

Date of meeting:	Thursday, 6 December 2018
Title of report:	Overview of Feedback from High Needs Consultation
Type of report: Delete as required	For decision / discussion / information only
Executive summary: Including reason for submission	This report provides a high-level update to Schools Forum on the recent consultation on changes to the high needs budget
Budget / Risk implications:	There are no proposed savings attached to Proposal 1; there are budget reductions attached to proposals 2 and 3.
Recommendations:	Schools Forum are asked to note the contents of the report and provide views to inform next steps
Voting requirements:	None
Appendices: To be attached	Appendix 1 Consultation Summary
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Presenting officer: If not the originator	Chris Reynolds, SEND Placement Officer Nikki Joyce, Head of SEND

Overview of Feedback from High Needs Consultation**1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to:

- Provide a high level update to Schools Forum on the recent consultation on changes to the high needs budget.
- Seek Schools Forum views to inform ongoing development of recommendations on the proposals.

Although Schools Forum do not have a decision making role with regards to this consultation we are seeking the views of the forum which will be taken into account as recommendations are developed and taken through the democratic decision making process. Decisions on the proposals will be made by the Council's Executive, and this is scheduled for January 2019.

2.0 BACKGROUND

- 2.1 The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and/or disabilities (SEND), working with parents/carers, young people and providers.
- 2.2 A top priority for North Yorkshire is to make sure that children and young people have the right kind of support and education to make the best start in life. The county council is recognised as ambitious and innovative for using increasingly limited resources to great effect.
- 2.3 North Yorkshire's recently adopted Strategic Plan for SEND Education Provision 2018-2023 (the Strategic Plan) is designed to create enough places to meet needs, more localised provision and a more inclusive mainstream culture. The Strategic Plan, which was agreed by the Council's Executive on 4th September 2018 supports the statutory duty set out in paragraph 2.1. The Strategic Plan can be found at www.northyorks.gov.uk/sendplan.
- 2.4 North Yorkshire faces unsustainable pressures on the High Needs Budget. This year, the funding received from the DfE for the education of children and young people with SEND is nearly £6m less than is required. The LA is funding this from reserves and has also asked Schools Forum to transfer money from all other schools. North Yorkshire is calling on Government to fund fully the high needs budget.
- 2.5 The Strategic Plan clearly sets out that the High Needs Budget will be reviewed and reshaped. This will be an ongoing process. The first part of this process was the public consultation on three proposals which took place in October and November 2018. The proposals consulted on are designed to fulfil the long-term ambitions of the plan while relieving some of the unsustainable pressure on the high needs budget. Responses to these consultations are being very carefully considered and there is further detail below.

Overview of Feedback from High Needs Consultation**3.0 FORMAL PUBLIC CONSULTATION ON CHANGES TO THE HIGH NEEDS BUDGET**

- 3.1 The consultation was about three specific proposals for changing the high needs budget. These are:

Proposal 1

We will change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system.

Currently top up funding (or Element 3) is allocated by an online tool called the Can-Do. This requires a school or parent to rate a series of questions from strongly agree to strongly disagree and then allocates funding according to a weighted formula behind the responses. Schools and the SEN team have identified issues with this as identified in the consultation summary (Appendix 1) and seek to change to another methodology which is more transparent and more equitable and is based on evidence of need and evidence of provision. Banding systems are widely used to achieve this. There is no saving attached to this proposal.

Proposal 2

We will change the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.

This proposal includes:

- Allocating all financial resource going into Alternative Provisions on a place basis
- Reducing top up values from £9000 to £7000 per place
- Increasing the number of commissioned places to between 130 and 142
- Reducing spend by between £1.3m and £1.5m from current discretionary money
- Providing a proportion of discretionary money (£771k) directly to local education leaders to develop early intervention strategies
- Continuing to invest between £3.1m to £3.3m into support for young people requiring alternative provision due to risk of exclusion

Proposal 3

We will bring arrangements for provision and funding for young people with EHCPs receiving post 16 education into line with statutory guidance.

This proposal has 2 parts:

3a. Funding for young people with EHCPs in mainstream school sixth forms. We propose to fund the top up funding for these young people at 16 hours per week in line with the tuition they receive.

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3b Funding for post 19 specialist placements. We propose that where a young person has been assessed as needing a 25 hour package, 16 hours per week is funded through High Needs Budget in line with guidance and the remainder is funded through adult social care funding.

