

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 18 JUNE 2018 at 2:00PM

Agenda Item

No.

4

OUTCOME OF THE PUBLIC CONSULTATIONS ON THE PROPOSAL TO RECONFIGURE EXISTING SERVICES TO SCHOOLS TO SUPPORT THEM TO MEET THE NEEDS OF PRIMARY-AGED CHILDREN WITH SPECIFIC LEARNING DIFFICULTIES (SpLD) BY 31 MARCH 2019

Report of the Director of Children's Services

Report Authors: David Canning, County Lead SEND Specialist Advice and Support
(Tel: 01992 588556)
Phil Brunt, Planning Officer, School Planning Team
(Tel: 01992 555811)

Executive Members: Terry Douris, Education, Libraries & Localism
Teresa Heritage, Children, Young People and Families

1. Purpose of report

1.1 To inform the Cabinet of the outcome of the public consultation on the proposal to reconfigure existing outreach services to schools to support them to meet the needs of primary aged pupils with Specific Learning Difficulties (SpLD) and seek agreement to publish statutory notices.

2. Summary

2.1 Hertfordshire's Special Educational Needs and Disability (SEND) Strategy 2015-18 has established a number of reviews to ensure services and provision are fit for purpose and can meet current and future needs. The work of the SEND Executive along with School Forum is focused on the effective and equitable use of Hertfordshire's high needs funding. The work is not about making savings to SEND services but about reshaping out-dated provision and redirecting resources to new areas of need so as to improve our overall provision.

2.2 The SEND Executive (a collective stakeholder Board) steers this work and prioritised SpLD services for review. Following this review the SEND Executive has recommended that specialist SpLD provision should be maintained but should be reconfigured and focused on children with high level needs corresponding to Tier 2 and Tier 3 work (See 5.7 below). Tier 1 work is considered to be universal provision and is covered within the quality first teaching offer within all schools. This would bring the SpLD service into line with the other SEND support services that are funded from

the High Needs Block. In the round, the proposals are intended to improve the overall offer of services to children across all 3 tiers.

- 2.3 Currently, services for SpLD in the primary sector are delivered from 10 primary schools across the county. Each has additional funding for a resource base for SpLD. The specification for these bases originally included placements for a small number of pupils with SpLD but no pupils have been placed at the bases for many years. Pupils with SpLD remain educated in their local school and where it is necessary for Specialist Advice and Support, this is provided from specialist SpLD staff employed at the 10 primary schools with the resource bases. The resource bases are used to hold a wide range of books and resources that can be viewed and loaned to schools. The base staff also deliver a broad range of free or low cost training. As all pupils, their families and staff at all schools across the county could be affected by the proposal, they have all been consultees.
- 2.4 In order to achieve the outcome wanted by the SEND Executive and supported by Officers, a public consultation for the reconfiguring of the service started on 2 October 2017 and timetabled to end on 20 December 2017. The majority of respondents disagreed with the proposals and all concerns are explained in section 7. Of the 398 schools receiving services, only 11 head teachers and 23 SENCOs responded. In total respondents identified themselves with 83 of the 398 potential schools, although there was ambiguity in the question so this might be an underestimate. 54% of those were associated with just 4 schools.
- 2.5 Based on the outcome of the consultation a revised set of proposals has been developed which is set out below. This is intended to address concerns raised, whilst also meeting the objectives of the original proposal.
- 2.6 The Executive Member for Children, Young People and Families requested that this report be considered at the Education, Libraries and Localism Cabinet Panel on 5 June 2018. Members of the Children, Young People and Families Cabinet Panel are invited to attend this meeting on 5 June 2018 to express their views on this item if they wish.

3. Recommendation

- 3.1 The Education, Libraries & Localism Cabinet Panel considered a report on this item of business at its meeting on 5 June 2018, at the request of the Executive Member for Children, Young People and Families. The Panel recommended to Cabinet that Cabinet accepts the amended proposals as detailed within the report and agrees to publish a statutory notice to close the 10 primary SpLD bases.

