# SEND and AP Update: October 2024.

## Executive Summary.

* 1. The numbers of children and young people we support either at SEN Support or through recourse to an EHCP has continued to increase at a rate that is disproportionate to our pupil population.
	2. The increase in the numbers of children and young people who require support is not being matched by an increase in funding for Councils, be it the general fund or the Dedicated Schools Grant (DSG); schools/education providers or health.

“It is not hyperbole to say that it is becoming increasingly clear that SEND represents an existential threat to the financial sustainability of local government”.

[Towards an effective and financially sustainable approach to SEND (squarespace.com)](https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/669fcedacd1a1f608546f52b/1721749338168/SEND%2Breport.pdf)

* 1. The High Needs Block (HNB) element of the DSG will be going into a deficit position of circa £3.1m this year and this will increase year on year if all things remain the same.
	2. We are doing all we can to ensure any, and all spend represents value for money and makes a difference to children and young people with SEND or who are educated in AP. For example, we have amongst the highest rates of mainstream inclusion; we are already reviewing areas of high spend to assess how we could spend that funding more effectively to meet the needs of more pupils for example with the review of the alternative provision and until recently have managed to keep HNB spend within allocated resources. Barnet were one of just 10 LAs that were cited as evidencing effective HNB management in 2022 ‘[High needs budgets: effective management in local authorities’.](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084458/DFE_HN_Budget_case_study_report.pdf)
	3. This demand has also placed severe pressures on special school places and despite a 40% increase in special school or ARP places, we remain in a highly challenging position which is particularly acute for those children with very complex and or profound needs.
	4. The identification of land to rebuild Mapledown and Oakleigh is extremely urgent so we can meet our SEND priorities with regard local provision for local children and to ensure cost avoidance of highly expensive independent special schools.
	5. Despite these challenges, **Barnet remains an extremely high functioning LA:**
* *Outcomes are good for children and young people with SEND.*
* *We have maintained our investment into specialist staff to support mainstream inclusion.*
* *Although we have Educational Psychologist vacancies, these are not as high as many other LAs.*
* *Compliancy rates to nationally prescribed timescales for newly issued EHCPs are joint top nationally – although this is at the expense of communication.*
* *Our coproduction is authentic with equal recognition given to professionals by experience, as professionals by qualification.*
	1. The **Change Programme Partnership** has brought benefits for the London Boroughs involved and we are grateful of the opportunity to influence the national position. The current focus is on mainstream inclusion – something Barnet is really good at. Recent feedback from a national CDC event included:



* 1. We have refreshed our SEND and AP Strategy which will be in place from 2024-2027 and would like to thank all those who helped in its design and development.

## Data Analysis: Key headlines.

* 1. The number of children being identified as requiring SEN Support or Special Educational Provision (SEP) through recourse to an EHCP **continues to increase**.
	2. The growth in the SEND cohort is substantially disproportionate in comparison to changes in the total pupil population. This means that the proportion of pupils with EHCPs in nurseries, schools and colleges is higher and has been increasing year on year since the introduction of the reforms.
	3. Nationally, the number of children or young people with EHCPs has increased from **2.8 % in 2015/16** to **4.8% in 2023/2024**, in London the increase has been from **2.8% to 4.9%** and similarly in Barnet the percentage of pupils has increased from **2.6% to 4.9%.**
	4. The **rate of increase is higher in Barnet**, going from below national in 2022/22 and 22022/203 to above national in 2023/2024.
	5. Barnet’s under age 5 EHCP cohort is disproportionately large compared to national and statistical neighbour averages. The proportion of Barnet’s state-funded mainstream primary school pupils with an EHCP is higher than the statistical neighbour average, but lower than national averages. The proportion of secondary aged children with EHCPs is broadly in line with the national average, but slightly higher than the average for statistical neighbours.

