Westminster already had a secondary school resource base for these types of difficulties. However, there was no secondary resource base for ASD. It may be that the school was expected to cater for a broad range of pupils with communication issues, and some pupils on roll have an ASD diagnosis. The overall criteria for admission however relate to specific difficulties in receptive and expressive language, and all pupils are screened in this area on entry. The school does not expect to provide for children with broader developmental delay. Another potential factor influencing its set up was the high number of pupils leaving the primary SLCN resource base at Churchill Gardens who need an appropriate secondary provision (see 4.19 below).
- 4.13** Changes to the profile of special school admissions have been reflected in current top-up rates. Comparison of unit costs against a sample of schools for children with significant/complex difficulties in other London Boroughs would indicate that these are broadly in line with similar provision (see Table 8 below). It is more difficult to make comparisons for College Park and St Marylebone Bridge as Authorities vary in their special school admission thresholds and the range of needs that these kinds of schools are now tending to cater for.

**Table 8: Unit costs (place + top-up) for sample of special schools in London Boroughs**

School	LA	Needs type	Age range	Average pupil cost
QE11 Jubilee	Westminster	SLD/PMLD	5-19	£31,000
Jack Tizard	Hammersmith&F	SLD/PMLD	3-19	£34,481
Queensmill	Hammersmith&F	ASD	3-19	£27,189
Richard Cloudesley	Islington	PD/PMLD	2-19	£30,052
The Bridge	Islington	LD/ASD	2-19	£28,000
Cherry Garden	Southwark	SLD/PMLD	2-11	£31,634
Tuke	Southwark	SLD/PMLD	11-19	£29,629
Stephen Hawking	Tower Hamlets	SLD/PMLD	2-11	£29,429
Beatrice Tate	Tower Hamlets	SLD/PMLD	11-19	£31,170
Phoenix	Tower Hamlets	LD/ASD	3-19	£31,170
The Garden	Hackney	LD/ASD	2-16	£35,178
Ickburgh	Hackney	SLD/PMLD	2-19	£32,109
Swiss Cottage	Camden	SLD/PMLD/LD/ASD	2-19	£31,089
Charlton Park	Greenwich	SLD/PMLD/LD/ASD	2-19	£27,202
Watergate	Lewisham	SLD/PMLD	3-11	£36,000 approx <sup>24</sup>
Greenmead	Wandsworth	PD/PMLD	2-11	tbc
<b>Average</b>				

**4.14** Westminster makes significant use of special schools in other LAs. 81 pupils are placed in such provision, mainly in other parts of the Tri Borough (52) but also elsewhere. 29 pupils are placed at Queensmill, 19 in Cambridge, and 11 in Woodlane. It was not possible within the scope of this review to establish the circumstances leading to these kinds of placements, or if there has been any reduction in numbers over time<sup>25</sup>. Clearly some parents may prefer the ASD-specific provision at Queensmill as this is relatively local to them. However, in many parts of the country where there is no similar option, provision would typically be made (for ASD pupils with significant needs/associated learning disabilities) at a school like QE11.

#### **Mainstream resource bases**

**4.15** Westminster currently has 5 resource bases for children with HN situated in local mainstream schools. These are funded through the ‘place-plus’ system, with the schools receiving £10k for each commissioned place and top-ups paid by the LA where the pupils reside. Table 9 (below) shows the number of funded places for each provision in 2016/17 and current occupancy. While each school caters for a range of levels of need, the top-up is set at a uniform level based on average costs. Current top-up levels are also included in Table 9.

<sup>24</sup> Due to reduce by around £2000 per pupil in 2017/18

<sup>25</sup> It would be interesting to see, for example, if the creation of St Marylebone Bridge has had any impact on placements at Wood Lane or Cambridge.

**Table 9: Resource bases in Westminster: Numbers and costs per pupil**

School	Needs	Number of funded places	Occupancy (FTE)	WCC pupils	Other TriB pupils	Other LA pupils	Top-up rate
Churchill Gardens	SLCN	40	27	26	1	0	£5,158
Edward Wilson	VI	9	4	3	1	0	£21,630
Millbank	ASD	10	11	11	0	0	£16,338
Pimlico	SLCN	9	11	11	0	0	£14,088
St Augustine's	HI	10	6	3	1	2	£17,000
<i>Total</i>		78	59	54	3	2	

- 4.16** Most of the resource base places in Westminster are occupied by pupils living within the Borough. The bases for sensory impairment (HI/VI) have a wider catchment. Geo-mapping analysis shows that most of the pupils attending the Pimlico Academy base are from the school's immediate area. Pupils attending Churchill Gardens and Millbank are more widely spread.
- 4.17** The bases for pupils with sensory impairment are currently under-occupied. This is partly due to reductions in numbers of pupils with significant impairment who do not have other associated learning disabilities, and partly to increasing parental preference for ordinary mainstream schools. Numbers at Edward Wilson have remained low for some time and the provision is therefore significantly over-funded (unit cost = around £70k per pupil currently attending). The school recognises this issue and is interested in developing a more flexible model of support<sup>26</sup>. Numbers at St Augustine's have fluctuated and the teacher in charge of the base has been able (when numbers have been particularly low) to undertake an outreach role.

