

## Merton Safety Valve 3rd Monitoring Report

January 2023

Date Submitted	20 <sup>th</sup> January 2023
Signed off by: Director of Corporate Services (S151 Officer) Director of Children's Services	Roger Kershaw Jane McSherry

### Summary:

Progress against the plan remains good. We are seeing the impact in the number of referrals received and accepted, and in subsequent approval of EHCPs. Prior to the commencement of the plan, the numbers of EHCPs had been rising by around 300 per year and the plan was based on an assumption that they would continue to grow by 313 per year without action. As of December, the number of EHCPs is 43 fewer than the same period last year. This reflects a significant turnaround in practice and the way we work with schools. However, this also reflects a higher number of families moving out of the borough.

The in-year deficit is £3.6m lower than at the end of 2021/22, which is a significant reduction. Provider inflation uplifts are well above the 2% assumed in the plan and although we have managed these carefully, this has added £550k to costs this year. Some independent sector schools have already submitted bids for next year's uplift of 10%, although we will not be considering those until we are clearer about the trajectory of inflation.

There is also a time lag between taking the actions to pull back activity and create new capacity and seeing the full financial impact. A lot of cost is tied up in placements in the independent sector and change mostly happens at the natural pupil transition points. We did have movement in September (including some moves from the independent sector) which is reflected in the £1.2m savings from the new special school capacity at Whatley Avenue for example. Reducing these costs is taking longer than anticipated in the plan but the capacity development and demand management puts us in a strong position to get back to plan.

Our consultation with schools was supportive on the proposed transfer from the Schools Block to the High Needs Block. We await Secretary of State approval for an additional £500k (cash amount) transfer as set out in the SV plan agreed with DfE, and the transfer from Early Years to High Need Block.

If the block transfers assumed in the plan for 2022/23 and 2023/24 are approved, we are confident of being on or close to plan next year,

Agreement Condition	Assurance Level			
Condition 1:  <b>3.1 Support Mainstream Schools to adopt inclusive practice to enable more children and young people to remain in mainstream settings where appropriate. Develop a graduated response which sets clear guidance on support that should be available in mainstream settings.</b>	Q1	Q2	Q3	Q4
	Green	Green	Green	RAG

**Progress Update:**

The EPS/ SALT/ Behaviour Team and Learning team have met in several “field force day”. The first resulted in “single conversations” with all schools in the borough. This has highlighted overlaps and gaps in specific school provision which would enable them to develop better inclusive practice. From these meetings joint programs of support for each school are being developed, ensuring that officers from all teams are working to the same priorities. The second field force day was on 13<sup>th</sup> December and looked at how we better join up the SEND advisor pilot school work (see below) with the wider offer. A wider group of services were in attendance, including the commissioned services of Merton Autism Outreach Service, and OT.

Ordinary Available - Primary SENCOs, secondary SENCOs and all Early Years Providers (PVI and maintained) have been consulted on the draft Ordinarily Available Guidance (OAG) to ensure a grounded approach, and feedback has resulted in significant engagement by schools and settings about what this really means for them. OAG steering group has collated feedback to develop targeted guidance for early years, primary and secondary settings, and to highlight the requirements from settings/schools (e.g. central training) for successful implementation to occur. Case studies and examples enable a focus on what practice should look like in EYs, primary and secondary provision. Informal publication has taken place, whilst Ordinary Available discussions are on-going to deepen engagement and achieve impact.

**Targeted visits**

One full-time and one 0.6 FTE SEND leaders, and three Specialist Leaders in Education (SLEs), have been seconded to the role of SEN Advisor. The three SLEs are senior leaders from two of LBM’s special schools and have experience of supporting mainstream schools.

School Inclusion Profiles for each LBM school have been created using available data linked to SEND. These include context, achievement and financial data. All schools have received a static copy of their profile. There is an on-going consultation with the data team to review and amend these profiles responding to school feedback.

Phase 1 of the project is providing 0.5 day a week of support to six primary schools and two secondary schools. Schools have been targeted based on their numbers of pupils identified with SEND at either SEN Support or with an EHCP, relative to their deprivation context. Phase 1 represents schools in areas of both high and low deprivation.

