

SLOUGH BOROUGH COUNCIL

REPORT TO: Education and Children's Services Scrutiny Panel **DATE:** 12 October 2011

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PART I **FOR INFORMATION, COMMENT AND CONSIDERATION**

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

1 Purpose of Report

The purpose of this report is to update Education and Children's Services Scrutiny Panel with information about the range of special educational needs (SEN) in Slough, the numbers of children identified with SEN, the provision available to them and their educational achievements.

2 Recommendation(s)/Proposed Action

The Education and Children's Scrutiny Panel is requested to note the information related to children with SEN and the ongoing developments to respond to the rise in identification and to narrow the gaps in achievement.

3 Community Strategy Priorities

- **Celebrating diversity, Enabling inclusion**

- **How are we going to get there?**

- By supporting schools to identify pupils with SEN, ensure targeted or specialist support is provided in order to narrow the attainment gaps and enable pupils with SEN to make at least adequate progress.
- By the Local Authority working closely with schools to monitor and challenge schools to improve the performance of vulnerable groups
- By supporting mainstream schools to include pupils with a range of SEN.
- By enabling schools to share their knowledge and expertise with each other.
- By supporting schools to ensure their responsibilities under the Equalities Act 2010 are met, particularly in relation to pupils identified as disabled.

- **Adding years to Life and Life to years**

- **How are we going to get there?**

- By supporting schools to narrow the gaps in attainment of pupils identified with SEN and their peers with recognition that higher attainment is a route out of the poverty cycle.
- By pursuing the 'Enjoy and Achieve' outcome for all pupils identified with SEN.
- By monitoring attendance and exclusions of pupils identified with SEN as these can reinforce low achievement and research indicates that SEN pupils

are more likely to be subject to poor attendance and higher rates of exclusion.

- By supporting each stage of transition, in particular the transition from childhood to adulthood.
- **Being Safe, Feeling Safe**
How are we going to get there?
 - By ensuring that schools and other settings provide safe and secure learning environments for all pupils including those identified with SEN who may not have the ability to communicate through speech.
- **Prosperity for All**
How are we going to get there?
 - By promoting educational achievement, development of skills for independence and appropriate information, advice and guidance to increase opportunities for success in adult life.
 - By ensuring the development of clear pathways to employment, from school to college and local employers.

4 **Other Implications**

(a) Financial:

The Service for Children with Learning Difficulties and Disabilities (LDD) is funded through core budget, Dedicated Schools Grant (DSG) and Early Intervention Grant (EIG). The specialist teaching staff who support schools with professional development, school improvement, specialist assessments and teaching are funded by DSG with an element of 'free' provision and the remainder is purchased by schools.

The staff who co-ordinate the statutory assessments of children with SEN, maintain Statements of SEN and arrange provision are funded by core budget. This is a statutory function of the Local Authority. Statutory work includes undertaking s139 assessments of pupils moving from school to college who have a Statement or significant and complex needs at the School Action Plus stage of the Code of Practice. These assessments identify ongoing needs of young people moving on to further education and the appropriate provision to support these needs, including placements in independent specialist colleges where necessary. This element of work is currently funded through EIG.

The Local Authority delegates DSG funding to schools to meet special and additional educational needs through formulae. Special schools and resourced provision are funded through a banding scheme and for an agreed number of places. Additional DSG funding is allocated for individual pupils through a Statement of SEN.

There are no specific financial implications arising from this report.

(b) Risk Management:

The main risk associated to pupils with SEN relates to the rising population in Slough and the need to ensure there is sufficient provision to meet needs. Slough currently has a good range of provision but the increase in demand means that the special schools and resource bases are close to being at capacity. There is very little reliance on out of area placements for pupils currently, with most needs now being met within Slough. However, with the rising

numbers, there is a risk that the Local Authority will rely more heavily on out of area placements which can cost up to £250,000 per annum for the pupils with the most complex needs. This can also impact on care and transport budgets (core).

To mitigate this risk, the Local Authority, in conjunction with schools, has developed an Additional Needs Strategy to develop any necessary provision or services to support the growing number of pupils with SEN.

There are also risks in relation to the statutory processes and the parental rights of appeal. Defending appeals can involve staff from a small dedicated team in high levels of additional and complex work and in some circumstances can incur legal costs. This work is difficult to predict and can have a major impact on staff capacity.

