



Executive
14 March 2011

**Report from the Director of
Children and Families**

Wards Affected:
ALL

**Review of Formula Funding for SEN Statementing in
Mainstream Schools**

1.0 Summary

- 1.1 This report seeks member's approval to proposed changes to the schools funding formula in respect of statements of special educational need (SEN) in mainstream schools.
- 1.2 The changes proposed have been agreed by the Schools Forum at its meeting 31 January 2011.
- 1.3 The proposals covered in this report affect only the Schools Budget and have no impact on the Council's General Fund.

2.0 Recommendations

- 2.1 That members approve a new system of resource bands with associated descriptors of SEN as set out in Appendix A for all new statements or individual pupil resource agreements issued from 1 April 2011 with any future changes to the descriptors and resource levels being agreed by the Schools Forum.
- 2.2 That members agree to increase the threshold, at which new statements of SEN will be provided, to the support equivalent of 0.5 Teaching Assistant with effect from April 2011.

3.0 Detail

- 3.1 The review of the formula for the funding of SEN statements in mainstream schools represents the third stage of a review of the formula funding of SEN following the agreement of a new Banding system for the funding of Special schools (stage 1) and Additionally Resourced Provision (stage 2).
- 3.2 As with the two earlier stages the review of mainstream statementing has been undertaken by officers working with a Working Group of headteachers and governors as a sub group of the Schools Forum.

- 3.3 One of the reasons for initiating the review was the growth in the level of funding being allocated to the statementing factor and the continuing overspends on the central schools budget contingency for in year statementing allocations.
- 3.4 The SEN statemented pupil allocations in the 2010/11 formula for mainstream schools total £7.4m. This is £4m or 120% greater than the formula allocation made in 2005/06. In aggregate there are 189 or 54%, more statements in 2010/11 than in 2005/06 on a like for like basis.
- 3.5 The overspend on the central statementing contingency for 2009/10 was £700k on a budget of £720k.
- 3.6 The additional Dedicated Schools Grant funding allocated to the statementing factor and to recover overspends on the central contingency has been at the expense of funds that would otherwise have been available to schools through other formula factors such as the age weighted pupil unit factor.
- 3.7 Earlier reports to the Schools Forum had highlighted concerns expressed at national and local level about use of the statutory assessment and statementing process as the main determinant of SEN funding. Statementing is a costly and bureaucratic process and funding through statements does not support early intervention in schools and nurseries. An Audit Commission study found that the statementing process is stressful and alienating for parents and does not necessarily lead to an equitable distribution of resources across schools.
- 3.8 The need to make budget reductions as part of the pressures on the council's budget has meant that central staffing involved in the processing of statements and funded from the General Fund has been reduced. The combination of continuing growth in the number of statements and the reduction in staffing to deal with these requests requires action to be taken to reduce the number of new statements.
- 3.9 Action has been taken to introduce individual pupil support agreements (IPSAs) to replace statutory assessments, where parents are in agreement, in order to facilitate the earlier allocation of funds to schools and reduce some of the bureaucracy.
- 3.10 The review has identified that the existing descriptors used to allocate resources for statements are in a number of cases no longer fit for purpose and that there was a need to substantially streamline the numbers of levels of resourcing used to allocate funds to schools. (Currently there are 50 different levels of support to schools for statemented pupils).
- 3.11 The threshold at which statements are issued has remained unchanged at £5,000 (cash value of support for the pupil) since the threshold was introduced in 2006/07.
- 3.12 Two proposals have been agreed by the Schools Forum to address these issues.
- 3.13 Firstly a much simplified resource allocation system is proposed whereby the support needs of various types of SEN are banded according to resource needs (see Appendix A). Each resource band has descriptors specifying the

criteria that need to be met for an allocation to be made at that resource level. The number of statementing resource levels is reduced from 50 in the existing system to 5 bands with a differential between bands of 0.1 TA (teaching support assistant) or £2,063 at 2010/11 prices.