The Inspector for SEN and one of the SEN Advisors has met with the Headteacher and SENCo of each school in the phase 1 cohort. The agenda for each meeting has been driven by the School Inclusion Profile data and the school's own self-evaluation. The outcome of the meeting has been to establish a number of key areas of SEN provision for development. These areas link to improving meeting pupils needs at SEN Support with a particular focus on upskilling class and subject teachers.

Each school has created a one-page action plan with the SEN Advisor. This identifies aims of the support, what the school will do, what the SEN Advisor will do and agreed success criteria. SEN Advisors will join other inclusion service professionals at the school based 'one conversation' meeting in the spring term. Support in each school will follow the model of upskilling a small group of staff to create a best practice model to be shared more widely in the school alongside a programme of whole school awareness and strategy training for all staff. Best practice models will be shared with phase 2 schools and via the termly LBM SENCo Forum, termly secondary school SENCo meeting, SENCo working group and Headteacher meetings. Strategic feedback will be provided via the Education SLT SEN Strategy meetings.

Support for phase 1 schools will run for the latter part of the autumn term and spring term 2023. Phase 2 schools will be invited to join the project for the summer term 2023. Support for this phase will draw on lessons learned and support packages developed in phase 1. The number of schools joining in summer 2023 will depend upon the successful recruitment of more LBM SENCos. As a minimum we hope that 12 primary schools and 4 secondary schools will have had access to SEN Advisor support by the end of the academic year 2023. This represents over a quarter of primary schools, and just under half of secondary schools in the Borough.

LBM has a rolling recruitment programme to second SENCos to the advisor posts. The optimum number is three full-time SEN Advisors. In order to attract a strong field part-time options are being made available.

Through the planning meetings with schools the following issues have been raised / identified, which is informing how we develop our priorities and work with schools:

- Speech, language and communication needs (SLCN) is the prevalent need area for pupils at SEN Support across the phase 1 schools. This is confirmed by LBM context data.
- The current model and capacity for speech and language therapy support in LBM, has resulted in a large proportion of this resource supporting EHC assessments and delivering to statutory provision. Guidance, support and training as part of the graduated approach at SEN Support has been insufficient. As a result many school staff lack basic skills and understanding of

how to plan for and meet SLCN in the classroom. Additional SaLT support will be required to enhance the work of the SEN Advisors.

- Schools have identified a growing number of pupils with complex needs. This is likely to be caused by the impact of the pandemic and lockdown including access to assessment and guidance during this period. Whilst this project focuses on meeting needs at SEN Support the impact of pupils with complex needs is affecting schools' capacity to meet needs earlier in the graduated approach.

#### **Next Steps:**

- Ordinarily Available Guidance (OAG) document for Primary settings to be published in final form post further engagement
- Further engagement to further develop Early Years and secondary specific OAG.
- Take OAG into single conversations with schools and settings.
- Complete support for phase 1 schools; share best practice more widely through SENCO forums etc
- Development of Merton SEND Inclusion Charter.
- Promotion of the DFE Early Years education recovery programme: supporting the sector to include level 3 SENCo qualification.
- Continue work with South Thames focused on curriculum, inclusion and finance.

#### **Risks:**

- There are a multitude of competing demands on the focus and energies of schools as they continue to recover from the pandemic, including the impact of whatever will replace the White Paper/Schools' Bill, the SEND Green Paper, all schools being inspected by 2025, and the impact of the pandemic on children's development, health, and academic achievement. In this context their capacity to manage such change must be clearly understood.
- It will be important to ensure parents continue to be brought with us, and that schools are supported so that they are able in turn to give parents confidence in the SEN support offer to their child our gradual approach to Ordinarily Available is in response to this
- In the context of school's own budget pressures (exacerbated by the rise in energy costs and the September 2022 workforce pay rises) they may not be able to focus resource on their Ordinarily Available offer/ capacity.
- The full impact of the pandemic is yet to be fully understood, including a possible increase in the numbers of children with a greater level of SEND complexity. Should this increase materialise, the Ordinarily Available offer from schools and settings will need to respond, though recognising that it might also result in an increase in the numbers of children needing EHCPs to ensure their needs are met
- Increasing costs across EY sector and pressures around sustainability/viability for free 2,3 and 4-year-old places that can impact pm quality and impact on SEND support