To mitigate this risk, the staff working in this area rigorously prioritise their work to ensure all statutory deadlines are met with 100% of assessments completed on time. There is a focus on working with parents/carers to support parental confidence and mutual understanding of the pupil's needs as well as clarity about the formal processes to aid transparent and consistent decision making. Staff are supported with relevant training to maintain an overview of case law as this develops.

(c) Human Rights Act and Other Legal Implications:

There are no Human Rights Act or other immediate legal implications arising from this report. The Council has statutory obligations in respect of this area of work and the report demonstrates that the Council is fulfilling its legal responsibilities with regard to identification, assessment and statementing of pupils with SEN.

Equalities Impact Assessment:

An equalities impact assessment is not required in relation to this information report.

(d) Workforce:

There are no significant workforce implications related to this information report.

However, the financial and legislative uncertainties at present and the rising numbers of pupils with complex SEN necessitate a review of the staffing involved in both elements of the service; statutory SEN functions and specialist teaching.

5 Supporting Information

5.1 Overall Strategy

The SEN Policy aims to ensure that:

- all pupils, wherever they are educated, have a good education that enables them to achieve their full potential, providing a firm foundation for adult life;
- all pupils have regular and frequent opportunities to learn, play and develop alongside each other, within their community of schools, with a shared responsibility and a partnership approach to their support;

- parents/carers have confidence that their child's needs are being effectively met in school without feeling that the only way to achieve this is through a Statement of SEN;
- the skills and capacity of our schools meet the diverse needs of pupils with only those pupils with the most severe and complex needs requiring the protection that a Statement provides.

The Policy promotes early intervention, removing barriers to learning, raising expectations and achievement and delivering improvements in partnership. It is also the Local Authority's view that pupils should be educated as close to home as possible to support local inclusion and that an extensive range of provision should be available in Slough to meet the majority of special educational needs. This reduces the Local Authority's reliance on independent and non-maintained special schools and avoids pupils travelling long distances to school or requiring them to become resident at school.

The School Improvement Strategy sets out key principles related to working with schools in Slough and these include reference to vulnerable pupils:

- learning must be personalised, and partners will work together to narrow the attainment gap for all pupils and particularly for our most vulnerable pupils;
- all pupils, and in particular the most vulnerable, must have the support they need to overcome any barriers to learning and well-being;
- schools will be supported and challenged to continue to sustain improvement, both in actual attainment and in the rate of progress of our children and young people.

The Service for Children with Learning Difficulties and Disabilities works in an integrated way with the School Improvement and Standards Team to deliver these key principles in relation to vulnerable pupils who have SEN.

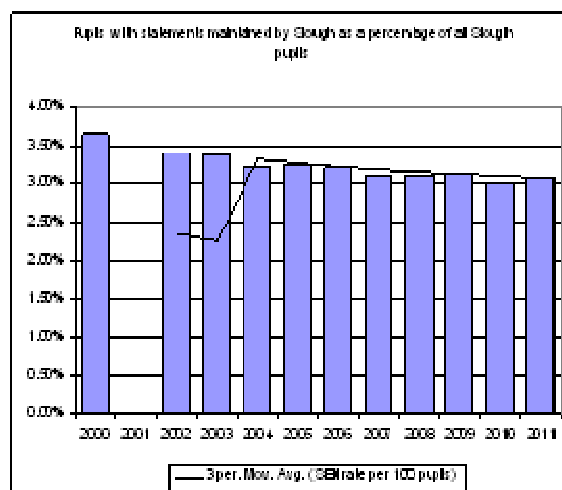
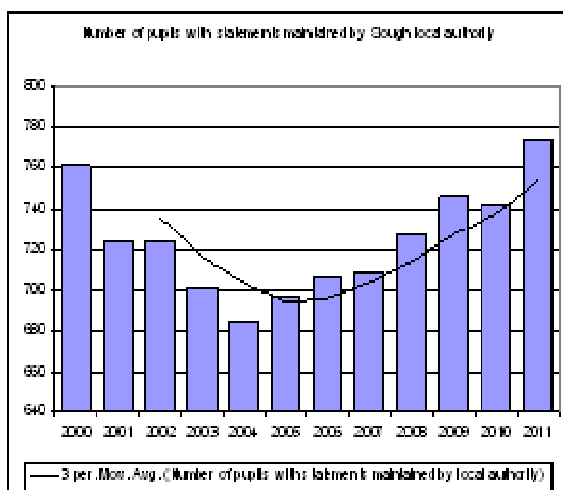
5.2 Range of Special Educational Needs

It is important to note that statistics in relation to SEN need to be treated with some caution as they can be misleading. On occasions percentages quoted can refer to school aged pupils but on other occasions they may refer to the 0 – 19 population. Also for percentages which relate to school based pupils it is important to note that not all Slough pupils attend Slough schools and there are non-Slough pupils who attend Slough schools.

