

Funding for SEND and those who need AP: Call for evidence

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Closes 31 Jul 2019

Introduction

We have heard local authorities', schools' and colleges' concerns about the rising costs of provision for children and young people with special educational needs (SEN) and those who are disabled, and about the reducing availability of specialist advice and support. We are listening and will be looking carefully at how much overall funding is required nationally as we prepare for the next government spending review.

Although we entirely accept that the overall amount of funding available is the most pressing concern, this call for evidence is intended to help us understand how the current available funding is distributed and what improvements could be made to the funding arrangements in the future. It is also looking at factors in the current funding system that may be contributing to the escalation of costs, without necessarily securing better long-term outcomes for pupils and students. We want to know how the funding system can be improved so that we make sure that we get the best value out of any additional funding that is made available in future.

Please read the document "Provision for children and young people with special educational needs and disabilities, and for those who need alternative provision: how the financial arrangements work" before answering the questions.

The provision for most children and young people with SEN is made in mainstream schools, and the initial focus of this call for evidence – questions 1 to 10 – is on how we fund that provision, including some

technical aspects of the funding arrangements. There is a continuum of provision, however, and we want to gather evidence from special schools making provision for pupils with more complex SEN, and from those making alternative provision. Please see questions 16 to 19 for specific questions on alternative provision.

We are also extending this call for evidence to the post-16 funding arrangements for young people with SEN. Although there are significant differences between the 5 to 16 funding system and the 16 to 19 funding system, it is important that we understand the picture across all provision for children and young people with SEN, including those who need to stay in the education system beyond the age of 19. Questions 20 to 25 of this questionnaire will be of particular interest to those working with young people with SEN aged 16 and over.

Our ambition for young people with SEN, for those who have disabilities, and those who are placed in alternative provision or are at risk of exclusion from school, is exactly the same as for every other child and young person – to achieve well in school and college, find employment and go on to live happy and fulfilled lives. The questions on pages 26 to 28 of this questionnaire cover other system-wide aspects of the funding arrangements that may be working against the realisation of this ambition.

This questionnaire is intended to gather views and evidence from schools, colleges, local authorities and others with an interest in provision for these children and young people. We estimate that this call for evidence will take around **2 hours** to complete in full.

We have also asked the Council for Disabled Children to organise a small number of workshops across the country, so that we can discuss the themes in this call for evidence in greater detail. If you would like to attend one of these events, please register your interest at senfinancialevnts@ncb.org.uk (mailto:senfinancialevnts@ncb.org.uk), giving your name, role, organisation and email address. They will send you information about the events as soon as it is available.

A. Name

First name

Last name

B. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

C. Response type

Are you responding as an individual or as part of an organisation? (Required)

What is your role?

What is the name of your organisation?

What type of organisation is this?

D. Which local authority are you responding from?

There is considerable variation in the way local areas distribute funding for children and young people with SEN, those who are disabled and those in need of alternative provision. Knowing the local authority in which your provision is situated will help us to understand the context of your responses. If you are a national provider, or if you are not based in any particular local authority (for example a national charity), then please show this.

(Required)

E. Are you happy to be contacted directly about your response?

(Required)

Yes

No

We may wish to speak to you directly about your responses, in order to develop a more comprehensive understanding of your responses, or to build on particular themes.

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There were errors with your submission.

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If you want all, or any part, of a response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 2018 and, your personal information will only be used for the purposes of this consultation. Your information will not be shared with third parties unless the law allows it.

You can read more about what the DfE does when we ask for and hold your personal information in our personal information charter (<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>).

F. Do you wish for your response to remain confidential?

(Required)

An answer is required

- Yes
- No

If you wish for your response to remain confidential, please tell us why.

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Funding for pupils with SEN in mainstream schools

Please refer to paragraphs 3.1 - 3.4 of the call for evidence document before responding to these questions.

Mainstream schools educate the majority of children with SEN, using funds from their annual budget share (in the case of local authority maintained schools) or annual grant (in the case of academies). When developing the funding formula for mainstream schools, local authorities must ensure that funding is provided to enable schools to meet additional needs of their pupils, including those with SEN and who are disabled.