<u>Agreement Condition</u>	<u>Assurance Level</u>			
Condition 2:  <b>3.2 Strengthen the SEN Support offer available in mainstream schools to reduce escalation of children and young people’s needs and manage demands for EHCP’s.</b>  <b>This should include targeted investment on early intervention.</b>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>
	Amber	Amber	Green	RAG
<p>The analysis of fixed term exclusions has resulted in a detailed understanding of placements in the PRU and assessment places in Melbury College. It shows strong evidence that Melbury development has kept more children with SEMH in Merton and that exclusions are not a driver for EHCPs.</p> <p>The London Children’s Practice has provided free training in Q3 on Zones of Regulation which was offered to all staff in Merton schools to increase staff understanding of supporting dysregulation in pupils. This will be offered on a termly basis for all staff.</p> <p>The Learning team, Behaviour Service and EPS are all supporting schools through SEN support offers, including increasingly aligned training and advice. Specific work has been undertaken to provide training to schools on dyslexia, to reduce demand for individual assessments. This work has strengthened the SEN support offer; however, we have noted that parental confidence is still an issue in more affluent areas where school feel an expectation for individual assessments. Similarly, in SEMH we have developed much greater capacity with all schools in Merton having access to school based Mental Health teams supporting low mood. A working group is developing guidance in line with the i-THRIVE model for mental health that advises on the range of provision for children and young people with emotional based school avoidance. This increase in ICS funded provision that can be accessed without an EHCP is strengthening the offer and reducing the requirement for EHCNAs for SEMH.</p> <p>Targeted investment in early intervention was boosted by Merton’s successful bid to develop Family Hubs through Transformation Fund 1 (TF1). This work will include the development of a multi-agency partnership approach to using Children’s Centres and Youth Centres as community early help provision. We have secured 900k to support the transformation across our early help system; improving outcomes for families across the 0 – 18 (up to 25 for SEND) age range. One aspect of this offer will be support to families where there are a range of additional needs, including SEND.</p> <p>Now the outcome of the national EY consultation for funding formulae and indicative budgets for 23/24 has been published, we will review the eligibility and criteria for access to SENIF in partnership with the sector, taking into account the OA work that is underway.</p>				

**Next Steps:**

- Review of Early Years SENIF funding and criteria for allocation of funds and support to settings via consultation and stakeholder engagement.
- Work with Merton Special Training Alliance (MSTA) to further develop aligned central training offer for schools and settings, consideration of what could be available free of charge, particularly for identified schools.
- Develop with MSTA their offer for individual schools.
- Develop involvement of curriculum advisors within the school improvement team to strengthen the SEN support offer in schools in their areas of expertise.
- Develop the role of the Early Years Early Intervention and Inclusion officers, improving the approach to whole setting support and developing OA and inclusive practice across the sector.
- Consideration of GL speech and language assessments across early years and primary phases.

**Risks:**

- Maintaining services within the statutory SEND arena whilst offering more to improve the SEND support offer.
- Emerging fragility with regard to sustainability of the EY sector, meeting needs of young children and enabling attendance at training and CPD events.

Agreement Condition	Assurance Level			
Condition 3:  <b>3.3 Strengthen the professional networks across mainstream settings to promote learning and confidence in meeting children and young people’s needs, including articulating school level inclusion standards.</b>	Q1	Q2	Q3	Q4
	Green	Green	Green	RAG

**Progress Update:**

There was continued high attendance at the autumn term LBM SEN meetings. These include SENCo Forum (all schools – an in-person event), Secondary SENCo meeting – (virtual event) and the SENCo Working Group (virtual meeting with representatives from each school cluster across LBM).

