

Schools' Forum: Special Meeting High Needs

**Agenda Pack
11 February 2020**

Venue: Strood Academy, Carnation Road, Strood, Rochester, Kent, ME2 2SX

Time: 4:00pm to 6:00pm

Agenda

1. Apologies
2. Declarations of Interest.
3. High Needs Commissioned Places 2020-21 academic year Wendy Vincent
4. DSG Recovery Plan Update David Watkins
5. Schools in Financial Difficulty due to PAN size class management Policy. Maria Beaney

WIFI Password:

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Agenda Item 3

High Needs Commissioned Places 2020-21 academic year

1. Background

- 1.1 The High Needs SEND Budget is allocated by the Education Service Funding Agency on an annual basis. A national Fairer Funding Formula introduced in 2016 determines the allocations to each local authority.
- 1.2 The High Needs Budget is intended to be used to provide the most appropriate support package for a child or young person aged between 0 and 25 years old who has special educational needs and/or disabilities (SEND). These students can be supported in a range of settings, taking account of parental and student choice, including nurseries, mainstream schools, special schools, colleges and training establishments. It is also intended to support good quality alternative provision for pupils who cannot receive their education in schools i.e. those who have been permanently excluded who do not have an Education Health and Care Plan.

2. Joint SEND Strategy 2019-22

- 2.1 Until recently there has been two separate organisational SEND Strategies which was noted by the 2017 Ofsted and CQC visit stating the partners should be working closely together to develop a Joint SEND Strategy.
As a consequence, the Local Area Joint SEND Strategy was approved by Council Cabinet in November 2019. It was informed by the views of parents, young people and schools and focuses on key areas for improvement across the Council, health, social care and education with the key aim of improving the opportunities for young people with SEND to live fulfilled lives and achieve independence in or near their local community.
- 2.2 The Joint SEND Strategy sets out the Local Area's vision, guiding principles and the key areas of development that will be the focus for Medway's children and young people with SEND over the coming five years.
- 2.3 The seven key strategic priorities are:-
 1. Provide early identification and intervention at all ages to support Children and Young People and their families to prevent escalation to more specialists
 2. Make sure that SEN provision in early year's settings, schools, colleges and training providers is of high quality so that children and young people with a wide range of SEND can be included and that they attend school, make good educational progress and achieve outcomes that are consistently good services. This covers ALL cyps of course and the monitoring agreements, reporting structures etc. will show through notes of visits on cyp file the progress made or actions to be taken by when and who, plus followed up.
 3. Ensure sufficiency of specialist provision in schools, settings and services within Medway so that children and young people can have their health, social care and educational needs met locally. This must be based through an agreed and

accepted demand management data [trend and actual birth data], driven by the commissioning structure/cycle (?) that drives the commissioning intentions being linked to the budget and in our case linked to the MDSGFRP.

4. Improve outcomes, life chances and opportunities for children and young people with SEND so that they can be as independent as possible with effective transition into adulthood. The SEND service monitors this.
5. Ensure participation and co-production with Children and Young People and their parents and carers so that they are at the centre of all that we do. We need clearly to be seen to at least have evidence and base working together on Code of course with the Lamb report as a check and balance. Covered in our Strategy.
6. Provide high quality integrated and accessible services through effective joint commissioning so that vulnerable Children and Young People can have their needs met locally wherever possible as 3 above.
7. Enable Children and Young People with SEND to have the best possible physical and mental health and wellbeing. Do we mean best or 'appropriate'?

2.4 The Strategy is consistent with the priorities set out in the Council's 2016 – 2021 Plan to enable Medway's people to realise their potential, through enabling older and disabled people to live independently, ensuring that families are resilient, and all children achieving their potential in schools.

2.5 Formal consultation on Medway's draft Joint 0-25 SEND Strategy started on 24 April 2019 and ran until 31 May 2019. The consultation was far reaching with views sought from parents/carers, young people, schools and other agencies and stakeholders all of whom offered important views and feedback to be taken into consideration.

2.6 The strategy is a commitment to support children, young people and their families by encouraging and challenging schools to cater for a wide range of needs and abilities. We believe that all children should be educated as close to their home as possible, which not only reduces the time they have to spend travelling, but also enables them to make and maintain friendships and connections in their local community.

2.7 In Medway 36.7% of children with Statements or Education, Health and Care Plans are taught in mainstream classes compared with the national average of 46.7%. This ranks Medway 122 out of 151 for inclusion nationally and 3rd from the bottom compared with our statistical neighbours.

