



Department
for Education

Sustainability in high needs systems

Guidance for local authorities

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Summary

This guidance is intended to support local authorities (LAs) in their high needs planning and development of Dedicated Schools Grant (DSG) management plans. It has been produced in recognition of the challenges many LAs are facing in this area, to share good practice and support professionals in developing sustainable strategies. The department strongly encourages all LAs to have plans in place to ensure the sustainable management of their high needs systems, for the benefit of the children and young people they serve. For many LAs, their DSG deficit position means the production of a management plan is a requirement (as per the DSG conditions of grant).

Who is this publication for?

This guidance is for:

- Local authority senior officials
- Local authority education staff
- Local authority finance staff
- Stakeholders within the high needs system

Introduction

The Special Educational Needs and/or Disabilities (SEND) and Alternative Provision (AP) green paper identifies three key symptoms of a system under pressure: poor outcomes for children and young people with SEND and in AP, low parental and provider confidence, and financial unsustainability. The high needs revenue budget has risen by more than 40% over three years from 2020-21: it will total £9.1 billion in 2022-23. In 2022-23 alone, every LA will receive an increase of at least 12% per head of 2-18 population compared with 2021-22, with some LAs seeing increases of up to 16% compared to the previous year. Furthermore, we are investing £2.6 billion of capital between 2022 and 2025 to support LAs to deliver new special and AP places. Despite this substantial investment, a significant proportion of LAs have accumulated DSG deficits due to high needs block overspends.

The department recognises that change is needed: the publication of the SEND and AP green paper [SEND review: right support, right place, right time](#) is an important step towards realising a new, more effective and sustainable high needs system, that works for children, young people and their families. This change will take time: the department is committed to the vision of a single national system, and achieving this will take thorough and careful work. We would like to thank those who have already supported the progress of the review.

In the meantime, more can and should be done to use resources more effectively for children and young people with SEND and those in AP. Levelling up opportunities for all children and young people should not wait.

The additional funding should support a stronger high needs system now – LAs have an opportunity and a duty to ensure funding is spent in the most effective, sustainable way to support children and young people. Revenue funding will continue to grow in 2023-24 and 2024-25, but on a scale smaller than the increases over the last 3 years. This is why LAs will be asked in working with the department to use an assumption of a 5% increase on their total high needs block allocation between 2022-23 and 2023-24, and 3% year on year beyond that, until allocations are confirmed.

This guidance is informed and supported by research [High needs budgets: effective management in local authorities](#) conducted into sustainable high needs systems, looking into the ways in which LAs that do not have DSG deficits have delivered support. We would like to thank the LAs that took part in this work, sharing insights to support their fellow LAs in this endeavour. Following the analysis of the LAs involved, the research report puts forward **10 recommendations** for LAs to consider when re-focusing the sustainability of their high needs systems, which this guidance has directly drawn from:

1. LAs should invest properly in SEND leadership
2. LAs should review their joint commissioning arrangements
3. LAs should ensure joint accountability for those with SEND and finance responsibilities
4. LAs should review their capacity for SEND support
5. LAs should review their current staffing levels and structures for SEND casework
6. LAs should review and further develop their approaches to partnership with key stakeholders
7. When creating new specialist provision, LAs should be clear about the expected range and levels of need that this will cater for.
8. Investment should be targeted at strengthening inclusion in mainstream provision
9. LAs should set out more clearly their expected pathways for young people
10. LAs should learn from positive examples of innovative approaches to mainstream funding

We know, therefore, that more can be done locally to direct funding more appropriately, in line with the aims of the high needs national funding formula, and secure effective and long-lasting support for children and young people. The department has been working with LAs that have accrued deficits on their DSG funding, including through the ongoing Safety Valve intervention programme. Our work has shown that solutions can be found and implemented which assist the sustainable delivery of support to children and young people. In particular, a number of LAs have refocused their resources and provision to make mainstream schools more inclusive, ensuring needs are met early and appropriately and using available local provision effectively. Many of the LAs facing the greatest difficulty in managing their high needs funding have developed and begun

delivering plans that will see them reach an in-year balance on their DSG within a few years. You can read more about the actions specific LAs will take here <https://www.gov.uk/government/publications/dedicated-schools-grant-very-high-deficit-intervention>, in their published Safety Valve agreements.

This is not a cost cutting exercise – it is about improving the performance of local high needs systems and ensuring this is achieved in a sustainable way. Meeting children and young people’s needs early and appropriately is a fundamental principle for achieving this. Simply spending more money on high needs does not bring about improved outcomes for children and young people: spending money effectively to meet needs early does. Equally, cuts to spending which mean children and young people’s needs cannot be met risk LAs failing to deliver their statutory duties.

As the SEND and AP green paper sets out, one of the most important drivers of pressure on the system is the growing number of children and young people whose needs are being met through statutory Education, Health and Care Plans (EHCPs) and top-up funding. The right to an EHCP is an important one, and they play a key role in ensuring complex needs are met appropriate and comprehensively. However, it is clear that in some LAs many children and young people now have EHCPs and receive top-up funding when their needs could be met equally well through a well-supported and inclusive mainstream.

Safety Valve agreements are only possible when LA leaders responsible for education and finance functions work together to give the high needs system the priority and focus it requires. We expect LAs’ Chief Executives, Section 151 officers and Directors of Children’s Services to work together on the development of DSG management plans in the safety valve programme. The department publishes a DSG management plan template for LAs to use, which can be found here: [Dedicated schools grant \(DSG\) deficit management plan](#), and operational guidance on use of the high needs block, published here: [High needs funding: 2022 to 2023 operational guidance](#). Plans must have the support and engagement of local leaders, schools, parent and carer forums and other key stakeholders.

Leaders in other LAs are encouraged to follow this example, working with parents, schools and their health and care partners to keep the local offer of SEND services and provision under review for the benefit of children and young people, and to secure the financial sustainability of the system. Many already do, successfully providing for children and young people within their allocated funding.

LAs will be aware that the Department for Levelling Up, Housing and Communities (DLUHC) has made regulations which ring-fence DSG deficits from councils’ wider financial position in their statutory accounts. As it stands, this ring-fence is due to end after the accounts for the 2022-23 financial year, at which point LAs will need to demonstrate their ability to cover DSG deficits from their future available reserves. It is

therefore crucial that LAs take the opportunity afforded by the significant funding increases and sharing of learning, to move to a more sustainable position now.

