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Title:	Proposed consultation on High Needs SEN pupil funding		
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SUMMARY

The Department for Education (DfE) funding strategy has made changes to the way schools are funded. As a result of this and legislation in 2014, the Local Authority (LA) is required to change the way it provides schools (the term schools used throughout this document includes colleges) with High Needs funding for children and young people with special educational needs.

It is proposed that the schools forum agrees to a period of consultation, leading to a revised process for allocating High Needs Funding to support Children and Young People eligible for an Education, Health and Care (EHC) plan or statement of Special educational needs.

It is proposed that consultation should take place during the autumn term 2016 with a view to implementation in April 2017.

This change in process only applies to High Needs pupils in mainstream schools or colleges and for the avoidance of doubt does not apply to High Needs pupils in resource provision/units or special schools.

PROPOSED CONSULTATION ON HIGH NEEDS SEN PUPIL FUNDING

1. PRESENT POSITION

1.1 RBWM's current system provides schools with top up funding for high needs pupils who have a statement of SEN or, more recently an EHC plan. RBWM's present system is not in harmony with the DFE's expectations as identified in the Code of Practice 2014. This is not an unusual position to be in, given the recent changes, but now needs to be addressed. The issue is that top-ups are currently allocated based on levels of needs (Needs weighted pupil units) which are linked to the old statements.

1.2 High needs expenditure includes:

- funding for places in specialist and post-16 institutions (e.g. special schools, special post-16 institutions and pupil referral units);
- top-up funding for individual pupils and students with high needs, including those in mainstream schools and young children in their early years; and
- services that local authorities provide directly, or through contracts or service level agreements with others – for example, specialist support for pupils with sensory

impairments, or tuition for pupils not able to attend school for medical or other reasons.

1.3 Pupils and students who receive support from RBWM's high needs budgets include:

- children aged 0 to 5 with SEN and disabilities, whom the local authority decides to support from its high needs budget. Some of these children may have EHC plans;
- pupils aged 5 to 18 with high levels of SEN in schools and academies, FE colleges, special post-16 institutions or other settings which receive top-up funding from the high needs budget. Most, but not all, of these pupils have either statements of SEN or EHC plans;
- those aged 19 to 25 in FE and special post-16 institutions, who have an EHC plan and require additional support costing over £6,000;
- pupils aged 5 to 16 placed in AP.

1.4 Over the past four years RBWM have spent between £15 million and £16 million pounds on high needs block funding. This compares with a 'similar authority' average of £57.37 million. (see fig 1)

Fig 1. High Needs Block (£m) (DSG)

Authority	2013-2014	2014-2015	2015-2016	2016-2017
Bracknell Forest	12.31	12.85	12.60	12.65
RBWM	15.14	15.77	16.02	15.99 ¹
Wokingham	17.33	17.59	17.98	17.71
West Berkshire	16.55	17.54	19.10	18.12
Trafford	22.82	23.34	24.08	23.73
Oxfordshire	46.70	49.16	50.22	50.83
Cambridgeshire	62.56	63.80	64.14	64.90
Buckinghamshire	65.60	68.38	69.00	69.39
Hampshire	86.90	90.40	91.77	93.20
Hertfordshire	92.19	94.75	96.11	97.86
Surrey	122.40	125.18	127.17	125.32
Average	54.53	56.30	57.22	57.37

1.5 The funding we allocate to mainstream schools for pupils 4-16 in their notional SEN budget is determined by the 'low prior attainment' funding. 2016-17 allocations through this factor were £5.2m. This is funded from the Schools Block allocation of the DSG, not high needs and should cover the first £6,000 of additional support needs.

1.6 Equivalent post 16 allocations for SEN are part of schools' 6th form funding from EFA .

1.7 Schools are expected to use other sources of formula funding – eg. AWPU, deprivation, EAL, to pay for high incidence low cost additional needs. The amounts delegated to schools (including academies) for AWPU, deprivation and EAL are £62.8m, £2.9m and £0.6m respectively.

1.8 Top-up expenditure (i.e. over and above the first £6,000 of additional needs) in 2015-16 on pupils in institutions in RBWM area (i.e. not out of borough), were:

¹ At present we spend a total of £16,55m made up of DSG High Needs Funding and other monies.

Fig. 2 Top-up expenditure 2015/16 (not including out of borough)

RBWM Resource Units	£169,147
RBWM maintained mainstream	£865,248
RBWM Academies mainstream	£464,553
RBWM maintained and free special schools	£2,603,608
FE Colleges	£482,660
Total	£4,585,216

1.9 The LA has in the past begun working with a small working group of professionals reviewing the way in which high needs funding is provided. These proposals build on that work and propose a new process which is compliant with regulations, but more importantly offers transparency and consistency to schools, colleges, parents, children, young people and carers.

