

FUNDING AND SUPPORT FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS IN KINGSTON MAINSTREAM SCHOOLS AND SETTINGS

Current systems and approaches and options for the future

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1. BACKGROUND

1.1 Kingston has experienced continuing issues in managing its High Needs spend within the budget allocated by central government. A paper by Julie Cordiner (consultant) to the Borough's SEND Partnership Board in November 2019 noted a rapid escalation in expenditure between 2015/16 and 2018/19, which had led to a growing cumulative deficit of nearly £25m (the highest, proportionate to resident population, in England). The main factor leading to this rise appeared to be a substantial increase in the number of pupils being placed in specialist provision, with a significant spend on placements out of Borough in the independent/non-maintained special school sector. The level of funding allocated to pupils in mainstream schools and settings was also higher than the average for England and for Kingston's statistical comparators.

1.2 Financial pressures coincided with an OfSTED Area SEND inspection (2018) which identified four areas of weakness that the local area needed to address. Kingston responded to these with a written statement of action and set up a number of structures to support improvements¹. In 2021, the Borough commissioned an LGA SEND peer review of SEND to help evaluate progress. This made a number of recommendations including the establishment of a High Needs subgroup of Schools Forum.

1.3 Continuing financial concerns have led to Kingston becoming part of the DFE's Safety Valve intervention programme. This has included a significant financial contribution to help reduce the size of the cumulative deficit, in return for a clear commitment by the Authority to bring its annual HN spend within the funding allocated by central government².

1.4 The Authority has brought a range of connected strategic activities together within its SEND Futures plan. This has five workstreams, as follows:

1. Co-production, engagement and participation

¹ Including a SEND Partnership Board

² Growth in spend has also been offset by the progressive (and substantial) increase to the Borough's HNB allocation, which has been part of a national spending settlement for 2019/20 to 2022/23.

2. Joint commissioning
3. Local provision
4. Early intervention and transitions
5. Assessment and planning

Activities are designed to support both the Authority's implementation of its written statement of action (WSOA) and a move towards a more financially sustainable position.

- 1.5** There is evidence of positive progress with regard to the WSOA. When OfSTED revisited in October 2022, they judged that Kingston had made sufficient progress with regard to all four of their original concerns. However, financial trends still continue to be an issue, with a projected annual HN overspend of £5.3m for 2022/23.
- 1.6** Children's services for both Kingston and its neighbouring Authority, Richmond, are contracted to Achieving for Children, which is also involved in the Royal Borough of Windsor & Maidenhead. Richmond has experienced some similar issues to Kingston³ and is also part of the DFE's Safety Valve programme.
- 1.7** A significant emphasis within Kingston's SEND and financial strategy has been on the further development of local capacity to help reduce reliance on out of Authority placements (which tend to be higher cost). Two new special free schools are planned, which will help strengthen local provision for pupils with ASC⁴ and those with SEMH⁵. However, there is increasing recognition of the need to strengthen provision in mainstream schools and settings, so that children's needs can be met more effectively in that context. This links strongly to workstream 4 of the SEND Futures plan which aims to support earlier intervention and effective transitions between phases, reducing the need for EHCPs and specialist placements.
- 1.8** LA officers have collaborated with mainstream schools to develop a document that sets out provision that should be 'ordinarily available' and work is in hand to produce an Inclusion Charter and Toolkit, which schools will be encouraged to adopt. There is also interest in using a common banding system across education phases and types of provision to help achieve greater consistency and equity in access to funding and resources.
- 1.9** Following the publication of DFE research into the effective management of high needs budgets in local authorities (June 2022), officers have carried out an evaluation of Kingston's performance against key recommendations. They have decided to

³ Significant financial overspend but only one area of weakness identified in the 2021 Ofsted Area SEND inspection

⁴ Autistic spectrum condition

⁵ Social, emotional and mental health difficulties.

commission one of the report authors (Peter Gray) to review the applicability of two of the recommendations in particular:

1. *Local authorities should review and further develop their approaches to partnership with key stakeholders, taking into account some of the positive practices described in the report (in addition to any broader policy emphasis on this area).*
2. *Local authorities should learn from positive examples of innovative approaches to mainstream funding (including the option of greater devolution of resources to individual schools/groups of schools, with clear expectations of outcomes).*

1.10 The review is expected to include a thorough analysis of Kingston's current systems for funding and support to mainstream settings (including early years and FE colleges as well as schools) and propose ways forward that will:

- Recognise the current pressures on schools/settings and local authority services and be manageable for both sets of stakeholders
- Support the development of a stronger and more consistent mainstream offer
- Help meet more children's needs successfully in mainstream without the need for an EHCP
- Encourage more collective responsibility across schools/settings and local authority/related services for meeting local needs
- Deliver a more coordinated approach to supporting schools and families with children with SEND

2. FOCUS OF THE REVIEW

2.1 The Authority has asked for the review to include all aspects of mainstream SEND funding, including schools' use of their delegated budgets ('notional SEND') and additional funding currently allocated through EHCPs. Consideration has also been given to the role and funding basis for the Authority's SEND support services and Kingston's current use of alternative and specialist provision⁶ (within Borough and further afield)

2.2 The review provides an analysis of Kingston's current approach, highlighting positives and key issues, together with options/ways forward for further development.

2.3 The review has been carried out by Peter Gray (SSCYP). Peter has extensive strategic experience in this area, having worked for a number of years on mainstream support and funding issues with a wide range of Local Authorities (including a number of London Boroughs) as well as nationally.

⁶ Including the focus and funding of specialist provisions in mainstream schools (SRPs)

3. METHODOLOGY

3.1 The review was based on the following activities (see Appendix 1 for details):

- (i) Online interviews with LA officers, service managers and chairs of Schools Forum and High Needs subgroup
- (ii) Online interviews with senior managers from Health
- (iii) Online and face to face meetings with Heads, SENDCos and governors from mainstream primary and secondary schools
- (iv) Online meeting with a group of Early Years providers
- (v) Online meeting with the lead for Learning Difficulties and Disabilities/ Inclusion for SW Thames College group (and Kingston College)
- (vi) Interview with the SENDIASS lead and chair of Parent Carer Forum, followed by meetings with groups of parents (with children in mainstream schools)

3.2 In addition, relevant documentation was scrutinised, along with data on pupil placements/provision and financial costs.

