

Report to Audit and Risk Assurance Committee

3 April 2025

Subject:	SEND Placements and Transport Strategic Risk
Director:	Director of Children and Education Services Sally Giles
Contact Officer:	Mandip Chahal, Interim AD for Commissioning, Partnerships and Improvement Sue Moore, AD for Education Support Services Judith Nash, Interim AD for Inclusion Learning Services

1 Recommendations

- 1.1 That the Board considers and comments upon the Strategic Risk in relation to SEND Placements and Transport

2 Reasons for Recommendations

- 2.1 The SEND Placements and Transport risk on the Strategic Risk Register has both financial and reputational implications for the authority.
- 2.2 This report provides the Committee with an overview of the steps taken to address these risks

3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	By managing SEND placements and transport effectively, the council ensures that children and young people with SEND have access to appropriate educational settings, supporting their development and future opportunities in their local settings.
Living in Sandwell	Addressing these risks demonstrates a commitment to inclusivity and equity, ensuring all residents regardless of their needs can thrive within the community

Thriving Economy in Sandwell	Efficient management of SEND transport and placements can optimise resource allocation, reducing financial strain and enabling investment in other areas that contribute to economic growth
Healthy in Sandwell	Providing reliable transport and suitable placements supports the physical and mental well-being of children with SEND and their families, contributing to a healthier community overall.
One Council One Team	Tackling these risks requires collaboration across departments and stakeholders, embodying the council's vision of a unified approach to delivering services.

4 Context and Key Issues

- 4.1 The Local Authority is subject to statutory obligations and has powers to make particular travel arrangements for children with special educational needs and disabilities to facilitate their attendance at an appropriate education provision.
- 4.2 S.509(1) of the Education Act 1996 requires the Council as a local authority to determine whether arrangements are required for the provision of transport for each pupil with an Education, Health and Care Plan (“EHCP”) who has been assessed as eligible.
- 4.3 If a Local Authority determines that transport is necessary, then it must decide what form of travel assistance is suitable and organise it free of charge. Transport is provided for children, to and from school or other educational establishment, or where transport has been authorised on medical grounds / social need both within and outside the borough. The Council has further obligations under the Children Act 1989 (amended in 2004) (including all associated Regulations and Guidance), the Care Standards Act 2000 to safeguard and promote the welfare of children and the Special Educational Needs & Disability Code of Practice (2014)
- 4.4 There has been a national rise in children and young people with SEND and who require Education, Health and Care Plans (EHCPs) which in turn results in increasing demand for additional support services including specialist placements.
- 4.5 The increased demand arises from a combination of factors including population growth, better and earlier diagnosis of conditions such as Autism Spectrum Conditions (ASC) and extension of the service for children with SEND up to the age of 25 (the latter took effect in the

context of the 2014 reforms, which were not funded). Covid lockdowns / inconsistent educational support have also had an impact and have contributed to a rise in Social Emotional and Mental Health (SEMH) referrals for multi-agency assessment / EHC plans from Early Years to Post 16.

- 4.6 With the increase in the number of children and young people with EHCP's there has been an increase in the number of children requiring specialist placements and support with transport.
- 4.7 In May 2024, Cabinet agreed the procurement of a flexible purchasing system (FPS) for the provision of SEND transport services. FPS differs from a traditional "closed" framework in that it allows suppliers to apply to join on an annual basis (or at specific times as set out in the FPS rules should a change be deemed necessary to facilitate this) over its proposed term, subject to satisfying the Council's selection criteria, which set certain entry standards such as confirmation that the organisation has a valid Operators License, valid insurance, adequate safeguarding policies.
- 4.8 The introduction of a Flexible Purchasing System (FPS) has helped to reduce the cost of home to school transport without impacting on the quality of service or safeguarding of children and young people with SEND and their families
- More competitive market with an increase in number and type of operators i.e. SME and National Companies
 - Single school contracts creating greater opportunities for VFM
 - Revised costing models that support and encourage greater cost control
 - Improved data supporting forecasting and robust contract management.
- 4.9 The average cost in 2023/24, using the old framework, was £16,400 per head per annum. The average cost as of January 2025 is £13,008 for 811 children and young people. There are currently approximately 320 children and young people on the old framework who will be transferring to the FPS in April and July.

