

TO: SCHOOLS FORUM
DATE: 6 DECEMBER 2018

**IMPROVING LEADERSHIP AND GOVERNANCE OVER
SPECIAL EDUCATIONAL NEEDS SUPPORT AND THE HIGH NEEDS FUNDING BLOCK**
Executive Director: People

1 PURPOSE OF REPORT

- 1.1. This is a proposal to pilot a mechanism for children/young people to have prompt access to short-term additional *specialist* support from the High Needs Block without having to wait to go through an Education Health Care (EHC) Plan statutory needs assessment to access Element 3 'top up funding'. The EHC Plan sets criteria for children and young people who are 'at risk', or 'in crises' in relation to their progress as learners and may or may not have been identified as having a special educational need.

2 RECOMMENDATION

- 2.1 **To AGREE the pilot mechanism for children/young people to have prompt access to short-term additional *specialist* support from the High Needs Block without having to wait to go through an Education Health Care (EHC) Plan statutory needs assessment to access Element 3 'top up funding' as summarised in paragraph 5.7.**
- 2.2 **To AGREE in principle that any identifiable additional costs from the proposal are financed from the SEN Strategic Reserve (paragraph 5.15).**
- 2.3 **To AGREE that the proposed project is reviewed before the end of the summer term to determine on-going sustainability.**

3. REASONS FOR RECOMMENDATION

- 3.1. To respond to recommendations from the independent review of the High Needs Block, comments received from head teachers and to seek improvements in arrangements for pupils and young children with special educational needs.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Stay as we are. There is an existing series of panels and processes within Bracknell Forest to oversee children and young people at different kinds and stages of crises. However, some children/young people are 'falling through the net' in terms of exclusions, identification of needs, and requiring additional support beyond capacity of schools.

5 SUPPORTING INFORMATION.

Background

- 5.1 This report presents a proposal on the High Needs Block (HNB) element of the Dedicated Schools Grant (DSG) that supports pupils with special educational needs and disabilities (SEND) and is intended to fund a continuum of provision for relevant pupils

and students from 0-24. Local Authorities (LAs) receive funding for these provisions from the Department for Education (DfE) and in general commission services from providers. In-house arrangements are made in a relatively small number of areas.

- 5.2 The DfE has determined that where the cost of provision is above £10,000 it will be classified as high needs. In such circumstances, a “place-plus” approach to funding will generally be used which can be applied consistently across all providers that support high needs pupils and students as follows:
- 5.2.1 **Element 1 or ‘core education funding’**: equivalent to the age-weighted pupil unit (AWPU) in mainstream schools, which the DfE has stated the national average is around £4,000.
- 5.2.2 **Element 2, or ‘additional support funding’**: a budget for providers to deliver additional support for high needs pupils or students with additional needs of up to £6,000.
Specialist and Alternative Providers (AP), such as special schools and Pupil Referral Units (PRUs) only cater for high needs pupils and therefore receive a minimum £10,000 (Element 1 funding plus Element 2) per agreed place.
- 5.2.3 **Element 3, or ‘top-up funding’**: funding above elements 1 and 2 to meet the total cost of the education provision required by an individual high needs pupil or student, as based on the pupil’s or student’s assessed needs. This element is paid to all provider types, for pupils with assessed needs above the £10,000 threshold.
- 5.3 Additionally, HNB DSG is also intended to be used where high needs provisions are not arranged in the form of places e.g. specialist support for pupils with sensory impairments, or tuition for pupils not able to attend schools etc.
- 5.4 The proposal presented in this report relates to pilot project relating to ‘top up funding’ to 5 BF mainstream schools and is in response to the recent independent review of the use of High Need Block funding which amongst other things highlighted the lack of head teacher confidence in the current allocation of funding. The survey of school leaders across Bracknell Forest offered evidence for the ‘need to develop increased confidence in the local SEND funding system across the school sector’ Only 20% of Bracknell Forest school leaders reported that the funding arrangements contribute to improved outcomes for children and young people with SEND, as compared to nearly 50% of the national sample.’ Piloting the hub would be a start to increasing this confidence through partnership work.