4. LEVELS OF SUPPORT FOR ADDITIONAL NEEDS IN MAINSTREAM: THE NATIONAL PICTURE

4.1 Levels of funding and support for additional needs in mainstream can be categorised as follows:

Funding provided to mainstream schools/settings in their delegated budgets

4.2 All mainstream schools receive funding in their delegated budgets to meet SEND. This is based partly on pupil numbers and partly on demographic indicators such as levels of social disadvantage and percentage of pupils with low prior attainment⁷. This is described as ‘notional SEN’. It is not earmarked in the same way as Pupil Premium funding and Heads/governors can determine how much money is used for this purpose and how funding is spent.

4.3 Since the introduction of the Government’s ‘top-up’ system in 2013, schools are expected to use their notional SEND funding not just to meet their general range of SEND but also to make a contribution to support for pupils with more complex/significant needs who are funded additionally. This has become known as ‘the first £6k’.

⁷ At present, the extent of notional SEN funding (and the formula for its distribution) is locally determined but it is likely that a more standardised approach will be developed as part of the move towards greater national consistency.

- 4.4** With the rise in number of pupils with EHCPs and the increasing focus on funding for these, the broader profile of ‘notional SEN’ has tended to diminish.
- 4.5** Funding for Early Years mainstream settings is different to schools. There is no equivalent of ‘notional SEN’, although providers do receive a small amount of deprivation funding based on their cohort, along with some disability access money (based on children’s registered entitlement to Disability Living Allowance).
- 4.6** Funding for SEND in mainstream FE college budgets comes from two sources: ‘element 1’ is drawn from college core budgets, which include some additional funding for ‘deprivation’ (based on a combination of levels of social disadvantage and students with lower attainment on entry⁸); ‘element 2⁹’ is accessed from the ESFA on an agreed place basis on the expectation that students will receive additional (‘top-up’) funding from their resident Authority.
- 4.7** The nature of provision that mainstream schools and settings make ‘ordinarily’ can vary considerably, although local areas are increasingly starting to articulate what they expect to see in place, particularly when additional funding or alternative/specialist provision is being requested.

Parents as partners

- 4.8** There is extensive evidence to show that, where schools/settings work positively in partnership with parents/carers, outcomes for children and young people are better, particularly for those with SEND. And yet, for some schools and parents, achieving and maintaining this kind of relationship continues to be problematic¹⁰, particularly when things are not going well, where there is a tendency for blame.
- 4.9** The development of local SEND Information & Advice Services (SENDIASS) and other arrangements for mediation have to some extent addressed these issues. However, there is increasing recognition of the need for better training, both for schools and parents, so that effective partnership can become a reality.
- 4.10** Where relationships are difficult, parents are more inclined to see statutory assessments and EHCPs as a mechanism for strengthening their ‘voice’, even though this does not in itself lead to improvements in collaboration and joint working and may indeed encourage a more adversarial position.

⁸ Grades lower than C/4 in English and/or Maths)

⁹ Equivalent to the ‘first £6k’ in schools. Place funding is deducted from the host LA, with adjustments made for use by other areas.

¹⁰ Gill Crozier (1998) describes the relationship as idealised, with school accountability and safeguarding requirements promoting a culture of ‘mutual surveillance’.

External support services

- 4.11** SEN support services have traditionally performed an important role in helping schools and settings to meet needs, at both individual pupil and institutional level. They can also make a useful contribution in supporting parental involvement and helping to build bridges when relationships are difficult.
- 4.12** The size of such services has decreased considerably over recent years, with increasing budget pressures for local areas. In some, there has been a move to a ‘sold service’ model, with greater involvement of schools in determining service contributions and priorities. Funding for Behaviour Support was transferred to the Schools Block in 2013, leaving schools to decide whether to continue to fund this provision, individually or collectively¹¹.
- 4.13** Most Local Authorities still retain a core service capacity for pupils with ‘low incidence needs’ (physical/sensory difficulties) and autistic spectrum conditions (ASC).
- 4.14** Educational Psychology Services have traditionally played a part in assessment and intervention. However, their time has been increasingly focused on statutory SEND activity (eg providing advice for EHC needs assessments). With pressures on core LA budgets, the trend has been towards traded services for non-statutory activity, with schools buying in different levels of support. However, with recent recruitment and retention issues, it has been difficult for some services to provide staffing beyond the level that is needed to cover basic statutory requirements.
- 4.15** Reduced capacity for external support and greater fragmentation of the education system has meant that mainstream schools can feel that they are left to face challenges on their own, with more limited access to supported intervention. In this context, they are more likely to seek a more limited role for external support, in terms of validating requests for additional or alternative provision.

Therapy support

- 4.16** A range of therapy services continue to be provided for children and young people in local areas. Physiotherapy still tends to be a core Health service, fully funded and provided by them. Funding for speech & language and occupational therapy is usually joint, with contributions from local CCGs¹² and the area High Needs Block. The balance of these contributions and what each pays for varies across the country and is more contended as both Education and Health budgets experience increasing

¹¹ Through a process of annual ‘de-delegation’

¹² Clinical Commissioning Groups (now Integrated Care Boards)

pressures. Resolving these issues requires good local relationships and strong arrangements for joint commissioning.

- 4.17** There is an increasing tendency for schools to commission their own therapy resource with some local frustrations about sufficiency and recruitment/retention issues.