4. Background and context

- 4.1 In December 2016, the DfE asked all local authorities to prioritise a strategic review of their SEND high needs services to ensure the needs of children and young people are met and that best use is made of high needs funding. Officers had already commenced a programme of reviews

through the Council's SEND Strategy 2015-18, [attached here](#)¹ and had established a collective stakeholder Board (The SEND Executive) to manage and monitor this work.

- 4.2 The SEND Executive members are made up of representatives from mainstream and special Headteacher forums, health, early years, colleges, County Council senior officers, Herts for Learning (HfL) and parents. Established in 2015, the members of the SEND Executive collectively steer the Council's strategy about the development and delivery of SEND services and provision. The work of the SEND Executive feeds into the School Forum and informs the effective and equitable use of Hertfordshire's high needs funding.
- 4.3 Hertfordshire's High Needs Block of the Delegated Schools' Grant (DSG) provides the funding for all high needs services and provision and it is these services that the work of the SEND Executive is largely concerned with. Local authorities are experiencing increasing pressures on high needs funding with many of them overspending. Hertfordshire is not currently in this position due to the effective and planned approach it has taken to managing the high needs budget to date. However, Hertfordshire is now experiencing similar upward pressures particularly on high cost specialist placements. Hertfordshire's changing demography and patterns of needs mean that the County Council must continually review its priorities so that officers can make sure funding is allocated on the most efficient and equitable basis taking account of current and future pressures.
- 4.4 The SEND Executive is steering a range of the County Council's high needs reviews and workstreams in order to ensure appropriate services and provision are available in Hertfordshire to address the changing pattern of needs and support children and young people with increasingly complex SEND. As indicated above the work of the SEND Executive along with the School Forum is not about reducing funding for SEND services but reshaping some out-dated provision and redirecting funding to new areas of need. Increasing and changing pressures and demands require us to increase a number of areas including special school provision, services for behaviour and social, emotional and mental health, provision for children and young people with severe and profound learning difficulties, services for children with autism and complex communication difficulties and provision for early years with high level SEND.

5. SpLD review

- 5.1. The SpLD bases were established in Hertfordshire over 20 years ago and since they were established there have been very significant changes in SEND legislation and statutory guidance and in the responsibilities of schools for meeting the needs of pupils with SEND. With far greater delegation of the available funding, schools are now required to support

¹ <https://www.hertfordshire.gov.uk/microsites/local-offer/media-library/documents/policies-and-procedures/hertfordshires-send-strategy.pdf>

the majority of pupils with all categories of special educational needs and/or disabilities from their own resources.

- 5.2 There is now far greater knowledge and understanding about SpLD and over time schools have increased their capacity to identify and meet the needs of these pupils. This has gone hand in hand with recognition that SpLD is a high incidence SEND affecting, by some estimates, 4 children in every class. All schools will have pupils with SpLD on their roll that they need to cater for as part of their ordinarily available provision.
- 5.3 At the time of the SpLD Workstream review, part of the SEND Strategy 2015-2018, there were 2 secondary schools with SpLD bases. These had been established to provide placements for pupils with SpLD but the review found that pupils with SpLD were now successfully catered for in local mainstream secondary schools and, following formal consultation, the secondary SpLD bases have been de-commissioned.
- 5.4 The review identified that the 10 primary SpLD bases tended to respond to a broad range of local needs. When the bases were originally established their intended purpose included provision of places for primary pupils with SpLD. However, the bases have not had children placed there for many years and currently they provide outreach services to children in their local schools. The review also found that services were delivered differently across the County and were not consistent or equitable.
- 5.4 The review considered that the level and model of SpLD provision in Hertfordshire is now not commonly found in the majority of local authorities. Information recently obtained from examination of documents online, including the Local Offers, for ten statistical neighbours of Hertfordshire indicate a diverse range of services across local authorities. Only one service (Bracknell Forest) has a separate service for SpLD although two others (Buckinghamshire and West Berkshire) have a specialist service encompassing specific and general learning difficulties. There was reference to a traded service in four local authorities (Bracknell Forest, Buckinghamshire, Warwickshire and West Berkshire). Only two of the ten authorities (Hampshire and West Berkshire) have specialist additionally resourced mainstream provision for SpLD and, in both these authorities the provision is for secondary aged students only.
- 5.5 Hertfordshire's primary SpLD services are currently funded from the High Needs Block of the Dedicated Schools Grant (DSG). The budget for the 10 Bases in 2017-18 was £1,617,663 and an additional £58,000 funds accredited SpLD training for school staff. Although entirely funded from the High Needs Block the review found that much of the work of the bases is not focused on pupils with high level needs. The bases have developed a broad training role to support mainstream schools and they provide universal early intervention support as well as specialist and targeted support for individual pupils.
- 5.6 The review recognised that, despite schools' increasing abilities to meet SpLD, there will continue to be some pupils with more complex needs where a school might not have the necessary level of expertise and where additional support and advice would be needed. The SEND Executive

