Parliamentary Education Committee Inquiry: SEND
Written evidence submitted on behalf of Surrey County Council, June 2018
Parliamentary Education Committee Inquiry: Special Educational Needs and Disabilities (SEND)

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1. Surrey County Council welcomes the opportunity to submit evidence to the Parliamentary Education Committee inquiry that is reviewing the implementation of the SEND reforms since 2015 and the impact for children and young people with special educational needs and disabilities. The Council has worked closely with families, children and young people and other local leaders in health and schools in seeking to achieve the vision and aspirations that underpin the changes to the SEND system.

2. While there have been examples of effective delivery of the reforms – for instance in Surrey 99.7% of transfers of Statements to Education, Health and Care Plans (EHCPs) were completed by the deadline of 31 March 2018 – there have also been significant challenges. These are explained further in this submission. In June 2018, there are 8271 children and young people with an ECHP and a further 27,000 children with SEN Support in Surrey. The Council is committed to improving outcomes for these children so that they are happy, healthy, safe and confident about their future, and grow up with the same opportunities as their peers. In this submission, we have identified four recommendations for Government that would better support us to achieve this.

EXECUTIVE SUMMARY

3. This submission focuses on three areas of the inquiry, providing evidence and recommendations that cover:

- the increasing numbers of children and young people with an EHCP, particularly in early years (children aged 0-5) and post-19, and the growing complexity of their needs;
- funding pressures and the difficulty of provision expanding to keep pace with demand growth in the long term;
- the current disincentives in the system for mainstream schools to be inclusive and educate children with additional needs;
- a policy shift needed at post 19 to support young adults with SEND to transition more effectively to adulthood and fulfilled adult lives.

Assessment of and support for children and young people with SEND, including transition from statements to EHCPs

4. The Surrey Local Area SEND services were inspected by Ofsted and the Care Quality Commission in October 2016 and inspectors confirmed what we knew about both our strengths and our weaknesses in implementing the SEND reforms. Five key weaknesses were identified, including performance on assessments and transfers, and the Council and CCGs were required to produce a Written Statement of Action.

5. Following focused activity during 2017, steady improvements were made in the timeliness of new EHCPs completed within 20 weeks: from 28% in January 2017, to 58% in December 2017, to 63% in May 2018 (cumulative 12 months). As noted above, the council transferred
all but 9 Statements to EHCPs by the statutory deadline of 31 March 2018, a 99.7% completion rate. In December 2017, the Minister for Children and Families noted ‘substantial progress’ had been made in Surrey with SEND improvements.

6. The improved timeliness of new EHCPs is significant as we know from our work with families that it is a key driver of their satisfaction with the process. We also know from our survey of 1269 parents of a child with an EHCP in Autumn 2017 that 71% are satisfied with the outcomes delivered through the provision in the EHCP and feel that their child is making progress.

7. However, our experience is that the new SEND system is process heavy and costly to administer. It places a greater emphasis on statutory plans rather than SEN Support, in a way that the previous Statements/School Action/School Action Plus did not. In response, we have significantly increased our caseworker workforce and Educational Psychologists to bring additional capacity for the transfers and the increased numbers of EHCPs now maintained in Surrey, but at a cost that is unsustainable. Our health partners have experienced similar resource pressures on their workforce for assessments.

8. The profile of the increasing number of statutory plans since 2014 is set out in Table A (below). As at June 2018, there were 8271 maintained EHCPs. Our projections are that, if this trend continues, there will be more than 14,000 EHCPs maintained in Surrey by 2023.

9. Increasing numbers of pre-school-aged children in Surrey are being identified as having SEND needs. September 2017 saw the largest number of SEN Support notifications to date, the majority of which were at National Curriculum Year -1 (NCY -1). There is also emerging need in NCYs -2 and -3. We estimate that the year-on-year increase in the number of EHCPs maintained owing to the increased age range will not work through to a static position until 2023, if these trends continue.

10. Alongside the growth in numbers of EHCPs, we are also seeing increasing complexity of needs of children and young people with SEND. This creates additional challenges in securing the right provision to meet those needs, particularly in mainstream settings. Despite
creating 200 bulge class places in specialist settings over the last year, this has been nowhere near sufficient, driving excessive reliance on expensive Non-maintained Independent (NMI) provision.