This guidance brings together the learning and effective practice from the department's intervention and support work for LAs reviewing their high needs systems. We strongly encourage all LAs to use the elements of this guidance most appropriate for their local area, as they develop their DSG management plans.

How to use this guidance

As above, this guidance is designed to help LAs as they review their SEND and AP provision, consider their strategic approach to high needs funding, and develop their DSG management plans. The department is now running three programmes offering direct support in respect of the effectiveness and sustainability of LAs' high needs systems, which together will work with all LAs: the Safety Valve programme, the Delivering Better Value in SEND (DBV) programme, and the Education and Skills Funding Agency (ESFA) support programme. The aim of all three programmes is to secure sustainable management of LAs' high needs systems. This guidance should be seen as a supportive tool for all LAs as they engage with the department and key stakeholders to develop their plans.

Many LAs will already be working well in some or all of the areas highlighted in this guidance. However, we encourage all LAs to consider the guidance in full, use it to test and challenge their plans, and apply the advice in the most suitable way to their local context. The high needs system is complex, with many interdependencies, and LAs should consider the entire system when making decisions. The approaches set out in this guidance reflect the longer-term direction of the SEND and AP green paper. The advice and focus of this publication will support LAs to adopt practices which support children and young people effectively and sustainably now, but which can be continued as part of longer-term reforms.

This guidance should also be read in conjunction with the research report [High needs budgets: effective management in local authorities](#). This report provides useful insight into well functioning high needs systems, with case studies to help all LAs. This guidance refers to the research report throughout, and we encourage LAs to read both documents in full.

We know that many LAs and their stakeholders are already developing their high needs systems in the direction of the vision outlined in this document and the SEND and AP green paper, at varying stages. This guidance is intended to assist them in moving forward with that process.

Area of Focus: Making High Needs a Corporate Priority

Context

The SEND and AP green paper sets an ambitious agenda for high needs reform. We recognise that the current system is complex and can be difficult to influence, but we know that leaders in LAs can, and do, make a significant impact when high needs is prioritised. The accompanying research report says of North Lincolnshire LA that **with stable and committed leadership**, it has established a strong sense of collective responsibility for meeting the needs of *all* children and young people who live in the area. We encourage all Chief Executives, Directors of Children's Services and Chief Finance Officers to follow this lead and prioritise outcomes for children and young people with SEND.

DSG deficits are currently ringfenced from LAs' wider finances, but this ringfence is due to end. The reforms proposed through the SEND and AP green paper will not in themselves solve LAs' accumulated DSG deficits, and the changes will take time. LAs have a responsibility not only to children and young people with high needs, but to all of their residents, to ensure that a lack of sustainability in high needs does not jeopardise their financial viability in the immediate future. Support is on offer to LAs through the Safety Valve and Delivering Better Value programmes: both these programmes require commitment from senior leaders.

This section relates to recommendations **1 and 3** of the research report [High needs budgets: effective management in local authorities](#).

Most of the case study LAs highlighted in the research report had a clear strategic direction for SEND which was closely linked to finance. Strong links had been established between SEND and finance functions, with officers meeting regularly to monitor expenditure against different areas of provision and services. There were joint reports to Schools Forum and joint attendance at high needs working group meetings. There was solid understanding of each other's issues, with finance recognising the need to support strategic developments with the necessary investment and SEND officers having a greater awareness of financial limitations and the need for a sustainable approach.

Collaboration Between Senior Officers

Through the safety valve programme, we have seen that LAs are most successful in producing and delivering plans to make their high needs systems sustainable and effective where strong **prioritisation and collaboration** across the LA leadership is demonstrated. We expect the Chief Executives of LAs to be fully engaged with the DSG

management plan and overall high needs agenda. Effective support for children and young people with high needs often relies heavily on join-up across professions: LAs should seek to achieve this across their education, finance and capital functions.

The most effective LAs have a clear strategic direction which jointly covers SEND provision and high needs funding. The research report [High needs budgets: effective management in local authorities](#) gives a particular example of **Telford and Wrekin** working collectively across finance and SEND functions to identify solutions and approaches to keep high needs spend within budget. This has enabled them to develop a system for funding many pupils with high needs in mainstream schools without requiring Education Health and Care Plans (EHCPs).

While system reform can be challenging, change in the high needs system can be achieved through genuine collaboration between LA services, schools and colleges, parents and young people. Crucially, transformation programmes should be undertaken not as cost cutting exercises, or even as service improvement, but should be designed to work together to deliver effective support for children and young people on a lasting basis.

The third recommendation in the research project encourages LA officers with SEND and finance responsibilities to have joint accountability for effective management of high needs budgets, with high priority given to effective communication and mutual support, building on the positive practices identified in the research report. A reasonable amount of SEND support service capacity is needed to help provide effective support and challenge to schools and settings. This may be centrally managed or commissioned from special schools and involve a more significant contribution from Educational Psychology services. However, there need to be clear expectations of impact.

Governance

Our research shows that the most effective LAs involved in the study had strong governance structures that were clearly linked to operational delivery. Governance structures should embody the following key principles:

1. The DSG management plan should be a core pillar of the LA's strategy for children's services and levelling up opportunities;
2. Key decision makers, including elected members, should be well sighted on high needs issues and understand the importance of getting high needs right;
3. Structures and forums should be clearly linked to operational delivery, with the processes clearly in place for decisions to affect change;
4. When key decisions are taken, those impacted should be consulted and included. This must include parents, carers, children, and young people.
5. Interdependencies with other areas of an LA's work should be clearly recognised.

Key SEND and AP green paper link

Chapter 5 sets out proposals to align incentives and accountabilities that will drive this culture change and ensure effective local delivery against the national standards, including:

- Delivering clarity in roles and responsibilities
- Legislation for enabling local multi-agency partnerships and new backstop powers to direct admissions in schools
- Equip the DfE regions group to support and challenge LAs and MATs
- Provide statutory guidance to ICBs
- Introduce new inclusion dashboards for 0-25 provision
- Introduce a new national framework of banding and price tariffs for funding
- Work with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework

Chapter 4 also sets out the reformed and integrated role for AP: AP should be an integral part of local high needs planning.