Funding for SEN through the schools funding formula

Local authorities use additional needs factors in their local funding formulae. The new national funding formula also includes factors to reflect the additional needs of a school's cohort, including deprivation factors such as children from families eligible for free school meals and the attainment of pupils in the prior phase of their education (known as low prior attainment).

We don't use measures relating directly to schools' or local authorities' assessments of pupils with SEN, as these would provide a perverse incentive to over-identify pupils as having SEN.

The following questions seek views on whether the schools funding formula, at both national and local level, could be improved to make sure that schools are receiving the funds they need to provide SEN support.

1. What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important.

ALL HAVE TO BE RANKED FROM 1-7

Age-weighted pupil unit of funding

-- Please Select --

RANKING 1-7

Low prior attainment†

-- Please Select --

IDACI†† – a measure of area deprivation

-- Please Select --

Eligibility for free school meals – a measure of deprivation relating to individual children

-- Please Select --

Mobility – additional funding for schools that have a high proportion of pupils who start at a school mid-year

-- Please Select --

Standard lump sum – intended to reflect fixed costs of a school, however many pupils and teachers are required

-- Please Select --

Other (please add below any other factors you think are important for ensuring that schools get an annual budget that enables them to provide appropriate SEN support)

-- Please Select --

Further comments

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Funding for SEN through the schools funding formula

Please refer to paragraphs 3.5 - 3.12 of the call for evidence document before responding to these questions.

Low prior attainment is an important proxy measure that gives an indication of the number of pupils in a school who have achieved a low level of attainment in their previous phase of education. This has been used in local funding formulae, alongside deprivation measures, for a number of years, particularly as a proxy for the number of pupils with SEN. However, we recognise that prior attainment as a funding factor for SEN has limitations, and will not capture all pupils with SEN.

Nevertheless, we are exploring whether tiering this factor (introducing more than one level of prior attainment to differentiate between those who narrowly missed the standard or were at the bottom of their cohort) might improve our targeting of funding to those with the highest level of need. We would welcome views on this. Any specific proposals for changing this factor in future would be subject to further consultation.

2. Would allocating more funding towards lower attainers within the low prior attainment factor help to better target funding towards the schools that have to make more SEN provision for their pupils?

- Yes
- No
- Unsure

3. What positive distributional impact would this change in approach (e.g. creating tiers of low prior attainment) create for mainstream primary and secondary schools?

Comments

4. Would such a change in approach introduce any negative impact for mainstream primary and secondary schools?

Comments



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Targeted funding and support for SEN provision in schools

Please refer to paragraphs 3.13 - 3.18 of the call for evidence document before responding to these questions.

Many local authorities make available to mainstream schools additional funding from their high needs budget, to support schools who have more pupils with SEN than the local formula may suggest. Local authorities have budgeted to spend £57 million on this in 2018-19.

We would like to gather views on whether the targeting of extra SEN funding to specific mainstream schools, to take into account their particular cohort of pupils with SEN or disabilities, should be more standardised.

5. Please indicate whether you agree or disagree with the statements below, and in the comments box give the advantages and disadvantages of your preferred approach.

Local authorities should retain the flexibility to develop, in consultation with their schools, their own method of targeting extra SEN funding to schools that need it.