**Table 1: Percentage of EHCPs and SEN Support trend data since 2016, England, London and Barnet.**

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**SEN Support.**

* 1. As a minimum, schools are expected to meet the first £6,000 costs of SEN support from their whole school budget. Where an EHCP is issued this generally (but not always) comes with additional ‘top-up’ funding.
	2. In 2023/24 the percentage of pupils with SEN support nationally increased from 13% to 13.6%, continuing an increasing trend since 2016. In 2023/24 the proportion of pupils identified as requiring SEN Support was 12.7% for London and **11.5% for Barnet**.
	3. Barnet has a higher percentage of pupils with EHCPs (in line with London and above national) but a lower number of children identified as requiring SEN support. The reason for this is not clear, but we know that Barnet’s number of under 5’s is significantly higher than the national or London and may be due to better early identification or indicative of the need for greater support or awareness of what is ordinarily available.

**Primary Need types.**

* 1. In Barnet, of all children with SEN, whether they have an EHCP or are supported at SEN support, the cohorts with the highest numbers are
* *Speech, Language and Communication Needs (SLCN) - 23.8%*
* *Social, Emotional and Mental Health (SEMH) needs - 20%, and*
* *Autistic Spectrum Disorder (ASD) - 19.6%.*
	1. The proportion of pupils in Barnet who have an Autistic Spectrum Condition is above both national and statistical neighbour averages (19.6% vs 15.5% and 17.1%). London has higher rates of ASD than national.

**Initial Requests for Education, Health Care Needs Assessments (EHCNA) and statutory timescales.**

* 1. Nationally, there were 138,242 requests for an EHC plan during 2023, up by 21% from 114,482 in 2022. Apart from a decrease in 2020, an atypical year with the pandemic disrupting both education and local authority services, **initial requests have increased each year since EHCPs were introduced**.
	2. Barnet saw a **26% increase in initial requests for EHCPs**; this is higher than the London (15%) and National (21%) increases.
	3. Despite this increase in requests and new EHCPs issued between 2022 and 2023, Barnet still managed to achieve a 100% completion rate within statutory timescales (20 weeks from initial request for a plan to final plan being issued), compared to 70% for London and 50.3% for England.
	4. Barnet is one of only 3 local authorities in the country that achieved this 100% completion rate.
	5. We know that focusing on completion of EHCPs within statutory timescales is better for the children and young people who require that support as well as their families and of course education providers. However, caseloads are extremely high at 600 per caseworker. Good practice in timescales can be at the expense of caseworker time for other things e.g. communication.

**Percentage of pupils in special schools and mainstream (from MIME report July 2024).**

* 1. In January 2024, the percentage of Barnet residents with an EHCP who were placed in state-funded mainstream schools (not in a resourced provision or SEN unit) **was 49%.** This was the **second highest** proportion among statistical neighbours, and in the highest quintile of all local authorities in England, demonstrating the **inclusive nature of Barnet schools**.
	2. The percentage of the EHCP cohort attending a resourced provision or an SEN unit in a mainstream school was 6.7% in 2024. This is a slightly lower proportion than the statistical neighbour average of 6.9%, but well above the England average of 3.9%. A new 28 place ARP for 5-11 year olds (primary) pupils with cognition and learning needs opened at Queenswell Infant and Junior schools in September 2023.
	3. Around a fifth (19.5%) of the resident EHCP cohort are placed in a state-funded special school, lower than the England average of 26.9%.
	4. In January 2024, 6.9% of the EHCP cohort were in an independent or non-maintained placement, compared to the England average of 6.3%. When considering the provision for the new EHCP cohort (whose plans were issued in the 2023 calendar year) 3.3% of the new EHCP cohort were placed in independent provision in 2023. A large number of these placements were in mainstream independent schools with a religious character.
	5. In September 2023 a new all age special school for children with Autism opened – the Windmill School which should alleviate some of the pressure for independent placements.
	6. There is concern about the cost of placing Barnet residents in independent mainstream schools. The average cost for these pupils is around £21k per pupil, which is higher than the cost of placing them in Barnet mainstream schools. Whilst the individual placement cost is unlikely to reach the threshold to find in favour of the LA rather than the parent during an appeal to the Special Education Needs and Disability Tribunal (SENDT), cumulatively this represents a significant proportion of the High Needs Budget. Whilst we support parental choice, the cost of these pupils, whose needs could be met in maintained mainstream schools is inequitable. Further work is needed to evidence the cumulative cost going forward where it would also be appropriate to place these pupils in a Barnet Mainstream school, in the event of future or potential SENDT cases.

