



Consultation Evaluation Report

On the allocation of top-up funding for pupils with Special Educational Needs and Disabilities (SEND)

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1. Executive Summary

This summary highlights the key outcomes of the consultation regarding the allocation of Top Up funding for pupils with Special Educational Needs and Disabilities (SEND). The consultation was held between 13 February and the 6 March 2020 and sought the views of headteachers, governors and senior leaders from our special and mainstream schools and pupil referral units. 59 responses were received.

The majority of respondents expressed an opinion in favour of moving to a needs led funding model. Over 86% of Respondents either strongly agreed or agreed the proposal to move to a needs led funding model. The majority of respondents also expressed a need for a more transparent and fairer way of allocating top up funding as they felt the current model was unfair. A very small number of respondents (3) disagreed with the move to a needs led funding model.

The majority of respondents expressed a preference to move to a banded funding model that could be adapted to meet the needs of the children and young people within Buckinghamshire (Option B). 76% of Respondents supported a move to the Council's preferred option. Respondents commented that this appeared to be a fairer, transparent and more equal way of funding with a number of the Respondents commenting that the current method of allocating funding was very unfair. Some respondents, whilst agreeing in principle did express concerns about the level of funding each band would attract. A small number of respondents (4/6.78%) expressed a preference for another option not listed in the consultation and a small number (6/10.17%) felt that they did not have sufficient information to make a decision regarding the options.

Just over half of respondents agreed to a funding model that was focused around four bands of need. However taking into account the responses to consultation and feedback received at the engagement events, the Needs and Provision Group is leading on a review of the number of bands required and a revised model does now contain five bands and an 'exceptional' band. It has also had the descriptors for several areas re-written and/or developed to enhance their application.

Almost all respondents agreed with a process of moderation to ensure that the allocation of top up funding was consistent, fair and transparent. One respondent did not agree and one did not feel they had enough information to make a decision.

The majority of respondents (77.82%) agreed to a phased transition to the new funding model, however there were comments about the order of implementation in terms of which type of setting should be in each phase. Comments from mainstream and special schools suggested the move to the banded funding model should happen as soon as possible due to inequalities around current funding arrangements.

Overall the majority of comments regarding the consultation were positive. However it is recognised that whilst the majority of respondents are supportive of a move to a new model there is a certain amount of nervousness particularly regarding implementation in mainstream schools and Additionally

Resourced Provisions (ARPs). In response to this there will be further work completed in partnership with schools and ARPs to ensure that the model is understood and easy to implement for each setting.

2. Purpose of this Report

The purpose of this report is to publish the results of the consultation regarding the way in which Buckinghamshire allocates top up funding for pupils with Special Educational Needs and Disabilities (SEND). It details the consultation process and outputs, in addition to response numbers, types and key themes.

3. Background

Within Buckinghamshire, there is a significant and compelling objective to deliver high quality education for children and young people with SEND. The Buckinghamshire 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 and 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. 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.

In line with many local authorities, Buckinghamshire Council faces a number of challenges regarding the continuing increase of children and young people who are assessed as in need of an Education, Health and Care Plan (EHCP), and associated high needs funding. 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, Buckinghamshire Council made the decision on 8 March 2019 to carry out a consultation with education stakeholders in order to seek the views on the way in which top-up funding is allocated for pupils with SEND.

The consultation started on Friday 13 February 2020 and closed at midnight on the 6 March 2020.

4. Consultation Objectives

The consultation set out a number of proposals in relation to the allocation of top-up funding. These were:

- **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.

The principle objective of the consultation was to hear the views of stakeholders about these options to inform the development of a best practice model of top-up funding. The model needs to ensure that the available funding is allocated in an equitable and transparent way to meet the needs of our SEND population.

5. Consultation Process

The Council’s corporate consultation process was followed. This has four distinct phases:

- i.Planning and Research
- ii.Pre-engagement
- iii.Consultation
- iv.Consultation close and report

A project team coordinated the consultation process. The team included:

- Christine Preston, Education and Sufficiency Commissioner (lead)
- Hero Slinn, Head of Integrated SEND
- Liz Williams, Head of Finance, Children’s Services
- Emma Molloy, Consultation and Engagement Lead
- Kim Parfitt, Head of Communications
- Helen Fincher, Senior Customer and Communications Officer

The proposals contained within the consultation document were signed off by the Corporate Director of Children’s Services, Tolis Vouyioukas, and the Director of Education, Joanna Cassey.

6. Methodology

i. Planning and Research.

