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**North  
Northamptonshire  
Council**

**Meeting:** North Northamptonshire Schools Forum


**Date:** Thursday 7th July 2022

**Time:** 1.00 pm

**Venue:** Remote Meeting via Zoom

<b>Agenda</b>			
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<b>07</b>	Urgent Business	All	--

Adele Wylie, Monitoring Officer  
North Northamptonshire Council



**Proper Officer**  
**30<sup>th</sup> June 2022**

This agenda has been published by Democratic Services.

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Next Meeting Date:

- 20<sup>th</sup> October 2022

### **Information on voting**

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members present and voting on the issue. In the case of an equality of votes the Chair will have a second or casting vote.

School and non-school members are eligible to vote on all matters requiring authorisation or approval except:

- a) de-delegation is limited to the specific primary and secondary phase of maintained schools members;
- b) amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members, except for PVI representatives; and
- c) retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members.

It is the responsibility of the forum member to declare their 'disclosable pecuniary interest'. The forum member can make a short presentation at the start of the agenda item and then not participate in the discussions or vote on the item to which their interest is relevant.

**Minutes of a meeting of the North Northamptonshire Schools Forum**  
Held at 1.00 pm on Thursday 17th March, 2022 as a Remote Meeting via Zoom

**Present:-**

Members

James Birkett (Chair)  
Peter Cantley  
Rob Hardcastle  
Nikki Lamond  
Angela Prodger

Paul Wheeler (Vice Chair)  
Laura Clarke  
Lee Hughes  
Sharon Pinson  
Jo Sanchez-Thompson

Officers

Tony Challinor  
Ann-Marie Dodds  
Neil Goddard  
Jo Hutchinson  
Nichola Jones  
Yoke O'Brien  
Raj Sohal

Assistant Director of Commissioning and Partnerships  
Assistant Director for Education  
Assistant Director for Children's Services  
Senior School Improvement Manager  
Head of SEND  
Strategic Finance Business Partner  
Democratic Services Officer

Also in attendance – Councillor Scott Edwards

**47 Apologies for non-attendance, Forum membership changes and declarations of interest**

Apologies were received from Sandra Appleby and Siobhan Hearne.

**48 Minutes of meeting held on 10 February 2022 and points arising/officer feedback**

RESOLVED that: The minutes of the meeting held on 10<sup>th</sup> February were agreed as an accurate record.

**49 Early Years Funding 2022/23**

The Forum considered a report by the Assistant Director of Commissioning and Partnerships, which outlined Early Years funding. Officers requested Schools Forum members to approve the 5% retention for central costs from the 3 and 4-year budget only.

During discussion, the principal points were noted:

- Members requested that details of central expenditure be made available to the Forum annually. The Assistant Director committed that officers would provide full details of central costs regularly.

**RESOLVED that: The Forum approved the 5% retention for central costs.**

**50 Maintained Nursery Supplement**

Several public speakers were in attendance at the meeting, all of whom addressed the Forum in opposition to the Local Authority's proposals to reform the funding arrangements for the four Maintained Nursery Schools (MNS) in North Northamptonshire. The external speakers posited that the Local Authority should seek additional funding from the Department for Education (DfE) and lobby central government for this supplementary funding for the MNS.

The Forum considered a report by the Assistant Director for Education, which outlined each of the proposed options for the distribution of the Maintained Nursery Supplement. Officers clarified that while Forum members would be asked for views on the distribution of the Maintained Nursery Supplement, this decision would ultimately be made by the Executive Committee of North Northamptonshire Council.

The Assistant Director for Education explained that funding was received from central government based upon participation rates by students at the MNS. None of the options presented in the report could increase this level of funding. Therefore, the Assistant Director clarified that Forum members at the meeting should consider how available funding should be distributed, rather than the wider issue of whether the financial amount provided by government was sufficient.

During discussion, the principal points were noted:

- Members emphasised their views that the amount of funding made available through the maintained nursery supplement was not sufficient to support the work of MNS.
- One member queried why local authority officers had not provided the DfE with information concerning the historical funding arrangements of MNS; specifically Pen Green Centre.
- One member expressed concern that they would not be able to take a view on any of the options proposed in the report without further clarification regarding whether the DfE would make additional funding available in recognition of MNS which provided extraordinary services, or if funding would solely be based upon participation rates going forward.
- Members queried whether the recognition of historical payments was included in the hourly rates.
- One member suggested an alternative proposal for 2022/23 to move funding from the Schools Block of the Dedicated Schools Grant (DSG) to the High Needs Block and from the High Needs Block to the Early Years Block, in order to provide additional funding to support MNS.
- One member expressed concern that certain options outlined in the report would result in the closing of two MNS in North Northamptonshire. They suggested that the local authority should seek to support all MNS and ensure that the decision regarding the distribution of the Maintained Nursery Supplement should benefit them all.

- Members suggested that uncommitted Council reserves could be utilised to support MNS, while the local authority lobbied central government for additional funding.

In response, Assistant Director for Education clarified that:

- There had not been a decision made by the local authority to not provide the DfE with historical information regarding the distribution of funding to MNS. The finance officers of North Northamptonshire Council had not worked on previous arrangements, under the legacy Northamptonshire County Council authority, and were reliant on colleagues in West Northamptonshire Council to ascertain how historical funding was distributed.

The Assistant Director for Children's Services clarified that:

- Since 2017/18 funding levels, in order to calculate future allocations, both participation and historical payments had been considered in forming base hourly rates. The purpose of the grant was to support MNS which provided 15-hour universal provision and within this, also support MNS which had provided other services historically.
- While officers appreciated members' suggestions of transferring funding between Blocks of the DSG, the timeline required to set out transfers within the DSG had passed by the time of the meeting. The High Needs Block was also significantly overspent and any further transfer from this allocation would be over the 0.5% threshold of transfer the Forum had previously agreed upon.
- While the preferred outcome for all parties would be increased funding, the local authority found itself in a position, whereby it would have to decide upon an allocation arrangement moving forward, with the existing funding made available by central government.

The Strategic Finance Business partner provided further information to the Forum, regarding how the allocation of MNS supplementary funding had been calculated by the DfE.

While most Forum members did not feel they could make a formal recommendation to the Executive, regarding the options for the distribution of the Maintained Nursery Supplement in the report, one member of the Forum expressed support for option 2 and two members supported option 4.

**RESOLVED that: The Forum could not formally recommend a single option provided in the local authority's report but intended for its comments and the narrative of the debate regarding the distribution of the Maintained Nursery Supplement to be considered by the Executive Committee, when making its decision.**

## 51 High Needs Update

The Forum considered a presentation by the Head of SEND, which outlined the local authority's key priorities, principles and intended response regarding the high needs sector.

During discussion, the principal points were noted:

- Members queried why the maintained nursery sector was not included in the presentation.
- Members queried whether the High Needs Task and Finish Group of the Schools Forum had been established at the time of meeting.
- Regarding issues of high needs capacity and dependence on the independent sector, one member queried what actions the local authority was taking to increase capacity.
- One member supported satellite provision in local mainstream schools and acknowledged that this had worked well previously. The member queried how the local authority intended to move towards locality-based working, when so many high needs students had come in from across the county; both West and North.
- Members requested additional detail regarding the timeframes of implementing the three-tiered response, outlined in the presentation.
- Members queried when High Needs Funding Panels would be reconvened.

In response, the Head of SEND clarified that:

- Local authority officers intended to meet with Early Years leaders and considered the Early Years sector to be the 'cornerstone' of work around special educational needs.
- The High Needs Task and Finish Group of the schools Forum had not yet been established. Nevertheless, the local authority had engaged with local schools and trusts through a broader consultation, regarding high needs block issues.
- Work would need to be done, in collaboration with sector leaders, to reduce dependence on independent providers to meet children's special educational needs in North Northamptonshire. The Council had reviewed how other local authorities had built provision into their budgets for mainstream units and was exploring offering schools the opportunity to develop local mainstream provision.
- Mass applications for limited places had partly arisen due to parent preference and the local authority would have to support families to make informed decisions about their children's specialist provision. Officers had also reviewed costs of mediation and tribunal processes and acknowledged that better communication would be required to support families concerning expectations and available provision.
- A delivery programme of work was being developed, which would clearly determine the timeframes of intended action, to respond to high needs sector issues. The Head of SEND posited that the critical factor going forward would be how the local authority would work with system and school leaders.

- The High Needs Funding Panels had been reconfigured and established two weeks prior to the meeting.

**RESOLVED that: The Forum noted the report.**

**52 Staffing Update**

The Forum considered a report by the Assistant Director for Children's Services, which outlined personnel changes within the local authority and updated contact details for officers.

**RESOLVED that: The Forum noted the report.**

**53 Schools Forum Plan 2022/23**

The Democratic Services Officer introduced the item and highlighted the following points:

- The next meeting of the North Northamptonshire Schools Forum would be held on 7<sup>th</sup> July 2022.

RESOLVED that: The Forum noted the report.

**54 Urgent Business**

There was none.

There being no further business the meeting closed.

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# Agenda Item 3



North Northamptonshire Schools Forum: 7 July 2022

## Agenda Item 3

(North Northamptonshire Council's Scheme for Financing Schools 2022-23)

### 1 Background

- 1.1 Each local authority is required to have a scheme for financing schools, which defines the financial relationship between the authority and the schools in its area.
- 1.2 The scheme covers items such as banking, accounting and audit arrangements. The DfE guidance describes what is to be included in schemes. The link to this guidance is as follows;  
<https://www.gov.uk/government/publications/schemes-for-financing-schools>
- 1.3 All schools should be consulted on any amendments or additions to the scheme and the purpose of this report is to consult Schools Forum of the content of the scheme for 2022/23 and for Schools Forum to agree for the scheme to be published.