Proposals 3a and 3b will result in a saving to the High needs Budget but not to the Council overall.

The consultation summary is attached at Appendix 1 for information.

3.2 During the consultation we asked for views on our proposals from:

- parents and carers of young people with SEND
- children and young people with SEND;
- staff in early years settings, schools, alternative provision and further education settings (e.g. colleges), including governors;
- parent and carer groups, including North Yorkshire Parents and Carers Together (NYPACT);
- local authority staff.

3.3 In addition given the focus of the proposals being consulted on the following groups were specifically targeted. Letters about the consultation were sent to:

- parents and carers of children and young people with Education, Health and Care plans (EHCPs)
- young people aged 16 and over with EHCPs
- children and young people on the roll of the Pupil Referral Services and their parents/carers.

3.4 The consultation began on 5th October 2018 and ended on 11th November 2018, a total of 38 days. During that period of time there were:

- Lunchtime parent/carers' meetings in each of the localities (Craven; Hambleton/Richmondshire; Harrogate/Knaresborough/Ripon; Scarborough/Whitby/Ryedale and Selby).
- Three meetings for education professionals and schools staff. Two of these were held in the morning and one in the early evening.
- A meeting with the Flying High young people's group

Each meeting focused on an explanation of each of the three proposals followed by an opportunity to comment/ask questions on each. Officers leading the meetings endeavoured to ensure fairness in the time allocated for each proposal.

In addition the presentation given at these meetings was made available on the consultation website, and a series of frequently asked questions were added to the website during the consultation period.

SENCOs in mainstream schools and Headteachers of special schools were asked to support young people to participate in and respond to the consultation. The local authority Behaviour and Attendance Advisers also provided support for young people in pupil referral services/alternative provision to contribute their views and tailored the approach to suit the needs of the young people.

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Information about the consultation was regularly promoted via social media.

- 3.5 There was an online survey for responses to the proposals via the consultation website, and paper copies and an easy read version were available. The consultation materials and survey were available in alternative formats on request.
- 3.6 The consultation ended on 11th November 2018. A significant amount of information has been received in response to the consultation and the process of collating and analysing all consultation feedback is currently taking place. All written feedback, including responses, will be included with the report to The Executive which is expected to take place in January 2019. This information will be made public.

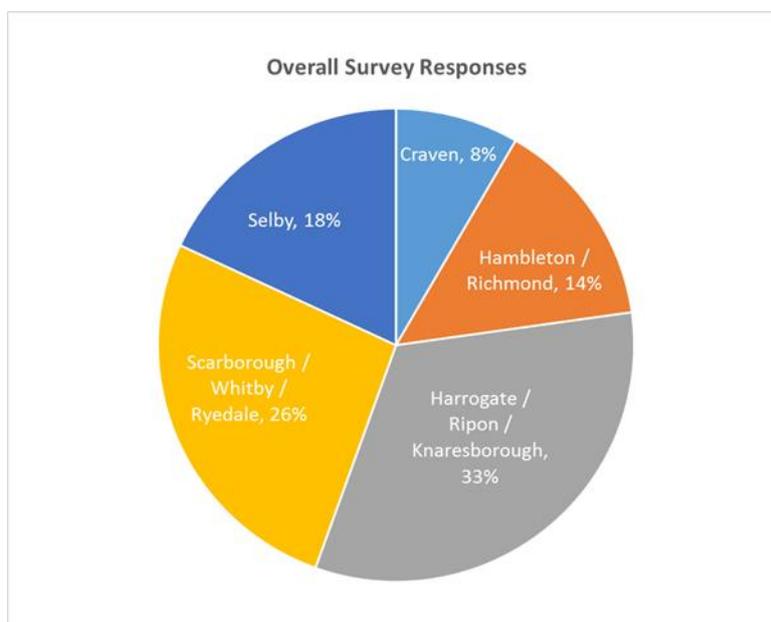
4.0 CONSULTATION FEEDBACK – OVERALL

Please note that this section covers initial headline information about consultation feedback. The consultation feedback is still being analysed, Schools Forum will be further updated in January 2019.

