**Suffolk County Council Logo**

# Suffolk County Council

# SEND Funding Policy and Guidance Document

# 2020-2022

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## Introduction

This document is the Suffolk County Council SEND Funding Policy and Guidance Document that came into effect from September 2020. This policy applies to the following providers:-

* Mainstream schools and academies
* Further Education and 6th Form Colleges
* Special Schools (including special academies and free schools funded in Suffolk)
* Pupil Referral Units and alternative provision academies
* Post 16 Private Training Providers

The new policy is designed to create a fairer, simpler high needs funding policy, that is more easily understood by parents, carers and professionals across the system. It includes the creation of a universal banding system which is inclusive of all children and young people aged 0-25. The new system makes it simpler for providers to access the funding and administer it.

## Background

In 2017 a review of high needs funding took place across Suffolk. This review was driven by the following factors:-

* the increasing pressure on high needs block funding
* the increasing number of children and young people needing to leave Suffolk’s local provision to be supported in the independent non-maintained sector
* a recognition that funding rates for individual pupils vary significantly depending on where they are educated
* a lack of clarity from providers and parents about how the high needs funding system works
* a perception of bias and lack of transparency and accountability.

Suffolk County Council launched a consultation to address these issues and this policy sets out the arrangements resulting from the consultation and agreement from Schools Forum. This policy has been introduced successfully since 2019 and is now fully implemented.

## Funding Special Educational Needs Placements

All SEND and alternative provision places funded through the high needs block are commissioned by the Local Authority (SCC) on an annual basis and in-line with the educational needs of a child or young person. Funding for these commissioned places is made up of three elements: Core Funding, Additional Support Costs up to £6,000 and Top-Up. These elements are sometimes referred to as Element 1, 2 and 3.

* **Core Funding** (Element 1) is the first £4,000 is to fund an individual’s education, or in a mainstream school is the AWPU.
* **Additional Support Costs** (Element 2) is the individual’s support costs required above the costs of an individual’s education, up to the value of £6,000
* **Top Up** (Element 3) is support costs required by an individual above £6,000

Providers receive the three elements of funding from the following sources:-

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| --- | --- | --- | --- |
| **Type of Provision** | **Core Funding** | **Additional Support Costs** | **Top-Up** |
| Mainstream Schools, Academy and Free Schools | Included within the per-pupil funding through the local school funding formula (AWPU). | The first £6,000 of additional support  costs are delegated  within school  budget and  academy grant derived from local schools funding formula. | Agreed per-pupil and paid by SCC. |
| Specialist Units and Resource Bases in Mainstream Schools | Included within the per-pupil funding through the local school funding formula (AWPU). | £6,000 per place based on number of places commissioned by SCC. | Agreed per-pupil and paid by SCC. |
| Maintained Special Schools, Special Academies, Special Free Schools and Non-Maintained Special Schools. | £10,000 per place based on the number of places commissioned by SCC. | £10,000 per place based on the number of places commissioned by SCC. | Agreed per-pupil and paid by SCC. |
| Maintained Pupil Referral Units, AP Academies and AP Free Schools. | £10,000 per place based on the number of places commissioned by SCC. | £10,000 per place based on the number of places commissioned by SCC. | Funding per commissioned place based on formula calculated on average pupil need (75% Band G 25% Band H) |
| FE Institutions, Special Post 16 Institutions and Post 16 Private training Providers. | Received directly from the ESFA and based on 16-19 National Funding Formula. | Received either directly from the ESFA or from SCC | Agreed per-pupil and paid by SCC. |

## Top-Up Funding (Element 3)

Top-up funding is the funding required over and above the core funding any provider receives, to enable a pupil with high needs to participate in education and learning. This funding is to meet the needs of the individual beyond the first £6,000 of support required. This is allocated by SCC to providers from the high needs budget. All high needs top-up funding is paid on a Universal High Needs Banding system. Therefore, all children and young people in Suffolk are funded based on their needs as assessed against the banding descriptors.

All children and young people with SEND needs educated in Suffolk have a High Needs Band. These bands stay with an individual for the duration of their education and do not change unless a provider requests it or SCC identify that it needs to change through the audit process. Description of the bandings and the funding they attract can be found [on the Suffolk Learning page - High Needs Funding](https://suffolklearning.com/inclusion/high-needs-funding/).

On a termly basis providers are required to submit a return to SCC identifying all of their pupils with SEND and identify any requests to change an individual’s band or to request a band for a new pupil. Where a band needs to be allocated for the first time or adjusted, a moderation process will follow. Providers will be asked to submit evidence to support the banding request and this will consist of:-

* a costed provision map demonstrating targeted support and the costs needed to provide that support over a 39-week period;
* a succinct narrative of the child/young person’s needs against the categories of need outlined in the SEND Code of Practice;
* a timetable of support for the child/young person;
* details of external specialist/agency support;
* comprehensive assessment information used to identify need and to track progress over time.

Following the submission of evidence a panel of experienced SEND specialists will convene to consider all applications and make a decision on the bandings for each case submitted. Moderation is supported by audit visits which take place at random specialist settings on a termly basis. These visits will ensure top-up funding is used appropriately and that schools are offered the support they need to successfully participate in the moderation process.