Key Points for LA Senior Officers engaging elected members

LA leaders may wish to use the following in support of their conversations with elected members to ensure the prioritisation of the high needs system.

1. Getting delivery of the high needs system right is a key part of the levelling up agenda. The SEND and AP green paper proposals will bring significant change that LAs need to be ready for.
2. Managing the high needs system sustainably goes hand in hand with working in the best interests of children and young people: meeting needs earlier, creating more inclusive cultures, and ensuring support on a lasting and sustainable basis.
3. The key to ensuring sustainable management of the high needs system is clear prioritisation and leadership. More can and should be done in the immediate future, and this work will reinforce readiness for the SEND and AP green paper proposals.
4. The ringfence which separates DSG deficits from councils' wider financial positions is due to end after the accounts for 2022-23. Whilst DfE is running programmes to help LAs manage their deficits, the responsibility to manage the budget well, and ultimately for the deficits themselves, remains with LAs.

Area of Focus: Working in Partnership

Effective high needs systems are underpinned by strong and well-established SEND partnerships that integrate the work of education, health and care partners. Although LAs are ultimately responsible for high needs funding, all partners have a responsibility to children and young people. The Children and Families Act 2014 requires LAs to work in partnership to keep the local offer of SEND services and provision under review. LAs must involve parents and young people. In addition, there are reciprocal duties to co-operate on both LAs and any education providers in the area or which the LA expects to offer provision for children and young people living in the LA. These statutory duties and **common purpose** should be used as a foundation on which to build tangible plans for managing the high needs system sustainably.

A core ambition of the SEND and AP green paper is promoting inclusion in mainstream schools. This agenda can be most effectively delivered when it is built on common understanding of needs and provision, with effective joint working, mutual trust and accountability between LAs and schools as well as with wider system partners. LAs have a key responsibility to foster this collaboration.

Context

LAs, schools and other education providers have important responsibilities for children and young people with SEN and disabilities, set by the Children and Families Act 2014, and for those who need AP. We believe that these responsibilities are discharged most effectively when there is a **strong partnership between the LA, education providers and health partners** and a **shared understanding** of how different types of need are best met, with a **strong focus on early intervention, meeting needs in mainstream where possible**. The Children and Families Act 2014 requires local authorities to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency), working with parents, young people, education providers and health and social care partners. This must be reflected in the published local offer of SEN provision and services.

When proposing significant changes to special educational provision, AP and/or high needs funding arrangements, LAs should engage with all of those providing education for children and young people from their area. This includes providers which may not be located in the area itself, such as specialist provision and further education institutions.

This section relates to recommendations **2 and 6** of the research report [High needs budgets: effective management in local authorities](#).

Schools, Colleges and other Education Providers

In the research project, the case study LAs showed a strong culture of partnership with schools and parents. This develops over a period of time, supported by continuity of

leadership, effective engagement and development of trust. It is characterised by a strong sense of **collective responsibility**, not just across the LA and related services, but also with schools of all kinds.

A number of the LAs included in the research project had developed new approaches to supporting and funding pupils with high needs in mainstream schools which involved working with head teachers and SENCOs more actively. For example, they had set up officer/head teacher working groups to look at particular issues. In some cases, these were initiated as part of the broader education strategy or were linked to governance structures. In others, the groups were initiated by Schools Forum to address particular developments or issues. There is a particular example highlighted in **Camden** regarding proactive planning and collaboration with school heads to address emerging high needs issues. We encourage other LAs to follow similar practice, and work closely with all schools in their area.

Schools Forum

The schools forum play a key role in supporting local culture and partnerships, but they are more than just consultative bodies. They also have an important role to play in approving certain proposals from their LA and are therefore involved in the decision-making process surrounding the use of public money at local level. When making decisions on the delegation of funds to schools, and on the spending of funding held centrally, a good working relationship with the schools forum is important, particularly when making decisions on block movements¹. There have been circumstances where the schools forum have lacked confidence in their local senior leadership team and rejected proposals as a result. The level of expertise evident in the schools forum is a valuable resource to be harnessed by LA senior leadership teams. To ensure impartiality, it is crucial that the schools forum includes representation from the various types of education providers in the area. This will simultaneously increase the awareness of ongoing issues locally.

The research project found that more regular reporting to the schools forum and the use of High Needs Working Groups had enabled greater transparency and stakeholders were more aware of emerging trends. Given their recent experience of high needs deficits, finance officers were avoiding the temptation to be over-optimistic in their projections and were more likely to provide 'worst case' as well as 'best case' scenarios. This helped ensure an earlier impetus for change.

¹ Block movements refer to a transfer of funds from one block in a LAs' DSG, to another block. In most cases funds are transferred from the schools block to the high needs block.

LAs will have a significant influence on how the relationship with their schools forum functions: including the support they provide; the resources they devote; and the weight they give to the views of the schools forum.

[The Schools Forum Operational and Good Practice guide](#) is a useful resource for LAs to refer to when assessing the effectiveness of their relationship with the schools forum. Section 2 of this guide sets out a list of criteria that can be used to characterise a good working relationship between the two bodies, including **sharing a similar vision, support, transparency, awareness, and challenge**.

Children, Young People and Families

Key Points for LA Leaders engaging all education providers

LA leaders may wish to use the following in support of their conversations with all schools and education providers to encourage co-ownership of a sustainable DSG management plan.

1. LAs and all schools share in their **collective responsibility** to provide the most effective support to children and young people, prioritising resource appropriately. Inclusive cultures benefit all children, not just those with SEND.
2. Equipping mainstream schools to **meet as wide a range of needs as possible** from their core provision enables the available funding to be spent more effectively to support schools. The schools should be involved in identifying effective investment, such as additional training for staff.
3. AP places and the expertise of the AP sector should be used **strategically** across the school system. As set out in the SEND and AP green paper, the very best AP provide outreach services to mainstream schools that support pupils as soon as problems occur, preventing issues becoming entrenched and reducing the need for expensive placements because support was not provided early enough.
4. Special school places should be used **strategically**. Children and young people should only be placed in special schools where the special educational provision identified in their EHCP cannot be made in a mainstream school. This will enable children and young people to have their needs met locally, which evidence suggests promotes better outcomes (see research report), and in more cost effective provision.
5. The proposals in the SEND and AP green paper intend to create a **more inclusive education system** with excellent local mainstream provision which will improve the experience and outcomes for children and young people with SEND and those who need AP. Working together now will ensure a greater body of learning and experience to draw upon as change is implemented, for the benefit of children and young people.

