

TO: EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING
DATE: 22 MARCH 2016

**LOCAL AUTHORITY PROPOSALS FOR THE 2016-17 EARLY YEARS
AND HIGH NEEDS BLOCK ELEMENTS OF THE SCHOOLS BUDGET**
Director of Children, Young People and Learning

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek agreement from the Executive Member to set the 2016-17 Early Years and High Needs Block elements of the Schools Budget on the basis of recommendations made by the Schools Forum.
- 1.2 The Executive Member has observer status on the Schools Forum, receiving all reports and entitled to attend meetings, and is therefore actively involved in the operation and deliberations of the Schools Forum.

2 RECOMMENDATION

- 2.1 That the Executive Member AGREES the recommendations proposed by the Schools Forum as set out in paragraph 2.1 of the attached Appendix A.**

3 REASONS FOR RECOMMENDATION

- 3.1 To ensure that the 2016-17 Schools Budget is set in accordance with the views of schools, the Schools Forum, the funding framework and the anticipated level of resources.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 These have been considered during the budget consultation stage and previous reports to the Schools Forum.

5 SUPPORTING INFORMATION

- 5.1 Whilst spending on the Schools Budget is funded by the ring fenced Dedicated Schools Grant (DSG), and therefore outside of the Council's funding responsibilities, Local Authorities (LA) retain a statutory duty to set the overall level of the Schools Budget before the start of each financial year. In deciding the relevant amount, LAs must plan to spend at least to the level of estimated DSG and can also take account of any accumulated under or overspending on the Schools Budget from previous years.
- 5.2 At its meeting of 15 December, the Executive agreed that the 2016-17 Schools Budget should be set at the estimated level of DSG income plus any accumulated balances, with the Executive Member for Children, Young People and Learning authorised to make amendments and agree budgets for schools and services centrally managed by the Council.

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- 5.3 Appendix A presents the proposals expected to be agreed by the Schools Forum at its meeting of 10 March in respect of Early Years and High Needs Blocks elements of the DSG. This Appendix also sets out the details behind the budget build process which the Executive Member is now recommended to endorse. Budget decisions taken by the Executive Member have always been in accordance with the wishes of the Schools Forum, and the recommendations on this paper maintain that position. Decisions around the Schools Block element of the Schools Budget were taken on 14 January.
- 5.4 Should the Forum make any changes to the recommendations set out on Appendix A, a verbal update will be provided to the Executive Member to agree final decisions.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the attached Appendix A.

Borough Treasurer

- 6.2 The financial implications arising from this report are set out within the supporting information of Appendix A and present a budget that can be funded from the overall level of anticipated resources.

Equalities Impact Assessment

- 6.3 There are no specific impacts arising from this report.

Strategic Risk Management Issues

- 6.4 These are set out in Appendix A.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Schools Forum.

Method of Consultation

- 7.2 Written consultation documents.

Representations Received

- 7.3 Set out in reports to the Schools Forum.

Background Papers

None.

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TO: SCHOOLS FORUM
DATE: 10 MARCH 2016

**PROPOSALS FOR THE 2016-17 EARLY YEARS AND
HIGH NEEDS BLOCK ELEMENTS OF THE SCHOOLS BUDGET**
Director of Children, Young People and Learning

1 PURPOSE OF REPORT

- 1.3 The purpose of this report is to seek comments from the Schools Forum on proposals from the Council for the 2016-17 Early Years and High Needs Block elements of the Schools Budget. There are also a small number of decisions for the Forum to consider in line with the statutory funding framework.
- 1.4 Recommendations agreed from this report will form the basis of proposals to be presented to the Executive Member for Children, Young People and Learning, who has responsibility for agreeing most aspects of the Schools Budget.

2 RECOMMENDATIONS

That the Forum AGREES:

2.2 That the Executive Member makes the following decisions:

For the Early Years Block funded budgets:

1. That funding rates for the free entitlement to early years education and childcare for 2, 3 and 4 year olds remain unchanged from those paid in the 2015-16 financial year (paragraph 5.14);
2. The total initial budget is set at £5.196m, it incorporates the changes set out in the supporting information, and relevant budgets are therefore updated to those set out in Annex 2.

For the High Needs Block funded budgets:

3. The total initial budget is set at £14.312m, it incorporates the changes set out in the supporting information and Annex 4, and relevant budgets are therefore updated to those summarised in Annex 5.

2.3 In its role of statutory decision maker, that there are appropriate arrangements in place for:

1. Early years provision (paragraph 5.15);
2. The education of pupils with SEN (paragraph 5.36), and
3. The use of pupil referral units and the education of children otherwise than at school (paragraph 5.36).

2.4 The terms of reference for the High Needs funding review (paragraph 5.37 and Annex 6).

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the 2016-17 Schools Budget is set in accordance with the funding framework, the views of the Schools Forum and the anticipated level of resources.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 A range of options have been presented for consideration as part of the budget setting process.

5 SUPPORTING INFORMATION

Background

- 5.1 The last meeting of the Forum received a budget report that concentrated on the Schools Block element of Dedicated Schools Grant (DSG) which in essence funds delegated school budgets and the small number of services that the Department for Education (DfE) allows LAs to manage centrally on behalf of schools. Members will recall that this highlighted the financial difficulties being experienced in setting the 2016-17 Schools Budget with the need to draw down £0.213m from balances to fully finance all of the proposed budget changes.
- 5.2 This report presents proposals on the remaining elements of the Schools Budget; the Early Years Block that funds provisions and support for children up to 5, including those in maintained school nurseries; and the High Needs Block that supports pupils with additional needs above £10,000, which is the national funding threshold set by the DfE. This two staged approach to setting the budget reflects the different timescales that relevant budget information becomes available from the DfE.
- 5.3 The statutory regulatory framework also requires the Council to consult with the Schools Forum each year relating to the arrangements proposed to be put in place to meet various Schools Budget functions and where relevant, this is also included within the report.