2. BACKGROUND

2.1 The purpose of this consultation paper is to advise on the national issues for the funding for High Needs Pupils (HNP) and to set out proposals for changes to existing local arrangements in 2017/2018 as they relate to high needs pupils in maintained schools and colleges.

2.2 Since June 2012 the DfE has published a series of policy documents detailing national changes to the school funding arrangements with implementation from April 2013.

2.3 All the published documents including the latest ones can be accessed electronically on the DfE website.

2.4 In terms of mainstream school funding the DfE direction of travel is now much clearer with the move towards a national funding formula for schools. Reforms already implemented in this area have been subject to extensive consultation with schools.

2.5 The funding for Higher Needs Places is also subject to major national policy change. The DfE consulted in the Spring on a new high needs funding formula for allocating funding to LAs, and it is likely that this is rolled out in 2017-18 or 2018-19. At present, LAs have more discretion in allocating this funding to schools within the framework of place funding plus top-up. The new funding formula may impact on the amount of funding available for distribution.

2.6 It is important that any new process prioritises earlier intervention, that it builds on the quality first teaching process and that it is flexible and responsive to individual pupil needs. The proposals are expected to provide this, reduce the complexity of the present system and provide greater transparency.

2.7 The system for accessing high needs funding is intended to be as straightforward as possible to minimise workload for colleagues in schools and the local authority.

3. SUMMARY OF THE NATIONAL CHANGES

3.1 The key issues from the DfE reforms of the funding for HNP are: -

3.2 The DfE approach is called 'place-plus' and involves 3 elements: -

- Element 1 – Core Education Funding based for pre 16 pupils on pupil led funding Age Weighted Pupil Unit (AWPU) of up to £4,000 already delegated in the Schools Block.
- Element 2 – Additional Support Funding of up to £6,000 from Notional SEN funding already delegated in the Schools Block.
- Element 3 – Top up funding from the commissioner, usually a Local Authority (LA), funded from the HNP Block.

3.3 This means up to £10,000 per HNP to be funded from the schools delegated budget.

3.4 Proposals for consultation for change from 2017/2018 for consideration for the policy direction and subsequent funding for High Needs Pupils are detailed below.

4. CONTEXT

4.1 It is important to consider the High Needs Funding in the context of what provision the authority expects to be made from within a mainstream school's or college setting's budget. The Appendix 2 of this document builds on the RBWM "core standards for all pupils in our schools" and makes explicit the provision expected for learners requiring support from within the educational establishment without recourse to an Education Health and Care assessment and therefore High Needs Funding.

4.2 This guidance is important to schools because;

- All the borough's learners attending a college or a mainstream school should have the **same minimum entitlement** to provision for special educational needs;
- College/School and LA staff need a **joint understanding** to support their dialogue about individual learners;
- It supports the LA in its statutory duty to **monitor and evaluate effectiveness** of special educational needs provision;
- It provides the **threshold for access** to High Needs Funding and/or eligibility for statutory assessment.

4.3 The descriptors should be viewed alongside RBWM "core standards for all pupils in our schools" which represents good practice guidance. Some colleges/schools may need to make adaptations to their present practice if they are to meet the LA's minimum provision expectations.

4.4 Schools/ colleges will need to demonstrate that the learners they are putting forward for High Needs Funding and/or statutory assessment have needs that are significantly outside and beyond those which can be provided for using delegated schools funding.

4.5 Good provision mapping and the tracking of the outcomes of any interventions offered to the learner will ensure that colleges/schools have this evidence to hand.

5. PROPOSAL

5.1 It is proposed that, once evidence has been received that a pupil meets the criteria for statutory assessment, a funding matrix will be used to assess the level of High Needs funding that will be made available.

5.2 The matrix will consist of the main categories of need as identified in the Code of Practice 2014, subdivided for ease of use. Each child/young person eligible for statutory assessment will be risk assessed against these categories to determine the level of need that prevents the child or young person from achieving. It is envisaged that this assessment will be co-ordinated by the RBWM SEN service, although it will involve considerable collaboration with all those who have detailed knowledge of the individual. The level of risk will reflect the intensity of intervention required to support the individual to make progress towards their goals.

5.3 Each child/young person can be assessed against as many of the categories as evidence suggests is required.

5.4 A simple formula helps to calculate the need in numeric form from the matrix. These are mapped onto a four scale banding system.

