

CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Update to SEND Mainstream Banding
Meeting date	6 June 2023
Status	Public Report
Executive summary	<p>The purpose of this paper is to update members on the implementation of the changes of the mainstream SEND banding descriptors and banding values.</p> <p>This paper reminds Members of the process that was taken to arrive at the options and outlines the implementation process and gives an outline of the spend so far.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ol style="list-style-type: none"> 1. Members note the updates.
Reason for recommendations	<p>The mainstream banding review was in response to the recommendations in the Appreciative Inquiry, the deficit in the High Needs Block, and Children's Services Transformation Programme. They also form a key component of the Inclusion Strategy.</p> <p>The revision of the SEND mainstream banding descriptors and the adoptions of new banding values emphasised the need for BCP Council to provide suitable financial support to mainstream schools to enable them to meet the needs of children and young people with SEND who reside in the local area and are attending BCP mainstream schools.</p>

Portfolio Holder(s):	
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Wards	Council-wide
Classification	Information

Background

1. The review of SEND mainstream banding was part of Children's Services Transformation Programme, a response to the recommendations in the Appreciative Inquiry, a key component of the Inclusion Strategy and contributes to addressing the deficit in the High Needs Block.
2. The main purpose of the review was to work in partnership to support BCP Council to:
 - Deliver its commitment and aspiration of BCP being an inclusive place for children and young people with SEND to thrive.
 - Reduce the overall overspend in the High Needs Block Budget long-term.
 - Provide better support to mainstream schools to meet the needs of children and young people with SEND.
 - Increase the numbers of children and young people attending mainstream schools.
 - Reduce growth of children and young people attending Alternative Provision.
 - Reduce growth of children and young people attending Independent Non-Maintained Special Schools (INMSS).
3. The number of children and young people who require help and support because they have special educational needs and/or disabilities continues to grow. Covid-19 has also been a contributor to this growth. BCP has seen a 14.6% increase in the numbers of children and young people with an Education, Health and Care Plan (EHCP) in March 2022 compared to March 2021 and then an 8.4% increase in March 2023 compared to March 2022.
4. Savings were required to be made within the High Needs Block due to increased use of INMSS and lower than average maintained school placement of EHCPs. Predecessor authorities agreed that the savings would come from the 'top-up' banding funding provided to mainstream schools; this decision led to a funding reduction of 45%. This reduction in funding meant that mainstream schools are unable to provide the required and relevant support and services to children and young people with an EHCP.

5. A consequence of insufficient funding being provided to mainstream schools, was that much higher numbers of children with an EHCP who could and should attend a mainstream setting are attending special schools. Spaces in special schools are therefore limited for children and young people with more complex needs resulting in these individuals attending independent maintained provision which is costly for BCP Council.
6. In BCP, as at March 2023 there were a total of 3,386 children and young people with an EHCP, of which 35% were attending mainstream schools and 11.3% were in independent and non-maintained provision. Compared to national and statistical neighbour averages (January 22) the proportion of children and young people in BCP attending independent and non-maintained provision is significantly higher – national 5.2% and statistical neighbour 6.8%.

Previous Options Appraisal

7. The previous banding and values are detailed in the table below:

Band Z	Band A	Band B	Band C	Band D
£0	£1,000	£2,300	£3,600	£5,000

8. During April and May 2022, several schools volunteered to be part of a pilot exercise which trialled the revised banding descriptors with new and existing EHCPs. During the pilot exercise a total of 198 EHCPs were reviewed (equating to 22% of the total number of EHCPs maintained by BCP) against the existing banding descriptors and the proposed descriptors. The outcome of the pilot exercise then informed the financial modelling of the banding values for consideration.
9. In July 2022, three banding options were presented to Council, having been calculated and finalised based on the findings from a pilot exercise and the savings that BCP Council need to make over the next three years. After a month-long consultation exercise with residents and stakeholders, Children's Senior Leadership Team and the High Needs Block Recovery Board selected and approved option 1 as the most viable for schools and BCP Council.

Options	Band 1	Band 2	Band 3	Band 4	Band 5
Option 1	£0	£2,500	£4,200	£6,000	£12,000
Option 2	£0	£2,000	£4,000	£6,000	£14,000
Option 3	£0	£2,000	£4,000	£8,000	£16,000

Summary of financial implications

10. Before banding options were explored, it was important to understand the financial savings BCP could have potentially incurred if the proportion of BCP children and young people with an EHCP attending a particular provision had met national proportions. The table below details the by provision type the

proportions of children and young people considered in budget figures compared to the national proportions as at January 2022:

Provision Type	BCP %	National % (January 22)
INMSS	14.9%	5.2%
Special Schools	28.0%	29.6%
Mainstream Schools	29.3%	40.5%
Alternative Provision	10.8%	2.0%

11. If BCP had mirrored national proportions of children and young people by each provision type in 2022/23, BCP could have potentially saved an estimated £12,290,000 – see table below. This would have meant that out of the 552 children and young people with an EHCP that attended an INMSS at the time of the options paper, 432 would attend a mainstream school and 120 into a special school.