Early Years Block

Coverage and outline of High Needs Funding

- 5.4 The Early Years Block comprises.
- funding for three and four year olds entitlement to 15 hours of free education
 - participation funding for disadvantaged two year olds
 - the early years pupil premium:

Provisional estimate of Early Years Block DSG income

- 5.5 The Early Years Block income for the universal entitlement to 15 hours a week free education and childcare for 3 and 4 year olds is calculated in the same way as that for the Schools Block; an amount per child multiplied by headcount numbers. The DfE has confirmed that per child funding rates for each LA will remain unchanged from 2015-16, meaning no allowance for inflation or other pressures. The BF per child Early Years

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funding rate therefore stays at £3,928.30. Whilst the free entitlement is for 15 hours provision per week for 38 weeks (570 hours in a year), the DfE convert this to their standard full time education rate of 25 hours a week for 38 weeks a year (950 hours in a year). This means the £3,928.30 annual funding rate is equivalent to £4.13 per hour.

- 5.6 The initial DfE allocation of Early Years Block DSG for 2016-17 has been made based on the January 2015 Early Years Census and equates to £4.470m. This will be updated during 2016-17 for January 2016 and January 2017 pupil numbers which means that the final Early Years Block will be based on 5/12ths January 2016 numbers, to cover likely costs between April and August 2016, and 7/12ths January 2017 numbers, to cover likely costs between September 2016 and March 2017.
- 5.7 To ensure that the most accurate and up to date information is used in budget calculations, rather than using the initial DfE funding allocation for 3 and 4 year olds from January 2015 actual take up, it is proposed to use the LAs estimate of January 2016 participation. Therefore, the funding allocation for budget purposes is proposed to be based on 1,154.5 eligible pupils which will generate £4.535m. As set out above, this will be subject to change once relevant census data becomes available, which is expected to be confirmed by the DfE in June 2016 and June 2017 respectively. If a significant change in income is anticipated from that forecast in the initial budget, there is likely to be a need for an in-year review of budgets.
- 5.8 The Early Years Block also includes funding for the most deprived 2 year olds who are established from meeting at least one of the following criteria:
- Their family gets one of the following:
 - Income Support
 - Income-based Jobseeker's allowance
 - Income-related Employment and Support Allowance
 - Support under part VI of the Immigration and Asylum Act 1999
 - The guaranteed element of State Pension Credit
 - Child Tax Credit (provided they're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
 - Working Tax Credit 4 week run on
 - Working Tax Credits and earn £16,190 a year or less
 - they have a current statement of SEN or an Education, Health and Care plan
 - they attract Disability Living Allowance
 - they are looked after by a local authority
 - they have been adopted from care in England or Wales
 - they have left care through special guardianship order, child arrangements order or adoption order.
- 5.9 Funding for 2 year olds is calculated by the DfE in exactly the same way as 3 and 4 year olds are funded, as set out above in paragraph 5.6, although a different funding rate of £5,215.50 will be used. Again, the DfE base this rate on 25 hours a week take up for 38 weeks a year (950 hours in a year), which is equivalent to £5.49 per hour.
- 5.10 Based on the LA estimate of 208 eligible 2 year olds taking up the provision at January 2016 (which the DfE converts to 114.4 funded children at 25 hours per week) remaining unchanged through to January 2017, £0.597m of funding will be received.

- 5.11 The scope of the Pupil Premium continues unchanged and will cover 3 and 4 year olds who aren't already receiving funding in a maintained school reception class. The DfE will require all LAs to pay providers a universal supplement of £0.53 per hour, equivalent to £302.10 a year for each eligible child who takes up the 570 free hours of entitlement. In the first instance, an allocation of £0.064m will again be received which is based on a DfE estimate of eligible numbers at January 2015. As with the other funding allocations, this will be subject to update once actual take-up data becomes available. The LA has a duty to pay the supplement for all eligible children, irrespective of the amount of funds allocated by the DfE.
- 5.12 Taking account of the initial DSG funding estimate for 3 and 4 year olds of £4.535m and £0.597m for 2 year olds, together with Pupil Premium income of £0.064m, the initial Early Years Block DSG income is forecast to be £5.196m, and the budget is recommended to be set at this level.

Proposed use of Early Years DSG income

- 5.13 There are three main areas that BF use Early Years Block DSG income to fund:
1. The local Early Years Single Funding Formula (EYSFF), which must be used to fund providers delivering the free entitlement of 15 hours a week of childcare and early years education for 3 and 4 year olds. The EYSFF is a sub-Formula to the main BF Funding Formula for Schools. Funds are allocated each term on actual participation levels, on an hourly funding rate basis, consisting of a base rate paid to providers (£3.17 for maintained schools, £3.71 for private, voluntary and independent (PVI) sector providers), supplemented by hourly rates where qualifying criteria is met for High Deprivation (ranging from 0p - 32p) and High Quality (ranging from 0p - 48p). As reported at the last Forum meeting, the DfE has updated the data used to calculate the Income Deprivation Affecting Children Index which measures the probability of a child living in an area of deprivation. This has resulted in some changes in amounts of deprivation supplements paid to providers, with some receiving higher funding allocations, and others lower. Funding rates are set out in full at Annex 1, with an average provider funding rate of £3.89.
 2. Provision of free childcare and early education for eligible 2 year olds (see paragraph 5.8 above for relevant criteria). Providers are funded for eligible 2 year olds in a similar way to 3 and 4 year olds, with termly funding allocations based on actual participation levels, at a universal funding rate of £5.10.
 3. Children with Special Educational Needs (SEN). In addition to main hourly funding rates, further supplements are paid for children with SEN at an additional rate of £7.20 and a second, higher additional hourly rate of £9.00 for those with severe or complex needs.
 4. Central support services for 2, 3 and 4 year olds. Subject to agreement of the local Schools Forum, LAs are permitted to retain funds centrally to support early years providers. The current year budget includes agreement from the BF Forum to centrally retain funds for a contingency, designed to meet in-year cost increases from rising participation rates, SEN etc, a multi-professional assessment centre, specialist SEN support, the cost of providing free milk to children and supporting the development of provisions for 2 year olds through funding outreach support.