LAs must involve children and young people with SEND, and their parents, in reviewing changes to SEND provision or funding in their local area. Parental engagement is

fundamental in building trust in SEND systems, which in turn allows for more strategic planning of services. LAs should do this in a way which ensures that parents feel involved in the process and have a sense of co-ownership. Meaningful co-production will naturally build the confidence of the service users and ensure a higher satisfaction that the provision available will meet children and young people's needs. This should not be a one-off process: LAs should make continuous contact with parents a priority and work to maintain the engagement.

All of the LAs participating in the research project put a strong emphasis on active engagement with education providers and parents and carers. Regular contact was a way of 'picking up emerging issues' and 'preventing these from getting out of hand'. More limited formal consultation was seen as a poor substitute for building strong relationships that were ongoing. Senior officers in the LAs discussed in the research report meet regularly with the Parent Carer Forum, which helps provide "sense checks" and identify "what's hot" in the area. This enables LA officers to target support and action to specific areas of concern, with the aim of addressing issues promptly and avoiding unnecessary escalation.

In **Telford and Wrekin**, for example, the SEND team has increased its direct contact with parents and carers. This has reduced case escalation, built parent confidence, and resulted in fewer challenges to EHCP decisions. Thanks to greater parental confidence in the provision available in mainstream schools, it has contributed to a lower need for EHCPs.

Officers in some of the LAs observed in the research project pointed to the difficulties in engaging with parents and carers of children and young people in the way they would like to. The growing numbers of EHCP assessment requests and budget restrictions limited the time available from LA caseworkers. It was felt that these issues could only be effectively addressed through a change in culture, better and more frequent dialogue with parents and carers at individual school level, and a more collective approach to managing this challenging policy area. Some of the LAs in the sample had managed to increase their SEND caseworker capacity, with a clear indication of expected impact, not measured simply in terms of timescales or process completion, but also improvements in key strategic outcomes, including more direct contact with parents.

The SEND and AP green paper is clear that in an effective and sustainable SEND system that delivers good outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive in a mainstream school, without the need for an EHCP or a specialist or AP place. It sets out clearly that we need a system where decision-making is based on the needs of children and young people, not on location. This must be underpinned by strong co-production and accountability at every level, and improved data collection to give a transparent picture of how the system is performing so that issues can be identified and addressed promptly.

Key SEND and AP green paper link

The green paper reiterates the fundamental principle of co-production with children, young people and families and that it should be embedded at every level of the SEND system. LAs should enable children, young people, parents and carers to be valued partners in decision-making, both for individual cases and in managing the system strategically.

The green paper proposes that we will introduce consistent standards for co-production and communication with children, young people and their families so that they are engaged in the decision-making process around the support that they receive and the progress they are making.

Statutory local SEND and AP partnerships will bring together representatives across early years, schools, further education, alternative and specialist provision, in addition to health and care partners and other partners, including youth justice. The local partnership will be responsible for working with parents and carers to produce a local inclusion plan to inform effective delivery.

We have also seen that the best performing SEND systems are those with a consistent focus on co-production. We will therefore embed co-production with children, young people, and their families at every level in our delivery planning, including ensuring that parents are represented on the proposed National SEND Delivery Board.

Key Points for LA Leaders engaging parents and carers

LA leaders may wish to use the following in support of their conversations to engage parents and carers in identifying appropriate solutions and build confidence in the high needs system.

1. Meeting children and young people's needs early and appropriately is a core aim of an effective DSG management plan, and reflects the direction of the SEND and AP green paper. This will **reduce escalation of need** and promote a more inclusive culture for all children to benefit from.
 2. Co-production with parents and young people will ensure that **local experiences** can be captured and addressed in the bigger picture aims of the DSG management plan and its implementation.
 3. As with any service, budgetary constraints must be considered, but a sustainable DSG management plan does not mean cuts to services. It means prioritising spending in an **appropriate and equitable** way for all children and young people, so that needs are met as efficiently and effectively as possible.
- Parents and carers are well equipped to identify solutions, consider priorities, and apply guidance and research to a local context. Co-production at an early stage should ensure that decisions taken now are effective and enduring.

Health and Social Care

It is essential that LAs work with health and social care partners in sharing responsibility of specialist provision for children and young people. Health partners have statutory responsibilities to secure and fund the health provision specified in EHCPs. Through the Safety Valve programme, we have seen that this is not always happening in practice to a sufficient level. Many LAs have been using their high needs budget to fund provision or resources that come under the remit of health or social care. The Department has clarified through its high needs operational guidance [High needs funding: 2022 to 2023 operational guidance](#) that the DSG may only be used to fund educational provision.

LAs should link reviews of education, health and social care provision to the development and review of their local offer, where the three agencies are statutorily required to co-operate to keep services and provision under review. This will help to identify gaps in provision and ensure that the local offer is responsive to the needs of local children and young people and their families. The research project found that there was some evidence that an integrated approach could lead to more balanced and appropriate funding across the key agencies (Education, Health and Social Care) and services/provision that were more closely linked to local needs.

Portsmouth has appointed a new integrated commissioning lead who works for both the LA and the local Clinical Commissioning Group (CCG)². The post is located in the management structure of both organisations. This development has supported a realignment of funding contributions across all three key agencies, with fairer shares of provision costs for joint placements and a greater contribution from the CCG to the funding of health care provision for medical needs in mainstream schools.

The research report sets out a recommendation that LAs should review their joint commissioning arrangements to support more balanced contributions to high needs provision from the three key services (Education, Health and Social Care).

Key SEND and AP green paper link

The proposed national standards will make clear the role of health and care providers in relation to their responsibilities in meeting children and young people's needs. Consistent processes and strategic planning will mean services can be jointly commissioned and delivered across regions to meet the needs of children and young people across their local area.

Statutory partnership arrangements will enable local authorities to work collaboratively with local partners such as health and care to produce a local inclusion plan. This plan will set out the provision and services that should be commissioned in line with the national standards and based on the results of the joint needs assessment. Statutory guidance will be clear on what is expected of every partner involved to enable these partnerships to be successful.