- Agree
- Disagree
- Neither agree nor disagree

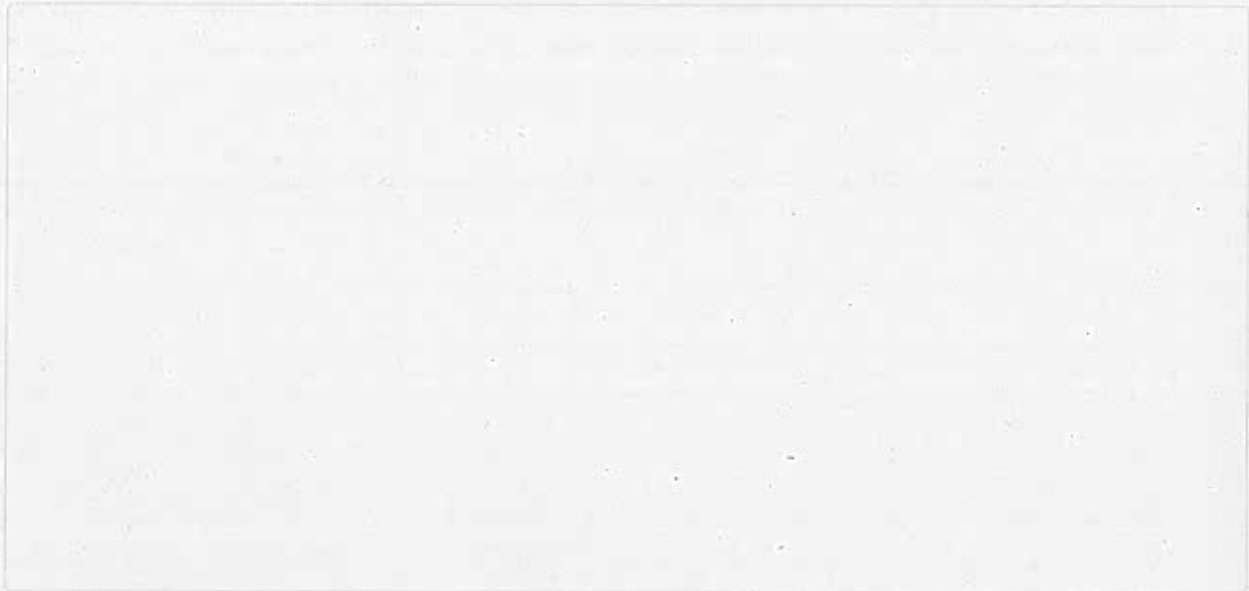
Central government should provide more guidance for local authorities on how they should target extra SEN funding to schools, but local authorities should remain responsible for determining the amounts in consultation with their schools.

- Agree
- Disagree
- Neither agree nor disagree

Central government should prescribe a consistent national approach to the targeting of additional funding to schools that have a higher proportion of pupils with SEN and/or those with more complex needs.

- Agree
- Disagree
- Neither agree nor disagree

Comments



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Notional SEN Budget

Please refer to paragraphs 3.19 - 3.24 of the call for evidence document before responding to these questions.

For the last 20 years or so, mainstream schools' funding has included the identification of a notional SEN budget that is intended to indicate an approximate amount within the school's overall funding for meeting the costs of the provision for supporting children with SEN (notionally up to £6,000 per pupil).

Some have questioned how meaningful this is for schools, particularly given the range of different approaches local authorities take in calculating the notional SEN budget, and because it is notional and not widely understood, and also taking into account the extent to which schools feel their overall budgets are stretched. Others argue that it is important to have an amount identified so that funding intended for pupils with SEN is not spent on other provision. Currently information about schools' notional SEN budgets is published.

6. Is it helpful for local authorities to continue to calculate a notional SEN budget for each school, and for this information to be published, as now?

Very helpful

- Somewhat helpful
- Neither helpful nor unhelpful
- Somewhat unhelpful
- Very unhelpful

7. For those responding from a school, who in your school(s) is involved in decisions about spending from the school's notional SEN budget?