### 2 Changes to the Scheme for Financing Schools

- 2.1 Although there are no direct revisions to the Scheme within the guidance issued by the DfE some changes have been necessary due to local decisions these include the cessation of LGSS Payroll and a revised process for dealing with National Non-Domestic Rates both applicable from April 2022. These changes are set out in the Scheme for Financing Schools Document at Sections 3.1 and 6.4.

### 3 Future options

- 3.1 During 2022-23 a further consultation on future amendments will be undertaken and reported back to Schools Forum for approval, which will set out the scheme for 2023/24. The indicative timeline for this is as follows
  - **September 2022** – Open consultation with Maintained schools regarding proposed changes including:-
    - **Provision of financial information and reports** - Requirement for schools to submit bank account returns and VAT returns monthly. If a bank account return is missed the following month's funding will be withheld until the return is received.
    - **Submission of Financial Forecasts** - Requirement for schools to submit budget monitoring returns quarterly. If the budget monitoring returns are not received the funding will be withheld until the budget monitoring returns is received.
  - **December 2022** Schools Forum meeting - Present findings of the consultation and make recommendations.
  - **March 2023** Schools Forum meeting – Present updated Scheme for approval.
  - **1<sup>st</sup> April 2023** – Revised Scheme comes into effect.

#### **4 Recommendations for Schools Forum**

4.1 That Schools Forum approve the draft scheme for consultation for 2022/23 and note the proposed changes for 2023/24.

#### **5 Next steps**

5.1 The next steps depend on the feedback given by Schools Forum voting members (maintained Schools representatives only) at this meeting, which could include publishing it on the NNC website.

#### **6 Financial implications**

6.1 There are no financial implications arising this report.

#### **7 Legal implications**

7.1 The Scheme has been written using the Statutory guidance given by the Secretary of State pursuant to s.48 (4) and paragraph 2A(2) of Schedule 4 to the School Standards and Framework Act 1998, School Standards and Framework Act 1998.

#### **8 Risks**

8.1 Not meeting the minimum requirements if the scheme is not published on a website which is accessible to the general public.

#### **Report Author:**

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# **Scheme for Financing Schools 2022/23**

July 2022  
Version 2.0 (final)

[www.northnorthants.gov.uk](http://www.northnorthants.gov.uk)

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Document	Link

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# Section 1: Introduction

## 1.1. The Funding Framework

The funding framework which replaces Local Management of Schools is set out in the legislative provisions in sections 45-53 of the School Standards and Framework Act (SSAF) 1998.

Under this legislation, local authorities determine for themselves the size of their schools' budget and their non-school's education budget – although at a minimum an authority must appropriate its entire Dedicated Schools Grant to their schools' budget.

The categories of expenditure which fall within the two budgets are prescribed under regulations made by the Secretary of State, but included within the two, taken together, is all expenditure, direct and indirect, on an authority's maintained schools except for capital and certain miscellaneous items.

Local authorities may deduct funds from their schools' budget for purposes specified in regulations made by the Secretary of State under s.45A of the Act (the centrally retained expenditure).

The amounts to be deducted for these purposes are decided by the authority concerned, subject to any limits or conditions (including gaining the approval of their Schools Forum or the Secretary of State in certain instances) as prescribed by the Secretary of State.

The balance of the schools' budget left after deduction of the centrally retained expenditure is termed the Individual Schools Budget (ISB). Expenditure items in the non-school's education budget must be retained centrally although earmarked allocations may be made to schools.

Local authorities must distribute the ISB amongst their maintained schools using a formula which accords with regulations made by the Secretary of State and enables the calculation of a budget share for each maintained school.

This budget share is then delegated to the governing body of the school concerned, unless the school is a new school which has not yet received a delegated budget, or the right to a delegated budget has been suspended in accordance with s.51 of the Act.

The financial controls within which delegation works are set out in a scheme made by the authority in accordance with s.48 of the Act and regulations made under that section.

All proposals to revise the scheme must be approved by the Schools Forum, though the authority may apply to the Secretary of State for approval in the event of the forum rejecting a proposal or approving it subject to modifications that are not acceptable to the authority.

Subject to any provision made by or under the scheme, governing bodies of schools may spend such amounts of their budget shares as they think fit for any purposes of their school and for any additional purposes prescribed by the Secretary of State in regulations made under s.50 of the Act.

Section 50 has been amended to provide those amounts spent by a governing body on providing community facilities or services under section 27 of the Education Act 2002 are treated as if they were amounts spent for the purposes of the school (s50(3A) of the Act.)

North Northamptonshire Council (NNC) may suspend a school's right to a delegated budget if the provisions of the authority's financial scheme (or rules applied by the scheme) have been substantially or persistently breached, or if the budget share has not been managed satisfactorily.

A school's right to a delegated budget share may also be suspended for other reasons under schedule 17 to the Act.

NNC is obliged to publish each year a statement setting out details of its planned schools' budget and other expenditure on children's services, showing the amounts to be centrally retained and funding delegated to schools; after each financial year the authority must publish a statement showing outturn expenditure.

The detailed publication requirements for financial statements are set out in directions issued by the Secretary of State.

A copy of each year's budget and outturn statement should be made easily accessible to all schools.

Regulations also require that NNC publish their scheme and any revisions to it on a website accessible to the public, by the date that any revisions come into force, together with a statement that the revised scheme comes into force on that date.

## **1.2. The role of the scheme**

The scheme sets out the financial relationship between NNC and the maintained schools which it funds. The scheme contains requirements relating to financial management and associated issues which are binding on both NNC and on schools.

## **1.3. Application of the Scheme to the LA and maintained schools**

This scheme applies to all community, nursery, voluntary, foundation, special schools and Pupil Referral Units (PRUs) maintained by the NNC. This scheme does not apply to schools maintained by another authority nor academies.

## **1.4. Publication of the scheme**

NNC will publish the local Scheme and any revision on the NNC website by the date that any revisions come into force, together with a statement that the revised scheme comes into force on that date.

## **1.5. Revision of the scheme**

Any proposed revisions to the scheme will be the subject of consultation with the governing bodies and Head teachers of all NNC maintained schools before they are submitted to the North Northamptonshire Schools Forum for approval.

All proposed revisions must be submitted to the Schools Forum for approval by members of the forum representing maintained schools. Where the Schools Forum does not approve them or approves them subject to modifications which are not acceptable to the authority, the authority may apply to the Secretary of State for approval.

It is also possible for the Secretary of State to make directed revisions to schemes after consultation. Such revisions become part of the scheme from the date of the direction.

## **1.6. Delegation of powers to the head teacher**

The governing body of a school is required to consider the extent to which it wishes to delegate its financial powers to the head teacher, and to record its decision (and any revisions) in the minutes of the governing body.

The first formal budget plan of each financial year must be approved by the governing body, or by a committee of the governing body.

## **1.7. Maintenance of schools**

NNC is responsible for maintaining the schools covered by the scheme, and this includes the duty of defraying all the expenses of maintaining them, (except in the case of a voluntary aided school where some of the expenses are, by statute, payable by the governing). Part of the way NNC maintains schools is through the funding system put in place under sections 45 to 53 of the School Standards and Framework Act 1998.

# **Section 2: Financial Controls**

## **2.1 Application of financial controls to schools**

The Chief Finance Officer (Section 151 Officer) has responsibility for administering the financial arrangements of the North Northamptonshire Council, including the financial affairs of schools. In the management of their delegated budgets schools must therefore abide by the Chief Finance Officer's requirements on financial control and monitoring as detailed in this Scheme for Financing Schools.

## **2.2 Provision of financial information and reports**

Schools are required to provide NNC with details of anticipated expenditure and income through the completion of a budget proposal form at the start of each financial year. Details of actual expenditure and income should be provided through the submission of a quarterly return except those connected with tax or banking reconciliations.

These returns should be reconciled to the school's local financial system by the school concerned and will be input to the central accounting system by NNC staff to form part of the statutory accounts.

The form for submission of information takes account of the consistent financial reporting framework and the desirability of compatibility with that framework.

Requirement for schools to submit CFR returns annually.

This is different from a requirement for annual budget plans.

## **2.3 Payment of salaries; payment of bills**

Section 3 of the Schools Financial Management Handbook gives details of employee pay scales and on costs etc. The requirements of those schools that opt to do their own payroll are also set out.

## **2.4 Control of assets**

Each school is required to maintain an inventory of its moveable non-capital assets with a value of £1,000 or more.

Schools are free to determine their own arrangements for keeping a register of individual assets worth less than £1,000. NNC encourages schools to register anything that is portable and attractive such as a camera. Schools should keep a register in some form.

## **2.5 Accounting Policies (including year-end procedures)**

Schools are required to abide by the procedures issued by NNC as detailed below. Year-end procedures are separately issued by the end of February each year.

## **2.6 Writing off debts**

Governors are authorised to write off bad debts to the stipulated level of £10,000, and such decisions must be recorded in the minutes of the governing body.

## **2.7 Disputes regarding NNC invoices above £10,000**

If agreement cannot be reached between the school and NNC within 90 days of the charge being raised, the matter will be referred to the NNC Chief Finance Officer for

resolution through the Chair and Deputy Chair of North Northamptonshire Schools Forum.

