

Consultation:

**How will we allocate top-up funding for pupils with
Special Educational Needs and Disabilities (SEND)**



1. Background

Within Buckinghamshire, there is a significant and compelling objective to deliver high quality education for children and young people with Special Educational Needs and Disabilities (SEND). The Buckinghamshire County Council Strategic Plan clearly sets out the Council's commitment to delivering high quality education across all of our schools, enabling the best for every child, with a particular focus on our most vulnerable.

In March 2012, the Government set out the steps it intended to take to reform the school funding system to make it fairer, simpler, with greater consistency and transparency. The purpose of this was to ensure that resources reach the schools and children and young people most in need. This led to the Department for Education (DfE) issuing the document *School Funding Reform: Arrangements for 2013-14*; these reforms sat alongside the Children and Families Act 2014 which changed the nature of support for children and young people with SEND through the introduction of Education Health and Care Plans (EHCPs), replacing the previous system of Statements of SEN. The SEND reforms also increased the age range of students who would be subject to an EHCP to 0-25.

The school funding reforms introduced changes to funding in relation to high needs. These were to ensure that all providers across both mainstream and specialist settings would be funded on a needs-led basis, with top up funding allocated individually to children and young people according to their needs.

The DfE undertook extensive national consultation on the school funding reforms before these were introduced. In response to these reforms, Buckinghamshire County Council's SEND Strategy 2017-2020 highlighted at priority 7 the need to develop improved approaches to monitoring and accountability, especially in relation to the use and impact of high needs funding in schools and other educational establishments.

The strategy clearly committed to a review of the way in which top-up values are allocated and that consideration is given to the banding system that results in top-up funding to both mainstream and special schools. The local authority undertook a statutory consultation on the strategy in October 2016 which was approved by Cabinet on 6th February 2017.

In line with many local authorities, Buckinghamshire County Council faces a number of challenges regarding the continuing increase of children and young people who are assessed as in need of an EHCP, and associated high needs funding. From January 2015 to January 2019, there was a 28% increase in the number of children and young people with an EHCP; the most rapid increase was between January 2018 to January 2019 with an increase of 12%, compared to 11% nationally. This has led to a significant pressure on resources, both within local authority teams and in the ability to place pupils in appropriate educational establishments. In addition, the types of SEND being assessed are different from the pattern that had been prevalent in Buckinghamshire in the past.

In light of the above, we are now at a point where we need to review the current provision and the way in which we use our high needs funding in order to:

- i. Bring funding in line with government guidance to ensure funding is allocated on a needs-led basis;
- ii. Deliver on the Council's priorities and the SEND Strategy;

- iii. Ensure the way we allocate top-up funding is fair, simple, consistent and transparent, and enables us to plan how we meet the increasing number of children and young people with SEND within the funding available.

2. The pressure on high needs funding

Buckinghamshire County Council is experiencing significant and growing pressure within the high needs budget. BCC data predicts that the number of EHCPs will increase over the next five years from the current positions as outlined below:

- 3.3% of children attending school have Education and Health Care Plans, compared to a figure of 3.1% nationally.
- Buckinghamshire currently has approximately 4650 children with an Education and Health Care Plan, an increase of 28% from January 2015 to January 2019.
- The period between January 2018 and January 2019 saw a significant increase of 443 Education and Health Care Plans being issued; a rise in one year of 12%.

Source: School Census Data January 2019

For the financial year 2019/20. BCC are currently projecting expenditure of £80.31 million against a high needs budget allocation of £77.39 million (after academy recoupment).