4.1 There were 382 respondents who completed the survey (online and paper responses combined). Of this total:

- 32 (8%) were from Craven
- 55 (14%) were from Hambleton/Richmondshire
- 125 (33%) were from Harrogate/Knaresborough/Ripon
- 101 (26%) were from Scarborough/Whitby/Ryedale
 - Scarborough 76 (75%)
 - Whitby 11 (11%)
 - Ryedale 14 (14%)
- 69 (18%) were from Selby

The pie chart below illustrates this further



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4.2 Of these overall respondents 362 indicated how they are involved with the special educational needs and disability service. This was as follows (NB percentages relate to the responses to this question):

- Parents/carers 163 (45%)
- Young people 76 (21%)
- Responding on behalf of an organisation 123 (34%)
 - Education 111 (90%)
 - Health 1 (1%)
 - Social care 2 (2%)
 - Voluntary 6 (5%)
 - Other 3 (2%)

4.3 There were 218 attendees at events in the local areas, however it should be noted that some attendees were present at more than one event, so this figure does not reflect 218 separate individuals.

The attendees were as follows:

- 26 representing schools (including governors)
- 70 representing PRS
- 10 representing post 16 providers
- 86 parents and carers
- 7 children and young people

In addition 8 young people attended the Flying High Group.

4.4 There were also 17 pieces of written feedback giving additional consultation responses. These were:

- 1 from a young person (6%)
- 5 from parents/carers (29%)
- 5 from Education professionals (29%)
- 6 others (35%)

4.5 We are unable to provide a total number of consultation response numbers, as some individuals may have provided feedback through multiple routes.

5.0 HIGH LEVEL CONSULTATION FEEDBACK – PROPOSALS

5.1 There has been a significant amount of feedback to the consultation in terms of all three proposals, but particularly in respect of proposal 2. The paragraphs below give a high level overview from initial analysis and consideration of survey and other feedback. Given the amount of feedback received work is ongoing to ensure all feedback is considered and analysed in detail. This includes looking at feedback from specific local areas and specific groups of respondents. This will inform shaping of recommendations which will be considered by The Executive. A detailed consultation outcomes report will also be prepared following the analysis.

Overview of Feedback from High Needs ConsultationProposal 1

- 5.2 Figures for responses to the questions about proposal 1 have been updated since the information given to Schools Forum at their meeting on 19th November 2018. There were a total of 307 responses to the survey for the question 'To what extent do you agree with proposal 1?' Feedback from these responses was fairly evenly distributed across the spread of responses strongly agree to strongly disagree. There were a total of 238 responses to the question asking respondents if they agreed with the way the band values had been worked out.
- 5.3 Consideration of the comments made about proposal 1 via the survey indicate that a number of respondents based their comments on factors unrelated to the actual proposal. There was, however, evidence of support for a move to the banding system and direct criticism and lack of support for the CAN-DO. Some concerns expressed were about implementation rather than the methodology itself. These themes were reflected during consultation meetings.

Proposal 2

- 5.4 There were a total of 351 responses to the survey for the question 'To what extent do you agree with proposal 2?' This was the highest response for any of the three proposals. A high number of respondents disagreed with the proposals and a large proportion neither agreed nor disagreed.
- 5.5 Emerging themes from comments and meeting in respect of proposal 2 include reference to the good quality PRS/AP provision in the County; concerns about the ability to maintain the current provision model; the need for a more flexible range of AP and a view that timescales were not sufficient to implement the funding changes proposed. A further theme related to questions about future provision for children and young people with medical needs.
- 5.6 As Schools Forum are aware work has been commissioned from ISOS in terms of alternative provision and there have been workshops in all localities with Headteachers and a specific workshop for PRS Headteachers. This work took place parallel with but separate from the consultation. The report from this work is due imminently. There have been further meetings with Headteachers in some localities to continue this work following the initial workshops.

Proposal 3a

- 5.7 There were a total of 291 responses to the survey for the question 'To what extent do you agree with proposal 3a?' Feedback from these responses was fairly evenly distributed across the spread of responses strongly agree to strongly disagree.
- 5.8 In terms of comments made, the majority were either irrelevant to the proposal or not applicable to the respondent. Support for the proposal was evident in a number of comments. Where comments did not support the proposal the disagreement was essentially with the national guidance and policy around post 16 provision.