Additional funding for individuals with more significant needs

- 4.18** The traditional approach to targeting pupils for additional funding has been through the statutory assessment process. This has a number of disadvantages in terms of administrative demands on schools and local authorities, and the susceptibility of the system to individual school/parental pressure. Schools vary in their experience of SEND and thresholds for applying for additional funding can be relative.
- 4.19** A number of LAs have addressed these issues through setting up more dynamic systems for resource access. These are considered in section 8 of this report.
- 4.20** The mechanism for accessing additional funding in the Early Years is typically through an Early Years Inclusion Fund. This tends to be resourced through a combination of Early Years Block and High Needs Block money, with applications being decided through a local authority panel. Allocations are usually made on a relatively short-term basis.
- 4.21** Mainstream FE Colleges now usually access HN funding through EHCPs, but this is not a national requirement.

Specialist provision and alternative placements

- 4.22** Placements in alternative and specialist provision tend to be regarded as separate, but they can be seen as a form of mainstream support – for pupils whose needs may be too challenging to meet in their local school context. This is particularly the case for pupils who are placed for short-term assessment and intervention, for example in Pupil Referral Unit settings.
- 4.23** Funding for these is drawn from the local area High Needs Block and placements tend to take a bigger share of this resource, as they include not just top-up but also the full £10k place cost for each individual pupil¹³.
- 4.24** It is therefore vital that this kind of provision is consistently focused on those pupils with the most complex/significant needs.

¹³ For mainstream school placements, the first £6/10k is drawn from the school's budget and therefore from Schools Block rather than HNB

5. SUPPORT AND FUNDING IN KINGSTON SCHOOLS AND SETTINGS

Notional SEN/ordinarily available provision

- 5.1** A significant amount of money is included in Kingston mainstream school budgets for notional SEN (£8.8m in total in 2022/23: £5.3m for primary and £3.5m for secondary). Amounts per school range from £59k to £347k in primary and from around £12k to £433k in secondary.
- 5.2** In Kingston, notional SEN budgets are based on a sum of the following elements:
- In primary, 2% of the AWPU¹⁴, 21% of social deprivation¹⁵ and 100% of low prior attainment (reflecting the link between this and the general range of learning difficulties)
 - In secondary, 21% of social deprivation and 100% of low prior attainment only (no percentage of AWPU used at this phase)
- 5.3** Awareness of this level of funding for SEND varied across those interviewed. Mainstream Heads typically regarded it as part of their general school funding which they had a responsibility to deploy to meet the learning needs of all their pupils. Funding was not as clearly identified or monitored as, for example, Pupil Premium.
- 5.4** Governors were aware that there was money for SEND within their schools' budgets, but their focus tended to be on understanding the provision being made and issues around pupils causing particular concern. There was no evidence of a systematic approach to evaluating whether the level of investment that schools were making in SEND provision was reasonable or the extent of its impact.
- 5.5** Governors tended to assume that their SENDCos were more aware of school SEN funding. However, interviews suggested that knowledge was variable and depended largely on whether SENDCos were members of the School Leadership Team and were involved in broader budget decisions.
- 5.6** The focus of discussions in interviews tended to be more on the 'first £6k'. There was concern in some schools that this system penalised inclusive schools who had to draw on more from their general SEND budget to make the initial funding contribution for pupils with complex/significant needs¹⁶. Some Heads and SENCOs also felt that this model of funding encouraged parents to expect '1:1 support' when needs might be better met through some form of group provision.

¹⁴ This helps ensure that there is a basic level of expectation for smaller schools with a less disadvantaged demographic

¹⁵ In school funding formula – does not include Pupil Premium

¹⁶ Kingston has tried to address this issue through additional funds for 'inclusive schools' (£300k) which are drawn from the Schools Block. However, there has been ongoing debate about the methodology used (higher numbers of EHCPs).

Working with parents

- 5.7** Parents reported variable relationships with schools. This was leading to some loss of confidence more generally in the quality of school-based support and a tendency to believe that EHCPs were the only mechanism by which children's needs could be adequately met.
- 5.8** Parents were generally unsure what they could reasonably expect, in terms of provision and communication, from mainstream schools. Although there has been an increasing emphasis on co-production, involvement of parents/carers in the development of the document on 'ordinarily available provision' had been relatively limited.
- 5.9** Some of those interviewed expressed a considerable amount of frustration about waiting times for diagnosis and access to services. Underlying these concerns was a desire for better understanding of the reasons for their child's difficulties, how these could best be addressed and greater collaboration with schools and other agencies in moving forward. Experience of partnership with schools was mixed, with positive examples of working together but also more haphazard contact, led by crises or negative incidents.
- 5.10** A key issue for parents was the degree of flexibility schools were willing to offer to meet children's individual needs and whether they recognised and understood the requirement for reasonable adjustments. Part of parents' motivation to seek medical diagnoses related to a perception that these might promote greater awareness and understanding and a more positive/flexible approach.

External support services

- 5.11** Kingston has retained a number of support services that work with schools and settings, and with parents and families to help meet needs. These include support for sensory needs (deaf/visually impaired) and a small ASC team (funded by the High Needs Block) and an Early Intervention Support Service (EISS) which focuses more on pupils with challenging behaviour and/or social, emotional and mental health difficulties.
- 5.12** The EISS was formed from the Borough's Primary Behaviour Support Team, which expanded in 2019 to include a part-time alternative provision (The Bridge) and support to secondary schools¹⁷. Since 2010, the Behaviour Support Team has been funded from the Schools Block through an annual 'de-delegation' agreement. The creation of the broader EISS was supported initially through additional funding from

¹⁷ Including a one-day alternative provision for KS3 and brokerage to other alternative providers

Authority (to support early intervention). However, the Service became fully funded from the Schools Block in 2022/23. This has now been reviewed by Schools Forum, with only primary schools committing to the current level of service for 2023/24.

