



**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY  
COMMITTEE**

**7 MARCH 2023**

**TRANSFORMING SEND AND INCLUSION IN LEICESTERSHIRE  
(TSIL) PROGRAMME**

**REPORT OF THE  
DIRECTOR OF CHILDREN AND FAMILY SERVICES**

**Purpose of the Report**

1. The purpose of this report is to provide an update on the Transforming SEND and Inclusion in Leicestershire (TSIL) programme. It sets out the activity undertaken since commencement in August 2022, achievements, progress made and an overview of the current High Needs Block financial position.

**Policy Framework and Previous Decisions**

2. The primary legislation regarding children and young people with Special Educational Needs and Disabilities (SEND) is the Children and Families Act 2014. The 0-25 SEND Code of Practice (2015) is the statutory guidance that sets out how local authorities and Clinical Commissioning Groups must work together to support children and young people with special educational needs.
3. The financial framework for pupils with High Needs and the Dedicated Schools Grant (DSG) are laid out within the School and Early Years (Finance) Regulations and associated guidance issued by the Department for Education.
4. In December 2018, the Cabinet authorised a consultation on the High Needs Block development plan, including proposed development of enhanced and expanded SEND provision across the County.
5. In October 2019, the Cabinet was advised of the progress of the High Needs development plan. On 5 November 2019, a report was considered by the Children and Families Overview and Scrutiny Committee, summarising the national and local context relating to SEND along with an overview of the plans to continuously develop and improve services to support children and families who are experiencing SEND.

6. On 21 January 2020, the Children and Families Overview and Scrutiny Committee considered a report that provided an overview of the Ofsted and Care and Quality Commission (CQC) SEND Inspection Framework. An update was provided on 1 September 2020 following the local area SEND inspection that took place in Leicestershire in February 2020, resulting in a Written Statement of Action. The report gave an update on the progress of the High Needs Block development programme.
7. On 2 November 2021, the Children and Families Overview and Scrutiny Committee considered a report that provided an overview on progress against the Written Statement of Action. That report also included a further progress report for the High Needs Block development programme.
8. In March 2022, the Government set out its ambitions for changes to the SEND system and opened a period of consultation on the proposals which Leicestershire has responded to. The Green Paper, 'SEND review: right support, right place, right time' proposes some fundamental changes to the SEND system, including:
  - a. A single national SEND and Alternative Provision (AP) System
  - b. Excellent provision from early years to adulthood
  - c. Reformed and integrated role for alternative provision
  - d. System roles, accountabilities, and funding reform
  - e. A National framework for funding SEND
9. In September 2022, the Children and Families Overview and Scrutiny Committee the August 2022 considered an update provided about the commencement of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme.
10. In November 2022, the Children and Families department was reinspected as a follow up to the local area SEND inspection that took place in Leicestershire in February 2020 by Ofsted and the Care Quality Commission (CQC). A full update on this reinspection was provided to the Children and Families Overview and Scrutiny Committee in a separate report, on 24 January 2023. However, the outcome of the inspection has further informed the progress of the TSIL programme, as detailed below.
11. The Scrutiny Commission will receive a report on 15 March 2023 regarding the SEND Service and Finance which will provide an overview of support to children and young people with SEND, the current position regarding provision and the Council's current financial position in relation to SEND. The Chairman and Spokespersons of the Children and Families Overview and Scrutiny Committee have been invited to the meeting of the Scrutiny Commission.

### **Medium Term Financial Strategy (MTFS) Position**

12. High Needs funding has been increased nationally and authorities will receive a minimum increase of 5% per head of the 2-18 population and a maximum of 7% per head. However, Leicestershire remains at the funding floor with a 5% increase. It should be noted that the population factor only generates 34% of

the High Needs Designated Schools Grant (DSG) allocation with other funding more specifically allocated based on levels of attainment, deprivation, and health/disability.

