

# **Consultation on Hampshire County Council’s proposed Special Educational Needs (SEN) banding framework for mainstream schools with children and young people who have Education, Health and Care (EHC) plans.**

## **Information Pack**

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## Introduction

Hampshire County Council is seeking residents' and stakeholders' views on its proposal to change the way that **top-up funding** is paid to state-funded mainstream schools to make provision for children and young people with Special Educational Needs (SEN) who are subject to an Education, Health and Care (EHC) plan. The purpose of the proposed change is to improve how the budget is allocated to mainstream schools to support children with an EHC plan in the most effective way possible.

This would mean replacing the current approach to providing top-up funding, known as hours of learning support assistance, with a new SEN banding framework that aims to:

- gives schools greater flexibility to make a wider range of best practice provision<sup>1</sup> to children and young people<sup>2</sup> with special educational needs (SEN) who are subject to Education, Health and Care (EHC) plans<sup>3</sup>; and
- helps children and young people with SEN who are subject to an EHC plan to become more independent and achieve good outcomes.

The proposal is not intended, or expected, to lead to a reduction in the budget used to fund EHC plans in mainstream schools. The total cost of provision set out within an EHCP would continue to be met jointly from the school and the Local Authority's high needs budget.

The proposal only covers the top-up funding that mainstream schools receive for children with more complex SEN requiring an EHC plan and not the core funding of mainstream schools.

The consultation is open from **Monday 12 October 2020** and closes at 23:59pm on **Sunday 06 December 2020**.

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<sup>1</sup> Provision is a term to describe a large number of ways how children and young people with SEN are supported. Some provision examples are listed on page 9 of this document.

<sup>2</sup> Young people, for the purpose of this document, means young people who are over 16 years of age and up to 25 years of age. This reflects the age range that is used in the Children & Families Act 2014. However, the proposal would only affect children and young people who attend a mainstream school.

<sup>3</sup> An EHC plan is a document that sets-out a child or young person's SEN and the provision that must be made to support them to achieve their education and training outcomes.

## Background to the proposal

In December 2018, the County Council decided to review its top-up funding for mainstream schools as its arrangement (known in Hampshire as hours of learning support assistance) was out of step with other local authorities' practices and it was felt that a framework was required that would; :

- enable mainstream schools to organise their resources in the most flexible and effective way;
- promote independence for children and young people and reduce reliance on Learning Support Assistants;
- support the best approaches for enabling children and young people with SEN to become independent and achieve good outcomes<sup>4</sup>.

The review found that banding was now the preferred approach used by most local authorities. Banding is where local authorities allocate top-up funding to schools based on agreed criteria (relating to the level of SEN), using a set of bands that vary in financial value. This simplifies the process of allocating top-up funding and gives schools greater flexibility in the way they provide support.

Having consulted with the Hampshire Schools' Forum, and with its support, the County Council undertook a review of other local authority banding approaches, with a view to developing its own. This identified East Sussex County Council's banding matrix as a model of good practice.

The County Council then convened a multi-disciplinary group of educators and related professionals to investigate East Sussex County Council's banding matrix in more detail. The group comprised headteachers, teachers, special educational needs co-ordinators (SENCOs), local authority officers, specialist teacher advisors, educational psychologists, NHS commissioners, NHS therapy managers and parent representatives.

The group found it to be a well-considered and established approach that closely matched the ambitions of the County Council and mainstream school leaders in Hampshire. The group considered that East Sussex County Council's matrix needed only small changes to reflect some aspects of Hampshire's context. As such the County Council requested, and was granted, permission from East Sussex County Council to adopt its matrix and adapt it for Hampshire's use to introduce a SEN banding framework.

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<sup>4</sup> Deployment & Impact of Support Staff project (Blatchford, P. Bassett, P., Brown, P., Martin, C., Russell, A., and Webster R. London: Department for Children, Schools and Families) and Education Endowment Foundation meta-research.

The County Council is now seeking residents' and stakeholders' views on this proposed change in approach. The remainder of this Information Pack provides more information about the proposal, intended outcomes and potential impacts. It also details how you can have your say and is supported by a detailed technical appendix.

*More information about how mainstream schools are funded to support children and young people with SEN is in the technical appendix, from page 17 of this document.*

## **Why your views are important**

It is important to the County Council that the views of those who may be affected by the proposal, including children, young people and their parents and carers, are carefully considered - together with feedback from Hampshire residents and other stakeholders, including Hampshire's state-funded mainstream schools and academies.

The findings from this consultation will be published and presented to the County Council's Children's Services Departmental Management Team and Schools Forum later in 2020/21. Feedback will help to inform any decision by the County Council on changes to its funding arrangements for children and young people with SEN in mainstream schools.

### **Hampshire County Council's consultation policy**

The County Council is committed to five principles of consultation:

- to consult on key issues and proposal;
- to consult in good time;
- to be inclusive but with clear and appropriate limits;
- to consult using clear, simple information; and
- to ensure that responses are considered when decisions are made.

## How to have your say

### Open public consultation

You are invited to give your views on the proposal for a SEN banding framework for children and young people with SEN in Hampshire. You can do this by using the online Response Form at: <https://www.hants.gov.uk/sen-banding>.

The online Response Form is provided in standard and easy read formats. If you require a paper copy of the Information Pack or the Response Form, a copy in other languages or formats (such as large print, audio or Braille) or if you have any queries about the consultation, please contact [sen.consultation@hants.gov.uk](mailto:sen.consultation@hants.gov.uk) or call: 0300 555 1384\*.

