

**Decision Maker:** **SCHOOLS' FORUM**

**Date:** **Thursday 4<sup>th</sup> November 2021**

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** **HIGH NEEDS FUNDING BANDING REVIEW**

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**Chief Officer:** Jared Nehra, Director of Education

**Ward:** All

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1. Reason for report

The purpose of this report is to outline the High Needs Funding Banding Review that commenced in September 2021

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2. **RECOMMENDATION(S)**

That the Schools Forum agree the objectives and parameters of the Review

That the Schools Forum note there will be updates provided during the Review on progress and outcomes.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: The review aims to ensure that funding to meet the needs of CYP with an EHC Plan is sustainable both for educational settings and LBB.
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### Corporate Policy

1. Policy Status: Not Applicable:
  2. BBB Priority: Children and Young People:
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### Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
  2. Ongoing costs: Recurring Cost:
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £ N/A
  5. Source of funding: DSG High Needs Block
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### Personnel

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
  2. Call-in: Applicable Not Applicable: Further Details
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### Procurement

1. Summary of Procurement Implications: Not applicable
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### Customer Impact

1. Estimated number of users/beneficiaries: Latest published data 2,879 CYP (SEN2 2021), current number is 3,198 (September 2021)
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not applicable

### **3. COMMENTARY**

#### **Background**

Local authorities have statutory responsibilities to keep the special educational provision in their area under review, working with parents, young people and institutions, as set out in chapter 4 of the SEND Code of Practice. A wide range of educational institutions are required to co-operate with local authorities in such reviews, including maintained schools, academies, FE and sixth form colleges, independent and non-maintained special schools, special post-16 institutions and any other providers of special educational provision, including relevant early education providers.

Many local authorities have systems which indicate the range of top-up funding which might be provided for children and young people with a particular complexity of need (sometimes referred to as 'banded' funding systems). This can be helpful in providing clear and transparent funding arrangements for many types of need that may be met in a range of different institutions. Where a local authority makes a large number of placements at an institution or range of institutions, a system for the local authority and institutions to agree levels of top-up funding in advance can be a very efficient way of allocating this funding. However, the final allocation of funding must be sufficient to secure the agreed provision specified in any Education, Health and Care (EHC) Plan.

The High Needs Funding Banding Review will consider top-up levels for education settings across the 0-25yrs age range for children and young people (CYP) who have EHC Plans.

As the number of EHC Plans in Bromley continue to increase significantly above the population change, there is a need to review the top up funding provided to support CYP with EHC Plans to ensure that demand on the High Needs Block (HNB) which sits within the Dedicated Schools Grant (DSG) is mitigated as much as possible.

While this review will examine the existing High Needs Banded Funding models and calculations, it also needs to explore the outcomes expected from the funding and link complexities of need and expected provision to the different bands of funding. By having clear descriptors of need and/or provision linked to funding bands, we create a transparent funding model that allows clear comparison between CYP and the funding they receive. This review will seek to create a funding model that:

- Provides equity of funding and support
- Ensures transparency of funding and the expectations of provision
- Enables settings to employ a workforce with the right skills to deliver good quality provision that in turn ensures good outcomes for CYP with EHC Plans.

#### **Scope of the review**

This project will look at the banded and top up funding for the following settings:

- EY settings, both Private and Voluntary Independent Sector (PVI) and Maintained Nursery Schools in Bromley
- Special schools
- Mainstream schools (primary and secondary)
- Primary and secondary ARPs
- Hearing Impairment bases
- Further Education colleges

The project will also consider the environmental aspects of settings through a review of the 'SEN Estate' to ensure that these meet the requirements for our children and young people.

While some of the banded and top up funding levels covered by this project include devolved funding for Speech and Language Therapy (SALT), the review will not be looking at this aspect of the funding. Therefore, it will not make any evaluations on the appropriateness or effectiveness of the current funding levels for SALT.

The review will include an analysis of the staffing model appropriate to meet the needs of CYP to deliver an effective provision in the units, Additionally Resourced Provisions and special schools.

The following elements are outside the scope of this project and will not be included:

- Funding of the Bromley Trust Academy provision (AP Academies).

- SENIF funding formula (set by central government)
- GAG funding formula (set by central government)
- Service Level Agreements for specialist provision (although this project will inform the development of the SLA's)
- National funding mechanism or the formula for calculating the SEN Notional Budget

## **Project outcomes**

The overall objective of this project is to create funding bands that are fair and equitable, that ensure specialist SEN provision is sustainable and meets the needs of our pupils while ensuring value for money for LBB.

This project will review and rationalise the funding bands for SEN provision in LBB, however any funding formula that is set by central government will not be in scope.

