

## **WIRRAL COUNCIL**

### **WIRRAL SCHOOL FORUM – 13<sup>th</sup> NOVEMBER 2013**

#### **REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES**

#### **ELEMENT THREE 'TOP UP' FUNDING ARRANGEMENTS FOR PUPILS WITH HIGH NEEDS (SEN) AND FOR PUPILS ATTENDING ALTERNATIVE PROVISION**

##### **EXECUTIVE SUMMARY**

This report describes the response to a funding consultation that commenced on 3<sup>rd</sup> July 2013 and closed on 18<sup>th</sup> October 2013 and makes recommendations to revise place numbers in some specialist provision and revise funding arrangements.

The consultation document was developed following a series of meetings with special schools SEN resourced provision, alternative provision and colleagues from other authorities of the Merseyside Learn Together Partnership. A number of providers, and some groups of providers, sought meetings with officers for further clarification. FE providers have had separate meetings with a specialist officer of the authority.

During this period of consultation the Education Funding Agency (EFA) issued further guidance about the operational revenue funding arrangements for 2014-15. Contrary to previous guidance it extends a further commitment to a minimum funding guarantee for one more year for 2014-15 for specialist SEN and alternative provision. The impact on the consultation proposals is explained further in the report at 'EFA Operational Funding Arrangements for 2014-15' (paragraphs 2 - 5).

The impact of the proposals to change numbers in specialist SEN provision at 7, 7a, 13 and 15 are close to neutral in terms of the Authority's overall place number with the EFA showing a net reduction of two places for pupils age 4-15 years.

Previous reports of direct relevance were considered by the Forum on 3<sup>rd</sup> July 2012 and 25<sup>th</sup> September 2102 when arrangements for a first stage in the reform of SEN funding were the subject of consultation and agreement.

##### **Consultation**

1. The funding consultation asked 24 questions. The consultation document was circulated to all educational settings attended by Wirral pupils and students; maintained schools, academies, non-maintained independent special schools, independent schools, 6<sup>th</sup> Form College, and Further Education Colleges. See Appendix A for a copy of the consultation.

## EFA Operational Funding Arrangements for 2014-15

2. A major issue this guidance raises for this consultation is an extension to the minimum funding guarantee for one more year. A condition of grant is that authorities will be obliged to maintain each top up funding rate at no less than 98.5% of its 2013-14 value, ensuring that any reduction in funding per pupil is no greater than 1.5%.
3. Local authorities can apply for exemptions from this condition of grant and to do so must demonstrate any changes have the support of those schools and academies affected. The calculations shown in the consultation did not factor an MFG as an option.
4. In response to this guidance, and to provide those educational settings affected by an option of maintaining an MFG, or of supporting an application for exemption, a further consultation session has taken place with special schools, SEN resourced provision and alternative provision. A letter has also been sent out to settings asking for views about applying for an exemption, or applying for an exemption with an average MFG costing, or of maintaining full MFG protection. See Appendix B for a copy of the letter. There will be a verbal report at the Forum on the responses to the letter.

### Consultation Responses

5. Responses were received from the following:
  - 10 maintained special schools
  - 2 FE Colleges
  - 1 Sixth Form College
  - 6 schools with Specialist SEN Resourced Provision
  - 1 source not named
  - 3 primary schools
  - Birkenhead South Primary Headteachers' cluster group.

These included responses from two head teachers and two members of governing bodies, these contributions were in addition to the responses from the schools.

6. A large number of the proposals drew limited comment and those were overwhelmingly positive in agreeing the proposals. Many respondents responded to questions of direct relevance to themselves, few respondents completed the whole consultation. Some of the responses were particularly detailed with many points and often arguing for greater resourcing for different types of special needs. The different types of special needs described often used diagnostic medical labels as a proxy for resourcing.
7. The questions that drew the largest, and sometimes very detailed comments, were questions 3, 8, 9, 10, 21, and 24 where the issues were about costs and approaches.
8. All responses have been very carefully considered and have led some changes in the proposals. An updated table of top up costs is attached at Appendix C.

## Recommendations

9. The rest of this report shows a summary of each consultation question, the responses to it and then makes a recommendation.

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

The majority of respondents were in agreement, several commented that the timing over summer was not helpful in allowing respondents time to consider a complex consultation.

### **Recommendation 1**

**The timescales and arrangements are accepted.**

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

The majority of respondents were in agreement, comments were around the importance of timely reviews.

### **Recommendation 2**

**A developmental, staged approach is accepted.**

Q 3 Do you think the proposed 5 five band model for maintained special schools is acceptable? Have you any comments or alternative suggestions?