**Educational Outcomes 2023. Source MIME report July 2024.**

* 1. From EYFS through to KS5, pupils with SEN in Barnet schools had higher levels of attainment on every measure of attainment in the academic year 2022/23. The only exception was EYFS good level of development for pupils at SEN support where attainment was in line with the attainment of SEN pupils in England and London.
	2. The progress of SEN pupils in Barnet is also greater than England and statistical neighbours from KS1-2 and from KS2-4.
	3. Barnet SEN pupils also attend school more consistently, and experience fewer suspensions and exclusions, than SEN pupils in London and England.

**SEND Sufficiency.**

* 1. We have increased specialist provision by 40% since 2018, including in ARPs and special schools.
	2. The Rebuild of Mapledown and Oakleigh is one of the highest priorities for our Cllrs.
	3. We will continue to support ICE children in schools and know this has been successful with some families saying they now want their child to stay in mainstream.
	4. We know it will be some years before the schools are ready. This means we need to think about mainstream inclusion differently in Barnet – supporting those who historically would have been in special in mainstream such as the ICE children, and identifying those children and young people who may be in specialist settings that could transition to mainstream.
1. **Refreshed SEND and AP Strategy 2024 – 2027.**
	1. Our refreshed draft SEND and AP Strategy has been coproduced with stakeholders across our local area who are part of our SEND and AP Strategic Board. This board comprises stakeholders who are all committed to improving the experiences, provision and outcomes for children and young people with Special Educational Needs and or Disability, or who are educated in Alternative Provision (AP) and their families.
	2. Representatives include parents from the [Barnet Parent Carer Forum](https://barnetpcf.org.uk/about/) , mainstream and specialist education providers including post 16, employer representative, as well as strategic managers across education, health and care.
	3. Following approval of the draft SEND and AP Strategy at the Cabinet meeting of the 14 May 2024, the document was published for formal consultation on the Council’s [Engage Barnet](https://www.engage.barnet.gov.uk/closed-projects) website. The consultation closed on the 14 July 2024.
	4. The strategy draws together information in terms of the provision, advice and support in place for children and young people with SEND or who are educated in AP across our local area. It also describes the improvements we have made since our last local Area SEND Inspection, our priorities for the next three academic years as well as our commitment to accountability, transparency, reporting and sustainability.
	5. The strategy will be in place between 2024 and 2027.
	6. Following changes to the area SEND inspection arrangements in 2023, each local area is expected to refresh its SEND and AP strategy after inspection. It is anticipated that the local area of Barnet is due its next Area SEND inspection in January 2027, therefore the refresh of the strategy will be in alignment with the outcome of the next Area SEND inspection. The refreshed strategy will make changes based on learning from the inspection findings.
	7. 31 residents (most of whom were Barnet families with children with SEND who are educated within our Borough), responded to the formal consultation, although not all responded to, or commented on, every question.
* *86% of respondents supported the vision.*
* *84% supported the Aims, and*
* *70% or more agreed or tended to agree with each of the priorities.*
	1. Whilst the vast majority of respondents supported our aims, vison as well as the priorities, there was some concern that we would not achieve these. We rightly have high ambitions for our children and young people, but also know change does not happen overnight. To hold ourselves accountable, as well as to promote transparency, we will publish an annual report on our [local offer](https://www.barnetlocaloffer.org.uk/) outlining our progress in terms of the actions we have taken each year.
	2. In terms of themes, families wanted to make sure their children were ‘*Happy and confident*’. ‘*Had their views listened to’*. ‘*Not treated like they all fit in the same shaped hole*’. That they are given “*opportunities and to not give up on them*”, so they “*reach their full potential*”. They wanted better ‘*training’* for staff and to make sure that ‘mental health’ is given the same priority as physical health.
1. **SEND Transport Policies.**
	1. All children under the age of 18 in full-time education are allowed to travel free on London buses, although children aged from 11 must apply for a zip oyster card to prove their age. Further information about TfL fares can be found [here](https://tfl.gov.uk/fares/). There are no changes to the council’s general travel to school policy – further information can be found [here](https://www.barnet.gov.uk/schools-and-education/school-meals-travel-and-benefits/school-travel-and-transport/free-travel).
	2. We consider TfL’s free transport to be suitable for most children and young people including those with SEND. However, some children or young people may be eligible for travel assistance.
	3. Following updated statutory guidance in relation to the statutory aged travel to school guidance in January 2024, we reviewed the SEND transport policy.
	4. A key difference will be a move from one overarching SEND transport policy which includes the Council’s arrangements for transport for compulsory aged (5-16), 6th form (16-18 or 19 if they have already started their course) and adult learners (19-25) to three distinct and separate policies – one for each age group. This will promote clarity and ‘readability’ for families and young people and reduce the amount of scrolling to get to the relevant section.
	5. Key changes in the statutory school aged and Adult SEND travel policies include greater emphasis on Personal Transport Allowances (PTAs), an increase in travel assistance options to support the environment and greener alternatives such as a cycling allowance and independence in relation to preparing for adulthood through Independent Travel Training (ITT).
	6. The statutory school aged and adult (19-25) SEND transport policies were formally published on the Council’s Engage Barnet website from the 6 June to the 25 July 2024. In terms of the statutory school aged policy, of the 47 respondents, 17 of whom were parents of children in Barnet schools, there was support for the clarity of the document