#### *Nature of provision and rationale for current funding*

- 4.18** Churchill Gardens is a large resource base provision for children with speech and language difficulties. Children are taught separately in 4 age-phased classes<sup>27</sup>, with limited access to ordinary mainstream activities. Speech and language therapy is provided through a mixture of withdrawal and in-class support. Numbers of pupils have reduced in recent years now that they require a statement/EHCP for entry. Admissions also tend to be later with some children having more complex needs.
- 4.19** There is a general expectation that pupils will stay at the base for their whole primary career<sup>28</sup> sometimes after having experienced initial difficulties in their local mainstream. Transfer to secondary can be difficult. A few go on to their local/

<sup>26</sup> Resource centre for adapting materials plus outreach support to mainstream, plus capacity to admit pupils full time if needed. Consideration will need to be given to structural options given that College Park support service is currently fulfilling part of this role.

<sup>27</sup> Foundation, Y1/2, Y3/4, Y5/6

<sup>28</sup> This contrasts with Miles Coverdale and many other SLCN bases nationally where the objective can be an intensive period of early intervention leading to return to local mainstream school

preferred mainstream school; one or two transfer to the secondary base at Pimlico Academy; a number of others go to special schools (St Marylebone Bridge<sup>29</sup> or Woodlane). The level of needs of the children currently attending would suggest that the base should move to a more inclusive organisational model and this is something that is under discussion with the current SENCo<sup>30</sup>.

- 4.20** Pimlico Academy has been established for a number of years and operates on a more inclusive basis. Admission is fairly restricted with places spread evenly across year groups. Pupils tend not to have speech difficulties as such but a range of expressive and receptive language and some literacy issues. There is a significant overlap with the broader range of pupils with SEN in the main school, and staffing resources are used flexibly to meet both sets of needs. A number of pupils attain 5 As-Cs at GCSE and go on to do Level 2 courses at FE college. The top-up level for this provision is comparatively high, given the moderate level of pupil needs, although this does cover SLT time which the school now buys from a private practitioner.
- 4.21** Millbank is a well-established base for primary pupils with ASD. It provides a combination of base teaching and support to pupils in mainstream classes. The level of mainstream access depends on the individual pupil. Typically there are only 2-3 pupils in the base at any one time, with the maximum proportion spent by any of the current pupils being around 50% of the timetable. There is an expectation that all those admitted will be capable of accessing at least 25% of the curriculum in mainstream without support<sup>31</sup>. Although verbal communication is not a requirement, children are expected to have some interest in social interaction and have some level of academic ability<sup>32</sup>. There appears to be a mismatch between the school's expectations and the Tri Borough as some pupils with more complex needs are currently being put forward.
- 4.22** As with Pimlico, numbers of spaces in each year group are restricted and this means there is limited capacity for admission until pupils leave. Pupils transfer to various destinations, including Woodlane. Some have gone to local mainstream but there is an expectation that there will be a more regular pathway to Kensington Aldridge Academy now that a secondary ASD base has been established there.
- 4.23** Again, the top-up rate for this provision is comparatively high given the current admission criteria and expected level of mainstream access. However, as with Pimlico, rates include funding for SLT time, which is provided additionally in some Authorities.

<sup>29</sup> The Head of St Marylebone Bridge used to be SENCo at the school.

<sup>30</sup> The school is part of the Futures Trust and the SENCo (acting) currently works across all 3 Trust primary schools

<sup>31</sup> The mainstream school has developed a 'content-based' curriculum for some of its older junior year groups, which is staffed by a range of teachers. There was evidence that some ASD pupils were finding this more difficult to deal with. The base has also been moved to a less central position within the building.

<sup>32</sup> Independence with self-care (toileting) is also expected

- 4.24** Both of the resource bases for sensory impairment (Edward Wilson and St Augustine's) operate on an inclusive model, with supported access to mainstream lessons and withdrawal for specific support (academic, technical and emotional/social). Both provisions are used to some degree as an alternative to more high cost placements in the INM specialist sector and are fulfilling a valuable function in this respect, being able to demonstrate good outcomes for the pupils concerned. The key issues are value for money in the way provision is currently used, and the need for a more flexible model of service delivery that takes into account variable incidence and trends in parental preference (see 4.17 above)
- 4.25** Westminster also makes some use of resource bases in other LAs. 17 pupils are currently placed in this type of provision, mainly ASD and in other Authorities in the Tri Borough. This is partly due to the lack of an in-Borough resource base for ASD at secondary level and partly to the more restricted focus of the Millbank primary ASD base.

**Alternative provision/PRUs:**

- 4.26** The main provider of AP for Westminster pupils is TBAP. This is now a multi-academy trust, with a number of sites across the Tri Borough, serving all three Authorities<sup>33</sup>. It provides a broad continuum of support, including short-term (one term maximum) intervention for pupils at risk of exclusion, full-time/longer-term placements as an alternative to permanent exclusion, and a small number of specialist provision places for children with SEMH (social, emotional and mental health needs). The majority of places are for secondary pupils, but there is some capacity for primary. Numbers of places commissioned by Westminster are shown in Table 10 (below).

**Table 10: Places commissioned at TBAP by Westminster (2016/17)**

	<b>Short-term intervention</b>	<b>Alternative provision</b>	<b>SEMH provision</b>	<b>Total</b>
<b>KS3/4</b>	(15)	65	10	75
<b>KS1/2</b>	0	8	4	12
<b>Total</b>	(15)	73	14	87

- 4.27** The top-up rate for AP placements for secondary is £9,800<sup>34</sup> and for primary £7,680, which is comparable to similar provision in other London Authorities (typical top-up range is £5k - £10k per pupil). The cost of SEMH placements is much higher: £25,000 top-up for secondary and £36,771 for primary (equivalent to £35k pa and

<sup>33</sup> The Trust has now extended to offer AP provision in other Authorities (in London and elsewhere)

<sup>34</sup> This is higher than the rate charged to the other Tri Borough Authorities. This was attributed by TBAP in part to differences in site costs.