- 4.10 Since the initial FPS procurement work has continued to develop the transport offer. Providers have had a further 4 opportunities to join the FPS, with a total of 26 providers now on the framework.
- 4.11 The service has continued to engage with providers who have shown an interest in joining the FPS and provided feedback to those that have been unsuccessful.
- 4.12 A cohort of young people were not transferred to the FPS when it was initially procured, as agreed by Cabinet. Work is underway to reprocure transport for these children via the FPS. This is already delivering additional savings with costs reducing by between 33-66%
- 4.13 In addition to the introduction of the FPS work has also been undertaken to
- Increase the use of larger multi occupancy vehicles where appropriate
 - Standardised journeys around the beginning and end of the school day
 - Increase the take up of independent travel training
 - Encourage the take up of parent mileage or a personal transport budget (PTB)
- 4.14 Next steps include revising the travel assistance application process and a review of the Post 16 Offer.
- 4.15 Sandwell was awarded a category two outcome, the middle of three possible outcomes, following an Area SEND inspection undertaken jointly by Ofsted and CQC in July 2023. This meant that the area partnership's arrangements facilitated 'good, yet inconsistent experiences and outcomes for local CYP with SEND'.
- 4.16 Recent, independent reports into the national SEND context, by the ISOS1 and the National Audit Office, found that the SEND system had reached breaking point and was in urgent need of reform. The identification of need had increased exponentially, outstripping other large European nations. The growth in Education, Health and Care Plans (EHCP) is nationwide, with no obvious correlation to deprivation or geography.
- 4.17 Nationally, there are more CYP than ever before whose needs are not being met in mainstream education. A 60% increase in the number of

students placed in state funded special schools and a staggering 132% increase in Independent Non-Maintained Special Schools placements, means that expenditure has outstripped increases in funding. The national high needs deficit has risen from £300m in 2018/19 to ≥ £3.16bn currently. The recent increased expenditure has failed to deliver better outcomes, attainment, or family experiences; it has however led to a more adversarial SEND system. The number of Tribunal appeals rose by 334% between 2014/15 and 2022/23.

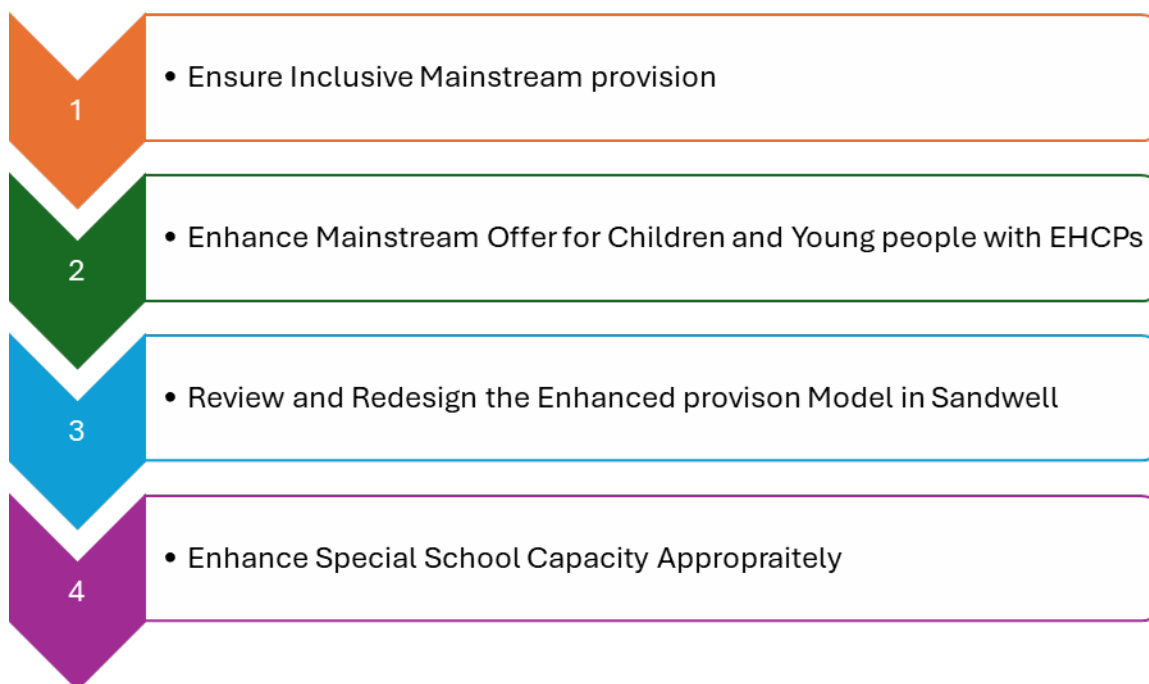
- 4.18 There has never been a greater demand for SEND sufficiency. The SEND population has grown significantly since the 2014 SEND reforms [SEND code of practice: 0 to 25 years - GOV.UK](#) with the biggest growth taking place in the statutory EHCP category.
- 4.19 Despite a local capital programme and inclusive practices, the number of children and young people requiring a special school place has outgrown the capacity of provision in Sandwell. This has resulted in a greater number of children with high needs placed in mainstream and independent non maintained special schools (INMSS) out of borough.
- 4.20 Table 1 in the appendices demonstrates the local growth of pupils with EHCPs in Sandwell.
- 4.21 Table 2 demonstrates the predicted unmitigated forecasted growth of EHCPs in Sandwell.
- 4.22 In response to the July 2023 inspection the Local Area Partnership has been working to improve services for children and young people with a SEND need. This includes the development of a sufficiency strategy, based on a better understanding of local needs.
- 4.23 Our priority is to create the right provisions across Sandwell in our schools and colleges to provide children with the right support to prepare them for independence and adulthood. To achieve this, we are developing a SEND strategy for the next three years.
- 4.24 The SEND Strategy will set out our vision for a SEND system that is equitable, inclusive and ambitious. Work has already progressed in developing a robust forecasting methodology that provides detailed sufficiency insights at local town and ward level. This will be further developed after the latest publication of the SEN2 data in March 2025.