The local partnership will work alongside multi-agency safeguarding partnerships and Integrated Care Systems, with the joint needs assessment and local inclusion plan informing health and care commissioning to ensure integrated delivery of services across education, health and care. This will enable schools and colleges to access specialist workforce on a targeted basis.

The green paper also sets out how we will set guidelines on what should be classed as education, health and care interventions, and therefore funded by the appropriate service.

² Please note that Integrated Care Bodies had not been implemented at the time of this research.

Other Local Authorities

Children and young people with SEND from one LA area frequently receive provision in another, for example at a special school or further education college. The Children and Families Act 2014 is clear that the local offer of services and provision must include provision outside the local area, that is likely to be used by children and young people with SEND. We would encourage LAs to work together when reviewing their special educational provision and considering the quality and sufficiency of such provision. It may be more efficient for a group of LAs to develop and share a single centre of excellence.

Similarly, LAs may wish to consider combining specialist SEN and disability services, for example for expert professionals such as educational psychologists and specialist teachers, so that sustainable centres of expertise are created, providing schools and other institutions with the extent and quality of specialist support they need. A number of LAs are already developing such collaborative approaches and seeing better value for money and savings as a result. LAs should consider their neighbours as key partners in their sufficiency planning and develop relationships accordingly.

Use of Internal Processes

LAs should also, as many do, use their internal systems appropriately to support the early identification of issues, including on high needs. The recommendations put forward in this guidance can, of course, be most effectively carried out in a well-run authority that diagnoses problems quickly and prioritises resource to respond.

This includes ensuring appropriate maintenance of a corporate risk register, and suitable and robust data management. We would expect, in particular in light of the temporary ringfence, that any significant DSG deficit should feature on their corporate risk register with an honest assessment of the position of the service, its ability to manage high needs spending within budget, and any action required.

Furthermore, inconsistent forecasting and reporting of data and expenditure can be detrimental to the sustainability of SEND services, leaving problems uncovered or identified too late. LAs should ensure that a consistent method of forecasting and reporting is used across the whole service area and agreed with finance staff, as per the collaboration recommended in the above section.

The research project found **North Lincolnshire** to be a paragon when it comes to transparency about emerging issues and a collaborative problem-solving ethos. This was particularly evident when the LA experienced a significant high needs deficit in 2017-18 when senior officers met with stakeholders to consider practical ways forward. Strategy is driven by a shared commitment to improve outcomes for children and priority is given across the board to quality assurance and evaluation.

Area of Focus: Managing the need for EHCPs

We know that the growth of EHCPs has put pressure on high needs budgets. Over the 5 year period 2017 to 2022, the number of EHCPs increased by 65% nationally, with significant increases in the post 16 cohorts of over 120%. However, the evidence set out in the SEND and AP green paper suggests that this growth reflects trends and pressures in the system and its ability to meet children and young people's needs, rather than significant changes in the children and young people themselves. As more children and young people receive EHCPs and attend specialist settings, more financial resource and workforce capacity is pulled to the specialist end of the system, meaning that there is less available to deliver early intervention and effective, timely support in mainstream settings. This creates a vicious cycle, with outcomes and experiences for children and young people continuing to suffer as needs are identified late, then escalate and become entrenched, with cost pressures increasing. By prioritising early intervention and investment, so that needs can be met without requiring statutory provision, we would broadly expect the number of EHCPs in an effective LA to stabilise, proportionate to the overall population.

Context

There is considerable variation in the way LAs have managed the need to issue and maintain EHCPs since 2014. In general, LAs in the Safety Valve programme are only able to reach a planned sustainable position where they proactively work to manage the numbers of EHCPs by meeting needs earlier, reducing escalation of need, promoting parental confidence, and ensuring suitable thresholds and assessment processes. Crucially, reducing the demand for EHCPs means ensuring the needs of more children and young people can be met without requiring an EHCP. As LAs work through these system reforms, such action to reduce the need for EHCPs should be factored into forecasts of future demand for specialist places and therefore place management and capital spend plans.

There is a huge range of activity that LAs can take to ensure that more children and young people's needs can be met without the requirement for an EHCP, and actions should be tailored to the LAs' local context. We strongly encourage LAs to consider the case studies in the accompanying research report. Some of these actions will be more immediate, for example through training or recruiting of appropriate staff to carry out panel assessments, whilst others require longer term investment in inclusive culture. The emphasis here should be on ensuring that children and young people's needs are met appropriately and through a sustainable model as they change and develop.

This section relates to recommendations **5, 8 and 10** of the research report [High needs budgets: effective management in local authorities](#).

Improving SEN Support in mainstream

In the schools white paper and the SEND and AP green paper, we have set out a vision for more children to have their needs met effectively in their local mainstream setting. Our proposals are designed to improve the quality of the mainstream education offer, through early and accurate identification of need, through high quality teaching of a knowledge-rich curriculum, and through timely access to specialist health, care support, and AP placements, where that is needed. LAs should not wait for the changes of the SEND and AP green paper to further develop their inclusion strategies and should act in the best interests of children and young people, as well as of their financial sustainability.

If mainstream provision is to meet a wide range of additional needs, it is important that schools, colleges, and settings have access to high-quality specialist support (for example, to help with the needs of children and young people with autism, speech and language needs, social, emotional and mental health needs, sensory impairment, or challenging behaviour). This typically involves specialist teachers with expertise in supporting pupils with complex needs, educational psychology, and health services such as therapy and mental health services as well as colleagues in social care services.

In providing such services LAs should consider the following objectives:

1. Ensuring advice and support is available to all education providers, including early years settings and post-16 institutions
2. Offering advice and support on a preventative basis to boost earlier intervention
3. Supporting the development of inclusive practice in all mainstream schools, colleges and early years settings
4. Making the best use of existing specialist provision

The research project found that a number of LAs in the sample have developed documents setting out what they expect mainstream schools to 'ordinarily provide'. The report finds that these were strongest when they were:

1. Co-produced with schools (usually SENCos) and parents/carers
2. Actively reviewed and refreshed

This was seen in practice in **Barnet**. Officers and support services worked with schools and parents to develop greater clarity about what is and should be 'ordinarily available' in mainstream schools and settings. The document they have produced is supported by most schools in the Borough and is actively reinforced through the work of the LA's SEN support services and SENCo network activity. This has helped contribute to a lower percentage of EHCPs than in some other similar LAs and a relatively higher number of pupils with ASD whose needs are being met at SEN support level. Part of this work has been to identify different types of curriculum pathway across both mainstream and specialist sectors and the kinds of educational progress that should be expected from each.