A working group named the Needs and Provision Group was established, made up of representatives from the special school sector (3), the mainstream school sector (1), schools with Additionally Resourced Provisions (5), local authority officers (3) and a consultant (1). (See appendix 1) The group researched data and information to inform the pre-engagement stage of the consultation. This included researching models used in other areas, including West Berkshire, Surrey and Birmingham.

ii. Pre- engagement

The Needs and Provision Group identified a potential model of funding and moderation that it felt may work well in Buckinghamshire. This model was based on an approach used in Birmingham. This model was favoured over other area models for the following reasons:

- The model is needs led;
- The model is easy to understand and use;
- The model has a sufficient number of bands to reflect the range of needs in Buckinghamshire. Models with too few bands were felt to be unhelpful, and those with too many were overly complex. This model appeared to strike the most appropriate balance.

The group agreed that trialling the model prior to consultation would be helpful so that the proposal could be informed by this experience. Trialling the model with special schools was felt to be the best approach as these schools would provide the broadest range of SEND, and would highlight any potential areas for further development. This trial took place in the Autumn Term 2019.

Schools were kept updated about the work of the Needs and Provision Group through various avenues including Schools' Forum and the Meeting of Special School and PRU Headteachers and Principals with Local Authority Officers.

7. Communications

A consultation document and online survey was produced to seek feedback from stakeholders. This was emailed to all head teachers of Buckinghamshire schools, governing bodies and other educational professionals via the countywide online schools bulletin.

Three events in different locations were delivered during the consultation, attended by a total of 48 people. These face-to-face sessions were a key part of the consultation and allowed teachers and other school staff to ask questions about the consultation in person. This gave the project team the opportunity to listen to the schools views directly and answer any questions.

8. Summary of Consultation Responses

In total, 59 responses were received through the online stakeholder survey that was published at <https://yourvoicebucks.citizenspace.com/schools/be5cb838/>. These are summarised overleaf.

Allocation of top-up funding for students with Special Educational Needs & Disabilities (SEND)

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

There were 59 responses to this part of the question.

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?

Option	Total	Percent
Strongly agree	21	35.59%
Agree	30	50.85%
Neither agree nor disagree	3	5.08%
Disagree	2	3.39%
Strongly disagree	1	1.69%
I'm not sure	2	3.39%
Not Answered	0	0%

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

There were 10 responses to this part of the question.

4: We are proposing a choice of four 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	Total	Percent
Option A – Do nothing, no change to the current system	2	3.39%
Option B – Needs-led funding based on an adapted model for Bucks	45	76.27%
Option C – Needs-led funding based on a bespoke model for Buckinghamshire developed from scratch	1	1.69%
Option D - Needs-led funding based on an existing banded funding model	1	1.69%
Another option not listed above	4	6.78%
I'm not sure	6	10.17%
Not Answered	0	0%

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

There were 52 responses to this part of the question.

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

There were 3 responses to this part of the question.

7: 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?

Option	Total	Percent
Strongly agree	10	16.95%
Agree	25	42.37%
Neither agree nor disagree	7	11.86%
Disagree	8	13.56%
Strongly disagree	2	3.39%
I'm not sure	6	10.17%
Not Answered	1	1.69%

8: If you do not agree, please set out your reasons why:

There were 24 responses to this part of the question.

9: Do you have any other comments on the proposed band descriptors?

There were 31 responses to this part of the question.

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?

Option	Total	Percent
Yes	55	93.22%
No	1	1.69%
I'm not sure	3	5.08%
Not Answered	0	0%

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

Option	Total	Percent
Yes	43	72.88%
No	7	11.86%
I'm not sure	9	15.25%
Not Answered	0	0%

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

There were 39 responses to this part of the question.

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

There were 29 responses to this part of the question.

9. Themes Emerging from the Consultation Responses

Themes emerging from the consultation respondents comments are outlined in the table below.

Theme	Response
The Model	
The proposed model will ensure the money goes where it is needed, is fair and transparent, can be implemented quickly, and is based on good practice trialled elsewhere.	Agreed.
Developing a model from scratch will take too long. It is better and quicker to adapt a model that has been used elsewhere.	Agreed.
The current model is not fit for purpose and is poorly understood.	Agreed.
The proposed model will remove discrepancies in funding across different settings. If needs drive funding rather than the type of setting, the child should have access to the appropriate provision regardless of the type of setting.	Agreed. The 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.
A needs led model also needs to provide clarity on what the provision would look like to meet the need. If the model is purely attached to needs, there is no incentive for schools to put in place the relevant provision needed to address and potentially reduce needs.	Agreed. The descriptors for the banded model do cover provision as well as needs. As schools will be aware, a fundamental element of assessment of needs is the assessment of progress/outcomes resulting from provision that has been put in place. It is the evidence of the provision made, reviewed and assessed across time and the identification of which needs to prioritise at any given time that allow a pupil's range and level of needs to be better identified. Needs and provision are integral to the same cycle of schooling.
Parents can become focused on the hours of support rather than the way in which their child is supported. This model will help rectify this.	Agreed. The new model will enable more creative and effective interventions to be put into place to support children.
The proposed model may create additional administration and the requirement to involve the new school in year 6 Annual Reviews may be challenging.	Administration will be kept to a minimum to avoid unnecessary work for schools and the local authority. Involving the new school in the Annual Review will further support the transition arrangements and ensure the child has a positive experience moving between settings. In some engagement meetings, mainstream school staff commented that the evidence required for the moderation process appeared to be exactly what they recorded by default with regard to the

