

WIRRAL COUNCIL

WIRRAL SCHOOLS FORUM – JULY 2013

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

ELEMENT THREE 'TOP UP' FUNDING FOR STUDENTS WITH HIGH NEEDS (SEN)

EXECUTIVE SUMMARY

This report presents a number of proposals for consultation about element three or 'Top Up' funding for students with special educational needs (SEN) that have been developed by the Forum's SEN Finance Steering Group.

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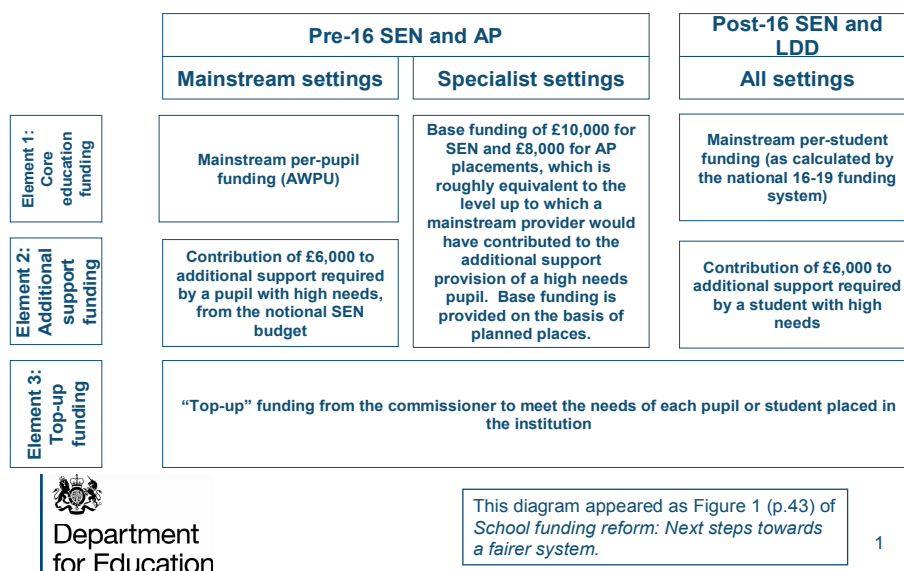
After an outline of the background and rationale the report and funding proposals are set out by sectors; special schools, resourced provision bases in mainstream, alternative provision, mainstream settings, and further education. Each section proposes funding, arrangements for funding, and then any other changes in that sector. From paragraph nine the report outlines general proposals.

1. Background.

- 1.1 This new system and its concepts and terminology were the subject of a detailed report to Forum and consequent consultation in July 2012 with updates on progress made since. One of the key features of the new system is a transparent and comparable funding methodology for students with high needs and high costs whatever the educating institution they attend.
- 1.2 Funding reform complements reforms to national SEN and Disability framework that has been subject of an Green Paper "Support and Aspiration: A new approach to special educational needs and disability" and consequent proposed legislative changes in the proposed Children and Families bill with the SEN aspects scheduled to come into effect in September 2014 with a new SEN Code of Practice.
- 1.3 Funding for students with statements or similar arrangements will be composed of three elements. Element one is core funding, element two is a delegated amount available in the institutions budget and element three is a locally determined top up.
- 1.4 For pupils attending specialist SEN provision and alternative provision elements one and two are paid by the Education Funding Agency on the basis of a planned number and equivalent to elements one and two already

available to mainstream provision. The base cost of place in specialist SEN provision is set nationally at £10,000 per place and in alternative provision at £8,000 a place. The diagram below from the DfE outlines the national funding methodology.

Overview: Reform of high needs funding



1.5 The proposals are the work of the Forum's SEN Finance Steering Group on a banded approach, recommended by the government, to element three top ups for:

- Students attending Specialist SEN provision: Wirral's 11 special schools, and 20 resourced provisions in 14 mainstream schools, and students attending independent non-maintained special schools and independent schools;
- Students in mainstream schools with element three costs; specialist SEN funding arrangements and /or statements of SEN;
- Students in post 16 provision with element three costs; Further Education Colleges, Sixth Forms and Independent Specialist Providers (ISP);
- Students attending alternative provision; two primary behaviour bases and Wirral's Alternative Schools Programme (WASP - KS3/4 Pupil Referral Unit - short stay school)

1.6 The financial year April 2013 – 2014 is a transitional year with some protections before the new system comes into full effect in April 2014. The consultation proposals in this report are intended to come into effect in April 2014. The Steering Group propose that because of the scale and complexity of the proposals that the consultation period will run until October half-term

2013 and that a special meeting of the Forum will be convened to consider the responses to consultation.