13. The provisional allocation for 2023/24 is £104.9m, with an additional grant allocation of £4.147m to reflect increased costs arising from the current economic situation. Leicestershire continues to receive floor funding, which for 2023/24 is 2.9% of the funding allocation. Whilst this funding is reducing annually, it should be noted that this allocation is the amount that Leicestershire receives above the funding generated by the High Needs National Funding Formula. The Department for Education has given local authorities its working assumption of annual increases of 3% and whilst grant allocations for 2024/25 onwards are uncertain this assumption has been factored into the MTFS.
14. Conditions have been placed on the additional £4.147m high needs grant that requires local authorities to increase funding rates for maintained special schools, academies, and alternative provision by 3.4% at an estimated cost of £2.5m which is reflected in the revised financial forecast.
15. The forecast position on the High Needs element of the DSG over the MTFS period is shown below:

	2023/24 £,000	2024/25 £,000	2025/26 £,000	2026/27 £,000
High Needs Dedicated Schools Grant	-105,082	-108,225	-111,462	-114,797
Placement Costs	112,643	121,137	131,606	143,376
Other HNB Cost	10,029	10,029	10,029	10,029
Commissioning Cost - New Places	417	90	90	0
Invest to Save Project Costs – TSIL	939	0	0	0
<b>Total Expenditure</b>	<b>124,028</b>	<b>131,256</b>	<b>141,725</b>	<b>153,405</b>
<b>Funding Gap Pre Savings</b>	<b>18,946</b>	<b>23,031</b>	<b>30,263</b>	<b>38,608</b>
TSIL Programme Defined Opportunities	-3,112	-8,596	-14,863	-21,522
Benefit of Local Provision and Practice Improvements	-2,515	-2,803	-3,115	-3,115
<b>Total Savings</b>	<b>-5,627</b>	<b>-11,399</b>	<b>-17,978</b>	<b>-24,637</b>
<b>Annual Revenue Funding Gap</b>	<b>13,319</b>	<b>11,632</b>	<b>12,285</b>	<b>13,971</b>
<b>2019/20 Deficit Brought Forward</b>	<b>7,062</b>			
<b>2020/21 High Needs Deficit Brought Forward</b>	<b>10,423</b>			
<b>2021/22 High Needs Deficit Brought Forward</b>	<b>11,365</b>			
<b>2022/23 High Needs Deficit Brought Forward P6 Estimate</b>	<b>10,876</b>			
<b>Cumulative High Needs Funding Gap</b>	<b>53,045</b>	<b>64,677</b>	<b>76,962</b>	<b>90,934</b>

Surplus (-ve) / Deficit Other DSG Blocks	-7,347	-8,347	-9,347	-10,347
<b>Dedicated Schools Grant Surplus (-ve) / Deficit</b>	<b>45,698</b>	<b>56,330</b>	<b>67,615</b>	<b>80,587</b>
<b>Surplus / Deficit as % of Total DSG</b>	<b>7%</b>	<b>9%</b>	<b>10%</b>	<b>12%</b>

16. The financial position set out above sets out that over the period of the MTFs, the annual revenue funding gaps stays at around £11m - £13m. Clearly, the financial position set out above is unsustainable, and further actions need to be taken to address the position. Whilst some of the increased deficit relates to increasing cost, the significant element in the worsening position is the continued rate of growth in pupils.

### **Increasing Demand in the SEND System**

17. Increasing demand in the local SEND System continues to affect the financial position of the High Needs Block of the dedicated schools grant and the ability to deliver assessments within statutory deadlines. As noted previously, between 2016 and 2020, there has been a 54% increase in the number of children and young people requiring an Education, Health and Care Plan (EHCP) in Leicestershire. This compares to a national increase over the same period in England of 38% and in the East Midlands of 32%. At the same time, funding has not increased in line with this local trend. This trend continued through 2021 and 2022, with a further 38% growth in the number of children supported with an EHCP.
18. This increasing demand continues to create drift and delay in the Special Educational Needs Assessment (SENA) service and means that currently statutory deadlines, as set out in the SEND Code of Practice (2014) are not being met. In turn, this has continued to lead to a large number of complaints being received from parents and carers and concerns raised by local education settings. The number of appeals against decisions and growing number of cases going to tribunal, often leading to the Courts overturning the decision of the Local Authority, also continues to be an issue.
19. In recognition of these ongoing demand-related issues, the TSIL programme has sought to identify areas of work for prioritisation and new ways of working within the SENA service to try and alleviate and resolve these pressures in the short-term. This includes looking at best deployment of resource within SENA and other internal services and addressing sufficiency challenges in the local SEND system.