- 5.13** The ASC team is relatively small and is expected to cover support to children in the early years as well as school age. As with other services, there is a strong emphasis on ‘capacity-building’ to enable schools/settings to meet the majority of needs themselves. However, there is a growing number of pupils identified as having significant and complex needs and increasing demand for specialist provision. There has been an expansion of number of places in both SRPs¹⁸ and special schools, but these only go some way to meeting the needs currently presented.
- 5.14** Kingston’s Educational Psychology Service is well-established and able to undertake a range of statutory and non-statutory activities, with a mixture of LA core funding and income from schools and other sources. However, a combination of increasing requests for EHCN assessments and some difficulties in recruitment is leading to a shift in balance towards statutory work¹⁹. There continues to be reasonable demand from schools for sold service involvement. However, it is not always possible to meet this with other pressures.
- 5.15** The service operates a consultation model, with the aim of supporting schools in developing capacity and delivering effective interventions. It is also able to provide some strategic contributions through the Principal EP’s involvement in AfC’s education leadership team.
- 5.16** Early Years settings are supported by the Early Years Advisory Service which includes Inclusion and Improvement advisers, SEND support officers and early years SEND consultants. This team is able to provide support and advice at both individual child and setting level, with a key officer taking lead responsibility for those with more complex and significant needs. He also links with other related services (EPS, Portage, therapy, ASC and sensory teams) to help coordinate agency involvement and effective transition to the school phase.
- 5.17** Kingston has recently been part of a DFE project to develop early years ‘Inclusion Hubs’. This has enabled focused training for a small number of settings to build local capacity and expertise. The plan is that these settings will act as a resource for other early years provisions in their area.
- 5.18** Early years providers interviewed appreciated the support available. They highlighted their commitment to mainstream inclusion but reported an increase in the levels of

¹⁸ Mainstream resource bases

¹⁹ This is a national issue

need that they were having to address, which had been further amplified by the impact of Covid/lockdown and its impact on early learning and social experience.

- 5.19** In contrast to the position in some Authorities, there was a view that a reasonable amount of external support was available. However, service inputs to schools were typically working in parallel. The recent development of the Authority's Early Advice and Intervention Panel (EAIP) has sought to address this.
- 5.20** The Authority remains committed to providing school improvement support through its SIP programme. However, most funding comes from schools and the focus is mainly determined by individual school priorities.

Therapy support

- 5.21** Therapy support in Kingston is mostly funded jointly by the Local Authority (from the High Needs Block) and Health (CCG²⁰). Speech and language therapy (SLT) is funded on a 50/50 basis; the LA contributes 60% of funding for occupational therapy (OT); and physiotherapy is solely funded by the CCG. Funding is not tied to specific roles or responsibilities. Therapy teams work in an integrated way across both statutory and non-statutory functions, aiming for a balance between individual casework and capacity building activity²¹.
- 5.22** A joint therapy services review was undertaken in 2019/20 by AfC and the local CCG to strengthen capacity, support early intervention and reduce waiting lists. Additional funding has been provided for SLT and OT from 2020/21. However, demand has remained high. Although access to the service is not dependent on EHCPs (as is the case in some local authority areas), increasing numbers of requests for statutory assessments are making it more difficult to 'break the cycle'.
- 5.23** In order to address this, therapy managers are starting to have conversations with individual mainstream schools to discuss how best to respond to the backlog, with an offer of consultation/advice and group intervention as well as more individually based approaches. Some schools and MATs have also decided to commission (and fund) therapy themselves, in some cases from the NHS and in others from private providers.
- 5.24** Therapy provision in the early years is delivered in a number of ways: through involvement in multi-disciplinary assessment at the Moor Lane child development clinic, community provision and advice/consultancy to early years settings²². However, with an open referral system, waiting lists remain high, leading to

²⁰ Now ICB (Integrated Care Board)

²¹ This is a more positive position than in some Authority areas, where service delivery is more limited and circumscribed.

²² The therapy services are involved in the Authority's Early Years Hub initiative

continuing frustrations for parents, who tend to see therapy involvement as a stepping-stone to diagnosis and the support their child may need.

- 5.25** There are also significant waiting times for ASD diagnosis. The Authority is conscious of the stress that this can put on families and the need for proper support and advice following diagnosis to help identify individual needs and appropriate interventions.

Additional funding for individuals with significant needs

- 5.26** Additional funding to support individuals with significant needs in Kingston is generally accessed through the EHCP system. There are currently 574 pupils in mainstream schools who reside in the Borough who receive this kind of support²³ (542 in Kingston state schools and state schools in neighbouring Boroughs, and 32 in independent mainstream)²⁴. The latest projection for top-ups for the year is around £2.74m (£1.79m in primary and £0.95m in secondary).

- 5.27** Numbers in any one primary school (as at 1st December 2022²⁵) ranged from 0 to 20 (0 to 4% of the school population). Numbers in secondary ranged from 1 to 36 (0 to 4% of the school population). There is some link between numbers with EHCPs and the percentage of pupils on SEN support which ranges from 5 to 28% in primary and from 3 to 16% in secondary (see Tables 1a and 1b below). However, there are also a significant number of outliers.

- 5.28** This data can be interpreted in a number of different ways. For example:

- (i) Pupils with EHCPs have complex and significant needs that cannot be predicted by schools' overall demography. They are likely to occur anywhere (and in varying numbers)
- (ii) Some schools with higher overall levels of SEND are more used to dealing with these issues/have better provision in place (meaning that they may be less inclined to request additional funding)
- (iii) Schools may differ in their thresholds for recording pupils as 'SEN support': where there is a higher incidence of pupils with difficulties, there may be less inclination to identify them as needing support individually
- (iv) Some schools are more inclusive or are seen by parents as being better able to meet children's needs (which affects their school choices)

²³ Excluding those who are placed by the LA in resourced provisions

²⁴ 302 in primary (including early years), 272 in secondary (including school 6th forms)

