

To: **Schools Forum**  
**14 November 2024**

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**New SEND banding tool**  
**Executive Director: People**

**1 Purpose of Report**

- 1.1 The purpose of the report is to gain the view of Schools Forum on the changes planned to the SEN banding tool.

**2 Executive Summary**

- 2.1 The new banding tool will impact mainstream schools in Bracknell Forest Council. As the current banding tool is not fit for purpose, due to a lack of consistency in application and a lack of transparency leading to multiple bands being applied to each case, the council has successfully collaborated with a school's forum subgroup in early 2023 to adopt a descriptor model (see Appendix B). The banding tool was discussed at Schools forum again in March 2024, in relation to agreeing the Safety Valve submission which included a review of the financial values behind the new banding tool as a requirement for moving towards a sustainable High Needs Block.
- 2.2 An independent specialist conducted an analysis exercise to determine appropriate financial values for the new tool. They benchmarked the figures against comparator LAs. The funding amounts outlined in this report provide more or similar funding in 89% of benchmarked bands with comparator LAs. The approach seeks to protect funding at the lower bands, to promote early intervention and inclusion. The values provide significantly more funding in 72% of matches, largely in the lower bands, which this range of options has sought to protect, in order to promote early intervention.
- 2.3 The new banding tool will be applied from January 2025 at phase transfer and for new EHCPs. This is to ensure a phased approach to allow the system to adapt over time, and the amount settings receive will not change when the same child with the same needs remains within their setting. If needs change significantly before phase transfer, the new banding descriptors may be applied in individual cases.
- 2.4 From January 2025, the funding agreed on the new banding tool will be applied to new EHCPs on the date the final plan is issued or from the 20<sup>th</sup> week onwards. There will be no changes in funding allocations for other EHCPs. This was presented to Headteachers at a briefing session held on 23/10/24. 21 Headteachers were in attendance, and supported the proposal.
- 2.5 The original High Needs Block medium term budget plan agreed for the Safety Valve submission included an estimated annual reduction in funds allocated through the Banding Tool of £0.625m. The estimate from the latest model indicates a reduction of £0.763m over the life of the Safety Valve agreement.

**3 Recommendations**

- 3.1 Provide views and agree the proposed new tool.

## **4 Reasons for Recommendations**

- 4.1 The banding tool is an important part of the BFC Safety Valve programme and is recognised by the council and schools as requiring a significant review. The Funding Framework requires LAs to seek views of the Schools Forum in respect of the arrangements for paying High Needs Block top up funding.

## **5 Alternative Options Considered**

- 5.1 **Implementing the banding tool at Key Stage as well as Phase transfer:** Due to the significant level of change across the Safety Valve programme, and the potential impact this may have on schools, there must be consideration to choose reasonable approaches which are consistent with the Safety Valve submission while maintaining sustainability in the system. The reason for selecting the implementation model of new EHCPs and only phase transfers from January 2025 is to ensure the new tool can be implemented in a sustainable way. The council recognises the potential challenge it would create for schools to make changes to the associated bands while the child is in their current provision and want to remove the possibility of potential change to a child's current provision.
- 5.2 **Keep current banding tool (Do nothing):** The existing banding framework has been used primarily with a cost-focused approach in decision-making. This differs from the intended method, which should prioritise assessing the needs of children and young people (CYP) and the type of support required to determine funding. Currently, over half (56%) of CYP receiving top-up funding are placed in multiple bands, making the system complex for schools to navigate.

## **6 Key issues**

- 6.1 The Safety Valve programme must deliver financial savings, and the analysis of the current banding tool shows that there is a lack of consistency in the distribution for funding of high needs pupils and a lack of transparency in the funding of high needs pupils within the borough. However, we must consider the most reasonable approach to balance the financial targets while retaining sustainability in the school system.
- 6.2 Implementation of the tool is proposed for January 2025. This is later than plans proposed in the Safety Valve submission. However, we must ensure that there is confidence and consistency within the SEND team to enable them to successfully implement the new tool. Because of this, the implementation date of the tool is proposed for January 2025 to prioritise successful implementation.

## **7 Supporting Information**

### **Background**

- 7.1 Bracknell Forest Council (BFC) secured a Safety Valve agreement with the DfE in February 2024; a 6-year agreement for delivery from 2024/25 through to 2029/30. The resulting programme involves four workstreams that span the SEND system. A key enabler, which will impact across the system, programme, and many workstreams, is the introduction of a revised banding framework. The banding framework and tool will be critical to support inclusivity, enable effective decision-making, and manage cost.