Overview of Feedback from High Needs ConsultationProposal 3b

- 5.9 There were a total of 287 responses to the survey for the question 'To what extent do you agree with proposal 3b?' A significant number neither agreed nor disagreed and otherwise the response was fairly even in terms of agreement/disagreement.
- 5.10 As with proposal 3a, there were a number of comments about this proposal which were not relevant. There was support expressed for the proposal but also concerns about queries about how the joint funding of packages would work. Again there was a theme linked to disagreement with national guidance and policy.

6.0 NEXT STEPS

- 6.1 As noted in paragraphs 3.6 and 5.1 there has been a significant amount of feedback, particularly in response to Proposal 2. Officers are working to consider all feedback and to prepare a detailed outcomes report which will be available in due course. As noted above all written responses to the consultation will be responded to as part of a separate consultation responses document. Both of these documents will be made public as papers which will be considered by The Executive.
- 6.2 The Council has listened to and heard the messages and themes which came from the consultation meetings, some of which are referred to above, and those emerging from the survey and written feedback. These will inform the development of recommendations for each proposal which will be considered by the Executive. This is currently expected to take place in January 2019.

7.0 RECOMMENDATIONS

- 7.1 It is recommended that Schools Forum:
- note the updated information about the consultation on changes to the High Needs Budget
 - gives views to inform next steps

STUART CARLTON

Corporate Director – Children and Young People's Service



Consultation on changes to the High Needs Budget

5th October 2018 to 11th November 2018

All local authorities have a duty to keep their special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

In order to meet this duty, North Yorkshire County Council has developed the strategic plan for SEND education provision. You can find this plan at www.northyorks.gov.uk/sendplan. The plan includes actions to develop special educational provision in North Yorkshire and to have more local provision for children and young people.

We have a budget of £44.8 million to spend on special educational provision. This is called the High Needs Budget and is allocated by central government. There is significant financial pressure on this budget due to the increase in the number of children and young people who have been assessed as needing an Education, Health and Care Plan (EHCP). However funding from central government has not increased in line with increased demand. The strategic plan helps us to make sure we can make the best provision possible with the funding we have whilst ensuring we meet the assessed needs of children and young people.

As set out in the plan we are reviewing and reshaping the high needs budget. This will be an ongoing process as we implement the plan but we now want to consult on the following three specific proposals for change:

- Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system.
- Changing the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.
- Bringing arrangements for provision and funding for young people with EHCPs receiving post 16 education, into line with statutory guidance

Please note that the Local Authority will always make sure that the assessed needs of children and young people are met, and that it meets its statutory duties.

We want to ask your views on these proposals as part of a formal consultation.

This document explains the proposals for remodelling the High Needs Budget that we are consulting on. We recommend that you read more details about the proposals at <http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas> .

We have explained about who and how we are consulting, the timescale for the consultation and our equalities impact assessments, as well as how to complete the survey below.

Who are we consulting?

We are asking the public for views on our proposals, specifically the following groups;

- parents, carers, children and young people;
- staff in early years settings, schools and further education settings (e.g. colleges), including governors;
- parent and carer groups, including North Yorkshire Parents and Carers Together;
- local authority staff.

How are we consulting?

We are asking a number of questions, in a survey, about our proposals and for any other comments. The survey will be available online, via the council's website and via the Local Offer. Paper copies are available on request and an 'easy read' version is available on the website. We are also holding events the following events around the county, to talk about the proposals:

Events for parents and carers:

Date	Time	Location
Monday 22nd October	12:00 – 13:30	Skipton Town Hall, High St, Skipton BD23 1AH
Tuesday 23rd October	12:00 – 13:30	Community House, Portholme Rd, Selby, YO8 4QQ

Wednesday 24th October	12:00 – 13:30	Evolution Business Centre, County Business Park, Darlington Rd, Northallerton, DL6 2NQ
Tuesday 6th November	12:00 – 13:30	Scarborough Dial A Ride, Unit 4, 64-66 Londesborough Road, Scarborough, YO12 5AF
Wednesday 7th November	12:00 – 13:30	Cedar Court, Park Parade, Harrogate, HG1 5AH

Events for school staff and other education professionals:

Date	Time	Location
Tuesday 16 th October	09:30 – 11:00	Allerton Court Hotel, Darlington Rd, Northallerton, DL6 2XF
Tuesday 6 th November	09:30 – 11:00	Scarborough Dial A Ride, Unit 4, 64-66 Londesborough Road, Scarborough, YO12 5AF

What is the timescale?