²⁵ Not including pupils in resource bases

- 5.29** There was some evidence from this review that some schools have a particularly strong reputation for good SEN practice, which is affecting parental preference and placement decisions. This presents challenges not just in terms of a fair distribution of need but also in terms of funding pressures: schools with higher numbers of EHCPs have to draw more heavily on their delegated budgets²⁸ than others who are able to deploy this resource more generally.
- 5.30** Decisions about additional funding for mainstream all go through the statutory assessment panels. There is limited capacity for mainstream Heads and SENDCos to be involved in this process, given the frequency and length of panel meetings, and therefore few opportunities for peer support and challenge. While the Panels try hard to be consistent in their decision-making, there was some evidence of variability in application thresholds, which link partly to school expectations and experience and partly to the influence of parental demand.
- 5.31** The majority of pupils with EHCPs in mainstream schools, where category of need has been recorded, are described as ASC (36%) or having speech, language and communication needs (24%). 12% are reported to have SEMH, 9% moderate and 8% specific learning difficulties. The rest are recorded as having sensory or physical difficulties or more complex learning disabilities. This is a slightly different profile to some other LAs where incidence of SEMH would be higher²⁹.
- 5.32** There is a budget of around £326k for additional funding for SEND in Early Years settings³⁰. This is funded entirely from the Early Years Block. In addition, funding is provided for a small number of SRP places in 4 maintained nurseries for young children with the most complex and significant needs³¹. The EYB also funds the early years SEND advisory team. Numbers of requests for additional funding and support have risen significantly over the recent period. Decisions are made by the Early Years officer team, with allocations of support generally being made on a time-limited basis.
- 5.33** Transition for children with complex needs into school from early years settings can present a number of issues. This is partly due to the different systems for additional funding, with pressure to start EHCN assessments early so that children can get the support they need at school entry. Kingston has developed an innovative approach to address this for those with social communication difficulties. Packages of support (SCIPs³²) are provided without the requirement for an EHCP. These include specialist advice and training, therapy input and an allocation of teaching assistant time. Support is reviewed termly but can continue for up to 2 years. The evidence so far shows that this intervention supports more effective transitions and helps reduce the need for

²⁸ To find the 'first £6k' of support

²⁹ Differences may reflect variation in recording or diagnostic practice

³⁰ Early Years Inclusion Fund (EYIF)

³¹ A number of these move on to specialist provision at statutory school age

³² Social communication intensive packages

statutory assessment for pupils who make good progress (through short-term intervention). Packages are available to pupils with social communication needs, whether or not they have an ASC diagnosis.

- 5.34** Around 140 fte Kingston students are currently attending mainstream FE colleges, with an overall cost projection of nearly £700k. A significant number attend Kingston (86 fte), with the rest attending other colleges in the SW Thames group or Nescot.
- 5.35** As is the case in most other areas, students with HN in FE colleges are funded individually. This presents a number of challenges for both colleges and the LA in forecasting required number of places and levels of support needed. Now that Kingston College is extending its offer, discussions are in place about developing a more streamlined and differentiated funding model (for students at the Foundation stage).

Specialist and alternative provision

- 5.36** The percentage of Kingston pupils in specialist provision (including SRPs) is above average compared to other London Boroughs and overall levels of need³³. Funding for this level of provision amounts to around £24.6m, over two-thirds of the total High Needs spend. A simple breakdown is provided in Table 2 (below):

Table 2: Breakdown of current High Needs spend on Kingston pupils in specialist and alternative provision (with numbers and unit costs)

	Spend (£m)	Pupil numbers	Unit costs
State-maintained special	10.47	354	£29k
I/NM special schools	8.66	128	£68k
SRPs	3.84	177	£22k
PRU	1.62	78 ³⁴	£21k ³⁵

- 5.37** Officers and schools are already aware of the need to reduce reliance on placements in the independent/non-maintained special school sector and this is a central feature of the SEN futures plan and the Borough’s response to the Safety Valve intervention programme. New special free schools are being established to create more local capacity (at lower cost). However, the current number of local places is still relatively high, compared to provision in some other London Boroughs. Numbers of SRPs have expanded significantly over the years to help address local needs and nearly a quarter of mainstream schools now host this kind of provision.

³³ As measured by social disadvantage (see SENPRF research on HNB distribution across English LAs)

³⁴ Includes pupils with EHCPs who are placed in this provision (at higher cost than standard PRU figure)

³⁵ Overall average

5.38 Given the costs of specialist provision and the rising levels of demand in the system, it will be important that places are targeted at pupils with the most significant/complex needs and that there is a strong bedrock of universal/targeted support in mainstream schools to meet needs that are more common/high incidence (including a reasonable proportion of pupils with moderate learning difficulties, speech and language difficulties, ASC and SEMH).

6. POSITIVES OF THE CURRENT SYSTEM

6.1 Kingston has managed to maintain a strong collective ethos and commitment to meeting the needs of local pupils in local schools. Some processes are in place to support this in practice (eg LA SENCo networks, school improvement approach, secondary school Cause for Concern meetings). Relationships between the Authority and local schools are generally constructive.

6.2 The Authority has a coherent strategy for SEND improvement, with a clear set of priorities for development. It has successfully implemented its post-OfSTED written statement of action. It is focusing not just on increasing the availability of local specialist provision (as an alternative to placements in the independent/non-maintained special school sector), but also on strengthening the mainstream offer and capacity for early intervention. There is greater involvement of parents in review and development.

6.3 All relevant LA officers are engaged in strategic developments and share a common direction.

6.4 Schools are now involved in addressing HN budget issues through the creation of a subgroup of Schools Forum (HN working group). There is now a clearer picture of how money is being spent and of expenditure trends.

6.5 Work is in hand to strengthen the mainstream offer and make this more consistently good. This includes guidance and support to help improve the practice of mainstream teachers (through Quality First teaching) as well as the development of more tailored SEND support.

6.6 There are examples of inclusive mainstream practice across the age spectrum, in the early years, primary and secondary phases and post 16. There have been some attempts to reflect this through targeted HN funding in mainstream schools and the development of inclusion hubs in the early years.

6.7 Positive approaches have been taken to phase transition, with the provision of SCIP packages already established to support children transferring from early years settings

to school and, more recently, more proactive discussions with secondary mainstream schools around pupils with EHCPs transferring from primary.

