

Schools Forum Agenda

Thursday, 20th October 2022

4.30 pm – 6.30pm, Virtual - Microsoft Teams

For more information contact: janita.aubun@lewisham.gov.uk tel: 020 83147030

Item	Pages
1. Apologies and Acceptance of Apologies/Welcome New Members	
2. Declaration of Interests	
3. Minutes of the Meeting - 28 June 2022	1 - 5
4. Matters Arising <ul style="list-style-type: none">• Report on TOFTUA – included• Schools Forum Training – delivered	
5. Dedicated Schools Grant (DSG) - 2021/22, 2022/23 and 2023/24 (provisional) <p>This report sets out the DSG position 2021/22 (final), 2022/23 (update and forecast position) and DSG 2023/24 (provisional). The report further seeks the application of circa £1m towards high needs spend. Linked to the report is a powerpoint presentation on High Needs Funding as discussed at the Schools Forum High Needs Working Group.</p>	6 - 14
6. Review Method for Funding Time Off for Trade Union Activities and Duties (TOFTUA) <p>The report details the current method of reimbursing for TOFTUA activities and duties. The report also clarifies approach for funding the proposal through direct de-delegation for maintained schools and charge for academies.</p>	15 - 17
7. Responses to Recent Consultation Papers <p>Responses made by the Local Authority to support three recent consultation documents are provided for information.</p>	18 - 34
8. Any Other Business	

- Headlines national update – pressures facing schools

Future meetings

15 December 2022

19 January 2023 (provisional date)

All meetings will be held between 16.30 and 18.30 virtually

Sub Group meetings

<p>High Needs Sub Group</p>

<p>1st December 2022, 12.30 – 2pm</p>

LEWISHAM SCHOOLS FORUM

Minutes of the meeting held on Tuesday 28th June 2022

Membership (Quorum = 40% i.e. 9) ✓ = present ✕ =absent a = apologies
s = substitute

		Attendance					
Primary School Headteachers		21/ 10	16/ 12	20/ 01	28/ 06	Date of Appointment	
Jacqueline Noakes	John Ball		x	a	✓	Dec 2021	
Manda George	Torridon Primary	✓	✓	✓	✓	Jan 2022	
Sharon Lynch	St William of York	✓	✓	✓	✓	Jan 2022	
Julie Loffstadt	Kilmorie			✓	✓	Jan 2022	
Matthew Ringham	Our Lady & St Philip Neri	✓	✓	✓	a	Jan 2022	
David Lucas	Trinity	✓	✓	✓	✓	Jan 2021	
Maxine Osbaldeston	Launcelot	✓	✓	✓	✓	Jan 2021	
Nursery School Headteacher							
Cathryn Arnold-Kinsey	Clyde Nursery		✓	✓	✓	Jan 2022	
Secondary School Headteachers							
Naill Hand	Prendergast Ladywell	✓	✓	✓	✓	July 2019	
Jane Hadlow	Conisborough College			✓	✓	Jan 2022	
Special School Headteacher							
Lynne Haines	Greenvale	✓	✓	✓	✓	Dec 2021	
Pupil Referral Unit Headteacher							
Heather Johnston	Abbey Manor	✓	✓	✓	✓	Dec 2020	
Primary School Governors							
Daniel Meyer	St Bartholomews			✓	✓	Jan 2022	
Peter Fidel	Eliot Bank and Gordonbrock Federation	✓	✓	a	✓	June 2021	
Secondary & Special School Governors							
Page 1							
Pat Barber	Bonus Pastor	✓	✓	✓	a	Jan 2022	

Andy Rothery	Leathersellers Federation	a	✓	✓	✓	June 2021
VACANT	SPECIAL SCHOOL					
Academies						
Miz Mann	STEP Academy Trust	a	✓	✓	✓	Oct 2021
Ann Butcher	Childeric	*	✓	a	✓	June 2021
14-19 Consortium Rep						
Gerard Garvey	Lewisham Southwark College				*	June 2022
Early Years – PVI						
VACANT						
Diocesan Authorities						
Sara Sanbrook-Davies	Southwark Diocesan Board of Education	✓	✓	✓	✓	Dec 2019
Yvonne Epale	Education Commission – Catholic Diocese of Southwark	✓	✓	✓	✓	May 2021

Observers/Others in attendance		
Strategic Business Partner	Mala Dadlani	
Business Partner	Lurenco Reynolds-Moxam	
Business Partner	Floyd Roberts	
Schools Finance – LB Lewisham	Mark Pearson	
LB Lewisham - SEN	Clare Gurbutt	
LB Lewisham	Ruth Griffiths	
LB Lewisham	Nikki Sealy	
Leathersellers' Federation	Tony Marnham	
Clerk	Janita Aubun	

1. Apologies and Acceptance of Apologies

Apologies accepted from Matthew Ringham, Pat Barber, Pinaki Ghoshal and Angela Scattergood.

2. Declaration of Interest

None.

3. Minutes of the Meeting of 20 January 2022

No comments, agreed.

4. Matters arising

Supplementary Funding – Special Schools

Agreed that Special Schools be funded in alignment with mainstream schools, thereby modelling the same method – this is effectively an enhanced top up. (note, the DfE position is that funding is based on lagged numbers so October numbers will be used - actual). Also nursery schools - to be given an additional lump sum from the early years contingency, to ensure they are treated equitably, as there appears a disparity – Forum agreed

5. Schools Forum Work Plan 2022/23

This report set out the intended work plan for Schools Forum for the financial year 2022/23. Meetings are strategically set and allow forum an understanding of what will be reported as well as enabling members to make proposals.

- Forum were sought permission to include consultation updates as a standing item and this was agreed.

Members conveyed their gratitude for officer input in the consultation processes going forward and would like to see the responses.

Forum were informed that the permission to continue with the High Needs Working Group is also referenced in this document.

6. Dedicated Schools Grant (DSG) 2021/22 Outturn Position Including Schools Balances Position

Schools Forum was asked to:

- note the contents of this report with particular focus on:-
 - high needs block – ongoing pressure.
 - CSSB – continued reduction in funding followed by potential cessation & transfer to Revenue Support Grant. Their remains lack of clarity on both roles & responsibilities and funding.
 - EY block not finalised at time of forum meeting.
 - Schools Balances - forum informed that this excludes Academisation.
 - nursery schools are seeing pressure - and have deficit recovery plans in place,
 - primary schools are using more of their funding, secondary schools surplus is increasing with all-through schools having remained stable.
 - Special Schools & the PRU have increased surplus balances.

Stating the obvious – Primary pupil numbers is overall presently reducing, whilst secondary and special numbers are increasing.

Schools finance has started receiving the schools budget plans – gentle reminder that the budget plans need to be REALISTIC and not too prudent or too risk averse. To support strong financial management in schools the plans also need to cover the 3 year period to enable Governing Bodies and heads to develop appropriate action plans.

Special schools advised that there is an expectation that their surpluses would contribute to any imminent expansions.

7. Dedicated Schools Grant 2022/23

Forum were informed that in relation to the Central Schools Services Block, officers are currently working through the government's White Paper, assessing new roles and responsibilities placed on Local Authorities, particularly around safeguarding, admissions etc.

MD advised that Officers had commenced detailed work on "services for schools" in relation to changes both in CSSB funding and expectations in the white and green papers. There continues to be vagueness around roles and responsibilities, and associated funding. We had hoped the white paper would provide clarity but it doesn't, which makes the task of considering the "schools offer" very complicated.

Schools forum requested engagement with schools as early as possible to facilitate discussion at forum around any funding request from schools.

Recommendation & Agreement:-

- Note the potential pressure on the High Needs Block.
- Note the potentiality of DfE intervention for a recovery plan.
- Forum agreed to receive regular updates at each meeting.
- Note the implications for the CSSB and further work being undertaken

8. High Needs Working Group – Verbal Update

Verbal update presented to Forum by Clare Gurbutt – to note for information, on SEND Green Paper consultation, LA SEND inspections, Resource Base.