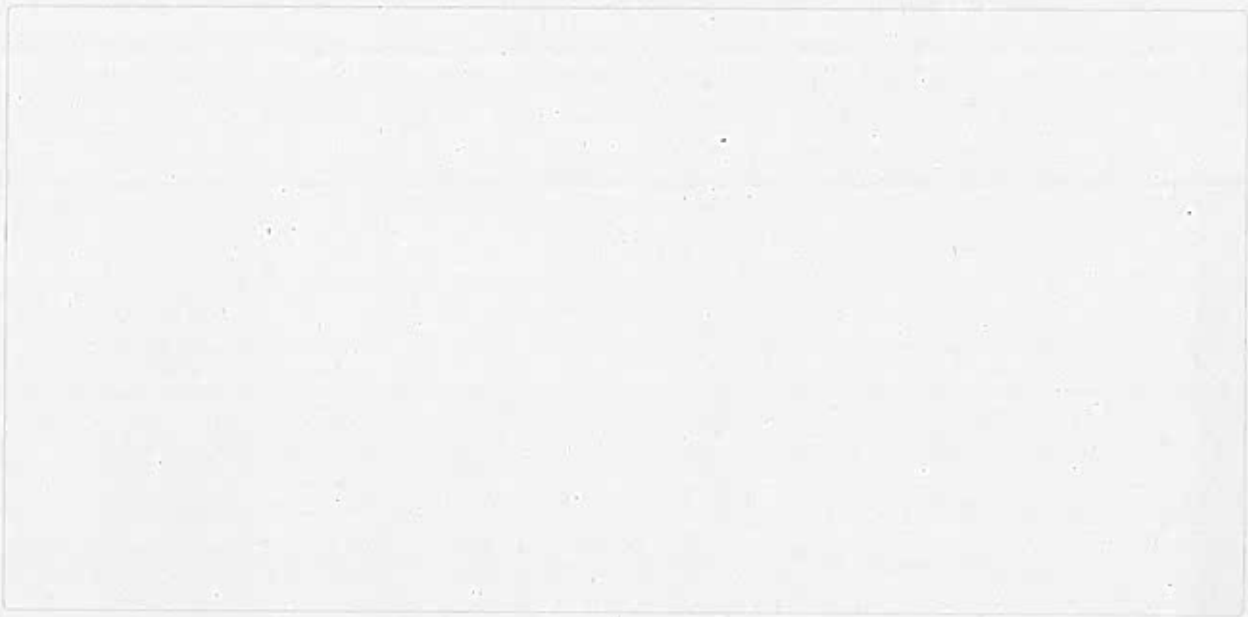
- Governors
- Head teacher / principal
- Senior leadership team
- SENCO
- Teachers

Other (please comment)

8. Should the national funding formula for schools include a notional SEN budget, or a way of calculating how much of each school's funding is intended to meet the costs of special provision for pupils with SEN?

- Yes
- No
- Not Sure

Do you have any further comments on the notional SEN budget?



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The £6,000 threshold

Please refer to paragraphs 3.25 - 3.34 of the call for evidence document before responding to these questions.

From 2013-14 the school and high needs funding system was changed to bring in a more consistent approach. Local authorities were required to provide schools with sufficient resources through the formula to meet the costs of their pupils' additional SEN support up to £6,000. Schools could access high needs top-up funding for the costs of support in excess of this common threshold. In this way schools would have the resources to meet the costs of supporting those with lower level needs, and – through the top-up funding – the excess costs of those with more complex needs.

The arrangements from 2013 were intended to reduce the perverse incentive for schools in some areas to argue for increased costs of support so that they would have the full costs met. The introduction of the £6,000 threshold was also intended to encourage schools to meet lower level SEN without the need to “label” pupils as having SEN either to receive additional funding from the local authority or to drive placement decisions.

We have heard from schools about their increasing difficulties in meeting the costs of SEN support up to £6,000. We recognise that costs have risen since 2013. We want to know whether the difficulties that schools have brought to our attention are simply a reflection of a shortage of funding to meet those costs, or whether the level or operation of the £6,000 threshold needs to be reviewed.

We are therefore keen to hear views on whether the threshold should be altered. Changing the threshold for top-up funding within the current system would mean changes in the distribution of funding between schools funding and high needs funding through the national funding formula and consequent changes in the expectations we would have on the special provision made by schools and local authorities respectively. It is clear, therefore, that we would need to approach any change very carefully, with a clear understanding of the impact, and on how any adverse impact could be avoided.

- A lower threshold would imply schools making a lower level of provision for pupils with SEN before accessing top-up funding from the local authority, but would therefore require more funding from local authorities' high needs budgets. It has been argued that this would encourage schools to make more provision available for children with SEN because they would be able to access additional resources more readily, and that this would ultimately reduce the demand for special school places.
- A higher threshold would imply schools making more provision for pupils with SEN from their budgets, requiring a higher level of funding allocated through the schools funding formula (and in particular the additional needs factors), before accessing top-up funding. Some think this would be beneficial because it would not only give schools greater control over the available resources, but also reduce the demand on local authorities' high needs budgets, and possibly reduce the requests for education, health and care needs assessments where these might be sought primarily for financial reasons.