- 7.2 The banding tool is the mechanism that Local Authorities use to determine additional support needs of pupils. It uses domains and descriptors to consistently and transparently assess individual pupil needs and then applies those scores to a funding rate to determine level of support to be financed. This is commonly known as Element 3 top-up funding, which is met from the High Needs Block linked to the education need of children and young people who have an Education, Health and Care Plan (EHCP) and is the funding required over the core per pupil funding element received by schools to enable a child or young person with high needs to participate in education and learning.
- 7.3 The existing banding framework has been used primarily with a cost-focused approach in decision-making. This differs from the intended method, which should prioritise assessing the needs of children and young people (CYP) and the type of support required to determine funding. Currently, over half (56%) of CYP receiving top-up funding are placed in multiple bands, making the system complex for schools to navigate.
- 7.4 The existing Banding Tool was recognised by schools as in need of updating and in early 2023, the Schools Forum HNB subgroup proposed a new banding tool which was endorsed by the council. The new tool involved wholesale changes to current bands, the scoring system, and financial values. A descriptor model was adopted following testing and moderation exercises. These exercises revealed a range of anomalies and inconsistencies in the application of the new tool. Additionally, it became clear that implementing the new tool as it stands would likely lead to a significant increase in High Needs costs, which is not financially sustainable. While the council supports the overall framework—specifically the domains, descriptors, and scoring system—it recognizes that the current financial values attached to each band need to be reconsidered to ensure a fair and viable funding approach.
- 7.5 A financial framework has been proposed to accompany the EHCP banding matrix. A benchmarking exercise conducted by the independent specialist consultancy company, PeopleToo, against 4 comparator LAs supports the viability of the banding framework as it provides similar or more funding for CYP than comparator authorities in most cases (89% of cases).
- 7.6 Given the fundamental changes from the old framework to the new, two separate methodologies have been used to provide a range of likely financial implications of the new framework and its associated values, with the average impact used in financial modelling. Please see Appendix C for further information about the analysis methods used. As outlined above, PeopleToo were commissioned to provide analysis expertise with this exercise.

### **Analysis of current banding tool**

- 7.7 Part of the rationale for the revision of Bracknell Forest's Banding Framework is to establish a greater level of consistency in the distribution for funding of high needs pupils and a greater level of transparency in the funding of high needs pupils within the borough.
- 7.8 The existing banding framework has been utilised with a cost-led approach, when applied to banding decision-making, e.g. funding bands are selected and often combined to match the funding figure identified, rather than descriptors of need determining the level of funding required. This is the reverse of the method intended, as opposed to using descriptors of need or provision type to determine funding.

7.9 Examples are shown below to exemplify the use of the tool at child-level.

Child #1 (287566) Year 3, PN = SEMH	Child #2 (284673) Year 4, PN = ASD	Child #3 (279059) Year 5, PN = ASD
1Y - £4.5k 3Y - £8.5k  Total: £13k	2V - £6.7k 2Y - £0.67k 2Z - £2k Total: £9.4k	3U - £1.8k 4U - £6.3k Total: £8.1k

## Approach

7.10 The revised financial values that sit behind the needs-led banding framework have been developed in line with two guiding principles:

- Financial sustainability (for both the LA and schools) – based on the original banding amounts, the new tool would likely increase High Needs costs significantly which is not viable for the council’s High Needs Block or Safety Valve programme. Therefore, lower values have been proposed against the bands, validated through benchmarking against other LAs with a similar statistical match to BF, but with consideration to the impact to schools.
- Promotion of right support at right time – disruption to lower bands has sought to be minimised to enable need to be supported more effectively at lower bands.

7.11 The financial values have then been benchmarked against banding frameworks from comparator local authorities, in an exercise that matches descriptors of need together to compare top-up funding provided by different councils. The benchmarked authorities are:

- South Gloucestershire
- Surrey
- Hampshire
- Solihull

## Financial values

7.12 Taking the median point between the two methodologies of calculation would indicate a median estimated financial impact of £0.763m per annum by 2029-30 (See Annex C for information on the methodologies used). Bands 1-3 have been protected to a greater extent to help mitigate any impact to early intervention and to support inclusivity.