Q 1 Are you agreeable to the timescale and arrangements for consultation?

2. Rationale for Element Three Banding Proposals

2.1 The Forum's SEN Finance Group has developed these proposals, particularly the banded approach for specialist SEN provision, in consultation with providers over a number of months. Major issues identified in consultation with specialist SEN providers and the authority was the need for any banded approach to:

- ensure stability of budgets by minimising as much as possible any disturbance to current levels of funding;
- take account of possible fluctuations to funding because of part year occupancy of places and the interest of the authority to have places available;
- not be simplistic and be on three bands as the illustrative model last year modelled;
- recognise the growing needs of a population with social communication needs with relatively stronger funding than has been the case to date;
- recognise the resource intensive nature of making provision for those with the most profound and multiple difficulties.

2.2 As the bands must also honour existing commitments, and without additional funding, there was limited scope to redistribute monies for pupils already in the system.

2.3 The Steering Group recognise that because of the scale of the changes proposed that any changes are for the two year period April 2014-16 and are kept under review with a report to Schools Forum during 2015. This should also be consistent with reviewing cycle proposed by the Education Funding Agency of place numbers in specialist and alternative provision and allows the Authority time to develop its strategy for the new SEN landscape.

Q 2 Are you in agreement to this developmental and staged approach to change? Have you any comments?

3. Element Three Banding and Special Schools

3.1 Table One below shows the proposals for Element Three Top Ups for Wirral Maintained Special Schools and Appendix A models the budgets for Wirral Special Schools if the proposal is accepted.

Table One

Top Up	Staffing Average	Cognition and Learning	Communication and Interaction	Behaviour, Emotional and Social	Physical, Medical and Sensory
Band One (≈ £1,000)	1:10/12 + TA	Hayfield, Clare Mount, Orrets Meadow			
Band Two (≈ £6,000)	1:8 +1.5 TA		Hayfield, Clare Mount, Orrets Meadow	Gilbrook	
Band Three (≈ £7,000)	1:6 + 2TAs	Stanley, Elleray, Lyndale, Foxfield, Meadowside			
Band Four (≈ £8,000)	1:6 +2TAs + medical support	Stanley, Elleray, Lyndale, Foxfield, Meadowside		Kilgarth, Observatory	
Band Five (≈ £16,000+)	1:6 + 2TAs + medical support	Stanley, Elleray, Lyndale, Foxfield, Meadowside	Stanley, Elleray, Lyndale, Foxfield, Meadowside		Stanley, Elleray, Lyndale, Foxfield, Meadowside

Out of Borough Provision for all types of Needs	Independent non-maintained schools and independent schools.
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Q 3 Do you think the proposed 5 five band model for maintained special schools is acceptable? Have you any comments or alternative suggestions?

3.2 The Steering Group propose that element three funding will be paid termly unless otherwise agreed between the school and the Authority. Modelling of budgets for special schools based on occupancy rates indicated that students arriving after the autumn term census may create instability for schools (Gilbrook, Kilgarth, The Observatory and Orrets Meadow) most affected by in-year transfers and the Steering Group propose this could be ameliorated by adjustment to the value of the Top Up so that Top Ups for pupils arriving in the spring or summer term is double the autumn Top up. The death of a pupil from terminal or deteriorating conditions may cause some instability of funding

the Steering Group propose it is ameliorated by not removing funding until the end of the academic year.

Q 4 Are you in agreement with termly payments of top ups and the adjustments described ? What are your views?

- 3.3 All special schools receive inclusion funding, the cost of one teacher, to promote the inclusion of their students into mainstream settings. Kilgarth Special School has funding for two teachers to provide an outreach service. Gilbrook Special School also has funding agreements with the Forum to provide an Outreach Service (£150,000) and a sixth day exclusion facility (£60,000). Clare Mount Specialist Sports College also has additional funding of £179,340 to provide sports outreach. In constructing the budgets for special schools the Steering Group decided not to review inclusion funding at this time and propose it remains in the High Needs Block and should be subject to a later review. The Steering Group propose funding for Clare Mount is reduced by one third from April 2014.

Q 5 Do you agree that inclusion money is subject to a later review?

