

**EDUCATION SEND GROUP
REPORT TO FORUM
FOR PRESENTATION
AT FORUM ON 12 December 2018**

Date of meeting: 23 November 2018 - Brief Summary of Items Discussed

- **Alternative Provision (Bev Petch)** – The team is now focusing on out-of-borough AP provision commissioned by schools and the LA. A Quality Assurance Framework, developed with schools to ensure provision is suitable for each child's needs and a new Medical Pathway, developed with Solar CAMHs and Community Paediatrics for children with significant health issues, will both be launched in January. Monthly exclusion data is being closely monitored by the Learning and Skills team. Solihull's permanent and fixed-term exclusions are particularly high for pupils with and without SEND, the main reason being persistent disruptive behaviour. A number of initiatives are being pursued to reduce exclusions.
- **High Needs Block Monitoring at Period 8 (Ian Murray/Steve Fenton)** – The major area of concern continues to be Independent School Fees, where both the number of placements and the individual cost of placements have risen. A number of other budget headings are also showing an overspend. Although there is no intention to top-slice Schools Block for 2019-20, this may be an option for 2020-21, pending the outcome of the LA's agreed strategic approach to Commissioning, Inclusion and Processes.
- **How Local Authorities Fund SEND in Mainstream Schools (Steve Fenton)** – The paper (attached to this report) clearly sets out how mainstream schools are funded. It was noted that, under the NFF, there will be no further local debate around the funding of school support (K) pupils. The paper has already been shared with primary and secondary SENCOs and members agreed it should be shared widely with heads and governors - through Forum, Heads' Briefing (including governors) or the SGA.
- **Out-of-Borough Placements (Steve Fenton)** – The schedule of ex-borough placements and associated transport costs was shared with the group. There was on-going concern at the high-cost of placements, value for money, outcomes and attendance and the fact that many are independent schools with no specialism other than providing a small setting. Members asked about the monitoring of external placements and the processes in place when a provision goes into special measures.
- **START Team (Ann Lowe)** – AL provided an update on Part-time Timetables and explained that the impact of splitting the START service into Assess and Review teams had initially increased the workload, partly responsible for delays in meeting the 20 week timescale.
- **Head of Service Update (Ann Lowe)** – AL provided data on the drivers for out-of-borough placements and explained that following the Inclusion Conference, the next step is to agree what 'inclusion' should look like for each sector and how it should be delivered.
- **SISS Service Update (Paula Thompson)** – PT delivered the SISS Service Report, including rates of buy-back for service areas; this will now be shared with the SEND Board. Members were in favour of plans for the Autism Team, to be implemented in 2019 and the Elklan Speech and Language Strategy for Early Years, a pilot for which will commence shortly.
- **Specialist Assessment Service (Louise Minter)** – The waiting list, with 314 children, remains at 12 months. However a number of new staff appointments is expected to have a positive impact on reducing waiting times next year.
- **SENDIAS (Hazel Clarke)** – The service has the opportunity to bid for five separate blocks of funding, totalling £40k. Each block has a separate remit and HC consulted members on the work to be undertaken in support of the bid and the outcomes the funding could bring.

How Local Authorities fund SEND in mainstream schools

There is a national framework that all local authorities must operate within for the funding of special educational needs in maintained schools.

1) Top-up Funding – LA provides additional funding to maintained schools

Every school must contribute up to £6,000 towards the cost of meeting additional needs. Where a pupil has needs that cost more than this the local authority (LA) will provide additional funding by means of a top-up. The determination of the top-up is locally determined, not nationally determined.

Although every pupil's needs will be very specific to that individual, all LAs group pupil needs into a number of bands. Every local authority operates slightly different levels of bands with local definitions and associated top-up values determined by local conditions and as agreed with schools.

