

Consultation on Hampshire County Council's proposed Special Educational Needs (SEN) banding framework for children and young people who have Education, Health and Care (EHC) plans in mainstream schools – Frequently Asked Questions

It appears that this approach could place even more importance on how well Section F is written, particularly the detail around how much support needs to be provided and by who. How would the specific individual needs of a child be met through 1:1 support and ensure that Section F accurately supports the child's or young persons' needs?

The proposed framework does not remove 1:1 support, and the EHC Plan needs to specify exactly what should be provided to meet a child's needs. It is always the case that section F should be well written in order for the Local Authority to make funding decisions and for the school and parents to have a mutual understanding of the provision required to meet need. If you have any concerns about Section F in your child's EHC Plan this can be discussed at the draft stage of the EHC Plan assessment process or can be addressed through an annual review. There are bodies such as the Special Educational Needs and Disabilities Information Advice and Support Services (SENDIASS) who can support you through that process.

Would our children get new EHC Plans if the banding framework is implemented?

No. Children would retain their EHC Plans. EHC Plans would only be changed through the annual review process as usual. The banding framework is the criteria by which we would assess the value of top up funding and this would not influence what is recorded in an EHC Plan.

Would the funding change at annual review or at transition points?

The current funding arrangements would remain in place until implementation of the new framework as outlined at the transition points in the consultation document, which are years 1, 5 and 8. At any annual review, the level of support a young person requires should be considered as part of this process.

Are the research studies which you refer to available for us to see regarding Learning Support Assistants and banding models

Yes. There are references in the consultation document on page 7 and here are the links:

- Special Educational Needs in Mainstream Schools guidance report a1 https://educationendowmentfoundation.org.uk/tools/guidance-reports/special-educational-needs-disabilities/?mc_cid=fabea8e18c&mc_eid=6f50a25bd4

- Education Endowment Foundation – Making Best use of Teaching Assistants

<https://educationendowmentfoundation.org.uk/tools/guidance-reports/making-best-use-of-teaching-assistants/>

Has the Council done any modelling with the banding opposed to current funding levels.

Yes. In the early part of the summer term, local schools participated in research to test whether the proposed banding framework would be effective and provide sufficient funding to meet needs as described on children's EHC Plans. The result of this was positive with a 95% agreement that this was an effective alternative.

We know more children are getting EHC Plans how does that affect the funding?

The proposed banding framework is not linked to any budget changes. We have a statutory duty to assess and meet needs through EHC Plans and are required provide funding for this regardless of how many children have EHC Plans.

How does the funding for schools that have a resourced provision fit within this proposed framework?

Resource provisions have separate funding arrangements which are not part of this consultation.

When we say hours of support, does that literally mean hours of support, or does that mean it can be more flexible? Do we need this change to do this?

The existing funding model does provide funding based on hours of support assistance. This can be used flexibly but it tends not to be. The proposed framework is more explicit in allowing schools to use funding in a flexible way to best support children and young people with SEN, as outlined in the consultation document under pooled models.

If the banding framework is implemented and an EHC Plan is in progress for a child, would that be under the current framework or the new one?

Depending on the outcome of the consultation, the new funding arrangement would not affect any EHC Plans in progress before April 2021 at the earliest and in the meantime the current arrangements remain in place.

How would parents understand what is being delivered in the new education health and care plans?

This consultation is not about changes to EHC Plans but the way in which top up funding is allocated to schools. We would always encourage parents to discuss what is being delivered in the new education health and care plans with the schools directly if they have any questions.

Is the LA proposing this framework so that section F would suggest more group work rather than 1:1 support so that it saves money?

No. This is not about reducing funding or should not suggest provision that is inappropriate in meeting children's special educational needs. The consultation is clear that this proposed change is about better meeting children's SEN.

The proposal says it would help to identify whether an EHC Plan is required?

Yes. It is anticipated that the proposed banding framework would support schools and parents to understand what should be met within schools existing resources and where top up funding is required.

Would schools use as an opportunity for a cost saving exercise by providing group therapy rather than 1:1?

No. The consultation is not about reducing funds or a cost saving exercise. The intention of the proposed banding framework is not to be used in that way.

What about children in the SEN support stage?

Schools are provided with an amount of money to meet the needs of children with special educational needs through their notional SEN budget. This remains unchanged under the banding proposals.

Surely this is more about training the schools in being more creative and inventive in how they meet need appropriately rather than the need for a new payment system?

There is a range of training for schools about ways to meet children's needs with SEN and many schools already implement creative and effective strategies. This proposed banding framework aims to capture this best practice and address the misunderstanding that arises from the current framework that funding is for hours of 1:1 support only. It compliments training and support for schools.

As HCC have the legal responsibility to ensure that the provision set out in Section F of the EHCP is provided, how would you ensure schools deliver this when you are also simultaneously encouraging them to be flexible by using the funding however they choose?

The proposed Banding Framework suggests schools look a broad range of strategies to meet need in line with best practice and the specific provision listed in section F of an EHCP. The proposed banding framework does not change the duty on Hampshire County Council to secure the provision in an EHCP. As it is, under the current funding mechanism, schools are still accountable for implementing provision and tracking progress through their governance arrangements. Schools in Hampshire are supported by the Hampshire Inspection and Advisory Service and this service reviews the general SEN practice of a school. Hampshire's SEN service monitors individual children's provision through the annual review process.

What additional monitoring are you putting in place and at what cost, or are you requiring parents to monitor this?

Children and young people's EHC plans would continue to be reviewed annually. The outcome of the annual review would remain the same as it is now, that the EHCP would either be:

- Maintained (kept without changes) because the needs and provision requirements remained the same,
- Amended (changed) because the child or young person's needs and provision requirements had changed, or
- Ceased (stopped) because the child or young person no longer required provision to be secured through an EHCP and can have any continuing needs met through SEN support.