Q 6 Are you in agreement that Clare Mount's sports outreach funding is reduced one-third in April 2014?

- 3.4 Elleray Park Special School has been increasing in numbers over recent years and the increase in occupancy over place number has only partially been met by 'trigger' funding arrangements in the past and by Top Up funding only this year. The Steering Group propose increasing its place number with the Education Funding Agency from 80 to 90 with effect from September 2014.

Q 7 Are you agreeable to increasing place numbers at Elleray Park from 80 to 90?

3.5 Orrets Meadow School currently has 66 places for pupils with statements of specific learning difficulties, historically six of which have been funded at a higher level. In recent years numbers attending the school have fallen and the surplus places used by a pilot to admit pupils for one year. Meanwhile the demand of places for children with social communication difficulties has increased and such places in primary resourced provision and at Hayfield are full and occasionally non-maintained provision has been used. It is proposed to fund a further 10 places at a higher rate, at band 2, to meet the changes in demand. The additional funding required will be £50,000. This funding could be made available by a pro-rata reduction in the amount available for all top-ups (e.g. all top-ups reduced by £37), or reduction in inclusion money (e.g. from £33,407 per special school to £29,241), or from contingency, or from a combination of them.

Q 8 Are you agreeable to band 2 places being made available at Orrets Meadow? What are your views about resourcing this amount?

3.6 Current budget arrangements for Hayfield school are based on 80 MLD places and 40 Social Communication Difficulties (SCD) places. Changes in demand over recent years led the authority asking the school to increase SCD places to 56 and reduce the numbers of MLD pupils whilst keeping an overall budget based on 120. These arrangements balanced the budget. To sustain the changes in of numbers in different bands we propose 56 band two places and 64 band 1 places. The net cost of these arrangements is an overall increase of £80,000 if all places were full. The funding could be made available by a pro-rata reduction available for all top ups (e.g. all top ups reduced by £61, a reduction inclusion money (from £33,407 per special school to £26,741) or from contingency, or from a combination of them.

Q 9 Are you agreeable to altering the band one and two numbers for Hayfield? What are your views about resourcing this amount?

4. **Element Three Funding and SEN Resourced Base Provision in Mainstream**

4.1 Table Two shows the proposals Element Three Top Ups for Resourced Provision in Mainstream Settings and Appendix B models the budgets for Resourced Provision if the proposals are accepted.

Table Two

Top Up	Staffing Average	Cognition and Learning	Communication and Interaction	Behaviour, Emotional and Social	Physical, Medical and Sensory
Band One (£0)		Bids ton Village, New Brighton, Hilbert, Bebington High, Older Shaw, Wallasey, UAB	New Brighton, Priory, Devonshire Park		
Band Two (≈ £5,000)			Eastway, Fender, Devonshire, Park, Woodslee.		
Band Three (≈ £6,000)					
Band Four (≈ £7,000)			Hilbre, Woodchurch High		
Band Five (≈£10,000+)					Townfield

- 4.2 The Steering Group propose that funding bands in mainstream schools are £1,000 less than the equivalent band in special school because mainstream schools have a lump sum and other formula factors within their budgets which special schools do not.

Q 10 Do you think the 5 band model appropriate for Resourced Provision in mainstream schools? What are your views?

- 4.3 It is proposed that payments are made on a termly basis to resourced base provision.

Q 11 Are you agreement to this proposal? Have you comments to make?

- 4.4 Students currently attending Speech and Language Bases do so without a statement of SEN, that attendance is in some cases part-time and that the home school transfers the part of the AWPU. There has been some confusion about these arrangements. The Steering Group propose that students attending these bases do so full-time with statements and AWPU transfer ceases.

Q 12 What are your views about these proposals for students attending Speech and Language bases? Have you any comments you wish to make?

- 4.5 The number of students attending the University Academy of Birkenhead Resourced Provision has fallen. In September there will be 24 pupils attending this year with no entrants in year seven and no transfers to other year groups throughout last year. It is proposed that we consult with schools about reducing the place number in this provision from 40 to 20 from September 2014 and review its future over the next twelve months.

Q13 What are your views about reducing the place number at the Resourced Provision at UAB from 40 to 20 from September 2014 and reviewing its future?

