



Consultation on the use of Top Up Funding for children and young people with SEND

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1. Purpose of this consultation

This consultation seeks the views of anyone with an interest in how special education needs and disabilities (SEND) is funded. This is regarding our council proposals to make changes to the way we allocate Top Up Funding to schools to support children and young people with Special Educational Needs and Disabilities (SEND). It follows a review undertaken by a consultant on the way we currently allocate this funding. We were keen to seek the views of a consultant, so that all opportunities were explored in order to determine the best way to make changes whilst keeping the needs of SEND children at the forefront of all recommendations. Excerpts from the full report from the consultant are included as an appendix to this document. We have considered the recommendations from the review and are seeking views on these.

2. Why are we consulting on this?

We are responsible for allocating funding to schools. Most funding for schools is allocated at an agreed rate which applies to all children and young people. Top Up Funding differs because it is allocated for individual children because an assessment has been made that their Special Educational Needs require resources that can't reasonably be expected to be provided within the schools allocated budget for SEND. The amount of Top Up Funding that we are allocating to schools is far greater than the funding that we receive from the Department for Education, and the amount of deficit has been increasing for several years.

There is an annual sum of money provided to us for children with SEND. In terms of how we spend his, the use Top Up Funding is one way of allocating additional money to SEND children. We can't continue to overspend in this area and so must recover and sustain our financial position. To recover our position, we have been

working with the Department for Education through a national scheme known as Safety Valve which, if we are successful, allows the Department to provide significant financial support, but only on condition that the long-term arrangements for managing this budget are modified.

The Review of Top Up Funding examined only the Top Up Funding element of the ways we allocate funding to schools for children and young people with SEND. We have included plans for other parts of the funding to provide a context for our proposals.

Top Up Funding is also allocated for children in Early Years settings. This consultation does not include this phase of learning, but we are separately reviewing this.

3. Whose views are sought in this consultation?

This consultation is for anyone with an interest in how special education needs are funded. This may be parents and carers, children and young people themselves, schools, colleges and Early Years settings and other practitioners.

4. How can you share your views?

Please send your responses to: TUFReviewConsultationResponses@n-somerset.gov.uk by Tuesday 18 April 2023. All responses received by this date will be considered. We are interested to know:

- Which parts of the proposals you support
- Which parts of the proposals concern you
- Alternative ideas and suggestions you may have

The review of Top Up Funding

The advice we received compared the way North Somerset Council uses Top Up Funding to other councils in the UK. This showed that in North Somerset:

- our banding system (the different funding rates for different levels of need) is more complicated than other councils
- we generally allocate funding at a higher rate than other councils within the bands and at a much higher rate in the top bands of funding
- we allocate Top Up Funding to children and young people with Education Health and Care Plans (EHCPs), which is currently over 1,700 children and young people, and also to some children who don't have an EHCP. This is different to other councils, most of whom allocate funding ONLY to children and young people with EHCPs
- the rate at which North Somerset allocates funding is growing rapidly for both children and young people with EHCPs and those without.

5. The Proposals

Having carefully considered the recommendations of the review, we are proposing:

- Not to change the rates at which we allocate Top Up Funding at the present time. Although the Government has proposed in its [Green Paper](#) to increase the allocation of funding it provides schools for every child with SEND, this may not happen for some time, if at all. In the meantime, we recognise the considerable pressures on schools' budgets and do not want this to negatively affect those children and young people whose needs are greater than what we would expect a school to provide for.
- To allocate Top Up Funding only to children and young people with EHCPs like other councils. An EHCP is allocated only when the needs of a child or young person exceed the resources that can reasonably be expected for schools to provide. The EHCP provides a structured assessment of need, a plan to provide for those needs and clear outcomes which should be achieved through the plan. It also provides a mechanism for reviewing the plan annually. Funding that is allocated without a plan is not monitored in the same way and therefore the risks to children and young people not achieving the right outcomes is greater. Our expectation is that a significant number of children and young people whose schools are allocated funding without an EHCP would be eligible for an EHCP but that some would not
- To consider a simpler banding system.

6. Proposals for implementation

To implement the proposals, we would need to undertake needs assessments of all the children who currently receive Top Up Funding but who don't have an EHCP. There are now over 500 of these children and young people in this situation. We propose to undertake assessments at a rate of 100 per year for five years. Following each assessment, either an EHCP will be issued, or the current funding will cease.