4.25 Our SEND Needs Analysis has been informed by a review of our current offer and supported by data information from the reviews through engagement activities with partners, schools, with parents and carers.

4.26 This further aligns with our agreements with the DfE following the area inspection of SEND services July 2023 [Sandwell Metropolitan Borough Council - Open - Find an Inspection Report - Ofsted](#)

4.27 Our enablers are listed below. We will need to review and improve opportunities to work together as a system.

- Develop processes for health partners to share with SMBC where a child is likely to require specialist education provision at the earliest stage
- Review the impact on special schools with wider system capacity gaps
- Develop an effective model of outreach/in reach between sectors
- Through a Balanced System, ensure appropriate and effective therapy provision across universal, additional and specialist tiers.



5 Implications

<p>Resources:</p>	<p>The cost of SEND home to school transport in 2023/24 was £17m, which was significantly higher than the budget available for the service.</p> <p>The average cost per head of home to school transport for those CYP that remain on the old framework is £17,419, while those on the FPS cost an average of £13,008 per head per annum.</p> <p>It is projected that the total spend of SEND transport for 2024/25 will be within the available budget.</p> <p>Based on current numbers of 264 children and young people in independent placements, the spend will be £16,061,302 per annum at an average cost of £61K.</p> <p>We have 124 children and young people who attend out of borough special school placements at a cost of £1,937,610 per annum at an average cost of £15.5K</p>
<p>Legal and Governance:</p>	<p>S.509(1) of the Education Act 1996 requires the Council as a local authority to determine whether arrangements are required for the provision of transport for each pupil with an Education, Health and Care Plan (“EHCP”) who has been assessed as eligible.</p> <p>The Children and Families Act 2014 places a range of obligations on the Council in respect of identifying, assessing and supporting children who have SEND.</p> <p>Special Educational Needs & Disability Code of Practice (2014) SEND code of practice: 0 to 25 years - GOV.UK</p> <p>The delivery of activity in respect of the above is overseen by the SEND Strategic Board, which includes members of the Local Area Partnership</p>
<p>Risk:</p>	<p>The risk in respect of SEND placements and Transport is detailed in the Strategic Risk register.</p> <p>Work continues to mitigate the risks with a target of reducing the risk score by October 2025.</p>
<p>Equality:</p>	<p>Implications for equality (all aspects and characteristics) including how meeting Equality Duty, equality impact assessments</p>
<p>Health and Wellbeing:</p>	<p>Ensuring that children and young people are appropriately support with have a longer-term benefit for both them and their parents/carers.</p>
<p>Social Value:</p>	<p>An improvement in sufficiency will have local benefits in respect of employment opportunities, it will also allow children and young people to grow up in their</p>