	assess, plan, do, review cycle for all children and young people with SEND.
What works in special schools may not easily transfer to other settings where there may be more dependency on individual funding.	Agreed. It is recognised that the model may need to be adapted as it is rolled out to other types of setting. We will work in partnership with representatives from ARPs and mainstream schools to ensure the model is effective in these settings.
The model does not take into account the different funding requirements for different needs i.e. expensive specialist teachers and equipment may be needed in some settings.	The basis of the model is that the pupil's severity of needs and provision requirement are assessed, and the pupil receives the funding that matches that assessment.
Other funding models in other counties need to be looked at and pros and cons weighed up.	The Needs and Provision group looked at models used in other areas, including West Berkshire, Surrey and Birmingham. Having assessed the pros and cons of each model, it was identified that an adapted Birmingham model may be suited to Buckinghamshire and this informed the model proposed in the consultation.
The proposed model needs to be flexible enough to cope with annual changes in pupil numbers, as there will still be fixed costs (i.e. a permanently employed specialist teacher), otherwise children may be disadvantaged and schools will find it hard to plan.	Agreed. Settings will continue to receive the base level of funding either through notional SEN funding in a mainstream school or through the place funding within specialist provision. Top up funding is allocated to meet the specific needs of each child over and above the base funding.
It is important that the band descriptors do not become the basis for how Education, Health and Care Plans (EHCPs) are written, instead of focusing on the needs of the child.	EHCPs will continue to be written based on the needs of the child, in line with the Code of Practice. Band descriptors are purely to allocate funding and have no bearing on the content of an EHCP.
There is little reference to legislation in the consultation document. The proposal needs to be underpinned by a clear understanding of the Local Authority's legal duties, parent's rights and children's entitlements.	The Local Authority is clear on its legal duties and the rights and entitlements of families. The new model proposed is in line with these.
The Local Authority must provide the support specified in an EHC Plan. It must provide the resources identified for the child and cannot restrict its financial responsibility by the use of "bands".	<i>The School Funding Reform; Arrangements for 2013-2014</i> 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 <i>High Needs Funding 2020 to 2021 Operational Guide</i> continues to emphasise "local authorities must treat those placed in maintained provision, in academies and

	<p>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.”</p> <p>The Council is committed to making the provision specified in students’ EHCPs, in accordance with s 42 of the Children and Families Act 2014.</p>
Banding	
The bands must be simple and transparent.	Agreed.
<p>4 bands are insufficient to capture the range of need and achieve an equitable distribution of funding to meet these needs. Bands are too wide/not specific enough.</p> <p>A 5th band may be required for the anomalies, such as those who need 1-1 funding for specific needs, e.g. medical conditions.</p> <p>Schools will need to renegotiate for pupils that are exceptional and sit outside the highest band.</p> <p>A flexible bespoke funding model is required, rather than 4 bands.</p>	<p>During the engagement sessions with special schools looking at a four band model, schools recognised that once they understood the breadth of each band and gained experience of applying them in practice, that applying a more individualised ‘flexible’ approach would be impractical. However, having considered the feedback from this consultation and the engagement work led by the Needs and Provision Working Group model has been revised and does now contain five bands and an ‘exceptional’ band. It has also had the descriptors for several areas re-written and/or developed to enhance their application.</p>
Band 1 does not apply to funding within the High Needs Block.	Agreed. This is relation to those students placed within SEND Support and for whose needs can be met through the already delegated resources to schools for SEND.
Children can have complex needs within a mainstream setting and might need more funding.	The model is based on the child’s needs, not setting, and therefore will be assessed and funded accordingly.
Schools may be disadvantaged if the bands do not take into account the needs of the pupils <u>and</u> the resources of the school.	The resources available to the school will match the provision requirement of the pupil, as the needs and provision elements are included in the descriptors used to identify the appropriate funding band for the pupil.
The band descriptors/criteria must not be set so high that funding is impossible to attain	Agreed.
The banding descriptors need to be shared so that we can understand if they would work.	The descriptors have been developed and trialled in Special Schools, however, these will be further developed, refined and shared with schools as the model is implemented.