## **2.8 Basis of Accounting**

Although schools' internal systems may operate on a cash basis, NNC's requires report and accounts furnished to NNC be on an accruals basis, with income and expenditure accounted for in the year in which it arises, by the creation of debtors and creditors.

NNC will not dictate to schools how they organise their accounts. This means that schools should be able to use what financial software they wish, provided they meet any costs of modification to provide output required by NNC.

## **2.9 Submission of budget plans**

Each maintained school is required to submit a budget plan every year, which takes account of the major categories of expenditure and income, on the NNC Budget Proposal Form. Schools should, when constructing their annual budget plan consider their estimated carry forward deficit/surplus balance as at the previous 31st March.

NNC will supply schools with all school income and expenditure data which it holds which is necessary for efficient planning by schools, and supply schools with an annual statement showing when this information will be available at times through the year. This is currently on the forms webpage in the "forms and notifications guide."

Schools are allowed to take full account of estimated deficits and surpluses at the previous 31 March in their budget plan.

The budget proposal form for submission of budget plans should take account of the consistent financial reporting framework and the desirability of compatibility with that.

The school's formal annual budget plan must be approved by the Governing Body or a committee of the governing body. Any changes to this i.e. virements of budget during the year should also be approved by the Governing Body or committee.

Requirement for schools to submit budget plans by 1st May and no later than 30th June.

## **2.10 Submission of Financial Forecasts**

Schools are required to submit a 3-year budget forecast each year along with the budget proposal using that submission date as a guideline.

NNC will use the 3-year plan to confirm schools are undertaking effective financial planning and may be used in NNC's assessment of schools financial value standards or used in support of NNC's balance control mechanism.

## **2.11 School resource management**

Schools must seek to achieve effective management of resources and value for money, to optimise the use of their resources and to invest in teaching and learning, considering the local authority's purchasing, tendering and contracting requirements.

It is for heads and governors to determine at school level how to optimise the use of resources and maximise value for money.

There are significant variations in the effective management of resources between similar schools, and so it is important for schools to review their current expenditure, compare it to other schools and think about how to make improvements.

## **2.12 Virements**

Schools may vire freely between budgets heads (codes) in the expenditure of their budget shares. To reflect this on the central accounting system, schools will need to complete a standard NNC virement template which is to be submitted to NNC Schools Finance.

Schools should ensure that virements are carried out in a timely manner to avoid budget headings becoming overspent.

## **2.13 Audit: General**

All schools are within the remit of NNC Internal Audit who will periodically review the frequency of audit visits in the light of risk assessment. Currently all maintained primary, nursery and special schools form part of a thematic audit process.

There is a requirement to provide access to the school premises and records, and to provide such explanations as are deemed necessary. The resulting report will be issued to the Chair of Governors, the Head teacher and NNC.

Where matters of concern are identified, the NNC Chief Finance Officer may initiate a follow-up audit to report on progress in addressing these concerns.

A persistent or deliberate refusal, or inability, to satisfactorily address points raised in this way may lead to withdrawal of delegation.

Schools also fall within the North Northamptonshire Council external audit regime determined by the Government and are required to co-operate with it and provide access to school records as required.

## **2.14 Separate external audits**

Governing bodies may if they wish spend funds from their budget share to obtain external audit certification of their official accounts, separate from any North Northamptonshire Council internal or external audit process. However, any external audit commissioned by the school would have to consider the status of the school as a spender of NNC funds and the fact that it must follow North Northamptonshire Council procedures.

## **2.15 Audit of voluntary and private funds**

Voluntary and private funds, and trading organisations controlled by the school are to be audited on an annual basis. Audit Certificates should be retained in the school and be made available during school audits or upon request.

The purpose of such a provision is to allow NNC to satisfy itself that the public funds are not being misused. A school refusing to provide audit certificates to NNC when required is in breach of the scheme and NNC can act on that basis.

## **2.16 Register of business interests**

The governing body of each school must hold a register which lists for each member of the governing body and the head teacher:

- any business interests they or any member of their immediate family may have.
- details of any other educational establishments that they govern
- any relationships between school staff any members of the governing body

This register must be kept up to date through notification of changes and through annual review of entries. The register must be available for inspection by governors, staff, parents and NNC.

## **2.17 Fraud**

All schools must have a robust system of controls to safeguard themselves against fraudulent or improper use of public money and assets. The governing body and head teacher must inform all staff of school policies and procedures relating to fraud and theft, the controls in place to prevent them and the consequences of breaching these controls. This information must also be included in the induction of new school staff and governors.

## **2.18 Schools Financial Value Standard (SFVS)**

All NNC maintained schools (including nursery schools and special schools that have a delegated budget) must demonstrate compliance with the Schools Financial Value Standard (SFVS) and complete the assessment form on an annual basis. It is for the school to determine at what time in the year they wish to complete the form but must submit the form to the local authority as per the Government guidance (normally 31st March).

Governors must demonstrate compliance through the submission of the SFVS assessment form signed by the Chair of Governors. The form must include a summary of remedial actions, where relevant, with a clear timetable to ensure that each action has a specified deadline and an agreed owner. Governors must monitor the progress of these actions to ensure that all actions are cleared within specified deadlines.

Requirement for completion of detailed related party transactions return.



## 2.19 Purchasing, tendering and contracting arrangements

Schools are required to abide by NNC financial regulations and standing orders in purchasing, tendering and contracting matters. This includes a requirement to assess in advance, where relevant, the health and safety competence of contractors, taking account of NNC policies and procedures.

NNC policies and procedures cannot, however, require schools to:

- do anything incompatible with any of the provisions of the scheme, or any statutory provision, or any EU Procurement Directive.
- seek NNC officer countersignature for any contracts for goods or services for a value below £60,000 in any one year.
- select suppliers only from an approved list.
- seek fewer than three tenders in respect of any contract with a value exceeding £10,000 in any one year.

For the purposes of the procurement directives schools are viewed as discrete contracting local authorities.

Schools may seek advice on a range of compliantly procured deals via [Buying for schools](#).

## 2.20 Application of contracts to schools

Schools have the right to opt out of NNC arranged contracts.

Although governing bodies are empowered under paragraph 3 of schedule 1 to the Education Act 2002 to enter into contracts, in most cases they do so on behalf of the authority as maintainer of the school and the owner of the funds in the budget share (this is the main reason for allowing authorities to require authority counter-signature of contracts exceeding a certain value).

Other contracts may be made solely on behalf of the governing body, when the governing body has clear statutory obligations – for example, contracts made by aided or foundation schools for the employment of staff.

## 2.21 Central funds and earmarking

NNC is authorised to make sums available to schools from central funds. In certain instances, (e.g., Pupil Growth Fund) these allocations become part of the sum delegated to the school. In other instances, the allocation may be earmarked funding and may only be spent on prescribed budget heads - in this event virement into a non-earmarked area of the budget is not permissible.

Schools can demonstrate that this requirement has been complied with using specific expenditure codes. In certain instances, earmarked funds must be returned to NNC if not spent in-year or within the period over which schools are allowed to use the funding.

## 2.22 Spending for the purposes of the school

Under s50 (3) of the School Standards and Framework Act governing bodies are allowed to spend budget shares for the purposes of the school. There are no NNC restrictions on this provision.

By virtue of section 50(3A) (which came into force on 1st April 2011), amounts spent by governing bodies on community facilities or services under section 27 of the Education Act 2002 will be treated as if spent for any purposes of the school.

Under section 50(3)(b) the Secretary of State may prescribe additional purposes for which expenditure of the budget share may occur. They have done so in the School Budget Shares (Prescribed Purposes) (England) Regulations 2002 (SI 2002/378), which have been amended by the School Budget Shares (Prescribed purposes) (England) (Amendment) Regulations 2010 (SI 2010/190).

These allow schools to spend their budgets on pupils who are on the roll of other maintained schools or academies.

## 2.23 Capital spending from budget shares

Governing bodies may use their budget shares to meet the cost of capital expenditure on school premises. This includes expenditure by the governing body of a voluntary aided school on work which is their responsibility under paragraph 3 of Schedule 3 of the SSAF Act 1998. NNC requires any capital spending from budget shares to be recorded on specific expenditure codes.

Where capital expenditure from the budget share exceeds £15,000 the governing body will be required to consider any advice from the LA as to the merits of the proposed expenditure. If the premises are owned by NNC, or the school has voluntary controlled status, then the governing body should seek the consent of NNC to any proposed works, but such consent can be withheld only on health and safety grounds.

The reason for these provisions is to help meet responsibilities with the School Premises (England) Regulations 2012, the Workplace (Health, Safety and Welfare) Regulations 1992, the Regulatory Reform (Fire Safety) Order 2005, the Equality Act 2010, and the Building Regulations 2010.

These provisions would not affect expenditure from any capital allocation made available by the local authority outside the delegated budget share.

## 2.24 Notice of Concern

The LA may issue a notice of concern to the governing body of any school it maintains where, in the opinion of the NNC Chief Finance Officer and the Director responsible for Childrens Services, the school has failed to comply with any provisions of the scheme, or where actions need to be taken to safeguard the financial position of the local authority or the school.

Such a notice will set out the reasons and evidence for it being made and may place on the governing body restrictions, limitations or prohibitions in relation to the management of funds delegated to it.