In Solihull the bands that may be assigned to pupils with an EHCP in Solihull maintained schools are as follows:

New Band and Funding			
New Band	Total per pupil	LA Top up	Description
1	Up to £6,000	0	Pupil needs can be met from the schools' required £6,000 contribution
2a	8,550	2,550	<ul style="list-style-type: none"> • Use of regular (annually/ termly) training/advice for staff from external professions including health/education. • Use of external support/monitoring and advice/ further assessment direct to the child or young person is required annually • Additional support staff time is required to enable the pupil to access the curriculum; this is targeted to specific areas of the curriculum and is less than 50% of the timetable (e.g. up to 12.5 hours per week, term time only). • Regular use of small group/1:1 support is required for interventions, which support access to the curriculum and pupil progress. • Purchase of specialist materials additional to that provided under the Equalities Act 2010.
2b	11,050	5,050	Provision at 2A plus: <ul style="list-style-type: none"> • Regular (e.g. half termly) support/advice for the child or young person from external specialist provider • Additional TA/LSA/Mentor support is required for at least half of the teaching week to full time support for most of curriculum (e.g. up to 25 hours per week, term time only).
2c	14,550	8,550	Provision at 2B plus: <ul style="list-style-type: none"> • Full time support from TA/LSA/Mentor: throughout the school day, including breaks and lunchtimes (e.g. up to 32.5 hours per week, term time only). • Provision within an Additionally Resourced Centre where small group or 1:1 teaching from a specialist teacher and other external professionals is required to support inclusion and pupil progress. • Some use of off-site provision (time limited). • Requests for this level of provision must be approved by the EHCP Stage 2 panel.
			Pupil needs that require resources beyond the expectations of 2C will be determined specifically for each pupil

2) The notional SEN budget School Funding – up to £6,000 per EHCP

(Note – in law a pupil need not necessarily have an EHCP to receive top-up funding, and likewise a pupil may have an EHCP, but not require top-up funding. However for the purposes of this paper it is assumed, just for brevity of explanation, to be generally the case that pupils whose needs can be met within a school contribution of £6,000 alone do not have an EHCP, and pupils requiring resources in excess of £6,000 have an EHCP).

Schools are legally required to meet the additional needs of pupils with SEND, and the national expectation is that they will largely do that from within their normal school budget. For pupils with an EHCP, the government have determined that schools must contribute the first £6,000 and LAs will provide additional funding by means of a top-up as described above.

To help schools understand the funding they receive that could reasonably be associated with meeting school statutory responsibilities for pupils with an EHCP (requiring resources in excess of £6,000), the government require LAs to calculate and publish for each school a “notional SEN budget”. Note that the notional SEN budget only refers to pupils with an EHCP, funding for pupils without an EHCP is for schools to provide from the normal school budget; and bear in mind that not every pupil at School Support requires a full £6,000 of additional resource from the school.

The notional SEN budget is not a separate funding factor for schools; it is a proportion of the different elements that make up the school core budget. The proportion being what the local authority, in consultation with School Forum deems reasonable to be thought of as being available to support those EHCPs (complex needs). Each LA determines *locally* how the notional SEN budget is calculated and this is agreed with schools Forum to ensure it is a reasonable calculation.

Solihull has done this for many years, and hopefully all schools should be aware of where this information is published (in the school budget share available on the Council intranet site), and it is included in the information the ESFA (Education and Skills Funding Agency) provide to academy schools.

From April 2018, all mainstream schools in Solihull are being funded by the National Funding Formula (NFF) which is a national determination of both the school formula funding factors and the values for each factor. In addition, a school’s budget may receive additional funding for budget protection (MFG) Minimum Funding Guarantee, or may have their core budget reduced by a scaling factor if they are significant gainers from funding formula changes.

From these factors, there is an expectation that an element of each of these factors is available for meeting the additional needs of pupils. Additional needs fall into 3 categories –

- additional needs arising from *economic deprivation*;
- additional needs arising from *special needs where the appropriate interventions can be met wholly from the school budget* (may have an EHCP but more likely to be School Support pupils); and
- additional needs of pupils *where those needs exceed a cost of £6,000* – predominantly where the pupil has an EHCP.