Each event had a focus on the aims of the LBM SEND Strategy (including Safety Valve activity.) For example, at the SENCo Forum SENCos reviewed the content of the Ordinarily Available Guidance (OAG) collated so far. A workshop exercise run by the new SEN Advisors took SENCos through the School Inclusion Profile and its contents. SENCos provided feedback on what works well and additional data they would like to have access to. An overview of the SEN Advisor support project was

provided. Follow up activities and feedback were shared at both the Secondary SENCo meeting and the SENCo Working Group. The new SEN Advisors are now members of the latter.

The Inspector for SEN who is overseeing the SEN Advisor support project has provided all schools with regular updates about the progress of the project. This also provides an opportunity to raise the profile of the SEN Advisor role and encourage applications for secondment to the post.

Feedback on the impact of the project and sharing of practice is scheduled for the next SENCo Forum in early March 2023. The spring meetings will also include a focus on meeting needs in the mainstream classroom. For example, joint training from the Curriculum Advisor for maths and the SEN Advisors.

**Next Steps:**

- New SEN Advisors to continue work with the SENCo Working Group to support the development and collation of inclusive practice across Merton schools.
- Schools working with SEN Advisors to provide feedback of support to the wider school network.
- A regular SEN Strategy newsletter is planned to ensure all stakeholders are aware of the development work that is being undertaken and the impact this is having.

Agreement Condition	Assurance Level			
Condition 4:  <b>3.4 Develop Merton’s sufficiency strategy to ensure that current specialist provision is being used most effectively, including working closely with school leaders to optimise availability of provision. Expand specialist provision within the LA appropriately in order to meet the needs of children and young people within the authority.</b>	Q1	Q2	Q3	Q4
	Green	Green	Green	RAG

**Progress Update:**

Significant progress was reported last quarter where phased works were completed for the start of term in September 2022 to allow 40 children to start at Whatley Avenue Campus (a satellite site for Melrose School), expansion of ARPs at West Wimbledon Primary School and Hatfield Primary School, and the opening of the ARP at Cranmer Primary School.

Since this time works were fully completed at Whatley Avenue at the end of the October half term, and design work has started for the main phase works at Cranmer Primary School and West Wimbledon Primary School, to complete in September

2023. The detailed brief is in the process of being agreed for the expansion of Perseid School, for design work to start in January 2023.

Following in-principle support for the proposed new Special Free School in June, our bid was submitted on 28 October 2022 which included suggestions for sites. Since this time we have been in dialogue with the DfE Capital Directorate, enabling feasibility work to be undertaken on some possible sites. We have been advised that all other aspects of the application have been assessed to the DfE teams satisfaction and the firming up of site options is the key outstanding issue.

**Next Steps:**

- Further liaison with DfE on site options and other work on progressing the new school to allow Minister approval
- Progressing the next round of school expansion project for special school provision, with the priority being the next phase of Cranmer and West Wimbledon, and for Perseid School
- Start work with Ricards Lodge and Rutlish to agree their approach to expanding their ARPs
- Final stages of ARP/ASD lead

**Risks:**

- Site risks for the new school
- Developing additional ARPs in the secondary sector is more challenging, especially with two good/outstanding academy secondary schools having physical space according to former net capacity assessments, but not currently wishing to provide the provision.
- The creation of new specialist places can lead to a new demand. The provision available in specialist placements will be explicitly described so that placements of children and young people with lower-level needs than intended for the provision should not take place

Agreement Condition	Assurance Level			
Condition 5:  <b>3.5 Secure collaboration and financial commitment from partner agencies where appropriate, in particular ensuring health partners make adequate contributions to provision.</b>	Q1	Q2	Q3	Q4
	Amber	Amber	Amber	RAG

**Progress Update:**

The bulk of the contributions as set out in the plan have been delivered. Health contributions to EHCPs are £252k higher than in 2021/22, which is below the sum



assumed in the plan but a significant change representing a 27% increase.

Health contributions are obviously determined case by case. They contribute to a small number of cases, but where they do, their contribution is a high percentage. This is an area that requires further focus in the New Year to ensure that health contributions properly reflect the health elements of plans and that the joint panel is sufficiently rigorous in assessing this.