These may include:

- insisting that relevant staff undertake appropriate training to address any identified weaknesses in the financial management of the school
- insisting that an appropriately trained/qualified person chairs the finance committee of the governing body
- placing more stringent restrictions or conditions on the day-to-day financial management of a school than the scheme requires for all schools – such as the provision of monthly accounts to the local authority
- insisting on regular financial monitoring meetings at the school attended by **local** authority officers
- requiring a governing body to buy into a local authority's financial management systems and
- imposing restrictions or limitations on the way a school manages extended school activity funded from within its delegated budget share – for example by requiring a school to submit income projections and/or financial monitoring reports on such activities.

The notice will clearly state what these requirements are and the way in which and the time by which such requirements must be complied with for the notice to be withdrawn. It will also state the actions that the authority may take where the governing body does not comply with the notice.

## **Section 3: Instalments of the budget share and banking arrangements**

For the purposes of this section, Budget Share includes any place led funding for special schools or pupil referral units.

### **3.1 Frequency of instalments**

The budget share will be divided into 12 Monthly payments:

- April 12% of the Budget share will be paid
- May-March 8% of the budget share will be paid

All monthly top up payments for indicative budget will be made monthly unless alternative arrangements have been agreed with the provider.

### **3.2 Schools Pay Dates**

All schools' monthly advances will in paid in accordance with their confirmed pay dates sent annually to NNC School Finance.

### 3.3 Interest Clawback

Schools that have their pay budgets advanced to their local bank account will be charged interest on the amount of NI and tax between the North Northamptonshire Council payroll date and the date that payments would have been made by the North Northamptonshire Council to the respective bodies.

Interest will be calculated daily using the average short term investment rate i.e.

$$(a) \times (b) / 365 \times (c)$$

where

- (a) = the Bank of England base rate, (e.g. 0.1% for 2021)
- (b) = number of days between North Northamptonshire Council pay date and the date on which the North Northamptonshire Council would have paid contributions for tax and NI to the Inland Revenue and DSS
- (c) = the school's contributions for tax and NI.

Interest will be calculated and charged once per annum based on the figures for September x twelve months. Schools will be invoiced in November and charged seven months in arrears, five months in advance.

Also, if schools request to have their advance to their local bank account prior to the date on which their staff would have paid as part of the North Northamptonshire Council's payroll for school-based staff then interest will be charged on the pay budget part of the advance.

Interest will be calculated daily using the average short term investment rate, i.e.

$$(a) \times (b) / 365 \times (c) + (a) \times (d) / 365 \times (e) + (a) \times (f) / 365 \times (g)$$

where

- (a) = the Bank of England base rate, (e.g. 0.1% for 2020)
- (b) = number of days between the advance and North Northamptonshire Council pay date.
- (c) = total amount of budget advanced for salaries and travel that month i.e. 1/13th of the annual pay and travel budget.

Interest will be calculated and charged once per annum based on the figures for September x twelve months. Schools will be invoiced in November and charged seven months in arrears, five months in advance.

### 3.4 Interest on late budget share payments

If the payments to the bank accounts are delayed due to a fault in the administrative systems for processing the advances to the school's bank account, the school will receive interest as follows:

Interest will be calculated daily using the average short term investment rate, i.e.

$$(a) \times (b) / 365 \times (c)$$

where

- (a) = the Bank of England base rate, (e.g. 0.1% for 2021)
- (b) = number of days between the date the advance was made and the date it should have been made by the North Northamptonshire Council
- (c) = the amount of the advance

### **3.5 Bank and building society accounts**

All schools should operate a local bank account into which their budget share instalments are paid. It will also be possible to have a linked deposit account, with all transfers to and from the linked deposit account being made via the local bank account. Interest earned on these accounts is retained by the school.

The financial regulations pertaining to the local bank account scheme, and guidance notes on the administration of local bank accounts, are contained within the Section 2 of the Financial Management Handbook.

### **3.6 Restrictions on accounts**

NNC operates a pooling arrangement through its own bankers. Schools who do not wish to take advantage of this may choose to hold an account for the purpose of receiving budget share payments with any UK bank or building society approved by NNC.

All school accounts (excluding the school fund) must have “North Northamptonshire Council” or ‘NNC’ in their title in addition to the school name. This provision allows bankers and auditors to distinguish between public and private funds and will ensure that there is no inadvertent disclosure of information if the external auditors legitimately approach a school’s bank for details of the public funds bank account.

A minimum of two cheque signatories are required for the local bank account; however, these do not have to be NNC employees.

Schools are permitted to use direct debits, standing orders and BACs payment facilities where required provided the rules contained in financial regulations are adhered to.

Schools are encouraged to make use of credit cards as these provide a useful means of facilitating electronic purchases.

### **3.7 Borrowing by schools**

School governing bodies may only borrow money with the written permission of the NNC Chief Finance Officer and the Secretary of State. This requirement does not extend to monies lent to schools by NNC i.e. under the Asset Loan Scheme.

This restriction does not apply to Trustees and Foundations, whose borrowing, as private bodies, makes no impact on Government accounts. However, these debts may not be serviced directly from the delegated budget.

### **3.8 Use of School Balances**

The Asset Loan Scheme uses the combined bank balances of schools.

In addition, NNC may borrow from these balances to support projects which benefit children and young people in the County – detailed criteria will be agreed in advance with the North Northamptonshire Schools Forum.

## **Section 4: The treatment of surplus and deficit balances arising in relation to budget shares**

### **4.1 The right to carry forward surplus balances**

Schools may carry forward from one financial year to the next any shortfall in expenditure relative to the school's budget share for the year plus/minus any balance brought forward from the previous year.

### **4.2 Controls on surplus balances**

Surplus balances held by schools as permitted under this scheme are subject to the following restrictions:

- (1) the Authority shall calculate by 31 May each year the surplus balance, if any, held by each school as at the preceding 31 March. For this purpose, the balance will be the recurrent balance as defined in the Consistent Financial Reporting Framework.
- (2) the Authority shall deduct from the calculated balance any amounts for which the school has a prior year commitment to pay from the surplus balance.
- (3) the Authority shall then deduct from the resulting sum any amounts which the governing body of the school has declared to be assigned for specific purposes permitted by the authority, and which the authority is satisfied are properly assigned. To count as properly assigned, amounts must not be retained beyond the period stipulated for the purpose in question, without the consent of the Authority. In considering whether any sums are properly assigned the Authority may also consider any previously declared assignment of such sums but may not take any change in planned assignments to be the sole reason for considering that a sum is not properly assigned.
- (4) if the result of steps (1) – (3) is a sum greater than 10% of the current year's budget share for primary, nursery and special schools, then the Authority shall deduct from the current year's budget share an amount equal to the excess.

Funds deriving from sources other than the Authority will be considered in this calculation if paid into the budget share account of the school, whether under provisions in this scheme or otherwise.

Funds held in relation to a school's exercise of powers under s.27 of the Education Act 2002 (community facilities) will not be considered unless added to the budget share surplus by the school as permitted by the Authority.

The total of any amounts deducted from schools' budget shares by the Authority under this provision are to be applied to the Schools Budget of the Authority.

Schools will be required to split these balances for the DfE Section 251 return and for Consistent Financial Reporting both of which are statutory returns.

### **4.3 Interest on surplus balances**

Schools will not be paid interest on any unspent centrally held year-end balances. However, as far as schools hold their unspent balances within a local school bank account, they may receive interest on the balance held within that account.

### **4.4 Obligation to carry forward deficit balances**

Schools must carry forward from one financial year to the next any shortfall in school budget share relative to their expenditure for the year plus/minus any balance brought forward from the previous year. This will be affected through a deduction from the following year's budget share.

### **4.5 Planning for deficit budgets**

It is not permissible for schools to budget for a deficit, except in those circumstances set out below. School budget plans must be prepared with a view to breaking even or creating a surplus at the end of the financial year.

Where schools have reason to anticipate a deficit the NNC Chief Finance Officer must be informed immediately.

### **4.6 Charging of interest on deficit balances**

Schools will not be charged interest on any unplanned year end deficits as a matter of course. However, where an unplanned overdraft occurs on a school's local bank account, although NNC will underwrite such an overdraft, the school's budget will be charged any interest or other costs that arise.

### **4.7 Writing off deficits**

NNC cannot write off the deficit balance of any school.

### **4.8 Balances of closing and replacement schools**

When a school closes, any balances (whether surplus or deficit) reverts to the LA; it cannot be transferred as a balance to any other school, even where the school is a successor to the closing school, except that a surplus transfers to an academy where the school converts to academy status under section 4(1) (a) of the Academies Act 2010.

## 4.9 Licensed deficits

Schools must submit a recovery plan to NNC when their revenue deficit rises above 1% on 31 March of any year. A school may be allowed to plan for a deficit budget in exceptional circumstances with the agreement of the NNC Chief Finance Officer and subject to the following restrictions:

- (1) The maximum length over which a school may repay the deficit is normally three years from the beginning of the next financial year in which the deficit arises, and the financial position will be subject to ongoing monitoring and annual review.
- (2) A deficit arrangement will only be allowed where the continuing existence of a school is deemed viable.
- (3) The minimum size of an agreed deficit is 1% of the budget share, and the maximum level is 15% of the budget share.
- (4) The maximum proportion of the collective school balances held by NNC which will be used to back the total of deficit arrangements is 10%.
- (5) Arrangements for individual schools will be determined by the NNC Chief Finance Officer or their nominated officers, in agreement with the school Governing Body. The Governing Body must formally agree to abide by any requirements laid down as a pre-condition to accepting the deficit arrangement.

## 4.10 Asset Purchase (Loan) Scheme

NNC operates an Asset Purchase (Loan) Scheme details of which are available on a separate [asset loans webpage](#) in the schools web area.