- 3.14 Secondly it is proposed to increase the threshold beyond which new statements will be issued to 0.5 TA or £10,377 at 201/11 prices. Currently there are 54 statements at or below this level. The effect of this is that schools will need to meet the needs of pupils SEN support needs below this threshold from within the funding allocated to the school through other formula factors. In this respect the Attainment factor represents a proxy for SEN and significant extra resources have been added to this factor and other Additional Educational Needs (AEN) factors over the last three years.
- 3.15 The proposal is that the new banding system of allocations and the new threshold should apply only to new statements or individual pupil support agreements (IPSAs) issued from 1 April 2011 so there would be no change in resources already allocated to schools for named pupils until such pupils leave.
- 3.16 Brent maintains approximately 1500 statements of special educational needs. A statement sets out the additional help a young person requires over and above what is normally available in school. There is a strong national legislative framework underpinning the assessment and statementing process. There is currently a government review on SEN and a Green Paper is awaited. It is possible that this may lead to some changes to the statutory duties placed on local authorities but the national policy direction is not yet clear.

4.0 Financial Implications

- 4.1 The proposed changes to the formula have no direct financial implications for the council as they only affect the allocation of Dedicated Schools Grant funding between schools. All funding for SEN statements falls within the Schools Budget which is funded by the ring-fenced Dedicated Schools Grant.

5.0 Legal Implications

- 5.1 The Schools Forum have been consulted and resolved at their meeting 31 January 2011 to agree the changes proposed in the recommendations to this report.
- 5.2 There are no other legal implications.

6.0 Diversity Implications

- 6.1 There are no diversity implications contained within this report.

7.0 Staffing/Accommodation Implications

- 7.1 To the extent that increasing the threshold at which statements are issued will reduce the number of statements this will reduce pressure on central staffing involved in the statementing process. There are no accommodation issues.

Background Papers (essential)

i) Report to the Schools Forum 31 January 2011

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DESCRIPTORS AND RESOURCE BANDS FOR MAINSTREAM SCHOOL STATEMENTS

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SUMMARY OF SEN FORMULA BAND FUNDING ALLOCATIONS

MET BY OTHER FORMULA FACTORS	MET BY STATEMENTING ALLOCATION FACTOR				
A	B	C	D	E	F
	0.6 TA	0.7 TA	0.8 TA	0.9 TA	1.0 TA
	£12,378	£14,441	£16,504	£18,567	£20,630

The threshold for new Statements/IPSAs is 0.5 TA (£10,377 at 2010/11 prices). At this level of support and below (Band A) the support needs of the pupil should be met by the school from within the funding allocated by other factors in the formula and in particular the Attainment factor.

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MAINSTREAM NON-STATEMENTED PUPIL CATEGORY: BAND A

Cognition and Learning:

These children and young people are likely to require:

- Minimal adaptations to the curriculum and/or learning environment will be required which will include high quality differentiation with a slower pace delivery allowing opportunities for repetition and over learning.
- Access to small groups within and/or outside the main classroom for part of the day.

These children and young people will be able to:

- Make sufficient progress over a reasonable period of time with their learning with the support provided and/or by the school implementing the advice of external professionals.
- Function reasonably well within small groups with minimal support, and will usually be working below their chronological age developmentally in the early years.

Social, Emotional and Behavioural Difficulties:

Children and young people will exhibit the following features:

- Difficulties in social relationships with peers and/or adults*
- Lack of self-esteem*
- Disruptive and unsettled behaviour in class*
- Inattention and disorganisation*
- Anxiety
- Over dependency on peer group approval
- Intimidation or bullying of peers
- Victim of bullying or intimidation

*see Band B.

Their educational progress will be impeded by these emotional and behavioural difficulties and they will display inappropriate and challenging behaviour but will usually back down when confronted by adults or else they will display withdrawn and/or passive behaviour.

Language and Communication Difficulties:

Children and young people may exhibit **three** of the following:

- Poor articulation with some repetition or hesitation of words and/or word finding difficulties significantly affecting fluency.
- Delayed and/or disordered expressive and receptive language in comparison with age peers.
- Frequent speech sound errors which make the pupil difficult to understand.
- Grammatical errors in comparison to same age peers affecting communication confidence and clarity of message.
- Some difficulty in selecting and using vocabulary in a meaningful and relevant way
- Weak receptive language skills causing difficulties in following instructions
- Poor social interaction and/or collaboration with adults and peers
- Mild repetitive behaviour and/or some echolalia.

Younger children especially, may require signs/symbols for language support.

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All children in Band A are likely to be performing below age-expected NC levels and they will be able to function reasonably well within small groups with minimal support.