<p>Banding descriptors need to be refined to ensure the model does what it needs to do.</p>	<p>Agreed. As stated in the consultation document “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.” The banding descriptors will continue to be developed and refined in partnership with education settings.</p>
<p>Descriptors need to be fully agreed and explicitly clear to everyone involved in the process. Clear boundaries are needed as there will always be challenges when a pupil just misses out on a particular band.</p>	<p>Agreed.</p>
<p>It would be very helpful to see some examples, of anonymised students to understand how this would work in practice.</p>	<p>Agreed. Examples will be provided in the final guidelines that set out the process.</p>
<p>Concern that funding may be taken away from some pupils who need it.</p>	<p>The local authority will seek to minimise the impact of these changes by adopting a phased introduction of the new model, working with settings to assess the level of need of the children in the school.</p> <p>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. Funding top-up values, once agreed, will be transparent.</p>
<p>Bucks would need to ensure that there is enough capacity to support all children within each band fairly. It is important that the new system makes better use of at least the same amount of funding.</p>	<p>The overall level of funding remains the same. There is no proposed reduction to the overall funding. The new model will enable this funding to be allocated more equitably, according to need.</p>
<p>Settings should be funded on an individual basis according to the needs of the children, rather than through a simplistic banding model.</p>	<p>The new model is needs led. The bands are intended to capture a range of needs, rather than an individual funding stream for each child.</p>
<p>The bands need to be modelled financially, to see what impact they have and whether they achieve the desired results. This modelling should be shared with all head teachers to feed back. Any amendment to the bands should be made prior to data collection in September for implementation for 2021 budgets.</p>	<p>Financial modelling will be shared with Schools Forum in June 2020. This will include proposed band values and proposed transitional arrangements to support schools with changes in funding.</p>
<p>Need to see the funding that would be attributed to each band.</p>	<p>The consultation has centred on the principal and approach to allocating funding. The level of funding attributed to each band will be shared</p>

	following agreement via Schools Forum in June.
The current proposals may breach the Equality Act as you are not able to measure the impact of a changing funding model on children with disabilities.	<p>The impact could be gauged via the reported pupil outcomes over time. It must be presumed that all schools currently have an objective and transparent approach to assessing, planning, providing for and reviewing the needs/provision of pupils which results in measured outcomes/progress against targeted underlying needs. The overall outcome/progress rate for pupils where the banding system is applied would therefore be an indicator of the effectiveness of that system.</p> <p>The Council is committed to making the provision specified in students' EHCPs, in accordance with s 42 of the Children and Families Act 2014.</p> <p>The DfE have also completed an Equalities Impact Assessment on the High Needs funding approach (which can include banding).</p>
The number of children with EHCPs or HNBF that a school is already supporting should be taken into account when funding is allocated.	The banded funding system is a needs led funding model, associated with the child or young person. The purpose of the top up funding is to support the needs of an individual pupil over and above the base funding in the school.
Inaccurate banding in the new model may lead to a further layer of bureaucracy for appeals/negotiations.	Banding decisions will be moderated to mitigate against any inaccuracy.
Schools should receive the funding allocated to them by the National Funding Formula. The consultation document states that there will be no savings under any of the proposed options and so the implication is that schools will be required to continue to fund the High Needs Funding shortfall from a reduction in their school budget share. We do not believe that this is right and believe that the allocated funding should be used to fund need as efficiently as possible without any additional top up.	<p>The overall level of funding remains the same. The new model will enable this funding to be allocated more equitably, according to need.</p> <p>Mainstream schools currently receive the full amount allocated through the National Funding Formula, there is no reduction made to support the High Needs Block. Any transfer from the mainstream school budget into high needs can only be agreed through consultation with schools.</p>
Needs Assessments	
Concerns expressed about how needs will be determined, how assessment decisions will be taken, who will be part of these decisions, and that decisions may be taken based on out of date	The process for needs assessment will be finalised alongside a working group of Head Teachers. However it is anticipated that the allocation of bands will be determined when placement is

<p>reports/EHCPs, or a lack of understanding of how a child presents in school.</p> <p>The local authority may not be able to make the necessary assessment of need in a timely manner which will delay the allocation of the funding, and schools will be financially disadvantaged</p>	<p>agreed at the SEND Placement Panel.</p> <p>Any changes to funding are anticipated to be discussed as part of the annual / interim review process.</p> <p>There is now additional capacity within the Integrated SEND Service with new EHC Coordinators having taken on caseloads in April 2020. This means caseloads have reduced by over 40%. We will aim to process Annual Reviews within reasonable timescales to ensure up-to-date information is considered.</p> <p>Assessment of needs can be provided by a range of professionals including those within schools. Specialist assessments (i.e. SaLT, Educational Psychology) will not routinely be necessary as a part of this process.</p>
<p>Provision that is related to the needs of the child needs to be well evidenced over time using a form of assess, plan, do, review.</p>	<p>Agreed.</p>
<p>Need can also include factors external to the classroom, therefore tailoring the model to Bucks is important</p>	<p>Agreed.</p>
<p>The needs of students with SEND in the grammar schools should not be overlooked. The impact on their learning of insufficient or wrongly targeted support is significant.</p>	<p>As the model is needs led, the funding allocation will focus on child's needs, rather than the grammar school setting</p>
<p>Moderation</p>	
<p>Moderation panels should include people with the best expertise across schools and in the SEND Service. It is important the voice of schools is heard and understood.</p>	<p>Agreed.</p>
<p>Moderation will place more administrative burden on schools. It will add another layer of bureaucracy to justify funding.</p>	<p>Moderation paperwork will be streamlined to minimise any additional or unnecessary burden on schools.</p>
<p>The responses from schools to inform banding decisions need to be consistently audited or qualified to ensure the process is fair and transparent.</p>	<p>Agreed. Moderation will support this aim.</p>
<p>Funding needs to be regularly reviewed and moderated to ensure that the funded provision remains effective</p>	<p>Agreed. Current top-up funding will be considered as part of the annual review process.</p>