7.13 The table below shows for the financial values against each band descriptors. Using the new tool, a band is determined by scoring from 1-6 across the four broad areas of need as outlined in the Code of Practice 2015. The domains cognition and learning, communication and interaction, speech, and language, ASD/SCD needs, SEMH needs, physical and neurological impairment, and sensory need. The application of the descriptor will be applied in line with the provision as outlined in Section F of the child or young person’s Education Health and Care plan. Each domain has a detailed

explanation to accompany a score. The total score across all domains is then totalled and weighted to give a final band and a funding allocation. The application of the tool will be undertaken by key staff within the SEND service to ensure consistency of application and appropriate levels of funding allocated to the descriptors within the banding tool, linked to the child's provision as outlined in section F of the EHCP. Using the new banding tool will eliminate the need for schools and settings to provide individual provision maps. To understand more, please see Appendix B which shows the descriptors for the new tool.

Band	Funding	Estimated 24/25 EHCPs
0	£0	
1	£1,500.00	34
2	£2,500.00	14
3	£3,750.00	67
4	£5,000.00	84
5	£6,000.00	58
6	£7,500.00	89
7	£9,000.00	110
8	£12,000.00	25
9	£17,000.00	10
10	£22,000.00	4
11	£32,000.00	8

### **Benchmarking analysis summary**

- 7.14 Please see Appendix A for further information about the methodology of the benchmarking analysis.
- 7.15 The independent review has shown that the proposed values are aligned or provide more funding in 89% of matches.

BFC Band	Bracknell Forest new values	South Gloucestershire	Surrey	Hampshire	Solihull
Band 1	£1500		£1615 Targeted 1	£984 Targeted A	
Band 2	£2500	£2277 Band 2		£2099 Targeted B	
Band 3	£3750		£3554 Targeted 2	£3165 Enhanced A	£2637 2a
Band 4	£5000		£5978 Enhanced 1	£5244 Enhanced B	
Band 5	£6000	£5350 Band 3			
Band 6	£7500		£9372 Enhanced 2	£7999 Exceptional	£5000 2b
Band 7	£9000	£8880 Band 4			
Band 8	£12000	£10758 Band 5			£8807 2c
Band 9	£16000	£13193 Band 6			
Band 10	£22000		£10,424 Bespoke		
Band 11	£30000				

<span style="display: inline-block; width: 15px; height: 15px; background-color: red; margin-right: 5px;"></span> Lower than BFC option
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; margin-right: 5px;"></span> In line with BFC option

Comparator LA	Total Band Matches	With new option, BFC provides...		
		Less Funding	Similar Funding	More Funding
South Gloucestershire	5	0	1	4
Surrey	5	1	2	2
Hampshire	5	1	0	4
Solihull	3	0	0	3

7.16 This benchmarking supports the viability of the financial values proposed to sit behind the revised Bracknell Forest banding framework, as it provides similar or more funding for CYP than comparator authorities in the vast majority of cases (89% of cases)

There are however several caveats to consider:

- **Exceptional cases:** Although the benchmarking exercise has sought to ensure that new bands are aligned to other local authorities in terms of funding provided, there is the potential for disruption in the transition between 'as-is' and 'to-be' funding must be carefully considered. Whilst the vast majority of EHCPs should be able to transition to the new funding arrangements, there is likely to be a range of 'exceptional cases' where this transition will be financially disruptive for the school. The modelling therefore includes applying a confidence weighting to the greatest variations to reduce the potential financial impact.

- Variability in needs assessment: This exercise relies on the assumption that similar descriptors across different frameworks imply equivalent needs. However, contextual factors and implementation will vary between different local authorities, which is not possible to capture in this exercise. The use of multiple comparators in this exercise reduces the likelihood that sufficient variation would be present to invalidate the results.
- Variability in associated costs: costs associated with providing support to students with SEND can vary significantly across different local authorities and regions, influenced by a range of factors including regional cost of living, availability of specialised services, and local wage levels. Consequently, financial values assigned to similar support bands might be lower in areas where associated costs are naturally lower than Bracknell Forest.