The Proposal

- 5.5 At the January 2018 school census, there were 2,348 (11.1%) pupils requiring SEN support with 446 (2.1%) in receipt of an ECH Plan or equivalent. Costs of ‘top up funding’ for BF mainstream schools have been steadily increasing from £0.667m in 2014-15 to a forecast £0.971m for 2018-19 (+45%). In addition, there is concern that fixed term exclusion are high at SEN support and that not all children and young people are receiving the right level of support - 30% of our schools are under-performing and the LA has a duty to ensure that the needs of children and young people in those schools are being met - a view that has been expressed by Forum members on a number of occasions.
- 5.6 At the moment, there is an existing series of panels and processes within Bracknell Forest to oversee children and young people at different levels and kinds of needs and/or stages of ‘crises’ but there are still children/young people who either ‘fall through the net’ or have not been signposted appropriately.

- 5.7 To consider whether an alternative approach would improve outcomes for children and also provide value for money, a pilot scheme is proposed to operate through to the end of the academic year. The key features of the proposal are:
- 5.7.1. To establish a multi-agency hub as a pilot until the end of the financial year to provide prompt, short-term and **specified** additional resource/support to children and young people through the High Needs Block, in the form of 'top-up funding'.
 - 5.7.2. A school representative would attend the hub to present the child's case, alongside a social worker if the child's case is open to social care. This face-to-face presentation would be in addition to a simple form sent to the hub beforehand setting out the child/young person's needs, **if these are not already captured in any other existing form** on the child/young person- a CAF, EHC assessment request etc... which would be welcomed instead.
 - 5.7.3. The impact of the additional resource/support on outcomes for the child/young person to be reviewed at the end of the time-period set by the hub and the hub would decide the next step.
 - 5.7.4. Where it is decided that no additional support/resource is necessary, guidance and signposting to appropriate services would be provided by the hub.
 - 5.7.5. To initially work with 5 schools
 - 5.7.6. An evaluation report will be presented to the Schools Forum to consider towards the end of the summer term to agree the future of the project
- 5.8 It is accepted good practice for High Needs Block funding to be allocated promptly and creatively through more than just the statutory assessment route for an EHC Plan. Local authorities are encouraged to be efficient and flexible in their use of High Needs Block funding and to work with local providers (particularly mainstream schools and academies, early years settings and further education institutions) to ensure there are clear processes for allocating top-up funding.
- 5.9 The Education, Skills and Funding Agency sets out that *'Although many of the pupils and students receiving high needs funding will have EHC plans, local authorities have the flexibility to provide high needs funding outside the statutory assessment process for all children and young people with high needs up to the age of 19'.¹ An EHC Plan is 'not a requirement'*. In this way, children and young people's needs could be met more promptly and effectively, preventing at times the need for further escalation.
- 5.10 The multi-agency hub would be taken forward **in partnership with schools** and establish routes for both the Local Authority and schools to further develop as commissioners to effectively meet needs of children and young people.
- 5.11 The work of the hub with individual children and young people would contribute towards strategic understanding of needs and identification as well as providing advice and guidance to schools. Census data shows BF has a lower than average identification rate of pupils with Social, Emotional and Mental Health Needs, and Speech, Language and Communication Needs. There is also an increasing rate of fixed and permanent

¹ *High Needs Funding: 2019-20. Operational Guide. Paragraph 80.* Education, Skills and Funding Agency September 2018.

exclusions.-If SEN or other needs were not being identified at the right time the hub would be a start to changing this.

5.12 There is a wider strategic need within Bracknell to establish the input of specialist teacher and trained assistant support for those children and young people with SEN (at SEN Support and EHC levels) and without SEN. This hub would take forward a model of good practice, rather than allocate funding without specification.

