

**HERTFORDSHIRE COUNTY COUNCIL  
CHILDREN, SCHOOLS AND FAMILIES  
SELECT COMMITTEE  
WEDNESDAY 17 OCTOBER 2001 AT 10.30AM**

**Agenda Item  
No:**

**8**

**SCRUTINY OF STATUTORY ASSESSMENT AND EARMARKED PUPIL  
FUNDING THRESHOLDS**

*Report of the Director of Children, Schools and Families*

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**1. Purpose of the report**

To summarise the outcome of the scrutiny process started by the Select Committee at its meeting of 24 January 2001.

**2. Summary**

The SEN Panel considered this area of work on 16 February 2001 and a working group was established. This met on 2 occasions to analyse data and issues in more detail, and also met with parent representatives to discuss their concerns. A further report was provided for the Special Needs Panel at its meeting of 19 September.

Key issues raised in the scrutiny process included: -

- consistency and fairness of decision making
- effective communication with parents, schools and governors
- early identification and intervention before problems become too serious
- encouraging secondary schools to make more use of Earmarked Pupil Funding
- finding ways of dealing with the growing number of children with emotional and behavioural difficulties or autistic spectrum disorder
- working effectively with NHS Trusts.

It was noted that updated guidance is expected from the government as part of the revised SEN Code of Practice. This will be used as a basis for a further review of thresholds and procedures which will be reported to the Special Needs Panel.

### 3. **Conclusion**

The present thresholds are consistent with DfES guidance and practice in other Local Authorities. It is proposed that existing arrangements stay in place but that further improvements are made and reported to the Special Needs Panel in response to the detailed comments arising from the scrutiny process; the Revised SEN Code of Practice (effective from January 2002) and the Disability Code of Practice (effective from September 2002).

## **1. Background**

- 1.1 There is continuing concern about the need to strike a balance between early intervention and the targeting of resources to the children and families with the greatest and most complex range of needs. £12.6 million is currently delegated through school budgets for non-statutory special educational needs and economic deprivation. New thresholds for statutory assessment were agreed by Education Committee in September 1997 and a system was introduced in 1998 for allocating individually earmarked funding for pupils with significant needs but no Statement. Both were benchmarked against the DfES guidance and practice in other comparable LEAs.
- 1.2 The threshold criteria for Statutory Assessment and Earmarked Pupil Funding were discussed by the Select Committee at its meeting of 24 January. The SEN Panel was asked to take the scrutiny process forward.
- 1.3 The SEN Panel discussed a detailed report on key issues at its meeting of 16 February and established a working group to undertake a more detailed analysis. This group met with officers on two occasions and with parent representatives on one occasion. The outcome of the exercise was reported to the Special Needs Panel on 19 September.

## **2. Outcome of the scrutiny process**

- 2.1 The initial analysis of the position, which was discussed by the SEN Panel at its meeting in February, highlighted the following key facts:
  - (a) The present criteria are consistent with the aims agreed by the Education Operations Sub-Committee in September 1997.
  - (b) Although there has been an overall reduction in the number of children receiving Statements since 1997 (14.2%), this is more than matched by the increased numbers of pupils receiving Earmarked Pupil Funding. 5213 pupils had Statements in January 1997 whilst 5255 had either Statements or EPF in January 2001. (This figure rose to 5402 by 1 September 2001.)
  - (c) The criteria in Hertfordshire comply with the SEN Code of Practice and are similar to those used by other LEAs. They are also consistent with guidance issued by the DfES in its consultation on the Revised SEN Code of Practice.
  - (d) The average age of children receiving Statements has reduced, with 56% of all new Statements in 1999/2000 being issued at Key Stage 1 (age 7) or below. This suggests improvements in early identification.
  - (e) Steps are needed to provide more consistent measures of behaviour difficulties. Joint work has been commissioned with Birmingham University to produce a standardised Behaviour Rating Scale for use by schools. This has recently been issued and will be evaluated on an ongoing basis.

