

# SEN Reforms

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# What's been going on in the SEN world?

1. SEN Funding reforms
  
2. Children and Families Act
  - Code of Practice
  - The Local Offer
  - EHCPs
  - Personal Budgets

## SEN Funding Reforms – Situation pre April 2013

- Statements seen as route to money! Statements describe ‘hours of support’ that will be needed for pupil to access education. Support hours = money for teaching assistants
- Dudley funding arrangements for statements – unchanged, when other LAs choose to delegate the money to schools
- Dudley’s statement population has been gradually increasing (to >1700 = 3.6% of school age population)
- National funding reforms introduced by DfE for April 2013

# SEN funding reforms

## Key Message

A

statement of special educational needs **no longer** (in general) **brings additional funding!**

# Summary: Funding arrangements

- School funding formula now based on 10 pupil led factors – 2 mandatory (pupil n<sup>os</sup> and deprivation) + 8 optional (e.g. EAL, LAC) which include 'low cost, high incidence SEN' (using under-attainment scores from EYFS and KS2).
- Introduces concept of a 'notional SEN budget' (of £6,000) – from which schools expected to:
  - a) meet the needs of pupils with low cost, high incidence SEN;
  - b) contribute, up to a level set by the LA, towards the costs of provision for pupils with high needs (including those with high cost, low incidence SEN).

**(this means most of the cost of providing a statement is already in school budgets)**

# SEN Funding in mainstream schools

## Element 1: per pupil funding

- Schools get an AWPU (age weighted pupil unit) – covers the running costs of the school, to provide the universal elements.

## Element 2: notional SEN funding of £6,000

- The DFE recommends schools use this to provide up to £6000 worth of support to pupils with SEN (including those with statements.) This support is *'additional or different from'* what is generally or universally provided.

## Element 3: Top-up funding for more complex SEN

- In Dudley, it has been agreed that top up funding will be made available for pupils who have statements of >20 hours i.e. those with the most severe and complex needs.

# Banded Framework and Notional SEN funding

Dudley has formulated a Banded approach to SEN funding. The banded framework will only be applicable for SEN pupils with statements.

Previously, schools receive additional funding for statemented pupils based on the number of support hours written into their statement. The great majority of Dudley pupils have between 10 – 25h support identified.

The Mainstream Banded Framework determines an equivalent monetary value for each block of 5 hours of support. As a result, the funding for pupils requiring up to 20 hours support will be found through the 'notional SEN' element within school budgets. Pupils requiring more support hours than this will qualify for top up funding.

# Dudley's Banded Framework for SEN – secondary mainstream

Funding BANDS	AWPU	Element 2 (notional SEN)	High Needs top up	Total	Old hours
Band Ai	£4,400	<b>£1,500</b>	£0	£5,900	5h
Band Aii	£4,400	<b>£3,000</b>	£0	£7,400	10h
Band Aiii	£4,400	<b>£4,500</b>	£0	£8,900	15h
Band Aiv	£4,400	<b>£6,000</b>	£0	£10,400	20h
<b> </b>					
Band Bi	£4,400	<b>£6,000</b>	<b>£1,500</b>	£11,900	25h
Band Bii	£4,400	<b>£6,000</b>	<b>£3,000</b>	£13,400	30h
Band Biii	£4,400	<b>£6,000</b>	<b>£3,750</b>	£14,150	32.5h



# Dudley's Banded Framework for SEN – primary mainstream

Funding BANDS	AWPU	Element 2 (notional SEN)	High Needs top up	Total	Old hours
Band Ai	£3,100	<b>£1,500</b>	£0	£4,600	5h
Band Aii	£3,100	<b>£3,000</b>	£0	£6,100	10h
Band Aiii	£3,100	<b>£4,500</b>	£0	£7,600	15h
Band Aiv	£3,100	<b>£6,000</b>	£0	£9,100	20h
Band Bi	£3,100	<b>£6,000</b>	<b>£1,500</b>	£10,600	25h
Band Bii	£3,100	<b>£6,000</b>	<b>£3,000</b>	£12,100	30h
Band Biii	£3,100	<b>£6,000</b>	<b>£3,750</b>	£12,850	32.5h

## 2013 on: Funding arrangements – special sch.

Prior to 2013 Dudley Special School funding was determined via the **Dudley Matrix of Needs**. The Matrix was made up of brief descriptors of pupil need for the 4 categories of Special Needs outlined in the SEN Code of Practice. Special Schools made a return to the LA showing the number of pupils on their roll and where they were on this matrix.

The 2013 funding reforms mean all LAs fund their special schools using a national formula. Funding now consists of two elements:

- **Place funding** of £10,000

The LA has to decide on the number of places it anticipates it will need in each school – and send this number to the DfE in Dec. for Sept. funding.