We are also keen to understand whether schools in particular circumstances are finding the £6,000 threshold more difficult to operate than others. If there are this could mean either changes to the operation of the threshold, or changes to the way that local authorities target funding from their high needs budgets.

9. Please indicate whether or not you agree with the following statements.

The level of the threshold makes little or no difference to the system for making special provision: it is the level of funding available to schools and local authorities that is crucial.

- Agree
 - Not Sure
 - Disagree
-

The £6,000 threshold should be lower, so that schools do not have to make as much provision for pupils with SEN from their annual budgets, before they access top-up funding from the local authority.†

- Agree
 - Not Sure
 - Disagree
-

The £6,000 threshold should be higher, so that schools have to make more provision for pupils with SEN from their annual budgets, before they access top-up funding from the local authority.††

- Agree
 - Not Sure
 - Disagree
-

The operation of the £6,000 threshold should take account of particular circumstances.

- Agree
 - Not Sure
 - Disagree
-

► More Information

10. If you have agreed with the final statement in question 9, please indicate below which circumstances you think would be relevant for a modified threshold or different funding arrangement.

Schools that are relatively small.

- Yes
- Not sure
- No

Schools that have a disproportionate number of pupils with high needs† or EHC plans.

- Yes
- Not sure
- No

When pupils with EHC plans are admitted to a school during the year, which may create unintended consequences.††

- Yes
- Not sure
- No

Other (please specify below)

- Yes
- Not sure
- No

Comments

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Provision for pupils with SEN in mainstream schools

Please refer to paragraphs 3.35 - 3.40 of the call for evidence document before responding to these questions.

The Children and Families Act requires schools, other providers, and local authorities to co-operate with each other in preparing and publishing the “local offer” of provision and services for children and young people with SEN and disabilities. This must be done working with parents and young people. The local offer should include a description of the SEN support ordinarily available in each school, including primary and secondary mainstream schools, as well as additional services and provision provided by the local authority and other agencies external to the school. In addition, all maintained schools and academies must publish information on their websites about their arrangements for supporting pupils with SEN.

We would like to know more about how well the local offer of special provision is understood and communicated.

11. If you are responding on behalf of a school, do you have a clear understanding about what provision is “ordinarily available” to meet pupils’ special educational needs in your school?

Yes

No

Comments

12. How is this determined?

- On a school-by-school basis
- As part of a multi-academy trust
- Part of a whole-local authority approach
- Part of a cluster of schools

13. How is this offer communicated to parents?

- School's published SEN information report
- Published local offer,
- Discussions between teacher(s) and parents
- Discussions between SENCO and parents
- Other (please specify)

If the offer is publicly available, please provide a web link.

14. Does your local authority make it clear when a child or young person requires an education, health and care (EHC) plan?

- Yes
- No
- Not sure

15. How is this articulated?

- Published local offer,
- School's published SEN information report
- Other publicly available document
- Unpublished local authority policy

If this is publicly available, please provide a web link.

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Funding for pupils who need alternative provision (AP) or are at risk of exclusion from school

Please refer to paragraphs 4.1 - 4.9 of the call for evidence document before responding to these questions.

Local authorities are responsible for arranging suitable education for children who – because of permanent exclusion, illness or other reasons – would not receive suitable education, without such arrangements being made. Schools arrange AP for pupils through off-site directions to improve their behaviour and for pupils who have been subject to a fixed-period exclusion of more than five school days.

Local authorities are responsible for funding AP they arrange for children who have been permanently excluded from school. Schools usually contribute to or pay the full costs of AP they arrange for pupils who are on their roll. Local authorities can recover funding from schools who permanently exclude a child, but this is rarely the same as the cost of the pupil's subsequent education in AP.

We are interested to gather evidence about whether current high needs funding arrangements empower local authorities, schools and providers to intervene early for children at risk of exclusion from school, provide high quality AP and take collective responsibility for delivering best value from the funding available from the high needs and schools' budgets.