## **Section 5: Income**

### **5.1 Income from lettings**

Schools may retain income from lettings of the school premises subject to alternative provisions arising from any joint use or PFI agreements. Schools are permitted to cross-subsidize lettings for community and voluntary use with income from other lettings, provided the governing body is satisfied that this will not interfere to a significant extent with the performance of any duties imposed on them by the Education Acts, including the requirement to conduct the school with a view to promoting high standards of educational achievement.

Schools must, however, have regard to the directions issued by NNC as to the use of school premises, as permitted under the School Standards and Framework Act 1998 for various categories of schools.

Income from lettings of school premises should not normally be payable into voluntary or private funds held by the school.

### **5.2 Income from fees and charges**

Schools may retain all income from fees and charges, except where a service is provided by NNC from centrally retained funds. However, schools are required to have regard to NNC policy statements on charging.

### **5.3 Income from fund-raising activities**

Schools may retain income from fund-raising activities.

### **5.4 Income from the sale of assets**

Schools may retain the proceeds from the sale of assets, except in cases where the asset was purchased with non-delegated funds, or the asset concerned is land or buildings forming part of the school premises and is owned by NNC.

### **5.5 Administrative procedures for the collection of income**

The collection of income, and relevant VAT guidance, are detailed in Sections 8 and 5 of the Financial Management Handbook.

### **5.6 Purposes for which income may be used**

Income from the sale of assets purchased with delegated funds may only be spent for the purposes of the school.

## Section 6: The charge of School budget shares

### 6.1 General provision

The budget share of a school may only be charged by NNC without the consent of the Governing Body in those circumstances set out in 6.4 below. Even then NNC is required to consult with the school as to the intention to so charge and must notify the school when the charge has been made.

### 6.2 Basis of charges

Salaries (including Apprentice levy) and travel costs of school-based staff will be charged to schools at actual cost.

### 6.3 De-Delegation

NNC may de-delegate funding for permitted services without the express permission of the governing body, provided this has been approved by the appropriate phase representatives of the Schools Forum.

### 6.4 Circumstances in which charges may be made:

- (1) Where premature retirement costs have been incurred without the prior written agreement of NNC to bear such costs, (the amount chargeable being only the excess over any amount agreed by NNC).
- (2) Other expenditure incurred to secure resignations where the school has not followed NNC advice.
- (3) Awards by courts and industrial tribunals against NNC, or out of court settlements arising from action or inaction by the governing body contrary to NNC advice.
- (4) Expenditure by NNC in conducting health and safety work, or capital expenditure for which NNC is liable, where funds have been delegated to the governing body for such work, but the governing body has failed to carry out the required work.
- (5) Expenditure by NNC incurred in making good defects in building work funded by capital spending from budget shares, where the premises are owned by NNC, or the school has voluntary controlled status.
- (6) Expenditure incurred by NNC in ensuring its own interests in a school where funding has been delegated but the school has failed to demonstrate that it has arranged cover at least as good as that which would be arranged by NNC.
- (7) Recovery of monies due from a school for unpaid invoices which have been referred to the dispute's procedure set out in Section 2.1.7 of this Scheme.
- (8) Recovery of penalties imposed on NNC by the Board of Inland Revenue, the Contributions Agency, HM Customs and Excise, Teachers Pensions, the

Environmental Agency or other regulatory authorities as a result of school negligence.

- (9) Correction of NNC errors in calculating charges to a budget share (e.g. pensions deductions).
- (10) Additional transport costs incurred by NNC arising from decisions by the governing body on the length of the school day, and failure to notify NNC of non-pupil days resulting in unnecessary transport costs.
- (11) Legal costs which are incurred by NNC because the governing body did not accept the advice of NNC.
- (12) Costs of necessary health and safety training for staff employed by NNC, where funding for training has been delegated but the necessary training not conducted.
- (13) Compensation paid to a lender where a school enters into a contract for borrowing beyond its legal powers, and the contract is of no effect.
- (14) Cost of work done in respect of teacher pension remittance and records for schools using non-LGSS Payroll contractors, the charge to be the minimum needed to meet the cost of NNC compliance with its statutory obligations.
- (15) Costs incurred by NNC in securing provision specified in a statement of SEN where the Governing Body of a school fails to secure such provision despite the delegation of funds in respect of low-cost high incidence SEN and/or specific funding for a pupil with High Needs.
- (16) Costs incurred by NNC due to submission by the school of incorrect data.
- (17) Recovery of amounts spent by the school from specific grants on ineligible purposes.
- (18) Costs incurred by NNC as a result of the Governing Body being in breach of the terms of a contract.
- (19) Costs incurred by NNC or another school because of a school withdrawing from a cluster arrangement, for example where this has funded staff providing services across the cluster.
- (20) Recovery of monies due for unpaid invoices from a school which is due to convert to academy status.
- (21) Charges relating to the National Non Domestic Rates (NNDR) for the year.

## **Section 7: Taxation**

### **7.1 Value Added Tax**

NNC can reclaim VAT on schools' expenditure relating to non-business activity, and to pass amounts so reclaimed back to the school. This does not include expenditure by the governors of a voluntary aided school when carrying out their statutory responsibilities to maintain the external fabric of their buildings.

Detailed guidance on VAT, and procedures for reclaiming it, are set out in Sections 5 and 8 of the Schools Financial Management Handbook.

### **7.2 Construction Industry Scheme (CIS)**

Schools are required to abide by NNC procedures in connection with CIS. These are set out in the Section 4 of the Schools Financial Management Handbook.

## **Section 8: The provision of services and facilities by the authority**

### **8.1 Provision of services from centrally retained budgets**

NNC will determine on what basis services from centrally retained funds, (including existing PRC and redundancy), will be provided to schools.

NNC will not be able to discriminate in its provision of services based on categories of schools except where discrimination is justified by differences in statutory duties.

### **8.2 Provision of services bought back from NNC using delegated budgets**

The term of any arrangement with a school to buy services or facilities from NNC is limited to a maximum of three years from the date of the agreement and periods not exceeding five years for any subsequent agreement for the same services.

### **8.3 Packaging**

Where funding has been delegated, and NNC is offering a service on a buyback basis, it must provide that service in a way which does not unreasonably restrict schools' freedom of choice among the services available. Where practical, services will be provided on a service-by-service basis as well as in packages.

This provision would not prevent NNC offering packages of services which offer a discount to schools taking up a wider range of services, but NNC is encouraged to offer services singly as well as in combination.

## 8.4 Charging

Where NNC provides services on an 'ad hoc' basis, they may be charged for at a different rate than if provided based on an extended agreement. This excludes centrally arranged premise and liability insurance.

## 8.5 Service level agreements

Information on the services which will be offered for schools to purchase will aim to be provided by 28th February each year, and schools will have at least a month to consider the terms of agreements.

If services or facilities are provided under a service level agreement - whether centrally funded or on a buyback basis - the terms of any such agreement will be reviewed at least every three years if the agreement lasts longer than that.

All services offered by NNC will also be made available on a basis which is not related to an extended agreement, although where services are provided on an ad hoc basis they may be charged for at a different rate than if provided based on an extended agreement.

Where services are provided on an ad hoc basis they may be charged for at a different rate than if provided based on an extended agreement.

## 8.6 Teachers' Pensions

To ensure that the performance of the duty on the Authority to supply

Teachers Pensions with information under the Teachers' Pensions Regulations 1997, the following conditions are imposed on NNC, and governing bodies of all maintained schools covered by this Scheme in relation to their budget shares.

The conditions only apply to governing bodies of maintained schools that have not entered into an arrangement with NNC to provide payroll services.

A governing body of any maintained school, whether or not the employer of the teachers at such a school, which has entered into any arrangement or agreement with a person other than NNC to provide payroll services, shall ensure that any such arrangement or agreement is varied to require that person to supply salary, service and pensions data to NNC which NNC requires to submit its annual return of salary and service to Teachers' Pensions and to produce its audited contributions certificate. NNC will advise schools each year of the timing, format and specification of the information required. A governing body shall also ensure that any such arrangement or agreement is varied to require that Additional Voluntary Contributions (AVCs) be passed to the Authority within the time limit specified in the AVC scheme. The governing body shall meet any consequential costs from the school's budget share.

A governing body of any maintained school which directly administers its payroll shall supply salary, service and pensions data to NNC which the

Authority requires to submit its annual return of salary and service to

Teachers' Pensions and to produce its audited contributions certificate. The Authority will advise schools each year of the timing, format and specification of the information required from each school. A governing body shall also ensure that Additional Voluntary Contributions (AVCs) are passed to the Authority within the time limit specified in the AVC scheme. The governing body shall meet any consequential costs from the school's budget share.

## **Section 9: Private Finance Initiative (PFI) and Public Private Partnerships (PPP)**

### **9.1 PFI and PPP Agreements**

PFI and PPP charges will be made in accordance with the agreement with each school.

## **Section 10: Insurance**

### **10.1 Insurance cover**

As funds for insurance are delegated to schools, NNC requires that schools demonstrate that cover relevant to NNC insurable interests, under a policy arranged by the governing body, is at least as good as the relevant minimum cover required to be arranged by the school by the NNC Chief Finance Officer.

In assessing the relevant risks NNC will have regard to the actual risks which might be expected to arise at the school in question in operating such a requirement, rather than applying an arbitrary minimum level of cover for all schools. Instead of taking out insurance, a school may join the Secretary of State's Risk Protection Arrangement (RPA) for risks that are covered by the RPA.

