

# Consultation on High Level Needs funding for pupils with Special Education Needs

## December 2021

If you have any comments on the proposals below regarding High Level Needs Top Up Funding and would like to contribute to this proposal, please complete the survey response form by 4th February 2022:

Link to the Consultation response – High Level Needs review of funding for pupils with Special Educational Needs and Disabilities -

[https://forms.office.com/Pages/ResponsePage.aspx?id=hxj0rDe900WeZUfN5I3IWWh912MYRBcxAvFFLC\\_2Q7w1UMkYwRE1VUE5EQIBSQVdXVFM5WFhPN0VMRC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=hxj0rDe900WeZUfN5I3IWWh912MYRBcxAvFFLC_2Q7w1UMkYwRE1VUE5EQIBSQVdXVFM5WFhPN0VMRC4u)

### 1. Introduction

SEN funding in Worcestershire is governed by a national framework introduced in April 2013.

If a mainstream school can show that the provision for a pupil with SEND costs more than £6,000 (or £10,000 for Special Schools and Alternative Provisions), the school can ask the Local Authority to provide Element 3 funding (also known as “top-up” funding) to meet the cost of that provision.

The SEND Code of Practice 2015 advises that:

“Schools are not expected to meet the full costs of more expensive special educational provision from their core funding. They are expected to provide additional support which costs up to a nationally prescribed threshold per pupil per year. The responsible local authority, usually the authority where the child or young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold.”

High needs funding is the money provided to schools to enable them to meet the SEND or additional needs of individual pupils, over and above what schools are expected to provide. The funding is sorted by bands depending on the individual needs of the learner.

### 2. Where does High Needs Funding come from?

The funding is given to the Local Authority from Central Government as part of the Dedicated Schools’ Grant and is called the High Needs Block. It is used to meet the additional needs of all children who need extra support, whatever the reasons, including funding some specialist school

places. As each Local Authority receives a limited High Needs budget, it is critical that funds are distributed fairly and transparently and achieve the best possible outcomes for children and young people. Worcestershire's spend on High Level Needs currently exceeds the budget available. In the 2020-21 financial year the budget was overspent by £3.965 million. This financial year the budget is predicted to overspend by £6.275 million. Since 2020, Worcestershire have had a High Level Needs Management Plan in place which aims to increase transparency and accountability of the spend against this budget and to ensure that value for money is achieved in terms of pupil outcomes. The council has a cumulative deficit of March 2022 of around £19.9M. This is not sustainable and is why Worcestershire's High Level Needs management plan and refreshed SEND strategy aim to ensure that needs can be met in local inclusive settings, providing better value for money than the increasing dependence on independent provision.

### 3. Current process

The current banding structure was introduced in 2014 but has not seen any changes made to the monetary values since the initial introduction. This has meant that although the actual costs of supporting learners have increased, the level of funding provided has not.

In recent years, feedback has been received from schools indicating a need to review Top Up Funding levels to take into consideration inflationary increases and increased costs due to improved pay and conditions for some staff working with children and young people with SEND in schools. Schools have fed back that often the current descriptors do not match accurately to children's needs, with some children 'falling between' bands. The impact of this, is that some children will receive funding which is in excess of the provision required, and some will receive less than that required. Additionally, parent carers have highlighted the need for increased school funding for SEND through our Annual Parent Carer survey since its launch in 2019.

The below tables highlights the bands used in Worcestershire alongside the level of funding provided for each band.