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MAINSTREAM NON-STATEMENTED PUPIL CATEGORY: BAND A

Hearing Difficulties:

Children and young people will have mild/moderate conductive hearing loss (temporary or permanent) and unilateral hearing loss with their curriculum access requiring minimal adjustments via annual monitoring from a specialist (HI) teacher.

Visual Difficulties:

Children and young people will have mild visual impairment that does not impact on their access e.g. slightly reduced acuity, slightly reduced fields of vision with their curriculum access requiring minimal adjustments via annual monitoring from a specialist teacher (QTVI).

Physical/Medical Difficulties:

There is no resource allocation at this banding level.

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND B

Cognition and Learning:

There is no resource allocation at this banding level.

Social, Emotional and Behavioural Difficulties:

Children and young people will exhibit at least three of the features marked with an asterisk (*) in Band A and will display frequent inappropriate challenging behaviour and will not back down when challenged by adults or they will display significantly withdrawn or passive behaviour leading to social isolation.

There will need to be evidence of any inappropriate behaviour which would include:

- Written summary of the incident, consequences and follow-up activity or support and disruption to teaching.
- Evidence over a period of time and a range of subjects and activities (especially relevant for secondary settings).
- Summary of subjects/settings where behaviour has been persistently challenging and persistently unacceptable.

Language and Communication Difficulties:

There is no resource allocation at this banding level.

Hearing Difficulties:

Children and young people will have a moderate hearing impairment such that their functional language and communication will need some targeted support. They will be able to use personal aids effectively and they will be able to manage them with some degree of independence. They will need access to:

- Targeted support by specialist teacher to access the curriculum with the necessary equipment checks.
- A learning environment with some adjustments in relation to acoustics, lighting and visual reinforcement.
- Specialist intervention to develop personal and learning skills
- Trained TA.

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND B

Visual Difficulties:

Children and young people will have a moderate visual impairment with other moderate need/s and they will have compensatory strategies that need minimal intervention such that they will need access to:

- Monitoring as and when appropriate from a specialist teacher (QTVI) and input as required
- A trained TA.
- Class/subject teachers with some training in VI and ongoing support from VI team
- Appropriate materials and technology as and when appropriate
- Opportunities to meet other children and young people with a visual impairment.

Physical/Medical Difficulties:

These children and young people are likely to have any **two** of the following:

- More limited muscular control than those in children and young people in Band B.
- Extreme communication difficulties with some intelligible speech.
- More dependent on others for care than those in children and young people in Band B.
- A medical condition requiring high levels of care.

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND C

Cognition and Learning:

These children and young people may have specific syndromes (e.g. Downs) with accompanying developmental delay requiring an individualised, developmental curriculum in which Level 1 NC descriptions represent long-term goals for teaching and learning.

Social, Emotional and Behavioural Difficulties:

Children and young people will exhibit **all** of the features marked:

- Persistent and severe difficulties in social relationships with peers and/or adults
- Lack of self-esteem
- Lack of co-operation with adults in nearly all situations
- A high level of disruptive classroom behaviour.

And frequent confrontational and provocative behaviour with adults **and/or** frequently occurring unprovoked aggressive behaviour towards others/property.

Their educational performance or that of their peers is likely to be affected by their behaviour, emotional and social difficulties to an extent that requires evidence of structured observations carried out by an external specialist such as an Educational Psychologist or by a SENCo in consultation with an external specialist.

There will need to be evidence of any behavioural outbursts or severe withdrawal which would include:

- Written summary of the incident, consequences and follow-up activity or support and disruption to teaching.
- Evidence over a period of time and a range of subjects and activities (especially relevant for secondary settings).
- Summary of subjects/settings where behaviour has been persistently unacceptable.

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND C

Language and Communication Difficulties:

These children and young people may have a diagnosis of, for example, autism or specific language impairment and they are likely to exhibit any **four** or more of the following:

- Marked delayed and/or disordered expressive and receptive language.
- Difficulties with social interaction with both adults and peers; poor social communication skills e.g. lack of facial expression, flat affect, inappropriate comments, and inability to see others' perspectives.
- Eye contact lacking communicative intent with restricted collaboration with adults and peers.
- Inflexibility of routines and resistant to change.
- Mild obsessional and/or repetitive behaviour/echolalia
- Immature/ reduced play skills.
- Frustration (possibly through challenging behaviour) at their own difficulty communicating.
- Difficulty following instructions in the classroom; sitting and attending to group/ whole class activities; expressing themselves e.g. giving explanations, description.
- Some sensitivity to noise in particular situations such as the dining hall or at school assemblies.
- Reduced narrative skills; poor syntax; reduced vocabulary; word finding difficulties.
- Poor conversation skills e.g. turn taking, topic maintenance, listening to others.
- Poor pragmatic skills e.g. appropriate language structure but unable to use language functionally
- Reduced auditory memory; difficulties with auditory process; difficulties with higher level language (e.g. verbal reasoning).