Moderation needs to be completed in a fair and supportive manner.	Agreed.
Timescales	
Phasing in the new model will allow time for planning school budgets	Agreed
The new model should be rolled out to all settings at the same time.	This would lead to a delay in implementation for all schools if the model was rolled out to all settings at the same time. For this reason a phased approach is favoured.
The model should be rolled out to mainstream first as they are in greatest need of a changed approach. ARPs need to be involved early as they have the least transparent funding at the moment and there needs to be sufficient time to plan.	As the model has already been trialled in Special Schools it makes sense to roll it out to these settings first. They are also the only type of setting for which a needs led approach is not currently employed at all, and so it was deemed necessary to start here. It is recognised however, that it will be important to implement the model with mainstream schools and those with ARPs as soon as possible.
Special schools should be involved at the start, but a small number of mainstream schools should also be involved at this stage in order to provide a 'control' group. This could then help to assess the effectiveness of the new system and highlight obvious issues/problems prior to a wider scale roll out.	A trial has already been completed with Special Schools and the model has proved to be effective in these settings. The model can be modified to ensure it is equally as effective in mainstream settings.
It will be important for schools to have indicative impact information so that they can plan.	As part of the financial modelling work the impact on individual schools will be considered. For special schools this will be completed in time to report to Schools Forum in June.
The rollout should be done as quickly as possible to reduce uncertainty – 3 years max.	Agreed. We anticipate full implementation to be completed by April 2022.
Other	
The new model needs to be applied consistently with effective dialogue and collaboration with schools	Agreed.
Training will be vital in ensuring that all schools are following the same system.	Agreed. Training has already been provided to special schools as part of the engagement work and will continue as we implement the model more widely.
Parents will need to be fully educated to the fact that an EHCP will not secure significant additional funding.	It is important that the funding values, once agreed, are clear and transparent. The model is needs led and so if a banded model of funding is adopted, the Council fully expects that the level of funding at each band will continue to meet the

	<p>needs specified in EHCPs. The funding provided is additional to the delegated resources / place funding already available to schools.</p> <p>The Council's duty to make the provision in all EHCPs remains unaffected.</p>
<p>The funding arrangements could be a challenge for some parents to understand especially if the funding for their child is reduced. Specific training for parents will be very important.</p>	<p>Funding top-up values, once agreed, will be transparent and equitable. The parent view gauged via FACT Bucks was that parent/carers are interested in the provision within the EHCP and being assured that is being delivered and funded, regardless of the funding model.</p> <p>Training will be provided to schools on the model so they can explain the key points to parents as necessary.</p>
<p>Parents should be part of the trial process. They will be interested in all matters regarding their child.</p>	<p>The trial process is related to the funding element of provision and is therefore not something that a parent would usually be involved in. The discussion around an individual pupil's prime need and provision requirement already involves parents and would continue to do so. The banded funding is merely the vehicle for funding the decisions made about the pupil's level of need and provision requirement. The Council's duty to make the provision in all EHCPs remains unaffected.</p>
<p>Support/training for SENDCOs will be crucial as they are in the front line in supporting parents.</p>	<p>Agreed.</p>
<p>EHCPs with attached funding available from 0-25 years is unrealistic and parents aren't fully aware that this funding stretches across this timeframe. Funding allocations are not properly reassessed at Annual Reviews as these look at short term / long term outcomes and targets and how well the pupil has progressed in relation to these.</p> <p>A tiered approach would be good as this would mean that those who need it most get it: those with long term SEN needs, that may not be complex, will still get some band of support whilst leaving the full allocation of funding to those with significant and long-term / lifelong needs.</p>	<p>Agreed. The banding model provides a tiered approach, allocating funding according to level of need. Reviewing funding in line with the Annual Review process will ensure it is regularly reviewed and adjusted as needs change.</p>

10. Question and Answers

The consultation prompted a number of questions. These have been responded to below.