3. Development of the proposal

The School Funding Reform; Arrangements for 2013-2014 made it clear that the setting of top up funding is a matter for local determination and that local authorities may choose to use local banding frameworks to manage top-up funding. These arrangements have not changed in the intervening years since 2014 and the *High Needs Funding 2020 to 2021 Operational Guide* continues to emphasise “*local authorities must treat those placed in maintained provision, in academies and free schools, in the further education sector, and in non-maintained and independent provision on a fair and equivalent basis when making arrangements for funding young people with high needs.*”

The reforms also sought to strengthen the relationship between the local authority and the Schools Forum:

“An important aspect of local decision-making is the Schools Forum. Schools Forums were put in place to support local authorities on matters relating to school budgets and they play a critical role in representing the views of all the schools in the area, including academies, free schools, maintained schools and early education providers.”

In line with these objectives, we invited colleagues across Buckinghamshire to join a ‘Needs and Provision Working Group’ in June 2019, to review the current funding model and consider whether we could develop a more equitable funding model that is needs-led.

This group comprised senior leaders from mainstream, specialist and mainstream schools with additionally resourced provisions (ARPs) and was led by an independent consultant. The group looked extensively at options for high needs funding and a needs-led model; it

is the output of the group which has informed the basis of the proposals within this consultation.

The Needs and Provision Working Group has regularly reported on their work, including to the Schools Forum and the SEND head teacher meetings, to ensure that any feedback from stakeholders has been considered as part of the proposals.

In addition, as part of the working group's activities in scoping a new model of funding, a number of pre-consultation information and modelling events were held.

BCC have worked in partnership with the Needs and Provision Working Group to support protocols for modelling potential funding and moderation processes. In addition, BCC have engaged with our special schools to help us understand how a potential model could be adapted to meet the needs of our schools, the LA and, more importantly, the needs of our children and young people with SEND.

Aim of the consultation

BCC is seeking your views on these proposals as part of a formal consultation. This document explains our proposals in relation to the allocation of top-up funding to schools.

The High Needs Budget for BCC in the financial year 2019-20 is £77.39 million (after academy recoupment). There are an increasing number of children and young people who have been assessed as needing an EHCP; however, funding from central government has not increased in line with this increased demand. It is essential that we develop a best practice model of funding to ensure that the available funding is allocated in an equitable and transparent way to meet the needs of our SEND population.

Your responses will help us to shape the future funding model for allocation of high needs funding.

Who are we consulting with?

We are consulting with education leaders across Buckinghamshire and are seeking views on our proposal for changes to how we allocate the money that we get from central government to spend on education for children and young people with SEND. The scope of this consultation includes headteachers, governors and senior leaders from our special and mainstream schools, further education providers, early years settings, pupil referral units and alternative provision.

What are the proposed changes?

We are looking for your feedback on how to change the system we use to allocate our high needs funding. We are consulting you on the following four options:

- **Option A** – Do nothing and continue with the current way of allocating of top-up funding.
- **Option B** – Move to a needs-led funding approach based on an adapted model for Buckinghamshire.
- **Option C** – Move to a needs-led funding approach by drawing up a new bespoke model for Buckinghamshire.

- **Option D** – Move to a needs-led funding approach by utilising an existing model from a comparator authority.

Our preferred option is B. This option has been developed in consultation with the Needs and Provision Working Group. The group has reviewed options for future funding, taking into account views of stakeholders through regular reports to the Schools Forum, SEND headteacher meetings and joint working with special school headteachers. It is the view of the local authority that this is the best option to deliver on the aims of the review.

There are no savings attached to these proposals. Our aim is to ensure that the local authority has the right information to make sure each children and young people has the right provision to meet their needs.

Option A – Do Nothing

Option A is to continue with the current method of funding for top-ups.

Buckinghamshire County Council currently allocates top-up funding through a number of different methodologies, depending on the type of setting. For example, top-ups for pupils in mainstream schools are based on a number of hours identified in the EHCP, top-ups in Additionally Resource Provision is based on a locator system (a type of banding according to need) and special schools are funded on a provision-led model which is based on the costs within individual schools, based on the historical running costs of a school.

Benefits

- Certainty for schools - each type of school is used to the current method of funding allocation and so this may support budget planning at a school level.