2.8 Over the period covered by this strategy we will be seeking to support more children with SEND in mainstream schools.

2.9 We will achieve these aims by:-

- having a default position, in accordance with the SEND Code of Practice, that all children should attend a mainstream school unless there is an overwhelming reason why this cannot happen.
- ensuring that every child and young person, who have a right to have their health, social care and education needs met within their local community are placed, wherever possible, in local Medway Schools and Colleges.
- We will ensure that the views and wishes of children and young people with SEND and their parents are heard and we will work with them to ensure that they have confidence in the ability of local providers to meet their children's needs.

3. Current Commissioned SEN Places.

- 3.1 Local Authorities must complete a “high needs change notification return” to the ESFA in November of each year. This return predicts the number of high needs places that the local authority will commission at resourced provisions, special schools and colleges for the next academic year i.e. a November 2019 submission will be for places commissioned in academic year 2020-21.
- 3.2 Medway Council SEN Team consulted with all schools that have resourced provisions and special schools and colleges to agree on the number and type of places required for 2020-2021.
- 3.3 The ESFA require agreement from every education provider {in writing} on the number of places agreed. When arriving at the number of High Needs Places at each education provider to commission, we take into account;
 - number of current High Needs Places at each education provider
 - the historic and current number of any vacant High Needs Places at each education provider
 - provision required to meet the needs of SEN children/young people in the area for the next academic year
 - the Joint SEND Strategy
 - forecasted number of High Needs Places required for next academic year at each education provider
 - forecasted Vacant High Needs Places remaining for next academic year at each education provider
- 3.4 This information is provided by the SEN Team to each education provider for review and discussion so that agreement is gained from every education provider on the numbers of High Needs Places commissioned for the next academic year.
- 3.5 If the education provider, following discussions, does not agree, the ESFA require each LA to note this on the High Needs Places Return. Then, for mainstream academies, the EFSA will roll forward the previous High Needs Places numbers from the previous academic year. This has resulted in us paying for vacant places we have not been able to decommission. This does not make sense to me. We need to include how much we are funding on vacant places over the past 3-4 years and the impact on funding. Plus it is a cause which is not acceptable to balanced budgeting and is a result of action not by Medway.

Report Author

Wendy Vincent

Head of Integrated 0-25 Disability Services

Jan 2020

School	Type of Provision	No of Places 19-20	No of places 20-21	Variation	Cost Difference
Abbey Court	Special School (Maintained)	156	176	18	£180,000
All Faiths	Academy Resource Provision	14	14	0	£0
Bemix	Independent Learning Provider	22	22	0	£0
Bradfields	Special Academy	304	318	14	£140,000
Brompton	Academy Resource Provision	100	77	(23)	(£230,000)
Danecourt	Special Academy	151	151	0	£0
Delce	Academy Resource Provision	25	25	0	£0
Elaine Primary	Academy Resource Provision	20	29	9	£90,000
Forward2Employment (Bradfields)	Supported Internship	10	10	0	£0
Hoo St Werburgh	Academy Resource Provision	65	65	0	£0
Hundred of Hoo	Academy Resource Provision	58	50	(8)	(£80,000)
Inspire	Special Free School	50	51	1	£10,000
Mid-Kent College	Mainstream College	130	130	0	£0
NACRO	Independent Learning Provider	87	0	(87)	(£870,000)
Rivermead	Special Academy	145	180	35	£350,000
Riverside	Academy Resource Provision	13	13	0	£0
Robert Napier	Academy Resource Provision	8	5	(3)	(£30,000)
Thomas Aveling	Academy Resource Provision	10	15	5	£50,000
Twydall	Academy Resource Provision	17	17	0	£0
Warren Wood	Academy Resource Provision	20	30	10	£100,000
The Rowans	Alternative Provision Academy	65	52	(13)	(£130,000)
Will Adams	Maintained Alternative Provision	50	40	(10)	(£100,000)
Rivermead	Hospital Places	30	30	0	£0
TOTAL		1552	1500	(52)	(£520,000)

Medway Dedicated Schools Grant Financial Recovery Plan (High Needs Fund)

**‘ Towards a 100 days drive for
recovery to 2023.....’**

Focus on the child

‘Local places for local people’