- 6.8** Decision-making has been strengthened, with clearer thresholds for EHC needs assessments and a move towards a more equitable approach (through the proposed banding system). Mainstream school representatives attend and are involved in SEND panels and there is an annual retrospective moderation event at which SENCOs have a chance to evaluate (and learn from) real-case decisions.
- 6.9** Support service inputs to mainstream schools have been coordinated through the establishment of the Early Advice and Intervention Panel (EAIP), which aims to ensure pupils access the most appropriate resource, help avoid duplication and develop a more common understanding of individual school needs. Support service capacity has been enhanced in some areas to reflect growing levels of need.
- 6.10** Therapy services have been jointly reviewed, with a common commitment across Health and Education to a 'balanced approach' that supports capacity-building as well as individual assessment and intervention.
- 6.11** There is a dynamic approach to meeting the needs of pupils who are at significant risk of exclusion (through the work of the primary EISS, with its capacity for short-term placement at the Bridge as well as mainstream-based intervention, and the availability of intervention places at Malden Oaks and its capacity for supported reintegration). Secondary schools recognise the need for this resource to be collectively and equitably managed and there is active engagement in Cause for Concern meetings.
- 6.12** Kingston has a wide range of specialist provision, with good and outstanding special schools and a number of mainstream primary and secondary resource bases (SRPs) which provide for a range of needs. New provision is planned to address perceived gaps in local capacity.

7. KEY ISSUES

- 7.1** Kingston has demonstrated that it has capacity for improvement, both in terms of SEND practices and financial management. However, it still faces some significant challenges relating to historic overspends and increasing demands.

Continuing growth in HN spend

- 7.2** While the DFE Safety Valve agreement commits to underwriting the Authority's cumulative deficit, this is conditional on bringing annual spend more in line with income. The Government has indicated that income is unlikely to grow at the levels experienced over the last few years and will be linked more closely to inflation alone.

It will not be possible to match income and spend if growth continues at current rates. Provision and services need to be financially sustainable.

- 7.3** As the Authority has recognised, management of spend will not be achieved simply by creating more specialist provision/places that are local and better value for money. There will also need to be a key strategic focus on strengthening capacity in mainstream schools and settings.
- 7.4** This will not be easy at a time when there are broader pressures on mainstream budgets and staffing (and when schools/settings are already having to address a number of challenges resulting from the pandemic and the effect of lockdown on children's learning and social development).
- 7.5** While the Authority has taken a number of steps already to address this issue, there now needs to be a sharper focus, with further consideration of how funding, support and school improvement can best be organised to ensure that the mainstream offer in Kingston is as strong as it can be and that quality and outcomes for children with SEND are consistently good. There was evidence from this review (from parents, services and schools themselves) that there continues to be variability in capacity to meet SEND between different mainstream settings and across education phases.
- 7.6** A consistently strong mainstream offer will help ensure that schools and settings share the responsibility for meeting the needs of the local community, that access to HN funding and provision is equitable and that specialist places are uniformly targeted on those children and young people with the greatest needs. It will also help ensure better pupil outcomes and more effective use of the funding available.

Strengthening the mainstream offer

- 7.7** Kingston has a number of reference points that capture the Authority's expectations of what should be 'ordinarily available' in schools. These include the document on this topic that was recently produced (with support and involvement from two of the seconded school SEND advisers, health and education services and a PCF rep) and a paper that sets out expected thresholds for EHC needs assessment requests. The SEND banding system³⁶ that is about to be trialled for specialist provision will also include levels of need and provision that would be expected to be met through ordinary mainstream school practice.
- 7.8** While these are all useful resources, they can sometimes be seen by schools as relating to the LA's desire to reduce the need for statutory assessments rather than as a vehicle for school improvement or promoting good practice. For schools and

³⁶ CareCalc

teachers who are experiencing day to day problems, it can become an issue of how to produce evidence for individual children that matches what is expected.

- 7.9** The Authority has initiated other developments that are more specifically linked to school improvement (free guidance and support on Quality First teaching and an increasing focus with School Improvement Partners' discussions with schools). However, at present, this tends to be at the 'softer' end of the school improvement continuum and more associated with provision for pupils with more modest levels of need.
- 7.10** Work is currently in hand on developing a local Inclusion Charter and Toolkit. Again, this can be a helpful focus for discussion and exchange of perspectives. However, experience from other Authorities shows that not all schools are willing to take these commitments on board and the focus can be quite broad³⁷.
- 7.11** The Authority may therefore need to consider other approaches that could help strengthen the school improvement link. These could include:
- (i) Ensuring greater transparency with regard to schools' notional SEND budgets and a greater level of evaluation of use and impact
 - (ii) More focused and coordinated training on key aspects of mainstream SEND practice: for example, effective approaches to individual pupil planning and review; communication and collaboration with parents; meeting the needs of children and young people with ASC and planning for other aspects of neurodiversity; effective use of in-school resources³⁸
 - (iii) Strengthening the focus and impact of SEN support services
 - (iv) Reviewing the balance of support and provision to meet growing levels of need in all schools
 - (v) Developing the concept of 'exceptional and predictable needs' to help guide thinking around the range and levels of needs that schools should routinely expect to provide for (even if these are greater than those of the majority of other pupils)
 - (vi) Exploring options for further devolution of HN resources to extend schools' capacity to meet needs themselves

Focus and impact of external support

- 7.12** There was evidence of positive practice within a number of the Authority's support services. Most of those interviewed placed a strong emphasis on 'building capacity'

³⁷ There is considerable international evidence that, for those children who can be supported effectively in mainstream, this is the best place for them (and for their 'non-disabled' peers) see Norwich, Gray and Webster (2021) for the latest review. Research also confirms that successful inclusion is mediated by mainstream staff skills and attitudes and not a simple product of the level of children's needs.

³⁸ There would be benefits of greater use of mainstream practitioners in the delivery of aspects of this training

and supporting mainstream inclusion. However, there was limited systematic evaluation of impact. It might be expected that successful outcomes in these areas would support reduction in demand for additional funding or specialist placement. However, this did not appear to feature in service or individual practitioner appraisal.