### **Transforming SEND and Inclusion in Leicestershire (TSIL Programme)**

20. In August 2022, the Department embarked on a new change programme for SEND and inclusion, known as Transforming SEND and Inclusion in Leicestershire (TSIL). This programme replaces the former High Needs Block

development programme and whilst it builds on previous activity it takes a different approach as it focuses on taking a whole system approach to support inclusion in mainstream wherever possible. In addition, a third-party partner, Newton Europe, has been commissioned to support the programme, provide challenge to the system, and ensure an effective, child-centred delivery.

21. Central to the programme is working collaboratively with a wide range of parents, young people, leaders, and staff across the education system (early years, mainstream, specialist provision and further education) and health, to design and implement an inclusive system that puts independence, outcomes, and educational achievement at the centre. Another key feature of the programme is the desire to involve children and young people and their parents/carers and families as much as possible. It is critical that they are at the heart of the programme and plans for the future of the SEND system in Leicestershire and that they are involved in the designing and development of the work.
22. A diagnostic was undertaken in late 2021 to understand the challenges and difficulties in the local SEND system and to inform programme planning for the TSIL programme. Using the evidence and data from the diagnostic, which highlighted the biggest challenges to meeting the needs of children and young people in the right place at the right time, the delivery of the programme has been structured around four key workstreams:
  - i. Inclusive Practice in the System [Inclusive Practice]
  - ii. Decision Making and Ways of Working [Service Transformation]
  - iii. Digital and Performance [Accurate Information]
  - iv. Communication and Engagement [Communication and Engagement]
23. These four workstream areas are interconnected and are underpinned by a set of principles:
  - Maintain a focus on children and young people
  - No one person or organisation can solve the problems alone
  - Shift to a mindset of collective responsibility
  - Work in genuine partnership
  - Foster good working relationships
  - Improved and honest communication
  - Define roles and responsibilities
  - Set clear expectations
  - Make transparent and robust decisions
  - Support children and young people early and close to home

### **Transforming SEND and Inclusion in Leicestershire (TSIL) – Progress**

24. The TSIL programme has now moved into the design phase – where potential improvements and changes are tested and understood before being implemented across the system. A key principle of the approach in different workstreams is ‘design by doing’ rather than a ‘desktop design’ - this means trialling and iterating new ways of working to maximise the impact as soon as possible.

25. Activity has focused on further work to collate further data, analysis, and exploration of key lines of enquiry within workstreams, and to define focus and areas of activity. This has included starting to promote inclusive practice within the local education system and providing suitable tools, guidance, and support across all educational settings, including Early Years.
26. There has also been work undertaken to improve assessment and decision-making processes by identifying opportunities to improve process and ensure robust and transparent decision making. This has included some initial work looking at ways to improve the quality of EHCPs and ensuring that the Local Authority is meeting legal requirements and statutory deadlines.
27. Linked to this work has been scoping out of ways to encourage more effective and tailored consultation processes to improve process by which placements are made and improving communication with parents and carers and other stakeholders during this setting decision making process. This is predicated on having better visibility and understanding of sufficiency in the local SEND system by identifying opportunities to use existing support and provision better and develop new ones based on current and projected future demand and developing a more proactive and effective approach to the review of EHCPs. Linked to much of this initial work has been consideration of trialling new ways of working in internal services, including the SENA service, to manage demand better and to reflect changes to processes being developed by the programme. This is still in the design stage with trials planned to commence in March 23.
28. Alongside this specific programme activity have been a series of aligned activities which are enabling the programme to proceed with a focus on collaboration and partnership across stakeholders. This has included the launch of some internal focus groups, with particular focus on operational aspects of Service Transformation and the commencement of Design Groups across all the Inclusive Practice, Service Transformation and Communication and Engagement workstreams. Membership of Design Groups is made up of a variety of stakeholders (including parents and carers, health partners and educational professionals) who have put themselves forward to be involved in the design phase of the Programme. The Design Groups will be looking at a variety of areas for improvement with a focus on co-designing solutions, commenting on suggested improvements and influencing design activity.
29. Since September 2022, the Department's workstream structure has been refined to ensure that it aligns with service priorities, as well as the core themes highlighted during the reinspection. This has ensured that the Department balances its detailed process developments, with holistic oversight of service aims and performance.