- 4.6 The total numbers of students attending secondary resource bases for moderate learning difficulties (Hilbre, Oldershaw, Bebington and Wallasey) has now reached a total of 85. The increases in numbers were the subject of an agreement that increased funding by five places when schools went one over multiples of five pupils starting at 15 (i.e. the sixteenth triggered funding for twenty and the 21st pupil triggered funding for twenty-five, etc). It is proposed that no further increases are made for Hilbre, Bebington and Wallasey, and Oldershaw.

Q14 Are you agreeable to the place numbers now being capped at Hilbre, Bebington, Oldershaw and Wallasey?

- 4.7 The number of pupils attending the Resourced Provision Hearing Base at Townfield Primary School has fallen. On the advice of the Head of Sensory Service it is proposed to reduce the number of places from 12 to 10.

Q15 Are you agreeable to changing the number of places at Townfield Hearing Base from 12 to 10 ?

5. Developing the Banding Approach for SEN Provision

- 5.1 One consequence of developing the bands to address the issues set out in paragraph 2.1 is that on face validity the bands for specialist provision do not demonstrate an obvious logic and show a tight clustering of bands two, three and four. Modelling of different amounts of money in each band produced much more significant variance than has been achieved by the bands proposed here.
- 5.2 The bands present an opportunity for their development that is based on major types of needs and the provision to match them rather than by medical diagnoses. Appendix C shows how the bands may be developed to provide a matrix to assist a matching of needs and provision with funding. Of course no criteria can be prescriptive in every individual case. But it may allow a future banded approach to be one that eventually populates bands by pupils rather than the names of institutions. There are far reaching implications of this approach.

Q 16 What are your views about developing the bands that focus on needs and provision? We propose a working group is set up to consider developing the banding approach and its implications? Are you in agreement?

6. Element Three Funding and Alternative Provision

- 6.1 Table Three below shows the proposals for Element Three Top Ups for Alternative Provision.

Table Three

Provision	Staffing Average	Cognition and Learning	Communication and Interaction	Behaviour, Emotional and Social	Physical, Medical and Sensory
Riverside, St Michaels				AWPU Transfer	
WASP				AWPU Transfer + payment	
Hospital School					

- 6.2 It is proposed that the AWPU is used as top up payment and that a full year AWPU is transferred for Riverside, St Michael's and WASP. A national review of the funding for hospital schools is underway.

Q 17 What are your views about using a full year AWPU as top up payment for a pupil attending ST Michael's, Riverside, and WASP alternative provisions? Are you in agreement with the proposal?

7. Element Three Funding in Mainstream Schools

7.1 Additional funding has been delegated to ensure that element two funding (the old 5 units) is equivalent to the national average figure of £6,000. The Steering Group propose that funding agreements and statements for student attending mainstream settings will be on the basis of individually assigned pupil units that will be described as element three top up with the number of financial units specified. (The current value of one unit of element three top is £1,090).

Q 18 Are you in agreement with this proposal to fund agreements and statement in mainstream schools on the basis of a number of monetary units of additional support?

7.2 An analysis of the notional SEN budgets delegated to mainstream settings shows that in a very small number of primary and secondary schools their existing commitment to statements and funding agreements exceeds their notional delegated SEN budget. The Steering Group propose that additional funding is made to a school where its contribution to element two exceeds 90% of its notional delegated SEN budget. The estimated cost is £140,000

Q 19 What are your views about additional funding for schools in these circumstances? Are you agreeable for the funding to be made from the High Needs Block?

7.3 Academies and maintained schools operate with different financial arrangements and it is proposed that these revised funding arrangements do so likewise and that element three funding will be paid from the beginning of the financial year for maintained schools and from the beginning of the academic year for Academies.

Q 20 What are your views about these arrangements? Do you agree with the proposal?

8. Element Three Funding Post 16 in Further Education, Sixth Form College and Independent Specialist Provision

- 8.1 Currently, FE Colleges are allocated funding by the Education Funding Agency (EFA) for Additional Learning Support (ALS). This is based on the average cost of the previous year's overall support costs. ALS is any activity that provides direct support for learning to individual learners, over and above that which is normally provided in a standard learning programme that leads to their learning goal. In the new SEN funding system support funding will be provided by the Local Authority for additional support above £6,000.
- 8.2. In 2013/14 the Local Authority has asked providers, where Wirral residents will be attending, to calculate the amount of learners who will have costs above £6,000. Providers have then assessed the amount of 1:1 staff support and the hours required to calculate an ALS figure. A maximum contract value has then been calculated and providers will be asked to work within this allocation.
- 8.3 Overall numbers of Wirral learners accessing Independent Specialist Provision (ISP) have reduced on a yearly basis from 18 2 years ago to a predicted number of 10 in 2013/14. For continuity we will continue to apply the current Education Funding Agency (EFA) support bands and contact hour ranges for learners accessing an ISP. There is work being undertaken nationally to further define the criteria to be used in future years.
- 8.4 For Further Education, next year, we will consider a banded approach based on the Appendix D.