The consultation will be open for 38 days starting on 5th October 2018 until 11th November 2018. Once the consultation has closed, we will review all of the responses and prepare a report for consideration by Executive Members of the Council with responsibility for Children and Young People's Services. They will consider the feedback on the proposals and make a decision in about whether they wish to implement all or some of the proposals.

Information about our equalities impact assessment

We have carried out an equalities impact assessment (EIA) for each proposal which can be found here <https://www.northyorks.gov.uk/hnbconsult> . We will update these following comments received during the consultation and councillors will consider them again before they make a decision on implementing the proposals.

Completing the survey

Please give your feedback on the proposals for changing the High Needs Budget by completing our online survey, at <https://www.northyorks.gov.uk/hnbconsult> .

We recommend that you read the background documents for each proposal before you complete your response. You can find these here <http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas> .

If you would like a paper copy of the survey, please call our customer service centre on 01609 780 780.

Our proposals for changing the High Needs Budget

Proposal 1

We will change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system.

In order to meet the needs of children and young people with SEND who have EHCPs, the local authority allocates funding from the High Needs Budget which is called 'element 3' or top up funding.

At the moment we use a system called the 'CAN-Do' model which is a type of system to allocate resources. This system was designed to allocate an amount of funding to support a child or young person based on their individual needs.

We are aware that parents/carers and schools have concerns about the 'CAN-Do' model and despite making changes we are not confident we have been able to address all the issues. For example there have been some difficulties in the system allocating the right amounts of funding to meet children and young people's needs. There are also concerns about the funding being allocated appropriately to meet all SEND needs as the questions in the system can be understood in different ways. The current system also does not require evidence to be provided about the needs of children and young people, and so there can sometimes be variation between settings and schools in the amount of funding allocated.

Therefore our proposal is to replace the CAN- DO system with a banding system. A banding system is where each child's needs are assessed and the provision they require to meet those needs is identified. This is then compared with descriptions of provision to see what level of funding is required to make that provision. The way funding is allocated will be easier for everyone to understand and will ensure the right amount is allocated for each child. It will ensure that each child or young person's need are met. It will also have the following benefits:

- it will cover all areas of needs
- it will be easier to administer
- it will make sure funding is based on evidence of need
- it will make sure funding is allocated using clear principles
- it will be easier to understand
- it will be able to be used across the continuum of universal, targeted and specialist provision for 0-25 year olds

Our proposal is that there are 10 bands for top up funding which will:

- cover all four areas of SEN: communication and interaction; cognition and learning; social, emotional and mental health and sensory physical.
- include provision for children and young people's medical needs
- cover needs from the least to the most complex.

Our proposed bands and funding are set out in the table below:

Band	Value
1	No value
2	No value
3	No value
4	£1,160
5	£3,160
6	£4,780
7	£7,570
8	£9,140
9	£12,880
10	£20,000

The descriptions of need for each band can be found at <http://www.northyorks.gov.uk/bands>

We have set the funding for each band by considering the amount of support a child or young person needs against each band description. We have compared these to a number of teaching assistant hours. This does not mean that support for a child or young person will always be provided by a teaching assistant; it could be equipment or a particular intervention. Each setting, school and provider will work out the best way to use resources to meet the needs of children and young people, working in partnership with parents and carers.

There are no savings attached to this proposal. Our aim is to ensure that the Local Authority has the right information to make sure each child or young person has the right provision to meet their needs. The proposed banding system will also ensure that funding for each child or young person is spent as stated in their EHCP.

We will introduce this change from April 2019. For children and young people who receive top up funding linked to their EHCP, this will be reviewed at their annual review and moved to the new banding system.

Proposal 2

We will change the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.

In North Yorkshire provision for young people who are permanently excluded or at risk of permanent exclusion is made by pupil referral services (PRS) and alternative provisions (AP). The majority of these young people do not have EHCPs.

North Yorkshire PRS and AP provision is as follows:

- Craven PRS
- Sunbeck (Hambleton/Richmondshire)
- The Grove Academy (Harrogate/Knaresborough/Ripon)
- Scarborough PRS
- Ryedale Out Of School Education (ROOSE)*
- Whitby Outreach*
- The Rubicon Centre (Selby)

*Provisions in Ryedale and Whitby are alternative provisions overseen by schools and are not registered as pupils referral services.