16. Please indicate your agreement or disagreement with the following statements.

The current funding arrangements help schools, local authorities and AP to work together and to intervene early where such action may avoid the need for permanent exclusion later

- Strongly disagree
- Somewhat disagree
- Neither agree or disagree
- Somewhat agree
- Strongly agree

The current AP funding arrangements help schools and AP to reintegrate children from AP back into mainstream schooling where this is appropriate

- Strongly disagree
- Somewhat disagree
- Neither agree or disagree
- Somewhat agree
- Strongly agree

17. How could we encourage more collaboration between local authorities, schools and providers to plan and fund local AP and early intervention support?

Comments



18. What changes could be made to improve the way that the AP budget is spent, to better enable local authorities, schools and providers to use the local AP budget to provide high quality AP, intervene early to support children at risk of exclusion from school, or reintegrate pupils in AP back into mainstream where appropriate?

Comments



19. Please use the box below to share any examples of existing good practice where local authorities, schools and AP settings have worked together effectively to use the AP budget to provide high quality AP, intervene early to support children at risk of exclusion from school, or reintegrate pupils in AP back into mainstream where appropriate.

Comments

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Funding for students with SEN in further education

Please refer to paragraphs 5.1 - 5.9 of the call for evidence document before responding to these questions.

We would welcome views from colleges, schools and other providers of post-16 education, as well as from local authorities and organisations representing these providers, on any ways in which the operation of the funding system is acting as a barrier to young people's preparation for adulthood. Evidence from young people and their parents would also be welcome.

► Related Information

20. Are there aspects of the operation of the funding system that prevent young people from accessing the support they need to prepare them for adult life?

- Yes
- No
- Not sure

Comments

21. Notwithstanding your views about the sufficiency of funding, please describe any other aspects of the financial and funding arrangements that you think could be amended to improve the delivery of provision for young people with SEN.

Comments

22. If you are able to provide any examples where local authorities and colleges have worked together effectively to plan provision to meet the needs for SEN support and high needs, please describe these below.

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Improving early intervention at each age and stage to prepare young people for adulthood sooner

Please refer to paragraphs 6.1 - 6.7 of the call for evidence document before responding to these questions.

We want to understand whether the current operation of the funding system is creating a financial perverse incentive to resist a commitment of resources or restrict the availability of services when problems first arise, when such spending could in fact lead to a longer-term reduction in the complexity of support needed, and so longer-term savings. In a system that is intended to secure outcomes that imply a reducing need for support for many young people, as they prepare for employment and living more independently, it would be perverse if the lack of resources at one stage was leading to increasing costs later.

We are therefore keen to gather evidence on the extent to which financial and funding arrangements are driving the escalation of costs, and preventing those making spending decisions from taking an "invest-to-save" approach that leads to reducing costs in the longer term. If they are, we would appreciate views on how the arrangements could be changed to address this.

23. Are the current funding or financial arrangements making early intervention and prevention more difficult to deliver, causing costs to escalate?

- Yes
- No
- Not Sure

Comments

24. If you can you provide examples of invest-to-save approaches with evidence that they can provide value for money by reducing the costs of SEN support, SEN provision or other support costs (e.g. health or social care) later, please describe these below.

Comments

25. If you think there are particular transition points at which it would be more effective to access resources, please indicate below those you believe would be most effective to focus on.

- The transition from early years provision to reception class in primary school
- The transition from Year 6 in primary school to Year 7 in secondary school
- The transition from secondary school to further or other tertiary education

Please indicate below any other transition points that you think we should look at.

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Effective partnership working to support children and young people with complex needs

Please refer to paragraphs 7.1 - 7.8 of the call for evidence document before responding to these questions.

When different organisations are responsible for their own budgets they are of course rightly interested in how best to discharge their responsibilities within the resources available to them. Separate funding streams and budgetary control are an inevitable feature of a complex landscape of provision, based on different legislation. This, however, can create barriers which discourage the partnership working that is essential for meeting the needs of those children and young people with SEN and who are disabled, and others with complex needs. Furthermore, conflict between budget holders can increase when budgets are tight and flexibility to move funding is reduced.