*“the policy is very clear now and easy to understand” and “clear and concise”.*

* 1. The views with regard designated pickup points when appropriate replacing home pickups were more mixed. There was a general understanding that this approach could be a step towards greater travel independence, but concerns raised that as with any policy, they can tend towards a ‘one size fits all’ approach.
	2. The Transport Brokerage team will continue to ensure each request for transport assistance is considered on a case by case basis after carefully considering the specific needs and circumstances of each individual. There will be no blanket approaches.
	3. We know that only a small percentage of service users respond to surveys and will continue to engage families more widely, for example through the transport user group and the development of Frequently Asked Questions (FAQs) co-produced with parent representatives. The team will also develop an annual report, to include a summary of the works undertaken, including numbers of children and young people supported broken down by type of assistance and include successes and areas for improvement.
	4. These two updated policies will be live from September 2024.
	5. The policy with the most significant proposed changes relates to the discretionary arrangements currently in place for 6th form learners. Whilst discretionary arrangements will continue, the proposed options for support are narrowed to ensure the focus is on independence and preparation for adulthood. To this end, it the policy provides two key options, that of a Personal Transport Allowance or Independent Travel Training. Council arranged transport will only be agreed in exceptional circumstances and include a parental contribution towards costs of 10% or 5% for low-income families.
	6. The 6th form policy will go out to formal consultation before the end of this calendar year to ensure that the refreshed policy can be published before the end of May 2026 to meet statutory deadlines for publication. This will also ensure parents and young people have sufficient notice of any changes made following the consultation.
1. **The Change Programme Partnership (CPP) Update.**
	1. Following concerns at a national level, the DfE published a Green Paper in March 2022 ‘[SEND Review: Right Support, Right Place, Right Time’](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063620/SEND_review_right_support_right_place_right_time_accessible.pdf)  and a year later in March 2023 the DfE published its [SEND and Alternative Provision (AP) Improvement Plan](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139561/SEND_and_alternative_provision_improvement_plan.pdf).
	2. The Green Paper set out its vision with regard how to support children and young people with SEND and improve the system for families. The Improvement Plan sets out how and when it will achieve this.
	3. High performing Local Authorities were asked to submit an Expression of Interest (EOI) to lead a partnership of 3 or 4 other LAs in their region. Barnet was successful for the London region. Our Partner LAs are Camden, Enfield and Islington.