You can also email your response directly to Hampshire County Council using the email address [sen.consultation@hants.gov.uk](mailto:sen.consultation@hants.gov.uk).

**The consultation is open from Monday 12 October 2020 and closes at 23:59pm on Sunday 06 December 2020.** Please note that responses received after this date will not be included in the findings report.

## **Proposal: To introduce a SEN banding framework that replaces the current funding model**

*Details of the proposed SEN banding framework can be found in the Technical Appendix, from page 17 of this document.*

### **Implementing the proposed SEN banding framework**

If agreed, the proposed SEN banding framework would be implemented in two ways:

1. From April 1 2021: all new EHC plans finalised on or after this date would be agreed under the proposed framework.
2. 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.

### **Purpose of the proposed SEN banding framework**

It is anticipated that the proposed SEN banding framework would support a clear understanding of how top up funding is allocated between:

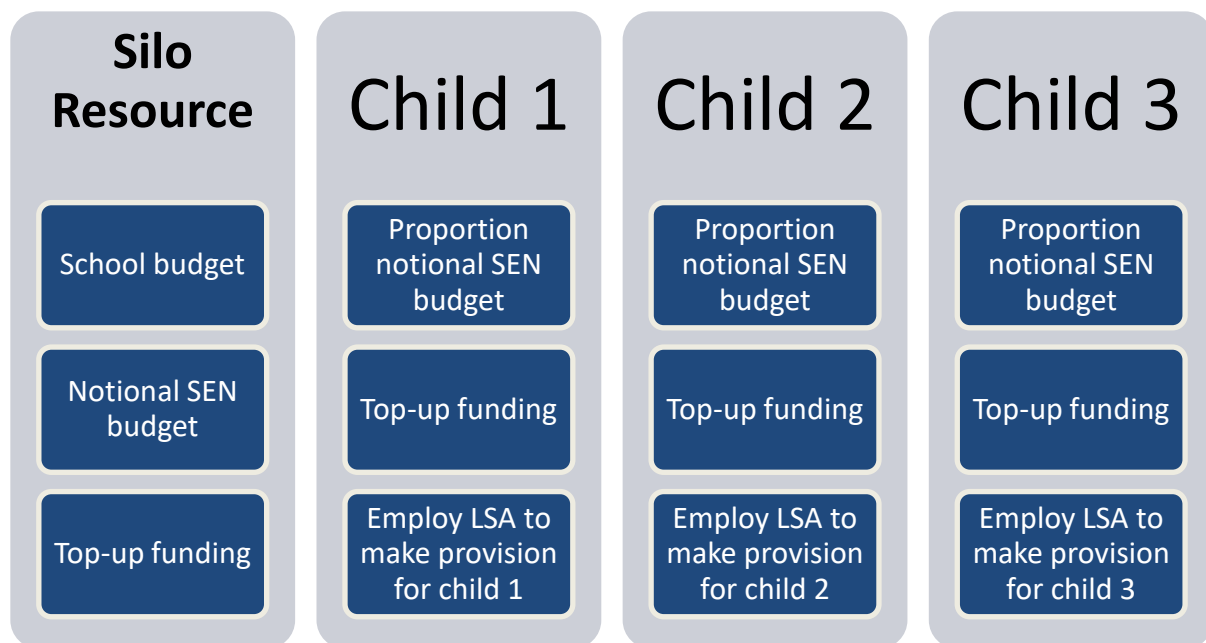
- mainstream schools;
- the County Council (and other local authorities whose children and young people attend Hampshire mainstream schools);
- other education, health and care professionals;
- parents/carers; and
- services such as health and social care.

It would:

- assist in identifying SEN in children and young people including those who may require an EHC assessment or an EHC plan;
- support development of knowledge and understanding about SEN and disabilities;

- provide guidance on provision and resources recommended to meet these needs;
- contribute to the development of good and inclusive SEN practice; and
- support consistent decisions about EHC assessment requests and EHC plans; and
- determine the top-up funding to be paid to mainstream schools to deliver the provision in EHC plans.

Some mainstream schools have historically organised provision for each child or young person with an EHC plan by only looking at the top-up funding that the school receives and using it to employ a Learning Support Assistant (LSA) to be paired to that child or young person. The diagram below shows how, in this approach, funding and, therefore the provision, is organised in silos.