Once bandings have been agreed through the moderation process payments are made in advance to providers for the following term. For example the banding values in the October moderation are paid for the spring term, February for the summer term and May for the autumn term.

Alongside this moderation, in-situ visits will take place for special schools, Specialist Units and FE providers where there are a number of CYP with complex needs accessing specialist learning programmes. The visits allow professional dialogue via peer moderation to establish accuracy and equity across the providers. Local Authority (LA) officers lead the visits and are supported by colleagues from mainstream provisions to enable a joint view of the universal bandings and the level of need matched to each of the bands. Evidence is scrutinised in-situ and the level of need is agreed. Further evidence is requested where an agreement cannot be reached.

## Applications for Band Is Funding

Individual pupils with the most complex needs whose additional support requires in excess of £22,000 (£6,000 Additional Support plus £16,000 Top-Up) of support are put forward for funding at Band I level and are subject to an additional moderation process. Evidence, as outlined above, will be requested for any Band I requests and a panel of SEND specialists will meet with the provider to discuss the level of support required.

## Special Schools and PRUs

Funding for Special Schools and PRUs is based on a lagged system where the number of FTE places funded in year 2 will be based on the number of actual places filled in year 1. Therefore if the number of pupils attending the provision exceeds the number of commissioned places in year one, the commissioned number will be increased for year 2. This will be supported by an annual conversation between the provider and SCC regarding place numbers. An annual service level agreement is in place between SCC and each provider to allow exceptions to be made in the case of exceptional growth or shrinkage. This will be defined as plus or minus 5% of the provider’s cohort. For PRUs, we acknowledge that at points throughout the year numbers will drop below 5% due to the transient nature of this cohort. Therefore numbers will not be reduced outside of the annual conversation, taking into consideration a full years provision.

Where providers have reached the total commissioned places for the year but are required to take pupils in excess of their place numbers (having been named in an EHCP as the most suitable provider), they will be paid the top-up rate associated with the high need band identified in the EHCP or through the moderation process.

PRUs and AP are allocated a banding profile based on a typical cohort of

attendees rather than on individual children. This is due to the nature of the

provision and the high turnaround of individuals entering and exiting the

provision. Therefore, they are funded at 75% Band G and 25% Band H.

## Dual Placement Funding

Dual placements arise where a pupil is on roll in two separate schools. This is usually a special school and a mainstream school. Dual placements allow pupils who have a specific set of needs to access more intensive pastoral, specialist support and a broader more demanding curriculum. They are often used in support of transition arrangements.

A separate policy is for Dual Placements is in development.

## Cross Border Placements

Where a pupil has an EHCP and lives in one county but accesses SEND education in another, it is the responsibility of the home county to pay for their High Needs Funding. Therefore, if a child attracts Top Up Funding (Element 3) it is the school’s responsibility to claim this Funding from the home Local Authority. i.e. if a learner lives in Essex but attends a Suffolk School, the school should claim Top Up funding from Essex County Council.

This arrangement does not apply for children in care. Local Authorities are responsible for recouping funding for children in care in cross border placements and SCC recoup for all looked after children including those in specialist settings.

## Transitional Protection

The implementation of this funding policy and the introduction of the new Banding system for Element 3 has meant that some providers have been subject to a significant change to their funding. Therefore the introduction of Transitional Protection has been necessary to ensure that no provider is destabilised and that all payments, both increased and decreased, are distributed in line with the National Funding Guidance.

The National funding guidance puts in place a protection for providers called the minimum funding guarantee (MFG). The MFG for 2019/20 stated that like for like place funding in any school cannot be less than -1.5% of the previous year’s funding rate per place. Both increases and decreases in funding made from 2019/20 will be made to providers over a 5 year period, without the funding being changed by less or more than 1.5%.

The current MFG for 2020/21 has been reduced to 0%, therefore where funding will be reduced to transition providers onto the new funding methodology Secretary of State approval will be sought by SCC. Any changes made to funding beyond 2020/21 will be modelled over 5 years and Secretary of State’s approval will be received before reductions in funding are made.

All information regarding Transitional Protection and funding across the next five years, will be shared with providers ahead of any changes being made. Payment schedules for 5 years will be shared and all providers will be on the new Top-Up Banding Rates by 2024/2025

Further information about the MFG including example of how it operates in practice can be found in the [2021/22 High Needs Funding Operational Guide.](https://www.gov.uk/government/publications/high-needs-funding-arrangements-2021-to-2022)

## Payment Schedule

Providers are paid in advance on a termly basis, and payments are made based on the previous terms data. Therefore, providers are paid in December, April and July, for the Spring, Summer and Autumn terms.

Changes to how the payments are made will only be made in exceptional circumstances and with agreement from both the Provider and Suffolk County Council.

## Document Review

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| **Document Version** | **Date** | **Date to be reviewed** |
| Version 1 | 19th November 2020 | June/July 2022\* |

\*Document to be reviewed once implemented for a full academic year (2021/22). To be reviewed by the Head of Send Funding and the High Needs Working Group.