**The 9 DfE regions and their partners are:**



* 1. All CPPs will carry out the same testing to enable comparisons across and between regions in England until the end of the academic term 2025.
	2. There are four main areas of reforms:
		+ - * **Enablers** – national and local inclusion dashboards, SEND and AP Partnerships, Local Area Inclusion Plans.
				* **Ordinarily Available Provision** – Alternative Provision (AP) three tiered model, AP specialist taskforce and Early Language Support for Every Child (ELSEC).
				* **EHCP reform** – standardised EHCP and advice templates, multi-agency panels, advisory tailored lists and strengthened mediation.
				* **Standards and commissioning** – national standards and Bands and Tariffs.
	3. Within the London region we have strong partnerships, and the partners already had arrangements in place for oversight of SEND an AP partnerships. Within Barnet this is via the SEND and AP Strategic Board. We believe there may be further opportunities for collaboration, particularly across the 5 North Central London (NCL) [Integrated Commissioning Board](https://nclhealthandcare.org.uk/icb/about/) (ICB).
	4. Barnet has very clear detailed and coproduced guidance, with regard what should be ‘ordinarily available’ for all children with SEND within mainstream schools. The guidance was updated in February 2024 and can be found [here](https://www.barnetlocaloffer.org.uk/documents/2098-ordinarily-available-educational-provision.pdf).
	5. Alongside this we have used funding from the CPP to commission a detailed review of Alternative Provision across Barnet – this is being led by a very experienced SEN consultant. The purpose of the review is to clarify the offer available and make clear how this links to the three tiered approach (in reach support to schools, short term placements and longer term placements to prepare the child, young person for their next phase of education) as set out in the DfEs expectations. The work is being supported by a multi stakeholder working party.
	6. Alternative provision within Barnet is delivered by our two Pupils Referral Units (The [Pavilion](https://www.the-pavilion.co.uk/) and [Northgate](https://www.northgateschool.net/about-us/)).
	7. We are also trailing the ELSEC programme, which - aims to improve early identification and support for children and young people with speech, language and communication. We have recruited 6 SLT assistants and are currently working within 3 schools. The programme will have worked with 30 schools by the end of this pilot period. Feedback has been very positive. We also continue to fund the Language Enrichment Programme (LEP) as we recognise that therapies remain a challenge.
	8. Barnet already has a multi-agency panel in place which informs the decision making process in relation to Education, Health and Care Needs Assessments as well as the issue and monitoring of EHCPs. This includes parent representation from [Barnet Parent Carer Forum](https://barnetpcf.org.uk/) steering group. We recognise this may be more challenging in some areas, for example where there are poor relationships with PCF, disparate PCF groups.
	9. In terms of Advisory Tailored lists, the London region is not currently testing this area due to concerns by both LA leaders and Parent representatives.
	10. We have been using the standardised template which has had mixed reviews and more recently the standardised advice templates.
	11. The reforms have been on strengthening mediation - in Barnet we will be focusing our efforts on disagreement resolution. Where we are able to resolve disagreements, this would mean mediation (which is more costly and lengthier) can be avoided.
	12. Participation in the programme has seen benefits in the borough – for example ELSEC, additional resources. Concerns remain that the programme does not address some of the fundamental issues which impact the quality of service and provision for children and young people with SEND or who are educated in AP, that of funding.
1. **High Needs Funding**
	1. *“High needs funding supports provision for pupils and students with SEND who require additional resources to participate in education and learning, from their early years to age 25 in schools and colleges (excluding students aged 19 to 25 who do not have an EHC plan or students who are over the age of 25).* The government issues updated guidance in relation to the HNB spend annually. The most recent operational guidance can be found [here](https://www.gov.uk/government/publications/high-needs-funding-arrangements-2024-to-2025/high-needs-funding-2024-to-2025-operational-guide).
	2. The funding is expected to cover all additional resources as well as educational placement costs, thus enabling LAs to “*meet their statutory duties under the CFA 2014”. (*[*HN funding DfE operational guidance 2024-2025*](https://www.gov.uk/government/publications/high-needs-funding-arrangements-2024-to-2025/high-needs-funding-2024-to-2025-operational-guide).
	3. Five years ago, the [National Audit Office report into SEND](https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs-summary.pdf)  published in September 2019, found *“funding has not kept pace with the rise in the number of pupils”.*
	4. Between 2019 and 2022 as a result of the widespread concern including a different report based on the [Education Select Committee inquiry](https://publications.parliament.uk/pa/cm201919/cmselect/cmeduc/20/2002.htm), funding increased by circa 10% each year which broadly matched the increase in costs to the HNB. This meant Barnet’s HNB spend remained just within its allocation. In 2023 Barnet was cited as one of only 10 LAs in a DFE commissioned research report [*High needs budgets: effective management in local authorities*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084458/DFE_HN_Budget_case_study_report.pdf)*.*
	5. Regrettably, from 2023 these increases were not sustained. The HNB increase for the current year, 2024-2025 in Barnet for example was less than 3%. This despite that fact that *“the year-on-year increases in EHCPs have not been below 9% since 2016” (ISOS report July 2024:* [*Towards an effective and financially sustainable approach to send in England*](https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/669fcedacd1a1f608546f52b/1721749338168/SEND%2Breport.pdf)*) .*
	6. *T*he increase in the number of children and young people being supported via an EHCP in Barnet increased by 10% from January 2023 - January 2024. The number of children and young people with EHC plans nationally increased by 11% from January 2023 from January 2024. We are now in the same position as was evidenced in the 2019 NAO where ‘*funding has not kept pace with the increase in the number* [as well as costs] *of children and young people with SEND who require additional resources’*.
	7. This shortfall in the national HN funding allocation to enable us to meet our statutory duties will mean that Barnet’s HNB will be in a deficit position of circa £3.1m by the end of this financial year.
	8. The HNB deficit will continue to increase year on year. The table below shows the deficit increasing to £5m in 2025-2026, £10.6m in 2026-2027, £17m in 2027-2028 and £24m in 2028-2029.