The actual number of pupils with Statements of SEN in Slough is increasing but this represents a decrease in the percentage of all pupils. This remains above the national average but each Local Authority can have a different threshold for maintaining a Statement of SEN linked to their approach to funding. For example some Local Authorities tend not to maintain Statements for pupils who attend mainstream schools and they set up alternative methods of delivering funding to those schools. The national percentage of pupils with a Statement has therefore reduced more quickly than is the case in Slough.

The table below provides this information for Slough each year from January 2000 to January 2011.

Year	Number of pupils with statements maintained by local authority [a]	Total number of pupils in Slough maintained schools [b]	SEN rate per 100 pupils (school age) [a] / [b] x 100
2000	761	20,858	3.65%
2001	724
2002	724	21,306	3.40%
2003	702	20,841	3.37%
2004	685	21,342	3.21%
2005	697	21,581	3.23%
2006	707	22,100	3.20%
2007	709	22,806	3.11%
2008	727	23,350	3.11%
2009	746	23,819	3.13%
2010	742	24,571	3.02%
2011	774	25,313	3.06%



As at January 2011 the pupils with Statements of SEN were identified with the following primary need (many pupils have a combination of difficulties).

Primary Need	Number of Pupils
Autism	200
Behaviour, emotional and social difficulties	98
Hearing impairment	31
Medical	17
Moderate and severe learning difficulties	162
Physical disability	69
Profound and multiple learning difficulties	13
Specific learning difficulties	14
Speech, language and communication difficulties	149
Visual impairment	21
Total	774

In Slough there has been an increase in the number of pupils identified with autism and speech, language and communication difficulties and this follows the

national trend. Nationally there has also been an increase in pupils identified with behavioural, emotional and social difficulties whereas in Slough there is an emphasis on understanding why a pupil may exhibit challenging behaviour and in identifying their primary need which leads to these difficulties. In addressing the primary need, the behaviour usually improves.

5.3 Identification and Assessment

Pupil needs are identified by school staff with advice and guidance where necessary from visiting professionals such as educational psychologists, speech and language therapists, specialist teachers and health professionals depending on the needs. Identification of SEN is based on the guidance within the Code of Practice on SEN. This will be subject to change over the next 2 or 3 years in line with proposals contained in the Green Paper, Support and Aspiration.

Currently pupils can be recorded as being at School Action, School Action Plus, under assessment or Statemented. There is a national concern about over identification of SEN and in some Local Authorities there is a perverse incentive as it is linked to delegated funding. However, delegated funding in Slough is based on prior attainment and indicators of deprivation so there is no incentive to over identify. Appendix A sets out the number of pupils in each school who have been identified as having SEN in January 2011 with 17.5% being pupils without Statements of SEN. Nationally over 18% of pupils have been identified as having SEN without Statements.

It is worth noting that the current legislation related to identification, assessment and statementing of pupils with SEN originates from the Warnock Report which was published in 1978. This report concluded that 20% of pupils in the school population could have SEN but 2% might need support over and above what a mainstream school could provide for. The report recommended that there should be specialist provision for pupils with SEN which could protect the most severe 2% and ensure that they received appropriate provision. This 20% corresponds to the 20.2% of pupils in Slough schools who have identified SEN but no Statement. The 2% corresponds to the 2.7% of pupils in Slough schools who have Statements.

Schools are expected to implement relevant and purposeful measures to support all pupils to make at least adequate progress. They should use their delegated funding for this purpose. Schools are encouraged to set aspirational targets for pupils with SEN and to have high expectations to secure progress. The Local Authority promotes the use of tools such as the Value for Money Resource Pack to enable schools to document accurately the provision that they make for pupils with SEN, the outcomes they expect for each pupil, the actual outcomes, the cost of the provision and then to make value for money judgements.

Each school must have a Special Needs Co-ordinator (SENCO) and they are now required to be qualified teachers and to undergo specific training. The Service for Children with LDD contributes to this training which is co-ordinated by Reading University for Berkshire SENCOs and is accredited.