considered that a targeted and specialist SpLD service should be maintained. However, it was considered that there needed to be a better balance between what schools ordinarily provide for pupils with SpLD and the use of High Needs funding to provide additional services, as for other types of SEND. The review concluded that support could be enhanced by reconfiguring the way the service was organised, and focused.

- 5.7 In common with other areas of SEND a ‘tiered’ approach has been developed to describe how the needs of pupils with SpLD will be met with support at Tier 2 and Tier 3, building on the universal support that all schools provide:

Tier 1 : Universal Support and Quality First Teaching

Tier 2 : Targeted Advice and Support

Tier 3 : Specialist Support

- 5.8 Following the review, the SpLD working group developed options for the future of the service. At its meeting on 16 November 2016, the SEND Executive considered two options put forward from the working group. Both options proposed reductions in the funding of the service (one to 65% of the current funding and the other to 50% of the current funding). The SEND Executive considered that a greater reduction was more appropriate on the basis of the findings of the review and proposed a further preferred option of a funding envelope of less than 50% of the current funding.

- 5.9 Options were presented to Schools Forum on 7 December 2016. The Forum endorsed a reduction in the budget for the service to £728k and a model that provided for 10.7 specialist SpLD teachers, a professional SpLD lead, administrative support and accredited training. The service would focus on pupils with more challenging needs in line with the core purpose of high needs funding. Tier 1 universal services and training would not be funded centrally from high needs but a traded offer could be developed. This is the proposal which formed the basis of the public consultation.

6. The public consultation

- 6.1 A public consultation was authorised by the Director of Children’s Services. The proposal began on 2 October 2017 and ended on 20 December 2017.
- 6.2 The public consultation set out the proposal to reconfigure the SpLD service to focus provision on targeted (Tier 2) and specialist (Tier 3) support for pupils with complex SpLD needs and to manage the reconfigured service as part of Integrated Services for Learning (ISL). This will enhance the current offer by aligning and integrating the SpLD service with the expertise and knowledge of the other specialist SEND support services also delivering to local schools. Reconfiguring the service in this way will require the closure of the SpLD outreach bases in 10 primary schools and to provide the service as part of ISL.
- 6.3 Consultation letters were distributed by all local authority maintained primary schools across the county to: parents/carers, school governors and staff at the schools. They were also sent to: Local Pre-Schools,

Nursery and Primary schools; the local MP, County Councillors, District Councillors, Parish and Town Councils and Local Authority Chief Executives; Trade Union representatives; Church Diocese representatives; NHS representatives; Parent Governor representatives on the Overview and Scrutiny Committee at Hertfordshire County Council; playgroups, Children's Centres, toddler groups and day nurseries; Libraries and Citizen's Advice Bureaux; relevant senior officers in Hertfordshire County Council. The consultation was also publicised on the Hertfordshire County Council website, www.hertfordshire.gov.uk.

7. Results of the public consultation

- 7.1 1067 consultation letters were circulated excluding letters shared with governors, staff and families of the school.
- 7.2 By 21 December 2017 a total of 700 responses were received as summarised in the table below. In order to make the table readable the categories of respondent has been collapsed to broad reflect groups.

