

	Schools Forum 25 February 2021
	Report from the Strategic Director of Children and Young People
Banding Review	
Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	N/A
No. of Appendices:	Two Appendix A – Benchmarked Neighbours Appendix B - Option 2 SEN Support Criteria
Background Papers:	Prior Schools Forum papers
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1. Purpose of the Report

- 1.1. To update the Schools Forum on the proposed Banding options following a Banding review process and informs Forum about the Graduated Approach Framework to be implemented.
- 1.2. To inform Forum of the implications of the three options which have been considered in the Banding review, which include:
 - Option 1 - Retain current Bandings but include an inflationary uplift of 1.4%.
 - Option 2 - Adopt an additional Band for SEN support criteria for mainstream schools.
 - Option 3 - Adopt a Banding allocation for special schools increased in line with benchmarked neighbours.

2. Recommendations

- 2.1. That the Forum notes the contents of the report and endorses Options 2 and 3.
- 2.2 That Forum notes the implementation of the Brent Graduated Approach Framework.

3. Introduction

- 3.1. All communities have been affected by Covid-19, however, experiences have varied greatly, and for some, this period will have been exceedingly difficult and traumatic. It is clear that the pandemic and ensuing lockdown has raised concerns about increased exposure to 'hidden harms' as well as lost learning, the impact of social distancing on children and young people's development and on their mental and emotional health and wellbeing.
- 3.2. Even those who have continued to attend school in person have had a far from normal experience. Consequently, Brent Council's Children and Young People's Department expects that this academic year and the next academic year will be one that is characterised by increased additional needs that might result in referrals to alternative provision or for an EHC assessment. As we move into a recovery phase, it is even more important that the system works together as soon as needs arise to ensure that children and young people can access the support they need when they need it. Whilst every effort is being taken to address the HNB deficit, progress needs to be considered in the context of the impact of the pandemic.
- 3.3. A review of the current Banding system has been completed by schools and the Local Authority. The review was initiated for a number of reasons which included:
 - The perception among some head teachers that inclusive schools are penalised financially.
 - ARP head teachers report that pupils placed there are becoming increasingly complex and with the potential for increased funding requirements.
 - Special school head teachers report challenges in managing school budgets with the current funding bands.

3.4. Principles:

Schools Focus Groups were organized and it was agreed that there is a need to create a new system which is underpinned by the following principles. The system should be:

- created in collaboration between mainstream, special school head teachers and LA Officers;
- fair and transparent;
- one which does not de-stabilize school budgets;
- peer moderated;
- a pupil needs-led system;

- allow for a common understanding and common language between schools and between schools and the LA;
- be based on graduated levels of funding – the greater the level of pupil need, the higher the level of funding.

3.5. The Review Consultation Process

3.4 The need for the review of the system was identified by the Schools Forum and High Needs Subgroup. The High Needs Subgroup formed the reference group for the consultation process and guided and monitored the progress of the review. Consultation about the high needs funding system has taken place in two ways:

- 1) A survey which was distributed to all schools and settings.
- 2) The establishment of three separate Focus groups, involving mainstream schools, Additionally Resourced Provisions (ARPs) and special schools.

3.5 The process for the review and outcomes of the consultation are recorded in a detailed report considered by the High Needs Subgroup on 11th November 2020. The main themes identified from survey responses and the Focus Groups indicated:

- the need to develop a clearer, transparent funding pathway with speedy responses to requests for funding
- the need to develop descriptors of need linked to bands of funding
- the level of allocation in each band should be sufficient to meet the increasingly complex needs of pupils in Brent's educational settings.

4. Benchmarking

4.1 A review of Bandings applied by neighbouring authorities (i.e. Ealing, Camden, and Barnet) has been undertaken and can be seen in Appendix A of this report. The review has demonstrated that in 2020/21, there are comparable amounts of funding for mainstream schools with Brent's allocation being slightly higher. Brent's allocations for ARPs are mid-range but higher funding allocated in the other local authorities for special schools than Brent.

5. SEN funding

5.1. Funding for SEN provision is from three elements:

- Element 1 [Universal Funding]

All schools get money for each pupil at the school. This is called the Age Weighted Pupil Unit (AWPU) and it is part of schools' delegated funding. Some of this money is to make general SEN provision. This might, for example, include the cost of providing the Special Educational Needs Coordinator (SENCO) and some other resources.

- **Element 2 [Targeted Funding]**

This is to provide SEN support that is additional to or different from the support that most other children get. Government guidance says schools should provide up to the first £6,000 of additional or different support for those children who need it, including those with an Education, Health and Care plan.

- **Element 3 ['Top – Up' Funding]**

The local authority is responsible for managing Element 3 funding. Some children have such complex needs that the school may request some additional funding to 'top-up' Elements 1 and 2. This can be used for specific provision for an individual child or a group of children only if there is detailed evidence of the use of the Graduated Approach and there is clear evidence of exceptional level of needs.

- 5.2. The Top-Up funding (Element 3) is currently administered via the teaching assistant hours identified by individual schools as part of the EHC assessment process. This is currently not moderated.