5.5 From this a total sum of money is calculated. This sum is not designed to equate to numbers of staff or ratios. It reflects the level of additional need, beyond the notional delegated budget. The school/college is expected to spend this, alongside the delegated funds, in accordance with the targeted gains and outcomes specified on the EHC plan.

5.6 More detail on the financial calculation will develop as the consultation take shape. However, it is not intended that this methodology is used to make savings, but to offer transparency and consistency. We also hope that we can emerge with a system that aligns with our geographical neighbours (Bracknell, Slough, Bucks and Wokingham) as far as possible.

Figure 2 shows an example.

2014 Code of Practice Primary areas of need										
Sensory and physical			Communication and interaction		Emotional social and mental health			Cognition and Learning		
Physical/medical	Hearing	Vision	SpLD	ASD	Emotional wellbeing	Social behaviour	Learning behaviour	cognitive	Spec LD	
0	Descriptors									
1	Descriptors									
2	Descriptors									
3	Descriptors									
4	Descriptors									

6. TRANSITIONAL PROTECTION

6.1 As with any policy change there may be an impact on the existing funding arrangements and therefore it is important to consider potential transitional protection.

6.2 Mainstream Schools and Pupils with High Needs Statements, Post 16 and FE

a) For children and young people in mainstream schools and colleges, the proposed funding arrangement should result in similar funding to the present rates for pupil led and hourly rates respectively.

It will be necessary to allocate pupils with High Needs funding, including any post 16, to the new bandings as soon as possible. The first opportunity for this will be the transfer from statement to EHC plan. For children and young people who are new into the system, the revised methodology will be used immediately. There is likely to be a baseline for non school post 16 and FE in terms of current costs and provision.

b) There are no prescribed requirements from the DfE to consider funding protection. However, the LA is minded of the potential impact. It is **proposed therefore that the LA will consider some protection in 2017-2018 as required.**

c) The likely methodology is to compare funding under the new model for existing pupils compared to the existing baseline in 2016-17 to assess the impact. This will be available for one year only as the new system is introduced and the new system will operate fully from 2018-19. New pupils will have to be allocated directly to the new bandings.

7. DECISION REQUIRED

7.1 That the schools forum agrees to a period of consultation on proposals for a revised methodology (matrix) to distribute High Needs Funding.

8. RISKS

- 8.1 There is a risk that DFE and Ofsted will find that the present arrangements unsatisfactory and this will be reflected in their 'area assessment' of SEN.
- 8.2 The High needs funding will not be distributed using a fair, equitable and transparent methodology.

9. NEXT STEPS

- 9.1 It is suggested that the consultation should include all stakeholders and be completed by December 2016.
- 9.2 A report will be brought back to the schools forum in December.

APPENDIX 1

What is a special educational need?

All learners learn and develop at different rates and have both areas of strength and interest and areas of weakness. A learner may have a special educational need if, despite appropriate classroom/college activities, and differentiated planning and support, they continue to experience a greater difficulty than their peers in learning and developing skills.

It is important to distinguish learners with special educational needs from learners who are underachieving but who can and will catch up.

'Consideration of whether special educational provision is required should start with the desired outcomes, including the expected progress and attainment and the views and wishes of the pupil and their parents. This should then help determine the support that is needed and whether it can be provided by adapting the school's core offer or whether something different or additional is required.' (SEN Code of Practice (2014) section 6.40)

APPENDIX 2

Evidence required to access High Needs Funding

Definition of High Needs Pupils

High Needs Pupils are those whose learning needs are

- Significantly “additional to” or “different from” the differentiated approaches and learning arrangements normally provided as part of high quality, personalised teaching.

AND

- When offering that support, there is irrefutable evidence that the cost to the school, per annum, is more than the Average Weighted Pupil Unit + £6,000 from the school’s devolved additional needs funding

Use of descriptors

It is proposed that Schools/colleges will be expected to have referred to the SEN Descriptors and the RBWM “core standards for all pupils in our schools” when making provision from the devolved schools block of funding. Schools/colleges must have evidence that the recommended provision for learners in different categories of special educational need has been made or attempted prior to application for High Needs Funding. It will not be necessary to evidence all of the recommended interventions but evidence of support from schools/colleges delegated budget/notional SEN presented to the panel must be:

- educationally justified as having been likely to lead to accelerated progress
- sustained
- costed

Accessing the High Needs Block

It is important that there is clarity concerning the expectation of what would be expected to be provided within the delegated budget and what would be the point at which the proposed matrix is triggered. The descriptions below are designed to help to clarify those expectations.

Descriptors that populate the matrix will be generated throughout the consultation process.

The RBWM “core standards for all pupils in our schools” should be the starting point for these shared expectations.