Capacity of Respondent	Agree	Disagree	Don't know	Total Responses
Member of Parliament		1		1
Charity		4		4
Ex-pupil		1		1
Headteacher	1	10		11
Interested Professional	2	2	2	6
Local member of public	1	3		4
Member of staff	16	352	7	375
Parent/Carer	5	235	8	248
School governor		17		17
Senco or Inclusion leader		23		23
Unspecified		9	1	10
Grand Total	25	657	18	700
Percentage Response	3.6	93.9	2.6	

- 7.2.1 The 10 SpLD bases received significantly different levels of response. These are reported below. The remaining 20% identified their own school. In total there were 83 different schools named in the survey.

SPLD Base	Number of respondents	Percentage of all responses (700 total responses)
The Thomas Coram Junior School	145	21%
Windermere Primary School	101	14%
Laurence Haines Primary School	88	13%
Thorley Hill Primary School	44	6%
Maple Grove Primary School	40	6%
Parkside Primary School	37	5%
Bonneygrove Primary School	33	5%
The Leys Primary School	30	4%
Grange Junior School	17	2%

Applecroft Primary School	15	2%
---------------------------	----	----

7.3 Copies of all the responses received will be available for inspection in the Members' Room at County Hall and will be available at the meeting.

8. Key Issues and responses

8.1 There were a small number of responses from schools that stated they agreed with the proposal. These generally supported the strategic SEND direction and the need to reform services and funding, recognising that schools had improved their practice and ability to meet needs themselves. They also supported the equitable distribution of resources across areas. There was also a very small number of parents in agreement with the proposal.

8.2 The majority of responses disagreed with the proposals. It should be noted that 4 of the schools with SpLD bases were identified in more than 50% of the responses. The remainder of the SPLD bases received significantly fewer responses. The responses mostly included a detailed narrative of the value of the current range of services available and details of the aspects that are highly valued.

8.3 In response to the feedback obtained through the consultation officers have considered that an overwhelming majority of issues can be addressed broadly within the proposed model but with certain modifications to the recommendations.

8.4 The themes and responses to the issues are summarised below:

8.4.1 **Theme 1 : Support for schools**

Over 100 comments received referred to the value that the SpLD staff adds to mainstream staff in schools. Most frequently this relates to the expertise and knowledge which the SpLD staff brings.

There were also concerns about the reduction in the level of resource for the service and the impact on pupils with SpLD if services were to focus on those with complex needs. There was also concern about whether there would be an impact on the County Council being able to meet its statutory duties for pupils with Education, Health and Care Plans (EHCPs).

A number of head teachers referred to the financial constraints that they face and the implications of the loss of a free or affordable service.

Response

The proposed reconfiguration of the service within ISL will retain the specialist SpLD expertise and knowledge required to provide an effective and efficient targeted and specialist service. SpLD specialist teachers will join the SEND Specialist Advice and Support (SAS) Service which is highly discipline specific. Staff within SAS have a range of specialisms and already provide advice and support for pupils with high level needs based on their presenting needs. This ensures that services are delivered in a manner which has impact and makes a difference to outcomes. This would

be the case for pupils with SpLD. The effectiveness of services and overall expertise available locally to schools will be enhanced by the greater opportunities brought about by aligning and integrating SpLD specialists with other specialist SEND staff.

The targeted and specialist aspects of the SpLD offer that are valued very highly and considered to be effective are consistent with the range of services that are offered by the current ISL SAS and will continue to be offered by the SpLD staff if integrated into ISL. Where there are new services and approaches that are effective in improving outcomes, then there are internal mechanisms for learning and incorporating new practice within the SAS.

The changes proposed in the consultation will ensure that there is more appropriate targeting and use of High Needs funding to focus on pupils with higher levels of need. It is recognised that many of those who responded to the consultation have concerns about the impact of this. However, there is evidence that the residual work of the SpLD staff, if Tier 1 training and support was to be removed, would be manageable within the proposed staffing level.

Support for pupils with SpLD, including those with EHCPs, will be kept under regular review to ensure that all the statutory obligations are met.

