



The Local Government Association, the Association of Colleges & Natspec

Arrangements for planning, commissioning, funding, and supporting provision for post-16 high needs students

Report

**acl consulting
November 2020**



Executive Summary

Background

- 1 In January 2020, the Local Government Association [LGA], the Association of Colleges [AoC] and Natspec commissioned a consulting firm to undertake a review of arrangements for planning, commissioning, funding, and supporting provision for post-16 High Needs students.
- 2 The purpose of the review was to provide the study's sponsors with a clearer understanding of how local authorities [LAs] and providers within the post-16 high needs system – general further education colleges [GFECs] and special post-16 institutions [SPIs] – can work together to manage an increased demand for support for High Needs students, and what more can be done to make best use of resources.

Methodology

- 3 Fieldwork was conducted in 10 LA areas, selected to reflect the range of authority 'types', High Needs block allocations, and the increase in the number of Education, Health & Care plans [EHCPs] in the period since the passing of the Children and Families Act 2014 and the introduction of the SEND Code of Practice [The Code].
- 4 Each LA was asked to identify up to 4 providers to whom it contracted a significant proportion of its High Needs funded provision for interview. Across the 10 LAs we spoke to 25 LA staff and 50 staff from 28 providers – 14 GFECs and 14 SPIs.
- 5 A third of the interview programme was completed during the first half of March 2020, prior to the coronavirus lockdown period, mainly on a face-to-face basis. Remaining interviews were completed between July and mid-August 2020; these interviews were completed remotely by phone or video conference platform (Zoom, Teams etc.).
- 6 Throughout the fieldwork period we also interviewed, mainly remotely, a number of stakeholders, representatives of the study sponsors, and other interested parties.

Key findings and recommendations from the fieldwork

- 7 The following findings and recommendations are based on observations from the fieldwork for this study: all of them, to a greater or lesser extent, are currently being implemented by one or more of the LAs and providers in our fieldwork sample.

Strategic planning of provision

- 8 This study is not alone in seeing little evidence that longer term planning of post-16 High Needs provision is currently taking place; there is a general recognition that more needs to be done, and signs of actions being taken.

- 9 Block agreements [see paragraph 35 below for further details] potentially address a number of the issues identified by LAs and GFECs – in a planning-related context they enable a far more collaborative approach and better, more trusting, relationships to develop between providers and LAs, and allow for planning horizons to extend beyond the next academic year.
- 10 As part of improved planning, more collaboration – between LAs, between LAs and providers, between post-16 further education and other providers – should be prioritised. The project found progress being made in all of these; there is less to report in terms of engagement with the wider post-16 sector (principally school sixth forms, including special schools, and non-maintained provision). A strategic planning group for 16+ may be helpful.
- 11 Whilst it is early days, most LAs and providers are working towards having a single repository for data on High Needs students (current and potential), and developing the ability to analyse that data and the capability to act on what the data is saying. Such a repository will enable a more effective planning dialogue to happen, including with health and adult social care, and the development of informed plans, strategic and operational, to meet identified needs.
- 12 In the meantime, there is information and market intelligence available, and this should be used more widely for planning purposes. Whilst a complete dataset on who is coming through from schools and when is perhaps the ideal for planning purposes, and though there will still be issues caused by cross-border movement of students, there is still much that can be done by providers and LAs with the information available.

Development of new provision

- 13 Having, through improved strategic planning, identified areas where new provision is needed, LAs should play a more active, innovative and creative role with providers, existing and new, in the development of that provision.
- 14 Providers and LAs should be proactive about approaching each other to discuss needs and, where necessary, make joint commitments and investments (broadly defined) to share/spread the risk and/or avoid the risk of unnecessary local duplication.
- 15 The fieldwork identified a range of approaches that providers and LAs are taking to develop new provision which are worthy of consideration by others:
- Using an existing organisation (or establishing one) as a lead contractor to allow other, often small community interest, providers to deliver on a sub-contracted basis
 - Inviting an existing SPI to open additional provision in an area to meet the present and future needs of a defined group of students
 - Working with an extended range of local providers, some perhaps new to the sector, to develop additional provision

- Commissioning a package of provision from multiple providers for one student
- The central provision by LAs of certain high needs support services, enabling more providers to deliver programmes to young people with high needs
- An SPI training other providers' staff to enable them to offer a base level of support to their High Needs students with more moderate levels of need.

16 Any actions taken here should help to broaden the provider base, the current narrowness of which was a concern for a number of LAs.