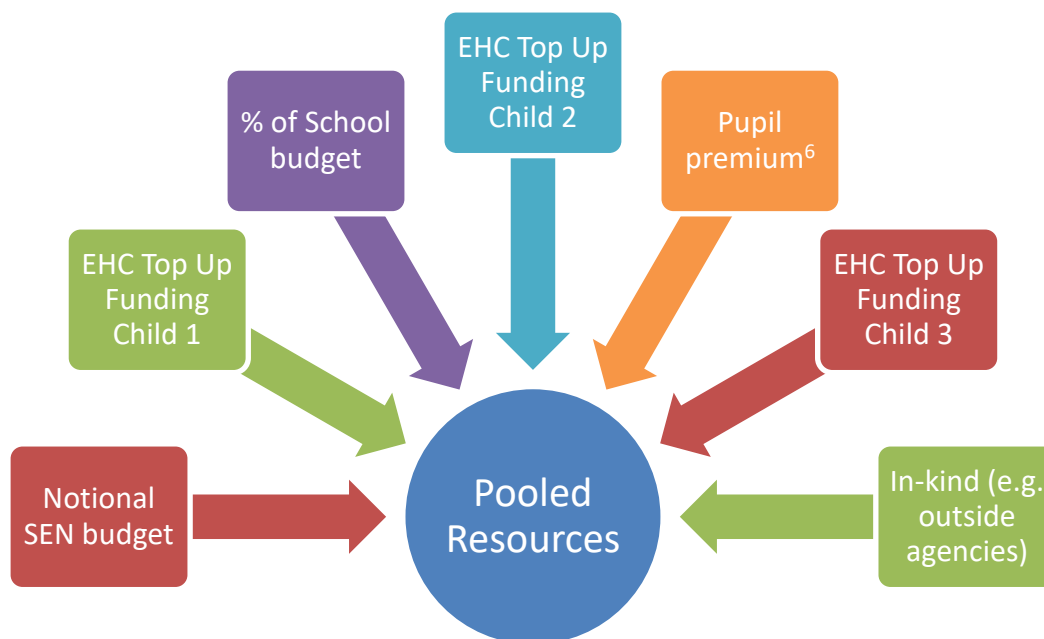
This approach might be convenient to organise but evidence<sup>5</sup> shows that, on its own, this is not the most effective way to support children and young people with SEN as outlined within the research. From a financial perspective, it is also inefficient as there are no opportunities to gain economies of scale, for example, by being able to share staff expertise between children and young people across the class or school.

The proposed SEN banding framework is aimed at allocating resources to mainstream schools, in a way that offers them greater flexibility to organise provision

<sup>5</sup> Education Endowment Foundation Meta Research  
[https://educationendowmentfoundation.org.uk/public/files/Publications/Send/EEF\\_Special\\_Education\\_I\\_Needs\\_in\\_Mainstream\\_Schools\\_Guidance\\_Report.pdf](https://educationendowmentfoundation.org.uk/public/files/Publications/Send/EEF_Special_Education_I_Needs_in_Mainstream_Schools_Guidance_Report.pdf)  
[https://educationendowmentfoundation.org.uk/public/files/Publications/Teaching\\_Assistants/TA\\_Guidance\\_Report\\_MakingBestUseOfTeachingAssistants-Printable.pdf](https://educationendowmentfoundation.org.uk/public/files/Publications/Teaching_Assistants/TA_Guidance_Report_MakingBestUseOfTeachingAssistants-Printable.pdf)

and would support children and young people with EHC plans to become more independent and achieve better outcomes.

Individual mainstream schools are already allowed to pool their resources. SEN is a whole school business. Everyone, including the governing body, headteacher and senior leadership team, the SENCO, middle leaders, teachers, and support staff all play a role in supporting children and young people with SEN to become independent and achieve good outcomes.



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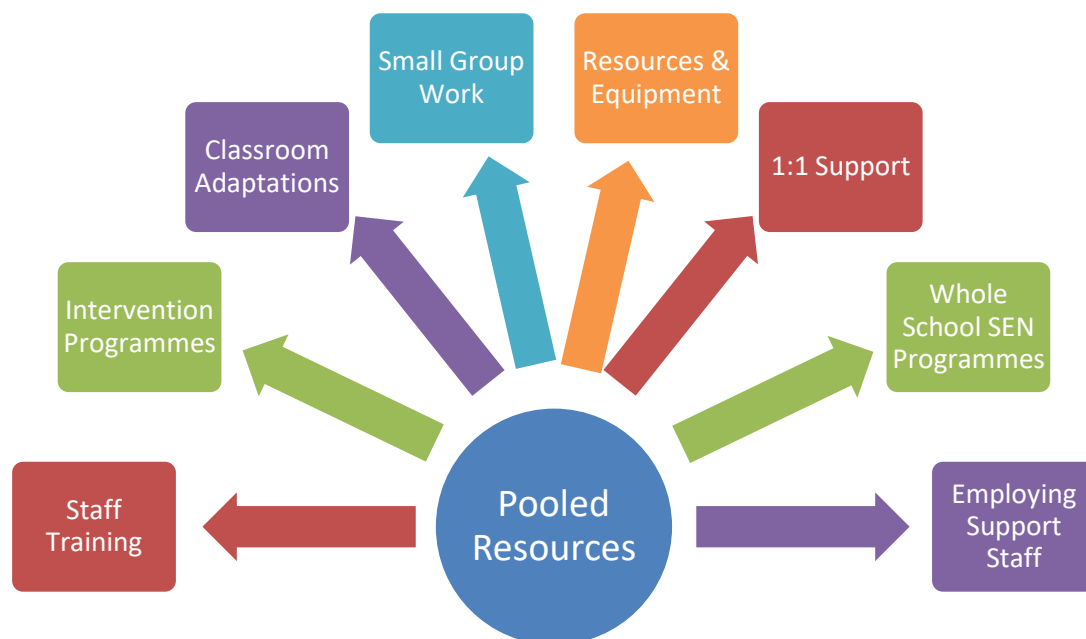
Schools already working along best practice lines use 'provision mapping' to understand the individual and collective needs of their children and young people with SEN. Provision mapping strategically informs school leaders' decisions about what provision they need to plan for and how to put it into place most effectively. When provision mapping is combined with a pooled resource arrangement, mainstream schools have more flexibility to develop a wider range of provision, to target that provision more effectively, and to adapt it to children's and young people's changing needs as shown in the supporting diagrams. Making a wider range of provision along best practice lines is evidenced as supporting children and young people with SEN to become more independent and achieve better outcomes.