- 7.13** Some services, such as the EPS, are relatively well-established with regular visits to/engagement with schools. Most of the children and young people who come forward for statutory assessment are already known to the service and it should therefore be possible to evaluate the degree to which practitioners are able to ‘add value’ and help prevent escalation of difficulties (and the need for higher levels of provision).
- 7.14** Capacity for ASC support is relatively modest, given the increasing levels of incidence and diagnosis. This is an area where there needs to be a confident response in every school, that will help reassure parents that this is part of the ‘normal school agenda’ rather than something that is specialised and different. The relatively high number of resource bases for pupils with these kinds of needs tends to encourage a view among parents that there are only certain schools that are skilled enough to meet them.
- 7.15** A common complaint from all services (including therapy) was that the dominance of the ‘EHCP agenda’ was leading them to focus their inputs ‘too far upstream’, with decreasing capacity for prevention (which was adding further to levels of demand).

Dominance of the ‘EHCP agenda’

- 7.16** A common issue raised in the interviews with parents was the importance of having an EHCP to ensure children’s needs were met. This was partly reinforced by social media and their involvement with formal/informal advocacy networks and partly through experience of professional recommendations³⁹. Some of the mainstream Heads and SENCOs interviewed shared this view. However, there were frustrations on occasions in cases where schools felt statutory assessments were unnecessary, either because, in their view, needs were being adequately met or because their level of needs did not make them a priority for additional support.
- 7.17** Statutory assessment requests were being initiated for a number of different reasons: in some cases, because the school or parents felt the child’s needs could only be met with additional support; in others because of a view that the child might need a specialist placement. For some parents, there was also a belief that an EHCP would come with entitlement to individual support, greater recognition of their child’s particular needs, and a greater ‘say’ for parents about how their child should be

³⁹ Eg Health (GPs and paediatricians)

treated. In practice, acquiring an EHCP did not always deliver on all these aspects, leading to further frustrations.

- 7.18** Part of the problem in Kingston is that EHCPs are required to access most types of additional funding. This is not the case in all LAs, with an increasing tendency to develop mainstream funding approaches that are not dependent on statutory assessment⁴⁰. EHCPs should not be the main instrument for achieving positive relationships between parents and schools – and it is questionable in any case whether this is a very good way to achieve this outcome. Good communication and active engagement with parents are key. Not all issues require ‘big’ solutions, just greater clarity about what parents can reasonably expect and a commitment to positive partnership. Some local areas have found it useful to develop a ‘good practice’ charter as a mutual reference point, building on the example first developed in Rotherham.
- 7.19** Support services have been keen to emphasise their preventative and non-statutory role. However, this is inevitably compromised if numbers of statutory assessment requests continue to increase.

Accessing additional funding

- 7.20** Kingston’s current system of accessing additional funding in mainstream schools and colleges is a traditional one, requiring statutory processes with all their associated positives and issues. While the system offers a sense of longer-term entitlement, it is not dynamic and funding allocations tend not to be actively reviewed. This means that some pupils hold on to resources longer than they need to, while others miss out on funding that could have prevented escalation of issues, if it had been provided at the right time⁴¹.
- 7.21** Statutory assessments are also susceptible to demand pressures, from parents who are more familiar with the system and have the personal resources to negotiate it, and from some schools that consider they have a particular funding need. Although officers try to treat all requests fairly, conventional decision-making processes do not adequately address differences in thresholds for cases being put forward, leading to a level of inequity.
- 7.22** This kind of funding system also promotes inflexible use of additional resources, with parents feeling that a high level of ‘1:1’ support is required on an ongoing basis and limited incentives to promote a greater level of independence (Webster & DeBoer 2019).

⁴⁰ There is nothing in SEND legislation that requires additional funds to be allocated in this way

⁴¹ The current system for funding early years settings is more responsive in this regard.

7.23 Traditional systems also present little opportunities for peer moderation, support and challenge. Greater involvement of schools/settings in collective decision-making helps Heads and SENCOs reflect on their practice and expectations and learn from others.

7.24 The proposal to apply a new banding system to mainstream funding may reassure schools, officers and parents that resourcing will be more equitable and matched to children's needs. However, levels of need and provision for some groups of pupils (particularly ASC and SEMH) continue to be subjectively defined. Levels of difficulty in these areas can also be a product of unmet needs rather than simple within-child factors. There is also evidence that continuing use of 'pupil-led' indicators is associated with a number of perverse incentives (eg having to prove greater deficits to access larger amounts of money). Collective management of resources is more likely to be associated with financial sustainability.

8. SUPPORTING AND FUNDING PUPILS WITH SPECIAL EDUCATIONAL NEEDS IN MAINSTREAM: ADDRESSING THE ISSUES:

8.1 Positive progress is already being made in addressing some of the issues identified above. However, some significant system and cultural changes are also needed to help improve practice and outcomes. These are set out below:

Transparency of school SEN funding

8.2 Information on notional SEN budgets should be more widely available and be a reference point for Heads, SENDCOs and governors in schools and for key local authority services. Clearer mainstream accountability for SEND outcomes is likely to be a theme from the national SEND review⁴² and for future inspection activity.

Models for additional funding

8.3 There is no legal requirement that *any* level of additional funding has to be determined by EHCPs. Some LAs use systems which allocate resources through other means. The best of these involve schools more collectively in identifying priorities, through a structured process of peer moderation. This allows pupils with more complex needs to be targeted more consistently as well as offering the opportunity for support and advice from colleagues in other mainstream schools where this is needed.

8.4 For example, a number of Authorities have devolved a proportion of the mainstream HN budget to local clusters of schools (usually cross-phase) with SENDCOs working together to deploy this resource in a more focused and dynamic way. Cluster leads

⁴² To be published in February/March this year

also work together with LA officers and services to encourage consistency and ensure that any remaining funding held centrally is targeted at those with the most significant/complex needs.