### **Overview of Workstreams**

30. As the programme moved into the design phase, there has been activity across all workstreams and evidence of the impact of the programme beginning to emerge, as set out below for each of the workstreams.

### Inclusive Practice

31. From January 2023 onwards, a series of trials within the Inclusive Practice workstream has had a dual focus on promoting inclusive practice across school settings and specific work in the Early Years sector.
32. Work around Inclusive Practice in school settings has included the development of a best practice toolkit for schools clearly defining roles and responsibilities with an initial focus on the primary to secondary transition ensuring proactive communication, primary school preparation, and secondary school support. Alongside this, the workstream has sought to identify and encourage networking opportunities for schools, to encourage peer-to-peer working and sharing of good practice. Linked to this is work to ensure that there is visibility of performance (i.e. of inclusive practice) across the local education system, giving schools visibility of where they can develop their inclusive practice and other stakeholders and understanding of where and what good practice looks like and how to encourage improvement.
33. Other work has been focused on Early Years. This work has mainly been focused on the development and trial of work within the Early Years workstream, to support the early years to primary transition. This has included consideration of transition planning, using a consistent and thorough set of guidance to ensure the Department is proactively planning for, and identifying early any potential support required to ensure each child's best transition to primary school and ensuring that information relating to transitions is more consistently shared between settings. Other work has concentrated on forecasting which setting types of children with SEND and known to Early Years provisions will need in primary school, using guidance questions. This will provide a more accurate and objective forecast for the need of area special and unit placements.
34. There has been other direct work with Early Years settings, including co-designing, and exploring the potential with a selected specialist Early Years provider for a new model of placements that would act as 'short term 'assessment places' and accompanying processes to ensure children are transitioned back into mainstream nursery.

### Service Transformation

35. Key activity around Service Transformation has been focused on a number of areas where improvements can be identified to ensure that the management of Assessments and Reviews is based on robust decision-making process and is achieved within statutory timeframes and the end-to-end process.
36. There has been focus to date on several key activities. The assessment process has been 'mapped' and reviewed to identify efficiencies, frustrations, and blockages – both to enable an understanding of how to resolve current backlogs but also build sustainable and timely process for the future. Consideration has been given to securing additional capacity within the

Leicestershire Education Psychology Service (LEPS) and developing a performance and prioritisation tool developed with SENA case managers to identify training opportunities and drive quality improvement.