Wigan has convened a group of mainstream head teachers to look at current High Needs issues, which is chaired by the Head of Education. One area of interest has been how to find a way of ensuring the system is fairer. Data is being gathered on the number of pupils (with EHCPs and on SEND support) who move school during their primary or secondary career while remaining at the same residential address. This is expected to provide clearer evidence in relation to schools that describe themselves as ‘magnets’ for pupils with HN and those that may be considered as ‘not taking their fair share’.

Key SEND and AP green paper link

The green paper highlights the importance of more children and young people being able to access the support they need in their local mainstream setting, without the need for an EHCP or specialist provision and the re-integration of children and young people into mainstream settings wherever appropriate.

This begins with clear and common standards across the SEND and AP system so that needs are identified, assessed and supported fairly and consistently, no matter where a child or young person lives or is educated.

This will include standards on what support should be made available universally in mainstream settings, as well as guidance on when an EHCP is required, and when specialist provision, including AP, is most appropriate for meeting a child or young person’s needs.

The green paper sets out the ambition for using high quality AP outreach services to support children and young people in mainstream school, tackling problems early so they don’t become entrenched. This reduces the need for children and young people to take up specialist places in AP schools because they have not received timely support.

Consistent standards will facilitate a more inclusive system, with more children and young people able to have their needs met in high-quality mainstream provision with high aspirations, a confident and expert workforce and access to high-quality targeted support as needed.

We need a strong focus on delivery, supporting the move to a more inclusive system that starts to deliver now, and in the long term for children, young people and their families.

Assessment Panels

It is important that LAs regularly review their EHCP assessment processes to establish clear, robust, consistent and well understood criteria for statutory EHC assessments. In the Safety Valve intervention programme, some LAs highlighted a need to review their

EHC assessment processes and thresholds in order that they could better deal with requests for EHCPs.

LAs might consider including parents and carers of children and young people in advisory assessment panels for an alternative point of view. The research project found that some LAs, such as **Barnet**, place a high value on partnership with parents and carers and they are involved at all levels of the system. This includes participation in EHCP assessment panels. Although this requires clear protocols (e.g. with regard to confidentiality), there is evidence that parental representation has enhanced the quality of conversations and helped dispel some of the myths about how panels operate.

LAs can also use resource panels to ensure a consistency in approach regarding use of additional resources, consistency in the expectations on education establishments and consistency of allocation across the area.

Annual Reviews

Through a well-functioning annual review process, LAs should also consider whether some EHCPs could be ceased or stepped down, where needs can be or have been met without an ongoing need for a statutory plan. In other words, the annual review process should ensure EHCPs are fairly assessed for continued relevance and need, as well as whether additional funding needs to remain at previous levels. For some children and young people, the nature of their needs mean that they should be met and addressed without the ongoing need for a plan. Alongside annual reviews, LAs are encouraged to review their placements on an on-going process. As seen in the research project, **Telford & Wrekin** collaborated with an independent specialist college to develop a more local post 16 provision for students with complex or significant needs at modest cost. This has helped set clear parameters around length of placement and expected outcomes, which were more difficult to achieve through the annual review process.

Many LAs are focusing on pathways into employment, training and independence for young people aged 16-25 with EHC plans. This might involve improving the capacity and training of staff involved in the EHCP assessment process and determining clearer guidance for them to follow. The Children and Families Act 2014 extended the possible age range for high needs funding from 19 to age 25. Initially, this was interpreted by some to mean 'staying on longer in education'. However, LAs are recommended to focus on improving their Post 16 pathways in broader ways, with a clear focus on effective transition to adulthood, and an emphasis on progression and a higher expectation of access to employment, through use of supported internships or other means. This would then give options to those young people for whom prolonged education is not the best option and enable the cessation of EHCPs that are no longer necessary.

Wakefield has developed an enhanced 5 day offer to support reintegration of young people post 16 from independent/non-maintained special provision back into their local community. The emphasis is on local work-based training. The balance between

supported education and employment related activity changes over time. The focus is individualised and linked to each young person's aspirations.

Working with local partners, creating increased work-related opportunities with independent training providers and supported internships have been a feature of the approach, as has been intense casework planning and involvement from dedicated SEND post-16 officers with the right professional backgrounds, local knowledge and commitment.

Key SEND and AP green paper link

The green paper sets out a proposal to invest £18 million over the next three years to build capacity in the Supported Internships Programme. Alongside this, we are investing further in traineeships to deliver 72,000 traineeships between 2022/23 and 2024/25.

To give young people with SEND the best opportunity to progress into employment, we will roll out improved careers guidance, including better information about the support that is available to them as they move into work. This will be delivered via Careers Hubs and support for Careers Leaders leading the design and delivery of careers education programmes tailored to the needs of young people with SEND, and currently supported via the Careers & Enterprise Company. We will continue to work with the SEND sector in developing statutory guidance for local skills improvement plans as part of the approach to addressing the SEND employment gap and improve the employment prospects of young people with SEND.

We will also set transition standards to ensure there are consistently deliverable arrangements in place as children and young people move to their next phase, particularly into further education, employment, and adulthood. Transitions to further education will be supported by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for higher education and employment.

Area of Focus: Use of Appropriate Provision

Through the Safety Valve programme and wider work, we know that careful use of specialist provision is a crucial lever for LAs, both in offering the right support to children and young people, and ensuring that support is sustainable.

There is a key link here with the above section on working with schools – fostering an inclusive culture for all providers is critical in ensuring specialist provision is used appropriately. This section focuses on taking a strategic approach to sufficiency planning and inclusion. As noted above, parents and education providers should be considered as key partners in strategic planning and should be consulted and engaged closely throughout, both to ensure the approach is deliverable and reflecting the statutory duties to co-operate in keeping the local offer of SEN services and provision under review.

Context

In 2019, NAO concluded “The main reason why local authorities have overspent their high needs budgets is that more pupils are attending special schools”³. The number of children and young people in special schools increased from 95,788 in 2010 to 164,577 in 2022, an increase of 68,789 (72% increase)⁴. As a consequence, pressure on available provision is growing, leading LAs to fall back on independent or distant placements (adding travel and/or residential costs) for needs which might otherwise be met locally.