PRS and AP provisions meet the needs of children and young people who might need support to prevent them being excluded from school and who have been permanently excluded. At the moment they also have provision for pupils with medical needs, but as we implement the strategic plan there will be changes to this provision.

Our proposal is that we change the way we commission provision at the PRS/AP and how we fund them. We currently provide £4.6 million of funding to the PRS/AP provisions of which £2.7million 'non-statutory' funding.

We are proposing that we commission places at PRS on a place basis. This means that we ask each PRS or AP provision to deliver a certain number of places for pupils. In doing this we will meet our statutory duty to provide education for those who are permanently excluded but remove the 'non-statutory' element of funding from the PRS/AP budgets.

We are proposing that each of these places is funded at £10,000 for the place, and each place will have top up funding of £7,000. We intend that schools will be able to use these places flexibly to meet the needs of children who are at risk of exclusion rather than for permanent exclusions to provide a suitable alternative curriculum.

This will mean we are commissioning places at PRS/AP in a similar way to places in special schools. It will also mean the amount of funding for each place is similar to that in the same kind of provisions regionally and nationally.

For the academic year 2019 to 2020 we will also commission a number of in reach places for children with medical needs from the PRS/AP. These places will be funded at £10,000 each. We intend to change the model of provision for these pupils after that, in line with actions in the Strategic Plan. Further work is taking place on this and it will be subject to a separate consultation in due course.

From the non-statutory funding currently in the PRS/AP budget we propose to redirect £771,000 into the locality education partnerships so school leaders and other partners and stakeholders can use this funding to address priorities for SEND and Inclusion in their area. They may decide to use some of this funding to buy services from their local PRS/AP but, equally, they may look at other services that can meet the needs of children and young people.

By changing the way we commission provision in PRS/AP we expect there will be a saving to the High Needs Budget of between £1.3 million and £1.5 million each year which will help us manage the pressures on the High Needs Budget. However there will still be a significant investment of over £3 million into PRS/AP and local area partnerships. A transformational piece of work will also take place with PRS/AP and schools to develop a strengthened alternative provision offer across North Yorkshire.

We will introduce this change from April 2019. There will be some transitional funding for PRS/AP until 31st March 2020.

Proposal 3

We will bring arrangements for provision and funding for young people with EHCPs receiving post 16 education, into line with statutory guidance.

Guidance of post 16 'full time' courses (2018) says that it is expected that a full time post 16 study course will be 600 planned hours per academic year.

The SEND Code of Practice, the statutory guidance we have to follow, says that:

'Where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers 5 days a week, where that is appropriate to meet the young person's needs'. These packages of provision do not have to be at one provider and can include non-educational activities'

Our proposal is to bring arrangements in line with this guidance while still meeting the assessed needs of young people with SEND.

There are two parts to this proposal:

3a Funding for young people with EHCPs in mainstream school sixth forms

Young people with EHCPs who attend mainstream school sixth forms receive 600 hours of education over the academic year, the same as young people without EHCPs. This equates to 16 hours of direct tuition per week. However, currently, the LA pays the top up funding for these young people based on 25 hours a week, therefore is overfunding.

We are therefore proposing to fund the top up funding for these young people at 16 hours per week as this is what they receive.

By making this change we expect there will be a saving to the High Needs Budget of around £50 000 each year.

This will not affect young people attending special school sixth forms who will continue to have top up funded at 25 hours per week which is the amount of tuition they actually receive.

We will introduce this change retrospectively from September 2018.

3b Funding for post 19 specialist placements

Young people with EHCPs may receive continued specialist educational provision in the following types of provision:

- Personalised learning programme
- Specialist Post 19 Independent Provision or other Independent Learning Providers
- Supported Internships

Currently the full 25 hour programmes are funded entirely through the High Needs Budget, which is education funding.

We are proposing that 600 hours (16 hours per week) is funded through the High Needs Budget in line with guidance. The remainder of the 25 hour programme would be funded through adult social care funding.

By making this change we expect there will be a saving of between £0.9m and £1.2m to the High Needs Budget each year.

It is important to note that if a young person has been assessed as requiring a 25 hour programme this will still be provided. We will not be changing a young person's provision, we are just changing the way it is funded across the Council.

We will introduce this change retrospectively from September 2018.