37. In addition, there has been considerable work to ensure that there is better visibility of open Assessments through more accurate and readily available data and improving the timeliness of the assessment process. Linked to this is work exploring changes to decision-making process including: the function and membership of existing panels; changes to consult forms (by which pupil needs are matched to provision to secure placements); and creation of better guidance for parents and carers to inform decisions, therefore improving the assessment process for children in order to identify needs and therefore support required. This in turn is aligned to work to better understand sufficiency in the local SEND system by mapping provision, understanding gaps in provision, addressing quality issues, and exploring better ways to engage with settings and provisions to ensure better allocation of placements and children and young people's needs properly understood and met at earliest opportunity
38. Further work is underway to review the Secondary Education Inclusion Partnership (SEIPS) offer to ensure effectiveness and sustainability until September 2024 and consideration of the future offer and alignment with other work with the TSIL programme, from September 2024 onwards.
39. A pilot has commenced to trial the Schools Portal within the Synergy education information system. This pilot will involve a small number of schools and there will be work with Special Educational Needs Coordinators (SENCOs) to trial the portal and obtain feedback about content and usefulness to inform any technical developments and improvements before wider role out later in the academic year. There will also be the opportunity to pilot a Parent/Carer Portal in Synergy later in the year once a full evaluation has taken place.

#### Accurate Information

40. The primary aims of this workstream are to develop the dashboards needed to drive operational change, to improve data quality and to ensure internal teams are set up to develop and iterate performance dashboards driven by the service. These dashboards will enable the Council to drive improvement both during the programme and beyond, ensuring sustainable delivery of change. This is supported by the data quality aspect which will ensure that the Council can confidently rely on these dashboards in decision making at every level. Finally, ensuring the right processes are in place with the teams developing these dashboards ensures they can continue to be iterated based on future changes in business needs.
41. Progress so far has seen the collation of key operational metrics across all workstreams, as well as incorporating metrics from statutory reporting requirements and key service wide metrics. In parallel with this exercise, there has been a detailed mapping out of data sources available which has allowed the identification of metrics that require further development to report on. Conversations are ongoing with the business system supplier to understand the



scope of tracking these metrics going forwards and mitigations are being implemented for specific risk areas.

42. The collation of key metrics above also allows for data quality checks to be conducted on them. Over the coming weeks a detailed exercise is taking place to consolidate data quality checks already conducted across workstreams and to conduct further checks. The aim of this exercise is to have a clear view of where there are challenges with data quality that is evidence based and to identify the root cause of these issues. Following this exercise, measures will be implemented to address these root causes and track data quality going forwards.
43. To ensure the sustainable processes are in place for dashboard development the Local Authority teams involved in this process are currently working with the programme to develop a set of 'Target Ways of Working.' These will aim to build on existing processes with a particular focus on ensuring there is clear visibility and accountability around ongoing work as well as ensuring the users are involved at every stage of development. This is to guarantee that the finished product is fit for purpose and meets the service's needs. Where there are gaps against the agreed 'Target Ways of Working,' current processes will be iterated alongside the teams involved until the service is satisfied that they fulfill the agreed criteria.

#### Communication and Engagement

44. Over November and December 2022, there were a series of engagement events with external and internal stakeholders to provide further opportunities for stakeholders to influence the programme and share views about the vision for SEND in Leicestershire; these were a follow-up to the main programme engagement 'Launch' in October 2022.
45. A Communications Plan has now been developed for the programme identifying key stakeholder groups, core messaging and channel strategy to support development of awareness and deeper understanding of programme aims and to facilitate delivery of the right message, at the right time, in the right way. This has included, detailed stakeholder segmentation mapping across all key system and service stakeholder groups, the development of stakeholder journeys and key priorities/areas of interest for these groups, the development of a series of core messages to support high level programme communication as well as more targeted messaging to segmented stakeholder groups.
46. The TSIL website has now been launched that provides all stakeholders with information about the programme, a place for regular updates, answers to Frequently Asked Questions (FAQ) and information about forthcoming activity and programme events. An infographic, found in the appendix, has been developed that explains the aims of the programme, underlying principles, and overview of the four workstreams and will soon be added to the TSIL website.
47. There has also been the development of further communications materials for wider stakeholder use including delivery timelines to support communication of

what is happening when, more detailed online content including a video of programme aims to support wider accessibility to programme information, and further infographics and stories which evidence the impact that TSIL activity is delivering.