Noted:-

- SEND Green Paper consultation consists of 22 questions; consultation ends 22.7.22 and is open to all. LA to collate a draft response for circulation and information.
- LA SEND inspections - all 152 boroughs have been inspected. Lewisham did not have a written statement of action – have not been inspected as yet, due to COVID.
- Resource Base Update – Autumn term 2022 Forster Park opening 6 places for ASD growing to 21, Spring Term Edmund Waller 6 places ASD growing to 16, January 2023 Drumbeat opening an additional 45 places at Turnham, primary age with a capacity to extend to 63. January 2023 Watergate potentially opening 8 – 9 places for early years and Y1 at Ladywell site.
- Consultation events to be held for academic year 2023/24. No secondary schools have expressed an interest – particular pressure due to capacity issues.

MD gave a verbal update:-

Safety Valve – high needs funding – this is effectively a deficit recovery plan. Working with the DfE is now imminent; this is not unique for Lewisham. 55 other LA's are part of this process. Conversations with the DfE are to commence circa Spring time; this phase is known as the "delivering better value". An officer group will be set up to facilitate the next stage process with the DfE. Discussion around inclusivity in high needs in Lewisham.

9. National Funding Formula – Consultation – Verbal Update

MD shared a presentation on the Government Consultation working towards the hard National Funding Formula (NFF) which supports the White Paper. The consultation launched 7th June and concludes 9th September 2022.

Officers will be submitting a response. Overall Lewisham is compliant with the hard formula. However there are some aspects that require further consultation. Key factor for Lewisham will be the PFI factor.

- Noted that Secondary Schools are keen to be involved in any PFI consultation, which we feel will be imminent.

10. Any Other Business

- TOFTUA policy review
Permission requested to bring a paper review to the next forum meeting on Time Off For Trade Union Activity. No suggestion to reduce trade union activity but policy update needed to see if the funding for this can be managed from the current de-delegation or not. Forum agreed for this to be an agenda item at the next meeting.
- Schools forum training 29th September
Primarily for new members and anyone who missed the previous schools forum training.
- Schools Forum member resignations
Chair thanked Sara Sanbrook-Davies and Jane Hadlow for their contributions as representatives on forum and wished them well.

Future Meetings

Schools Forum calendar dates 2022/23, advised and agreed as:-

20th October 2022

15th December 2022

19th January 2023 (provisional date, subject to DfE timelines)

All Schools Forum meetings continue to be held between 16:30-18:30 and remain virtual, unless advised otherwise.

Sub Group meetings

High Needs Sub Group
6th October 2022 10 - 11:30am
1st December 2022 10 – 11.30am

Schools Forum Action Summary

Item	Action to be taken	Officer(s) responsible	Outcome/Current position
10 – Schools Forum 28 th June 2022	AOB – TOFTUA – policy review paper to bring to the next Forum in October.	Mala Dadlani	For October 2022 forum

Agenda Item 5



Schools Forum

Report title: Dedicated Schools Grant (DSG) - Current Status

(2021/22, 2022/23 & 2023/24)

Date: 20th October 2022

Key decision: No.

Item number: 5

Outline and recommendations

This report sets out the DSG position for

- a. 2021/22 final position*
- b. 2022/23 updated DSG and forecast*
- c. 2023/24 initial headlines*

Timeline of engagement and decision-making

This report is for information and guidance only.

Schools Forum to agree to receive regular updates at each meeting.

To note the potential pressure on the High Needs Block.

1. Summary

- 1.1. The purpose of this report is to update Schools Forum on the Dedicated Schools Grant (DSG) for 2022/23 including an update on the final 2021/22 position. Plus to provide an initial view on the draft settlement provided in July for 2023/24.

2. Background

- 2.1. Local Authorities in partnership with their Schools Forum and partners, including schools are required to operate all expenditure within the DSG allocation. Where this has not been the case there needs to be consideration on the impact on the allocation for the following year.
- 2.2. Overspends where they cannot be contained by first call on next year's budgets, will require submission by the Local Authority/Schools Forum of a formal mitigation plan to the DFE.
- 2.3. It should be noted that it is not permissible for the DSG to be subsidised by the General Fund.

3. DSG 2022/23

- 3.1. The DSG for 2022/23 was provisionally announced in December 2021. DSG update is a standing item for each Schools Forum meeting.
- 3.2. The report confirms the 2022/23 DSG position revised as at July 2022 and now incorporates the final Early Years Position.

Table one below details the summary position for the DSG:-

Table 1

2022/23

	Schools Block	Central Services Block	High Needs Block	Early Years Block	Total
	£m	£m	£m	£m	£m
Gross	221.1	3.7	70.2	24.5	319.4
Net (after recoupment)	177.3	3.7	69.6	24.5	275.1
Internal adjustments	-0.7		0.7		0.0
Revised Funding	176.6	3.7	70.3	24.5	275.1
Forecast outturn	176.9	4.4	75.3	24.5	281.2
Surplus/Deficit	-0.4	-0.7	-5.0	0.0	-6.1
Supported by General Fund		0.5			0.5
Prior year applications	0.4	0.2	1.0	0.0	1.6
Net position	0.0	0.0	-4.0	0.0	-4.0

- Schools Block is expected to be on target as the main funding has been allocated to schools as part of the APT process. Due to the increasing demand in our secondary schools it has been necessary to approve in year growth funding to support the demand.
- Central School Services Block (CSSB) – this has been supported by £500k from the General fund, plus £200k from prior year funds to support the cost. Therefore is expected to balance for this year.
- High Needs Block. The High Needs Block is anticipated to overspend by circa £5m, this is after the application of early years funding that was not clawed back - see later position.
- Early Years Block. The Early Years Block (Table 2) has been revised following the validation of the 2022 pupil data.

Table 2

EY Block 2021/22 - Provisional allocation		2021/22 Final Allocation	Spend in 2021/22	Net funding from DfE
£m		£m	£m	£m
2.23	2 YEAR OLD ENTITLEMENT	2.4	2.6	-0.27
0.39	3 & 4 YEAR OLD SUPPLEMENT	0.4	0.4	-0.01
1.01	EARLY YEARS QUALITY AND SUFFICIENCY TEAM	1.0	0.9	0.08
0.09	EY DISABILITY ACCESS FUND	0.0	0.0	-0.01
0.74	EY INCLUSION FUND	0.8	0.8	0.04
17.66	3 & 4 YEAR OLD ENTITLEMENT	17.2	17.1	0.05
0.74	EYS: DEPRIVATION	0.7	0.7	-0.03
0.09	EARLY YEARS PUPIL PREMIUM	0.1	0.1	0.03
0.44	EYS: CONTINGENCY	0.4	0.0	0.41
23.40		22.9	22.6	0.29
	Prior year funds applied		1.0	1.0

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	Targeted high needs (early years)			-1.0
	Contingency		1%	0.32

Table 3

EY EHCPs	EY settings	Primary	Secondary	Post-secondary	Total
2022/23 August	86	1233	1107	732	3158
Percentage	3%	39%	35%	23%	100%

Table 2 shows the spend verses allocation. It should be noted that the 21/22 final position was not clawback but additional funding of circa £290k, recognising the pressure on the high needs block. It is also noted (Table 3) that at August 2022 approximately 86 EHCP are funded from the High Needs Block. Noting the pressure on the High Needs Block the EY setting cost of EHCP should be funded from the 2021/22 balance.

- 3.3. High Needs will remain a standing item at the Schools Forum meetings. As noted above, there is currently a pressure of £5m which can in part be mitigated by the £1m as described above. The Department for Education (DfE) is implementing intervention in 89 LAs to support them to cut their spending on pupils with special educational needs and disabilities. 34 councils with larger deficits will receive “safety valve agreements”. 55 LAs (including Lewisham) with substantial deficits will receive “delivering better value” (DBV) process. This will be delivered in three tranches, organised largely according to deficit level. Lewisham will be in the 3rd tranche expected to commence from March 2023 onwards. Consultants (Newton) have been appointed by the DfE to work with Lewisham on this and we are at the early data sharing stage. This is effectively a Deficit Recovery Plan.