5.13 This proposal has the following key benefits:

5.13.1 Improving **outcomes for pupils** across underperforming schools (starting with a small pilot of 5 schools, then increasing to 10).

5.13.2 Reducing fixed term exclusions at SEN Support.

5.13.3 Modelling **value for money use of 'top-up funding** (from the High Needs Block) to impact on outcomes for pupils who are at risk or in crises in relation to their progress and attainment as learners. This is the **eligibility criteria** at the 5 selected schools.

5.13.4 **Outcomes to be measured** in relation to each child/young person's starting point.

5.13.5 **Modelling good practice**, by specifying and quantifying interventions and support that have evidence-based proven impact on pupil outcomes. Providing **consistency, transparency and equity** in relation to funding allocations and interventions according to need.

5.14 There are some aspects of the work of the proposal that would need to be carefully monitored including:

5.14.1 ***That it might 'double-up' or 'overlap' with existing processes.*** This does not adequately counter-act the stronger evidence and concerns that there are children/young people who are either 'falling through the net' or cannot access services in time.(We have an above average number of fixed term exclusions in relation to our statistical neighbours). The hub would also signpost children/young people to the relevant panel if need be.

5.14.2 ***That it would cost more money:*** -not necessarily- there is a 50% increase of EHC Plan requests. The hub could operate to prevent the need for further escalation. Also at the moment in Bracknell Forest, there is inadequate financial and quality controls around the money allocated to EHC Plans as there is no specialist support either available nor recommended as set out in the SEND Code and statutory regulations. The impact of teaching assistants (untrained) is well-researched as impeding progress, and at times is used for 'containment' rather than anything more strategic and sustainable in relation to a pupils' outcomes.

5.14.3 ***That if it is a pilot where would the money come from to make it sustainable?***-Other local authorities have more than the statutory EHC needs assessment route to High Needs Funding, and at Schools Forum it is decided which percentage of the High Needs Block goes to the non-statutory and statutory routes.

5.15 In terms of anticipated financial implications, for the reasons set out above, these are difficult to predict until the hub is in operation and the impact can be properly measured. Starting with a time limited pilot, restricted to a maximum of 10 schools will ensure that should a cost increase occur, this will be relatively small. The Schools Forum has previously agreed that £0.439m of prior year DSG under spending should be set aside

in an SEN Strategic Reserve to help effect strategic change. The Forum is recommended in principle to agree that any identifiable additional costs from the pilot be met from this Reserve and to determine on-going sustainability before the end of the summer term.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Director of Finance

- 6.1 The supporting information details the unknown nature of potential financial implications from the proposals, however, these are expected to be relatively low due to the limited time and restricted scope of the proposal. Should any costs emerge from the pilot, there are sufficient funds in the SEN Strategic Reserve to finance them.

Borough Solicitor

- 6.2 The Council has the legal powers to use the High Needs Budget in the way proposed in the report.

Equalities Impact Assessment

- 6.3 This would not disadvantage children and young people with SEND who have unmet needs but would pilot a mechanism to ensure we meet their entitlements to have their needs met.

This would remove or minimise disadvantages suffered by pupils who have identified or unidentified SEND (protected characteristic under the public sector equality duty)

Strategic Risk Management Issues

- 6.4 The main risks are:
- Outcomes for pupils across under performing schools will not sufficiently improve.
 - Fixed term exclusions arising from SEN support will not reduce.
 - Ensuring specialist support has the capability and capacity to deliver.

These risks will be mitigated by the pilot scheme which will help to determine medium term solutions. The identified risks are where we are now in relation to the current system for allocation of High Needs Funding on EHC plans, as we do not specify or quantify quality skilled specialist support and evidence-based interventions. (This is now being changed).

7 CONSULTATION

Principal Groups Consulted

- 7.1 People Directorate Management Team. Discussion with representative Head Teachers.

Method of Consultation

7.2 Written report to People Directorate Management Team; informal discussion with representative head teachers

Representations Received

7.3 Included in body of the report.

Background Papers

None

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