Schools make requests for statutory assessments when pupils do not make adequate progress despite the relevant and purposeful measures they have implemented. This is a multi-professional assessment and decisions are taken by an officer of the Authority and this is moderated by a Panel which includes a head teacher to ensure consistency and transparency in decision making. The

Local Authority has guidance criteria for making decisions about statutory assessments and for allocating provision when a Statement of SEN is called for. If parents/carers do not agree with the decisions taken they have rights of appeal to an independent Tribunal. However, Local Authority staff aim to work in partnership with schools and parents/carers to develop confidence and openness and to avoid conflict.

The table below indicates the number of Tribunal appeals that were lodged by parents/carers over the last few years. It is difficult to summarise the outcome of the appeals as they are for varying reasons and can have a variety of outcomes. During 2010 only two of the appeals reached a hearing, one was determined in favour of parents and one was determined in favour of the Local Authority. The 2011 appeal was only received in September 2011 and will not be heard until February 2012.

Calendar year	Number of appeals lodged
2007	5
2008	12
2009	1
2010	5
2011	1 (so far)

For pupils with specific learning difficulties such as dyslexia, specialist teachers from the Service for Children with LDD and/or educational psychologists are able to undertake detailed assessments and provide school staff with strategies to support progress. Appendix C provides an example of the assessments undertaken and useful strategies provided to school staff. Schools have also received training on identifying and supporting pupils with dyslexia through the Inclusion Development Programme. The Service for Children with LDD can also undertake assessments to support exam access arrangements where relevant. The funding for most pupils with dyslexia is delegated to schools to ensure they can intervene early to support pupil progress.

5.4 Funding

Dedicated Schools Grant (DSG) is allocated to make provision for pupils with identified SEN or additional educational needs (AEN). This is provided through specific methodology for all mainstream non-selective schools to support the majority of pupils who may be identified as having SEN or AEN and enabling early intervention to take place.

DSG is also retained centrally to allocate to schools to support individual pupils with the most complex needs who require a Statement of SEN or to fund out of area placements where these are called for. The table below indicates the current budget for differing elements of SEN provision.

Budget heading	DSG	Core	Total
	£'000	£'000	£'000
Mainstream provision	2,439	0	2,439
Resource based provision	1,629	0	1,629
Other Local Authority Recoupment (net)	495	0	495
Independent / non-maintained schools	1,950	0	1,950
Sensory Consortium Service	353	0	353
Speech and Language Therapy	62	188	250
Occupational Therapy	0	91	91
Specialist equipment for use in schools	37	0	37
Total Budgets	6,965	279	7,244

5.5 Provision to Meet Needs

The special school and resource base provision available in Slough is shown below.

Setting	Primary need	Capacity
Arbour Vale	Complex needs including profound and multiple learning difficulties and autism	240
Haybrook College – Pupil Referral Units	Behaviour, emotional and social difficulties	90
Haybrook College – Millside	Behaviour, emotional and social difficulties	40
Littledown	Behaviour, emotional and social difficulties	24
Chalvey Early Years	Assessment	8
Ryvers Primary	Autism	8
Wexham	Autism	15
St Ethelbert's Catholic Primary	Speech, language and communication needs	12
St Ethelbert's Catholic Nursery	Speech, language and communication needs	4
Slough & Eton Business and Enterprise College	Speech, language and communication needs	10
Foxborough Primary	Hearing impaired	8
Langley Academy	Hearing impaired	5
Priory Primary	Physical disability	38
The Westgate	Physical disability	12
Priory Primary - Treehouse	Behaviour, emotional and social difficulties	12
Colnbrook CE Primary	Additional needs	10

The Local Authority also provides a range of support services in conjunction with schools to support inclusion in mainstream schools.

5.6 Gaps in Achievement

There are two national indicators related to achievement of pupils with SEN. These relate to the gap between SEN pupils and their peers achieving Level 4 or above in both English and Mathematics at Key Stage 2 (NI 104) and the gap at Key Stage 4 in achieving 5 A* to C grades including English and Mathematics (NI 105).

The provisional data for 2011 for primary schools is attached at Appendix B. This data shows a significant closing of the Key Stage 2 gap in 2010 and a slight increase this year, but this data is provisional. It is expected that the Key Stage 2 gap will remain narrower than the national average. There has been an emphasis on Key Stage 2 throughout the Local Authority in supporting progress for all pupils.