- 8.5** In other areas, a proportion of funding has been devolved to individual schools (to enhance their in-house capacity), with collective commitment (and associated processes) to ensure remaining resources are properly focused and managed.
- 8.6** In all these cases, it is important that both schools and parents have confidence in the system, with a focus on how children's needs will be met (with or without additional funding) and on working together to achieve positive outcomes.
- 8.7** A system that involves stronger cross-phase and collaborative working also helps to improve communication at points of transition as children are already 'known'. It can also enable a more coordinated and focused input from external support services, both in terms of pupil level intervention and development of school capacity.
- 8.8** There would be considerable advantages in the Kingston context to move in this direction:
- i) It would build on existing strengths in relationships between schools and commitment to meeting the needs of the local community
 - ii) It would help extend good practice across all mainstream schools and achieve a more consistent and high quality 'mainstream offer'
 - iii) It would provide a more dynamic system for additional funding, in which schools had a greater 'stake'
 - iv) It would help identify more consistently those pupils with more significant/complex needs who should be a priority for additional support or placement in specialist provision
 - v) It would strengthen relationships between local schools and support service practitioners
 - vi) There is the potential for greater alignment over time between funding systems operating in different sectors (early years/school/FE college)
- 8.9** The Authority has already had successful experience with the SCIPs programme and system change would allow extension of this kind of approach to other age groups and types of need.
- 8.10** The Authority should also explore the further development of its funding approach for pupils in FE (particularly Kingston College) to enable greater staffing stability and further development of the mainstream College offer. This could include funding courses or groups of students rather than linking money in all cases to individual needs.

Support and challenge

- 8.11** Consideration should be given to further strengthening external support for pupils with ASC, given the growing pressures in this area and the high percentage of EHCPs where ASC is the primary need. Services will need to play a key role in helping schools better meet these needs and help manage levels of demand for additional resources and specialist/alternative provision.
- 8.12** Consideration should be given to the development of formal school SEND clusters (involving both primary and secondary schools to support more effective transitions, and with the potential to extend to include representatives from local early years settings⁴³). These could be a strong source of peer support and challenge, as well as playing a role in the better targeting of High Needs resources⁴⁴.

9. RECOMMENDATIONS/NEXT STEPS

- 9.1** System change is a complex process and requires active engagement of all stakeholders, as well as strong and consistent leadership. There are time and budget constraints for both schools and the Authority, but experience elsewhere has shown that this can lead to improvements both for professionals and families, but also better outcomes for children and young people. The current system, as it stands, is unlikely to be financially sustainable.
- 9.2** It is recommended that, as an initial step, this report is shared with relevant parties, through a series of briefings⁴⁵.
- 9.3** Following consideration by key officers, a Task & Finish Group should be established involving mainstream Heads and SENDCos and relevant LA personnel (SEN and Schools Finance). Parents will be a group to consider in moving forward and it is recommended that they are represented through the involvement of SENDIASS/PCF.
- 9.4** The group should be established as soon as possible with a clear agenda and timelines. The aim should be to develop a new approach to mainstream funding that could be shared with all schools and other relevant stakeholders as a model to be decided.

⁴³ This would build on existing practice in parts of Kingston where cluster working is still strong

⁴⁴ Some level of devolution of HN funding to clusters could be included, as has happened in some other Authorities, so that needs can be met more flexibly/without recourse to statutory processes. Service capacity (eg EPS; speech and language therapy) could also be deployed at this level, giving schools a more collective role in identifying priorities/focus

⁴⁵ Including Schools Forum and the High Needs Working Group

9.5 Implementation could start from September 2023, although some steps could be taken before then. The Authority should plan to make some new money available for this development, as part of its response to the Safety Valve intervention programme

References:

Norwich, Gray and Webster (2021): Impact of mainstream inclusion on pupils with SEND and their non-disabled peers: summary available on the SEN Policy Research Forum website: www.senpolicyresearchforum.co.uk

Marsh, Gray and Norwich (in press): Analysis of factors underlying differences in High Needs Block allocations to Local Authorities in England

Centre for Studies in Inclusive Education (2019): Contrasting responses to diversity: school placement trends for all Local Authorities in England: 2014-2017

Webster & De Boer (2019) Teaching assistants: their role in the inclusion, education and achievement of pupils with special educational needs, European Journal of Special Needs Education, 34:3, 404-407

Appendix 1: List of interviewees:

Head of Education
Programme Director
Chairs of Schools Forum and High Needs Working Group
Finance Officers (Schools and SEND)

SEND school improvement adviser
AD (SEND) and SEN support service leads
Head of SEND team and casework leads (0-14/14-25)
Principal EP and group of EP practitioners
Head of Early Years and Early Years SEN service
AD (Pupil Support), exclusions officer and behaviour support team lead
Designated Clinical Officer (Health)
Children's therapy services managers

Two groups of primary heads (4)
Group of secondary heads (3)
Group of primary SENCOs (4)
Secondary SENCO

Group of primary and secondary governors (2)
Group of EYs providers (5)
Head of Inclusion/LDD for SW Thames Colleges

Initial interview with SENDIASS lead and chair of Parent Carer Forum
Interviews with parents/carers (4) of children in mainstream schools/settings

Documents and data:

Paper to SEND Partnership Board from Julie Cordiner (consultant) (November 2019)
LGA SEND peer challenge report (April 2021)
SEND Futures plan update to SEND Partnership Board (July 2022)
SEND Futures plan risk register (September 2022)
Kingston Safety Valve agreement: 2022/23 Q2 update report (September 2022) + dashboard
HNB subgroup: terms of reference and minutes of recent meetings
Report to Schools Forum: Early Intervention Support Service (September 2022)
Progress report on the implementation of the Kingston therapies review
Letter from OfSTED following joint area SEND revisit (October 2022)

Breakdown of HNB expenditure 2021/22
Data on numbers/costs of pupils with additional support (across age range), including school breakdown and analysis of needs type
Information on SEN support service funding
Data provided from Safety Valve programme