BAND	BAND CODE	ANNUAL TOP UP
Ordinarily Available	0	0
Unpredicted	U	£1200
Exceptional 1	E1	£3400
Exceptional 2	E2	£5600
Exceptional 3	E3	£10300
Exceptional 4	E4	£21400
Boarding	B	£23602

Top Up Funding bands are awarded based on assessed need and provision required. Each band has a series of descriptors for each of the four areas of Special Educational Need: Cognition and Learning, Speech Language and Communication Needs, Social Emotional and Mental Health and Physical and/or Sensory Needs. Details of the current descriptors can be found at the following link:

[Top Up Funding banding descriptors July 2021.pdf](#)

#### **4. What has our review of Top Up Funding shown?**

Our review of Top Up Funding is a key part of our High Level Needs Management Plan and SEND Strategy. The High Level Needs Management Plan aims to ensure value for money whilst achieving best outcomes for CYP with SEND. Our SEND strategy aims to ensure that all of our schools are encouraged and enabled to be inclusive so that CYP can access educational placements as close to home as possible. To review our current arrangements for Top Up Funding we have worked with Worcestershire's Schools' Forum, our Head Teachers of Special Schools Association and Mainstream Schools to understand the strengths and areas for development in our current approach. Our discussions have indicated that currently Top Up Funding is not securely linked to children's additional needs and the outcomes to be achieved whilst achieving value for money.

#### **Our proposals**

When making proposals for changes to our approach to Top Up Funding we need to consider value for money in terms of children's outcomes, equality of access to funding, our strategic aim to make special educational provision for local children in local schools wherever possible through a robust graduated response and the need to manage our High Needs Block carefully, ensuring that any planned spend is justified and reasonable. The aim is to ensure that overtime, the High Level Needs budget deficit is reduced, by investing in effective early intervention that delivers good outcomes, thus avoiding the need for high cost placements.

The following proposals have been considered with these factors in mind. Our proposals are:

**A) To introduce additional sub top up bands at levels E2.5 and E3.5 to ensure a better match between individual student needs and funding made available to schools for provision. (The details of these new bands can be found at [News, updates and feedback \(SEND Local Offer\) | Worcestershire County Council](#).**

**B) Requests for changes to existing Top Up Funding bands will be subject to robust multi-agency moderation which will be arranged twice yearly in June and December.** Evidence of change in need and provision will be required to justify any change in funding through provision maps, annual reviews and advice from external professionals. Moderation may result in an increase or decrease to Top Up Funding bands or they may remain unchanged.

**D) Where there is evidence available that individual Children and Young People require provision which exceeds the budget available through E4 funding, this will need to demonstrate that it will maintain placements in existing local schools and prevent the need for independent placements where appropriate.** Funding beyond E4 will be subject to the same multi-agency moderation as described above.

#### **5. What happens next**

Responses to this consultation will be fully considered when making the decision about any changes needed to our approach to Top Up Funding. Political endorsement of this decision will be sought from Cabinet in March 2022 for implementation from April 2022.

## 6. Responding to the proposals

We welcome your views on our proposals using the survey link below before the deadline of 4th February 2022.

[https://forms.office.com/Pages/ResponsePage.aspx?id=hxj0rDe900WeZUfN5I3IWh912MYRBcxAvFFLC\\_2Q7w1UMkYwRE1VUE5EQIBSQVdXVFM5WFhPN0VMRC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=hxj0rDe900WeZUfN5I3IWh912MYRBcxAvFFLC_2Q7w1UMkYwRE1VUE5EQIBSQVdXVFM5WFhPN0VMRC4u)

The questions included in the survey are:

- **Are you responding to the proposals on behalf of an organisation (i.e a school) or as an individual?**

Individual/Organisation (please name)

- **If you are responding as an individual please indicate whether you are a:**

Head Teacher/SENCo/other member of school staff/Parent Carer/ health professional/social care professional/other education professional

- **Do you agree that we should introduce new sub Top Up Funding bands E2.5 and E3.5?**

Yes/No/Partly

Any additional comments about this proposal (insert text box)

- **Do you agree that any changes to Top Up Funding bands should be subject to multiagency moderation?**

Yes/No

Any additional comments about this proposal or suggestions about an alternative moderation model (insert text box)

- **Do you agree that where there is evidence available that individual Children and Young People require provision which exceeds the budget available through E4 funding, to agree this in order to maintain placements in existing local schools and prevent the need for independent placements where appropriate?**

Yes/No/Partly

Any additional comments about this proposal (insert text box)