£46.8k pa total cost respectively). This rate is much higher than the average cost for Local Authority SEMH special schools. However, the justification for setting rates at this level is that the provision is expected to meet the needs of pupils with the most significant and complex needs who might otherwise have to be placed in high cost schools in the independent/non-maintained sector. Use of SEMH placements is determined by the Authority and all pupils accessing these have completed EHC plans.

- 4.28** TBAP recognises that it is expected to admit pupils with a high level of behaviour difficulties/concerns. However it is reluctant to admit those for whom behaviour is not the primary need (eg where this might relate to other conditions (ASD) or where pupils' attainment levels are outside the mainstream range). TBAP bases are used flexibly across the Tri Borough area in order to meet individual pupil needs and help address difficulties in relationships/group dynamics. One of the sites (Portobello) is used for pupils who are more emotionally vulnerable.
- 4.29** Short-term intervention is funded differently. The Borough commissions places but secondary schools have to pay the top-up cost. This is organised through a service level agreement with individual schools that involves booking and paying for places in advance (range is 1-3 per school).
- 4.30** Westminster commissions a lower number of places than the other Tri Borough Authorities (proportionately to its size). Westminster commissions 73 AP places (65 secondary, 8 primary) and 14 SEMH (10 secondary, 4 primary). Kensington & Chelsea commissions 63 AP and 17 SEMH (all secondary<sup>35</sup>). Hammersmith & Fulham commissions twice this number. This is a major area of difference which is contributing significantly to LBHF's current HN overspend.
- 4.31** When TBAP was visited in December 2016, a number of secondary commissioned places were unoccupied (15/65 AP and 2/10 SEMH). There were also spaces in the primary provision. However, it was pointed out that numbers of placements tended to increase through the academic year as problems in mainstream started to escalate. Clearly, if there are continuing vacancies, place numbers may need to be revised<sup>36</sup>.
- 4.32** Hammersmith & Fulham also hosts an AP Free School (Westside) which has recently relocated from Westminster. Some continuing use of this provision is made by the Westminster schools. The Government's approach to funding this kind of provision<sup>37</sup> is to link place costs to LAs where pupils are resident and placements therefore draw

<sup>35</sup> In practice, Kensington & Chelsea is making use of some of the primary places at the Courtyard site. It is unclear whether the Borough is recovering full costs for these at present, and this may require some further adjustment to the number of places each Authority is commissioning.

<sup>36</sup> This would need to happen in consultation with the Education Funding Agency (EFA) given TBAP's academy status.

<sup>37</sup> After they have been established for 2 years (funding is 'free' for the initial period)

on the Borough's HNB, while schools may pay only limited top-ups for individual placements.

- 4.33** Recent developments across the TBAP multi-academy trust include a residential provision based in Crawley. This is currently funded by the DFE Social Innovations Fund and some pupils from the Tri Borough have access to it at no additional cost. Longer-term funding implications for this provision are unclear. The Trust has also opened a 16-19 provision for more academically able students with emotional needs.. Places are currently funded additionally by the EFA but costs will transfer to the host LA when 16-19 place funding is added to the HNB in 2017/18.

### **Independent/non-maintained special schools and colleges**

- 4.34** Westminster has a very large number of pupils placed in the INM special school sector (84 pre 16; 21 post 16 and 4 in independent specialist colleges. This is much higher than in many Authorities (including Hammersmith & Fulham). Average cost per pupil/student is around £35k pa<sup>38</sup>, with costs significantly higher for some individual placements.
- 4.35** It was not possible within the scope of this review to carry out a detailed analysis of the reasons for recent placements in the INM sector. However, interviews with officers suggested that a number of these related to historical expectations and professional beliefs, along with gaps in the range of provision offered within the Borough. A significant number of placements appear to relate to pupils with speech, language and communication difficulties. This is surprising given the level of capacity that should be available for these needs in Westminster's own provision. A large number of different placements are used. However, particular use is being made of some local INM day providers (eg Paray House (9 pupils); Blossom House, Abingdon House and Moat (5 each).
- 4.36** Westminster has relatively few placements in Post 16 INM provision (special schools and colleges) (25 in total), but numbers are increasing as more young people are staying on at schools within this sector.

### **Mainstream provision**

#### ***Schools***

##### *(i) Additional funding*

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<sup>38</sup> HNB contribution only. Some placements are jointly funded by Health and Social Care (12/45), so full costs are higher. Average cost to LAs is reduced by the fact that the EFA currently funds places in non-maintained special schools direct, and additionally to the HNB (topsliced from the available national budget)