The scheme allows schools to join the RPA after 1 April 2020. Schools may do this individually when any insurance contract of which they are part of expires. All primary and secondary schools are eligible to join the RPA collectively by agreeing through the Schools Forum to de-delegate funding.

Further details are contained in Section 9 of the Financial Management Handbook.

## **Section 11: Miscellaneous**

### **11.1 Right of access to information**

Governing bodies are required to supply all financial and other information which might be required to enable NNC to satisfy itself as to the school's management of its delegated budget share, or the use made of any central expenditure by NNC, (e.g., earmarked funds), on the school.

### **11.2 Liability of governors**

As the governing body is a corporate body, and because of the terms of s50(7) of the SSAF Act, governors of maintained schools will not incur personal liability in the exercise of their power to spend the delegated budget share provided they act in good faith.

### **11.3 Governor's expenses**

Under schedule 11 of the SSAF Act 1998, only allowances in respect of purposes specified in regulations may be paid to governors from a school's delegated budget share. Payment of any other allowances is not permissible. In addition, schools should not pay expenses which duplicate those paid by the Secretary of State to additional governors appointed by him to schools under special measures.

The LA will also delegate funds to meet governor expenses to the governing body of a school yet to receive a delegated budget if necessary.

### **11.4 Responsibility for legal costs**

Legal costs incurred by the governing body, although the responsibility of the NNC as part of the cost of maintaining the school, unless they relate to the statutory responsibility of voluntary aided school governors for buildings, may be charged to the school's budget share unless the governing body acts in accordance with the advice of NNC (see section 6.3.12).

Where there is a conflict of interest between NNC and the Governing Body, NNC Legal will decline to act for the school, and the school must therefore purchase advice from a third party.

### **11.5 Health and Safety**

In the management of the budget share, the governing body should have due regard to duties placed on NNC in relation to health and safety, and the NNC policy on health and safety matters.

### **11.6 Right of attendance for NNC Chief Finance Officer**

Governing bodies are required to permit the NNC Chief Finance Officer or any officer of the authority nominated by the NNC Chief Finance Officer to attend meetings of the governing body at which any agenda items are relevant to the exercise of his or her responsibilities.

## **11.7 SEN**

In spending their budget shares, schools should use their best endeavours to secure the appropriate level of SEN provision. Where, in general terms, this is not being achieved, delegation may be suspended.

## **11.8 ‘Whistle blowing’**

Details of the procedures to be followed by persons working at a school or school governors who wish to complain about financial management or financial propriety at the school can also be found on the NNC website (Human Resources for Schools Handbook).

## **11.9 Child Protection**

Child Protection is the responsibility of all Area Child Protection Committee (ACPC) member agencies and schools, and Education Professionals have a significant role to play. All schools should follow agreed ACPC procedures and there is an expectation by NNC that they should be involved in any child protection case conferences or subsequent core groups if children are placed on the child protection register.

NNC does not provide any funding for this but does offer Designated Teacher Child Protection training and the ACPC provides a range of training on related issues for schools.

## **11.10 Redundancy/Early Retirement Costs**

Charges of dismissal/resignation costs will be made to the delegated school budget where the school decided to offer more generous terms than the authority’s redundancy policy in which case the excess will be charged to the school:

- when the school otherwise acted outside the NNC’s redundancy policy and/or policy on fixed term contracts.
- when the school chooses to restructure and intends to make staffing reductions which NNC does not believe are necessary to either set a balanced budget or to meet the conditions of a licensed deficit.
- when the school is in a situation where staffing reductions arise from a deficit caused by factors within the school’s control; and
- in a situation where the school has excess surplus balances and no agreed plan to use these.

Costs incurred by NNC in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except as far as NNC has good reason for deducting those costs, or any part of those costs, from that share.



For staff employed under the community facilities power, the costs of any early retirements or redundancies must be met by the governing body and can be funded from the school's delegated budget if the governing body is satisfied that this will not interfere to a significant event with the performance of any duties imposed on them by the Education Acts.

## Section 12: Responsibility for repairs and maintenance

### 12.1 School Responsibilities

Schools will continue to be responsible for non-strategic repairs and maintenance, and will additionally be expected to finance from their budget:

- (1) All day-to-day and planned maintenance such as repairing or re-covering roofs, replacing failed boilers, rewiring, renewing damaged or dilapidated fences, rebuilding unsafe or collapsed boundary or retaining walls, resurfacing playgrounds, etc.
- (2) Ensuring that the building complies with various statutory regulations regarding fire, environmental issues, safety glazing, asbestos regulations, etc.
- (3) Arranging, monitoring and logging the results of regular inspection and servicing contracts in respect of, for example:
  - boilers, pumps and ancillary equipment
  - gas installations
  - fixed electrical wiring, including emergency lighting and fire alarms security installations water tanks

Many of the above items, when conducted, must comply with legislation and statutory regulations such as:

- the Environmental Protection Act 1990
- the IEE Wiring Regulations 1991 the Workplace (Health Safety and Welfare) Regulations 1994 Construction (Design and Management) Regulations 1994 the Gas Safety (Installation and Use) Regulations 1994
- DfE Constructional Standards 1997 local water byelaws

12.2 NNC has delegated responsibility for both revenue and capital expenditure. NNC adheres to the definition of capital set out in the CIPFA Code of Practice on Local Authority Accounting.

12.3 The NNC de minimis for expenditure from the school's capital budget allocation is £2,000 – any expenditure below this level must be treated as revenue spend.

12.4 For voluntary aided schools, the liability of the Authority for repairs and maintenance (albeit met by delegation of funds through the budget share) is the same as for other maintained schools, and no separate list of responsibilities is necessary for such schools. However, eligibility for capital grant from the Secretary of State for capital

works at voluntary aided schools depends on the de minimis limit applied by DfE to categorise such work, not the de minimis limit used by the Authority.

## **Section 13: Community facilities**

### **13.1 Community Facilities**

Schools which choose to exercise the power conferred by s.27 (1) of the Education Act 2002 to provide community facilities will be subject to a range of controls. First, regulations made under s.28 (2), if made, can specify activities which may not be undertaken at all under the main enabling power. Secondly, the school is obliged to consult NNC and have regard to advice from the authority. Thirdly, the Secretary of State issues guidance to governing bodies about a range of issues connected with exercise of the power, and a school must have regard to that.

However, under s.28(1), the main limitations and restrictions on the power will be those contained in the maintaining authority's scheme for financing schools made under section 48 of the School Standards and Framework Act 1998 as amended by paragraph 2 of Schedule 3 to the Education Act 2002. This amendment extended the coverage of schemes to include the exercise of the powers of governing bodies to provide community facilities.

Schools are therefore subject to prohibitions, restrictions and limitations in the scheme for financing schools.

This part of the scheme does not extend to Joint-use agreements; transfer of control agreements, or agreements between the authority and schools to secure the provision of adult and community learning.

### **13.2 Requirement to seek LA advice**

Schools are required to seek NNC advice, so that schools and the NNC are aware of any potential financial or other operational liabilities. NNC has adopted a formal procedure for considering schools' proposals. Schools will be required to submit a fully costed business case to NNC for consideration. This will include:

- (1) Details of the facilities to be provided, in terms of its purpose, staffing and impact upon general school activities.
- (2) A risk assessment of the proposals.
- (3) A two-year business plan detailing all income and expenditure.
- (4) What plans the governing body have to deal with any surpluses/deficits arising from undertaking the community facilities power.
- (5) Confirmation of the status of the provider (e.g., business, charitable organisation)

This will ensure that both parties are aware of any issues that may arise prior to entering into any commitment of resources.

This procedure seeks to include reasonable requirements as to timeliness and the amount of information which schools must supply in seeking NNC advice. This procedure will be published to all schools and schools will be advised of any revisions which may from time to time, be necessary.

### **13.3 Requirements relating to the provision of advice**

NNC is required to provide schools with advice within 6 weeks of being consulted, although NNC will seek to offer advice earlier, if possible. Schools are required to inform NNC of any action taken following receipt of and consideration of NNC advice, within 4 weeks of receiving such advice.

### **13.4 Funding agreements – authority powers**

The provision of community facilities in many schools may be dependent on the conclusion of a funding agreement with a third party which will either be supplying funding or supplying funding and taking part in the provision. A very wide range of bodies and organisations are potentially involved.

### **13.5 NNC’s funding agreements requirements with third parties**

NNC requirements in relation to funding agreements with third parties (as opposed to funding agreements with the Authority itself) are that any such proposed agreement should be submitted to NNC for its comments; giving NNC at least 4 weeks to allow adequate time to consider and respond.

The scheme may not impose a right of veto for NNC on such agreements, either directly or through requiring a right to countersign the agreement. If the third party requires NNC consent to the agreement for it to proceed, such a requirement and the method by which NNC consent is to be signified is a matter for that third party, not for the scheme.

### **13.6 Agreements seriously prejudicial to the interests of the school or the Authority**

If an agreement has been or is to be concluded against the wishes of NNC, or has been concluded without informing NNC, which in the view of NNC is seriously prejudicial to the interests of the school or NNC, this may constitute grounds for suspension of the right to a delegated budget.

### **13.7 Constraints on the exercise of the community facilities power**

Section 28 (of the Act) provides that the exercise of the community facilities power is subject to prohibitions, restrictions and limitations in the Scheme for Financing Schools.