- (f) Decision making and moderation arrangements using local panels (with headteacher and SEN Co-ordinator involvement) are in line with DfES guidance and practice in other LEAs.

2.2 The meeting with a standing group of parent representatives raised a number of issues; the main ones of which were: -

- (i) Positive feelings about the way in which Specific Learning Difficulty Bases support children with dyslexia but concern over the limitations of National Curriculum Tests with this group. The importance of early intervention and teacher awareness were also stressed.
- (ii) The need for more specific criteria for pupils with emotional and behavioural difficulties to access funding which it was hoped the Hertfordshire Behaviour Questionnaire will address.
- (iii) The importance of identifying and responding to underlying learning difficulties (particularly dyslexia) which show a very strong link with behaviour problems.
- (iv) The importance of responding in a sensitive and supportive way to parents' requests for statutory assessment which includes information on the kind of evidence required for decision making and the options available.
- (v) The importance of ensuring that help such as speech therapy is available for children in their classrooms rather than in external clinic settings.
- (vi) The need to develop more sensitive assessment tools for all types of difficulties.
- (vii) The importance of schools being clear about their use of both delegated and earmarked resources and feeling accountable to parents about this.

2.3 The scrutiny working group also explored a number of issues and data in more detail and noted the following trends:

- (i) An increase in the number of children receiving either Statements or Earmarked Pupil Funding over a 4 year period following the introduction of explicit criteria in 1997.
- (ii) A distribution of funding across Quadrants which is reasonably consistent with their populations.
- (iii) A trend towards earlier identification, although there was also an increase in the number of Statements issued in Y6 and Y8 in 2000/2001.
- (iv) An overall increase in the number of Statements issued for autism and emotional/behavioural difficulties.

- (v) A higher proportion of EPF allocations (greatest in Year R and 1) in primary phase schools than the secondary sector.
- (vi) The most frequent basis for additional help through both Statements and EPF is learning difficulties followed by emotional/behavioural difficulties.
- (vii) Low numbers of Statements being discontinued (19 in 1997 [0.36%] rising to 30 [0.67%] in 2000).

### 3. Conclusions and proposals for action

3.1 The key issues identified during the course of the scrutiny process and proposed action are as follows: -

- (a) The effectiveness of Earmarked Pupil Funding as a means of providing help to children without the bureaucracy of the statutory assessment procedure.
  - *The number of funded cases on 1 September (957) already exceeds the 2001 target in the Education Development Plan (900).*
  - *It is proposed to continue with present moderation arrangements; to monitor referral and allocation trends, and report these to the Special Needs Panel on a regular basis*
  - *Updated information is being prepared for parents.*
- (b) A continuing concern on the part of everyone involved in the process to ensure that decisions are made fairly and consistently. Also that they are then conveyed clearly and as sensitively as possible to parents.
  - *Panel decision-making arrangements have been established in the CSF Quadrant Teams, which will continue to operate against the published criteria and evidence requirements. Volunteer Headteachers and SEN Co-ordinators will continue to be involved in the process.*
  - *Information has been distributed to schools about referral arrangements and these are being refined in collaboration with a group of representative headteachers. Fresh guidance will be issued later in the year to take the requirements of the revised SEN Code of Practice into account.*
  - *Arrangements for providing information and feedback to parents are also being reviewed in the light of both the revisions to the SEN Code of Practice and the comments made to Members and Officers during the scrutiny process.*
- (c) Concern that the current thresholds are so high that children have to fail before they get any help.
  - *Statements and Earmarked Pupil Funding need to be seen as parts of a much broader continuum of provision involving delegated funds and advisory support services.*
  - *Training and guidance on good practice is due to be issued by the DfES later this year and will be supported by SEN Advisory staff within the School Improvement and Advisory Service.*