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<sup>6</sup>The pupil premium grant is designed to allow schools to help disadvantaged pupils by improving their progress and the exam results they achieve.



The proposal for a SEN banding framework would support all Hampshire's mainstream schools to be able to take this type of approach.



Pooling resources would not mean that a child or young person with an EHC plan would receive any less provision than that stated in their EHC plan. The band values allocated by the County Council's SEN Service would be sufficient for the mainstream school to make the provision in EHC plans in combination with other funding in the pooled budget.

Mainstream schools must continue to ensure that the specific provision written in section F of EHC plans is delivered to children and young people. But how they go about organising that provision and how they use their funding to support all children and young people with SEN, including those who are subject to EHC plans, would remain up to individual schools to organise.

### **Outline of the proposed SEN banding framework**

The County Council's proposed SEN banding framework would comprise of four sections:

#### **Section 1: Hampshire's SEN pathway**

This section would set out the County Council's responsibility in regard to the Special Educational Needs and Disability (SEND) Code of Practice 2015 paragraph 9.16 which states that: *'local authorities may develop criteria as guidelines to help them*

*decide when it is necessary to carry out a needs assessment (and following assessment whether it is necessary to issue an EHC Plan)'. The County Council's SEN Support Guidance (Hampshire Inspection & Advisory Service, 2020) and the proposed SEN banding framework would constitute part of those criteria.*

## **Section 2: Typical types and levels of SEN**

This section would describe the typical types and levels of SEN in four overarching areas as set out in the SEND Code of Practice 2015:

- **Communication and interaction**  
Children and young people with speech, language and communication needs (SLCN) have difficulty in communicating with others. This may be because they have difficulty saying what they want to, understanding what is being said to them or they do not use or understand social rules of communication.
- **Cognition and learning**  
Children and young people with cognition and learning difficulties might learn at a slower pace than their peers, even when teaching and learning materials have been changed to account for that difference. Learning difficulties cover a wide range of needs from specific or moderate through to severe and profound.
- **Social, emotional and mental health**  
Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder.
- **Sensory and/or physical**  
Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time. Children and young people may have vision impairment, hearing impairment or a multi-sensory impairment which is a combination of vision and hearing difficulties.

Children and young people with SEN may experience one or more of these needs, and at different levels of complexity (in this context 'complex' means experiencing more than one type of SEN).

### Section 3: Typical types and amounts of provision

This section would describe and group typical types and amounts of provision into bands, corresponding to the typical types and levels of SEN in each of the four overarching areas. The amounts proposed for each band are included in the Technical Appendix on page 17:

- **SEN support**  
This is where children and young people have SEN of one type or another, but provision can be made by mainstream schools from the resources that are ordinarily available to them.
- **Targeted**  
This is where children and young people have SEN and are subject to an EHC plan, meaning they require additional and different provision to that which is available at SEN Support.
- **Enhanced**  
This is where children and young people have SEN and are subject to an EHC plan, and they require additional and different provision to that which is available at targeted level.
- **Exceptional**  
This is where children and young people have SEN, are subject to an EHC plan, and they require additional and different provision to that which is available at targeted or enhanced levels.

The range of typical provision is wide and varied. It is considered this should be deliverable in almost all mainstream schools<sup>7</sup> with compliance to their statutory and other duties, and with top-up funding, as necessary.

Typical SEN provision can include (but is not limited to):

- differentiation of teaching and learning materials;
- whole school staff training, such as about social communication;
- classroom adaptations, such as acoustic adaptation or calm colour schemes;
- small group work, for example to develop social skills;
- peer support or mentoring; and
- one-to-one support from an LSA, for example to deliver speech and language programmes.

In addition to the examples of support described above, mainstream schools would also continue to have the flexibility to make provision in other more specific ways that are described in EHC plans, and more innovative ways if they feel that these would be most appropriate.

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<sup>7</sup> It may sometimes not be possible to make some provisions in mainstream schools, for example due to the building's age and design and where it would be a financially *unreasonable adjustment* to address those deficits.

## **Part 4: Examples of best practice**

This section would provide examples and signposts to best practice relevant to both SEN support, targeted and enhanced provision. This is intended to support mainstream schools to develop a wider range of best practice SEN provision which, in turn, would support children and young people to become more independent and achieve good outcomes.

As professionals' understanding of SEN and best practice in SEN is constantly evolving, it is anticipated that this section of the proposed banding framework would be regularly refreshed with national and locally derived examples.

## **The anticipated impacts of the proposal**

### **Children and young people with EHC plans in mainstream schools – potential impacts**

It is anticipated that the proposed banding framework in combination with the separately published guidance about SEN support in mainstream schools<sup>7</sup> would enhance outcomes for children and young people by enabling access to a broader range of support and promote independence. Although funding would be provided according to a banding framework, the provision within a child and young person's plan still needs to be specific and measurable and delivered so that children and young people achieve the outcomes described in their plan. As such the introduction of the proposed banding framework would not change parents', carers' and young people's rights to appeal.