No funding for any child or young person currently in receipt of funding will cease until after the assessment and in many cases, it will continue but with an EHCP containing a structured plan for provision. Until the outcome of this consultation is established, no new applications for Top Up Funding will be considered.

In the case that a school perceives that a child or young persons needs are greater than can be provided for within the schools ordinarily available provision, a request for a SEND Needs Assessment should be made.

To prevent additional strain on existing resources such as Educational Psychologists, additional resources will be commissioned to undertake this work. The work will commence from April onwards. Schools and parents and carers do not need to contact the council to request this. The SEND team will work through each group of pupils by age range starting with Year 11 and Year 5 pupils with the aim of supporting their transition (current Year 6 will benefit from being assessed once they are in their secondary school). The following years we will repeat this process with the relevant year groups until all 500 pupils have undergone an EHC assessment.

To start the process the SEND team will contact families, with the school informing them of the assessment and explaining how we will use the EHC portal so that any relevant information can be added to the EHC portal ready for the EHC assessment to be undertaken by professionals.

7. How does this proposal fit with other investments in SEND Education provision?

The expectation in law and in the way schools are funded is that the majority of children's special educational needs can be met within the schools existing resources. Like many other areas, our capacity to support children and young people with SEND has not kept up with the rise in demand and so an increasing number of children are allocated places at special schools instead. In 2021, we began a programme of investing in the capacity of schools to support children and young people with SEND in their local schools. This includes:

Training for all schools and their governing bodies in their legal responsibilities, how to assess their own provision and performance and how to set new targets to improve children's outcomes. This has resulted in fewer exclusions of children and young people with SEND, an increase in the number of children and young people with EHCPs in mainstream schools and significant improvements in educational outcomes compared to previous years and to other councils. A comprehensive training package in a range of SEND areas and in trauma informed and relational practice will be delivered this year and in following years.

Five Nurture Groups in five schools to support children with social, emotional and mental health needs and to prevent escalation of need. All participating schools have been trained by Nurture UK and have committed to a whole school approach to nurture. Feedback from these schools is that the Nurture Groups have made a significant difference to the schools. One academy trust has committed to providing training for every school within the Trust. A formal evaluation of the Nurture Groups is due in April 2023. A further eight Nurture Groups have been commissioned to be available from September 2023 and over the next two academic years. Five specialist resource bases have been commissioned in five schools to support children with SEND, these will focus on the highest areas of growth in need including ASD (Autism Spectrum Disorder) and speech language and communication needs.

Local special schools have also had limited capacity so over 100 children are currently placed in Independent special schools. This means that they travel long distances to school and are separated from their local communities. We secured a new school for children with (Social Emotional Mental Health), provided by the Cabot Learning Federation which opened in September 2022 in temporary accommodation and will open in permanent accommodation in 2024. It will provide 65 new places for local children and young people. We have also invested £18m in a new site for Baytree school for children and young people with profound and multiple learning disabilities which is due to open in September 2024 in Clevedon. It will provide an additional 65 places in total.

We are currently working with the Voyage Learning Campus to expand its offer to support more children whose behaviour schools find challenging to remain in school. It will provide outreach and short stay provision to a greater number of pupils to prevent their exclusion from school. It will also increase its offer for children with health needs to support those children who have high levels of anxiety that prevent them participating in school life and engaging in learning.

In parallel, we are working with our local special schools to create a traded offer where highly skilled SEND teachers and leaders from the special schools can work with colleagues in mainstream settings. This will enable knowledge and skills relating to specific SEND needs to be shared across the settings. Some of our special schools already operate an outreach service which is popular with participating schools.

We have commissioned SEND and You (which is our SENDIAS group – Special Educational Needs and Disabilities Information Advice and Support) to undertake direct work to support parents and carers when they feel their child is not receiving the resources they should be in school. This work has enabled children and young people to remain in mainstream school and has improved the understanding within their school of how to support the children on role.

We will continue to keep all our provision under a high level of scrutiny to ensure that the intentions of this work deliver the outcomes that children and young people with SEND need and deserve. We remain fully committed to supporting all of them to achieve their full potential and to working with our parents and carers and schools and college to ensure this happens.