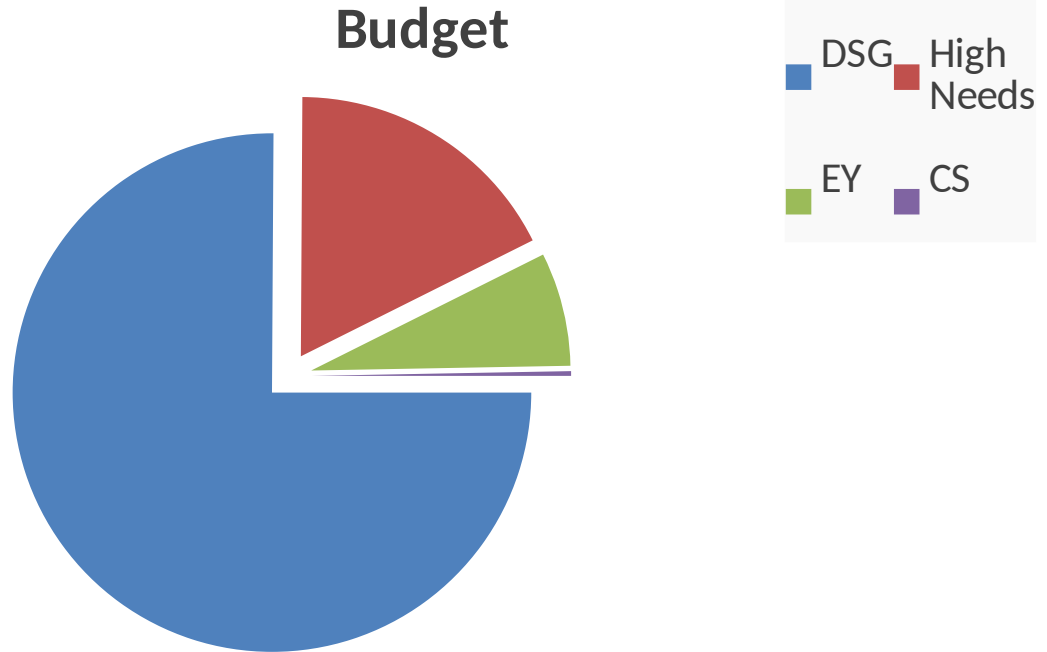
Send 0-25 National Context

- LGA research in 2018/19 councils faced funding gap of £500 million
- Demand has gone up for EHCP' by 35%
- More pupils 2014-18 (400,000) **in medway**
- Change in expectations : C and F Act /Cop
- More cyps with complex needs + 16 to 25
- School Attainment to not 'reward' inclusion
- LA & Schools under increasing pressures

Bluntly.....

- High needs specialist provision and costs has increased
- Funding has all but stagnated.....
- **We are both** reaching a tipping point....
- There is simply not enough money to keep up with demand
- We cannot keep doing the same things

Medway Local Context



Proposal to secure council capital funding of:
£2.5m for Resource Provision
£2.5m for delay in new Free School

Position as of 01/01/2020 is £10.2 million **deficit**

This is recurrent and compounding

SEND Deficit Recovery Group

How ?

DRP: £3.2m one off

- *Under review*
- *No firm commitment*
- *Positive meeting with ESFA*
- Resource Provision
- Review Bandings
- Work with schools to extend/develop inclusion offer
- Review/Reduce Out of Area Provision [OAP]
- Engage with key partners:
 - *Schools*
 - *Parent Carer Forum*
 - *Health*
 - *CSC*

So, what?

Aims:

- 1 Set against local demand and in account of National trends, to balance budget by 2022/23.**
- 2 To reduce unit costs**
- 3 To work more closely with Schools**
- 4 To build capacity through inclusion and inwardly invest**

NEXT STEPS:

- Develop detailed delivery plan
- Produce ordinary available document
- Implement more rigorous sign off arrangements
- Regular Review/Engagement at Schools Forum
- Create H.N. Subgroup of Schools Forum
- Establish HT Special Schools Group

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Questions

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Recommendations

- For the Schools Forum to:
- note the financial position of the HNB/ DSG across Medway
- Note the national context of SEND funding pressures
- Be aware of the additional Government funding levels and the Councils capital funding bid
- agree to establish a sub-group to inform the recovery plan

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Schools Forum: 11 February 2020

Agenda Item 5: Schools In Financial Difficulty due to Pan Management Class Size Policy Review

1 Background

- 1.1 As part of the local funding formula process each year, The Schools Forum are required to set and approve the local authority centrally retained growth funding budget as well as approving the key funding policies designed to support the formula and allow schools to access the centrally retained funding.
- 1.2 Medway has two policies for accessing schools funding support which are reviewed in May/July each year. These policies were last reviewed in May 2019 and are:
 - 1) The growing schools (growth fund) policy.
 - 2) Schools In Financial Difficulty due to PAN Class Size Management Policy
- 1.3 At the Schools Forum meeting of 15 January 2020, 6 schools applied for funding support under the Schools in Financial Difficulty policy, of which 2 were approved and 4 were rejected. Members felt there was some confusion around the policy and agreed to review the policy.