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5.14 Taking account of the significant financial difficulties being experienced within the Schools Budget and the cash flat funding settlement from the DfE, all funding rates as set out above in paragraph 5.13 and Annex 1 are proposed to continue into 2016-17 unchanged, including retaining base funding rates and supplements at 2015-16 levels. However, some changes to budget amounts are proposed, and these are set out below:

1. Updated budget provision for payments to providers to reflect:
 - a. Estimated actual participation rates for 3 and 4 year olds by provider using May 2015, October 2015 and January 2016 data as a proxy for 2016-17, using current funding rates. Note: this is the most up to date data available to forecast the likely budget requirement next year, but payments will be adjusted in-year to reflect actual participation together with revised hourly rates should provider supplement payments for deprivation and quality change. Any differences in actual payments to the estimates will be funded through the contingency. This equates to an increase of £0.049m.
 - b. Actual participation rates for 2 year olds by provider, based on January 2016 data only. This reflects the current take-up. Again, payments will be adjusted in-year to reflect actual participation and be funded through the contingency as necessary. This equates to a cost reduction of £0.036m.
2. To reflect the Council's restructure within the Early Help service, a small number of changes are proposed to aspects of the service that are funded from the Schools Budget. The main area of change relates to bringing the service delivered at The Margaret Wells Furby Children's Resource Centre in-house. This Centre was historically run by a third sector provider and was brought in-house with effect from April 2015. Provision had deteriorated reflecting restructuring of services across the South East by the third sector provider, leading to managerial and capacity changes which had a detrimental impact on the service. An in-depth review of this service and the in-house Early Help inclusion team prompted a restructure. Third sector staff were transferred into the BFC Early Help Inclusion Team and subsequently realigned to BFC terms and conditions of employment. The restructure has led to improved service delivery and outcomes for referred families and children. The centre has been renamed The Child Development Centre to more appropriately reflect the services delivered. These changes equate to a net nil budget adjustment.

5.15 The Forum is recommended to agree this approach to setting the Early Years Block related budgets to the Executive Member and also confirm that as a consequence, appropriate arrangements are in place for Early Years provisions, which the LA is required to consult with the Forum on each year. Annex 2 identifies the resultant breakdown of the Early Years budget if the proposals in this report are agreed.

Outcomes from the Spending Review 2015

5.16 On 25 November, the government published initial financial information in respect of the Spending Review 2015 which set out spending plans up to and including 2019-20. In respect of Early Years services, the key headlines are:

1. Free childcare entitlement will double from 15 hours to 30 hours a week for eligible working families with three and four year olds from September 2017,

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with 15 hours entitlement remaining universal and the additional 15 hours being based on working parent(s) income criteria.

2. From 2017-18 an investment of £300m will be made available to increase the average hourly rate childcare providers receive, and at least £50m of capital funding to create additional early years places.

Further details on the practical implementation of these developments are awaited from the DfE.

The High Needs Block

Coverage and outline of High Needs Funding

- 5.17 In line with the special educational needs and disabilities (SEND) reforms that were introduced from September 2014, the High Needs Block is intended to fund a continuum of provision for pupils and students with SEN, learning difficulties and disabilities from 0-24.
- 5.18 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 be used which can be applied consistently across all providers that support high needs pupils and students as follows:
 - a. **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.
 - b. **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.
 - c. **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.
- 5.19 Additionally, High Needs Block 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.

Provisional estimate of High Needs Block DSG income

- 5.20 The allocation of High Needs Block DSG income is the most complex part of the DSG. A separate calculation is made for each LA, initially set at the level of budget individual LAs planned to spend on high needs pupils in 2012-13, the year prior to the most recent funding reforms. The Education Funding Agency (EFA) then deduct £10,000 per place from each individual LAs total amount to pay direct to purchase places in academies and maintained and non-maintained special schools (NMSS). Each LA then funds all the places required in its own maintained schools for use by any LA, places for their own students in Independent School as these establishments are not funded by the EFA, and any element 3 “top up” payments due for BF resident students to all providers from its remaining DSG.

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- 5.21 At the point of the funding reforms, the EFA was already financing post-16 institutions direct, such as school sixth forms and FE colleges, and retained these funds to continue to purchased places for LAs. However, a funding transfer was made to LAs to fund element 3 “top ups” which LAs would now pay to post 16 providers, based on individual assessed needs above the £10,000 threshold.
- 5.22 As previously reported, this post 16 funding adjustment was significantly below the actual costs needing to be incurred by LAs. The resultant funding shortfall, and extension in funding responsibility from age 19 to 24 is the most significant contributory factor to requiring the £2.093m funding transfer from the Schools Block DSG to High Needs.
- 5.23 Once the EFA has determined the number of pre-16 places it will fund, which is based on actual placements in the previous academic year, adjusted in exceptional circumstances following bids from LAs, the relevant amount of funding deduction is set for the academic year irrespective of whether the places are actually taken up. If an LA experiences an increase in places, then their High Needs Block DSG is reduced accordingly. Similarly, if less places are taken up, there is an increase in High Needs Block DSG. The EFA has full funding responsibility for post-16 places, so the financial impact of more or less places being purchased remains within the EFA. It does not directly impact on individual LA funding.
- 5.24 This approach to funding, whilst providing a degree at funding stability for providers can result in poor value for money for LAs if the actual number of places required in each institution is lower than the number being funded by the EFA.
- 5.25 As well as element 3 “top ups”, the DSG can also be used to purchase additional places at providers, above the number purchased by the EFA. To reduce the potential of the EFA purchasing more pre-16 external places than required through the deduction to our High Needs Block DSG, the strategy of the LA is to minimise the deduction to DSG for EFA funded places and use the resultant higher level of DSG to purchase extra places, but only when they are actually needed. Therefore, the LA accepts the place funding deduction at the level of actual places at the commencement of the previous academic year and manages any changes through direct purchases with providers. This approach maximises funding flexibility for the LA.
- 5.26 There is one main change to the funding process for 2016-17. Place funding in NMSS will continue to be funded directly by the EFA. However, to bring NMSS in line with place funding in FE institutions, and specialist post 16 institutions (SPI), place funding in NMSS will not be included in the high needs block baseline for the 2016-17 financial year. As a result the 2016-17 DSG allocation does not include these places. Previously, the EFA has calculated the full DSG allocation and then deducted the directly funded NMSS places. This change has been implemented by making an adjustment to each relevant local authority’s high needs baseline on the basis of the 2015-16 academic year place numbers in NMSS. Moving forward it is expected that there will no longer be any adjustment to an LAs High Needs Block DSG to reflect changes in externally purchased places, with the funding implications being managed by the EFA.
- 5.27 This change in funding policy has a significant impact on the funding model for the Rise@GHC, the new 56 place Autistic Spectrum Disorder (ASD) pupil facility at, Eastern Road. More information on this is set out below in paragraphs 5.31 to 5.33.