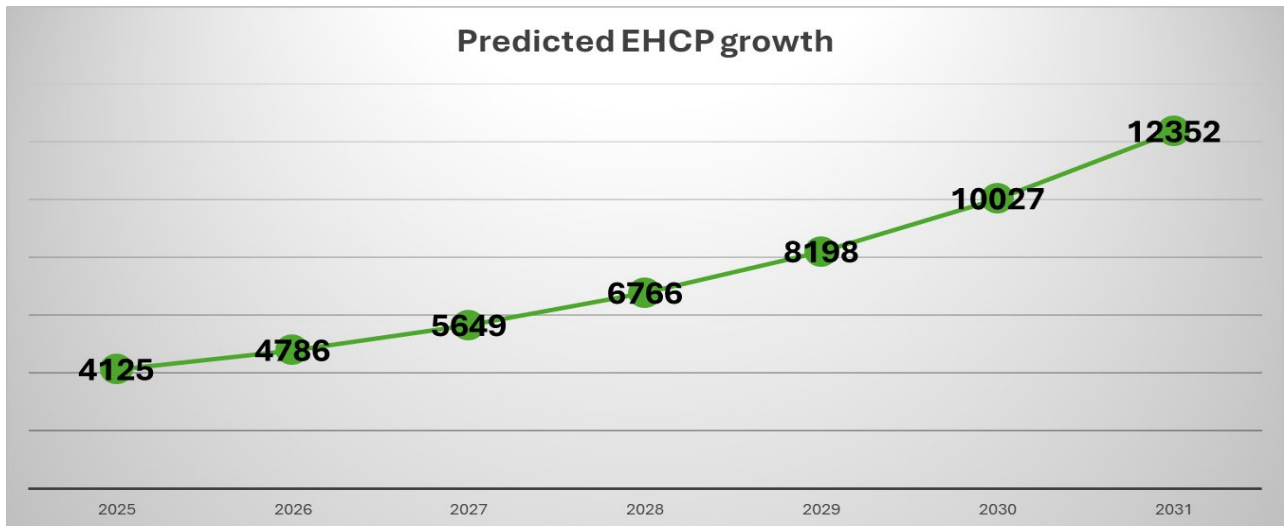
	local communities and more easily access services that will support them into further and higher education and employment.
Climate Change:	If Sandwell is able to increase the number of children with SEND accessing local provision it will reduce our carbon footprint, there will be fewer longer journeys taking place.
Corporate Parenting:	None directly arising as a result of this report.

6 Appendices

Table 1 – Caseloads on SEN2 Census Day – Comparative numbers of pupils with EHCPs (collection dates 1 Jan 2024 – 31 Dec 2024)

		Number EHC Plans				
		2020	2021	2022	2023	2024
Sandwell	Under 5	57	52	63	50	57
	Age 5 to 10	858	933	1044	1146	1,238
	Age 11 to 15	781	849	965	1051	1263
	Age 16 to 19	429	529	578	659	764
	Age 20 to 25	75	140	149	202	303
	Total	2,200	2,503	2,799	3,108	3,625
West Midlands	Under 5	1,481	1,542	1,713	2,204	2,879
	Age 5 to 10	13,710	14,924	15,888	17,155	19,272
	Age 11 to 15	15,025	16,367	17,411	18,731	20,994
	Age 16 to 19	9,249	10,324	10,774	11,347	12,492
	Age 20 to 25	2,432	2,970	3,719	3,581	3,914
	Total	41,897	46,127	49,505	52,985	59,551
National	Under 5	15,398	16,536	18,054	21,086	26,527
	Age 5 to 10	128,764	142,342	154,940	168,689	187,165
	Age 11 to 15	137,639	151,572	167,305	186,082	208,609
	Age 16 to 19	83,095	90,715	98,647	105,894	115,002
	Age 20 to 25	25,213	29,532	34,309	35,275	35,526
	Total	390,109	430,697	473,255	517,026	575,963
Stat Neighbours	Under 5	958	966	1085	1399	1,882
	Age 5 to 10	8,632	9,342	9,911	10,747	12,176
	Age 11 to 15	9,181	9,900	10,634	11,465	12,689
	Age 16 to 19	5,546	6,261	6,347	6,699	7,265
	Age 20 to 25	1342	1,790	2,480	2,242	2,167
	Total	25,659	28,259	30,457	32,552	36,179

Table 2 - Predicted Sandwell EHCP growth



7. Background Papers

None.