



## Proposal to move to a SEN Banding Framework for Education, Health and Care Plans' (EHCP) top-up funding

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Department: Children's Services

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### Description of current service/policy

The County Council holds an amount of funding from the High Needs Block on behalf of local mainstream schools, which it then allocates upon its production of an Education Health and Care Plan (EHCP) to a school for the delivery of the provision set out in the EHCP. This is known as 'Element 3', or 'top-up' funding.

Under the current arrangement, an amount of top-up funding is provided as "learning support assistance" from which the provision in the EHCP is to be implemented. This amount is based on the calculation of an equivalent amount of funding for a number of Teaching Assistant hours.

Geographical impact: All  
Hampshire

### Description of proposed change

The County Council is proposing that an agreed Banding Framework will simplify the process of allocating top-up funding so that schools and parents are clear on what is being provided and why. Allocating top-up funding against an agreed framework is a transparent process where both schools and parents can see how the allocation of top-up funding has been determined. 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

## Impacts of the proposed change

This impact assessment covers Service users

## Engagement and consultation

Has engagement or consultation been carried out? Yes

The Council carried out an open consultation designed to give Hampshire residents and wider stakeholders including those living outside Hampshire the opportunity to have their say about proposed changes. In total there were 218 responses to the consultation, including paper and online responses. Some of these were made on behalf of education settings and interested local groups. Overall, respondents preferred the proposed banding mechanism (134 of 218 responses) to the existing funding mechanism (69 responses), and the majority also agreed with the proposed bands that could be applied (143 of 215 responses).

<b>Statutory considerations</b>	<b>Impact</b>	<b>Mitigation</b>
<b>Age:</b> Neutral		

<p><b>Disability:</b> Medium</p>	<p>The proposal is intended to enable mainstream schools to make a wider range of best practice provision for learners with special educational needs and disabilities available, supporting them to become more independent and achieve better outcomes.</p> <p>There is no proposed reduction to the mainstream school's top up element of the High Needs Budget. The proposed budget for 2021/22 is £12.2m, which is an increase of £1.9m from 2020/21. The money allocated to a school through their notional SEN budget is not affected by this proposal.</p> <p>The banding proposal will only apply to new EHCPs initially and therefore will not reduce existing funding.</p>	<p>Provision secured in an Education Health and Care Plan is determined via an assessment that is not impacted upon by the proposal. The amount of additional funding made available to a school to provide this provision is kept under review at least annually and may be changed if required based on supporting evidence.</p> <ul style="list-style-type: none"> <li>• There would be no negative impact to children or young people in the provision delivered through top-up funding for EHCPs in mainstream schools.</li> <li>• It is anticipated that if agreed, the proposal would enhance outcomes for children and young people by enabling access to a broader range of support and promote a young person's independence.</li> <li>• The Banding Framework would not be used to determine the provision that a young person requires, this would still be determined through the EHC Needs Assessment process.</li> <li>• Provision of an Education, Health and Care plan is a statutory function of the Local Authority as set out in Sections 36 and 37 of the "Children and Families Act 2014" These provisions are not impacted by this proposal.</li> </ul>
<p><b>Sexual orientation:</b> Neutral</p>		
<p><b>Race:</b> Neutral</p>		

<b>Religion and belief:</b> Neutral		
<b>Gender reassignment:</b> Neutral		
<b>Gender:</b> Neutral		
<b>Marriage and civil partnership:</b> Neutral		
<b>Pregnancy and maternity:</b> Neutral		
<b>Other policy considerations</b>	<b>Impact</b>	<b>Mitigation</b>
<b>Poverty:</b> Neutral		
<b>Rurality:</b> Neutral		

**Neutrality statement (if all considerations have a neutral impact)**

**Any other information**