The notional SEN budget is not an additional funding factor or specific grant; it is an element or sub-set of the **normal** school funding factors in the NFF.

In Solihull the notional SEN budget reflects the actual amounts historically put into the local funding formula for SEN, including for example, the formula amounts delegated to schools when SEN funding was initially delegated to schools. From 1 April 2018, the NFF replaces Solihull local factors, but we have kept broadly similar proportions for the notional SEN budget.

The notional SEN budget is a guide for schools, intended to assist with budget decisions and budget making. It is also part of the accountability framework for schools demonstrating effective use of resources and demonstrating meeting statutory obligations in terms of SEN and disabilities for those with EHCPs. It is not ring-fenced and a school may spend more or less than this amount.

Schools will adopt different costing methods to assess what they spend against the notional SEN budget, but the local authority is only interested in actual real additional costs, not apportioned costs or overheads (it’s what the school will actually *not* spend if the pupil leaves that matters).

Solihull also has an additional factor that means if the actual cost of all the school contributions to EHCPs exceeds the notional SEN budget, then the LA “tops-up” the notional budget by the shortfall. This is so that no school may feel they have insufficient funding to meet their statutory obligations. See 3) below.

Everybody knows that SEN is woefully underfunded, particularly in Solihull (!). However the total spend of the notional SEN budget to the actual cost of school required contribution as at September 2018 is as follows:

	Total Notional SEN Budget - Net of MFG Scaling	Est Actual Cost of School Contrib	Diff	Notional budget remaining %
Primary Total:	3,854,020	1,236,548	2,617,472	67.9%
Secondary Total:	2,920,871	1,185,315	1,735,556	59.4%
Borough Total:	6,774,892	2,421,863	4,353,029	64.3%

So schools only have to spend 1/3 of the notional SEN budget, across the whole borough. This means that, in total, schools have 2/3 of the notional SEN budget left over after paying their expected EHCP contributions.

In Solihull the proportion of each factor determined as constituting the notional SEN budget is as follows in the table below:

The table also shows a budget budget for pupils with additional needs but without EHCPs (School Support). This budget is not the “notional SEN budget” but like the notional SEN budget is an abstraction

	Solihull Actual NFF Values 2018-19		2018-19 Notional SEN % of NFF Factor		School Support SEN % of NFF Factor	
	Primary	Secondary	Primary	Secondary	Primary	Secondary
AWPU - age weighted pupil unit - per pupil funding	2,756.08	3,875.44	1.00%	1.00%	1.00%	1.00%
AWPU - age weighted pupil unit - KS4	0.00	4,400.33		1.00%		1.00%
Current Free School Meal Eligibility	441.46	441.46	5.00%	5.00%	10.00%	10.00%
FSM Ever 6	541.79	787.60	5.00%	5.00%	10.00%	10.00%
IDACI F - $0.2 \leq x < 0.25$	200.66	290.96	5.00%	5.00%	10.00%	10.00%
IDACI E - $0.25 \leq x < 0.3$	240.79	391.29	5.00%	5.00%	10.00%	10.00%
IDACI D - $0.3 \leq x < 0.35$	361.19	516.70	5.00%	5.00%	10.00%	10.00%
IDACI C - $0.35 \leq x < 0.4$	391.29	561.85	5.00%	5.00%	10.00%	10.00%
IDACI B - $0.4 \leq x < 0.5$	421.39	601.99	5.00%	5.00%	10.00%	10.00%
IDACI A - (Highest) $0.5 \leq x \leq 1$	576.90	812.68	5.00%	5.00%	10.00%	10.00%
Low prior attainment - 78 point measure	1,053.48	1,555.13	40.00%	40.00%	50.00%	50.00%
English as Additional Language (3 Year measure)	516.70	1,389.58	5.00%	5.00%	10.00%	10.00%
Lump Sum	110,364.10	110,364.10	10.00%	10.00%	5.00%	5.00%

from the normal school funding factors. Not shown in this table, but the LA also constructs a similar analysis of funding for economic deprivation.