Questions Arising from the Consultation	
<p>1. Why is Pupil Premium referred to in Band 1 when there is no direct correlation between SEND and Pupil Premium? (Concern that Band 1 descriptor includes 'budget in addition to the Pupil Premium being used, where appropriate'. It is inappropriate to make use of Pupil Premium funding in this way.</p>	<p>Pupil Premium is not direct funding for SEN, but where it addresses underlying needs that impact on a pupil's learning needs it is therefore used to support the funding provided directly against whatever SEN that pupil experiences. This is why the statement says 'where appropriate.'</p>
<p>2. If schools are required to use Pupil Premium money for Cognition and Learning support for one child, but another child with the same needs may not be eligible for Pupil Premium, would the cost be met from the local authority?</p>	<p>Schools will continue use their notional SEN funding to meet the core needs of pupils.</p>
<p>3. Will this proposed new model change what an EHCP looks like? At the moment, schools can just pick up the number of hours support required and ensure that this is resourced from the LSA team. If that's not there, I think it could make discussions with parents difficult. For example, who will decide if a child is being appropriately supported?</p>	<p>The descriptors of severity of need and of provision requirement, as outlined in an EHCP, are what inform the band allocated to a pupil. The funding allocated to a pupil is therefore directly related to their provision requirement. How this will look in mainstream schools, where hours are currently recorded, will form part of the engagement work that will take place as we roll out the banded funding principle across the different types of schools in Buckinghamshire.</p>
<p>4. Would the needs-based assessment be adjusted for a pupil more often than an EHCP is currently changed? If funding for an individual pupil fluctuated year-on-year, it would be difficult for budgets and staffing in terms of school planning.</p>	<p>There remains the ability to call interim reviews of need/provision as outlined in a child or young person's EHCP. We would not expect with the number of bands included that there would be repeated year on year fluctuations in top-up allocations for individuals.</p>
<p>5. Will switching to a new system make the process of allocating funding slower, as assessments of need may be delayed?</p>	<p>Assessments of needs and provision requirement should be ongoing and an integral element of every school's work with a pupil. Assessment of needs can be provided by a range of professionals including those within schools. Educational Psychology assessments for example will not routinely be necessary as a part of this process</p> <p>The new model will be introduced over a phased approach to mitigate any issues that may arise as a result of settings getting used to the model.</p>

6. If a child is placed in a specific band – are there set provisions that all settings are expected to provide?	The descriptors for need are matched to descriptors for provision. There are standard expectations about the level and intensity of provision that a pupil will require at different need levels. However, there is flexibility available to schools to individualise that provision for different pupils.
7. Is there a fixed rate per band, or variations within it? A fixed rate approach lacks flexibility and personalisation for the student.	A fixed rate will be applied once the financial modelling is complete. The range of bands allows for flexibility of provision according to the needs of the individual student.
8. Would funding continue as it does currently for SaLT and Specialist Teaching (i.e. schools would not have to source this support for themselves)?	Additional provisions provided by specific services as outlined within EHCPs will be provided according to the commissioning arrangement for that service.
9. What happens if a child doesn't quite fit the descriptor of one of the bands?	The banding system is a 'best-fit' model, with training on the model being provided.
10. How much consultation will there be on the band descriptors, how will schools be involved, and how will schools be chosen if there is a working group? 11. May we have opportunities to get more involved through engagement meetings or working party events for ARPs and/or mainstream settings? How can I join a working party?	There is a Needs and Provision Working Group that has overseen the development of this funding model in Bucks. It is made up of representatives from mainstream, ARPs, special schools and the Local Authority. It is recognised that as the banded funding process is developed for application in ARPs, PRUs and mainstream settings there will need to be deeper engagement with those settings and some modification of the model. If you would specifically like to be a part of the working party moving forward and have not yet had the opportunity to do so, please make contact with Hero Slinn.
12. Will the band descriptors require a specific 'label' or diagnosis or will assessment be based on what the child needs support with?	The assessment will be based on the needs of the child and the provision required to enable them to progress and achieve.
13. If Band 1 is essentially SEN support from the notional SEN budget why is it in a funding formula for EHCPs? Is the model really only 3 bands?	Yes. Band 1 has been included to demonstrate the tiered approach to funding, including funding that is already allocated to schools for the biggest cohort of those with SEND, those in receipt of SEND Support. This band can be linked to the 'Ordinarily Available Provision' graduated response to those with SEND. This banding system is intended to incorporate all of those with SEND and not just those with EHCPs.
14. How are Band 3 and Band 4 different as the	Band 3 and 4 would cover a spectrum of significant