Transitions into post-16 provision

- 17 Securing better transitions between life stages and settings, including from secondary to further education, is a key focus of The Code. Post-16 provision should be determined, and funding agreed, by March 31st in the year of transfer. For a variety of reasons, this deadline is often missed, and a smooth transfer therefore often not achieved.
- 18 Post-16 providers should be given earlier (pre-16) access to young people. The earlier the contact between a young person and their probable post-16 provider, the more likely that the young person's post-16 needs and aspirations will be known in good time, and the more effective the planning of and transition to that provision will be. By the end of Year 10 most young people, including those with High Needs, should (exam results permitting, where relevant) have a clear idea of what is next.
- 19 Earlier clarification of what is next should enable 'consults' to become more of a formality, and other processes during the year of transfer to take place in a more considered and timely manner. Whilst late, unplanned and unexpected starts in post-16 provision cannot be entirely removed, they can be reduced considerably.
- 20 The currency and content of EHCPs needs to be improved if they are to be fit for post-16 purposes. To do this requires early input from staff with relevant knowledge and experience of the post-16 sector, and of the post-education options for young adults with High Needs. LAs must determine who is best placed to provide this input.
- 21 In this context, the development of a caseworker role to act as a single, trusted and well-informed point of contact for the young person and their family over a period of time, starting pre-16 and continuing post-16, is fundamental to improving transitions. The caseworker should be able to bring knowledge of post-16 provision into pre-16 settings, bringing a focus on what happens post-16 in from an early age.
- 22 For providers, the appointment of transition coordinators to work on transitions with 'feeder' schools and other pre-16 providers would also help to facilitate the transition.
- 23 More generally, anything that can be done to achieve greater standardisation of processes, procedures and documentation on a sub-regional or regional basis will be beneficial in smoothing the transition process and reducing the administrative tasks.

Transition from post-16 provision to adult social care

- 24 For those young adults with High Needs whose destination includes adult social care, it is difficult to escape the conclusion that the transition to it from education is one of the weakest points of the present arrangements. The weakness is not in conception – there is general agreement on what should be done – but in delivery.
- 25 Organisational restructures – in particular the creation of “0 to 25[+]” directorates that bring education and social care under the same director – offer opportunities to rework processes and systems for more effective service delivery and to ensure that the young adult is not lost in transition.
- 26 As is the case for transitions into post-16 education, transitions to adulthood also work best when key Adult Social Care caseworkers are involved in transition planning from an early stage, and the relationship between them and the young adult is built over time.
- 27 To avoid “cliff edges”, education providers need to be able to “scale down” their input as more general adult social care provision “scales up”. Ideally elements of what was in place before transition will continue during and after it, rather than having provision that was terminated (by education) being recreated (by adult services).
- 28 The development of a thorough process for reviewing and ceasing an EHCP is an important element of the transition. Providing staff with training in the process, and supporting them in their decisions, whether this is to cease or to continue a Plan, will help – but only if this is in the context of the young adult and their family not feeling abandoned by a decision to cease.
- 29 In this context, it is important for parents and local authorities to develop a consensus on what constitutes “progression” for a High Needs student. An effective caseworker role will facilitate this.

Education, Health and Care: working together

- 30 The duties that The Code lays on LAs and their partner commissioning bodies to develop joint arrangements for commissioning services for 0 to 25-year-olds who have SEND do not appear to be being met, particularly in respect of Health.
- 31 On the basis of this project, there do not appear to be any quick fixes. In a slow process of establishing and working through local arrangements, in all probability Children’s Services Departments will have to take the lead.
- 32 Examples of good practice in relation to other aspects of disability-related services may be transferrable. Children’s Hearing Services Working Groups, which coordinate inputs into the care and development of children with hearing impairment, could provide a basis for a similar group in every LA/CCG area that would monitor practice in relation to EHCPs to ensure that the aims of The Code are delivered.

Funding

- 33 The fundamental principle – that LAs, as commissioners, are funding providers to deliver successful *outcomes* for young people, and that this is at root what the High Needs system is about – needs to be restated. Inputs are only a means to an end.
- 34 When a programme is commissioned there should therefore be a conversation about potential outcomes: LAs as commissioners should ask providers about how the inputs requested will lead to the outcomes desired; providers should draw on their experience to show how (broadly) similar young people in the past, having received support along the lines now requested, have achieved the outcomes that are now proposed for the young person (or group of young people) under discussion.
- 35 The project identified a number of incremental changes, possible within the current funding model, that if implemented would facilitate this conversation:
- Block funding. A means through which the calculation of Element 2 (and 3) can be simplified considerably [see paragraph **Error! Reference source not found.** below for further details]
 - Payment for extra places. Payment of the LA contribution in full if these occur within the first 42 days of the start of the autumn term. A subsequent review (e.g. at the spring half term), with payment for these later placements at a reduced rate to take account of the fact that provision will not be for the full year, would help those providers whose starts do not follow the more usual September pattern
 - Element 3 payments. Where it is impossible to come to a full agreement on the costs of a particular programme in advance, an interim Element 3 payment for the autumn term, with further support subject to a November review of the EHCP
 - Standardised costing at sub-regional level. A standardised form, used by all LAs and all providers in a (sub-) region, to submit a request for Element 3 funding simplifies the process of costing provision. Indeed a standardisation of all paperwork (costing, monitoring and reporting) sub-regionally would be helpful.
- 36 However, the range of issues providers and LAs have with the current funding model – in particular with Element 2 – points to more fundamental problems with the funding model, and indeed with the High Needs system as a whole. The final substantive section of the Report (Section 9) therefore outlines recommendations for ...