There would be no additional cost or expectation upon parents.

We have been told that the banding awarded would be based on agreed criteria. Who would agree this criteria?

The Banding Framework would be available publicly if the proposed Banding Framework is adopted. The framework would be agreed by the Director of Children's Services if the proposal is agreed. The amount top-up funding attached to an EHCP (e.g. how the banding framework is applied) is a matter for the County Council to determine through the EHC Needs Assessment process.

Under this framework, how would education providers be required to evidence that they are meeting provision?

The proposed SEN Banding Framework is about the way in which top up funding is allocated to schools.

We would always encourage parents to discuss how the provision in the Education, Health and Care Plan is being delivered with the school directly if they have any questions.

As it is, under the current funding mechanism, schools are still accountable for implementing provision and tracking progress through their governance arrangements. Schools in Hampshire are supported by the Hampshire Inspection and Advisory Service and this service reviews the general SEN practice of a school. Hampshire's SEN service monitors individual children's provision through the annual review process.

How would small groups and 1:1 provision work during COVID when bubbles cannot be mixed and classrooms cannot be used by several bubbles without being sanitised?

It is not expected that the delivery of Covid measures is affected by the proposed Banding Framework.

Some children value and benefit from one consistent support to reduce anxiety and build trust. How would this work?

If a child requires provision for 1:1 support under Section F then this would continue to be provided.

How does Hampshire SEN propose to manage the transition between the current system and the new system. Can you clarify the timeline?

This is how the proposed SEN Banding Framework would be implemented:

- From April 1 2021: all new EHC plans finalised on or after this date would be agreed under the proposed framework.
- From April 1 2021 to March 31 2025 all existing EHC plans, that were agreed before March 31 2021, would be amended in a phased way through the annual review of those EHC plans when children and young people are in year 1, 5 and 8 of education. Any changes in the child or young person's special educational needs, or recommendations about change in provision, would be reported by the mainstream school to the County Council for its consideration, as it is now. Reference to hours of learning support assistance would be removed from amended EHC plans and a band value would be assigned by the County Council's SEN Service.

Do you have the confidence that the Hampshire SEN Team have the capacity to review and make any changes in the agreed timelines?

Yes. The proposed implementation for change is over a 4 year period from April 2021 to March 2025.

Why does the current system not allow for greater flexibility in schools? Surely, this is just a case of writing better more accurate EHCP's.

Schools do already have flexibility but are required to put in to place the provision in the EHCP. The proposed Banding Framework does not change this. The framework brings the funding mechanism we use in line with best practice already existing in schools. It is not helpful to have an outdated funding mechanism which is not in line with this approach. Quality of EHCP's is a separate matter to the framework and is an area that is undergoing review.

Would learning support assistant hours be specified within Section F of EHCPs or not?

If a child is assessed to need hours of 1:1 support this would be specified in Section F of the EHCP.

Would schools have to provide a costed provision map at each annual review, showing how they spend SEND funding?

There is no legal requirement for schools to do so under the proposed framework or the existing funding mechanism. Schools have to demonstrate progress against the outcomes in an EHCP as part of the annual review. Some schools may wish to develop provision maps as it helps them to monitor their expenditure at a whole system level.

Would the funding of LSAs for children with EHCPs mean that the LSA could be used to support children with no EHCP?

No. However, children without an EHCP may still have SEN need and the school may decide the provision of an LSA for these children is the best practice. Mainstream schools must use their best endeavours to make provision for all children and young people with SEN, and review that regularly. This is known as the SEN support stage and graduated approach described in the SEND Code of Practice (2015). All mainstream schools' budgets include funding for additional needs which contributes to a notional SEN budget. This is intended to ensure mainstream schools have the resources they need in their core budget to make available the costs of SEN support.

What impact do you think this would have on inclusion when schools may get less funding for children with EHCPs? do you think there is a risk of increased off-rolling or schools telling parents that they cannot meet children's needs?

Schools would not receive less funding for pupils with EHCP's. The funding that school's receive should be at a level that enables them to deliver the provision in an EHCP. Schools can communicate to the County Council if they feel top-up funding is not sufficient and that would not change under the proposed framework.

Schools have a real pressure to meet the requirements of the EHCP's, do you expect to see schools receive less using the EHCP?

The top-up funding made available to a school to deliver in the provision in the EHCP would be determined based upon the content of the EHCP. There is no presumption that schools would receive less funding for pupils with EHCP's.

Given the number of questions raised through this consultation process, would Hampshire SEN consider extending the time between consultation closure and implementation of the framework?

The purpose of the consultation is to receive questions and comments which would be used when considering the outcome of the consultation. Currently, the timeframe is a proposal.

Would there be an emergency banding provision should an EHCP not be ready for the school year?

Under the proposed Banding Framework, the top-funding would be determined when finalising an EHCP, which would be made available to the school for use within the school year. This is the case with any EHCP for a young person attending a mainstream school. There is no mechanism for additional funding prior to an EHCP being finalised and it is not proposed that one is introduced as part of the banding mechanism.

How can you propose a change if you are not clear about the costings and the impact this would have? There needs to be transparency on the financial aspect of this.

HCC is clear about the impacts the Banding Framework proposal would have and there is a section in the consultation document from page 12 which describes the anticipated impacts of the proposal.

How would the authority make sure that the amending process does not cause as much backlog as moving from statements to EHCPs did?

The proposed SEN Banding Framework is about the way in which top up funding is allocated to schools and not substantial amendments to existing EHCP's. The implementation of the banding framework is proposed over a 4-year period which would be reviewed for existing EHCPs at annual reviews for transition years 1, 5 and 8 of education. A backlog should therefore not occur.