<p>wording is the same? Both refer to 'young people with significant high cost needs'</p>	<p>high cost needs. Work through the Needs and Provision Group, engagement sessions with all special schools and feedback from this consultation has helped to refine these bands and has enabled clear decision making in relation to these differentials.</p>
<p>15. There have been significant challenges at the SEND Tribunal to Local Authorities who rely on the 'banding' approach. Has legal advice been sought and will the implementation of the process will be consistent with case law?</p>	<p>Yes, legal advice has informed the work to date and will continue to do so.</p>
<p>16. Will those who have previously had insufficient funds for the complex pupils get the funding immediately or through transition arrangements? Or, do the transition arrangements apply only to those who will lose out with the new funding model?</p>	<p>The implementation of the new model is expected to result in some schools gaining funding and some schools receiving a reduction in funding in order to reflect the needs of the pupils in each school. As a result, there will need to be a transition to the new model. The principles of any transitional arrangement will need to be agreed but it is expected to apply both to schools that gain funding as well as those experiencing a reduction in funding.</p>
<p>17. Will other settings have a chance to trial this before roll out?</p>	<p>The model will be trailed in each type of setting before roll-out through similar types of engagement work that has happened with special schools.</p>
<p>18. The administrative burden on schools does not appear to have been costed against the number of EHCP students in a school. In a county where there are significant disparities between numbers in school settings, what thought has been given to funding the administration and moderation process for schools?</p>	<p>As the banding model embeds it will demand some extra time. However, once embedded it should not be highly demanding of time as it simply formalises the kinds of processes schools should already have in place to assess the needs and provision requirements of pupils. In some engagement meetings, mainstream school staff commented that the evidence required for the moderation process appeared to be exactly what they recorded by default with regard to the assess, plan, do, review cycle for all children and young people with SEND.</p>
<p>19. When would the amount of funding for each band be made known to schools as this will be needed when planning for staffing structure in the future?</p>	<p>The level of funding attributed to each band will be shared following agreement via Schools Forum in June 2020.</p>
<p>20. What will happen to children currently on an EHCP plan?</p>	<p>The plan will continue. The banded funding model is simply the means by which funding is provided to cover the cost of the provision requirement.</p>
<p>21. In the initial phased implementation, how would it be guaranteed that pupils who require</p>	<p>The funding stream should not change whether a</p>

<p>specialist or ARP provision are still able to access this if funding streams are different?</p>	<p>pupil requires specialist support or not. The banded funding approach would only impact a pupil's access to specialist provision in so much as the descriptors provide an objective, transparent and consistent framework with which to identify the pupil's severity of needs and appropriate provision requirement.</p>
<p>22. It is more expensive to educate a child in a special school setting. If funding is made more even across the settings some special schools will face significant cuts in funding. Does this mean they will cut the number of places in their settings?</p>	<p>Place funding is allocated to special schools to combat this specific issue. The additional funding provided here in relation to the bands is for top-up funding. The model is intended to produce a more equitable distribution of those funds where they are needed. Where reductions may result for any school as a result of a difference between the current and proposed funding arrangements, transitional arrangements will need to be put into place, however, these will need to be agreed with Schools' Forum and the DfE.</p>
<p>23. As schools fund the first 13.5 hrs for children with EHCPs, those schools with high number of EHCP children struggle to fund children on the SEN Support register. Will this model help and how?</p>	<p>Where specific school issues such as these arise, the initial point of contact for any school is their EHC Coordinator. Schools should approach these conversations with clear evidence as to how their current delegated SEND budget is being used to support those with EHCPs and those in receipt of SEND Support.</p>
<p>24. In the current wording of the EHCPs a number of SSA hours are specified which is misleading for parents. Could this be removed and reworded along the lines of the band of funding?</p>	<p>As engagement work with mainstream schools commences with the banding principle, such questions will be discussed and a resolution reached.</p>
<p>25. How will the new model affect schools that are an early years setting?</p>	<p>The new model is for schools only at this stage.</p>
<p>26. How is this proposal going to support inclusion? At the consultation meeting, a statement was made that the local authority would not expect to see Band 3 and Band 4 children in mainstream. Why not if we aspire to be an inclusive county?</p>	<p>The statement made at engagement meetings was around what was generally anticipated. However, it is correct to note that every parent / young person has the right to a mainstream education in law, and as such, it is not presumed that students within these bands will not be attending mainstream settings. We will continue to work with parents, children and schools to identify the most appropriate provision to meet the needs of the child.</p>
<p>27. Band 4 doesn't talk about the type of provision where children would be placed. What would these settings be?</p>	<p>See above.</p>