4. 2023/24 funding

- 4.1. In July 2022, the DfE published headline information on the 2023/24 funding settlement. It should be noted that this remains provisional as the final position will not be known until late December. Also recognising the wider economic position, it is possible that this funding may be revised.
- 4.2. **Schools Block** – table below shows the anticipated schools block funding. This illustrates the circa 4% increases demonstrated in the press releases.
- 4.3. Some caveats that need to be noted include
- Figures will change once the final pupil count is known. The 2022/23 per pupil does not include the supplementary funding but the 2023/24 figure does. This is technically therefore not new money on cash basis.
 - In 2022/23, the DfE awarded £6m for Supplementary Funding. The main purpose of this funding was to support the 1.25% uplift in social care (national insurance) levy. Following change in Prime Minister (and Cabinet), an emergency budget was announced which has now scrapped the 1.25% levy (on both sides, being employer and employee) from 6th November. It is therefore unclear what will happen to this funding – will it continue to be rolled into the DSG as planned per above figures? Will

CSSB

	2022/23	2023/24	Difference
	£m	£m	£m
Historic Baseline	2.025	1.620	-0.405
Pupil Led	1.668	1.700	0.032
Net position	3.693	3.320	-0.373

- 4.5. **High Needs Block** – as before the provisional allocation is based on the current funding level. The final settlement will vary dependent on pupil data in particular pupil numbers within our specialist provisions.
- 4.6. It is important to note that on a relative basis the increase in funding, whilst welcomed, is anticipated to be lower than the last 3 years which has seen circa 8% increase in funding ie. £5m. The lower level increase will continue to have an pressure on the budget, which will be taken into account within the DfE DBV programme.

High Needs Block

	£m
2022/23	69.63
2023/24	73.50
	3.87
	5.6%

- 4.7. **Early Years Block** – the early years block is not included in the partial settlement. However, during the summer, a consultation was undertaken by the DfE on the overall funding settlement. The main caveat was that whilst the review focussed mainly on updating more recent data sets, the overall funding envelope from the DfE perspective, was not changed. This meant that gains were capped and effectively funded from lower anticipated demand nationally. The main headlines are potential increase of 12p in our received hourly rate from £5.93 to £6.04 –and the supplementary factor will remain, potentially increasing from £420k to £470k. Similarly the 2 year old funding received by the LA is expected to increase from £6.87 to £7.46, i.e 49p increase.
- 4.8. The figures for Early Years need to be taken with extreme caution as these are derived from a consultation response, NOT a draft settlement.
- 4.9. **Overall caveat** - As stated all information relating to 2023/24 remains provisional. Ordinarily the unit values would be noted as confirmed, however following the emergency “mini budget” and subsequent announcements, now suggests reversal of social care levy and thus removal of the associated supplementary grant funding from next year, which is factored into the 2023/24. Also the requirements now placed on all government departments potentially jeopardises additional funding support for the pay awards.

5. Financial implications

- 5.1. The report confirms the 2021/22 final , 2022/23 projected position and a draft 2023/24 position. Early years is not part of the draft settlement.
- 5.2. All figures for future years must be taken with caution as they are subject to finalisation

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of data.

- 5.3. The report reconfirms the anticipated overspend position for High Needs which is currently being reviewed. The application of the £1m to support EY spend within the High Needs Block will assist reducing the cumulative deficit position. The report also notes a lower settlement in future years which could place additional pressure on the high needs block. It remains a requirement for Lewisham in partnership with Schools Forum, to operate within the DSG.
- 5.4. The report confirms the requirement from the DfE towards a Delivering Better Value programme – this is effectively a Deficit Recovery Plan
- 5.5. The report notes positive news with regards to both the CSSB and the EY block

6. Legal implications

- 6.1. There are no specific legal implications arising from this report.

7. Equalities implications

- 7.1. At this stage there are no direct implications arising from this report. Equalities impact will need to be considered as Lewisham progresses options towards mitigating an overspend positions on funding blocks within the DSG.

8. Climate change and environmental implications

- 8.1. Not applicable

9. Crime and disorder implications

- 9.1. Not applicable

10. 10. Health and wellbeing implications

- 10.1. Not applicable

Report author and contact

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High Needs Block Current Picture

- Delivering Better Value-(DBV), Wave 3
- Current accumulative over spend £16million
- The number of students placed in OOB settings is the main driver for overspend-particularly at Secondary/post 16 & 19
- Aim to have Lewisham average % of EHC plans in every school (3.4%)
- Current Mitigation Plan forms part of SEND Strategy 2020-2023, there will be a supplementary plan as part of DBV
- From July 2022-September 2023 potential of additional 203 specialist placements created, 32 places at Secondary/post 16 and 171 at Primary

Specialist Placements-increase 203 places

July 2022-total 957			September 2022-total 1014			Easter 2023-total 1078			September 2023-total 1160		
Brent Knoll	C+I	152	Brent Knoll	C+I	170	Brent Knoll	C+I	170	Brent Knoll	C+I	170
Drumbeat	ASD	224	Drumbeat	ASD	230	Drumbeat	ASD	258	Drumbeat	ASD	312
Watergate	SLD	153	Watergate	SLD	153	Watergate	SLD	171	Watergate	SLD	180
New Woodlands	SEMH	96	New Woodlands	SEMH	105	New Woodlands	SEMH	105	New Woodlands	SEMH	105
Greenvale	SLD	172	Greenvale	SLD	194	Greenvale	SLD	194	Greenvale	SLD	200
Primary RB	ASD	59	Primary RB	ASD	59	Primary RB	ASD	65	Primary RB	ASD	72
Primary RB	DLD	13	Primary RB	DLD	14	Primary RB	DLD	14	Primary RB	DLD	14
Primary RB	HI	9	Primary RB	HI	6	Primary RB	HI	?3	Primary RB	HI	?3
Primary RB	ASD/ SEMH	0	Primary RB	ASD/ SEMH	0	Primary RB	ASD/ SEMH	?12	Primary RB	ASD/ SEMH	?18
Secondary RB	ASD	51	Secondary RB	ASD	55	Secondary RB	ASD	55	Secondary RB	ASD	55
Secondary RB	DLD	25	Secondary RB	DLD	25	Secondary RB	DLD	25	Secondary RB	DLD	25
Secondary RB	HI	3	Secondary RB	HI	3	Secondary RB	HI	3	Secondary RB	HI	?0



Schools Forum

Report title: Review method for funding Time off for trade union activities and duties (TOFTUA)

Date: 20th October 2022

Key decision: Yes

Item number: 6

Outline and recommendations

This report gives information for schools forum to consider the current arrangements for facilities for time off for local trade union representatives and to consider new proposals.

It recommends that:

- a. Allocation of TOFTUA is paid to Schools on the basis of true cost.
- b. The total costs to be divided by the total pupil population across all schools including Academies (5 to 16) and continues to form the de-delegation element of the schools funding formula.

1. Purpose of the Report

- 1.1. For Forum to consider the current arrangements for facilities time for trade union representatives (known as Time off for trade union activities and duties or TOFTUA) and to consider new proposals.

2. Background

- 2.1. Lewisham Council strongly supports the principle of collective bargaining and recognises the role that local trade unions can play in maintaining good employee relations, assisting communication between the authority and its workforce, as well as representing individual employees.
- 2.2. The Forum has supported the process of 'de-delegation' for a number of years now in relation to Lewisham maintained schools. The Forum has recognised the value of

having a consistent group of experienced trade union representatives to work with on a borough wide basis. The budget in question relates mainly to the teacher trade unions. However, the inception of the National Education Union (NEU) means that this large union welcomes members from all school based staff. Facilities time for the main recognised support staff unions (UNISON, GMB, UNITE) is funded by the corporate Council.