Schools/colleges, other professionals and parents should consider the proposed criteria below from which descriptors for the proposed matrix can be generated.

Communication and interaction (Including **SLCN and ASD**.)

A child with speech and language needs and no other learning needs would not normally meet the criteria for a statutory assessment as we would expect these needs to be addressed by the school or by NHS services providing advice to school and parents regarding approaches and programmes, with courses of direct therapy if required.

However with regard to both speech and language difficulties and ASD diagnoses, the child's barriers to learning i.e. anxiety, self-centred behaviours, language difficulties, emotional difficulties and the extent to which it affects access to the curriculum should be considered.

Cognition and Learning Needs:

Severe learning difficulties:

The Code states that children with severe learning needs are likely to require support in all areas of the curriculum and may have other associated difficulties, such as with mobility and communication.

Children with severe cognition and learning needs, who may require a statutory assessment, will have cognition and learning scores '**below the 2nd percentile**'. Scores at this level would appear to indicate that the child has a 'significantly greater difficulty in learning than the majority of others of the same age'.

A child who is attaining below the expected range in their key stage (defined as '**out of key stage**') may also have severe learning difficulties. Schools must give consideration to 'P' levels. A child achieving P8 or less in attainments may be out of key stage, but this approach will need to take account of child's year group e.g. a Year 1, achieving P8, could still remain at this stage in mainstream.

The expected levels for most children to be working at in each Key Stage are as follows:

End of KS1: NC levels 1 – 3

End of KS2: NC levels 2 – 5

End of KS3: NC level 3 +

End of KS4: NC level 4 +

Specific Learning Difficulties (SpLD):

For children with specific learning difficulties (SpLD) we would expect that these needs can be identified and addressed from resources available in the Local Offer without the need for a statutory assessment, unless there are other needs which impede access to the curriculum.

Social, emotional and mental health:

Pupils with these needs are likely to require access to specialist services, but would not require a statutory assessment leading to an EHC plan unless they had low cognitive ability and/or a disability, which was hindering their access to the curriculum. For

diagnoses of ADHD/ADD /ODD, consideration must be given to the extent in which these create a barrier to learning; however an expectation would be that these medical diagnoses would usually be addressed by medication and/or other interventions recommended by health professionals.

It is clearly stated in the Code (Page 98, s. 6.33) that schools and colleges should have clear processes to support children and young people with these difficulties, including how they will manage the effect of any disruptive behaviour so it does not adversely affect other pupils.

Sensory and/or physical needs.

Hearing impairment, visual impairment and multisensory impairment:

Pupils with these difficulties would normally be able to access local mainstream provision as set out in the Local Offer, which should detail the access that these pupils will have to specialist support and/or equipment to access their learning e.g. access to a Teacher of the Deaf; VI specialist teacher; MSI specialist support. An EHC Plan would usually only be needed if the pupil also had low cognitive ability or other disability that affected access to the curriculum.

Physical difficulties and medical difficulties:

These pupils would normally be able to access local mainstream provision as set out in the Local Offer. However, it is important to consider what is in the best interests of the child and some children with complex or debilitating medical conditions may require a statutory assessment which may lead to an EHC plan and placement in a setting which could address their more complex physical and medical difficulties.

Schools must have regard to the statutory guidance for governing bodies of maintained schools and proprietors of academies '**Supporting pupils at school with medical conditions**' **April 2014 Decision making by the Local Authority:**

APPENDIX 3

Descriptors

Suggested descriptors will be set out in the tabular form. They will indicate provision that the LA expect settings/schools to make for learners with regard to:

Cognition & Learning

- Moderate/General Learning Difficulty
- Specific Learning Difficulty

Communication & Interaction

- ASD
- Speech, Language & Communication needs

Medical Needs

Physical Impairment

Sensory Impairment

- Hearing Impairment
- Visual Impairment
- Multi-sensory Impairment

Social, Emotional and Mental Health

For each group of students detailed information will be provided about the LAs expectations, in terms of:

- I. Impact of SEN on learning
- II. Quality teaching strategies and specialised adaptations
- III. Relevant information & assessments

The descriptors will be indicative; they will not be an exhaustive list. A learner need not be experiencing all the needs described for consideration to be given to whether they have needs which will be appropriately supported at a given level.

Some of the needs that will be described may not, individually, warrant intervention, but they may be significant in conjunction with other needs. Schools may find a learner has needs across a number of the headings, or a cluster of needs under one heading. Hence the advantage of a matrix type methodology.

The descriptors will be designed to support schools to gauge the levels of support they need to arrange for children **before applying to the High Needs Block for additional funding**.