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- 5.28 On the basis of this information, together with the confirmed additional £92m funding added by the DfE into the national High Needs Block funding for distribution to LAs based on population aged 2 -19, the EFA has calculated an initial 2016-17 High Needs Block allocation for BF of £11.902m, an increase of £0.183m on the current budget amount, as set out in Table 1 below. The 2015-16 allocation is also shown for context:

Table 1: High Needs Block DSG calculation

Item	2015-16 Actual £m	2016-17 Initial £m
Base funding	12.851	12.598
Full year effect of 2014-15 places funding deduction	-0.033	0
Effect of place funding external institutions on basis of location rather than residency of students. (Introduced September 2015).	-0.329	-0.165
Share of budget growth (£47m 2015-16, £92m 2016-17)	0.109	0.215
Initial HN Block DSG	12.598	12.648
Deduction for EFA direct funded places	-0.911	-0.746
HN Block DSG after places deduction	11.687	11.902
Current on-going NH Block budget		11.719
Change (+) increase / (-) decrease		0.183

- 5.29 As the final High Needs Block DSG will not be confirmed until the end of March, there is the possibility of adjustment to the places deduction and it is therefore proposed to retain the increase in DSG as an initial provision against a higher deduction than currently anticipated or actual costs incurred exceeding budget estimates. Should the final funding allocation be significantly different from the £11.719m current on-going High Needs budget amount, revised proposals can be considered in-year.
- 5.30 To the £11.719m estimated High Needs Block DSG can be added the £2.093m transfer from the Schools Block DSG and the £0.500m post-16 places grant paid by the EFA for Kennel Lane Special School, an increase of £0.088m on the current year, making a total gross budget for the High Needs Block of £14.312m. The one-off £0.017m funding allocated to Kennel Lane Special Schools from the Job Evaluation Reserve in 2015-16 has been removed as the Reserve is now exhausted.

Update on budget requirement for Autistic Spectrum Disorder Unit: Rise@GHC

- 5.31 The Forum has previously supported funding for the development of a 56 place Autistic Spectrum Disorder (ASD) pupil facility by converting the vacant building on Eastern Road through use of DfE capital grants with phased opening planned from September 2015. The facility – Rise@GHC – is being managed by Garth Hill College with the original funding model anticipating annual savings when fully open of around £0.72m

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on placement fees from 35 BF resident students, with additional placements being made, and paid for, by other LAs. The savings were estimated at around £20,000 per pupil, £10,000 from the lower cost in-house provision and £10,000 from additional place funding from the DfE as less externally purchased NMSS places would be needed, with a consequential lower deduction to the LAs High Needs Block DSG.

- 5.32 However, as set out above in paragraph 5.26, the DfE are changing the way that NMSS are to be funded for places, with there no longer being an increase to an LAs High Needs Block DSG if less external places are required. This change therefore reduces the anticipated savings when Rise@GHC is full by half to around £0.36m. Whilst still a significant saving, this will make a lower contribution to planned cost reductions than previously anticipated.
- 5.33 The LA has been in close contact with Garth Hill College in respect of the changing financial model with the latest projections shown at Annex 3. Through sound financial management by the school and reflecting on actual experience to date, the original budget plan has again been amended with a number of cost reductions and areas of increased income being identified that now indicates when fully open a saving of £0.468m can be achieved (line 35 of Annex 3). This is the first part of a budget review that will conclude before the end of the summer term. Taking account of changes made to date, the Forum is requested to agree the revised long term funding model and budget allocation for 2016-17, including the draw down of £0.180m (line 31 of Annex 3) from the SEN Resource Units Reserve. A further revision to the plan may be necessary once the budget review is complete and actual numbers on roll at September 2016 are confirmed.

Update on current year budget performance

- 5.34 Budget monitoring information as at the end of December indicates good progress continues to be made in managing down expenditure on high needs budgets, with a forecast saving of £0.447m. Other centrally managed budgets in the Schools Budget are anticipated to under spend by £0.048m, making an aggregate forecast under spending of £0.495m. Adding the £0.208m brought forward surplus and deducting the £0.213m planned draw down in 2016-17 indicates a net surplus of £0.490m which is £0.020m below the minimum level ordinarily require by the Borough Treasurer, but which has been waived for next year.

Proposed use of funding

- 5.35 In calculating and planning the required level of budget for next year, the SEN Team, supported by Finance, has reviewed all High Needs budgets. As expected from services that are volatile and high cost in nature, a number of changes are proposed to ensure budgets are set at the level of future expenditure needs, thereby aiding effective monitoring. Annex 4 sets out the proposed changes that the Forum is recommended to agree, of which the key aspects are:
1. the majority of savings being experienced in the current year on external placements are expected to continue into 2016-17, with a full year effect saving of £0.483m; £0.707m basic savings, with £0.224m arising from reduced numbers of ASD placements following the opening of Rise@GHC, where the resultant budget saving needs to be transferred.(See lines 4, 10 (part) and 11 of Annex 4);
 2. to reflect the additional number of post 16 places expected as the age of funding responsibility has been extended, provision for 15 additional element

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3 top up payments and 25 new places at £6,000 each (EFA will pay the first £4,000). (Line 10 (part)). Estimated cost of £0.264m.