- 4.37** The Borough spends about average overall (£4.61m) on additional provision for individual pupils with high needs in mainstream schools (including school nurseries and 6<sup>th</sup> forms). This figure includes funding for those with statements/EHC plans and funding for ‘contingency’. This has been a relatively recent development within the Tri Borough. Money is provided either to support children with significant needs during the process of statutory assessment, or to provide a period of short-term intervention for those who may not need a statement/plan if sufficient progress is made.
- 4.38** When the new national ‘top-up only’ system was introduced in 2013, Westminster transferred a large amount of money from the HNB to the Schools Block, with the intention that schools would fund the first £9k<sup>39</sup> of provision themselves. It was agreed that pupils needing provision at a higher level than this would receive the full allocation (not just top-up) in recognition of their ‘exceptional needs’. This system is different from Hammersmith & Fulham where money was retained within the HNB and schools receive the ‘first £6k’ on a devolved basis on the basis of the number of pupils with statements/EHCPs at the annual census<sup>40</sup>.
- 4.39** This approach seems to have coincided in Westminster with a reduction in numbers additionally funded in mainstream schools (20% fewer reported over the last 2 years). The Borough currently funds 352 pupils additionally in its own local mainstream schools, and a further 68 in schools in other Authority areas (33 in RBKC/LBHF; 35 elsewhere). This is slightly higher than in RBKC but lower than in LBHF (0.88% of 0-19 population vs 0.78 and 0.99 respectively).
- 4.40** Clear trends for numbers in mainstream with statements/EHCPs have been difficult to access. However, there has been significant growth in numbers receiving contingency funding (29 to 66 pupils between 2015/16 and 2016/17 (15 to 36 fte)) and associated costs (£108k to £252k), and further increases are predicted. There is no clear evidence that the introduction of contingency funding has led to a reduction in numbers of statutory assessment/statutory assessment requests<sup>41</sup>.
- 4.41** Decisions about additional funding are made by a Panel that meets regularly to consider statutory assessment (and contingency funding) requests and determine whether a supported mainstream placement is appropriate. The Panel consists of LA officers, support service representatives and representatives from mainstream schools/ settings. While this enables contributions from a number of perspectives, it places considerable demands on time. The representative role tends to be shared by a number

<sup>39</sup> This was a higher level than the first £6k used by most Authorities. Camden operated a similar approach.

<sup>40</sup> RBKC also transferred funding from the HNB to SB but with the expectation that schools found the first 6k. Pupils who need provision above this level are funded on a top-up basis. However, if numbers of £6ks exceed the amount of money transferred to individual schools, extra funding is provided.

<sup>41</sup> There was an increase in number of statutory assessment requests in WCC from 80 in 2015 to 97 in 2016. 90% of requests during this period were agreed. Less than half of these requests (43%) were from schools.

of individuals, which can lead to some inconsistency in the way in which decisions are made.

- 4.42** The provision of additional support does not always lead to children's needs being met. A number of parents interviewed raised questions about the quality and training of LSAs (learning support assistants) and the ways in which such support is being used. And, in their experience, although statutory assessment could lead to more formality in school-parent relationships, it did not necessarily improve the quality of communication or change attitudes.

*(ii) Capacity*

- 4.43** Decisions about additional funding are inextricably bound to expectations of what should be 'ordinarily available' in mainstream schools. The evidence from this review suggested that there is currently no clear common understanding across the Borough about the range of needs that mainstream should be expected to meet, and the provision they should have in place. Although the Local Offer sets out to describe this, the general view of those interviewed was that this was not matched by actual practice, and that more needed to be done to achieve broader agreement about the capacity generally required.
- 4.44** On the positive side, the extension of the 'Communications Champion' initiative (delivered jointly by Education and Health) has started to help clarify all schools' responsibilities towards pupils with speech, language and communication needs. On the other hand, skills, confidence and attitudes towards pupils with ASD (autistic spectrum disorders) were reported to be more variable.
- 4.45** There was a general lack of knowledge about funding available for SEND within schools' delegated budgets, and this contributed to parents (and SENCOs/SEN governors) finding it difficult to know what it was reasonable to expect. Heads and SENCOs tended to refer in discussions to additional funding or 'the first £6k' rather than how they were using their broader budget to meet the wider range of SEND.
- 4.46** Schools' formula budgets in Westminster include sums for deprivation, low prior attainment, English as an additional language (EAL) and numbers of looked after children. Deprivation is the main indicator used to reflect differences in school demography and is over and above the amounts allocated through Pupil Premium. Table 11 (below) shows the amount of money distributed through each factor for each school phase. The highest allocation in the primary phase is to Gateway Academy (£348k deprivation + £222k prior attainment) and, in secondary, to Quinton Kynaston (£873k deprivation + £443k prior attainment). Lowest allocations in primary are £21k for deprivation and £23k for prior attainment and, in secondary, £263k and £68k respectively.

**Table 11: Funding for SEND delegated to mainstream schools through Westminster's local funding formula (£m)**

	Deprivation	Prior attainment	EAL	LAC	Total (SEN-related)	Notional SEN
<b>Primary</b>	4.17	2.44	2.28	0.02	8.91	1.73
<b>Secondary</b>	5.90	2.63	1.54	0.03	10.10	2.20
<b>Total</b>	10.07	5.07	3.82	0.05	19.01	3.94

- 4.47** Local Authorities are also required to provide information to the DFE on schools' 'notional SEN budgets' which tend to include an element of the funding for numbers of pupils (Age-Weighted Pupil Unit). In Westminster, the notional SEN budget is based simply on a percentage of the AWPU (5% primary), with no differentiation for different levels of pupil need. It is much more common for indicative budgets to be based on a combination of AWPU % and SEN-related factors. An undifferentiated approach runs the risk of over-expectation of capacity in schools with fewer SEND and under-expectation for those that should have enhanced capacity as a result of the factors used in the funding formula.
- 4.48** Notional budgets are significantly lower than the funding distributed through SEN-related formula factors (£1.73m total for primary vs £8.91m in formula; £2.20m for secondary vs £10.10m in formula). Notional SEN figures range from £23k to £110k at primary; and from £155k to £269k in secondary.
- 4.49** Given the relatively significant amounts of money provided additionally for SEN-related formula factors, it is reasonable to expect a good level of SEN provision in every school. Greater transparency about this funding would help support clearer expectations for all mainstream schools to have the capacity to meet a broad range of SEND.