Currently the SpLD service supports 120 pupils directly with 2 or 3 visits a term and 800 pupils through unnamed consultations. However, as to be absolutely confident that this work can continue to be accommodated officers are now proposing a slightly increased level of staffing beyond the originally proposed level in the consultation (12.7 full-time equivalent F.T.E. teachers, a professional lead and administrative support). The efficiencies to be gained through multidisciplinary working and reconfigured management arrangements remain as originally proposed.

This is an increase in the level of staffing proposed in the consultation by 2 WTE (whole time equivalent) and would in effect mean that teaching redundancies will not be expected.

8.4.2 **Theme 2 : Localism**

A large number of comments (approx. 400) referred to the benefits of the existing service being local. This related to the close relationship that is developed between staff and the proximity of the physical SpLD resource bases to schools in a locality.

Over time SpLD base staff have developed close relationships with schools, with staff at each base typically working with around 50 schools. The close relationship and local knowledge that is developed is considered highly valuable. Families too, report that the knowledge that there is a local support base is valuable.

Proximity to local schools is seen as an important factor in a number of responses. Responses indicated that proximity allows staff, teachers and

support staff, to visit local bases and look at or borrow resources, or to attend courses and drop in advice sessions without having to take a lot of time out of the day:

Response

The importance of strong local relationships between services, schools, families and other stakeholders is recognised and in the proposed reconfigured model the SpLD service will continue to be delivered locally as part of ISL. ISL services are already delivered locally and SpLD staff will be one element of the high level needs specialist support provided for pupils and schools in a local area.

Integrating SpLD staff into a larger team of specialists working together and in partnership with the same local schools and pupils will enhance the shared knowledge of needs and breadth of specialist expertise. Schools will be better supported at both a child and systems level. It will also enable better information sharing, more effective and efficient targeting of services to need to avoid duplication and achieve better value for money.

Many respondents indicated that they do not want to lose the access they have had to a wide range of SpLD resources that are available in bases, currently as part of a Tier 1 universal offer, both for training and for loan.

In response to this concern officers therefore propose to commission between 4 and 6 bases as resource centres. These will be in schools where there is no pressure on the space for teaching purposes. As part of this proposal the County Council will expect schools to maintain an open session each week for visitors to the resource libraries and the bases will have admin support for this day. Other costs associated with retaining a resources base will be maintained and reviewed annually. This provision will be commissioned for a three year period with break clauses included in the commissioning arrangements.

We will additionally expect that ISL Specialist Advisory Teachers including the SPLD staff who will transfer to the ISL service continue to have access to the bases throughout the week. This will contribute to promoting local provision and reduce overhead staffing costs in line with Smart Working practices.

8.4.3 Theme 3 : Affordable training

This is referred to in more than 100 of the responses. It is mentioned in relation to the current offer which is seen as delivering an excellent range of training, often bespoke, for the specific needs of schools and children. Training is a key feature of the current county SpLD offer, with some centres providing a wide range of courses on various topics for local schools.

Response

It is evident that the bases have developed a broad training offer and many respondents said they do not want to lose the ability to have free or

affordable training easily available to them. Several respondents quoted the affordability of the training compared to other providers.

Following the responses received on this issue during the consultation officers now propose to introduce affordable training across the county in partnership with Dyslexia Matters, who have been our training partners for several years. Officers anticipate underwriting the cost of a range of pilot courses targeted at schools and settings which will allow classroom staff to develop practical and focussed skills in SPLD. If successfully received, this will then become a budget offer along with the Level 5 and Level 7 training across the county. This has the intention of increasing capacity within our local schools and settings.

Currently the SpLD service has an income of £60K annually for the courses offered. These are not at full cost. This indicates that there is a potential to support some training at Tier 1 through a traded vehicle.

The proposal does not exclude the possibility of trading a range of Tier 1 SpLD services. These could be commissioned through our training partner HfL, the Developing Special Provision Locally partnerships and other groups.

8.4.4 **Theme 4: Service Quality**

Many of the responses refer to the quality of the service offered by the current bases. This includes the quality of the training courses, individual guidance and consultation about unnamed pupils and support with named pupils over an extended period of time.