- 2.3. Forum should note that TOFTUA support is allocated on the basis of an historic formula. The total days of union support to be covered from the budget is 533 days. The evidence to support how this number was arrived at cannot be traced. However, what is clear is that the use of the 533 days is allocated to the specific unions based on membership numbers. The NEU, therefore receives the largest proportion of time. Funding to support TOFTUA is met from within the delegated element referencing to supply cover.
- 2.4. Funding for TOFTUA is currently part of the de-delegated budget which covers non sickness absence. For 2022/23, the total de-delegation amount is £1.12M. In accordance with method agreed historically with schools forum, this sum is split 90% for supporting non sickness cover and 10% to support TOFTUA. There is a further sub agreement within this, which means each TOFTUA is allocated a flat rate of £180 per day for a set number of days.
- 2.5. The unions elect their representatives democratically. This can present a challenge for schools when they find a member of their staff has been elected and may be required to have time off for a regular day/days per week. In addition the current reimbursement arrangements within the policy do not cover the full cost of absent members of staff.
- 2.6. The consequences, although unintended are that specific schools and the Local Authority are subsidising TOFTUA arrangements. Furthermore, there is no clear structure to cover the costs for providing union support to Academy staff although we know support takes place. Whilst we cannot have an impact on the union's election processes we can review the current budgetary and re-imburement processes.

3. Recommendations/Proposal

- 3.1. Allocation of TOFTUA is paid to Schools on the "basis of true cost" based on the aligned October census date i.e. 2022 for 2023/24 funding. Redirection of funds is permitted only in the event that there is a change in representative.
- 3.2. The total costs to be divided by the total pupil population across all schools including Academies (5 to 16) and continues to form the de-delegation element of the schools funding formula. The same principle to be applied to special schools who are not part of the main de-delegation process. the recoupment method for both academies and special schools to be aligned to the position outlined in 3.1
- 3.3. This will establish the correct sum that needs to be ring-fenced to cover TOFTUA. It will also establish the amounts that need to be invoiced to Academies.

4. Financial Implications

- 4.1. This report aims to find a solution to support both schools and LA where staff are supporting the role of trade union democracy. At this stage the intention is that de-delegation remains at the current rate, with an annual review that will enable a cost per pupil to be determined and therefore applied to academies in a clear and transparent manner.
- 4.2. The proposal is subject to changes as part of the wider NFF changes (none are expected).
- 4.3. A post implementation review will need to be taken to ensure that the balance supporting non-sickness is not compromised.

5. Legal Implications

- 5.1. The proposals made in this report are not detrimental to trade union representatives or schools ability to comply with their duties in relation to trade union activities and representation. As such no legal implications arise from this report.

6. Equalities Implications

- 6.1. The proposal outlined in this report supports equalities, where any school /LA are reimbursed appropriately for their participation of Trade Union activity. All beneficiaries of the support contribute on clearly defined criteria.

Report author and contact

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Agenda Item 7

Implementing the direct national funding formula consultation Lewisham response 09.09.22

Interaction between the direct NFF and funding for high needs

1. Do you agree that local authorities' applications for transfers from mainstream schools to local education budgets should identify their preferred form of adjustment to NFF allocations, from a standard short menu of options?

No

The reduction should remain as headline on the affordability and therefore the MFG. the current process works and schools understand it. Our pressure in line with most LA's is currently based on the high needs block. We attend forum and explain the effect transfer would have on their MFG. Ultimately whilst MFG is in place that is the element which is also impacted when there is a transfer. Consulting with forum on the transfer also increased the shared responsibility between the LA and schools to develop cost mitigations.

Interaction between the direct NFF and funding for high needs

2. Do you agree that the direct NFF should include an indicative SEND budget, set nationally rather than locally?

Yes

Lewisham supports the proposal that the Notional SEND figure should be set nationally, so that all schools have the same expectations based on a NFF. Currently the notional SEN figure is set at LA level but more than likely is based on some historic practices.

The formula should recognise that on average a school should be supporting around 3% to 4% of EHCP at the base cost of £6k. The formula should also be taken into consideration the pressure on smaller schools as a consequence. This assumes that the £6k will continue to be the "ask" on schools to continue to support.

Notional SEND should also cover the enabling costs of SEND support, e.g. cost of SENCO. At a recent meeting with DfE –Andre Imich suggested that each school should have a SENCO as part of the leadership team. If this is the DfE position, then there needs to be clear evidence that funding is available and that schools can visibly see it. The DfE should also ensure that their SRMA's understand link. This would encourage and enable schools to develop strong SEND leadership as a priority.

Growth and falling rolls funding

3. Do you have any comments on the proposals to place further requirements on how local authorities can operate their growth and falling rolls funding?

Managing provision of good quality of places for all pupils remains a statutory duty on local authorities. We do not support any proposal that places greater restrictions, thus frustrating LAs' ability to deliver on this role. LAs must be supported with local discretion and funding to

ensure that support and intervention is provided to all schools within their area so that all schools are able to contribute to the wider outcomes of providing high quality education to all pupils.

- 4. Do you believe that the restriction that falling rolls funding can only be provided to schools judged “Good” or “Outstanding” by Ofsted should be removed?**

Yes

- 5. Do you have any comments on how we propose to allocate growth and falling rolls funding to local authorities?**

The restriction that falling rolls funding can only be provided to schools judged “Good” or “Outstanding” by Ofsted should be removed to enable all schools should be able to develop towards good and outstanding. Limiting funding to a school at a time when they need to invest to secure improvement is counter-productive.

The value of the growth fund should be sufficient to meet the “basic” costs, e.g. extra teacher and TA and some resources. For planned growth this can be part of an annual submission process. However, at times growth is more reactive (demand led). This could be as a result of failing schools in a neighbouring borough or specific migration, for example –so there needs to be some flexibility to support in year demand/bulge requirements.

The same applies for falling numbers – pupil numbers tend to follow a cyclical pattern of 5 to 10 years.

- 6. Do you agree that we should explicitly expand the use of growth and falling rolls funding to supporting local authorities in repurposing and removing space?**

Yes

- 7. Do you agree that the Government should favour a local, flexible approach over the national, standardised system for allocating growth and falling rolls funding; and that we should implement the changes for 2024-25?**

Yes

- 8. Do you have any comments on the proposed approach to popular growth?**

We prefer local flexibility as LA’s have understanding of specific areas/schools that have pressures both growth and falling numbers and can work effectively with schools to support the sufficiency duty.

We believe that the approach and rules should be equitable for pupils, regardless of the school being maintained/academy. If a school is popular, we believe growth is best managed when it is considered by the LA’s place planning partnership so that the implications can be understood across the system. The issue with isolated expansions is that they can have unintended consequences for other schools in the neighbourhood. Growth needs to be considered as part of the councils overall strategic place planning process.

Premises funding

9. Do you agree we should allocate split site funding on the basis of both a schools' 'basic eligibility' and 'distance eligibility'?

Unsure

10. Do you agree with our proposed criteria for split site 'basic eligibility'?

Yes

11. Do you agree with our proposed split site distance criterion of 500m?

The distance criteria should be longer

12. Do you agree with total available split sites funding being 60% of the NFF lump sum factor?

No

13. Do you agree that distance eligibility should be funded at twice the rate of basic eligibility?

The basic eligibility should be given a higher weighting

14. Do you agree with our proposed approach to data collection on split sites?

Yes

15. Do you have any comments on our proposed approach to split sites funding?

In our view distance is not the issue but more if the building needs to be treated separately and incur costs. Split site should be based on the "basic" extra cost required to operate a split site. For example, reception costs, security costs. The only point at which distance becomes an issue is where the distance is very significant and requires pupils travelling to and from the sites which may require transport and result in for lost teaching time. Perhaps this could be a consideration.