**Provision and funding for SEND**

11. In 2017/18, the government High Needs Block funding for SEND in Surrey was £143million and the Council’s spend was £152million. This funding gap will increase as the rate of demand for services continues. Like almost all other local authorities, Surrey County Council is facing significant pressures in relation to growth and complexity of needs.

12. Further specific points regarding SEND funding are detailed in Surrey County Council’s submission to the Schools Funding Inquiry in May 2018. Our experience is that the artificial constraints imposed by ring-fencing the Schools Block and the High Needs Block create a perverse incentive for less inclusive schools.

13. Equally, there are disincentives in the current system for mainstream schools to be inclusive and educate children with additional needs. (NAHT Analysis of High Needs Funding, 2018).

14. With the rate of increase of ECHPs, provision in Surrey to meet those needs has been unable to expand to keep pace with growth or need type, again driving reliance on the NMI sector. Our SEND sufficiency plan includes additional specialist places from September 2018, and from September 2019, places in two specialist free schools. However, with the projected growth in statutory plans this is unlikely to be sufficient.

15. Taken together, this has significant implications for the cost of SEND provision. The average cost of NMI placements is substantially higher than for other placement types – nearly four times the cost of a maintained special school placement and more than seven times the cost of a placement in a local authority-maintained specialist centre.

16. The number of children and young people with SEND receiving home to school transport has increased steadily over the life of the SEND reforms – to 2,789 in 2017/18. The higher number of children with complex needs also means that a growing number require specialist assistance on their journeys. For those children placed further from home, the transport costs are necessarily greater. The Council spent £27.8million in 2017/18 on SEND transport. This represents a 30% increase in costs over the life of the SEND reforms and is expected to grow further over the longer term.

17. We know from our conversations and our work with families that there is anxiety about the future funding and provision for special educational needs in Surrey. Families have expressed their concerns to us frankly and openly. We have begun a conversation with service users and families in order to work through the challenges of sustainable SEND resourcing.

18. A long-term solution that provides sufficient funding to meet needs is therefore required to ensure children and young people are able to access appropriate, high quality and timely support in their local community.
**Recommendation 1:** The level and distribution of government funding for SEND must recognise the growing number of children and young people with special educational needs and disabilities and reflect current levels of spending.

**Recommendation 2:** The ring-fencing of the funding in the Schools Block and the High Needs Block should be removed.

**Recommendation 3:** Mainstream settings should receive greater support and challenge to meet the needs of all learners through their regulatory and funding arrangements.

**Outcomes for post-19 young people**

19. The 0-25 SEND Code of Practice recognises that some young people may need longer in education or training in order to make an effective transition into adulthood. The guidance states that EHCPs for young people aged 19-25 should be ambitious and set out how they will enable the young person to make progress towards their aspirations.

20. This should include greater recognition of the foundations for adulthood, such as independent living and independent travel. There should be an explicit emphasis at post 19 on EHCPs that set out the individual goals that lead a person with SEND to a fulfilling adulthood, not simply as a continuation of what the young person’s needs were up to 18. Further clarification and emphasis from DfE would be helpful in particular where parents find it difficult to support their young adult to transition to adulthood effectively.

21. A further complication is that DfE post 19 guidance also conflicts with the upper tier tribunal view, providing ambiguity in this area for local authorities, young people and parents. DfE’s guidance to local authorities states that young people should transition from an EHCP at 19 unless there are exceptional circumstances. However, the upper tier tribunal’s view is that if a young person could continue to make some educational progress, their EHCP should be maintained up to 25.

22. Working well, the annual review process would provide a mechanism for the local authority to work with the young person, his or her parent where appropriate, and relevant professionals to consider whether special educational provision provided through an EHCP is sufficiently ambitious and will help the young person to move towards independence in adulthood. Where this is not the case, the presumption should be that it ceases or changes.

**Recommendation 4:** The DfE should review the guidance related to EHCPs for young people aged 19-25 to ensure greater focus on educational progress that supports the transition to adulthood.

**Sources**

NAHT High Needs Funding Analysis (2018)

Special educational needs and disability code of practice: 0 to 25 years (2015), DfE and DoH statutory guidance.