<b>Partner</b>	<b>Forecast additional contribution 2022/23 As at Qtr1</b>
ASC	£500,000
CSC	£500,000
Corporate	£500,000
Health	£252,229
<b>Total</b>	<b>£1,752,229</b>

We are in discussion with ICS about a joint Head of Integrated Children's Commissioning role which will help bring together our work to support CYP with SEND. We are aiming to have this in place early in the New Year. This will be a stepping stone to wider discussion on joint commissioning and integration of services.

**Next Steps:**

- Take forward interim appointment of Head of Integrated Children's Commissioning

**Risks:**

- The ICB will be restructuring for the new financial year and changes in personnel in partners can disrupt joint working.

Agreement Condition	Assurance Level			
	Q1	Q2	Q3	Q4
Condition 6:  <b>3.6 Develop and implement a clear planning and decision-making process for placements, in line with the sufficiency strategy.</b>				
	Green	Green	Green	RAG

**Progress Update:**

There is ongoing focus on ensuring placement decision making is robust, focusing on pupils' needs. The Phased Transfer Panel has been established and is monitoring the destinations of pupils for Year 7, Year 12 and Post 14. Data on destinations will be analysed post 15<sup>th</sup> February (which is when we get the post 16 college data) and 31<sup>st</sup> March. Current data is showing that the majority of pupils will be placed in mainstream settings. The LA is working with mainstream schools to support and challenge consultation responses where the education setting is stating that they are unable to meet need. The LA is also working with parents about parental preference and being clear that the LA is not required to consult with schools not on the Section 41 list.

The Phased Transfer Panel has provided increased management oversight of consultations and destinations for pupils. EHC Co-ordinators are aware of the process and the rationale for this panel.

**Next steps:**

- Implement the Phased Transfer Panel

**Risks:**

- Ensuring the new ways of working are fully embedded throughout the structure

Agreement Condition	Assurance Level			
Condition 7:  <b>3.7 Strengthen oversight and contracting with independent and non-maintained schools to ensure value for money, including reviewing expensive placements.</b>	Q1	Q2	Q3	Q4
	Amber	Amber	Amber	RAG

**Progress Update:**

The DPS for purchasing independent and non-maintained special schools went live on 7<sup>th</sup> of November 2022. The new contract will go live from 3<sup>rd</sup> of April 2023, and it will run for 5 years and end on 31<sup>st</sup> of March 2028. This robust and transparent procurement process will strengthen effective commissioning and monitoring of independent and non-maintained special school placements. The brokerage of the independent and non-maintained special school placements will enable a co-ordinated approach to the market with contractual mechanisms that will help monitor quality, improve outcomes and ensure placements offer best value for money. We are confident that we will have at least 20 schools signed up to the system by the end of January and then we will then work with other schools to increase that further.

Review of independent and non-maintained placements has led to a cashable savings recovery of £200k to date. Cost avoidance savings exceed £300k. There are ongoing provider meetings to support individual deep dive work.

Unfortunately, the high level of general inflation has been an understandable focus for independent schools and fee negotiations have taken up a lot of time. A total of 37 providers submitted inflationary fee uplift requests. Only 18 providers have had their inflationary uplift requests approved so far and there are ongoing negotiation meetings with providers. We estimate that the cost will be £550k more than allowed for in the SV plan. However, in the light of the high inflation levels, this represents a reasonable outcome and is £160k lower than the fee uplifts demanded.

There has been a noted increase of therapy and 1-to-1 increments as well. Fee negotiations are increasingly becoming more difficult, but the priority remains on supporting safe delivery of services to our most vulnerable children and young people.

We are already receiving fee uplift requests for next year for 10%. We will not deal with these until next year when we see the pattern of inflation and the national teacher pay award, but even based on an assumption of inflation falling back to 7-8%, the inflation pressure next year will be in the region of £800k above plan.

Although we continue to RAG rate this section amber, we are confident that we now have a robust system for commissioning and monitoring independent sector placements. We now have two full time SEND commissioning managers in place. Whilst there is always more to do, we are better placed to control costs.