- **Top-up funding** dependent on assessed need

Top-up is determined using the **Dudley Special Sch Banding Framework**

# Dudley's Banded Framework – Special Schools

## Comparison of 2012/13 and 2013/14 funding

Degree of Need		Old Funding		Current Funding				
Mild	Pupil Weighting. Higher weighting = more money	Weight-ing	Approx funding		Band	Place	Top-up	Total funding
↓		1	£11,700		B	£10,000	£1,333	£11,333
↓		1.2	£13,240		C	£10,000	£3,600	£13,800
↓		1.3	£14,000		D	£10,000	£4,167	£14,375
		1.8	£17,850		E	£10,000	£7,000	£17,250
Comp		2.3	£21,700		F	£10,000	£12,667	£23,000
lex		3.0	£27,100		G	£10,000	£17,200	£27,600
					H	£10,000	£24,000	£34,000

# SEN Funding - Impact on special educational needs in schools

- There has been a decrease in the number of referrals for statements received.
- There has been an increase in number of schools requesting a reduction in provision or requesting the statement is ceased.
- Over time it is likely that there will be fewer statemented pupils or EHCPs in mainstream schools.

# Children and Families Act (March 2014)

The key changes for children with SEN and their families are:

- replacing Statements of SEN with a single assessment process and an **Education, Health and Care Plan**
- placing a requirement on health services and local authorities to **jointly commission and plan services** for children, young people and families
- providing **statutory protection** comparable to those in Statements for young people who are in education or training up **to the age of 25**.
- giving parents or young people the right to a **personal budget** for their support
- obliges the LA to publish a **Local Offer**
- introduces a **revised Code of Practice**

## Draft SEN Code of Practice

- The practical application of the SEND arrangements, required within the Children and Families Act, can be found in the current draft code of practice

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/251839/Draft\\_SEN\\_Code\\_of\\_Practice\\_-\\_statutory\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251839/Draft_SEN_Code_of_Practice_-_statutory_guidance.pdf)

- Due to be finalised in the “spring” of 2014. It will be in force on 1 September 2014.
- “Statutory guidance for organisations who work with and support children and young people with SEN”

# Contents of Code of Practice

1. Introduction
2. Principles
3. A Family Centred System
- 4 **Working together across education health and care**
- 5 **The Local Offer**
6. Early Years, Schools, Colleges and Other Providers
7. Assessments and **Education, Health and Care Plans**
8. Children and young people in specific circumstances
9. Resolving Disputes

# The SEN Code Practice applies to:

- local authorities (education, social care and relevant housing and employment and other services)
- early years providers
- schools
- further education colleges
- sixth form colleges
- academies (including free schools)
- independent special schools and independent specialist providers
- pupil referral units and alternative providers
  
- NHS England & NHS trusts & NHS Foundation Trusts
- Local Health Boards and Clinical Commissioning Group (CCG)
  
- SEND Tribunal (see 1.5 and 9.6)



# Chapter 4: Education, Health and Social Care – working together for positive outcomes

- Clause 25 places a duty on LAs to exercise their functions to promote integration between special educational provision, health and social care provision where this would promote well-being and improve the quality of provision.
- Clauses 28 and 31 require health authorities and other bodies to co-operate with the LA to identify and support children and young people with SEN.
- Clause 26 requires local authorities and CCGs to commission services jointly for children and young people with SEN, including putting effective dispute resolution procedures in place where local agencies disagree.
- The Health and Social Care Act 2012 requires Health and Wellbeing Boards to develop Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies, both of which support prevention, identification, assessment and early intervention and a joined up approach from those providing services.

## The Local Offer

- C&F Act places a duty on all local authorities to publish details of services and provisions in their area to support families with a child or young person with a special educational need and/or a disability (SEND)
- “One-stop shop” approach brings together, in one place, all of the information about SEND. It will cover education, health, social care, transport and leisure activities.

# The Local Offer

## What is it expected to achieve?

- To provide information about the support and opportunities that are available for pupils with SEN.
- To make provision more responsive to local needs and aspirations, building on parental feedback. Make it easier for parents/carers to find the information that matters to them
- Provide clarity and confidence for parents
- Help parents and carers in knowing what should be provided by schools within their existing budgets
- Identify gaps in provision
- Provide an evidence base for improving services

## Who is it for?

- Parent, carers of children and young people with SEND.
- Practitioners and professionals.
- Anyone who has an interest in delivering services for SEND pupils.

# The Local Offer Contents

- LA funding arrangements
- Special schools resources bases units and specialist services colleges and alternative providers, training providers
- What schools are expected to provide from within their budget
- Requesting an EHCP assessment
- Short break information and child care opportunities
- Transfer to adult services - independent living and housing options
- Health therapy services and the access criteria including mental health and medical conditions
- Leisure activities for children with learning difficulties e.g. after school clubs
- Parent Partnership and dispute arrangements – support for parents and carers
- Transport

# What is an Education, Health and Care Plan?

- The Education, Health and Care Plan (EHCP) will be the 'new style' Statement of Special Educational Needs in September 2014. No more 'statements' will be issued after this date.
- Existing statements will remain in the system until converted. It is anticipated there will be a 3 year conversion period.
- The EHCP brings together the education and health and social care services necessary to meet a child or young person's needs. The plan places the child/young person and their family, at the centre of the process, describing the needs and outcomes to be achieved and the support required to achieve them.
- An EHCP can start from birth and potentially last until the young person is 25 years old.

## Who will need an EHCP?

- *‘the majority of children and young people with SEN will have their needs met within local mainstream early years providers, schools or colleges’*

An EHCP assessment and possible plan is only likely

- *‘where the child or young person needs cannot be reasonably met from within the resources normally available to mainstream early years providers, schools and post 16 institutions’*