It would remain the case that these groups would not be able to appeal the band or the band value, just as they cannot now appeal the hours of learning support assistance. This is because hours of learning support assistance or bands are only descriptions about how the Local Authority secures provision from mainstream schools rather than the provision itself and would:

- provide a shared understanding about how and why the County Council makes decisions about carrying out EHC assessments, preparing EHC plans and how it secures provision in mainstream schools;
- help schools and families to have a shared understanding about what should be done for all children and young people with SEN;
- help to identify when an EHC assessment is required;

- make clearer what mainstream schools are expected to provide for children and young people at SEN Support<sup>8</sup> stage and with EHC plans; and
- enable mainstream schools to organise provision flexibly through good practice examples.

The proposed SEN banding framework would not be used to determine the content of EHC plans or the provision that must be made for children and young people who are subject to them – those would continue to be determined through an EHC assessment, where:

- professionals identify SEN through assessment, and advise provision; and,
- the County Council determines whether the advised provision is above the threshold of SEN support.

All formal routes of appeal relating to EHC plans and provision will continue to be available in their current form.

*More information about parent's and young people's rights in relation to EHC plans is included in the technical appendix, from page 17 of this document.*

## **Mainstream schools – potential impacts**

The SEN top-up funding received by a mainstream school is dependent on the provision requirements in the EHC plan(s) of the pupil(s) for the period of time that they attend that school.

It is anticipated that introduction of the proposed banding framework would:

- build on, and make clearer, the flexibilities that mainstream schools already have in organising resources to make provision for children and young people with SEN through a range of approaches;
- support the notion that mainstream schools are best placed to make operational decisions about how they will organise support for children and young people with SEN, including those who are subject to EHC plans;
- bring greater flexibility, thereby supporting mainstream schools to make the most suitable provision from within available resources and in the context of the wider schools' staff, pupils, classes and learning. For example, where children and young people with SEN share similar needs or require similar provision, mainstream schools might:

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<sup>7</sup> SEN Support in Mainstream Schools, Hampshire Inspection & Advisory Service (2020)

<sup>8</sup> SEN Support is part of the *graduated approach* described in the SEND Code of Practice (2015) where schools identify and make provision for children & young people's SEN from the resources that are ordinarily available to them.

- choose to organise their timetables to ensure that they could benefit collectively from that provision through small group work or paired working;
- recognise the need to invest in whole school staff training around a particular type of SEN and provision; and
- invest in adapting a classroom or other areas to attune to children and young people's sensory needs.
- enable schools to continue to balance the operational flexibilities they have with any specific provision requirements in EHC plans – for example, enabling pupils who need it to receive provision for speech and language therapy away from the classroom; and
- over time, change the way mainstream schools are paid top-up funding or organise provision.

Any changes would be phased in incrementally and, therefore, the way in which mainstream schools are paid top-up funding and any changes to the ways that mainstream schools organise provision would not be immediate.

Banding values have been set with regard to a) East Sussex County Council's band values and b) Hampshire County Council's current allocation of hours of learning support assistance. Values have also been subject to stress testing with a sample of Hampshire schools receiving more than a 90% positive response<sup>9</sup>.

Based on these values and assuming a phased transition of plans to the new framework, the actual costs incurred in funding mainstream top up is still forecast to continue to rise in future years. There will be no reduction in the budget allocation.

The overall SEN top-up funding budget held by the County Council on mainstream schools' behalf to allocate to EHC plans would not be reduced by this proposal. More detail may be found below, assigning band values.

### **Assigning band values**

Banding for each EHC plan would be determined on a best fit arrangement, with the County Council's SEN Service allocating a band that best fits the needs and provision required in the child or young person's EHC plan. The proposed banding values are described in the Technical Appendix.

The value for a band is a fixed amount, whereas EHC plans reflect the individual needs and provision requirements of a child or young person. Therefore, the band

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<sup>9</sup> Research was undertaken with an 8% random sample of Hampshire mainstream schools who received a survey together with the proposed banding values for their school based on their current EHC plans. Over 90% of the schools that responded agreed with the proposed change.

value may, at times, be slightly higher or lower than what is needed for the provision described in the EHC Plan. This is a result of the way banding frameworks are structured, being based on typical, rather than specific types and levels of need - and typical types and amounts of provision.

Individual mainstream schools would retain the flexibility to pool and draw on their overall budgets and would continue to be legally required to use their best endeavours to provide for all children and young people's SEN including those who are subject to an EHC plan. Similarly, the County Council would maintain its ultimate duty to secure the provision in EHC plans.

The County Council would also have a continuing duty to demonstrate good financial governance through careful and consistent application of the proposed SEN banding framework, especially when determining a band for each EHC plan. The County Council would retain its duty to make efficient use of resources in managing the top-up funding on schools' behalf.

## **Options which are not being consulted on at this time**

The County Council has considered other top-up funding arrangements and reviewed its own approaches over time. This includes the following options, which are not being consulted on at the present time:

**1. The County Council could maintain the current framework.**

This is not being proposed as the existing framework is thought to be perpetuating a culture of over-dependence on one-to-one support provided by Learning Support Assistants, which does not reflect SEN best practice. This is because top-up funding for EHC plans is described as hours of learning support assistance, which leads to the expectation among some that children or young people will be supported by a Learning Support Assistant in a one-to-one relationship. This was not what the model intends but nonetheless, the potential for confusion remains.

**2. Developing a SEN banding framework with fewer or more bands.** This is not being proposed as a balance needs to be struck between developing a framework that offers mainstream schools flexibility and provides the County Council with a reasonable mechanism for financial management that is not overly burdensome to administer. The County Council also believes that the proposed number of bands provides a clear understanding between parents, mainstream schools, and other professionals.