The local authority uses this data to publish the notional SEN budget for every school, and to provide benchmarking data on the total amounts schools have to meet needs for EHCPs, pupils on school support, and pupils with economic deprivation – see example at end of this report.

3) School Support Funding

With the pressure really on school funding, schools increasingly argue that they do not have the resources for high numbers of pupils without EHCPs. As in the table above, Solihull does also publish a “notional school support budget”. However unlike EHCPs/ pupils receiving top-ups there are some important differences.

Firstly there is no statutory obligation to do this – Solihull does it to try and be helpful to schools but there is no need to do so.

Secondly, schools need to realise that school support funding is wholly and solely within the NFF. Schools in Solihull have agreed to implement the NFF as quickly and as closely as practicably possible. This means there is no scope for Solihull to seek to change any funding from the NFF, which means Solihull has no scope whatsoever to vary the funding for school support. I’m not sure schools fully appreciate this. But this means that Solihull has nothing to say, and nothing it can do about non-EHCP funding.

4) School Protection Funding

A school may find that it has more pupils than expected, compared to the funding factors, and the school required contribution towards EHCPs means that the notional SEN budget may be exceeded. In these circumstances the Solihull provides a further top-up to ensure the notional budget is never exceeded. Because of this no school in Solihull can claim that they cannot meet need because they have exceeded their notional SEN budget. School Forum recently approved an extension of this protection – where a school has more than 1.5 times the sector average for numbers of funded EHCPs, then no school will be left with less than 40% of their notional SEN budget.

5) Funding for mainstream schools with additional resource provision (ARP)

Some schools have an additional resource provision (ARP) that provides for the needs of pupils that require more specialist teaching to help support inclusion in a mainstream school.

For these facilities the provision is funded completely separately from the main school funding and the normal top-up funding arrangements described above.

These provisions will receive a separate budget based on the expected number of places and an agreed underlying staffing model. This is equated to an amount per place.

For smaller ARPs the school will receive the full amount per place, regardless of the actual number of places filled, recognising the facility needs a minimum level of funding in order to function. The LA will deduct the per pupil value of pupils at the ARP on October census day, so that the school is not double funded.

For larger ARPs there is a national requirement that funding is split into place and top-up funding. The place funding is £10,000 per place; the top-up element is the overall place cost less £10,000. The ARP only receives the top-up for pupils actually on roll.

Note that the government introduced a small, but potentially confusing technical change from 1 April 2018 in respect of the place funding; pupils on the roll of the school at the time of October census will be funded by reference to £4,000 included within the school budget through NFF pupil funding factors and £6,000 balance of place funding. Places not filled at census will be funded at £10,000 per place. Previously pupils on the roll at an ARP were excluded from census, so the school did not receive any NFF pupil funding. The change is intended to be cost neutral for schools.

6) Solihull Banding Framework – Funding Top-ups in Mainstream Schools – Further thoughts.

Funding for schools for top-ups flows from the banding framework. The Banding framework describes a broad range of needs, so the value attached to each band may not reflect the full annual actual cost a school faces. There may be pupils where the band over-funds the pupil, there will be pupils it under-funds.

Every pupil's needs are unique. Every pupil's needs must be individually assessed; interventions are therefore unique and the costing is unique.

Every local authority uses a banding system to approximate pupil needs into a standard set of descriptors that is then used to deliver a consistent amount of top-up funding. This system ensures consistency between schools and across pupils. This system also ensures a degree of flexibility between the requirement that a school must meet the needs described in the Plan, but also has flexibility to deploy resources across the school and to respond to changes in the pupil's needs as they respond to the additional interventions.