2 The Schools in Financial Difficulty due to Pan Class Sizes Policy.

- 2.1 The Schools in Financial Difficulty policy was first introduced in 2018 after a year of discussion and amendments to the policy by members. The policy was reviewed and updated in May 2019. Please see appendix 1 for the current policy.
- 2.2 The policy offers temporary protection (up to three years) to those schools who are required to open more than one class but with low pupils numbers and are unable to increase the remaining class sizes because of the maximum class size of 30 required by law in key stage 1.
- 2.3 The policy criteria states:
 - Those schools who can't reduce their published admissions numbers due to statutory school class sizes in key stage 1 i.e. years R, 1 and 2.
 - Where the place planning team determine there is a requirement for a minimum percentage of the surplus places within the next three years and can't enter into a local area amendment arrangement? Especially where the school has requested to reduce their PAN or enter into a local agreement which has been denied by the LA.
 - Schools must submit a business case for approval by the Schools Forum in November so it can be discussed at the January Schools Forum meeting with funding starting from in September. I.e. submit business case in November 2017, Schools Forum approval in

January 2018 with funding to start from September 2018. Where business cases are rejected, schools will be told why.

- The school does not receive pupil growth funding support for new classes.
- This funding is not intended to support schools who fall into financial difficulties through budget mismanagement.
- A school will not be eligible or will stop being eligible for funding if the class is more than 2 thirds falls. I.e. 21 for a PAN of 30, 41 for a PAN of 60, 75 for a PAN of 90.

2.4 The policy supported 7 schools for the 2019-20 academic year and 6 of these schools submitted their business cases for support in the 2020-21 academic year for the January members as per the policy. At their meeting on the 15 January 2020, School Forum members approved 2 of the business cases but rejected the other 4 as their classes were more than two thirds full.

2.5 Membership of the Schools Forum has changed since the introduction of the policy and most of the history behind this policy and the changes have been lost. Previous Schools Forum minutes state:

“Sept 2018 Minutes note 6. Ratify the schools in financial difficulty policy note:

MB gave a summary of the policy including the requested changes to the policy following the last meeting.

The cut-off point was discussed and noted to be a max of 80 pupils or 2/3. It was felt this should be made clear in the policy.

Members felt that the policy should show all form entry numbers and maximum pupils for each form. (This is based on the October census day figures.)

It was discussed whether this policy could negate the LA place PAN planning ongoing issues. It was felt that in the future there should be better transparency regarding where the hotpots are and where there is a need to keep capacity.

The LA stated they have agreed the reduced Sept 2020 PAN numbers to go through at school places level.

It was made clear that this policy gives schools the opportunity to present a business case to the Schools Forum.

Decision: All members voted and agreed on the policy based on the changes above“

Note the 80 pupils were changed to 74 at another meeting.

And

"15th May 2019 minutes The Schools in Financial Difficulty due to Pan Class Sizes

Policy note:

MB explained that The Schools in Financial Difficulty policy was first introduced in 2018 after a year of discussion. The policy offers temporary protection to schools who must open a new class with very few pupils because of the maximum class sizes in key stage 3.

In 2018, a £300,000 budget allocated to the policy and has been fully spent. A similar amount was allocated for 2019-20 and is expected to be fully spent as well.

The ESFA has reviewed this policy and would like the Schools Forum to consider adding the highlighted section at the bottom of the policy and other cosmetic changes are highlighted in yellow in section 3.3. (See pre-read paperwork appendix 3.) Attached above

Decision – All members voted and agreed to approve the policy amendment

section 3.3 "A school or academy will receive £55,000 per class per year. The £55,000 will be pro-rated against the maximum PAN. "

Example: A school has 21 pupils on roll from a PAN of 30 = $£55,000 / 30 * (30-21) = £16,500$.

A school has 42 pupils on roll from a PAN of 60 = £0.

A school has 74 pupils on roll from a PAN of 90 = $£55,000 / 30 * (90 -74) = £29,300$. "

2.6 All 4 of the business cases the Schools Forum members rejected were for schools who have a PAN of 90 based on the two thirds fall criteria. However if you apply the two thirds criteria rather than the 74 pupils (67%) these schools would never met the criteria which goes against the aim of the policy which was to help support schools who have to open one or more classes because of the maximum key stage 1 class size.