The Key Stage 4 data is not currently available for 2011. Previous years have shown a narrowing of the gap between 2007 and 2008 but 2010 had returned to the 2007 figure. It is worth noting that during this period our statistical neighbours saw a steady increase in the gap each year. The gap in Slough has remained above the national average but this should be seen in the context of Slough pupils with SEN achieving significantly better results than both the national figure and statistical neighbours. For example in 2009 18.3% of pupils with SEN achieved at least 5 A* to C grades including English and Mathematics whereas the national average was 14.5%. However, as all pupils at Key Stage 4 in Slough demonstrate high attainments, the gap remains wider than the national average. It is envisaged that this will continue to be the case for 2011.

The Service for Children with LDD is working closely with the School Improvement and Standards Team to address attainment of pupils with SEN to ensure all pupils make at least adequate progress. There is an emphasis on monitoring, challenge and intervention with a clear focus on vulnerable groups including those with SEN. A Consultant has been engaged to support this area of work which includes data analysis to inform learning, attendance and stronger governance. There is a real commitment to narrowing gaps including the SEN/non-SEN gap and this is reflected in the Children and Young People's Plan and is translated in to practice as mentioned above.

5.7 Attendance and Exclusions

Attendance data is usually provided on a school by school basis and absence levels at special schools are generally higher than mainstream schools, both in Slough and nationally. However this does not provide the full picture because many pupils with SEN attend mainstream schools. It is therefore more useful to look at pupil level data than school data. The DfE is completing an analysis of all pupils with SEN and is expected to release this data on the 19th October and this will enable Local Authorities to compare figures and plan actions to address any local issues. The Attendance Service at Slough is also developing reports to extract information on the attendance of all pupils with SEN regardless of which schools they attend. This data will be used in planning ongoing work linked to the Service for Children with LDD and the School Improvement and Standards Team.

Slough is a low excluding Authority in terms of the number of fixed term and permanent exclusions as a proportion of the school population. However pupils with SEN are much more likely to be excluded both nationally and in Slough. In

Slough over the last three school years 88% of pupils permanently excluded and 61% of those excluded for a fixed term had SEN. This compares to national figures of 74% and 65% for 2009/10, which is the latest information available. Slough is therefore broadly in line with national figures as far as the proportion of pupils with SEN who are excluded is concerned but lower for the overall number of fixed and permanent exclusions.

5.8 Future Developments

The Additional Needs Strategy sets out the developments required to ensure the Local Authority and schools can respond to the increase in overall numbers of pupils with the most complex SEN. Task and Finish Groups have been or are being established to consider and make recommendations about specific provision and services for pupils with complex needs including those with autism and challenging behaviour.

A Task and Finish Group is also considering the guidance criteria for statutory assessments, the process for requesting and undertaking assessments linked to the Green Paper, the descriptors applied to the funding methodology, the annual review documentation and further consideration will then be given to delegating increased funding to schools, reducing the reliance on Statements of SEN and further supporting early intervention.

There is a clear emphasis on reviewing and remodelling associated with meeting pupil needs whilst acknowledging the need to make additional savings. This will include improvements and expansion of existing specialist provision linked to the Capital Programme alongside additional developments where necessary to avoid reliance on expensive out of area placements.

Integrated work between the School Improvement and Standards Team and Service for Children with LDD will continue with an increasing focus on progress of vulnerable pupils. This will include ongoing data analysis to inform developments.

6 Conclusion

The Panel is invited to note the information about special educational needs in Slough and to endorse the ongoing developments aimed at responding to the rise in numbers of pupils with SEN and narrowing the attainment gap.

7 Appendices

'A' Number of children identified with SEN as at January 2011 by setting

'B' Draft primary school level achievement gap between pupils with SEN and their peers for summer 2011 and achievement gap data for primary and secondary from 2010

'C' Information about assessing dyslexic children together with general information provided to schools

8 Background Papers

'1' SEN Policy

'2' Additional Needs Strategy

'3' Guidance Criteria for Statutory Assessment

- '4' Mainstream Descriptors and Special School bandings
- '5' Provision to Meet Special/Additional Educational Needs Normally to be Met from School Funds and Local Authority Central Funds
- '6' Inclusion Policy
- '7' Support and Aspiration: A new approach to special educational needs and disability