### **13.8 Property considerations**

In considering any proposals for the provision of community facilities, NNC will need to be satisfied regarding the use or change of use of buildings, access, fire and other safety aspects, restrictions on use (where covenants on use bar certain activities or limit the use of the building to educational use), provision of additional accommodation by

third parties and the maintenance responsibilities and liabilities. NNC would seek, in consultation with the school, as far as is practicable, to work out a basis on which the proposed activity could go ahead.

### **13.9 Projects with significant financial risk**

The scheme does not give a right of veto either to funding agreements with third parties, or for other proposed uses of the community facilities power. However, NNC may require that in a specific instance of use of the community facilities power by a governing body, the governing body concerned shall make arrangements to protect the financial interests of NNC. This could be achieved either by conducting the activity concerned through the vehicle of a limited company formed for the purpose, or by obtaining indemnity insurance for risks associated with the project in question, as specified by NNC.

### **13.10 Supply of financial information**

Schools which exercise the community facilities power will be required to provide NNC every six months at the end of March and September, with a summary statement, in a form determined by NNC. This must show the income and expenditure for the school arising from the facilities in question for the previous six months and on an estimated basis, for the next six months.

### **13.11 Provision of additional information – where there is cause for concern**

NNC may give notice to the school if it believes there to be cause for concern, as to the school's management of the financial consequences of the exercise of the community facilities power and may require such financial statements to be supplied every three months, at the end of June, September, December and March. If NNC sees fit, it may require the submission of a recovery plan for the activity in question.

NNC requires such supplementary information to ensure that schools are not at financial risk. Schedule 3 of the Education Act 2002, Schedule 15, makes a provision that mismanagement of funds received for community facilities is a basis for suspension of the right to delegation of the budget share. NNC will suspend the right to delegation, if necessary.

### **13.12 Audit**

The school is required to grant access to the school's records connected with exercise of the community facilities power, to facilitate internal and external audit of relevant income and expenditure.

In concluding funding agreements with other persons pursuant to the exercise of the community facilities power, schools are required to ensure that such agreements contain adequate provision for access by NNC to the records and other property of those persons held on the school premises or held elsewhere as far as they relate to the activity in question. This will enable NNC to satisfy itself as to the propriety of expenditure on the facilities in question.

### **13.13 Retention of income**

Schools are permitted to retain all net income derived from community facilities except where otherwise agreed with a funding provider, whether that be NNC or some other person.

### **13.14 Community Facilities Balances**

Schools are also permitted to carry such retained income over from one financial year to the next as a separate community facilities surplus.

Schools budget share balances will be split between several categories under the Consistent Financial Reporting Framework. Where the community facilities are administered through the school's budget these balances may include community facilities balances and schools will be asked to identify these.

Where the school is not permitted to administer the community facility as part of the school budget share accounts, subject to the agreement of NNC at the end of each financial year, the school may transfer all or part of the community facilities balance to the budget share balance.

### **13.15 Extension of Health and Safety provisions**

The health and safety provisions of the main scheme are extended to the community facilities power exercised by schools.

### **13.16 Criminal Records Clearance**

The governing body is responsible for the costs of securing Criminal Records Bureau clearance for all adults involved in community activities taking place during the school day. Governing bodies would be free to pass on such costs to a funding partner as part of an agreement with that partner.

### **13.17 School's responsibility for insurance arrangements**

It is the responsibility of the governing body to ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Schools are required to seek NNC advice before finalising any insurance arrangement for community facilities.

### **13.18 LA's insurance responsibility**

NNC may undertake its own assessment of the insurance arrangements made by a school in respect of community facilities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the school. This is to protect NNC against possible third-party claims.

Instead of taking out insurance, a school may join the RPA for risks that are covered by the RPA.

## **13.19 VAT**

Schools may only make use of NNC VAT reclaim facility for expenditure on community facilities when this is from NNC funds and not expenditure from other funds.

Where schools donate any surpluses arising from community facilities activities to the budget share and this is then used for educational purposes NNC VAT reclaim facility may be used. The procedures to be followed are those set out within the VAT guidance issued to schools.

## **13.20 School/LA employees – income tax and national insurance**

Any member of staff employed by the school or NNC in connection with community facilities at the school is paid from funds held in a school's own bank account; the school is likely to be held liable for payment of income tax and National Insurance, in line with Inland Revenue rules.

## **13.21 Construction Industry Scheme Tax advice**

Schools must follow NNC advice in relation to the Construction Industry Scheme where this is relevant to the exercise of the community facilities power.

## **13.22 Banking Arrangements**

Under the Scheme for Financing Schools, schools are only permitted to have one current account and a linked deposit account. Schools must therefore ensure that adequate internal accounting controls are maintained and there is a clear separation of funds if the community facilities are administered through the budget share accounts.

The NNC Scheme for Financing Schools continues to apply in respect of banking arrangements for schools e.g., signing of cheques, the titles of bank accounts, the contents of bank account mandates, and similar matters.

# SCHOOLS FORUM SEND UPDATE

Agenda Item 4

7 JULY 2022

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The government has made unprecedented levels of investment in high needs, with revenue funding increasing by more than 40% between 2019-20 and 2022-23 and spending still outstripping funding.

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Two thirds of local authorities have deficits in their dedicated schools grant (DSG) budgets as a result of high needs cost pressures.

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By the end of 2020-21, the national total deficit was over £1 billion

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Forecasts show total high needs spending continuing to increase year on year, with recent increases driven predominantly by an increase in the proportion of children and young people with an EHCP, over and above general population change.

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The government has already announced additional investment of £1 billion in 2022-23.

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Whilst future funding will need to take account of the increasing prevalence of children and young people with the most complex needs, this needs to be balanced with targeting spending more at strengthening early intervention.

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Investment cannot continue to rise at the current rate, particularly since this is not matched by improved outcomes or experiences for children, young people and their families.

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A vicious cycle of late intervention, low confidence and inefficient resource allocation is driving these challenges

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Increased numbers of requests for EHCPs and specialist provision means that children and young people often face significant delays in accessing support as they need to go through a long and bureaucratic process to access provision.

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.Increased numbers of placements in specialist provision also restricts capacity. Some children and young people have to be educated outside of their local area or face long journeys to and from school taking them away from their local community and resulting in increase transport costs.

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More children and young people are also placed in independent specialist provision, even when this may not be best for them. Too often the costs of such provision represents poor value for money.

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As more children and young people receive EHCPs and attend specialist settings, more financial resource and workforce capacity is pulled to the specialist end of the system, meaning that there is less available to deliver early intervention and effective, timely support in mainstream settings.

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As a result, the vicious cycle continues with outcomes and experiences for children and young people continuing to suffer, and cost pressures increasing.

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We need to turn this vicious cycle into a virtuous one . We are clear that in an effective and sustainable SEND system that delivers great outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive without the need for an EHCP or a specialist or alternative provision place. This is because their needs would be identified promptly, and appropriate support would be put in place at the earliest opportunity before needs can escalate.

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To shift the dial, we are setting out proposals for an inclusive system, starting with improved mainstream provision that is built on early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum, and prompt access to targeted support where it is needed. Alongside that, we need a strong specialist sector that has a clear purpose to support those children and young people with more complex needs who require specialist or alternative provision.

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## North Northants three key priorities to address HNB overpend:

To support schools in developing local provision by strengthening an early help offer of **SEND health and education local teams around our mainstream schools**

Reviewing and developing **responsive, flexible and effective local specialist provision** as part of an annual cycle

Ensuring the governance arrangements for specialist resources are effectively managing demand and need and **responsive to assess and review need**



North  
Northamptonshire  
Council

Strategic oversight  
of sufficiency and  
HNB specialist  
placement spend :

Reviewing and developing  
responsive, flexible and  
effective local specialist  
provision as part of an annual  
cycle

There are three key issues to consider relating to strategic planning of our specialist provision:

Page 52

Projections for an increased demand for specialist provision in the local authority area and the evidence that supports this

Options for meeting this increased demand for places in a variety of settings

Ways of managing demand for specialist provision and ensuring mainstream schools can meet need, through a local early help

1:  
Demographics

2: Needs  
Analysis

3: Current  
Provision

4: Cost Of  
Provision

5: Predicted  
Shortfall

6: Options

## The Sufficiency Process

A financial squeeze  
on school budgets

Lack of knowledge  
and CPD

OFSTED  
performance  
pressures

Increasing  
complexity of pupil  
need

An increase in the  
number of pupils  
with SEN

Lack of LA capacity  
to support and  
challenge

A rigid curriculum  
which is not able to  
accommodate  
pupils with SEN

Over expectation of  
families

## What Schools Tell Us

Page 55  
Parents' Views  
on Mainstream  
Provision

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Lack of consistent SEN offer in mainstream schools

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Lack of suitably trained staff in mainstream schools

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Process delays which mean funds are hard to access in a timely way

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Lack of specialist people to support children with SEN

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Some "lived experiences" which are poor

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# Projected Children Population Northamptonshire

Population Projections									
Actual and projected number of children and young people by age group									
	2015	2016	2017	2018	2019	2020	2021	2030	2031
Under 5	21,652	21,877	21,811	21,644	21,320	20,894	20,894	20,465	20,534
Aged 5-10	25,943	26,962	27,707	28,029	28,223	28,315	28,315	26,662*	26,620
Aged 11-15	19,722	19,842	20,346	21,407	22,183	22,724	22,724	24,968**	24,668
Aged 16-19	15,253	15,282	15,176	14,915	14,823	15,077	15,077	19,001***	18,941
Aged 20-25	20,428	20,379	20,270	20,106	20,109	20,165	20,165	21,076	21,700
Total	102,998	104,342	105,310	106,101	106,658	107,175	107,175	112,171	112,463