No local authority wishes to operate a system whereby there is a unique calculation for every pupil with a plan as this would pose a number of operational problems for both the LA and schools, for example:

- What if the actual calculated cost changed during the year; is there an expectation the cost would be recalculated each time a cost changed, or the school changed something in its delivery?
- What would be included in the cost and how would it be costed? – a school may cost many things that are not a direct variable cost to that specific pupil. For example it is possible to cost an average cost of a number of pupils in a literacy group; but if one pupil comes or leaves the cost of the group to the school does not change. This is why the top-up is not intended to fund each individual activity the school may deploy to the pupil but to fund only the real additional cost; not apportionment of costs from shared activities.

Be aware that the top-up is not intended to fund managerial, administrative or SENCO costs – these are deemed core costs to the school. So the only cost Solihull would accept as attributable to a Plan would be

the actual extra cash the school has to spend. All apportioned costs are deemed to fall within a school's core funding. Also be aware that any costs that potentially any pupil may require, e.g. elements of small group teaching, some specialist equipment or teaching aids, or other disability adjustments are likewise deemed to fall within the core funding of a school. So the top-up is to cover real additional cost the pupil causes, think of it as the cash that would actually be saved if the pupil left the school, not apportionments of costs and overheads.

A Plan Co-ordinator does not have authority to negotiate an individual costing for a pupil falling within the banding framework. The only scope a PlanCo has is to properly ascribe a banding level to a pupil, flowing from the assessment process.

Solihull does not believe that either consistency of funding, or efficient use of resources is achieved by every school undertaking their own costing methodology for each Plan. The only consideration is the proper and consistent application of the funding band.

Solihull has deliberately chosen a funding matrix with a small number of bands. This means the difference between each band is really clear. This is intended to increase transparency, consistency and predictability, and reduce both effort and tension (there is no need to argue all the time for the next level up).

The LA does not want to get involved in hundreds, potentially thousands of different costings. So we describe a broad band that covers a range of interventions and strategies. As a broad range, some pupils will be at one end of the range (less than the band level) some at the other end, and may cost the school more than the given band. The LA also doesn't want to re-cost everything every year. The banding level gives a certainty over funding level that enables schools to accurately estimate how much they will get and therefore how to budget.

The Solihull approach is consistent with every other LA that we are aware of.

A MSA at band 2c literally implies sppt 23 for 27.5 hrs. However schools should be aware that lunchtime and break cover will normally be undertaken by a much cheaper LT supervisor. Whilst the statement may describe, for example up to 32.5 hours of 1:1 support, this isn't necessarily a single person. For example when the pupil is engaged in other activities it may not be that person, or the school may take a view that in certain activities the equivalence of 1:1 is achieved, e.g. this could be a mixture across a school day of in-class support / small group work / withdrawal at 1:1; small group or dedicated supervision at lunch and break time (and this may be by a lunch time supervisor).

For example, Manchester explicitly state that the maximum TA support is 25 hours, lunchtime support is separate (5 hours), as is lunchtime and break support (7.5 hours) at much lower lunchtime supervisor rates. Just because Solihull doesn't explicitly state this, doesn't mean that similar thinking doesn't apply.

Note I have examined the practice of 13 other LAs where we have access to their banding method, and they all operate in the same way (except for Oxford). Solihull higher rate is higher than some, less than some others, but all within £2k. Most LAs state max TA is 25 hours, with optional other rates for Lunchtime operatives at much lower cost for 5 (lunch) or 7.5 hours (lunch and breaks).

Perhaps there is something to think about how we construct the EHCP to be more specific or thoughtful than "32.5 hours of 1:1", because that is probably not exactly what we mean, if that is leading schools and parents to think the same person on a contract. We probably actually mean "access to an adult throughout the school day".

7) Funding for SENCOs

SENCOs are a statutory position funded from the main school budget. A SENCO, like a Headteacher or other manager is not intended to form part of the spending on pupils with additional needs. Traditionally, funding has been thought of as part of the AWPU.

In Solihull has traditionally been thought of as being £75.42 per pupil (1 Senco to 469 pupils) in primary, and for secondary £70.80 per pupil (1:500 pupils). I dimly remember this was something suggested by the Audit Commission in the 1990's