<p>28. Can you provide reassurance that ARP entrance criteria will be considered carefully when the banding and funding is thought about - especially as ARPs all run differently depending on the type of ARP they are?</p>	<p>Yes.</p>
<p>29. Is the purpose of moderation to ensure consistency? How will this be staffed?</p>	<p>The purpose of moderation is to ensure consistency, transparency and robustness of application of the model, within and across schools. Having trialled the model with special schools, the panel is made up of serving Bucks Special School Head teachers with experience of the needs range of the school being moderated, and two Senior Integrated SEND Service staff (EHC Coordinators, Educational Psychologists and Specialist Teachers). How these are staffed for other types of settings will be developed with these settings as the model is further rolled out.</p>
<p>30. Will training be offered to schools and SENDCos?</p>	<p>Training will be provided as the model is rolled out across the school sector within Buckinghamshire.</p>
<p>31. How will parents be informed? How will schools be supported to explain the new system to parents?</p>	<p>Training will be provided to schools so they can explain the key points to parents as necessary.</p>
<p>32. How long will the transition take in mainstream schools?</p>	<p>Planned implementation of the model fully in mainstream schools is for April 2022.</p>
<p>33. How long will schools have to hold the Annual Reviews and submit evidence? Will it all have to be done in the Summer Term?</p>	<p>Once the model is established, this will fall in with the Annual Review cycle.</p>
<p>34. What "evidence" will be required for EHCP assessment requests and exactly what will this look like? There needs to be clear guidance on this.</p>	<p>Clear guidance will be provided as part of the training related to the Banded model.</p>
<p>35. Will the county SEN Support plan format be changing to reflect the changes?</p>	<p>No – the SEND Support Plan is linked to the broad areas of need and assess, plan do review, as is the banded funding model. The banded funding model is in relation to funding.</p>
<p>36. Who will pay for the assessment of needs i.e. would the school need to get an Educational Psychology report if the local authority is not able to provide one in a timely manner?</p>	<p>Assessment of needs can be provided by a range of professionals including those within schools. Educational Psychology assessments will not routinely be necessary as a part of this process.</p>

11. Conclusions

The consultation responses are broadly in agreement with the model proposed and therefore the proposal will be put before the Cabinet Member for Education to take a decision. A review of the number of bands required has taken place in the light of consultation feedback and the revised model does now contain five bands and an 'exceptional' band. It has also had the descriptors for several areas re-written and/or developed to enhance their application. The Needs and Provision Group has led on these revisions.

If agreed by the Cabinet Member, the proposed implementation will take a phased approach, indicative dates as follows:

Phase 1: Sept 2020, Special School implementation

Phase 2: April 2021, Additionally Resourced Provisions implementation

Phase 3: April 2022, Mainstream School implementation

To ensure the model is effective outside of Special Schools where it has been trialled, further discussion will take place with representatives from ARPs and mainstream settings. The consultation responses that relate to these settings will be further explored as part of this work. If you would like to be involved in this, please contact Hero Slinn at hero.slinn@buckinghamshire.gov.uk.

12. Appendices

Appendix 1: Membership of the Provision and Needs Group

Local Authority Representatives

Christine Preston, Education Commissioner
Liz Williams, Head of Finance (Children's Services)
Hero Slinn, Head of Integrated SEND
Geoff Allen, Local Authority Consultant

Special School Head Teachers

Neil Strain, Stony Dean School
Bradley Taylor, Chiltern Wood School
Alison Rooney, Furzedown School

Mainstream Head Teacher

David Hood, Cressex School

ARP Head Teachers

Janice Freeman, Kingswood Primary school
Christine McClintock, Sir William Ramsey School
Eileen Stewart, Stoke Mandeville Combined School
Elaine Berry, Oak Green School

Appendix 2: Consultation Respondents

The following schools (46) submitted responses to the consultation

Booker Park School	The Vale Federation
Broughton Infant and Junior School	Tylers Green Middle School
Brushwood Junior School	Waddesdon CofE School
Buckingham Primary School	Waterside Primary Academy
Carrington Infant School	Westfield School
Carrington Junior School	Weston Turville CE School
Chalfont St Peter Church of England Academy	
Cheddington Combined School	
Chiltern Way Academy	
Chiltern Wood School	
Cressex Community School	
Dr Challoner's Grammar School	
Dr Challoner's High School	
Dropmore Infant School	
Elmtree Infant & Nursery School	
Farnham Common Infant School	
Furze Down School	
Great Marlow School	
Hawridge and Cholesbury CE School	
Highworth Combined School and Nursery	
Holmer Green Junior School	
Holmer Green Senior School	
Lane End Primary School	
Manor Farm Infant School	
Naphill and Walters Ash School	
Newtown School	
North Marston School	
Oak Green School	
Oakridge School	
Pebble Brook School	
Radnage CofE Primary School	
Royal Latin School	
St Mary's CofE Primary School	
St Michael's Catholic School	
Stocklake Park School	
Stoke Mandeville Combined School	
Stony Dean School	
The Beaconsfield School	
The Chalfonts Community College	
The Cottlesloe School	