The majority of respondents were accepting of the model overall and considered it a reasonable starting point for development. This question drew a significant amount of comment, particularly from special schools. A few respondents considered the five bands too simplistic and several respondents made a case that the needs of its pupils were not sufficiently recognised financially in this settlement. A few commented that band five could be developed into two parts, one part being used to specifically recognise physical medical care needs alongside the educational need. One respondent argued for a school specific top-up significantly higher than the banding proposed because without it the school will not be financially viable next year.

### **Recommendation 3**

**The five band model outlined in Appendix C is adopted. A contingency fund is set aside from unallocated funds in the High Needs Block budget to financially support specialist SEN provision that may experience financial difficulties whilst future options are considered.**

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

The majority agreed with termly top-ups. One wanted to retain an annual payment, one suggested annual top-ups for schools with decreasing rolls and termly top ups for schools with increasing rolls. One respondent raised a query about the financial adjustment proposed occurring at the end of the school year for a child's death, pointing out that a budget change should happen whenever a child is taken off roll whatever the reason. This point is accepted and year end adjustment for a child death is not part of

the recommendation. There is a caveat that exceptions to the termly payments may be agreed between the authority and school.

#### **Recommendation 4**

**Termly payments of top-ups are to be made to special schools with the spring/summer top-up to be double the top-up of the autumn term unless agreed otherwise between the authority and school.**

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

The majority agreed with the proposal with some commenting that reviewing it now adds another complication. Two respondents wanted it reviewed as soon as possible, whilst one wanted current arrangements to remain.

#### **Recommendation 5**

**The inclusion money that all special schools receive totalling £757,874 should be subject to a proper review of what the money is for and how it is being used and with recommendations for future action.**

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

The majority of responses agreed with this proposal. A number suggested a review to clarify and agree the reasons for its longer-term allocation.

#### **Recommendation 6**

**The outreach funding received by Clare Mount is reduced by one-third in April 2014**

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

The majority of responses agreed with this proposal.

#### **Recommendation 7**

**The Local Authority requests the EFA to increase the place number at Elleray Park from 80 to 90.**

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

The majority of responses agreed with this proposal to fund band 2 places at Orrets Meadow for Social Communication/Autistic Spectrum Conditions (ASC). Two disagreed; one at length claiming it would spell the end of the school's existing specialism in specific learning difficulty. Three responses said it should be paid for using inclusion money, four preferred to see contingency used, two suggested a top slice all top-ups and two opposed such a move.

#### **Recommendation 8**

**Orrets Meadow to be funded to make available 16 band 2 places. The additional top-up required of £80,000 to be funded from unallocated budget in the High Needs Block.**

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

The majority of responses agreed to this proposal. Similar responses to those at 8 suggested how this could be funded.

**Recommendation 9**

**Hayfield to be funded to make 60 band 1 and 60 band 2 places. The top up required of £20,000 to be funded from unallocated budget High Needs Block.**

Both questions 8 and 9 led to a number of comments about the impact these changes at primary would have for provision at secondary level for pupils with communication and interaction difficulties. Across the maintained and academy secondary sector there are 58 Social and Communication/Autistic Spectrum Condition places with a similar number in the non-maintained sector. Across the primary maintained sector there will be 132 such places. A review of Social Communication/Autistic Spectrum Condition policy is underway to assist the development of future strategy. However, it is important to consider returning to a process of converting MLD places at Clare Mount Specialist Sports College to ASC places now.

**Recommendation 9a**

**Funds are made available for Clare Mount School to offer 8 band 2 places a year, starting in September 2014 for the next 3 years, and reduce the number of band 1 places by the same number over that time. The top up required of £40,000 to be funded from unallocated budget in the High Needs Block.**

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

This question produced a variety of responses. Whilst most agreed with the same banded model as special schools some argued that the funding should be the same. Furthermore, some suggested that funding of primary and secondary bases for children with needs arising from Social Communication/Autistic Spectrum Condition should be the same. A number raised a query about the high cost of funding deaf pupils.

Following consultation parts of the proposed banding model have been amended in recognition of comments that were made about provision for children with needs arising from Social Communication/Autistic Spectrum Condition

**Recommendation 10**

**The 5 band model shown in Appendix C is adopted.**

**Recommendation 10a**

**Further changes to the continuum of provision for children with a Social Communication/Autistic Spectrum Condition already referred to in recommendations 8, 9 and 9a are to be considered by the policy review that is underway.**

Q 11 Should payments to resourced base provision be made termly ? Have you comments to make?

The majority of respondents agreed that termly top-ups to resourced provision were appropriate.

**Recommendation 11**

**Top ups to resourced base provision will be made termly.**

Q 12 Should pupils attending Speech and Language bases do so fulltime with statements of SEN and with AWPU transfer ceasing? Have you any comments you wish to make?

Eight respondents were in favour of the proposal for pupils attending the bases should have a statement of special needs and should attend full-time. Three opposed the view and the rest offered no comment. Only one of the three schools that have bases responded.