5.3. The Graduated Approach

- 5.4. From April 2021 Top- Up funding (Element 3) to be identified through the Brent Graduated Approach Framework replacing the current approach (5.2)
- 5.5. The Graduated Approach supports teaching and learning in all provisions. Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people. Code of Practice, Chap. 6 Para 44 to 56, pg., 101 to 102.
- 5.6. The Brent Graduated Approach Framework (The Framework) is currently being coproduced with Brent Council officers, Brent schools and settings, the BPCF and health providers. The Framework will be used to identify additional needs as part of the EHC assessment and review process. The Framework will provide clear expectations of how SEN is supported through multiagency services at universal and universal plus levels and through Quality First Teaching (Elements 1 and 2); targeted SEN Support and specialist support. Moderation of the application of the Graduated Approach in schools and settings will be via SENCO moderation groups and the application of the Whole School SEND Review process.
- 5.7. The EHC assessment process will now include a panel to approve. This panel will be attended by the school/setting presenting the application for an EHCP as

well as other relevant partners including Health and Social Care. Thereby providing greater transparency in decision making. Funding will be identified by need detailed in The Framework and specialists interventions or teaching assistant hours specified in the EHC assessment.

- 5.8. As the Framework is implemented there is the potential that funding allocations will change depending on categories of need and levels of need identified and agreed in the EHCP approval process. This process will be applied to all new EHC assessments therefore funding for existing pupils with an EHCP will not be affected. However, as the new Framework is applied in annual reviews, there is the potential for any amendments to result in funding changes. Where significant changes are identified, EHC reviews will be submitted to the panel to approve to ensure transparent decision making. A review mid-year will measure the impact of changes and be reported to the HNB sub group and Schools Forum.
- 5.9. This development does not propose a new Banding methodology this financial year. The level of funding can be as detailed in Option 1 or as detailed in Option 3 in the options appraisal section below. It also supports the DSG deficit management plan key strategies agreed at the January 2021 Schools Forum.

6. Options Appraisal

6.1 Option 1- Retain current Banding.

- 6.2 The current Banding has three separate bands for the mainstream schools, the ARPs and the special schools. The first option is to retain the current separate banding matrixes as is but increase the bands by RPI of 1.4%. The implications will be an overall financial increase of £0.358m to be partly mitigated by £0.250m set aside as an interim measure to support special schools. The shortfall of £0.108m will need to be found from the overall increase in the 2021/22 HNB funding increase.

- 6.3 **Benefits:** Provisions will continue as is which will give stability to funding expected.

Risks: Significant pressure is in securing special school placements. Brent schools are widely approached for child placements by other local authorities particularly due to the lower top up rates. A suggestion could be to increase the charges for other authorities in line with their top up rates. This funding can then be partly passed onto the special schools and partly contribute towards the deficit recovery plan.

6.4 Mainstream banding

Mainstream Schools	Notional Element 2	Top-up Element 3	Inflation @1.4%	Total
Band A	£6,000	£0		£6,000
Band B	£6,000	£12,378	£173	£18,551
Band C	£6,000	£14,441	£202	£20,643
Band D	£6,000	£16,504	£231	£22,735
Band E	£6,000	£18,567	£260	£24,827
Band F	£6,000	£20,630	£289	£26,919

- 6.5 The table above reflects the top-up funding in mainstream schools aimed at meeting the needs of children with SEN and the banding is based on number of teaching assistant hours. The current 2020/21 forecast top-up funding for mainstream schools is £12.56m and an inflationary increase will cost £0.114m.

6.6 Additionally Resourced Provision (ARP)

ARPs	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7
Core Funding	£6,000	£6,000	£6,000	£6,000	£6,000	£6,000	£6,000
Top-Up funding	£2,485	£6,492	£8,931	£10,516	£11,272	£12,413	£13,108
Inflation @1.4%	£35	£91	£125	£147	£158	£174	£184
Total	£8,520	£12,583	£15,056	£16,663	£17,430	£18,587	£19,292

- 6.7 The unfilled places in ARPs receive £10,000 of place funding made up of £4,000 for the Age Weighted Pupil Unit (AWPU) and £6,000 core funding. The current forecast spend for top-up funding for ARPs is £1.473m and an inflationary increase will cost £16k.

6.8 Special Schools banding.

Special Schools	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Core Funding	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000
Top-Up Funding	£4,025	£6,561	£10,283	£14,015	£17,748	£27,764
Inflation @1.4%	£56.35	£92	£144	£196	£248	£389
Total	£14,081	£16,653	£20,427	£24,211	£27,996	£38,153

- 6.9 Against the special school bands, most of the pupils are placed in bands 4, 5 and 6 and in exceptional circumstances, schools have requested additional elements to top-up funding to take into account the exceptionally high needs of some pupils

outside of the current banding system. The current forecast spend for special schools is £27.9m and an inflationary increase will be £0.228m

6.10 In 2020/21 it was agreed at Schools Forum that provision be made within the budget for additional support where required by in-borough special schools for individual equipment and other needs such as educational therapy for the most complex pupils. This was in response to an issue identified through the High Needs block sub group of the band 6 funding rate not being sufficient to meet the needs of some of the children placed in Brent special schools. The total funding allocated is £0.250m as an interim measure before the banding review is completed. If this option is accepted, this funding will not continue and would be used to offset the inflationary increase.