3. an increase in average support needs in 2015-16 at Kennel Lane Special school is expected to create a pressure of £0.295m. (Lines 1 and 2).
4. Income from the EFA for post 16 places at Kennel Lane Special school will be above the current income target by £0.088m (Line 19).

- 5.36 The Forum is therefore recommended to agree this approach to setting the High Needs Block related budgets to the Executive Member and also confirm that as a consequence, appropriate arrangements are in place for the education of pupils with SEN and use of pupil referral units and the education of children otherwise than at school. Annex 5 identifies the resultant breakdown of the High Needs Block budget if the proposals in this report are agreed.

Proposed review of High Needs Budgets

- 5.37 Whilst significant progress has been achieved in reducing the cost of supporting High Needs Pupils, further medium term pressures are anticipated from demographic and legislative changes. In order to help identify further opportunities for the efficient use of resources and also to maximise the benefits for high needs pupils, the Council proposes an independent review of High Needs funding. This is proposed to comprise an experienced head teacher with senior leadership experience in both mainstream and special schools and a senior officer level post with experience of managing SEN services in at least two LAs. The proposed terms of reference are set out in Annex 6 which the Forum is recommended to approve. The budget proposals at Annex 4 (line 15) include a provision of £0.034m to finance the anticipated review cost.

Next steps

- 5.38 The views of, and decisions taken by the Schools Forum at this meeting are expected to be adopted by the Executive Member in making final decisions for the 2016-17 Schools Budget on 22 March 2016.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal issues are addressed within the main body of the report.

Borough Treasurer

- 6.2 The financial implications arising from this report are set out in the supporting information. At this stage the amount of Early Years and High Needs Block DSG allocations have yet to be confirmed. If a funding shortfall does materialise, it will need to be dealt with through the introduction of a programme of in-year savings.

Equalities Impact Assessment

- 6.3 The budget proposals ensure funding is targeted towards vulnerable groups and an EIA is not required.

Strategic Risk Management Issues

- 6.4 The funding reforms, tight financial settlement and the demographic growth and legislative pressures present a number of strategic risks, most significantly:
1. Insufficient funding to cover increases in the required number of high needs places.
 2. Price increases by providers.
 3. The ability to absorb an increasing number of high needs pupils.
- 6.5 Based on current information, the budget proposals are considered appropriate, however, if cost increases are experienced, savings will be sought in year across the whole Schools Budget.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Background Papers

None.

Contact for further information

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**Provider funding rates for 3 and 4 year olds
(including eligibility criteria for supplements)**

<u>Funding rates - breakdown of hourly rate</u>	<u>Maintained Schools</u>	<u>PVI providers</u>
Hourly base rate (minimum amount, no eligibility criteria)	£3.17	£3.71
Deprivation Supplement (where eligibility criteria met)		
Band 3 Deprivation ranking within the 10% most deprived settings. Top up at 3 times the basic rate.	£0.32	£0.32
Band 2 Deprivation ranking below the 10% most deprived settings but still within the 35% of most deprived settings. Top up at 2 times the basic rate.	£0.21	£0.21
Band 1 Deprivation ranking below the 35% most deprived settings but still within the 60% of most deprived settings. Top up at basic rate.	£0.11	£0.11
Band 0 Deprivation ranking outside the 60% most deprived settings. No top up.	£0.00	£0.00
Quality Supplement - as measured by workforce qualifications (where eligibility criteria met)		
Band D Qualified Teachers on Upper Pay Scale 2 or higher cost with 75% of staff at level 3 or above.	£0.48	£0.48
Band C Graduate (level 5 or 6) leading the EYFS Practice and 60% of staff at level 3 or above.	£0.27	£0.27
Band B Level 4 or above leading the Early Years Foundation Stage (EYFS) and 35% of staff with a level 3 or above	£0.21	£0.21
Band A Other, lower qualification levels. No top up.	£0.00	£0.00
Maximum hourly rate	£3.97	£4.24
Minimum hourly rate	£3.44	£3.71
Average hourly rate	£3.59	£4.00

A Pupil Premium supplement will be paid at £0.53 per hour to eligible children.

Note DfE has updated the core data in the deprivation measure (IDACI) resulting in changes in supplement payments to providers.

Early Years Block Budgets

Budget Item	2015-16 Budget £	2016-17 Changes £	2016-17 Budget £
Free entitlement to early years education and childcare:			
Maintained school nurseries: 3 and 4 year olds	£1,392,450	£75,150	£1,467,600
PVI provider settings: 3 and 4 year olds	£2,593,230	£-26,530	£2,566,700
2 year olds	£640,160	£-35,620	£604,540
Provider Contingency – for in-year increases in take-up and other support to providers e.g. SEN children, providers in financial difficulty	£115,000	-	£115,000
Multi professional assessment centre – based at Margaret Wells Furby Children’s Centre in Great Hollands	£156,850	£9,110	£165,960
Free milk – net cost of free milk to eligible children.	£11,210	-	£11,210
Special Educational Needs and other support e.g. Special Educational Needs Co-ordinators.	£147,390	-	£147,390
Early Years Development Officer funding for 1 fte development officer supporting early years providers in tracking and monitoring children’s early years progress to ensure school readiness.	£35,000	£1,290	£36,290
Out reach: To support delivery of sufficient places.	£28,000	£-10,400	£17,600
Early Years Pupil Premium	£63,710	-	£63,710
Total Early Years Block Budget	£5,183,000	£13,000	£5,196,000