Disadvantages

- Not consistent with DfE guidance on top-up funding and does not meet the council's stated priorities.
- Not transparent or equitable as pupils with similar needs can be funded at different rates depending on which school or provision they attend.
- It is difficult to moderate costs across different types of provision.
- The current method of funding special schools based on historical costs does not take account of the increasing need for SEND provision or the changing profile of children with an EHCP and, as such, is not sustainable in the long term.

For these reasons the local authority does not recommend Option A.

Option B – A needs-led funding model adapted for Buckinghamshire.

To change the way we allocate funding for children and young people with EHCPs from a resource based model to an open and transparent needs-led allocation based on a set of descriptors adapted to the needs of children and young people in Buckinghamshire. The proposed descriptors are already used in another local authority but need to be adapted to be used within the Buckinghamshire context and mix of provision.

This type of funding model is one in which each child and young people's needs are assessed against set criteria or descriptors. This is then compared with descriptions of provision to determine what level of funding is required to deliver that provision. Descriptors are grouped into a number of bands based on level of need and a financial value is ascribed to each band.

In line with the recommendation of the working group, the banded funding model is based on five areas of SEND (aligned with the four broader areas in the *SEND Code of Practice, 2015*):

- a) Speech Language & Communication
- b) Cognition and Learning
- c) Social, Emotional & Mental Health
- d) Sensory
- e) Physical and/or Medical

Our proposal is that children and young people will be assessed as having a primary need from one of the five areas of SEND need that fall into one of the following bands:

Band 1 Universal and Core Funding	All pupils would be funded through the basic entitlement. Additional provision for these pupils would be funded through schools designated budget in addition to the Pupil Premium being used, where appropriate.
Band 2 High Needs Block	Top up funding from the LA for pupils with more complex, low incidence high cost needs. Children and young people with this level of need will be placed in a range of provision that includes mainstream settings, ARPs and special schools.
Band 3 High Needs Block	Top up funding from the LA for children and young people with significant complex, high cost needs. There may be small number of children and young people with this level of need who are appropriately placed in either additionally resourced provision or mainstream provision.
Band 4 High Needs Block	Top up funding from the LA for children and young people with significant complex, high cost needs.

As part of the review process, a number of engagement sessions have been carried out with stakeholders and modelling undertaken with schools which has informed the process and enabled adaptations to be made to the descriptors in the preferred model for Buckinghamshire. This work will inform the timetable for implementation.

It is proposed that the new model will be implemented with special schools and special academies initially from September 2020, with a roll out to ARPs and mainstream and other education providers, following further engagement sessions to adapt the model if required.

The working group analysed a number of different funding models and in accordance with the recommendations of the working group we think this model will have the following benefits:

Benefits

- The model is in line with the DfE Guidance on High Needs Funding.
- The way funding is allocated will be consistent and easier for everyone to understand.
- This model will ensure that children and young people who are assessed in a particular band will be funded at the same level regardless of the setting at which their education may take place.
- It will cover all areas of needs and ensure children and young people with similar needs are funded on an equivalent basis.
- It will make sure allocation of funding is based on evidence of need ensuring a fair allocation of resources.
- It will make sure funding is allocated using clear and transparent principles.
- It will be able to be used across the continuum of universal, targeted and specialist provision for 0-25 year olds.
- It provides a sustainable model for future allocation of High Needs Funding, taking into account the projected growth in EHCPs in the county.
- The model would provide a readily available framework for assessment of need based on a methodology already being used in another local authority but adapted to reflect the mix of provision in Buckinghamshire

It is recognised that this proposal is likely to result in changes to an individual school's budget share and may introduce some element of uncertainty for educational establishments. The local authority will seek to minimise the impact of these changes by working with educational establishments to assess the level of need of the children in each school, through the implementation of a phased approach of changes set out above and by continuing to work with the Schools Forum and SEND Headteacher Group to provide information/ resolve any issues. For specialist provision, where top-up funding represents the bulk of the funding for an individual setting, transitional arrangements will be considered in consultation with schools and Schools Forum.