Please note Area Cost Adjustment would need to be a consideration for split sites.

The 60% proposal is too crude, a better view would be to establish what is expected to be the additional cost of operating a separate building, e.g. reception, security, deputy etc and providing some contribution towards that overall cost.

16. Do you agree with our proposed approach to the exceptional circumstances factor?

No

17. Do you have any comments on the proposed approach to exceptional circumstances?

Guidance suggests the following as exceptional.

- Examples of categories which are currently funded through exceptional circumstances that we propose to retain therefore include:
- Farm school: Schools with a farm attached and used for its educational provision.
- Rental agreements: Schools which rent additional premises in order to deliver their curriculum because they have inadequate facilities.
- Dual or joint use agreements: Schools which share the use of a facility in order to deliver their curriculum because they have inadequate facilities.

In Lewisham we have 2 exceptional factors:

- a. Service charge that the landowner requires to be paid as the school is built on land that attracts a service charge – we would consider this to be a good example of an allowable factor
- b. Playing fields which we believe are covered by the dual or joint use agreement

As a general rule, we would assume MFG protection would be applied in the cases where exceptional factors have been awarded previously. Could this be confirmed?

The minimum funding guarantee (MFG) under the direct NFF

18. Do you agree that we should use local formulae baselines (actual GAG allocations, for academies) for the minimum funding guarantee (MFG) in the year that we transition to the direct NFF?

Yes

19. Do you agree that we should move to using a simplified pupil-led funding protection for the MFG under the direct NFF?

Yes

20. Do you have any comments on our proposals for the operation of the minimum funding guarantee under the direct NFF?

The wording is open to misinterpretation so for clarity, we agree that no school should receive less funding than they did in the previous year but instead receive the per pupil funding for 2022/23 plus MFG uplift. So for example if a school received £100 per pupil then with a 2% uplift in MFG the school would receive £102 (example given to illustrate point). The year on year comparator works on the same principle.

Guidance provided is complex and not totally clear to follow. However we do agree with the overarching sentiment that funding for all schools should be protected in a fair manner. This means equally that the protection is not too high or too low. Schools should be given sufficient timing to adjust for any reduction/change in funding.

The annual funding cycle

- 21. What do you think would be most useful for schools to plan their budgets before they receive confirmation of their final allocations: (i) notional allocations, or (ii) a calculator tool?**

Calculator tool

- 22. Do you have any comments on our proposals for the funding cycle in the direct NFF, including how we could provide early information to schools to help their budget planning?**

In Lewisham we provide schools with a funding tool that allows the school to populate key data which then translates to expected funding levels. We feel that a calculator tool on this basis would be helpful. Schools need three year funding to be able to develop long term sustainable budget positions.

- 23. Do you have any comments on the two options presented for data collections in regards to school reorganisations and pupil numbers? When would this information be available to local authorities to submit to DfE?**

Our preference would be:

“We could issue the request in December as we currently do, using a form pre-populated with data from the October census. Local authorities would then need to return this form with a relatively short turnaround – by the end of the first full week in January at the latest. We would expect this should be manageable for local authorities since this pre-populated form would be significantly smaller in scope than the current APT, and it will only seek information on school reorganisations and changes in pupil numbers which is readily available to local authorities”

- 24. Regarding de-delegation, would you prefer the Department to undertake one single data collection in March covering all local authorities, or several smaller bespoke data collections for mid-year converters?**

One single data collection

- 25. Do you have any other comments on our proposals regarding the timing and nature of data collections to be carried out under a direct NFF?**

One main data collection exercise at the beginning of the cycle - we would assume the de-delegation position stands that any conversions post September would not reduce LA spend

for that year. We are anxious to gain feedback on the PFI factor as Lewisham applies PFI as a funding factor. We would assume any changes will not affect for 2023/24.

Early Years National Funding Formula (EYNFF) consultation

Lewisham response 15.09.22

1. Do you agree with our proposal to update the underlying data in the additional needs factor in the EYNFF?

Yes

In principle we agree that the data should be revised to better reflect updated information. We agree with annual updates and the main component being FSM, EAL. DLA is useful but a very small element of statistics.

It would have been useful to have comparison to illustrate the difference between the methods. Based on the consultation paper wording we believe that a more standardised and stable approach is being applied

2. Do you agree with our proposal to move to using the free school meals headline measure?

Yes

Widening the dataset for FSM and taking into account the whole demographic would be acceptable as long as it is reflective of the demographic profile. The move towards including all pupils in nursery & primary is positive. However, infant age data distorts the true position as all pupils receive a free school meal irrespective of their circumstance – there is therefore a disincentive for people to apply. We have seen significant numbers of eligible children in KS1 who are not on the FSM census when families are applying for HAF activities.

We would prefer proxy percentage to be derived from primary less infants.

3. Do you agree with our proposal to update the way in which the Disability Living Allowance data is used?

Yes

In principle, funding would be more targeted using eligibility rather than claimants as long as this is reflective of the whole demographic profile.

The DfE needs a more accurate measure of additional needs. There are a low number of DLA applications at the early years stage. It is often difficult to access DLA for young children.

We know how difficult it is for us to gather accurate data as schools and early years settings rely on families making them aware of them being in receipt of DLA. As a result, all local authorities have a low take up of the Disability Access Fund.

We suggest that the DfE could use public health data, such as the number of children known to specialist or tertiary healthcare services, instead of the DLA to inform the formula.

We are aware that the SEN support cohort needs additional support in settings and schools, but this is not captured by measures such as the DLA.

We do however agree that data should be refreshed annually to be more reflective.

4. Do you agree with our proposal to update the underlying data used in the area cost adjustment in the EYNFF, in particular the rateable values data and the GLM data, when available?

Yes

In principle, the GLM data would seem to be a sensible proxy to use, however the data is so out of date (2013-14) and is not reflective of current circumstances, particularly given cost of living crises. Even if the 2013/14 data was the starting point uplifted for inflationary pressures that would make better sense. This is crucial for London as London living wage is greater than the living wage. We would suggest to review this now rather than wait for another year or so. Using data from 2021-22 for 2024-25 would not provide true context.

We agree the current model is too far out of date and too crude especially for LAs which have many small businesses.

We generally consider the 80% labour, 10% premises and 10% other to be reasonable.

We think more consideration must be given to maintained nursery schools (MNS), which are very similar to primary schools from regulatory and staffing structure and building perspective. Primary schools already receive funding via the main NFF, MNS do not. We suggest that a premises enhancement is added to the NMS supplementary factor.

5. Do you agree with our proposed amendments to the proxy measure for premises related costs in the EYNFF, including introducing schools rateable values data?

Yes

We agree in principle that the proposed amendments to the proxy measure for premises related costs will support the smoothing of the data positively.

However, it is worth mentioning that the DfE has said that PVIs are not exempt from business rates due to their activity beyond delivering the free education entitlements.

The rates bill for providers remains unchanged, due to the reasons stated above.

The payer is dependent on whether the provider pays in full or if the LA will subsidise this from other revenue streams, which is usually not the case.

6. Do you agree with our proposed approach to mainstreaming the early years element of the teachers' pay and pensions grants?

No

Whilst this would be consistent with the wider NFF for mainstream schools, the guidance is not clear and the proposal for LA's decide how to target the funding would mean re-introducing a quality element and we know that data collection and verification is challenging and expensive. This would widen the gap between schools and PVI's and remove the element of starting from a level playing field. PVI settings would rightly question why school based nurseries should get additional funding from the EYNFF for pay and pensions.

This funding should remain a separate grant.

Schools have already been receiving these payments, so we would be looking to pay them at the same levels – which may not get agreed by the schools' forum?

We recommend that the TPPG for MNS should continue to be a separate grant.

7. Do you agree with our proposal to update the operational guide to encourage local authorities to take account of additional pressures that some providers might face using the existing quality supplement?

