
York Schools Forum

17th October 2024

Report of the Assistant Director, Education and Skills

SEND Banding Update

Summary

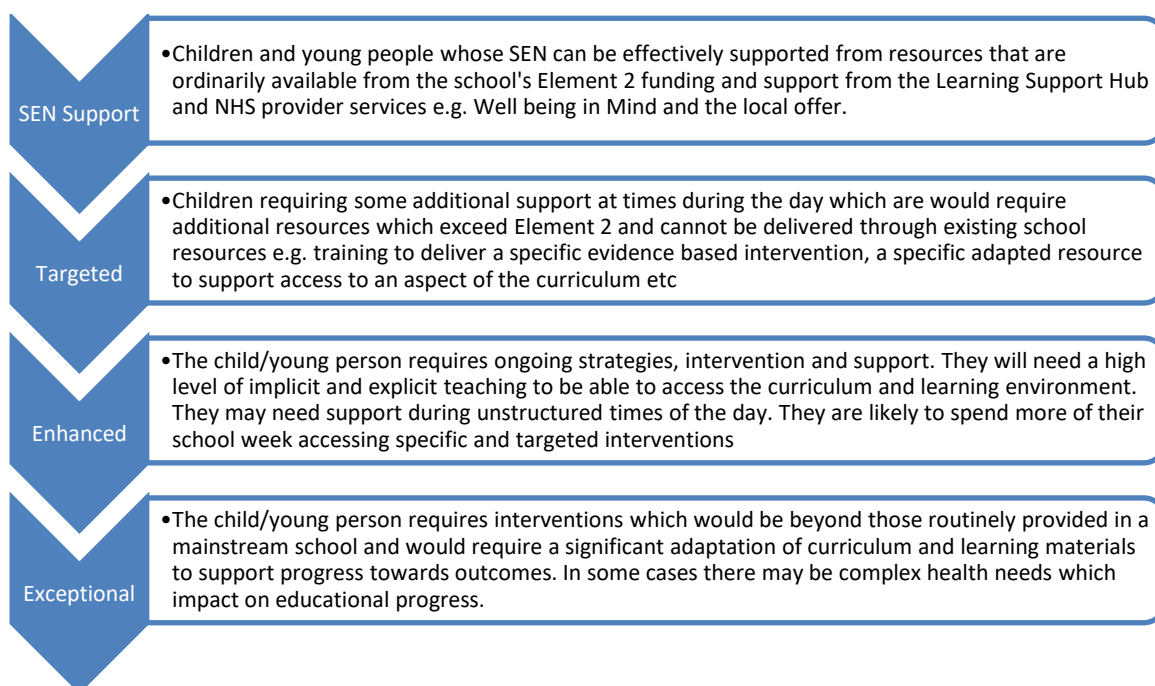
- 1 This paper provides the members of Schools Forum with an update on the work taking place to review the current SEND banding structure.

Background

3. The review of SEND banding is being done in the context of the Safety Valve delivery plan and High Needs Funding Operational Guidance, 2024-25.
4. In reviewing the current approach to banding we will be focusing on ensuring that we are working within the conditions of grant for the High Needs funding.
5. In common with the majority of local authorities in England, York uses a banding system to allocate top up funding (known as Element 3). The top up is allocated to the High Needs Operational guidance states that '*A local authority's banded top-up funding system generally helps to deliver fair and transparent funding in relation to placements in schools and colleges within that local authority*'. Local Authorities are asked to keep the arrangements for the allocation of top up funding under regular review and to consult with stakeholders in developing their funding arrangements for that they are clearly communicated and understood. As the statutory responsible body the local authority is responsible for the final decision about the level of funding required to secure the necessary provision.
6. As previously reported we have tested the use of a costed provision map approach, however, a review of this has shown that it tends to focus on the development of unsustainable levels of provision which do not represent the efficient use of resources and create too many variations in the way that complex needs are being met across the school system.
7. The current banding system does focus on description of need but there is a need to simplify and review the link between description of need and the provision in EHC plans. At the moment there are too many sub levels within the current banding system which impacts on the transparency of how they are applied. This often leads to disputes about the level of banding applied and impacts on the timeliness of the issuing of plans and the implementation of provision. The High Needs Guidance states that: *In determining the funding level, the local authority should have consulted with the school or college and should ensure their decision is evidence-based and reasonable. However, even where provision is specified in an EHC plan **there is no statutory requirement that a local authority must pay top-up funding at a particular rate***

requested by a school or college. Therefore the current review of banding is being used to deliver greater transparency about how banding decisions are made.

8. In reviewing the banding we want to propose a simpler range of bands both for mainstream and special which broadly reflect the level of additional provision needed to meet need. In setting the financial envelope for each band we will be reviewing the overall costs of putting provision in place, taking in to account the place and SEN funding received by each provider i.e. Element 1 and 2 and considering any economies of scale that exist. We also need to work within the overall Element 3 budget within the High Needs block to stay within an in year balanced budget as far as possible. There will always be some unavoidable and unpredictable costs linked to tribunal decisions however, the review of banding will look to benchmark against statutory and regional neighbours to ensure that the level of banding is informed by this benchmarking exercise. The original banding was introduced in 2018 and the financial assumptions underpinning it have remained in place despite the changes that have taken place over that period of time.
9. In conducting this review of banding it is important to break the link between banding and teaching assistant hours. In conducting the review of the resourcing of plans the local authority is also working to improve the provision section of the plans to more closely link provision to the delivery of outcomes. This will lead to a more meaningful cycle of review and will ensure that the plan is making a difference to the educational progress of children and young people. We will be using the principles outlined in the High Needs Guidance, *'Schools and colleges may need to adapt their approach to making special provision, focusing on the needs of the child or young person. For example, a school or college should not assume that an EHC needs assessment and plan will result in the provision of a full-time teaching assistant – this level of help is often not needed by the child or young person and can, at times, be counterproductive to their development. Colleges may need to reorganise their study programmes for young people with SEND and find different ways of supporting them over the week'*.
10. In mainstream the proposal would be to move to the following:



11. A similar simplification of banding will be modelled for special schools working with the headteachers of the specialist settings based on a place funding plus top up model.

Next Steps

12. To work with a sub-group of schools forum to consult on the financial value of each of the three top up bands – targeted to exceptional and to pilot their use from January 2025.

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