3. **Developing a SEN banding framework where a band value would differ depending on the primary type of SEN.** This is not being proposed because the sophistication and costs of provision for a child with one type of SEN may be no more or less than for a child or young person with another type of SEN.

## Conclusion

The County Council is ambitious for all children and young people with SEN in Hampshire to achieve good outcomes, including being able to move on to further education, training, and employment. The strengths in teaching and learning, strong leadership and a committed workforce are recognised in Hampshire's schools. The County Council's proposal aims to provide mainstream schools with the flexibility to develop a wider range of best practice provision for children and young people with SEN, who are subject to an EHC plan. This, in turn, aims to support those children and young people to become more independent and achieve better outcomes.

**Thank you** for reading through this Information Pack.

When you have finished with this document, please give it to someone else so that they can respond too.

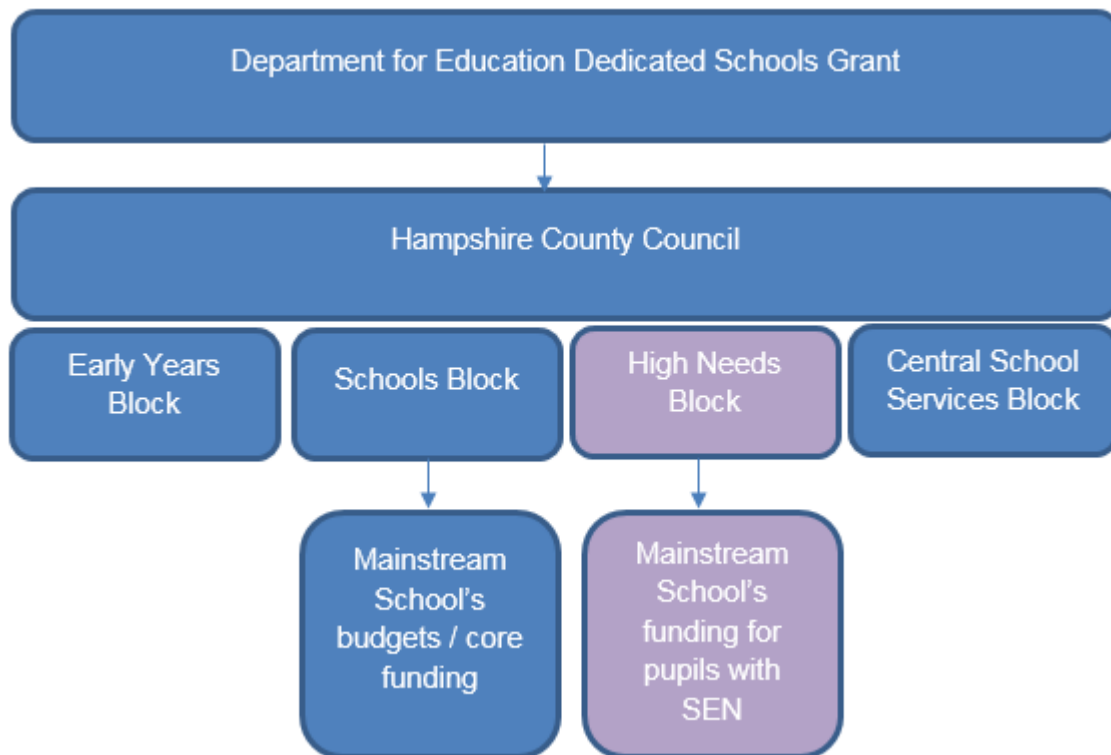


## Appendix - Technical Information

### About funding for schools with children and young people who have Special Educational Needs (SEN) and Education, Health and Care (EHC) plans

#### How are mainstream schools funded for providing all education?

Hampshire County Council receives funding from the Department for Education (DfE) through the Dedicated Schools Grant. This provides funding to deliver the County Council schools' budget and funding is provided in four blocks, as shown in the diagram below. Mainstream schools receive their annual budget share from the funding provided in the schools' block. Additional funding paid to mainstream schools, for children and young people with EHC plans, is paid from the high needs block and is known as **top-up funding**.



In financial year 2019/20, spend on the high needs block was £125.6m of which £12m was used as top-up funding for mainstream schools to make provision for children and young people with EHC plans. This excludes additional funding paid to mainstream schools that have a disproportionate number of pupils with an EHC plan.

## **How does the County Council fund mainstream schools to make provision for children and young people with SEN and EHC plans now?**

Mainstream schools receive an annual budget share based on the County Council's local funding formula for element 1 (high quality teaching) and element 2 (SEN support) to meet the needs of all pupils, including those with SEN. Element 3, top-up funding, is provided for those pupils that have an EHC plan and require provision costing more than the sum of element 1 and 2. This consultation is **only** considering making changes to the mechanism which distributes the top-up funding of element 3.

### **Element 1 (high quality teaching)**

This is the core budget used to provide education and support for **all** pupils in the mainstream school including those with SEN. Schools receive an annual budget share based on the County Council's local funding formula for mainstream schools.

The formula includes a basic entitlement amount per pupil and funding for additional needs based on the characteristics of pupils attending the school (such as deprivation and prior low attainment), as well as a lump sum, funding for premises costs and other exceptional factors.

### **Element 2 (SEN support)**

Mainstream schools must identify and assess children who may have SEN. 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 of the graduated approach described in the Special Educational Needs and Disability (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 which could be up to £6,000 per pupil per year.