Funding Model for Rise@GHC as at March 2016

Ref	January to	Sept 2015 to	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 (Full year)	
	August 2015	March 2016							Estimate
	Final	Final							
Places and staffing - academic year data:									
1	Projected Maximum No. of Learners	0	8	16	24	32	40	48	56
2	BFC resident	0	6	11	16	21	26	31	36
3	Other LA resident	0	2	4	5	7	9	10	11
4	Vacancy	0	0	1	3	4	5	7	9
5	Number occupied places in costing model	0	8	15	21	28	35	41	47
6	Occupancy rate	0%	100%	94%	88%	88%	88%	85%	84%
7	Total No. of Teaching Staff (fte) (headcount)	1.00	3.00	4.00	6.00	8.00	10.00	10.00	10.00
8	Total No. of Learning Support Staff (fte) (headcount)	0.00	3.00	5.00	7.00	9.00	9.00	9.00	9.00
9	Total No. of Ancillary Support Staff (headcount)	0.00	3.00	4.00	5.00	5.00	5.00	5.00	5.00
10	Total all staff (fte) (headcount)	1.00	9.00	13.00	18.00	22.00	24.00	24.00	24.00
Financials - financial year data:									
11	Staffing	£36,400	£190,700	£391,800	£531,350	£680,360	£799,600	£841,425	£841,460
12	Premises	£0	£83,800	£144,700	£141,500	£138,500	£138,500	£138,500	£138,500
13	Supplies & Services	£10,900	£36,200	£74,300	£84,700	£100,600	£123,040	£137,500	£147,660
14	Transport	£250	£7,100	£12,250	£12,250	£12,250	£12,250	£12,250	£12,250
15	Contingency at underlying 2.5%	£1,500	£22,500	£0	£40,500	£23,300	£26,900	£28,300	£28,500
16	Total Income	£0	£700	£1,800	£2,750	£3,850	£4,800	£5,750	£6,650
17	EXPENDITURE AT SCHOOL	£49,050	£339,600	£621,250	£807,550	£951,160	£1,095,490	£1,152,225	£1,161,720
18	Income from other LA pupils @ £26,750	£0	-£35,000	-£87,500	-£122,600	-£165,000	-£218,500	-£256,400	-£283,000
19	NET EXPENDITURE AT SCHOOL	£49,050	£304,600	£533,750	£684,950	£786,160	£876,990	£895,825	£878,720
20	CENTRALLY FUNDED SPECIALIST THERAPIES (BF STUDENTS ONLY)	£20,100	£20,100	£22,100	£28,700	£38,900	£49,400	£59,600	£70,000
21	Fee premium from Other LAs of £3,000 per place for 6 years	£0	£0	-£7,000	-£13,800	-£18,500	-£24,500	-£28,700	-£12,500
22	NET TOTAL COST TO BFC	£49,050	£324,700	£548,850	£699,850	£806,560	£901,890	£926,725	£936,220
Income and charging									
23	DfE place funding @ £10k per place annually in arrears	£0	£0	£0	£0	£0	£0	£0	£0
24	Cost of provision (financial year) (lines 17 and 20)	£408,750	£408,750	£643,350	£836,250	£990,060	£1,144,890	£1,211,825	£1,231,720
25	Net cost per place for LAs to fund (place plus therapies)	£88,000	£88,000	£54,000	£46,000	£40,000	£36,000	£32,000	£28,000
26	Estimated impact of around 6 BFC non-LEA leavers @ £41,400	-£144,900	-£144,900	-£369,200	-£576,200	-£783,200	-£990,200	-£1,197,200	-£1,404,200
27	Estimated income from OLAs: (lines 18 and 21)	-£35,000	-£35,000	-£94,500	-£136,400	-£183,500	-£243,000	-£285,100	-£295,500
28	Estimated saving / income from OLA (lines 26 and 27)	-£179,900	-£179,900	-£463,700	-£712,600	-£966,700	-£1,233,200	-£1,482,300	-£1,699,700
29	Net additional cost(+) / saving(-) (lines 24 and 28)	£228,850	£228,850	£179,650	£123,650	£23,360	-£88,310	-£270,475	-£467,980
30	Cummulative change	£228,850	£228,850	£405,000	£522,550	£538,210	£439,700	£157,225	-£323,955
31	Estimated draw down from SEN Resource Unit Reserve (line 29)	£228,850	£228,850	£179,650	£123,650	£23,360	£0	£0	£555,510
32	Total available in SEN Resource Unit Reserve	-£489,784	-£55,000	-£55,000					-£599,784
33	Estimated remaining balance in SEN Resource Unit Reserve								-£44,274
34	Estimated on-going saving - annual						-£88,000	-£182,000	-£198,000
35	Estimated on-going saving - cumulative						-£88,000	-£270,000	-£468,000
Note:									
36	Income due from other LAs for specialist therapies	£0	£0	-£3,500	-£5,700	-£7,700	-£10,200	-£12,000	-£13,200

2016-17 Proposals for changes to the High Needs Budgets

Line Ref	Description	Proposed Budget Change £	Summary Comment
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SCHOOLS BUDGET - HIGH NEEDS BLOCK

1	Kennel Lane Special School - Element 3 top ups (original budget)	207,000	Current estimate is for initial budget requirement of £3.682m. Includes 185 purchased places and funding for anticipated BFC resident pupils. The pupil profile is changing with more higher cost admissions that increases costs.
2	Kennel Lane Special School - Element 3 top ups (in-year changes)	88,000	Further placements are expected during the course of the year. £0.189m is expected to be added to KLS during 2015-16.
3	BF Primary Resource Units - Element 3 top up funding	-15,000	Based on the current pupil profile, a saving is anticipated.
4	Rise@ GHC	222,000	Budget adjustment from NMSS (line 10) to reflect full year effect savings from September 2015 placements and part year effect of September 2016 placements. With line 11 below, reconciles to change at line 26 of Annex 3.
5	BF schools - element 3 short term interventions	5,000	To prevent exclusions. Generally high cost. No current base budget for this spend.
6	BF schools - element 3 top up funding	-10,000	Reflects current spend, which is anticipated to remain fairly stable.
7	NON BF schools - element 3 top up funding	25,000	Reflects current spend, which is anticipated to remain fairly stable.
8	Equipment for SEN Pupils pre 16	-3,000	Reflects current spend, which is anticipated to remain fairly stable.
9	Medical support to pupils pre 16	-5,000	Reflects current spend, which is anticipated to remain fairly stable.
10	Non Maintained Special Schools (NMSS)	-707,000 264,000	Forecast on-going costs £5.415m, inflation at 2% £0.12m 2016-17 proposed growth on post 16: 15 new places at part year cost of £7,600 each and £150k for additional element 2 place costs not being funded by the EFA.
11	Speech and Language	2,000	Pressure from Rise@GHC. Transferred from saving in NMSS (line 10).
12	TASS - Sensory Consortium	-10,000	Reflects current spend, which is anticipated to remain fairly stable.
13	SEN Tribunals post 16	-5,000	Reflects current spend, which is anticipated to remain fairly stable.
14	Add back in-year deduction to DSG	-34,000	Reverses one-off 2015-16 in-year adjustment to High Needs Block DSG by EFA.
15	HN Block funding review	34,000	See Annex 6.