Unsure

Whilst we would welcome more flexibility in the operational guidance, we feel that clarity in the guidance and specific examples of how the funding could be used or not be used would be helpful to support local authorities in implementing the guidance.

8. Do you agree with our proposal to update the underlying data in the area cost adjustment in the 2-year-old formula?

Yes

We would recommend for the DfE to consider using a proxy for deprivation to factor in demographic changes over time.

This would also be an opportunity to introduce statutory SENIF funding for 2 year old places, to bring this in line with 3 and 4 year old places.

9. Do you agree with our proposal to introduce a proxy for premises related costs into the 2-year-old formula?

Yes

In principle yes, funding to providers for 2 year old provision should support premises costs as they are incurred in the overall delivery of the offer

What is not clear is if the change suggested is simply a redistribution of funding – if that is the case, it would have been useful to see the impact on the change in funding.

Whilst we would welcome this, the comment made in (Q4) regarding the GLM with regard to the outdated data currently being used, also applies to the 2-year old formula.

10. Do you agree with our proposed approach to protections in the EYNFF for 2023-24?

No

The rolling in of the TPPG and funding through MNS is included in the calculation of the floor as a minimum level of funding. This level of funding should be in addition to the floor as calculating the floor including this funding does not have the impact it is designed to have.

For the few LA's that are being funded at levels higher than the NFF determines, there should be an exit strategy in place so that over a given period of time all are compliant to the NFF.

With regards to those LA's that are gainers there should be a discussion with treasury to prioritise funding to those LA's. The revised data shows that effectively some LA's have been underfunded and need to be at parity with their neighbours to be able to compete effectively and provide the same quality and support to young peoples by creating the correct market place. Capping funding is an indicator that there is insufficient funding within the Early Years block as a whole. It also means funding due to LA's is taking too long to reach them.

Many providers are facing hardship as a consequence of poor levels of funding and increasing costs.

We feel that the rationale for the funding caps is not clear. The DfE could have a more consistent approach to caps across all education phases. The cap for the High Needs Budget for schools, for example, is 8%.

The same protection caps should be applied across the board to ensure that all phases of education will be valued in the same way.

11. Do you agree with our proposed approach to protections in the 2-year-old formula for 2023-24?

No

See comments above, but also note it is not clear why the 2 year old and 3&4 year old funding have different caps (4.5% vs 8%)

This would appear to be modelling to stay within some historic arbitrary envelope of funding. DfE has an opportunity to set the NFF at a level that places all providers at the same level. This feels a bit like “moving parts”

Whilst the proposed rate is more in line with other protection caps, we feel that the same protection caps should be applied across the board to ensure that all phases of education will be valued in the same way.

12. Do you agree with our proposal to introduce a minimum hourly funding rate and a cap on the hourly funding rate for MNS supplementary funding?

Yes

We agree with a move to minimal hourly funding but the hourly rates of £10 feel very arbitrary and pupil numbers do not provide stability to NMS to meet overheads. What would make sense is to include a “fixed cost” model which provides a lump sum to each NMS on the basis of for example inherent costs incurred that did not vary with pupils for example

- Leadership
- Admin –reception/finance/SENCO
- NNDR
- Area cost adjustment

This would also provide some clarity and stability to the NMS to enable better long term planning. The DfE needs to be clear about the purpose of the supplement (*to ensure provision of free early years education places*). We feel strongly that the DfE should consider providing MNS with a lump sum unrelated to number of pupils (as with schools) and supplementary funding based on the number of children.

13. Do you agree with our proposed approach to rolling the teachers’ pay and pensions grants into MNS supplementary funding?

No

There are concerns regarding the lack of transparency around rates and funding of the TPPG if it is going to be combined with the supplementary funding, especially since there is not a clear formula for MNS funding in place. MNS do not have economies of scale that other schools have to financially sustain the leadership and management structures required by regulations.

We would recommend for the TPPG to remain as a separate grant for nursery provision.

14. Do you have any comments about the potential impact, both positive and negative, of our proposals on individuals on the basis of their protected characteristics? Where any negative impacts have been identified, do you know how these might be mitigated?

Generally speaking the maintained nursery schools have similar responsibilities to primary schools i.e. requirements of a school, but the funding levels do not support this. For example the recent supplementary grant included a lump sum for primary schools but not for NMS.

Equally very small providers like child minders will face diseconomies of scale and it is difficult to attract providers if there is no incentive for them.

It is difficult to manage the market in areas such as London which has neighbouring LA's with very different hourly rates. It is unclear why the funding model for 2 year old attracts a much higher rate cap than for 3&4 year olds.

We would suggest that the inclusion fund have contribution from 2 year old funding as well?

We feel that the DLA is not an accurate measure of need in early years and the SEN support group in particular could be missing out on additional funding that could support their needs positively.

As mentioned above, FSM data is not always accurate at the moment, which could mean that a few children and families who would benefit from additional funding are not going to be included in the formula when amounts will be allocated to local authorities.

15. Are there any other comments that you would like to make about our proposed reforms?

It is disappointing that proposals suggest that overall funding levels will not be sufficient and that caps on gains will be applied. Proposals will not address issues for LAs that have for some time now received lower levels of funding. This will impact negatively on their capacity to meet the needs of the most vulnerable in their communities; to support parents' return to work etc.

It will impact negatively on providers who are telling us they face serious sustainability challenges due to rising costs, recruitment of quality staff etc. They do not want to be forced to increase prices for paid elements of the service which then exclude some users. We would welcome funding levels which protect providers.

We feel these proposals do not go far enough in meeting the sector's needs and support LAs in their duty to secure sufficient affordable, flexible and high-quality provision for their families.

We would also like to see greater protection for Maintained Nursery Schools, through a clear and workable formula, recognising their nature as schools.

Submitted to SEND Review: Right support, right place, right time
Submitted on 2022-07-20 10:45:58

Introduction

Who is this for?

Instructions

About you

a) Welcome - what is your name?

Name:
Angela Scattergood

b) Would you like to provide your email address?

Email:
angela.scattergood@lewisham.gov.uk

c) Are you happy for the Department for Education to use your email address to contact you to clarify points in your response, if necessary?

Yes

d) Would you like us to keep your responses confidential?

No

Reason for confidentiality:

e) Can we publish your response?

Yes, publish my response in anonymised form only

f) Which of the following best describes the capacity in which you are responding to this consultation?

On behalf of a local authority

If Other, please give details:

g) What is your role within your organisation?

What is your role within your organisation:
Director of Education

Not Answered

h) What is the name of your organisation?

Organisation Name:
London Borough Lewisham

Not Answered

Chapter 2: A single national SEND and alternative provision system

1 What key factors should be considered, when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how this applies across education, health and care in a 0-25 system.

Q1:

In theory, nationally recognised standardised criteria for identifying students at SEN Support as well as the threshold for EHC plan is a positive step for everyone having a shared understanding as long as there is a defined threshold and processes around universal, targeted and specialist interventions in the Green Paper rather than the descriptors being woolly which is not helpful to parents/families or Local Authorities.

Ring fenced money for students that are working at SEN Support so that additional resources are used to support CYP and settings are held

accountable. Ring fenced £6,000 for CYP with EHC plan so that top-up funding is used as it is intended - i.e. to 'top-up'.

EHC assessments should be culturally competent

A greater emphasis and influence in teacher training would need to be seriously considered in order that SEND is an embedded aspect of teaching, learning and support across mainstream, alternative and special schools. A standardised criteria for identifying and assessing SEND must be more than a checklist of or template of expectations, although that would be helpful, a philosophy which place a strong emphasis on whole school responsibility is key.

2 How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

Q10:

Need to provide support for Local Authorities to develop sustainable regional partnerships to map out resources that can be accessed across authorities in a fair and equitable manner, including independent settings.

