

Decision Maker: **SCHOOLS' FORUM**

Date: **Thursday 29 September 2022**

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

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

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Chief Officer: Jared Nehra, Director of Education

Ward: (All Wards);

1. Reason for decision/report and options

This report provides an update on the High Needs Funding Banding Review that commenced on September 2021

2. **RECOMMENDATION(S)**

That the Schools Forum agree the new objectives and deliverables for the Funding and Estates Review

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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Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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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:
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable Not Applicable: Further Details
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Procurement

1. Summary of Procurement Implications: Not applicable
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Property

1. Summary of Property Implications: To be determined via the review
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
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Customer Impact

1. Estimated number of users or customers (current and projected): Latest published data 2,879 CYP (SEN2 2021), current number is 3,450 (August 2022)
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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

- 3.1 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). This includes the mechanisms and processes for agreeing top-up funding.
- 3.2 The High Needs Banded Funding Review commenced in September 2021 to consider top-up levels for education settings across the 0-25yrs age range for children and young people (CYP) who have EHC Plans.
- 3.3 The review was designed to examine the existing High Needs Banded Funding models and calculations, as well as explore the outcomes expected from the funding and link complexities of need and expected provision to the different bands of funding. Having clear descriptors of need and/or provision linked to funding bands, creates a transparent funding model that allows clear comparison between CYP and the funding they receive. The review seeks 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

- 3.4 This project's initial scope was to 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
- 3.5 The project also looked to consider the environmental aspects of settings through linking with a review of the 'SEN Estate' to ensure that they meet the requirements for our children and young people and align where possible with DfE guidance on SEND and AP premises. The SEN Estates review will carry out a strategic review and assessment of existing and potential SEN provision, identifying opportunities to improve and expand SEN provision in both mainstream and special schools.
- 3.6 While the SEN Estate review was initially launched as a separate project, following requests from schools, it was agreed to formally join the two projects in January 2022. Combining the projects brought a closer focus to the quality of provision and outcomes achieved for CYP with EHC Plans, as the joint project expanded its focus to the three elements of funding, environment and quality and how they influence and affect provision.
- 3.7 The SEN Estate review will identify a range of options for capital investment for consideration from the capital funding allocated by central government. The 3 key outcomes of the estates review are to increase capacity of SEN provision, improve the quality of SEN environments and use capital funding to support inclusive practice in mainstream settings. LBB will be developing a quality matrix to measure the impact and quality of provision for CYP with EHC Plans to help prioritise funding decisions. Recognising that the teaching environment can impact the quality of provision (both positively and negatively) will be a key aspect of the quality matrix.

3.8 As the two projects are now combined, funding and how it impacts on quality of provision will also be included in the quality matrix – and the three elements combined will be the key elements for all of the project work.

Green Paper

3.1 The launch of both the School's White Paper and SEND Green Paper earlier this year have also influenced the development of the funding and estates project. Both papers require schools and settings to be more inclusive, and for mainstream schools to support CYP with more complex needs. Local areas will be required to create Inclusion Dashboards to evidence how well schools and settings are supporting CYP with SEN, including those with EHC Plans. The project working groups have already begun working on some key measures for the Inclusion Dashboard, including:

- Parity
- Attendance (levels as well as support offered)
- Outcomes (progress against EHC Plan outcomes as well as overall progress)
- Co-production
- Training and development

3.10 These measures will be included in the planned quality matrix. The Dashboard and matrix will help Bromley to evidence how well each school and setting is supporting CYP with SEN and EHC Plans in a consistent and fair way that can show comparisons and contrasts.

3.11 Integral to the Green Paper is a national system of descriptors of bands of need; service standards to meet those needs; and a banded funding system to fund the provision needed over and above the National Funding Formula. Bromley is embracing these elements and will now develop local descriptors, service standards and banded funding formulas with the existing working groups to create a local system that can merge with the national system once it is developed.

3.12 Achievements to date on the funding project will contribute to the development of this system.

Update for schools and new timeline

3.13 There will be an information session held for schools to review the objectives and priorities for the combined funding and Estates project on Tuesday 11th October at 9.30am. The event will detail the key stages and actions for the project over the next academic year, with a clear timeline for the deliverables across the project. The principles of parity, equity and transparency continue as the key principles of the combined project.

3.14 A draft quality matrix will be presented at the information session to enable schools to feedback on the proposed measures to ensure the matrix is accurately measuring quality of provision and provides a fair measure of success.

3.15 A timeline for visits to all settings will also be shared at the information session. The visits will incorporate a quality assurance element to collect and clarify information for the proposed quality matrix and Inclusion Dashboard as well as begin discussions on potential developments and/ or improvements to the setting.

3.16 Before meeting with schools a self-evaluation form will be provided that will need to be returned to Bromley in advance of the meeting and help inform discussions at the first meeting.

- 3.17 Following this initial meeting the Council will follow up with an estates visit including the Council's consultant who will review existing provision in line with BB104 the DfE Guidelines on SEN and AP premises and BB103 the DfE's guidance on mainstream premises (where relevant). The consultants will review the current space and facilities at the school and make recommendations with regards options for increasing capacity and improving premises.
- 3.18 The review will be delivered across 4 terms from autumn 2022 and the initial review and feasibility at each school within the review will take approximately 3 months to complete.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 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. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 The need to provide placements for children with Education Health and Care Plans. The quality of those places and their efficient organisation is a priority within the Council's strategy Making Bromley Even Better 2021-31; 'For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.' In seeking best value in the delivery of school places this proposal will be the priority; 'To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.' The proposals contained within this report also contribute to key targets within the Children, Education and Families Portfolio Plan.
- 5.2 Through reviewing the future funding of SEN places and the specialist estate the review supports the Children's Services and Education Workstream of the Council's Transformation Programme.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications arising from this report.
- 6.2 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.
- 6.3 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. LEGAL IMPLICATIONS

- 7.1 The Council has a statutory duty to secure sufficient school places to meet demand in its area under the Education Act 1996. This report details how the Council plans to address need.
- 7.2 Local authorities are responsible for all children and young people with SEN in their area under Part 3 of Children and Families Act 2014.

8. PROCUREMENT IMPLICATIONS

- 8.1 There are no procurement implications to be considered as part of this report. Any procurement implications that arise as a result of the estates review will be subject to future reports.

Education Skills Funding Agency (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.

9. PROPERTY IMPLICATIONS

9.1 This review covers within its scope the Council properties at Riverside School (St Paul’s Crays, Beckenham and West Wickham sites), the Griffin Centre, Hawes Down Centre, the former Duke Youth Centre and the current Marjorie McClure when it returns to Council ownership in January 2023. All other sites with the review are either owned by the multi academy trust/governing body or let on a 125-year academy lease.

<p>Non-Applicable Headings:</p>	<p>PERSONNEL IMPLICATIONS</p> <p>CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS</p> <p>CUSTOMER IMPACT</p> <p>WARD COUNCILLOR VIEWS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>[Title of document and date]</p>