Total SEN Provisions and Support Services **58,000**

Education out of School

16	College Hall PRU - in-year income from exclusions	-10,000	Income from managed moves and permanent exclusions that is used to part fund College Hall PRU exceeds the budget target.
17	Home Tuition	20,000	Additional costs from external placements not suitable for College Hall.
18	Other externally purchased Alternative Provision	20,000	Cost of placements in externally commissioned providers.

Total Education out of School **30,000**

TOTAL HIGH NEEDS BLOCK **88,000**

19	Financed by EFA post-16 places grant	-88,000	EFA grant funded. Actual receipts of circa £0.5m exceed current budget of £0.412m.
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High Needs Block Budgets

Budget Item	Final 2015-16 Budget	Remove Reserve funding	Proposed Changes	Initial 2016-17 Budget
Element 3 top up payments				
BFC maintained schools and academy	£765,050	£0	£202,000	£967,050
Non-BFC maintained schools	£842,000	£0	£25,000	£867,000
Kennel Lane Special School	£1,213,650	£0	£207,000	£1,420,650
Other specialist providers e.g. NMSS	£6,383,670	£0	£-443,000	£5,940,670
Specialist places			£0	
Kennel Lane Special School	£1,850,000	£0	£0	£1,850,000
BFC maintained schools	£292,000	£0	£0	£292,000
Education out of school	£0	£0	£0	£0
College Hall Pupil Referral Unit	£711,490	£0	£-10,000	£701,490
Home Tuition	£260,160	£0	£40,000	£300,160
Family Outreach Work	£94,130	£0	£0	£94,130
Other support to high needs pupils			£0	
Teaching and support services	£648,750	£0	£-10,000	£638,750
Sensory Impairment services	£226,470	£0	£2,000	£228,470
Autism support service	£84,000	£0	£0	£84,000
Traveller education	£75,140	£0	£0	£75,140
Medical support, specialist equip etc.	£210,610	£0	£-13,000	£197,610
SEN high needs contingency	£100,000	£0	£0	£100,000
SEN Resource Unit	£55,000	£0	£0	£55,000
Total DSG funded (1)	£13,812,120	£0	£0	£13,812,120
Reserve funding for KLS	£17,000	£-17,000	£0	£0
EFA sixth form grant for KLS	£412,170	£0	£88,000	£500,170
Total gross funding	£14,241,290	£-17,000	£88,000	£14,312,290
	£14,224,290			

(1) comprises current budget for HNB DSG of £11.719m plus £2.093m transfer from Schools Block.

Commissioning an independent review of the use of the High Needs Funding Block including SEND provision in Bracknell Forest.

Bracknell Forest has 39 schools, of which

- six are secondary (one with a newly opened Autistic Spectrum Disorder resource base and the Academy hosts an integrated Specific Learning Difficulties unit),
- 31 are primary phase schools (one with an Early Years ASD unit, one with a resource base run by the special school, one with a Speech and Language Therapy resource and six running nurture groups),
- one is a special school EY to KS5 and
- one is a secondary Pupil Referral Unit.

Pupils with special needs are placed in a variety of educational provision outside of the borough and this pattern continues with post-16 provision resulting in a significant cost pressure.

Benchmarking against other SE region LAs shows Bracknell Forest has a higher than average percentage of pupils with statements/EHCP for the region and substantial difference to some other unitary authorities although the trend is downward.

A number of pupils of all ages attend specialist provision out of borough as this currently cannot be provided by schools in Bracknell Forest.

Key Stage / Age	Resource Placements	Maintained Special Placements	Independent Specialist Provision	Cost £m (excluding transport)	Average Cost £m
1	2	4	4	£0.221m	£0.022m
2	1	3	14	£0.550m	£0.031m
3	2	16	21	£1.024m	£0.026m
4	3	11	34	£1.583m	£0.033m
Age 16-19	0	11	19	£1.186m	£0.040m
Age 20+	0	0	10	£0.405m	£0.041m
Total	8	45	102	£4.970m	£0.032m

Total all places	155
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Resource bases are units that are attached to mainstream schools, and are usually created to offer focused specialist support in one particular area of need. Students who are placed in Resource units are often able to access mainstream classes and curriculum, but spend time or have direct access to the higher levels of specialist support that they require for their primary need, and is available only within the resourced unit.

Maintained Special Schools are schools that have specialist provision integrated throughout their school day, to support certain identified special educational need groups. Learners who are placed at such schools have been identified with needs that cannot be met by provision that is reasonably available within mainstream schools. Maintained Special Schools are maintained by the Local Authority.

Independent Specialist Provision refers to special schools that are run by independent companies or charity groups. Like Maintained Special Schools, independent schools specialise in meeting special educational needs by offering support packages that cannot be reasonably implemented within mainstream schools. Some independent special provision offer more focussed and specialised support than what is available at maintained special schools, where needs are high and complex. Costs for such provision can be high due to both the nature of the specialist provision required, and also due to the limited access to such placements.

Changing needs

Data shows an acute pressure in relation to ASD needs (as evidenced by CAMHS waiting list for diagnosis and feedback from headteachers about the paucity of specialist commissioned services to support pupils both pre and post- diagnosis), there is a cohort of PMLD children currently attending the local special school who will require specialist post-18 provision in the next two years which presently would require costly out of borough provision.