## Financial impact

- 7.17 It is recommended that the revised banding framework is implemented with a phased approach against the existing mainstream EHCP cohort, with the new bands applied at Phase transfers, as well as to all new EHCPs.
- 7.18 Given the fundamental changes from the old framework to the new, it is difficult to accurately assess the likely financial impact without additional moderation of cases to inform band mapping. As such, two separate methodologies have been used. Please see Appendix C for further information about the two methods used.
- 7.19 Due to the respective limitations of each approach, both have been applied in order to provide a range of likely financial implications of the new framework and its associated values.
- 7.20 The financial values, if implemented only to new EHCPs and at Key Phase transfers would be expected to provide £0.763m of cumulative financial impact across the duration of the Safety Valve Programme.

Financial Year	Projected Key Phase Transfers	Projected New Mainstream EHCPs	Method 1 Projected Financial Impact	Method 2 Projected Financial Impact	Median Projected Financial Impact
24/25	N/A	16	£-4,695	£-9,140	£-6,917
25/26	86	60	£-120,135	£-147,948	£-134,041
26/27	84	15	£-176,272	£-190,180	£-183,226
27/28	106	7	£-185,037	£-173,275	£-179,156
28/29	67	7	£-150,737	£-160,631	£-155,683
29/30	28	7	£-103,852	£-104,233	£-104,042
Cumulative Total:					£-763,067

## **Implementation**

- 7.21 The proposed implementation date for the new banding tool is January 2025.
- 7.22 A review of SEND decision making processes is a key priority within the Safety Valve programme, building on the work already undertaken as part of the Written Statement of Action. Once all new permanent members of staff have joined the SEND team and completed their induction, there will be an exercise from November 2024 to train new staff members on use of the new banding tool, to ensure the tool is successfully embedded.

## **Conclusion**

- 7.23 The proposed funding bands provide more or similar funding in 89% of benchmarked bands with comparator LAs. Due to the significant level of change across the Safety Valve programme, and the potential impact this may have on schools, there must be consideration to choose reasonable approaches to save money while improving sustainability in the system.
- 7.24 The reason for selecting the implementation model of only applying new funding levels to new EHCPs and phase transfers from January 2025 is to ensure the new tool can be implemented in a sustainable way, with no impact on funding levels for children and young people already being supported in settings. The council recognises the potential challenge it would create for schools to make changes to the associated bands while the child is in their current provision and want to remove the possibility of potential change to a child's current provision. This was presented to Headteachers at a briefing session held on 23/10/24. 21 Headteachers were in attendance and supported the proposal.

## **8 Consultation and Other Considerations**

### Legal Advice

- 8.1 The statutory basis for local authorities funding maintained schools for additional support needs of pupils primarily comes from the Children and Families Act 2014. This legislation emphasizes the duty of local authorities to ensure that children with special educational needs and disabilities (SEND) receive the support they need to thrive in educational settings and Banding is lawful as long as it meets assessed needs."

### Financial Advice

- 8.2 The anticipated financial implications are set out in the supporting information. Through its participation in the Safety Valve programme, the Council has agreed to implement a robust plan to reduce spending on high needs block expenditure down to the level of grant provided through the Dedicated Schools Grant over a period of six years. A substantial amount of the council's reserves will be required to clear the cumulative deficit

### Equalities Impact Assessment

- 8.3 Equality Impact Assessments (EqlAs) are undertaken on changes to policy and decisions that could have impacts on any of the protected characteristics under the



Equality Act 2010. All service areas will undertake EqlAs as appropriate for the activities within the service plans, as part of business-as-usual activity. Recognition of equality related activity is included throughout the plans for relevant activity.

#### Strategic Risk Management Issues

- 8.4 The level of deficit on the Dedicated Schools Grant due to rising costs in recent years of SEND services, represents the most serious financial threat the Council faces. Participation in the Safety Valve programme provides the impetus to address this through the identification of mitigations that both reduce costs and maintain a focus on educational outcomes, while offering the opportunity to secure both revenue and capital grant funding from the DfE that is not available to authorities outside Safety Valve.

#### Climate Change and Ecological Impacts

- 8.5 The recommendations are expected to have no impact on emissions of CO<sub>2</sub>.

#### Health & Wellbeing Considerations

- 8.6 There are no Health & Wellbeing implications from the recommendations.

#### Background Papers

Appendix A: [Benchmarking methodology](#)

Appendix B: [BFC Banding allocation tool descriptors](#)

Appendix C: [Methodologies for calculating financial impact](#)

#### Contact for further information.

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