#### *Early years*

- 4.50** Early years provision in Westminster is a mixed economy with a combination of nursery schools, mainstream nursery classes and PVI (private, voluntary and independent) settings. A small number of places are also available for children with very significant needs in the early years class at QE11. There are a number of Children's Centres, some of which are based at nursery schools.
- 4.51** Historically, children with high needs in early years settings did not access additional funding, except through the statementing process (which was often not completed until children were about to transfer to statutory school provision. Some children were directed to Children's Centres which were generally better funded. Access to other early years provision depended on attitudes, skills and physical capacity.

- 4.52** As funding for early intervention has reduced nationally, alternative systems for supporting children with high needs have had to be developed across the sector. The Tri Borough has developed two mechanisms: contingency funding for individuals (without the need for an EHCP) and additional funding to specific early years settings through the ‘enhanced offer’. This involves an allocation of £40k pa with the expectation that the setting will admit pupils with more complex SEND as well as acting as a ‘resource centre’ providing advice and training. The enhanced offer has been targeted at 4 nurseries, which receive a total of £160k.
- 4.53** Both of these initiatives have been welcomed by the Early Years sector. However, there is uncertainty about the long term future of the enhanced offer which has only been funded for 2 years. Contingency funding has helped to ensure that support is available more promptly. However, there have been delays in payment and inconsistency in decisions about backdating allocations. For the PVI sector in particular, this has caused some financial anxieties. There is also concern about the potential impact on funding/support of the Government’s proposals for entitlement to full-time childcare, with, as yet, no associated enhancement to HNB to reflect this expectation.
- 4.54** As with schools, there is no clarity at present about what level of provision should be available universally across the sector or the range of needs that all settings should be able to meet. There may be variability therefore in levels of inclusion and access to support, particularly in the PVI sector where there can be a high turnover of staff and less experienced SENCOs. The level of support for SEND development at institutional level is very limited and there does not appear to be a systematic approach to capacity-building in this sector.
- 4.55** Early years providers have tended to complain that they have no equivalent to the delegated SEND funding that schools receive (and that mainstream nursery classes can benefit from). The Government’s proposals for a new Early Years Inclusion Fund (drawn from the DSG) provide a new opportunity for the Authority to establish a longer-term approach to supporting children with HN at this phase, linked to clearer common expectations of the universal offer. It will also be important to ensure that full access is gained to other national funding streams (eg Disability Fund; Early Years Pupil Premium<sup>42</sup>).
- 4.56** Parents reported variable experience of early years provision, with a range of attitudes and levels of knowledge/skill. There is currently limited external support to children with HN at this phase, which links partly to weaknesses in the transfer of information

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<sup>42</sup> It is not clear that settings are fully benefitting from their entitlement at present

to Education from Health, and partly to changes to the funding and capacity of SEN support services (see paras 4.68ff below)<sup>43</sup>.

### *6<sup>th</sup> forms/FE colleges*

- 4.57** Funding for students with HN in school 6<sup>th</sup> forms was traditionally allocated by Local Authorities, and the ‘top-up’ system applies as for school-aged pupils. Funding for FE and 6<sup>th</sup> form colleges was organised regionally/nationally (through the Further Education Funding Council). Now, top-ups are paid by the student’s home Local Authority from the High Needs Block, and place costs (‘element 2’ = £6k) are funded by the Education Funding Agency direct (based on reported figures). The Government is proposing that place funding in future will transfer to the HNB, with place numbers determined through local discussion<sup>44</sup>.
- 4.58** Westminster has a number of students with statements/EHCPs in mainstream 6<sup>th</sup> forms. The data for these is included in the mainstream (local/ preferred) section of this report. In addition, it funds 70 students in mainstream 6<sup>th</sup> form/FE colleges in and out of the Borough.
- 4.59** Provision for students with more complex/significant difficulties is available at local FE colleges. City & Westminster has discrete courses for students on Entry levels, as well as support for individuals with additional support needs on mainstream courses. West London College is developing opportunities for students to undertake supported internships, linking to a range of local employers. The College is also keen to develop a dedicated provision for students with complex/significant needs, to enable young people to remain in local education, and potentially from 19-25.
- 4.60** Top-up levels range widely, from £2-3k for students with more moderate difficulties, to £20-£30k for individuals with very significant physical and learning issues. Top-up levels are decided by an Authority Panel, following an assessment by the College of the individual’s particular needs and course access requirements.
- 4.61** As with school-age provision, it is currently unclear how much funding the Colleges receive for the broader range of students with additional needs, and what they should be expected to provide themselves (other than the basic ‘element 1’/AWPU equivalent that is required for those with statements/EHCPs). The FEFC used to make specific funding allocations to Colleges for ‘additional learning support’ (based on a standard data-recording system). However, budgets are now presented more broadly, with ‘deprivation funding’ based on a combination of social disadvantage and

<sup>43</sup> Settings also reported that monitoring of additional funding was limited and parents were concerned whether this was always being used to the best effect.

<sup>44</sup> Place funding will still pass through the EFA but costs will be deducted from the HNB of the area where the college is located. It is assumed that cross-border usage will be picked up through the proposed methodology for ‘import-export adjustment’.

attainment information<sup>45</sup>. Learning support managers interviewed in this review were unclear how much funding was received through this route, or how it was used.