AND

- Uses alternative forms of communication
- Has diagnosed dyspraxia and/or dysphasia and severe pragmatic disorder
- Exhibits several autistic behaviours (without a diagnosis).

Hearing Difficulties:

Children and young people will have a moderate hearing impairment **or** a mild hearing impairment with conductive overlay **or** a mild hearing loss with additional needs such that their functional language and communication will need some targeted support. They will be able to use personal aids effectively but will not be able to manage them independently.

They will need access to:

- Targeted support by specialist teacher to access the curriculum
- Equipment checks 6x year
- A learning environment with reasonable adjustments in relation to acoustics, lighting and visual reinforcement

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- Long term specialist intervention to develop personal and learning skills
- Trained TA

MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND C

Visual Difficulties:

Children and young people will have a moderate visual impairment with other moderate need/s and **or** a deteriorating or degenerative condition **or** a recently acquired visual impairment such that they will have compensatory strategies that need minimal intervention such that they will need access to:

- Regular monitoring from a specialist teacher (QTVI) and input as required
- A trained TA.
- Class/subject teachers with some training in VI and ongoing support from VI team
- Appropriate materials and technology as and when appropriate
- Opportunities to meet other children and young people with a visual impairment.
- Mobility assessment and input if required from a qualified practitioner
- Support for extended school activities

Physical/Medical Difficulties:

Children and young people will have **all** of the following:

- Extremely limited voluntary muscular control
- Dependent on others for mobility
- No verbal communication and may occasionally gesture or sign
- A medical condition requiring access to nursing or other care e.g. tracheotomy or catherisation.

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND D

Cognition and Learning:

There is no resource allocation at this banding level.

Social, Emotional and Behavioural Difficulties:

There is no resource allocation at this banding level.

Language and Communication Difficulties:

These children and young people will have a diagnosis of, for example, autism or specific language impairment and they will exhibit **more than FOUR** of any of the descriptions in Band C.

Hearing Difficulties:

Children and young people will have: a severe hearing impairment **or** a late diagnosis of permanent hearing impairment which continues to impact on language development **or** a fluctuating condition, deteriorating or degenerative progressive loss **or** a dual sensory impairment with moderate loss in most affected modality **or** a moderate hearing impairment with additional needs such that they will:

- Have functional language and communication needing a high level of targeted support
- Not use personal aids consistently or effectively, which affects access to the curriculum OR recently been issued with aids and use not yet established
- Use alternative methods of communication e.g. British Sign Language

They will need access to:

- A high level of targeted support by specialist teacher to establish and develop skills for learning
- Ongoing support if new user of equipment or monthly equipment checks and support for use of equipment
- Considerable improvement to the learning environment
- Intensive and significant specialist intervention because hearing impairment/dual impairment or complexity of need inhibits motivation, attention and interaction with others
- A highly trained TA who can sign
- Other staff who can sign
- Opportunities to meet other children with hearing impairment
- Support for extended school activities

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND D

Visual Difficulties:

Children and young people will have a severe visual impairment **or** a dual sensory impairment with a moderate loss in most affected modality and, may: have limited compensatory strategies that require high level support to support use of functional vision; find social situations challenging; and, need to learn through print and Braille such that they will need access to:

- Regular input from a specialist teacher (QTVI).
- A highly specialist TA(s).
- Key staff who know Braille (possibly).
- Class/subject teachers with some general training in visual impairment and ongoing support from VI team.
- Technology as and when appropriate.
- Key staff who understand and can support access technology.
- All learning materials modified and produced in accessible format.
- Pre teaching of new concepts that rely on vision.
- Support for the development of organisational and study skills.
- A programme of mobility, including long cane training, and life skills, from a qualified practitioner.
- Opportunities to meet others with visual impairment.
- Support for extended school activities.