We recognise that some children and young people will have particularly complex needs requiring highly specialist provision which cannot reasonably be available in every LA. In some local areas, geographical constraints may influence the way specialist provision is organised. Nevertheless, we believe that it is possible, and in children and young people’s best interests, to create a wider framework of specialist educational provision closer to home in most instances. This approach supports the direction of the SEND and AP green paper; LAs adopting a more inclusive and strategic approach to use of provision now will be in a far stronger position to deliver long-term sustainable provision.

This section relates to recommendations **2, 4, 7 and 9** of the research report [High needs budgets: effective management in local authorities](#).

³ [Support for pupils with special educational needs and disabilities in England \(NAO\)](#)

⁴ SEN2 published data

Strategic Planning

The most effective LAs involved in the research project have taken an approach mirroring the focus and direction of the SEND and AP green paper: to ensure that needs are being met well in mainstream schools wherever possible, in order that specialist placements are available for those children and young people who need them most. This ethos reinforces and supports LAs' ability to use appropriate and cost-effective provision in a considered way.

This principle should underpin LAs' approach to strategic place planning. Achieving this requires clear partnership working with parents, schools forum and other stakeholders, as genuine collaboration is critical to achieving this aim. LAs should engage education providers on this issue as a collective responsibility, to ensure that the right placements are available for the local community, and in order that revenue funding can be suitably invested in local support, rather than paying excessively to cover the gaps in local provision.

In order to provide sufficient specialist placements, LAs are able to invest their capital allocations over the next 3 years to develop the available high needs provision, whether in mainstream schools, specialist units/resourced provision, special schools, AP or other forms of provision. However, this must be done in conjunction with a clear inclusion strategy. Without this, LAs risk creating additional demands for specialist provision for children and young people whose needs could be met in mainstream. Inclusion in mainstream is the right approach for many children and young people with high needs and is the most sustainable for high needs spend.

We encourage LAs to review the section of the research report regarding 'ordinarily available provision'. Clearly articulating and agreeing with local schools the support that mainstream schools should ordinarily provide has been a useful tool for many of the LAs in the Safety Valve programme, as well as the research report. This can be supplemented by 'toolkits', staff training and further support to enable schools to be more inclusive.

Key SEND and AP green paper link

Improved strategic planning and decision making is highlighted throughout the SEND and AP green paper as a priority in ensuring a sustainable and effective SEND and AP system. This will allow for greater consistency in how needs are identified and supported, so that decisions about support and provision are made based on a child or young person's needs, in co-production with families, not where they live or the setting they attend

Chapter 2 focuses on creating a system that promotes a collaborative approach to supporting children and young people with SEND, built on common understanding of needs and provision, with effective joint working, mutual trust and accountability between all system partners.

The joint needs assessment and local inclusion plans introduced in Chapter 2 will support better joined-up processes and planning across education, health and social care to meet the needs of children and young people across the local area.

Forecasting

Effective strategic planning is reliant upon a thorough knowledge of local needs and a clear vision for the support required to effectively meet existing and emerging needs. This should be underpinned by robust and timely data regarding:

- existing placements
- local demographics
- trends over time on both types of need and different ages
- capacity and performance of existing provision

This data can be used to identify the gaps in LAs' local provision offer. This information should be maintained as robustly and as often as possible, to ensure an LA's ability to plan and respond. There is no substitute for high quality data.

We encourage all LAs to review their specialist provision and their local need to ensure that it is suitable, and that it can be suitably responsive to emerging needs. The use of data is a central starting point to the forecasting process, and it is essential that LAs have strong data systems in place so that they see trends over time for different ages and types of need and use this as a basis for predicting future need.

We have seen LAs improve their methodology for forecasting changes in the numbers of children and young people with different types of needs in different age groups, and using this to better inform financial planning, commissioning services and their capital programmes. More robust procurement procedures can then be adopted, such as

ensuring fees proposed by independent providers are appropriate for the needs of the pupil.

The research found evidence of increased use of forecasting in financially sustainable LAs. The approaches in forecasting were varied: in some, this was limited to projecting the impact of growth in EHCPs and numbers of pupils with different types of need, with the expectation that more provision would need to be developed to cater for these. In others, forecasting was more sophisticated and more closely linked to the potential impact of financial constraints. As LAs work through reforms to their systems and processes, and take action to reduce the need for EHCPs, these should be factored into forecasts of future demand for specialist places and therefore place management and capital spend plans.

Commissioning

When using forecast data to commission places, the principles of partnership working are critical, in particular with health and social care. Joint commissioning, with a collective responsibility established (see area of focus on working in partnership), yields the greatest opportunities for children and young people's needs to be met well, and met efficiently.

The research report recommends that LAs should review their joint commissioning arrangements to support more balanced contributions to high needs provision across education, health and social care. We encourage LAs to consider the examples set out in line with recommendation 2. The principles of partnership working are important throughout the high needs system: both for ensuring the right level of support for children and young people, and ensuring that support is financially sustainable.

Children and young people with low incidence but highly complex special educational needs may require highly specialised provision which is not available in every local area. Such provision is frequently offered by providers which operate at a regional or national level, often through independent or non-maintained special schools and specialist post-16 institutions. LAs should consider what co-operative arrangements across local boundaries could be put in place to meet the needs of these children. They should also consider whether and how particular expertise of non-maintained and independent schools could contribute to local, regional and sub-regional and national provision.

Capital investment

The DfE provides capital funding to support LAs' statutory duty to ensure the sufficiency of high needs provision in their area. In March, High Needs Provision Capital Allocations (HNPCA) totalling over £1.4 billion were announced for financial years 2022-23 and 2023-24, to help deliver new places and improve existing provision for children and young people with SEND or who require AP. This funding forms part of the £2.6 billion we are investing between 2022 and 2025 and represents a significant, transformational

investment in new high needs provision. It will support LAs to deliver new places in mainstream and special schools, as well as other specialist settings and AP, and can also be used to improve the suitability and accessibility of existing buildings. The funding is on top of the £300 million invested in high needs provision in financial year 2021-22 and our ongoing delivery of new special and AP free schools.