We would initially pilot the new model of funding with the BCC special schools and special academies from September 2020, moving to a wider roll out to all education settings as the model is developed.

Buckinghamshire County Council supports this option.

Option C – Develop a bespoke needs-led funding model for Buckinghamshire

To implement a bespoke model for Buckinghamshire by building a set of descriptors from scratch with the aim of achieving a needs-led system for top-up funding across all types of provision in the county.

Benefits

- The model would be in line with the DfE Guidance on High Needs Funding.
- The way funding is allocated would be consistent and easier for everyone to understand and ensure that children and young people who are assessed in a particular band will be funded at the same level regardless of the setting at which their education may take place.
- It will cover all areas of need and ensure children and young people with similar needs are funded on an equivalent basis.
- It will make sure allocation of funding is based on evidence of need, ensuring a fair allocation of resources.
- It will make sure funding is allocated using clear and transparent principles.
- It will be able to be used across the continuum of universal, targeted and specialist provision for 0-25 year olds.
- It will provide a sustainable model for future allocation of High Needs Funding, taking into account the projected growth in EHCPs in the county.

Disadvantages

- Would take significant time to develop.
- May not build on best practice and experience from other local authorities where similar models are already in operation.

It is recognised that this proposal is likely to result in changes to an individual school's budget share and may introduce some element of uncertainty for educational establishments. The local authority will seek to minimise the impact of these changes by working with educational establishments to assess the level of need of the children in each school, through the implementation of a phased approach of changes set out above and by continuing to work with the Schools Forum and SEND Headteacher Group to provide information/ resolve any issues. For specialist provision, where top-up funding represents the bulk of the funding for an individual setting, transitional arrangements will be considered in consultation with schools and Schools Forum.

Option D - Needs-led funding based on an existing banded funding model

To implement a funding model based on a set of general descriptors that is already being used by another local authority.

Benefits

- An existing model that is already in place in another local authority would provide a readily available framework for assessment of need.

Disadvantages

- The assessment that informs the descriptors may not correlate to the assessment process used within Buckinghamshire.
- A model that has been developed for a different local authority will not take into account the mix of available provision in Buckinghamshire and so may be difficult to apply without adaptation.

It is recognised that this proposal is likely to result in changes to an individual school's budget share and may introduce some element of uncertainty for educational establishments. The local authority will seek to minimise the impact of these changes by working with educational establishments to assess the level of need of the children in each school, through the implementation of a phased approach of changes set out above and by continuing to work with the Schools Forum and SEND Headteacher Group to provide information/ resolve any issues. For specialist provision, where top-up funding represents the bulk of the funding for an individual setting, transitional arrangements will be considered in consultation with schools and Schools Forum

Moderation Process

To ensure any new funding model is transparent and equitable, it is proposed that a system of moderation is implemented. This will ensure that senior education leaders work in partnership with the LA to quality assure the decisions they make. It will also mean that schools and settings are central to the process and instrumental in making it fair and consistent. In the autumn of 2019, the working party piloted a moderation process which upon completion was evaluated. The evaluation report highlighted the need for schools to work together to share examples of good practice. Overall, schools found the process of producing evidence folders and of the moderation process itself good preparation for any form of inspection.

In developing our proposals we carried out the following engagement activities:

Date	Participants	Title and location	Purpose
18 th September 2019	23	High Needs Funding information event, Booker Park School, Aylesbury	To provide special school leadership teams with information regarding a proposed move to funding model.
19 th September 2019	17	High Needs Funding information event, Chiltern Wood School, High Wycombe	To provide special school leadership teams with information regarding a proposed move to a banded funding model.
27 th September 2019	3	High Needs Funding information event, County Hall, Aylesbury	To provide special school leadership teams with information regarding a proposed move to a banded funding model.
8 th October 2019	9	High Needs Funding Information session, Booker Park School, Aylesbury	To provide special school leadership teams with information regarding a proposed move to a banded funding model.