Current Provision	Provision to be located to	Numbers of CYP
INMSS & AP	Mainstream School	432
INMSS & AP	Special School	120
Estimated Saving for BCP		£12,290,000

12. Net savings per year for each option were projected at the amounts detailed below:

	Option 1
Year 1 net saving/(cost) - £	5,680
Year 2 net saving/(cost) - £	365,135
Year 3 (full year) net saving/(cost) - £	1,897,933

Progress update

13. The revised banding options were due to be implemented in October 2022. However, due to demands on the SEND Service this was pushed back until the end of November 2022. A staged approach was planned with the first changes to be made to plans for children and young people in mainstream schools that were due an Annual Review between this academic year. At the time of the options paper, this was a total of **1022** EHCPs.
14. As at May 2023¹, a total of **153 (15%)** of EHCPs have been reviewed, out of which:
- **143** EHCPs now have the new banding values
 - **10** children or young people have moved to a specialist or INNMS setting (#N/A column in table below)
15. The table below details the movement of the 153 EHCPs from the old banding values to the new banding values.

¹ As at 3rd May 2023, data source: MainstreamBanding Monitoring Spreadsheet

		New Banding Value						Total
		1	2	3	4	5	#N/A	
Previous Band Value	Band Value	0.00	2,500.00	4,200.00	6,000.00	12,000.00		
0	n/a				1	1	1	3
A	1,000.00		4	2	4	2		12
B	2,300.00	2	15	4	3	4	2	30
C	3,600.00	1	4	7	7	7		26
D	5,000.00	8	1	5	12	20	3	49
Z	0.00	2			1			3
Bespoke				1	2		2	5
#N/A		1	7	5	6	4	2	25
Total EHCPs		14	31	24	36	38	10	153

16. As mentioned above, 15% (153) EHCPs from the 1,022 EHCPs that were due to be reviewed this academic year have been reviewed (these have either been allocated a new banding value or the child/young person is moving out of the Mainstream School setting), leaving a total sum of 869 EHCPs that are yet to be reviewed.
17. Since November 2022, a total of 128 new EHCPs² have been issued, for children and young people in Mainstream Schools. The table below provides a banding allocation overview for the 128 new EHCPs:

Allocated Band	Banding Value	No. of EHCPs	Total Spend
1	£0.00	5	£0.00
2	£2,500.00	24	£60,000.00
3	£4,200.00	36	£151,200.00
4	£6,000.00	33	£198,000.00
5	£12,000.00	30	£360,000.00
Total	£24,700.00	128	£769,200.00

18. To summarise, as at May 2023 there are a total of 1,150 EHCPs in Mainstream Schools (1,022 due an annual review in 22/23 and 128 newly issued EHCPs since November 2022). Out of the 1,150 EHCPs a total of 271 (24%) EHCPs have a new banding value allocated.
19. From July 2022, BCP Council engaged in the DfE's Delivering Better Value project. This project aims to support local authorities to improve delivery of SEND services for children and young people while ensuring services are sustainable. BCP was one of 55 local authorities taking part – chosen based on those with the highest deficits as at 2020- 21. BCP Council worked with Newton Europe, in collaboration with the Chartered Institute of

² Data Source: Synergy Case Management System – May 2023

Public Finance and Accountancy (CIPFA) to identify the most impactful changes that could be made to improve outcomes for children and young people with SEND. A key part of this work was a clear trajectory showing how a more sustainable financial position can be achieved while meeting the needs of children and young people with SEND.

20. In March 2023, BCP received £1m funding from the DfE to deliver the plan to realise these opportunities to improve. This plan includes recruiting a team of case officers to reduce the current backlog of Annual Reviews.

Summary of legal implications

21. The support for children and young people with SEND is covered under the Children and Families Act 2014 and SEN Code of Practice. The starting point for the legal position is the right to request an Education Health and Care needs assessment.
22. If a request is made for assessment the local authority has a legal responsibility to determine whether it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. Section 26(8) of the Children's and Families Act 2014 states: (8) The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that:
 - a) the child or young person has or may have special educational needs, and
 - b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

Summary of human resources implications

23. Training on the understanding and application of the revised descriptors and adoption of the new banding values was provided to all Case Officers, school SENCOs and all other professionals that contribute to the EHCP and Annual Review process.
24. Resource and support is required from the Children's Performance Team to monitor and evaluate the impact of the revisions made to the Mainstream Banding.
25. Resource and support is required from the Children's Finance Team to monitor and evaluate the financial impact of the revisions made to the Mainstream Banding.
26. Resource and support is required from the Data and Analytics Team to make necessary changes to the systems to facilitate monitoring and evaluation.

Summary of sustainability impact

27. No impact

Summary of public health implications

28. The reviewed bandings should enable mainstream schools to be more inclusive by providing the resource required by schools to retain children and young people with SEND in mainstream provision by support and meeting needs.

Summary of equality implications

29. None

Summary of risk assessment

30. Implementation of the revised banding means that there will be a percentage of pupils on existing plans who may receive a reduced funding amount depending on their level of need on the revised descriptors. However, they will be receiving funding that meets their individual needs.

Background papers

31. None

Appendices

Appendix 1: How SEN is funded in Mainstream Schools

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All mainstream schools receive money for special education needs support and resources and decide how this is spent. This funding is divided into three sections:

Element 1: 'Age Weighted Pupil Unit' which schools receive for every child whether or not they have SEN. This funding is based on actual pupil numbers.

Element 2: 'Notional' or 'delegated' SEN budget to provide SEN support for children who need it. This funding is not based on the school's actual number of pupils with special needs but on a locally determined formula. Element 2 funding amounts to *up to* £6,000 per child identified as having SEN and for those with an EHC Plan will fund the first £6,000 of additional provision for pupils in receipt of 'top up funding'.

Element 3: The 'High Needs Block' – sometimes called 'Top up funding' – paid by the council in addition to Element 1 and Element 2 funding to 'top up' support within the school for individual pupils whose required support costs more than £6,000. This funding is determined by an Education Health and Care needs assessment.