We expect LAs to make use of the increased capital investment being made available over the next 3 years to improve the suitability and sufficiency of high needs provision in their areas. Funding beyond 2025 is contingent on the outcomes of future Spending Reviews and additional capital funding beyond this period cannot be guaranteed; it is therefore critical that prudent decisions are taken now to ensure the sustainability of the system for the longer-term.

Use of Capital Funding

LAs should heed the guidance published alongside the HNPCA in March 2022. The guidance sets out clear advice on how HNPCA should be used over the next 3 years. HNPCA can be used across the 0-25 age range, and so LAs are able consider post-16 provision in reviews and plans for investment.

In particular, the HNPCA guidance sets out suggested types of work. The guidance encourages LAs to focus on projects that will increase available placements for children and young people with EHCPs in mainstream settings through new SEN units or resourced provision. Investing in projects that enable mainstream schools to be more flexible and responsive to children and young people's needs will not only promote inclusion, but could empower schools to meet greater levels of need, and in turn could promote parental confidence in the mainstream offer.

For full guidance on making the most effective use of available capital funding, along with further guidance on effective strategic planning and capital procurement, please refer to our [High needs provision capital allocations guidance](#).

Wakefield has established a process for responding quickly with small amounts of capital funding to help sustain mainstream placements and/or improve pupil's experience and engagement in learning. Early years settings, schools and colleges are able to apply for this resource with requests being considered by a panel including the lead officer for SEND, a health practitioner and a commissioning officer. A parent or carer representative was also involved. The budget is relatively small, and bids are generally modest.

Alternative Provision (AP)

AP is used for a wide range of reasons, including exclusion, illness, to improve a pupil's behaviour or for those who would not otherwise receive suitable education in a mainstream school. LAs should work with local schools to consider the different ways AP is being used across their region and whether current arrangements are appropriate.

Appropriate and effective use of AP should support an LA's approach to managing their high needs system. There are different ways that LAs and schools/academies can arrange AP and all parties should explore the most effective arrangements for its commissioning and funding in their area. LAs should always take account of the needs of local schools in determining the demand for AP and how it is delivered. They should encourage schools to think collectively about their use of AP, and how the full cost of provision (the place funding and top-up costs) is to be met.

LAs should consider ways in which they can prevent the need for AP. For example:

- Consider how AP places and the expertise of the AP sector can be used strategically across the school system. AP can provide outreach services to mainstream schools that support pupils as soon as problems occur, preventing issues becoming entrenched and reducing the need for expensive placements because support was not provided early enough.
- Deep dives into exclusion to understand the reasons behind these decisions, and working with education providers to reduce the need to exclude
- Develop the capacity of schools to meet the needs of children and young people with challenging behaviour, for example through training in trauma perceptive practice and commissioning mental health support teams.

Good AP is that which appropriately meets the needs of pupils who require its use and enables them to achieve good educational attainment on par with their mainstream peers. All pupils must receive a good education, regardless of their circumstances or the settings in which they find themselves. As well as educational attainment, provision should ensure that specific personal, social and academic needs of pupils are properly identified and met and that there is a focus on pupil motivation, self-confidence, attendance and engagement with education. The [Alternative provision: statutory guidance for local authorities](#), is a useful guide for LAs to refer to, and the following are some key criteria that LAs may want to use as a measure of success for sustainable and quality AP:

- **Clearly defined objectives of AP available:** Responsibility for AP rests with the commissioner. The nature of the intervention, its objectives, and the timeline to achieve these objectives should be agreed and clearly defined, and progress against these objectives should be frequently monitored. There should be a consideration that AP will look different from child to child.
- **Forward thinking:** A child or young person's next stage of life should always be considered when making placement decisions, as this will ensure smooth and effective transition. Where reintegration back into a mainstream school is an objective, there should be agreement on how to assess when the pupil is ready to return, and the school should provide an appropriate package of support to assist their reintegration. These objectives and plans should be agreed with providers, set out in writing and regularly monitored, including through frequent visits to the

provider. There should also be clearly defined objectives and appropriate support if a young person's next step is into further education, training or employment.

- **Collaboration:** All information should be shared with relevant parties and on-going contact with the LA, provider and child should be prioritised. Pastoral support and other services should be accessible to a child or young person throughout the placement process, such as, social care, educational psychology, child and adolescent mental health services, youth offending teams and drug support services etc. Appropriate methods of challenge should also be adopted by anyone involved to ensure that children and young people get the most out of the provision.
- **High quality staff:** Effective AP is categorised by high quality staff, who have had suitable training, experience and safeguarding checks. Staff should be confident in their task and should be able to provide support to a high degree.

In the meantime, before the effects of the SEND and AP green paper are felt, we recommend that aspects of an LA's existing commissioning and funding arrangements should be reviewed to underpin the measures set out above. LAs and schools should work together to discuss how to make their existing systems more inclusive now, including considering the current flexible funding arrangements.

The research project found that a number of LAs were seeking to 'refocus' AP so that it was more inclusive of pupils with complex/significant needs. This was easier to achieve in the context of a more collective, planned approach. The research report recommends that LAs should set out more clearly their expected pathways for young people with different levels of need, ensuring that these are presented earlier and more clearly, and evaluate quality and outcomes on a more regular basis. Pathways should be realistic but ambitious. In doing this, LAs are likely to see money saving opportunities from the more pre-planned, thought-out, and refocused provision on offer to children and young people.

Recommendation seven of the research report encourages LAs to consider, when creating new specialist provision, the expected range, and levels of need that this will cater for. They should also consider the potential impact on future demand and whether this can be financially sustained. The case for any proposed development should include detailed projections on the balance between investment and savings.

Key SEND and AP green paper link

The SEND and AP green paper has set out our intention to create a new national vision for alternative provision to offer timely support to children and young people whose behaviour or other needs present a barrier to learning. The new delivery model for alternative provision will distribute resources more effectively so that needs can be addressed earlier, through a targeted support offer in mainstream schools available in every local area. The paper sets out how we will introduce new statutory partnerships, bringing all relevant local partners together to assess need, plan alternative provision and set out results in local inclusion plans. We will require LAs to use these local inclusion plans to set out AP-specific, multi-year budgets which will ensure AP schools have the funding security to deliver effective, targeted provision. This will mean that resources can be targeted and distributed more effectively, with children and young people's needs addressed earlier, with alternative provision schools more able to recruit and retain high quality staff.



Department
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