There is clear evidence through increased use of fixed period exclusion locally and nationally that for a small cohort of pupils, behaviour needs are not being met by the education provision..

In primary schools, the Behaviour Support Team and in secondary schools the PRU Outreach Team have worked to build capacity and model effective behaviour management strategies. However, there is still a small number of pupils whose behaviour results in them making little or no progress and in some cases, disturbing the learning of others and for whom the LA needs to identify appropriate alternative provision.

The secondary PRU is currently the main alternative provision for the borough. On occasion it is not appropriate to use the PRU for a placement, but current budget allocation allows little flexibility to commission other provision, resulting in financial pressures.

Legislative changes have too had an impact. The financial implications of the implementation of The Children and Families Act 2014 which extended the LA's responsibility to support access to educational provision for young up to the age of 25 who have a disability and those with Special Educational Needs has increased financial pressures significantly as young people who are eligible tend to have complex needs and access expensive placements. The legislation has also added volatility in areas which is already difficult to predict overall costs until half way through the financial year.

In summary, the local needs and demands are changing and this is within a context of reducing budgets. All of the provision described above, plus some additional provision, is commissioned by the Local Authority using the High Needs Block. Moving forward, there is a need to ensure that the LA, in partnership with school leaders, is utilising these funds in the most effective and efficient way of to gain the best possible outcomes for vulnerable children and young people.

Funding

This provision is funded from the Dedicated Schools Grant High Needs Funding Block, which also makes a contribution (with headteachers' agreement) to a range of targeted service teams that were previously considered to contribute to 'preventative work' with pupils with a range of needs including specific learning difficulties. In essence in the current expenditure level requires £2m of funding allocated for schools being diverted to high needs pupils.

Currently there is no scope or flexibility to meet emerging needs as there is no unallocated budget for alternative provision in any phase. Up until this year, demands for alternative provision have been met within other budget areas and the low demand meant that this was manageable. However, this position cannot be sustained going forward.

Interim arrangements are being put in place to support primary schools with the inclusion of children with challenging behaviour. The intention is to establish two behaviour resource bases in primary schools from April 2016 which will be staffed by the Behaviour Support Team and will provide daily Alternative Provision for a small cohort of children that meet the

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appropriate criteria. A project plan is currently being drafted for this provision and will be consulted on with headteachers.

With regard to better understanding and meeting the needs arising from ASD, innovation funding from the CCG has enabled the development of a multi-agency ASD strategy, a draft of which will be available at the end of March 2016. The strategy development process and resultant document will identify the LA's principles, ambitions, existing provision and gaps in support, providing a road map to inform investment of resources to better meet needs in the future. Also through this funding, one secondary school and one primary school are being sponsored to gain accreditation as an autism-friendly institution through the National Autistic Society and these schools will be used as beacons of good practice, supporting other schools to improve their practice.

These are all steps in the right direction, however in planning for the longer term, structural changes in budget allocation and the configuration of services needs to take place to better align the resources and processes to meet pupil, student and school needs. The intention is to identify options for

- making savings for re-investment including into mainstream schools and to make funding available for a wider range of Alternative Provision options in the primary and secondary phase
- to better manage needs and dampen demand for out of borough specialist provision
- developing more local specialist provision in KS1 and 2 ASD, behaviour and PMLD to both improve services and reduce costs over all.

Purpose of the review

An independent review is being commissioned to assess and make recommendations on

- current effective SEND, Targeted Services and externally commissioned service provision which should continue
- emerging and future pupil and student demands
- improving the alignment of current service provision (including commissioned services) to current demand, identifying the potential for savings
- the development of new ways of working and service provision to meet emerging and future needs funded from savings

and to reflect recommendations in the development of a draft Bracknell Forest SEND strategy.

Areas for consideration

- 1/ To assess if the current SEND funding system in the range of maintained education provision, meets needs, delivers effective outcomes and value for money
- 2/ Identify existing good practice and make recommendations on improvements in SEND processes and funding allocation specifically the SEN panel process which considers whether or not pupils should be given a Education, Health and Care Plan and the current base funding and bandings used to agree top up funding
- 3/ Analyse the use of funding in
 - a 20% sample of mainstream schools,
 - the local special school and one other comparable special school where BF places pupils
 - two post-18 providers
 - the secondary PRU

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and benchmark against schools and providers that the review team consider have good practice; collect and analyse the views of a focus group of key stakeholders including parents about the provision

- 4/ Analyse the evidence base for the model used in some LAs of devolving a higher level of funding to schools (sometimes to geographic school clusters) to meet SEND needs prior to the formal EHCP processes and comment on the desirability of this approach in BF.
- 5/ Analyse the existing LA wide provision against current and projected needs and make recommendations about
 - how mainstream provision could be developed to better meet needs
 - the best use of existing specialist provision
 - the scope for re-directing resources into additional specialist provision locally

in the medium and long term.

Methodology

A team comprising of an experienced headteacher with senior leadership experience in both mainstream and special schools and a senior officer level post with experience of managing SEN services in at least two LAs will be commissioned to conduct the review working in close partnership with Bracknell Forest Finance Team.

The intention is to conduct the review during the summer term 2016, with a final report available at the end of September 2016 so that the findings and recommendations can inform budget planning for the 2017-18 financial year.

Governance

Governance will be through three interim reports to the Director's Management Team

- April - project plans, intentions, timelines
- June - update on progress, emerging findings
- August - draft report for comment
- September – final report.

A monthly Project Board will meet with the team to monitor progress, guide, advise and support the work and consider the findings. The Project Board will include representation from SEN, targeted services and finance.

Updates on progress will be reported to Schools Forum through the Head of Finance report and to the Director's meeting with Headteachers.

Following consideration of the recommendations arising from the review, the LA will formulate proposals for consultation with key stakeholders to agree on future use of the High Needs Block.

Day to day management of the project will be through the Head of Targeted Services.

Outputs

- A report which describes the process, the evidence base and makes recommendations on points 1-5 above
- A draft SEND strategy reflecting the recommendations made.

For more information

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