As this level of funding is available to any child or young person in any mainstream school, this is known as ordinarily available provision.

The County Council retains a small amount of funding that can be made available to mainstream schools that have a disproportionately higher number of children and young people with EHC plans.

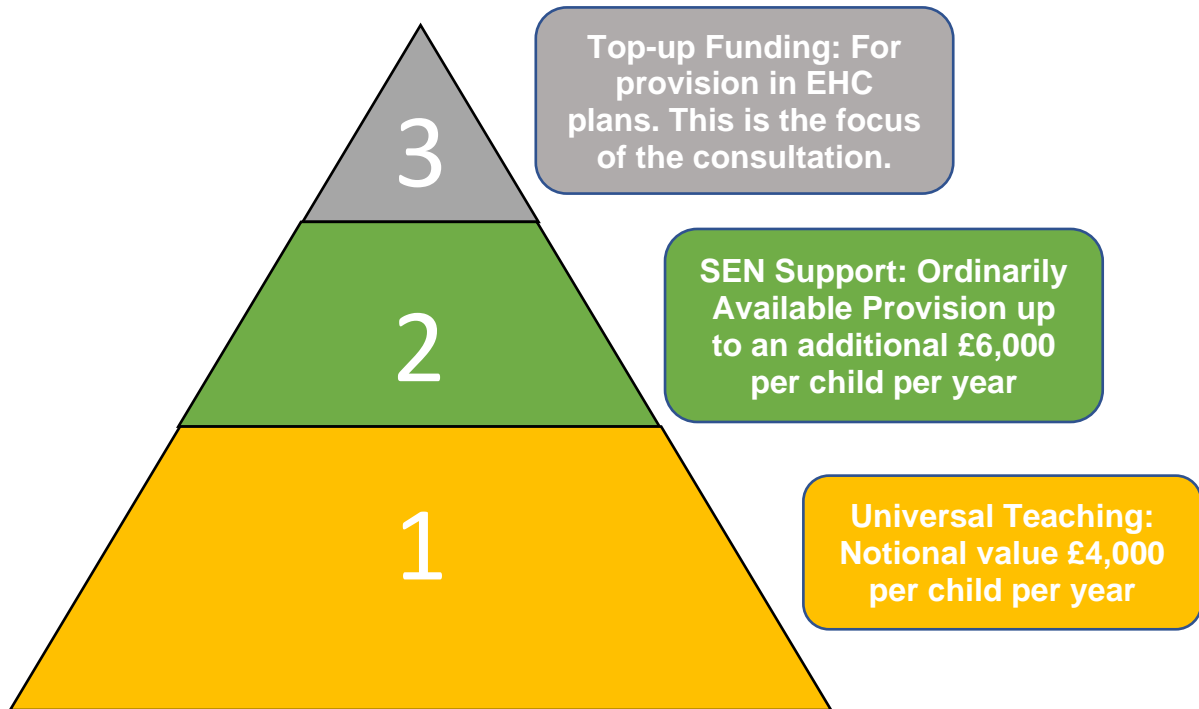
### **Element 3 (top-up funding for provision in EHC plans)**

A small number of children and young people have SEN that are more significant, complex, and/or long-term and cannot be met by ordinarily available provision alone. For these children and young people, the County Council carries out a statutory EHC assessment. This sometimes results in the development of an EHC plan for those

children or young people. The additional and different provision in an EHC plan attracts element 3 funding (top-up funding) for costs over £6,000.

This is summed-up in the diagram below:

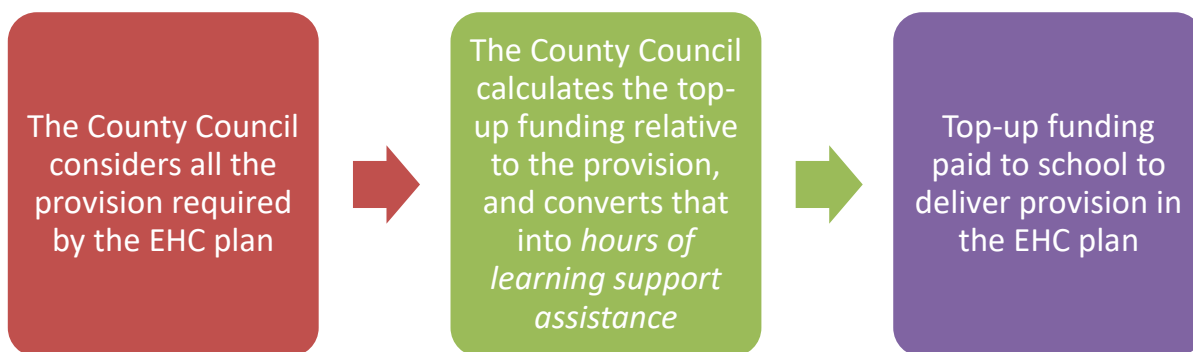
### Elements of funding diagram



### How does the County Council currently decide how many *hours of learning support assistance* to pay mainstream schools?

The County Council's SEN Service considers the provision required to be made in each EHC plan and calculates the top-up funding needed to make that provision based on the model shown below.

Hours of learning support assistance are calculated at £9.09 per hour multiplied by the total hours per week over 52.143 weeks. These hours of learning support assistance are only a way of describing the top-up funding that the County Council pays mainstream schools to make the provision in EHC plans. It does not mean the number of hours that a learning support assistant (LSA) will work with a child or young person.