Physical/Medical Difficulties:

There is no resource allocation at this banding level.

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND E

Cognition and Learning:

There is no resource allocation at this banding level.

Social, Emotional and Behavioural Difficulties:

There is no resource allocation at this banding level.

Language and Communication Difficulties:

These children and young people will have a diagnosis of, for example, autism or specific language impairment and they will exhibit **more than FOUR of any of the descriptions in Band D AND will have at least ONE other severe difficulty in:**

- *Cognition and learning*
- *Sensory difficulties (hearing/vision)*
- *Physical/medical difficulties*

Hearing Difficulties:

Children and young people will have: a severe hearing impairment **or** a late diagnosis of permanent hearing impairment which significantly impacts on language development continually **or** a fluctuating condition, deteriorating or degenerative progressive loss **or** a dual sensory impairment with a significant loss in most affected modality **or** a moderate hearing impairment with significant additional needs such that they will:

- Have restricted functional language and communication needing a higher level of targeted support than Band D
- Be unable to use personal aids which affects access to the curriculum OR recently been issued with aids and use not yet established
- Use alternative methods of communication e.g. British Sign Language

They will need access to:

- A higher level of targeted support than Band D pupils by specialist teacher to establish and develop skills for learning
- Ongoing support if new user of equipment or fortnightly equipment checks and support for use of equipment
- More considerable improvement to the learning environment than Band D pupils.
- More intensive and significant specialist intervention than Band D pupils because hearing impairment/dual impairment or complexity of needs inhibits motivation, attention and interaction with others more so than in Band D
- A highly trained TA who can sign
- Other staff who can sign
- Opportunities to meet other children with hearing impairment

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- Support for extended school activities

MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND E

Visual Difficulties:

Children and young people will have a more severe visual impairment than Band D pupils **or** a dual sensory impairment with a significant loss in most affected modality and, will: have limited compensatory strategies that require a higher level support than Band D pupils to support use of functional vision; find social situations more challenging than Band D pupils; and, need to learn through print and Braille such that they will need access to:

- More regular input from a specialist teacher (QTVI) than Band D pupils.
- A highly specialist TA(s).
- Key staff who know Braille.
- Class/subject teachers with general training in visual impairment and ongoing support from VI team.
- More technology than Band D pupils with access to key staff who understand and can support the use of the technology.
- All learning materials modified and produced in accessible format.
- Pre teaching of new concepts that rely on vision.
- More regular support than Band D pupils for the development of organisational and study skills.
- A programme of mobility, including long cane training, and life skills, from a qualified practitioner.
- Opportunities to meet others with visual impairment.
- Support for extended school activities.

Physical/Medical Difficulties:

Children and young people will have all of the features of Band C and severe difficulties in one or more of the following areas:

- Cognition and learning
- Language and communication
- Sensory difficulties (hearing and vision)

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MAINSTREAM STATEMENTED PUPIL CATEGORY: BAND F

Cognition and Learning:

There is no resource allocation at this banding level.

Social, Emotional and Behavioural Difficulties:

There is no resource allocation at this banding level.

Hearing and Visual Difficulties:

These children and young people will have: profound visual impairment (blind) and need to learn through non-sighted means **or** dual sensory impairment with severe loss in vision **or** severe visual impairment with additional needs and, may have compensatory strategies that need a high level of targeted support by specialist teacher to establish and develop skills for non-sighted learning and they may find social situations challenging. These pupils will need:

- Regular input from a specialist teacher (QTVI) and highly specialist TA(s)
- Key staff who know Braille and class/subject teachers with some general training in VI and ongoing support from VI team
- A range of access technology and key staff who understand and can support access technology
- All learning materials modified and produced in tactile format
- Pre teaching of new concepts that rely on vision
- Support for the development of organisational and study skills
- Long term programme of mobility and life skills from a qualified practitioner
- Opportunities to meet others with VI
- Support for extended school activities

Physical/Medical Difficulties:

These children and young people are likely to have **all** of the following:

- Extremely limited voluntary muscular control
- Completely dependent on others for mobility
- No verbal language and may occasionally gesture or sign
- A medical condition requiring constant access to nursing or other care (e.g. tracheotomy or catheterisation)

And, significant difficulties with cognition and learning and communication and interaction as well as hearing and/or vision.

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