The review will develop a clear rationale for each funding band, allowing transparency and clarity for both education settings and LBB.

The review will explore the suitability of using a funding rationale based on meeting the costs of delivering the provision.

While established as an 'invest to save' project, all recommended changes will be made within the context of the pressures within the HNB and council funding.

## **Governance**

The Review will have a dedicated project manager and will report into the SEND Governance Board for oversight of adherence to the project plan and timescales and key outcomes

The Schools Forum will be consulted with to seek endorsements to proposed changes.

A Banded Funding Review Project Board has been established, chaired by the Director of Education to provide project governance and be the decision-making body for the review.

The Project Board meets half termly with highlight reports listing progress and barriers against project milestones circulated at least one week before each meeting.

## **Project timescales**

The following timescales are proposed in order to deliver the project in order that approval can be sought for changes to be in place for the start of the 2022/23 academic year:

- Discussion and endorsement at the SEND Governance Board – completed June 2021
- Initial discussions with settings and partners (including SLCP), to establish working groups – completed July 2021
- Detailed project plan developed and agreed – completed August 2021
- Full project commencement – completed September 2021
- Progress report to HNBF Project Board - half-termly
- Progress report to SEND Governance Board – half-termly
- Progress report to Schools Forum – termly
- Conclusions and recommendations developed by July 2022, for consultation with Schools Forum with proposed phased implementation starting from September 2022

## Actions to date

Since the review commenced in September, two key actions have been initiated.

In order to enable as wide a range of educational settings and representatives as possible to contribute to the review, a survey was launched to gather views on the strengths and areas for improvement in the current funding model. The survey ran for the whole of October.

A full analysis of responses will be completed following the closing date on 31<sup>st</sup> October. However, examination of the responses received to date show some initial trends:

### What is working well:

- There is a shared understanding between the LA and partners of the challenges faced in the current system.
- Funding is being used to build upon other provisions to support school wide provision (and not just on LSA/ TA time)
- Having one EHCP Coordinator for a school allows for discussion about the combined needs of CYP with EHC Plans
- Online applications for EHC Needs Assessments make the process easier and more transparent
- There is a desire for settings to be more involved in the decision making. Many responses suggested a partnership approach to agreeing the provision to be delivered and the top up rates required.

### What could be improved:

- There is a need for more transparency in decision making. There was a consistent desire to better understand how funding decisions are made, and how information provided by settings contributes to the decision making.
- The existing funding model does not cover the actual costs of provision as is linked to an out-of-date rate of pay for LSA/TA
- Inconsistency in inclusive approaches across all Bromley schools
- Clarity of use for the SEN notional budget.

The findings of the survey will be further explored in the working groups. A launch meeting of all representatives for the groups will be held on 3<sup>rd</sup> November. This will enable LBB officers to clarify the overall project objectives and expectations of the Review, including the role of the working groups in achieving the objectives.

The working groups (and focussed settings work) will contribute to activities that will:

- Identify an effective funding model and calculations
- Develop descriptors of need (and expected provision) to link to the funding model/ bands
- Create clear and measurable outcomes from the financial investment
- Agree an effective and efficient process for requesting, agreeing and reviewing investment that ensure appropriate gatekeeping and challenge
- Clarify commissioning and operational responsibilities of institutions that receive banded funding and the role of the LA to support their actions
- Identify and clarify the additional support offered by the LA to institutions to enable them to meet the needs of and ensure good outcomes for CYP with EHC Plans

Communications with education settings is through the Schools Circular and articles published on Bromley Education Matters, with an update report to the SEND Governance Board later this month.

The full results of the survey and key messages will be published on Bromley Education Matters next month.

#### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

This Review focusses on funding provided to educational settings to meet the needs and outcomes specified in EHC Plans. All CYP with EHC Plans have Special Educational Needs and/ or Disabilities (SEND) and therefore are vulnerable. The review aims to develop a funding model that is sustainable for both educational settings and LBB.

#### 5. POLICY IMPLICATIONS

Not applicable

#### 6. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

The financial impact of this review will not be known until the new banding funding model has been developed and modelled. This will be reported back to the Forum in due course.

Any recommendations from the review will need to be made in the context of the increased scrutiny and pressures on the Dedicated Schools Grant (and the High Needs Block in particular), whilst also recognising the actual costs to schools to deliver the provision specified in EHC Plans.

#### 7. PERSONNEL IMPLICATIONS

Not applicable

#### 8. LEGAL IMPLICATIONS

Not applicable

#### 9. PROCUREMENT IMPLICATIONS

Not applicable –ESFA High Needs Funding Guidance is clear that formal procurement processes are not required when placing a child with an EHC Plan in an educational setting.

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	