6.11 Option 2 – Proposal for a new SEN Support band for mainstream schools. (Cost Implication = £0.5m)

6.12 To adopt a new Band criteria known as the Brent SEN support funding band that is pre-EHCP. This supports the key strategies in the DSG deficit management plan agreed at the January 2021 Schools Forum.

6.13 **Benefits:** Supports the application of the Graduated Approach Framework, developing the skills and capacity of schools to deliver enhanced targeted interventions across a wider cohort of children, supporting children with SEN earlier and enable them to remain in mainstream. The intention is for the Band to provide a mechanism to support a reduction in the demand for EHCPs. Additionally, it is envisaged that this approach will support the implementation of time limited EHCPs where it is identified that specialist intervention is required.

Risks: There is a risk of increased tribunals as the new system embeds. The key mitigating factor for this is focused communication with parents/carers and staff supporting the SEN process.

6.14 The proposal is to begin with a £0.5m financial envelope from growth funds allocated to the HNB for 2021/22, with a ceiling per school of £20k (25 schools). If the pilot reduces the number of EHCPs the proposal is to utilise savings to both contribute to the reduction in the HNB deficit and expand the SEN support financial envelope. The HNB sub group would provide oversight, decision making and monitoring of the SEN support programme. The process would be:

- Schools would submit proposals detailing how the graduated approach has been applied at school and pupil level, with an associated description of how elements 1 and 2 have been used.
- Funding will be awarded for an agreed length of time which would be in accordance with the intervention proposed and the time needed to assess impact.
- Should further funding be requested a full review of progress and how the funding has been used will need to be submitted.

- There are two proposed options for this banding – option A per student or option B at place level as shown in **Appendix B**. It is also proposed that the preferred approach will be agreed by the Schools Forum.

6.15 Option 3 - To adopt a Banding allocation for Special Schools in line with statistical neighbours. (Cost implications = £0.354m increase)

6.16 The benchmarking exercise undertaken shows that the special schools bands are lower than our neighbours and this option assumes that the Banding allocations for Mainstream Schools and ARPs remain at 2020/21 levels but the special school bands are increased i.e. Band 1 – 5 a 7.5% increase and Band 6 an 8.1% increase. The increase of £0.354m will be partly mitigated by £0.25m set aside in the budget for special schools in 2020/21 leaving a shortfall of £0.104m to be mitigated.

Special Schools	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Core Funding	£10,000	£10,000	£10,000	£10,000	£10,000	£10,000
Top-Up Funding	£4,025	£6,561	£10,283	£14,015	£17,748	£27,764
Increase 7.5% & 8.1%	£302	£492	£771	£1,051	£1,331	£2,236
Total	£14,327	£17,053	£21,054	£25,066	£29,079	£40,000

6.17 **Benefits:** This aligns the Element 3 top up allocations to neighbouring boroughs and addresses points raised by provisions regarding funding pressures.

Risk: If agreed this will increase the recurrent overspend on the HNB. However, what is clear is that it is less expensive for other authorities to place a pupil in Brent special schools, consequently other authorities benefit from placing in Brent schools. A potential mitigation would be to consider, with the special schools, what and how we charge other authorities who name a Brent school as part of the EHCP process, and how this is used to both benefit schools and the reduction in the deficit.

7. Next Steps

7.1 The agreed options will be implemented with effect from April 2021 however the pilot for option 2 will be introduced in September 2021.

7.2 **New requests:** Information and guidance about the new system will need to be circulated to all schools. Relevant documentation will need to be created.

8. Financial Implications

8.1 The financial implications have been detailed in the body of this paper.

9. Legal Implications

- 9.1 Due to the proposed financial commitments and impacts on more than two wards regarding Option 2; the adoption of an additional Band for SEN support criteria for mainstream schools, this proposal will be subject to a recordable decision by the Strategic Director, Children and Young People.

10. Equality Implications

- 10.1 The key groups affected by the proposals are children and young people with special educational needs and disability (SEND) aged 0-25 in Brent. The Council is committed to inclusive education for all children and young people with SEND in our mainstream schools, enhanced resource schools and special schools.
- 10.2 The Banding Review has been developed in order to improve outcomes for children and young people and achieve financial sustainability. The proposals support the needs of children and young people with SEND to be met earlier through evidence based interventions and aim to reduce our reliance on high cost placements in the non-maintained and independent sector, by ensuring that children with SEND can get a good education at a school close to their home.
- 10.3 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

11 Consultation with Ward Members and Stakeholders

- 11.1 Consultation has been undertaken with parents and carers, schools and settings and health providers. This consultation will continue through the piloting of the Graduated Approach Framework and SEN Support Fund during the 2021/22 academic year. An equality analysis will be undertaken as part of the review process of both the Graduated Approach Framework and SEN Support Fund.

12 Human Resources/Property Implications (if appropriate)

- 12.1 Not applicable.

Report sign off:

Gail Tolley

Strategic Director of Children and Young People