- *The needs of those with learning difficulties will continue to be taken into account in our work to implement the National Literacy and Numeracy Strategies*
  - *Revised guidance will be produced for Governors and Headteachers on their roles, responsibilities and reporting requirements under the SEN and Disability Act 2001 once regulations have been received.*
  - *Existing thresholds will be tested against the Revised SEN Code of Practice once it has been received and further reports provided for the Special Needs Panel.*
  - *More work will be done to develop preventative approaches across CSF as a whole.*
- (d) Concern about the growing numbers of pupils identified with emotional and behavioural difficulties and the need to find effective ways of assessing and responding quickly to needs.
- *The Hertfordshire Behaviour Rating Scale has been distributed to schools and will be used as a tool to monitor trends and aid decision making.*
  - *Multi-professional Quadrant Teams will be working together with Education Support Centres to provide more effectively co-ordinated and targeted provision as described in the Behaviour Support Plan.*
- (e) Concern that the introduction of EPF has not released as much educational psychology time from statutory assessment to preventative work as originally anticipated.
- This is partly a reflection of the recent increase in statutory assessments. Work will continue to “accredit” additional groups of staff to moderate EPF requests rather than relying exclusively on educational psychologists.*
- (f) The importance of providing good information for parents and continued guidance for schools and governors.
- All publications will be reviewed following the publication of the revised SEN Code of Practice and the proposed Disability Discrimination Code of Practice.*
- (g) The importance of further improving on the present trend of earlier identification and of working with Health Trusts to speed up and improve their contributions to the assessment process.
- *Work will continue with Trust Managers to improve their speed of response.*
  - *Accelerated administrative arrangements have been established at County Hall to ensure that Statements are produced as quickly as possible even when medical advice is received late.*
- (h) The need to encourage secondary schools to make more use of Earmarked Pupil Funding rather than relying on Statements.
- Further guidance and advice will be provided to SENCOs*

- (i) The importance of making better use of the arrangements for considering medical and social needs (Rule 2) at secondary transfer so that children without Statements move through to appropriate schools where there are special circumstances.
- *The rule has been applied more systematically in 2001*
  - *Changes will be made to guidance for schools and CSF staff for September 2002.*

3.2 The scrutiny group concluded that, whilst there are some inconsistencies in practice and continuing pressures on resources, the current system is generally working appropriately and there is no clear basis to recommend any changes to the Select Committee at this point in time.

3.3 It was felt important, however, to ensure that the situation is kept under ongoing review and that officers continue to take action to address the issues and concerns raised during the scrutiny process with oversight from the Special Needs Panel. Existing criteria will be thoroughly reviewed against government guidance in the revised Code of Practice when it is issued. A report on this exercise should be provided for the Special Needs Panel.

3.3 The Special Needs Panel endorsed these concerns at its meeting of 19 September and expressed a wish to monitor the situation and action taken, reporting back to the Select Committee as appropriate.

#### **4. Financial implications**

4.1 The currently approved budget for additional teaching and classroom assistance is £7,048,493 and for Earmarked Pupil Funding it is £971,980. Both these budgets are under considerable pressure and will be reviewed as part of the next budget monitor cycle.

4.2 The present statutory assessment and EPF criteria together are designed to capture about 3% of the school population (2% of the 0 to 19 population). The process of changing the existing threshold is a complex one because National Curriculum attainment measures operate in relatively large steps and are not designed to be sensitive at the lower end of the achievement range. Different measures are also used at each Key Stage. Initial modelling discussed with the SEN Panel on 16 February suggested that the effect of reducing the present threshold down by one National Curriculum step would result in an extra 2,100 pupils receiving funding at an additional full year cost of approximately £2,600,000.

Background material referred to by the author while compiling this report

DfEE Code of Practice on the Identification and Assessment of Special Educational Needs

Criteria for Statutory Assessment and Earmarked Pupil Funding: SEN Panel 16/2/01

Scrutiny of Statutory Assessment and Earmarked Pupil Funding Thresholds: SN Panel 19/9/01

If you require further information about the issues referred to in this report, please contact:

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