In these circumstances, and the fact that as we move to a new system over the next several months, a decision about statements for these pupils is postponed for 12 months until the new single plans are developed. This will allow for more consideration and consultation to be given to the use of these bases and the arrangements for funding and entry.

**Recommendation 12**

**Pupils should attend SALT bases full-time with AWPU transfer continuing and the question about whether pupil should have a statement is re-considered in 12 months time.**

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?

The majority of responses were in agreement. The UAB understands the reason for this proposal and suggests a further review of demand. In the interests of an orderly financial transition we seek to reduce places by at least ten places a year over the next two years with further review of demand to follow.

**Recommendation 13**

**The Local Authority requests the EFA to reduce the place number to 30 from September 2014.**

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

The majority of respondents were in agreement.

**Recommendation 14**

**The present place numbers at these provisions are now capped and no further growth on the basis of the model which developed them is to occur.**

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

The majority of respondents were in agreement.

**Recommendation 15**

**The Local Authority request the EFA to reduce the place number from 12 to 10 from September 2014.**

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?

The majority of respondents were in agreement.

**Recommendation 16**

**The SEN Forum Group lead the developments to consider developing the banded approach.**

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?

This was generally agreed by respondents. WASP budget is a combination of part payment of AWPU and a banded top up.

**Recommendation**

**St Michaels and Riverside alternative provision to receive a pro rata payment of the full year AWPU as top up and WASP to continue with part payment of AWPU and a top up.**

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?

This proposal was agreed by the majority of respondents.

**Recommendation 18**

**Funding agreements and statements of SEN in mainstream will be on the basis of a number of monetary units for additional support.**

Q 19 Should additional funding be made to a school where its contribution to element two exceeds 90% of its notional delegated SEN budget?

This was agreed by the majority of respondents.

**Recommendation 19**

**If a mainstream schools contribution to element two exceeds 90% of its notional delegated budget additional funding will be made from unallocated contingency in the High Needs Block.**

Q 20 Should revisions to funding arrangements continue to be paid from the beginning of the financial year for maintained schools and from the beginning of the academic year for academies?

There was acceptance that current arrangements continue for the revised funding outlined here.

**Recommendation 20**

**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 21 What do you think about developing the illustrative banded approach for FE and 6<sup>th</sup> form colleges from September 2014?

Few respondents commented on this question. Of the three that did two argued in considerable detail against a banded system based on time, and in favour of using their costs for top ups with a maximum amount of funding based on lagged numbers.

The government suggested there was a vitally important role to be played by some form of banding arrangement to help dialogue and simplify matters and avoid protracted work on each case. The Forum has adopted this approach. A banding model based on time for post 16 has been widely adopted by local authorities across the Merseyside region.

**Recommendation 21**

**Further consultation and development work is needed between FE and 6<sup>th</sup> form colleges in the region and the local authority to agree a way forward for the future.**

Q 22 Should recoupment be made by the LA up to April 2014 and beyond that, either schools or academies make their own arrangements or the LA recoups monies and levies a charge? Which proposal do you favour? Do you have any other suggestions?

The majority of those that responded favoured the local authority managing recoupment arrangements. A small number of schools are managing these arrangements for themselves.

**Recommendation 22**

**The LA will continue to recoup monies until April 2014 and an offer of a recoupment service is to be developed as part of traded services.**

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

The majority of respondents agreed with this proposal.

**Recommendation 23**

**The funding and delivery of this service should be reviewed by the local authority and stakeholders the end of the summer term 2014 with a report to Forum for the start of the next academic year.**



Q 24 This question had a number of proposals and offered an opportunity for general comments and suggestion

A variety of responses were made, most supportive of the proposals. A sample is reported below:

- the need for clear vision and strategy;
- the arrangements outlined are realistic, workable and affordable;
- that there is a drive to ensure all pupils are educated within the borough;
- that resourced base provision should have access to inclusion money to provide outreach services;
- that the complexity of pupils and assignment to bands needs careful consideration, monitoring and development;
- that any changes to funding should not assume recycling is the only answer as genuine increases in funding may be needed;
- the Assessment Framework for 2013-14 is subject to revision over the current academic year;
- that the composition and operation of SNAP/future moderating arrangements needs careful consideration and development work, (currently SNAP handles over 500 requests for assessment and issues around 200 final statements annually);
- that educating institutions continue to work proactively in partnership with the local authority.

#### **Recommendation 24**

- i. The Forum Finance group's remit is extended to lead on the development of funding bands.**
- ii The principle of service level agreements with resourced base provisions is adopted.**
- iii The Assessment Framework for High Needs SEN is reviewed and revised over the academic year.**
- iv The views and comments of educating institutions in this report together with the agreed recommendations are referred to Cabinet.**

Julia Hassall  
Director of Children's Services  
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