### *Transitions*

- 4.62** Evidence from this review indicates that there is not a clear education pathway for many children and young people with High Needs in Westminster. Communication between Health and the Local Authority is not strong in the early years, even when disabilities are known and medical diagnoses established. The appointment of a new officer to support Health's contribution to the national SEND reforms has helped move things forward, but there is still a need for a more robust notification system, and clear point of contact where there are concerns about future education<sup>46</sup>.
- 4.63** There is not a strong Local Authority presence at this phase. The Westminster Federation Outreach Team picks up children with sensory impairment early, but there is no equivalent point of contact and education support for other kinds of difficulty, except for the Portage Service run by Kids, which works with a limited number of children with very significant disabilities<sup>47</sup>. As a result, parents face considerable uncertainty and have to rely on other sources of information that are not always reliable. In a number of other Local Authorities, Educational Psychologists or Preschool SEN Support Services would have a key role in meeting with parents at an early stage, and helping establish a bridge into early years settings and schools. Budget reductions and the Educational Psychology Service's shift to a traded model have meant that parents' first access to these teams may only be when statutory assessment has been initiated.
- 4.64** This contributes to a number of admission issues, where parents experience access barriers to mainstream provision because schools and settings are not confident about meeting children's needs and there is only limited information and support to help overcome any concerns. This tends to trigger requests for statutory assessment and, in some cases, conditional or partial admission while support is being put in place.
- 4.65** Transition from primary to secondary mainstream is also fraught. Because of the broader difficulties in the Borough around school choice, school destinations can be unclear until late on in a child's primary career. While the law allows parents of children with statements/EHCPs to name a school, a placement may not be available if a school is over-subscribed. Uncertainty means that it is difficult for transitions to be planned and for children's strengths and needs to be properly communicated. At present, the Borough has a relatively formal approach, with 'consultation requests' sent to parents' preferred schools (accompanied by a significant level of paperwork).

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<sup>45</sup> Colleges receive a flat rate for all students who did not attain As-Cs in core subjects at GCSE

<sup>46</sup> Work is in hand to address this

<sup>47</sup> This service is mainly delivered through weekly home visits although there is some liaison with early years settings when children are admitted to these

Secondary schools may receive as many as 30 requests at a fairly late stage in the process, with limited ‘on the ground’ knowledge. In this context, there is a tendency for schools to adopt a relatively cautious position with regard to their ability to meet needs, and parents can experience negative and unwelcoming reactions.

- 4.66** It is unsurprising therefore that a number of parents look to more specialist provision at this point, and this is a key point of entry to schools like St Marylebone Bridge, College Park and Woodlane. Difficulties at the primary-secondary transfer stage have also tended to reinforce relatively pessimistic expectations in some primary schools that children will be able to ‘cope’ at that phase, even if their needs have been met successfully until this point.
- 4.67** There was less evidence of barriers at the school-college transition phase. However, current decision-making processes mean that it can take some time for colleges to receive the additional funding, as further assessments need to be carried out after admission to establish the support students require.

#### **SEN support services**

- 4.68** The budget for SEN support services is comparable with other LAs in the sample. However, the majority of this is spent on statutory functions and there is little capacity for more strategic intervention. The Authority commissions the Westminster special school federation to provide outreach to mainstream schools. The team was originally central but management was transferred to the special school a time when there were national pressures on levels of central LA retention. The team is relatively small and is focused on needs that are traditionally considered to be ‘low incidence’<sup>48</sup>. Most non-statutory functions are now traded and dependent on school priorities and their willingness to purchase time. Portage is provided to a small number of children with significant needs in the early years by Kids.
- 4.69** The Outreach service is provided to schools free of charge<sup>49</sup>. Mainstream schools also buy in support from other providers (eg Queensmill; Place to Be). Westminster does not commission outreach support from TBAP, as do the other two Boroughs.
- 4.70** The Educational Psychology Service now works across all three Authorities. The Tri Borough pays for a ‘core’ service for statutory functions (statutory assessment advice; involvement in key reviews; tribunals etc) and for some other functions (critical incident support; LA working groups; managerial liaison)<sup>50</sup>. In addition, the Tri Borough provides a free termly visit for each school, which is generally used for

<sup>48</sup> It comprises 1.6 fte teachers of the deaf and 1 teacher of the visually-impaired; 2.8 fte advisory teachers for ASD, an advisory teacher for SLCN and a part-time occupational therapist

<sup>49</sup> In contrast to ASD outreach from Queensmill which is traded

<sup>50</sup> This involves an element of early years work which varies across the three Boroughs (and is partly linked to history)

planning/review of EPS involvement (including whole school projects and interventions)<sup>51</sup>.