Provide guidance on how inclusion plans will look different to strategy plans, and do these need to be broadened to include regional partners?

Ensure that ICBs are included in all discussions so that they have the capacity to meet the needs of the growing demand of students with a growing complexity of difference.

Increase in training to ensure appropriate capacity within specialist health/therapy/education professionals, with incentives to work in inner city areas.

It will be necessary to review the impact of existing partnerships across different local authorities. Sharing good practice will be necessary in order to avoid the notion that new is better. Workforce and partnership development would contribute to ensuring that the best and most relevant range of specialists/professional in a local area with capacity to share and commission across neighbouring boroughs.

Local inclusion plans and multi-agency SEND boards to have representatives from youth justice, children looked after & adopted, housing, public health to address additional vulnerabilities of SEND CYP within these areas.

3 What factors would enable local authorities to successfully commission provision for low-incidence high-cost need, and further education, across local authority boundaries?

Q3:

Increase in number of high cost low incident settings, so that these can be placed in localities where they are available to specific authorities that surround the provision at a consistent cost to all authorities, not dependent whether the provision is located within the young person's home council.

There is not an unwillingness to be able to support this area but there are many pressures for Authorities to be effective and this requires a high level of specialism.

There needs to be the expertise across the local area to support these young people rather than it being specifically via a placement in a setting, considering outreach as an alternative option.

Cross borough services to have mitigation to remove inter-borough charges within ICS.

Cross borough strategies that addresses movement across boroughs.

Need to consider EOTAS.

4 What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

Q4:

We welcome the digitalisation of the EHC plan and the process, this allows for all parties to truly coproduce the plan. It allows for all parties to have continuous oversight to the documentation.

A digitalised process and EHC plan should certainly support an improvement in timely information sharing and tracking. It will introduce transparency to a process which can often appear cumbersome.

This would support with administration and allows for the continuation of provision if a young person moves authorities.

We welcome the ability to record outcomes and the progress towards these in a meaningful way and celebrate successes, including the ceasing of an EHC plan.

We would welcome a clear outline of the distribution of cost across Health, Care and Education and how this links to the specification and quantification of provision (including transport).

A standardised and differentiated Section A would be welcomed to ensure that young people are asked the right questions and are familiar with this process.

Ensure training for SEN Case Workers and other professionals that contribute to the EHC process with standardised expectations from these areas potentially with the use of standardised templates.

Need to consider the timeframe and process for implementing changes, remembering the conversions of Statements to EHC plans, this was a timely process and but was heavily resource dependent.

Processes on how to support families and CYP where there are identified needs on accessing digitalised versions.

Access to various languages to support with translation of information.

5 How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents confidence in the EHCP process?

Q5:

Having a lot of information with a long list of options for families could be overwhelming. Is this useful? Does this limit choices as it removes options? Clear information is presented as part of the inclusion plan of all placements within locality as well as neighbouring authorities. All information should be presented on the Local Offer with access to options that are available within the area. Support should be provided to Local Authorities on all DfE recognised settings with Ofsted grading and if specialist settings the profile of young people that needs can be met. This information could be kept in a database held by DfE that can be easily accessed by families, young people and local authorities so fields can be completed and a list of settings will be displayed according to age, presentation/diagnosis, locality etc. Allowing for parents to input specific data and for the local information to be presented in a family friendly manner. Develop resource pack with videos made by CYP for CYP Health provision within the setting is explicit to inform professional and parent expectations.

6 To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?

Strongly disagree

Q15:

We do not see any possibility of making mediations mandatory. We welcome enhancing parents' rights to redress. However, the challenge is when external 'Independent Advocates' become involved, many of whom have had no training in the Code of Practice or Children and Families Act and therefore are not well informed. Some families do not have the knowledge or language skills to be able to communicate their ideal outcomes for their child or young person. Resources need to be identified to support families in a truly independent manner empowering them to work in coproduction with authorities to get the right outcomes. The idea of their being a multi-agency panel to revisit the decision making process seems like a good idea. However, in some cases it is that same panel that made the original decision so this may need to be given more thought about whether it is a panel of more senior staff within the fields of education, health and care. The inclusion of parents on the multi-agency SEND panel needs to be thought out more broadly as parents are often volunteers and the commitment to panels requires a huge time resource. There also needs to be very clear guidance given to parents around conflicts of interest. What would be of great impact is a review of the 1st tier Tribunal process – what are the emerging themes- gain the views /experiences of those who have been through the process, professionals, families, CYP.

7 Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people's education back on track? Please give a reason for your answer with examples, if possible.

Q16:

Parents rarely use the SEND Tribunal for these incidences. In our experience it is more in relation to issues within the EHC plan. Often if parents have a negative experience with a setting they request a change of placement rather than using the tribunal process. Parents lose confidence in the setting/system if they experience discrimination and may go through the school's complaints process. We do not think that parents are aware that the tribunal can be used for incidences of discrimination. Interface with the white paper which demands 90% of CYP to acquire age related expectations and how it affects the school decision making on whether they can meet the needs of CYP with SEND.

Chapter 3: Excellent provision from early years to adulthood

8 What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?

Q8:

Agree with the suggestion of the right level of qualification for Early Years SENCOs. Need to develop clear pathways for 2 year olds, ensuring that notice to LA/ Education begins with health visitors, especially if children are not attending early years provisions. General practitioner having SEND outcome framework within local enhanced service contracts- how will this be referred to? Development of drop-in clinics for OT, physiotherapy, dietary, toileting, sexual health, psychology, psychiatry for different age groups and stages of development. Strengthen the universal and targeted level intervention to mitigate the needs for specialist referrals/interventions.

9 To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?

Strongly agree

Q18:

SENCOs should be recognised for the specialist work that they do. It should be mandatory that the SENCO is part of the SLT within settings and that their time is ring-fenced proportionally according to size of the school. All settings including PVI's, should have a named SENCO. However, this suggests that it

is only the SENCo that requires a SEND Specific qualification. SEND is everyone's responsibility so what about during Initial Teacher Training or at Senior Level within settings.

It needs to be made clear on where the resources are coming from to pay for the training and if SENCOs already have the NASENCo do they need to have the NPQ? What is the timescale? More clarity needs to be provided in the expectation of this and is there additional pay reward for having this level of training?

10 To what extent do you agree or disagree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the role?

Agree

Q19:

We agree with the level of training that needs to be provided for SENCOs to ensure that they have the skills, knowledge and confidence to be able to perform the role. Expectations need to be clear in relation to funding the course, backfilling the role, whilst training occurs, the level of qualification needs to be recognised in the SENCOs pay and status within the school.

Mandatory SEND training for all SLT and staff should be required as SEND is everyone's responsibility. Including thorough training on providing access for all and the Code of Practice should be included as part of Initial Teacher Training.

SEND training at all levels of staffing needs to be considered with an introduction of SEND qualification/training for TAs and mandatory training as part of initial teacher training. SEND should not be partitioned as a SENCO's purview alone. It is the responsibility of all staff.

11 To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.

Strongly disagree

Q20:

We view this as unnecessary. The LA has a strong relationship with all of our schools. Our specialist settings provide outreach without having to be part of a MAT. This is unlikely to change in the future.

Flexibilities should exist. This could potentially strengthen inclusive practices in schools including use of "satellite provisions" and resource bases. Could also enable efficient resource deployment of skilled practitioners e.g. speech and language therapists, SENCO's etc.

As long as this goes hand-in-hand with an emphasis on AP

12 What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like Traineeships?

Q12:

Ensure that variety of opportunities are available to meet the skill set of those young people with SEND. Make sure that there are roles available for the young people to be employed in once the apprenticeship is completed.

There needs to be the money available to make the opportunities available for the young people and the employees, with the funds ring-fenced within High Needs Block. With the right level of training for the employees.

Addressing the needs of CYP with SEND that are NEET and ensuring a more robust provision and support.