We would like to explore potential developments in funding arrangements that would overcome these barriers, empower effective collaborative working that can meet the complex needs of children and young people, and encourage budget holders to:

- share their resources and use appropriate pooling arrangements to most effectively meet the complex needs – and improve the outcomes – of children and young people (without arguments over who should

pay for what);

- avoid taking inappropriate action to pass costs on to others, where this simply moves the cost pressures elsewhere and does not help to address the problem;
- strengthen joint leadership and strategic commissioning of services.

26. Please describe as briefly as possible below changes that you think could be made to the funding system nationally and/or locally that would foster more effective collaborative approaches and partnership arrangements.

Comments

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Other aspects of the funding and financial arrangements

Please refer to paragraphs 8.1 - 8.4 of the call for evidence document before responding to these questions.

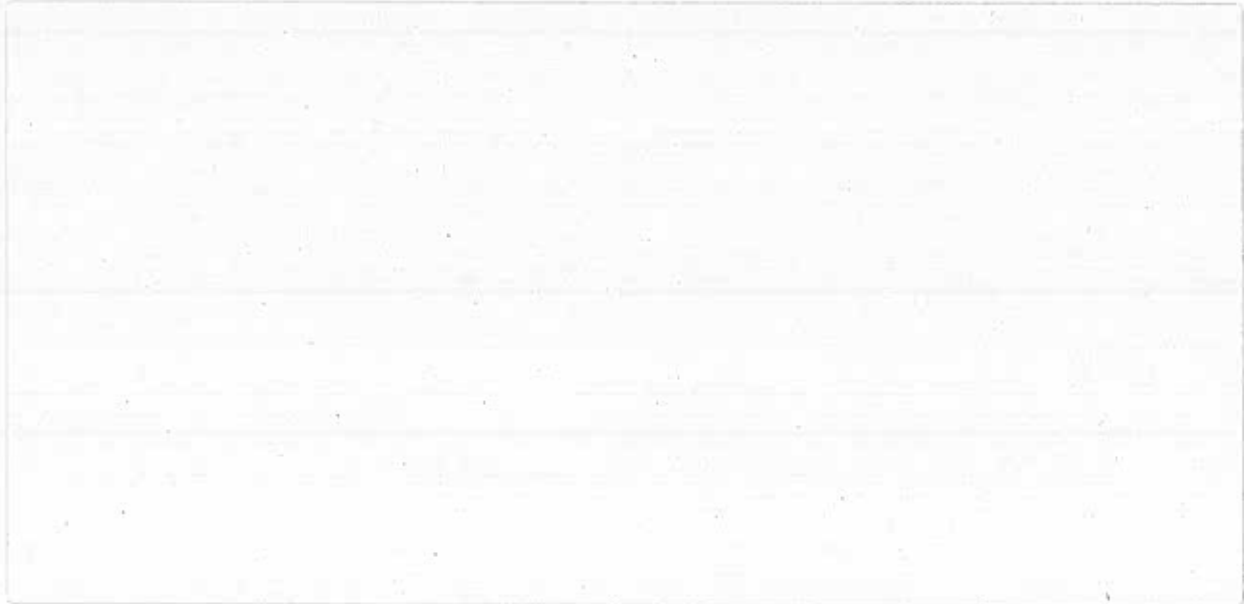
We are aware that the amount of funding that is allocated to the Department for Education, and the amount that the department allocates to local authorities and others, is very important for making good quality provision for our most vulnerable young people. Securing a sufficient amount of funding for education in future, will remain a priority for the department.

But we want to make sure that there is nothing in the funding and financial arrangements, irrespective of the level of funding, that is creating barriers to informed decision-making in the best interests of children and young people.

It would also be helpful to have views on those aspects of the current system that are actively helping the right decisions to be made, so that we can make sure that they are not changed.

27. Are there any aspects of the funding and financial arrangements, not covered in your previous responses, that are creating perverse incentives?

Comments

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28. What aspects of the funding and financial arrangements are helping the right decisions to be made, both in securing good provision for children and young people with additional needs, and in providing good value for money?

Comments

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