... A more radical reworking of High Needs provision

- 37 Most if not all of the recommendations made above will still be relevant in any more radical reworking of the model; the paragraphs below outline the additional changes we consider are necessary. These represent practice that is not necessarily currently in place in the LAs and providers we have interviewed; indeed some of them may require changes to the Statutory Guidance or the Code of Practice.

Strategic planning

- 38 Each LA should take a strategic view of emerging needs for post-16 provision and the providers best placed to meet these, and develop its provision accordingly in anticipation of identified future needs.
- 39 LAs should involve all post-16 providers in regular strategic planning discussions for post-school provision. For planning (and potentially funding) purposes, LAs should draw a distinction between major, significant and minor providers – the nature and content of the dialogue around strategic planning (and operational commissioning) between an LA and its providers varying according to which of these groups the provider is in.
- 40 LAs should more consciously consider the needs and plans of neighbouring areas and produce joint regional/sub-regional responses where this is appropriate.

Greater certainty of funding

- 41 Better planning will enable LAs to give providers earlier clarity and certainty around their income – and greater and earlier certainty around calls on High Needs blocks.
- 42 A block agreement with a provider (where appropriate) will guarantee, within agreed tolerances, a fixed level of income in respect of a target number of 16+ young people with High Needs, simplify the costing of provision (no calculation of funds at the level of the individual young person is necessary), and thereby facilitate the planning process. Equivalent benefits arise for LAs. This arrangement will not suit all providers (in our strategic planning-related terminology, it should work best with major partners) – or all LAs, but may have attractions for many.
- 43 Where a block agreement is not suitable but certainty is still desired, a provider could be offered a guaranteed minimum funding level sufficient to enable it to plan, and a commitment that all young people actually placed with the provider will be funded at an agreed weekly rate from day 1, on an “advance and reconcile” basis. (In our strategic planning-related terminology, this might be best-suited to a significant partner.)
- 44 Other providers (minor partners) wanting certainty could be asked to propose an average weekly level of advance funding, based on experience and again on an “advance and reconcile” basis, which they can begin to draw down once a young person starts if agreement on the cost of the young person’s programme is delayed.

Funding for outcomes

- 45 As already noted, what matters to the young person is *outcomes*. It follows that, whether focused on an individual young person or a group, commissioning discussions between an LA and its providers needs specifically to address expected programme outcomes.

A new funding model

- 46 The recommendations made in the preceding paragraphs, though radical, would work within the current funding model. However we would like to suggest a more fundamental redesign be considered. This could include the following:
- Retain Element 1 as “core funding”, meaning that the changes have no impact on the wider post-16 funding model
 - Remove “Element 2” (and the associated workbook planning process) from the funding model, with the funds that would otherwise be deducted from each LA’s High Needs block and paid out by the ESFA being retained by the LA, and paid to providers as “top up funding” to cover the additional costs of High Needs provision above an agreed threshold. Effectively this would combine Element 2 and Element 3, though at no additional cost to the LA
 - Reduce the High Needs funding threshold from £6,000 to £4,000, effectively requiring providers to spend no more than ‘as much again’ as the base rate that underpins the calculation of Element 1 (i.e. £9,200 in total) before “top up funding” is triggered
 - Alternatively, or perhaps in addition, consider some form of additional “disadvantage block funding” to providers that is ring-fenced to support students with additional needs who do not meet the High Needs threshold.
- 47 In addition, we recommend that LAs ensure there is some form of plan in place for *all* young people receiving High Needs funding even when they do not have an EHCP.

Conclusion

- 48 This project has attempted to identify opportunities for LAs and providers to use existing practice to develop a stronger and more robust approach to post-16 High Needs provision. Most of the recommendations are therefore based on practice that is already in place or in development in the sector and should be fairly readily transferrable elsewhere. Equally, we are convinced that our more radical recommendations in the final paragraphs above are entirely achievable.