**Next Steps:**

- Complete DPS bid evaluation and moderation including award governance paperwork
- Continue individual learner deep dives on all identified savings opportunity areas
- Finalise recruitment of 1 SENDIS Dedicated DPS Officer.

**Risks:**

- Although the market engagement exercise was positive, we cannot be sure how current independent providers will respond to the live DPS/procurement
- The high level of general inflation is driving demand for significant fee increases and is also a potential distraction from the wider discussions about delivery, outcomes and fees.

Agreement Condition	Assurance Level			
Condition 8:	Q1	Q2	Q3	Q4

3.8 Strengthen the EHCP annual review process in order that EHCPs can be stepped down where children and young people's needs have been met appropriately.				
	Amber	Amber	Amber	RAG
<p><b>Progress Update:</b></p> <p>The Annual Review Improvement Plan has been reviewed at the SEND Governance Board. It has been agreed that Invision 360 will be purchased which is an audit tool for annual reviews and to monitor outcomes of the EHCP's. This tool will support the support and challenge meetings with providers on their outcomes and delivery of the EHCP.</p> <p>Following the recruitment of more EHCP coordinators (bringing down case loads) their attendance at annual reviews has increased. This provides additional oversight and management of the review process.</p> <p>There has been a focus has been on the attendance at annual reviews for our post 19 co-hort. In Quarter 3 we ceased 25 EHCP's with a Q3 savings of £50k and annual saving of £250k.</p> <p>Improved monitoring at Annual Reviews and engagement with providers has meant that we are aware of pupils who move out of area in a timely manner. 39 pupils moved out of area in Q3 and this resulted in a saving of £118,651.00 for Q3 (£350k fye).</p> <p>We track and monitor phased transfers at case level and undertake deep dives where apparent anomalies or adverse trends are identified.</p> <p><b>Next Steps:</b></p> <ul style="list-style-type: none"> <li>• Full implementation of the Annual Review Improvement Plan</li> </ul>				
Agreement Condition	Assurance Level			
Condition 9:  3.9 Review and develop a clear SEND financial strategy that ensures case level decision making is strategic and appropriate.	Q1	Q2	Q3	Q4
	Green	Green	Green	RAG

**Progress Update:**

The understanding of and commitment to the plan is more embedded. This is reflected in the nature of the discussion at Schools Forum and its SV sub-group. We continue to brief schools on the necessity of the actions in the plan, linked to the ambitions in the SEND Green Paper, seeking to bring them with us on the journey. These discussions continue through to individual school and case level, through SENCO attendance at SEN panels. System-wide training on the High Needs funding guidance has also commenced.

As we move towards getting back on plan financially, we will need to look for opportunities to invest in more short-term support to pupils and in Early Years at SEND support level.

The setting level for SEND data profiles we delivered for the new academic year are informing whole school accountability meetings.

We are forecasting ahead over the life of the programme and adjusting each month in line with our budget monitoring, which is reflected in the graph in the summary. If the indicative settlement and block transfer come good, we are confident of being back onto plan. And subject to delivery of the new school, we stand a good chance of getting to an in-year balance a year ahead of plan.

The Council's commitment to the programme remains. We report monthly to the Corporate Management Team and to the Leader and Cabinet Member for Education on progress and issues. We also provide updates to the Children & Young Peoples Scrutiny Panel.

**Next Steps:**

School Forum approval and Secretary of State (SOS) of the transfer of (0.5%) c£600k to c£700k from the Schools Block to the High Needs Block (final value depending upon school block final DSG published allocation for 2023/24). This will represent 0.5% of the Schools Block allocation and is included within our published Safety Valve plan. Also seek approval from School Forum and SOS for an additional £500k (cash amount) as supported in 2022/23 and published within the Safety Valve plan for ongoing years.

**Risks:**

- It will be important to maintain strong partnership working with schools and parents, to ensure that we are all pulling in the same direction for the SEND financial strategy.
- Block transfers are a key element of the plan and SoS approval where needed is a risk to this.

**Appendices:**

- SEND Strategic Governance Board December 2022 minutes

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