Chapter 4: A reformed and integrated role for alternative provision

13 To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?

Agree

Q22:

If the principles are consistently embedded and settings are accountable for the outcomes of young people then we think that the vision for alternative provision is positive. Young people have the right to know why they are participating in an 'intervention' for how long and what the ideal outcome is- this is the same principle that needs to be applied to APs, with regular liaison with the home school.

Monitoring the placements in APs is challenging if schools spot purchase places and there needs to be a consistent approach that is applied for young people accessing these provisions either via outreach or attending the placement.

Consistent and persistent high expectations for AP must mirror that which are expected from mainstream schools, with the provisions that APs are supporting and educating CYP with needs which could not be met in mainstream. A coherent curriculum which includes embedded and outstanding support for SEND and wellbeing is necessary. Centralised monitoring of non-statutory APs is crucial, with a focus on the quality of the curriculum.

National, mandatory expectations for the course content of interim placements should be considered.

14 What needs to be in place in order to distribute existing funding more effectively to alternative provision schools, to ensure they have the financial stability required to deliver our vision for more early intervention and re-integration?

Q14:

Need to be clear criteria on presentation of a young person before an alternative provision is considered with clear outcomes. Alternative provisions need to be commissioned for a certain number of places and then additional funding is secured when the place is filled, similar to that with specialist provision so that the setting knows the minimum and maximum resource that they will receive so that they can work within the resources available to them.

The funding model adopted by our LA works well for both the PRU and the LA. It is straightforward to understand for both PRU and LA, providing certainty of funding for the PRU to operate within. The funding model is based on zero based budgeting where the total operating cost of the PRU is established including building-related costs (effectively fixed costs), standard costs in all schools such as a headteacher, admin staff etc. The LA commissions a number of places (predicated on a balance of capacity and need). PRU then gets a fixed annual allocation to deliver PRU services including capacity to work with other schools (outreach).

Resource mapping, skill mapping and extensive training for health to be able to function effectively within AP settings across ICS 6 boroughs.

15 To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes, will improve the quality of alternative provision?

Strongly agree

Q24:

We strongly agree on the 5 outcomes, if there is clarity on the on the accountability of achieving the outcomes. However, would add on the reintegration section progress on 'softer skills' such as self-regulation, independence, social and life skills with guidance on how this will be monitored.

16 To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?

Agree

Q25:

For those students on SEN Support these should all be managed through the Fair Access Protocols (FAP) so that there is oversight of these pupils. Those with an EHC plan managed via SEN in liaison with FAP so that there is accountability and monitoring of the students that use Alternative Provisions. Frequent movement is an indicator for FAP and should be managed sensitively.

A statutory framework for pupil movements is already exercised via FAP and SEND Panel. Greater inclusion of the views of CYP and families is needed in order to ensure that their best interests are served and families have a sense of their own agency. A framework for information sharing and choice should be included in the Local Offer in regard to AP.

Chapter 5: System roles, accountabilities and funding reform

17 What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these.

Q17:

Timeliness of EHC plans

Outcomes for CYP- in relation to EHC outcomes, progress, softer skill data, attendance, exclusions, transition out of education- employment and HE.

Timeliness of completion of annual reviews

Number of students that are educated within their home Local Authority

Waiting times for community health services assessment and also the waiting times for treatment i.e. ASD, ADHD, Therapy; turnaround times for assessments; Outcomes; % of pupils with EHCPs, % of DNA's, % children looked after

Risk mitigation and support services available whilst waiting diagnosis.

Nationally consistent standards for how health needs are identified and met to improve outcomes for CYP with SEND.

EDI related measures to monitor uptake/outcomes by ethnicity.

18 How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

Q27:

Need to take into regional factors for LAs and provision, in relation to cost of living and salaries (higher in inner London).

Collate current data from authorities and ascertain current banding levels and costs for independent placements to support process.

Consider support and guidance for challenging costs in independent sector which are most disproportionately costly.

Banding structure needs to recognize distinct nature of mainstream, special and FE provision – not one size fits all

Transport costs have been ignored- they fall to the general fund; they are part of SEND provision

Funding (via banding) should reflect severity of need and subsequent provision required. If a child needs full-time 1-1 support and 4 hours SALT, top up should fully meet this, rather than current 'contribution'. LAs should be funded accordingly- i.e. based on number of pupils with SEN and their need levels.

(Our LA received £62m in 2021/22 and supported 3299 EHCPs; average cost of £18.7k including place and top up. Mindful that the HNB also funds SEN support, it is no surprise there is a pressure on the HNB nationally.

Bandings need to recognize size of provision and contribution to fixed costs, rather than arbitrary £10k per place, which creates confusion as to should this be paid, who owns the place etc.

Nominal £6k for SEN support needs revising- key financial issue that works against schools being more inclusive, and where they are inclusive the financial burden is an issue.

Chapter 6: Delivering change for children and families

19 How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

Q19:

Working by area, providing relevant training to all staff across the system. Particularly with those professionals contributing to statutory processes. If the current Code of Practice was not 'correctly' implemented, what can be done differently to ensure that the same 'mistakes' do not occur again? Championing schools that are inclusive and including this in the Ofsted Inspection process in schools. Challenging those schools that are not inclusive during school inspections because of concerns about impact on outcomes due to over-emphasis on 'league tables'. The SEND governance structure within SE London ICS will benefit from expected ICB SEND guidance, and inspection framework.

20 What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

Q20:

Enablers:

Uniformed approach/systems across all authorities.

Digitalised systems will improve communication and transparency with families. However, who is going to fund this?

Clear guidance on expectations with financial resources available to meet the needs of students needing specific provisions.

Barriers:

Lack of ring-fenced funding at SEN Support or school's contribution to EHCP prior to top-up funding being allocated.

Availability/quality of SEND professionals- SEN Case Workers, EPs, Therapists, and Paediatricians, social workers

Including Independent Schools to be part of the all of the nationalisation funding agreements.

Schools concerns over being inclusive and the impact this MAY have on results and therefore league tables.

Increasing staffing and overhead costs.

Consideration for LAs with high numbers of new arrivals to the UK who have attended specialist settings.

Regional boards and commissioning of service from LA and DFE will add layer of bureaucracy

Standardizing of costs a challenge, given diverse providers, with many profit-seeking.

Challenge of mixed funding streams e.g. HNB, Schools Block, General Fund etc. each funding stream has its challenges and restrictions

Guidance on joint funding –at present health doesn't support any of the transport costs

Implications for schools if consequence is that funding is lower than current – levelling up, transitional support etc.

Conflict in advice from DFE v SRMA (e.g. SRMA suggest SENCOs are an overhead and

More focus on universal services recognising SEND and inclusion as everyone's business; supported by training.

Need to strengthen role of Health in commissioning and local partnerships and targeted provision (Youth Justice/ NEET/ AP etc.)

21 What support do local systems and delivery partners need to successfully transition and deliver the new national system?

Q30:

Need ready availability of appropriately trained staff (health/education/care)- how can we address this nationally? Continued workforce planning is needed as recognition of SEND grows and increases demand.

Funding must be at a level that enables LAs and schools to recruit high quality staff.

Funding must be at a level that enables LAs to meet the needs of the children in their area, taking into account regional cost differences.

ICS understanding of CYP with complex medical needs who do/do not require EHCP, and on roll in mainstream schools as medical treatments allow children to attend school.

Consideration of resource allocation to implement changes (particularly EHCP digitalisation)

22 Is there anything else you would like to say about the proposals in the green paper?

Q22:

Needs to be sufficiently resourced both financially and from workforce perspective

Implementation needs to be clearly and realistically set out

Commitment from all partners including LA/Schools/Health /Parent partnership

Clear information needs to be given on changes for example the banding system

DMO to be retained as the role strengthens SEND within providers – doctors talking to doctors. And this clinical role is different to DCO role which is more system coordination and analysis.

Understanding of the interface between education support and health support worker roles

Enquiries