 Predicted HNB deficit based on the current annual 10% increase in expenditure and a 3% increase in HNB allocation.



* 1. Whilst there are currently DSG reserves (circa £8m), based on the current pattern of spend these would be exhausted during 2026-2027.
	2. There is a current statutory override on the inclusion of HNB deficits in assessments of LA financial health positions. This statutory override is in place until 2026. The concern is that if the statutory override is not continued more LAs will need to submit [S114 notices](https://www.instituteforgovernment.org.uk/explainer/local-authority-section-114-notices) – these are issued where LA expenditure exceeds its income (in essence, the equivalent of bankruptcy). The scale of HN deficits is such that “h*alf of LAs responding to our survey said that, if the statutory override was removed, they would be insolvent within a year (25%) or within three years (25%)”.* [*(ISOS report July 2024: Towards an effective and financially sustainable approach to send in England).*](https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/669fcedacd1a1f608546f52b/1721749338168/SEND%2Breport.pdf)
	3. The challenge for Barnet, as with the vast majority of LAs, is that of meeting its statutory obligations within a budget that is insufficient.
	4. High Needs funding is monitored via the Schools Forum. The duties of this group are outlined in the DfE publication [Schools Forum Powers and Responsibilities](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971711/2021_Schools_forums_powers_and_responsibilities.pdf)
	5. We are currently reviewing areas of highest spend, and /or that where spend has increased significantly to identify ways in which we can do things differently. This has included the commissioning of a review of Alternative Provision in Barnet (due to be concluded by July 2025.)
	6. We are also exploring areas where additional investment now could lead to a slowing in the rate of the increase of the deficit, such as developing in house education arrangements to meet our duties under [S19 of the 1996 Education Act](https://www.legislation.gov.uk/ukpga/1996/56/section/19/enacted) ( education for children unable to attend school for reasons of illness or otherwise) and exploring access to funding without recourse to an EHCP.