- 4.71** The Service has worked hard to accommodate to its new funding arrangements and to maintain positive practice wherever possible. However, some of those interviewed felt that the move to trading was in danger of shifting the Service's loyalties and that involvement had become less targeted and focused. There were also concerns that the increasing number of statutory assessment requests would limit capacity available for earlier intervention.
- 4.72** The Tri Borough commissions a substantial amount of speech therapy (SLT) time from the local Health provider. Spend in 2016/17 in Westminster has exceeded the available budget, largely as a result of the increase in numbers of children with statements/EHCPs requiring this kind of support. There was evidence that this was mainly linked to a perception among schools and parents that direct SLT inputs were only likely to be available if they were specified through the statutory assessment process.
- 4.73** This perception relates to recent changes to the funding of SLT more broadly. A significant proportion of SLT for children and young people has historically been provided by Health (through local CCGs<sup>52</sup>). Much of this service has been delivered through schools and other education settings. Significant pressure on CCG budgets has led to questions about the appropriateness of this kind of work being funded by Health (rather than schools or Education). Reductions in funding have led to a shortfall which has now been passed on to schools, which have to decide whether they will pay to retain the same level of service. Criteria for access to 'central' (HNB) SLT inputs have been tightened, with statements/EHCPs tending to be used as a condition for more intensive/direct SLT involvement.
- 4.74** Schools' response to this development has been varied: some have recognised their level of ongoing need for speech and language intervention and have started to build their own capacity for addressing these kinds of difficulties (including bought-in SLT inputs<sup>53</sup>); others have tended to continue to push for individual SLT, using the statutory assessment process as a means to access this resource.
- 4.75** The Tri Borough has been working with Health colleagues to strengthen the service level agreement used for commissioning SLT services, so that there are clearer expectations about practice and outcomes. Part of this work has been directed at establishing a common commitment to funding, and a recognition of shared agency responsibility for ensuring that the full range of speech & language needs are properly addressed.

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<sup>51</sup> The core is partly funded by central LA budgets and partly by the HNB.

<sup>52</sup> Clinical Commissioning Groups

<sup>53</sup> Not always from the current Health provider; there is increasing use of local private practitioners

## 5. OVERALL COMMENTARY AND KEY ISSUES

- 5.1** Westminster is comparatively underfunded for High Needs by central government. However, budget pressures (being experienced elsewhere) are alleviated<sup>54</sup> to some extent by the presence of a special free school (where places are currently funded additionally by the EFA). The DFE plans to consult this year on the future funding of this kind of provision and there is a strong possibility that place costs will be subsumed in future within the HNB with no long-term enhancement to budget levels. Westminster is also a ‘net exporter’ to other Boroughs’ specialist provision, particularly to LBHF, which is currently experiencing the financial effects of having to pay for places occupied by children living in other areas.
- 5.2** Careful consideration needs to be given for the reasons for the current underspend and the scope for sustainable investment to help improve provision and services.
- 5.3** The Tri Borough has taken significant steps to develop local provision and reduce reliance on high cost placements in the independent/non-maintained sector. However, there has been a more limited effect in Westminster where numbers attending this kind of provision remain high. With evidence of increasing demands on HN spending nationally, it will be important for the Borough to address this issue more strongly. A key task will be to review the shape and form of its current specialist provision to ensure that this is ‘fit for purpose’ and more locally inclusive.
- 5.4** The significant amount of funding delegated to Westminster mainstream schools on the basis of factors associated with the broad range of SEND, would suggest that all schools should have a capacity for successful inclusion. However, Westminster still retains a significant amount of specialist provision for more modest needs, which could (and are already) being met in some schools in the Borough. Provision should be more consistently targeted on pupils whose needs are over and above the range of difficulties that mainstream schools should be able to meet. A more flexible model of provision for children with sensory impairment is needed to ensure a cost-effective response to varying incidence.
- 5.5** Although mainstream schools are aware of the requirement for a ‘notional SEN budget’, there is currently a lack of transparency with regard to the rationale for its construction, the links with SEN-related income, and the amount of funding that schools should reasonably be expected to provide. This contributes to variation in thresholds for requesting additional support. The way in which notional SEN budgets are constructed does not take sufficient account of differences in school intakes and the funding that reflects these.

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<sup>54</sup> This year, Westminster has had an overall underspend on its HNB allocation

- 5.6** Schools have expressed a number of frustrations about the decision-making system for accessing additional support (which is based on the traditional statutory assessment model). There are concerns about time taken for allocations to be made and the consistency of decisions. The Tri Borough has introduced a new system (contingency funding) which aims to provide greater flexibility. However, not all schools and settings are fully aware of this system and what is required. Spend is increasing significantly and there is no evidence that this is leading to any diminution in statutory assessment requests<sup>55</sup>.
- 5.7** Transitions between phases of education are proving problematic, particularly at primary-secondary transfer. Parents experience considerable uncertainty which contributes to a loss of confidence in the mainstream option, and more demands on specialist/alternative provision at this point. Issues are partly due to broader issues around mainstream choice, but also to the fact that transition pathways for SEND are unclear and there is limited capacity to provide active and timely support to parents in the process.
- 5.8** Loss of strategic capacity within the Tri Borough's SEN support services (including the EPS) is meaning that parents are having to rely heavily on information and support from others (Parent Partnership/IAS<sup>56</sup> and other local parent networks, and national sources – voluntary organisations and internet websites). Parent Partnership capacity is small and information from other sources is not always constructive/does not necessarily take account of local context.
- 5.9** The review indicated examples of positive practice in early years and post 16 provision. However, here too, there needs to be clearer agreement about what should be 'ordinarily available'. Pathways would be more coherent if there was greater consistency in expectations and thresholds for accessing additional support across all phases.
- 5.10** The Authority needs a stronger presence at the early years to support early intervention and help get things off to a good start. Better communication systems are needed between Health and Education at this crucial phase.
- 5.11** The Tri Borough needs to establish a stronger connection between SEND, Finance and Commissioning. The process of this review has helped support positive movements in this direction, but a clearer local strategy is needed which involves all relevant stakeholders. Mainstream schools should be a key partner in this process, so that there is a more collective understanding of the funding consequences of high HN demand and a greater sense of partnership between schools and the Authority in managing the available resources effectively.