SpLD outreach staff offer an annual conversation with each school in their area to identify children who might need additional support and school training needs. This is also seen by schools and the SpLD staff as very valuable.

Response

The quality controls currently in place in the SpLD bases are consistent with the systems in ISL SAS. The concern that specialist SpLD skills will need to be maintained and developed would be addressed as part of the SAS internal Continuous Professional Development (CPD) programme. The appointment of a Lead Practitioner (SPLD) with a County wide role will promote consistency and equality across the county. There will also be benefits to pupils and schools through the integration of the SPLD Specialist Teachers with ISL Advisory services as a result of sharing expertise, resources and professional challenge.

A new Workstream in the SEND Strategy with a focus on Targeted Support Services has been established to ensure co-ordination and effective delivery of quality SEND services at local level and SpLD services are part of this work.

9. Conclusion

- 9.1 Like all local authorities it is appropriate and necessary to undertake reviews of our SEND provision and best use of available High Needs Funding. The County Council needs to ensure that it can safeguard its ability to meet future needs and pressures, and provide the best possible provision to local children.
- 9.2 There has been good reason for reviewing the SpLD provision which was established over 20 years ago. The level and model of provision in Hertfordshire is not commonly found in other authorities and the SEND Executive and School Forum made a rational case for reconfiguring the service to focus on high level SpLD to bring the service into line with other SEND support and outreach services funded from the High Needs Block.
- 9.3 The County Council are committed to maintaining targeted and specialist support for children and young people with SpLD. However, High Needs Funding is not intended to provide Tier 1 Universal provision and Hertfordshire's position is unusual when compared to other authorities.
- 9.4 The proposed model of SpLD in this report include the following key components:
- A reshaped more targeted SpLD service focusing on Tier 2 and 3 support in line with other SEND services funded from the high needs block
 - Retention of a level of service (12.7 fte specialist SpLD teachers, a Professional SpLD Lead, administrative support and a programme of accredited training) that will accommodate the current level of direct support and consultation for pupils with SPLD. This is an increase of 2 fte specialist teachers from that in the original proposal and will mean that it will not be necessary to make any permanent teaching staff redundant
 - The alignment and integration of SpLD services and staff within the current ISL Specialist Advice and Support Services facilitating the enhancement of local expertise. SpLD often occurs within a complex of other SEN and the broader range of professional skills within ISL will ensure that the most appropriate support is available
 - Commissioning local resource centres in 4-6 schools so that mainstream staff can continue to access resources. This was not in the original proposal but is a response to the views expressed during the consultation
 - The offer of affordable accredited training developed in partnership with a Dyslexia Matters and to have a broader reach across the sector. This was not in the original proposal but is a response to the views expressed during the consultation

- Retention of funding within the overall High Needs Block but released and redirected to areas of increasing pressure and new needs

10. Financial implications

Capital

- 10.1 There are no capital implications.

Revenue

- 10.2 The SpLD service is funded from the High Needs Block. The proposal to reconfigure SpLD is not about saving money on SEND high needs services and there would be no reduction in the High Needs Block as a result of this proposal. The funding required for the proposed model is £900,000. This would maintain a high needs SpLD service of 12.7 fte specialist teachers, a Professional Lead, administrative support and accredited training open to all staff across the county.
- 10.3 In a full year this would release £775,663. This funding will be re-directed to meet high level and complex needs in a more equitable way. An area of increasing demand in special school places and in 2019-20 it is estimated that a further increase of 50-60 special school places which will require approximately £1m. Funding released from SpLD will be used towards this pressure. Other pressures are provision for social, emotional and mental health needs, autism and complex communication difficulties, provision for children and young people with severe and profound needs and provision for early years children with high level needs.

11. Equalities Implications

- 11.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making.
- 11.2 Rigorous consideration will ensure that there is a proper appreciation of any potential impact of that decision on the county council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equality Impact Assessment (EqIA) produced by officers.
- 11.3 The Equality Act 2010 requires the county council when exercising its functions to have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

11.4 EqlAs have been carried out on the proposal to increase the number of places to the Schools which are the subject of this report. Copies of the EqlAs accompany this report at Appendix A.

Background Information

None