We carried out the following engagement activities to pilot a quality assurance moderation process.

Date	Participants	Title and Location	Purpose
14 th October 2019	9	Trial quality assurance Stony Dean School	To model how a consistent and fair assessment of need could

			be developed.
15 October 2019	6	Trial quality assurance Booker Park school	To model how a consistent and fair assessment of need could be developed.
16 th October 2019	6	Trial quality assurance Heritage House School	To model how a consistent and fair assessment of need could be developed.
16 th October 2019	6	Trial quality assurance Pebblebrook School	To model how a consistent and fair assessment of need could be developed.
17 th October 2019	6	Trial quality assurance session Chiltern Wood School	To model how a consistent and fair assessment of need could be developed.
21 October 2019	7	Trial quality assurance session Alfriston School	To model how a consistent and fair assessment of need could be developed.
23 rd October 2019	8	Trial quality assurance session Chiltern Way Academy	To model how a consistent and fair assessment of need could be developed.
14 th November 2019	5	Trial quality assurance session Westfield School	To model how a consistent and fair assessment of need could be developed.
14 th November 2019	5	Trial quality assurance session Furzedown	To model how a consistent and fair assessment of need could be developed.

Consultation Questions

Which of the four options outlined above is your preferred option for the allocation of top-up funding?

Option A – Do nothing.

Option B – Needs-led funding based on an adapted model for Buckinghamshire.

Option C – Needs-led funding based on a bespoke model for Buckinghamshire developed from scratch.

Option D - Needs-led funding based on an existing banded funding model.

To ensure our education partners are able to engage fully with our consultation, we are holding some consultation engagement events which will give you the chance to discuss any queries you may have.

Venue	Date	Time
Cresssex Community School, Holmers Ln, High Wycombe	Tuesday 3 rd March	16:00 – 17:30

HP12 4QA		
Booker Park School, Stoke Leys Close, Kynaston Avenue, Aylesbury HP21 9ET	Wednesday 4th March	16:00 – 17:30
Heritage House Cameron Rd, Chesham HP5 3BP	Thursday 5th March	16:00 – 17:30

Consultation Response

1. What is the name of the organisation you are responding on behalf of?

2. We are proposing to change the process of allocating top-up funding for students with EHCPs. We are proposing a needs-led funding model. To what extent do you agree or disagree with this proposal?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
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3. If you do not agree please set out your reasons why:

All Options:

4. **We are proposing a choice of 4 models for a future top-up funding allocation model. These are detailed in the consultation document. Which of these four options would you like to see implemented?**

Option A – Do nothing, no change to the current system

Option B – Needs-led funding based on an adapted model for Buckinghamshire

Option C – Needs-led funding based on a bespoke model for Buckinghamshire developed from scratch

Option D - Needs-led funding based on an existing banded funding model

Another option not listed above

I'm not sure

5. Please set out your reasons for supporting your preferred option:

6. If you selected another option not listed, please provide further details.

7. Do you have any other comments on the band definitions?

Option B

8. We are proposing a system that uses four bands to assess a student's top-up funding needs. We think this will enable us to create a fairer, simpler, more consistent and transparent needs-led funding model. To what extent do you agree or disagree with this proposal?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

9. If you do not agree please set out your reasons why:

Options B, C & D

10. Do you support the Council's proposal for a system of moderation to ensure that the assessed need of children and young people is applied consistently, transparently and fairly?

11. Do you agree with a phased implementation, starting with special schools with roll out to mainstream and further settings in future years?

12. Do you have any comments on the Council's proposed transition arrangements?

13. If you would like to expand on any of your responses above, or have any other comments you'd like us to consider, please provide further details.