48. Other activity specific to the Communication and Engagement workstream has the over-arching aim of raising awareness of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme of work and deepen understanding of TSIL and its impacts and across all stakeholders. This includes development of engagement plan for children and young people to capture the voice of children and young people in TSIL programme development and further surveys with stakeholders and development of robust, two-way communications feedback loops and measurement tools to track effectiveness of activity underway.

### **Stakeholder Engagement**

49. As noted above, working in collaboration and partnership is a core principle of the TSIL programme. In addition to specific activity described above through the Communication and Engagement workstream, the following work with stakeholders across the programme is of note.
50. Specific work is underway to support the engagement of partners, staff, parents, carers, and children and young people in the changes and to represent the voice of collective stakeholder groups. Stakeholders are being invited to work collaboratively with the programme team to help shape and improve the effectiveness of communications across the programme and ensure that engagement meets the needs of those stakeholders.
51. This has led to the development of detailed staff briefings to update on progress and to equip both service leaders and front line staff with the knowledge needed to support them in their daily interactions with their immediate stakeholders across the system so that they can effectively build and strengthen existing relationships. There are planned a series of events for special schools, primary heads, secondary heads, and whole system event in March 2023 to provide updates on progress being made through TSIL system and service transformation initiatives.
52. There has also been established a System Leader Group which includes school leaders from across a range of settings ranging from Early Years to Further Education and including Maintained, Academy and Diocese schools' leaders. The group meets monthly to advise the TSIL program and provide an education system view both in and out of the programme. Some members take an active role in specific aspects of development work and support communications to stakeholders. They also provide advice on communications and provide feedback on how education and other stakeholders are feeling about the programme.
53. Regular meetings have been set up with the Leicestershire SEND Hub (local parent carer forum) to provide updates, address any concerns or issues being

raised by parents and carers about the programme and to develop a relationship to enable co-production and engagement. The Leicestershire SEND Hub are also represented in all the Design Groups (as described above). Further work on-going will seek to ensure that the role of the Leicestershire SEND Hub as a strategic partner is harness to help support and influence the programme through TSIL design group activity alongside work to identify another possible parent and carer voice in the local SEND system who may not be represented by the Leicestershire SEND Hub.

54. There will be an update on the TSIL programme provided at each meeting of the Children and Families Overview and Scrutiny Committee moving forward.

### **Circulation under the Local Issues Alert Procedure**

55. None.

### **Background Papers**

Report to the Children and Families Overview and Scrutiny Committee, 24 January 2023, SEND Reinspection

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1043&MId=7190&Ver=4>).

The Green Paper, 'SEND review: right support, right place, right time'

<https://consult.education.gov.uk/send-review-division/send-review-2022/>

Transforming SEND and Inclusion in Leicestershire Website

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/transforming-send-and-inclusion-in-leicestershire#:~:text=What%20is%20the%20Transforming%20SEND,with%20SEND%20and%20their%20families>

### **Equalities Implications**

56. There are no Equalities implications directly arising from this report. Within the report, there is reference to a number of on-going programmes of work and activity and as these develop any potential equalities and human right issues will be addressed in line with the Council's policy and procedure.

### **Human Rights Implications**

57. There are no Human Rights implications directly arising from this report.

### **Appendix**

Overview of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme

### **Officer to Contact**

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## Appendix Overview of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme

Leicestershire children and young people are supported by a system that is fair and transparent, to get the right support at the right time throughout their education

**Principles:**

- 1 Maintain a focus on children and young people
- 2 No one person or organisation can solve the problems alone
- 3 Shift to a mindset of collective responsibility
- 4 Work in genuine partnership
- 5 Foster good working relationships
- 6 Improved and honest communication
- 7 Define roles and responsibilities
- 8 Set clear expectations
- 9 Make transparent and robust decisions
- 10 Support children and young people early and close to home

**Inclusive Practice**  
Find out more

**Service Transformation**  
Find out more

**Accurate Information**  
Find out more

**Communication & Engagement**  
Find out more

**Transforming SEND and Inclusion in Leicestershire**

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