Q 21 What do you think about developing the illustrative banded approach shown in Appendix D, using time as the basis for the support, to be implemented in September 2014?

9. Recoupment

- 9.1 Recoupment of SEN monies between Local Authorities for students with statements of SEN (unless they are Looked After) ceases under the funding reforms and any educating institution is expected to recoup its top up funding. Recoupment has never been extensive for Wirral because of our geography.

The Steering Group propose that the Authority continues to recoup monies for all Wirral schools and academies up to April 2014 and that beyond that, either a) schools and academies make their own arrangements or, b) the Authority recoups monies and levies a charge to schools.

Q 22 Which proposal do you favour? Do you have any other suggestions?

10. Sensory Service

- 10.1 Wirral's Sensory Service meets the needs of pupils with hearing and vision difficulties at all stages of the current SEN code of Practice. It has been successful in developing inclusive approaches for these populations and few attend specialist provision or require statements.
- 10.2 Currently the service is funded by a top slice of the DSG and individual needs are met by the service without mainstream schools using their delegated budgets to fund element two (the five units or £6,000). This arrangement differs from those arrangements for meeting other needs, e.g. Health Care Plans, Funding Agreements and Statements of SEN. It is proposed that the service model of delivery and funding is reviewed to consider whether current arrangements remain, or that future arrangements should be consistent with arrangements for meeting other low incidence -high needs.

Q 23 Should funding and delivery of the Sensory Service be reviewed over the next 6 months?

11. Assessment Arrangements

- 11.1 Wirral's current SEN Handbook that describes and outlines current assessment arrangements was published in 2003. A new set of assessment arrangements are needed to usher in the SEN Funding Reforms. They must also prepare the way for the SEN Framework Reforms that are scheduled to come into effect in September 2014 but until then the assessment arrangements must be consistent with SEN Code of Practice (2001) and the SEN provisions in the Education Act '96.
- 11.2 Arrangements are being drafted called "Assessment Framework for High Needs Special Educational Needs Pupils and Students 2013-2014" to be implemented in September 2013 and serve to pilot the transition to the Funding Reforms and expected national SEN framework reforms. The framework will ensure that Wirral has procedures to assess the needs of all

students with high needs from 0-25 for the academic year 2013-2014 and gives guidance for all parties to understand the process for assessing and funding high needs pupils. It will be monitored and reviewed to take account of any policy changes and be the subject of revision over 12 months. It is much shorter than its predecessor, more generic and draws together changes that have occurred over recent years and hopefully will not impose unnecessary bureaucracy upon institutions.

12. Future Funding

12.1 Funding for high needs is making up an increasing proportion of the DSG and is higher than the national average. In paragraph 3.5 and 3.6 we introduced questions about resourcing funding changes. By presenting them we are drawing to your attention the cost of meeting rising demand for more expensive specialist provision and the need for a local sufficiency plan to be developed that sustains high needs spending appropriate to the funding available. Future funding must seriously consider recycling money already existing in the high needs block. This means trying to educate more pupils in local provision and have fewer pupils educated out of the borough. It means reducing the numbers of pupils in the lower funded bands and for them to be educated in mainstream schools. We propose that:

- the SEN Forum Finance Group extends its current remit to develop funding bands and also considers changes in places and demand with any future proposals for increases in top up funding to start from the assumption that the block is fixed and that options for change must include options that recycle money;
- Service Level Agreements are developed with Resourced Base Provision, and for any outreach services that are commissioned by the Forum, to ensure consistency of provision and services and quality assurance arrangements;
- future commissioning intentions are the subject of a longer-term vision and sufficiency plan being developed by the Families and Wellbeing Directorate.

<p>Q 24 What are your views about the proposals? Do have any other suggestions?</p>

Recommendation.

That the Schools Forum consults on the proposals in this report and arrange a meeting of the Forum in October/November 2013 to consider the responses.

Julia Hassall**Director of Children's Services**