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<sup>55</sup> Greater awareness is likely to contribute to further increases in demands on this budget

<sup>56</sup> Information, Advice and Support Service

- 5.12** The strategy needs to be more proactive in considering what is required to strengthen and generalise mainstream capacity to meet the broader range of SEND, and help define more clearly the kinds of difficulty that all schools (including specialist providers) need to be able to address. It should also start to clarify the expected impact of increased capacity on the existing patterns of specialist/alternative provision. A similar process across all three Boroughs should help reduce reliance on cross-border placements and this is likely to have an impact on the number and type of places that are needed. Any proposals for new provision should be firmly linked to this strategy, with detailed consideration of financial implications.

## **6. RECOMMENDATIONS**

- 6.1** The Authority should review its current patterns of provision and service to ensure that they are 'fit for purpose'. Particular priority should be given to the following:
- a) Analysing the reasons why so many pupils continue to be placed out of Borough and identifying gaps in service and provision that might be contributing to this
  - b) Reviewing the current number of places commissioned for pupils with SLCN and the appropriate focus/model for specialist provision in this area, given the fact that this is a 'high incidence' need
  - c) Developing a more flexible model for provision and support for pupils with sensory impairment, to take account of changes/variation in incidence and increasing parental preference for local mainstream
  - d) Reviewing the role and focus of the mainstream primary resource base for ASD, to ensure that this is capable of addressing a level of needs that goes beyond that which ordinary mainstream schools should reasonably provide for. Consider the relative merits and disadvantages of establishing a base in the secondary phase.
- 6.2** The Authority should work towards establishing a common capacity in all mainstream schools, through effective support and challenge, ensuring there is an appropriate link between SEND and school improvement. Particular consideration should be given to the following:
- a) Reviewing and clarifying notional SEN budgets so that these are better linked to formula funding and take more account of differences in intake; and making these budgets more transparent, so that schools and others can judge whether their level of investment is reasonable

- b) Strengthening local SEN networks so that schools can learn from positive practice
- c) Considering alternative decision-making options for additional funding, that involve mainstream schools more actively, for example through the use of peer moderation, to help achieve greater consistency and equity

**6.3** The Authority should review the role and focus of its SEN support services (including the EPS), to:

- a) Establish what elements should continue to be included within the HNB
- b) Consider organisational options that could help streamline service delivery, including more unified and coordinated provision, multidisciplinary and school cluster-based teams<sup>57</sup>
- c) Ensure a more targeted focus on pupils most in need and schools that require further development in capacity
- d) Help strengthen the Authority's presence in the early years, to support early intervention and positive starts

### *Processes*

**6.4** The Tri Borough should establish a SEND strategy group for each Authority with significant representation from mainstream schools and settings. This should be provided with clear information about the current HN spend and work to establish a sustainable, effective and equitable approach to provision and services. This is likely to require:

- a) Agreement about 'predictable needs' (cross phase) and greater clarity about the associated mainstream budgets that should support universal and targeted provision
- b) A clearer agenda and structure for capacity development (reinforcement of school responsibilities for predictable needs (SLCN, MLD, less complex ASD etc)
- c) A more targeted and effective role for SEN support services (with the option of greater alignment to /trading with clusters of schools)
- d) A more collective decision-making process for requests for additional support, which is flexible but manageable within the budget available

**6.5** In parallel, there should be improved communication with parents and voluntary organisations about the current issues and proposed ways forward, with involvement

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<sup>57</sup> Trading at this level would be cost-efficient and help target support to where it is needed. For some services (eg SLT) it could also assist with recruitment and retention, and the maintenance of professional skills

of the IAS lead<sup>58</sup> in strategy development. This is a key expectation of the national SEND reforms and is likely to be the focus for OfSTED's area SEN review.

- 6.6** Further work is needed to develop and improve the management information on which such a strategy has to be based, so that progress can be properly evaluated. This will require strong collaboration between SEND officers and Finance, so that there is ongoing and accurate data on needs, pupil numbers and costs.
- 6.7** Finally, it is recommended that this report (and accompanying overview) forms the basis of further planning and discussions with Head Teachers and other stakeholders during the period to come.

DRAFT

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<sup>58</sup> And, if possible, key parents from the Borough's Parent Carer Forum

**Appendix 1: List of interviewees:***Local authority officers/services:*

Director for Finance & Resources  
 Head of Resources/Schools Finance

Assistant Director (SEN and Disabled Children)  
 Head of SEND service  
 Group of SEN casework managers  
 Principal EP + Asst PEP  
 Group of EP practitioners  
 Head of BiBorough SEN Support Service  
 Head of Westminster Special School Federation Support Service  
 Outreach Team Leader (Queensmill)  
 Post 16/SEND transition manager

*Mainstream school/setting managers:*

Primary HT groups (one for each Borough)  
 Secondary HT reps (for each Borough)  
 SENCo groups (one for each Borough: cross-phase)  
 Early Years provider group (cross Borough)  
 Visits to West London College, City & Westminster and William Morris

*Parents/carers:*

Parent Partnership/IAS Officers  
 Groups of parents/carers (one for each Borough)

*Other agencies:*

Social Care manager  
 Head of Virtual School (LAC)  
 Health Service commissioner  
 Health lead (SEND reforms)  
 Therapy service manager (SLT; physio/OT)  
 CAMHS commissioners