### How would the County Council’s proposal change how top-up funding is decided?

The proposed SEN banding framework describes typical types and levels of SEN matched against typical types and amounts of provision; these needs and provisions are grouped together in bands. A fixed amount of money called a *band value* is paired to each band, to pay for the typical types and amounts of provision in each band.

The County Council’s SEN Service would consider the provision required to be made in each EHC plan and assign a band that is the *best fit* to those provision requirements.



### Would this be a blanket approach to deciding the needs and provision in EHC plans?

Each individual child or young person’s needs would continue to be identified through a detailed EHC assessment with specific provision written into the individual’s EHC plan. The proposed SEN banding framework is only a mechanism for calculating the top-up funding that the County Council will pay to mainstream schools to secure the provision in EHC plans. Therefore, the proposed SEN banding framework would not be a blanket policy response.

### Proposed SEN banding framework and values

The proposed SEN banding framework continues the theme of the ‘graduated response’ set out in the SEND Code of Practice (2015) by setting out additional provisions matched to increasing complexity and intensity of need. Each level of need and consequent provision builds on that described within the previous band.

Each of the four overarching areas of SEN has four levels of need linked to a different amount of provision, with corresponding levels of funding to meet the needs and make the provision. These are:

1. **SEN Support:** Children and young people whose SEN can be effectively supported from the resources that are ordinarily available from schools' 'notional SEN budget', (ordinarily available provision of up to £6,000 per year) the totality of schools' budgets and other resources available to it – for example in-kind support from central services provided by the Local Authority or the NHS. Schools have a duty to utilise these resources and where necessary and **'to provide high quality, appropriate support from the whole of its budget,' (SEND Code of Practice 6.95-6.97).**
  
2. **Targeted Level Funding:** Children require a level of additional or different SEN support at times throughout the day. The level of resourcing may exceed what the school can provide from its budget. This would include two bands:
  - **Targeted A band: £984 per year**
  - **Targeted B band: £2,089 per year**
  
3. **Enhanced Level Funding:** Children require ongoing strategies, intervention and additional SEN support specifically designed for their needs. The level of resourcing required may exceed what the school can provide from its budget and is at a higher level than that required for provision at the targeted support level. This would include two bands:
  - **Enhanced A band: £3,165 per year**
  - **Enhanced B band £5,244 per year**
  
4. Consideration of **Exceptional Level Funding** will be given by the Local Authority on **an entirely discretionary basis**, when EHC assessment demonstrates that the child's SEN and the provision to meet those needs goes beyond what might be provided in mainstream school at Enhanced support level. The **minimum** requirement for **consideration** of Exceptional support level will be children who's needs, and subsequent provision requirements are prevalent at Enhanced (b) in at least two of the overarching areas (e.g. cognition and learning *and* social, emotional and mental health needs). Even then, it may still be determined that the band assigned to a child may remain at Enhanced (b), for example that they only occasionally require Exceptional levels of support and can more often than not have their needs met at Enhanced level. This follows the 'best-fit' principles already described.

All considerations for **Exceptional level funding** would be scrutinised by an Exceptional Funding Panel, comprising representatives from schools, the Local Authority, NHS and Social Care, which would advise the Local Authority in its final determination.

- **Exceptional band**                      **£7,999 per year**

### **Parent's and young people's rights in relation to EHC plans**

If the County Council determines that the child or young person requires provision to be secured through an EHC plan, then SEN is recorded in section B and provision is recorded in section F of EHC plans.

The County Council has a statutory duty to secure provision in section F of EHC plans. Schools named in EHC plans must use their best endeavours to make provision for all children and young people with SEN, including those who are subject to an EHC plan. This includes one-to-one support from a learning support assistant where that is identified. Therefore, one-to-one support would still be provided where it is included in EHC plans.

Parents and young people have formal routes available to them if a school is not making the provision in the EHC plan, for example, they will continue to be able to:

- request a meeting with school staff;
- complain through the school's published complaints process; and
- request a disagreement resolution.

Parents and young people have formal routes available to them if the County Council decides:

- not to carry-out an EHC assessment or re-assessment;
- not to prepare an EHC plan, following an EHC assessment;
- to issue a final EHC plan;
- to amend or decides not to amend an EHC plan following an annual review;
- to cease to maintain an EHC plan.

In these circumstances, they will continue to be able to:

- request a meeting with a Hampshire County Council officer;
- request a disagreement resolution with the school, Hampshire County Council or Clinical Commissioning Group;
- request mediation with Hampshire County Council;

- appeal the decision to the First Tier Tribunal – SEND for disagreements over the following sections of EHC plans:
  - o B (SEN);
  - o F (provision);
  - o I (educational institution);  
and for the period of the First Tier Tribunal – SEN ‘national trial’ in which parents and young people may additionally seek recommendations in respect of the social care and health aspects of EHC plans (currently April 2018 – August 2021)
  - o C (health needs which relate to SEN);
  - o D (social care needs that relate to SEN);
  - o G (health provision which relates to SEN);
  - o H1 & H2 (social care provision that relates to SEN).

Parents, carers, and young people would not be able to appeal the band or the band value as that only governs how the Local Authority secures provision from mainstream schools. But the proposed SEN banding framework would provide a shared understanding about how and why the County Council makes decisions about carrying out EHC assessments, preparing EHC plans and how it secures provision in mainstream schools.