2.7 Therefore the LA would like to propose the following changes are made to the policy and are highlighted in blue in appendix 2:

- A school will not be eligible or will stop being eligible for funding if the class is more than 2 thirds full with schools who have a PAN of 60 or less across key stage 1. I.e. 21 for a PAN of 30, 41 for a PAN of 60
- A school will not be eligible or will stop being eligible for funding if the class is more than 67% full with schools who have a PAN of 90 across key stage 1 .I.e. 75 for a PAN of 90.
- Medway Council's director of education will determine if a school meets the eligibility criteria set by the policy.
- A school or academy will receive £3,750 per pupil up to a maximum of £55,000 to match the government's minimum funding guarantee.

2.8 The 4 schools whose business cases were rejected have been informed and at least one of these schools has indicated they will appeal this decision and will be resubmitting there business cases in May and therefore the policy must be robust.

3 The Schools Forum

3.1 The Schools forum is asked to **COMMENT, NOTE, and VOTE** on the revised policy shown in appendix 2.

Report Author:

Maria Beaney

Finance Business Partner Education & Schools

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Schools in Financial Difficulty due to statutory class sizes management Policy Version: May 2019

1. Overview

- 1.1 This funding policy is for revenue associated reorganisations only and does not relate to capital items.
- 1.2 Schools (the term schools used throughout this document includes academies) can access the funding and eligibility where there is a basic need requirement due to small statutory maximum class sizes of 30 in years R, 1 and 2. The DfE define Basic Need as new pupil places which are requested by the local authority because there are insufficient places available for pupils in the area.
- 1.3 Both the Medway Council's place planning team and the Schools Forum will determine if a school meets the eligibility criteria.
- 1.4 Funding will be allocated for one year only and will be paid on an academic year basis. Schools will need to reapply and submit a business case in November for funding each year if additional years funding is required.

2. Criteria to access funding

- 2.1 Schools can request funding support if schools meet the following criteria:
 - Those schools who can't reduce their published admissions numbers due to statutory school class sizes in key stage 1 i.e. years R, 1 and 2.
 - Where the place planning team determine there is a requirement for a minimum percentage of the surplus places within the next three years and can't enter into a local area amendment arrangement? Especially where the school has requested to reduce their PAN or enter into a local agreement which has been denied by the LA.
 - Schools must submit a business case for approval by the Schools Forum in November so it can be discussed at the January Schools Forum meeting with funding starting from in September. I.e. submit business case in November 2017, Schools Forum approval in January 2018 with funding to start from September 2018. Where business cases are rejected, schools will be told why.
 - The school does not receive pupil growth funding support for new classes.
 - This funding is not intended to support schools who fall into financial difficulties through budget mismanagement.
 - A school will not be eligible or will stop being eligible for funding if the class is more than 2 thirds full. I.e. 21 for a PAN of 30, 41 for a PAN of 60, 75 for a PAN of 90.

3. Methodologies for distributing funding

- 3.1 Funding will be for one year only and schools will need to reapply every year if additional funding is required. The funding is to help contribute towards the costs of a class teacher.
- 3.2 Schools must invoice the LA for this funding before 31 March of that financial year.

- 3.3 A school or academy will receive £55,000 per class per year. The £55,000 will be pro-rated against the maximum PAN.

Example: A school has 21 pupils on roll from a PAN of 30 = $£55,000 / 30 * (30-21) = £16,500$.

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A school has 74 pupils on roll from a PAN of 90 = $£55,000 / 30 * (90 -74) = £29,300$.

- 3.4 A school will not be eligible for funding if the school receives growth funding.

4. Budget

- 4.1 The budget will be set annually to support this policy.

School forum Approval: 15.05.2019

Review Date: May 2020.

Schools in Financial Difficulty due to statutory class sizes management Policy **Version: February 2020**

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- 3.5 Schools must invoice the LA for this funding before 31 March of that financial year.
- 3.6 A school or academy will receive £3,750 per pupil up to a maximum of £55,000 per class per year. The £55,000 will be pro-rated against the maximum PAN.

Example: A school has 21 pupils on roll from a PAN of 30 = $£3,750 * (30-21) = £33,750$

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A school has 74 pupils on roll from a PAN of 90 = $£3,750 (90 -74) = £60,000$ capped to £55,000.

- 3.7 A school will not be eligible for funding if the school receives growth funding.

4. Budget

- 4.1 The budget will be set annually to support this policy.

School forum Approval: 11.02.2020

Review Date: February 2020.