\* Projected fall in primary age pupil numbers

\*\* Corresponding increase in secondary aged pupils

\*\*\* Projected large increase in Post 16 students



# Levels of SEN Compared to Statistical Neighbours

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\* All figures as at 2021 with bracketed figures for North Northamptonshire at 2022

Area	SEN Support %	EHC plan %	Combined SEN %
National	12.2 (12.5)	3.7 (4.00)	15.9 (16.5)
Northamptonshire	11.2	3.0	14.2
North Northamptonshire	11.4 (11.5) *	3.2 (3.6)*	14.6 (15.1)*
Cumbria	11.9	4.0	15.9
Derbyshire	14.7	2.9	17.6
Kent	10.8	4.2	15.0
Leicestershire	10.9	4.0	14.9
Lincolnshire	12.9	4.3	16.3
Nottinghamshire	9.6	1.7	11.3
Staffordshire	10.3	4.2	14.5
Suffolk	11.4	3.6	15.0
Warwickshire	12.1	3.6	15.7
Worcestershire	13.3	3.6	16.9

# Numbers of EHC plans Issued

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Year	2018	2019	2020	2021
Numbers of New EHC Issued	268	308	377	470
Additional numbers on previous	-	+40	+69	+93
% increase		+15%	+22.5%	+25%

# Primary Need for Pupils with an EHC plan (%)

Type of Need	2019	2020	2021	2022
ASD	27.7	27.0	25.4	23.3
HI	2.0	1.8	1.6	1.2
MLD	14.2	14.6	14.4	14.7
MSI	0.3	0.3	0.2	0.3
PD	3.3	2.9	2.9	2.4
PMLD	1.3	1.2	1.0	0.7
SEMH	15.7	15.8	17.2	19.1
SLCN	19.0	21.2	23.1	24.7
SLD	8.3	8.2	7.7	6.9
SpLD	4.5	3.8	3.7	3.6
VI	1.4	1.4	1.1	1.0
OTH	2.1	1.8	1.7	1.4
NSA	0.1	0.0	0.1	0.7

# Headlines from Demographic and Pupil Need Data

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In North Northamptonshire:	There is no significant growth in the pupil population and a decline in the primary school population	There is an increase in Post 16 population predicted in 2030 which then falls away	There is an increase of 25% of the number of EHC plans issued in 2021
There are fewer pupils with an EHC plan than the national average	44% of pupils with EHC attend a mainstream school	55% of pupils attend some form of specialist provision	54 pupils were awaiting placement at the time of the SEN2 data return
	73 of the 136 pupils in INM have a primary need of SEMH	30 of the 136 pupils in INM have a primary need of ASD	

Mainstream	Numbers	Special	Numbers	Other	Numbers
Early year		Resource provision /units	178	EHE	25
Mainstream primary		Special School	1,209	NEET	34
Mainstream secondary		PRU	22		
Mainstream FE		INM	123	Awaiting placement	54
Apprenticeships Internships		Post 16 specialist college	37		
Total	1,160		1,569		113
% of total	41%		55%		4%

Types of provision attended by 2,842 pupils with an EHC plan in North Northamptonshire (census 2022)

Area	SEN Provision	Phase	Primary Need	Place Numbers 2021-22	Numbers of Pupils living in other LA areas
	Unit Resourced Provision				
Corby	Beanfield Primary School	Primary	ASD,SLD,PMLD	55	0
	Corby Business Academy	Secondary	ASD,SLD	67	1
	Studfall Infant School and Nursery	Infant	ASD	12	0
	Studfall Junior School	Junior	ASD	24	0
	Kingswood Secondary Academy	Secondary	ASD	14	1
East Northants	Denfield Park Primary School	Primary	ASD	14	0
				<b>(186)</b>	
	Special Schools				
Corby	Maplefields	All through	SEMH	112	26
	Red Kite	All through	SLD,PMLD	118	3
East Northants	Chelveston Road (opened Sept 2021)	Secondary	MLD,ASD	145	6
Kettering	Isebrook	Secondary	SLD, ASD	236	8
	Kingsley	Primary	SLD,PMLD	156	6
	Wren Spinney	Secondary	SLD,PMLD	66	9
Wellingborough	Friars	Secondary	MLD,ASD	154	7
	Rowan Gate	Primary	SLD,PMLD,ASD, MLD	195	7
				<b>(1,182)</b>	<b>74</b>
TOTAL				<b>1368</b>	

## Pupils who reside in North Northants and other Local Authorities attending North Northants Specialist Provision

\* these numbers are still being confirmed

# The type of need and numbers of Children attending Independent Non-Maintained settings (136 children)

Number of children and young people with a statement or EHC plan maintained by North Northants at an independent or non maintained setting by primary SEND

Year	18/19	19/20	20/21	21/22
ASD	20	25	26	30 (22%)
HI	0	2	2	3 (2%)
MLD	3	5	4	9 (7%)
MSI	0	0	0	0
PD	1	1	1	1(1%)
PMLD	0	0	0	0
SEMH	44	46	57	78 (57%)
SLCN	5	4	5	9 (7%)
SpLD	2	0	0	3 (2%)
SLD	0	0	1	1 (1%)
VI	1	1	1	1 (1%)
OTH	0	1	1	1 (1%)
Total	76	85	72	136

Because their needs are so complex



For their safety

As a result of a Tribunal Direction

Lack of local special school capacity

Why are pupils placed in Independent/  
non-maintained settings?



# The 4.1 Million Pound Question...

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01

On behalf of its schools, North Northamptonshire spends at least £4.1 million on meeting the needs of 78 young people with SEMH.

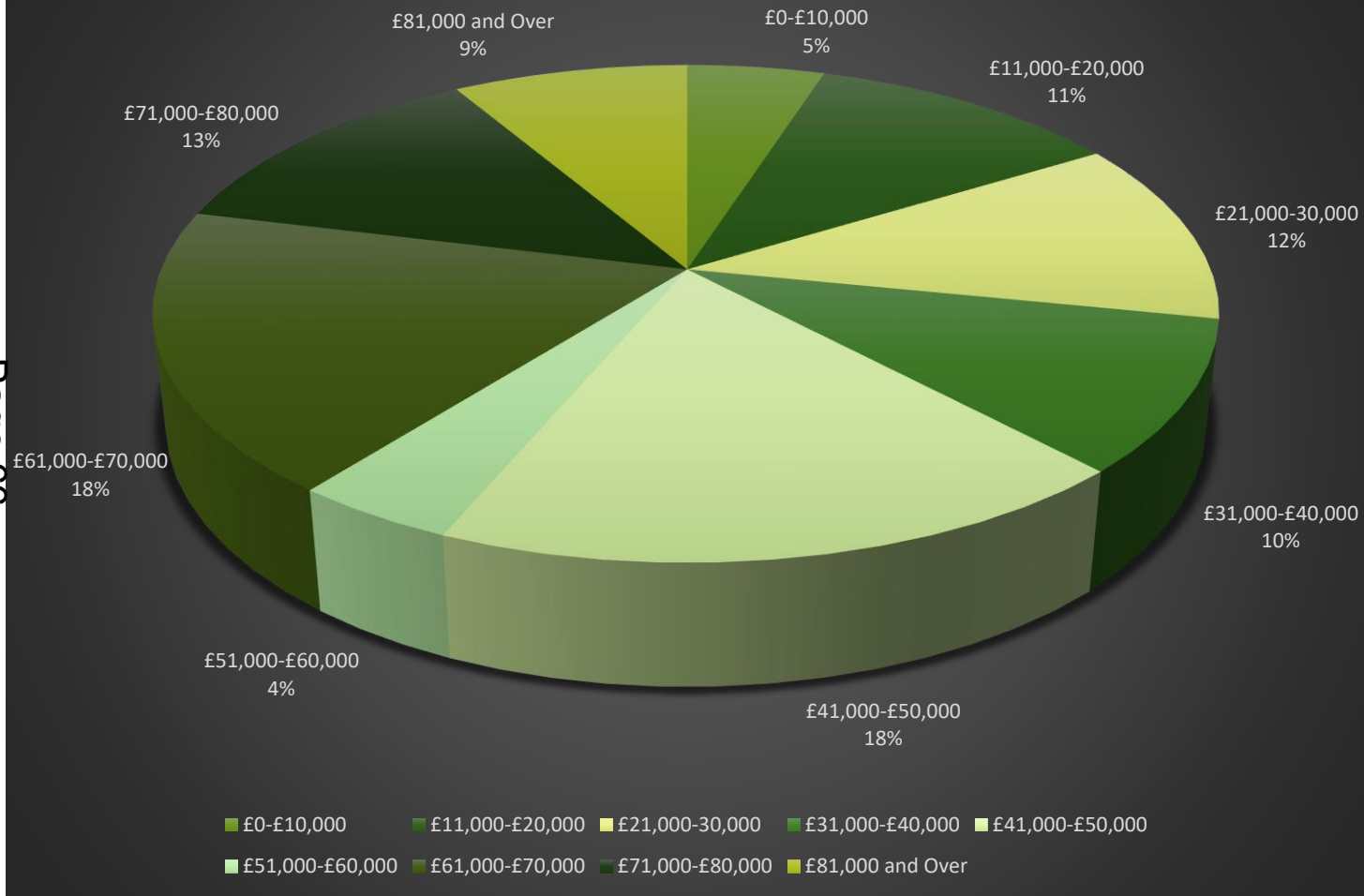
02

We need to ask the question..... Is this the best way of spending this amount of money?

03

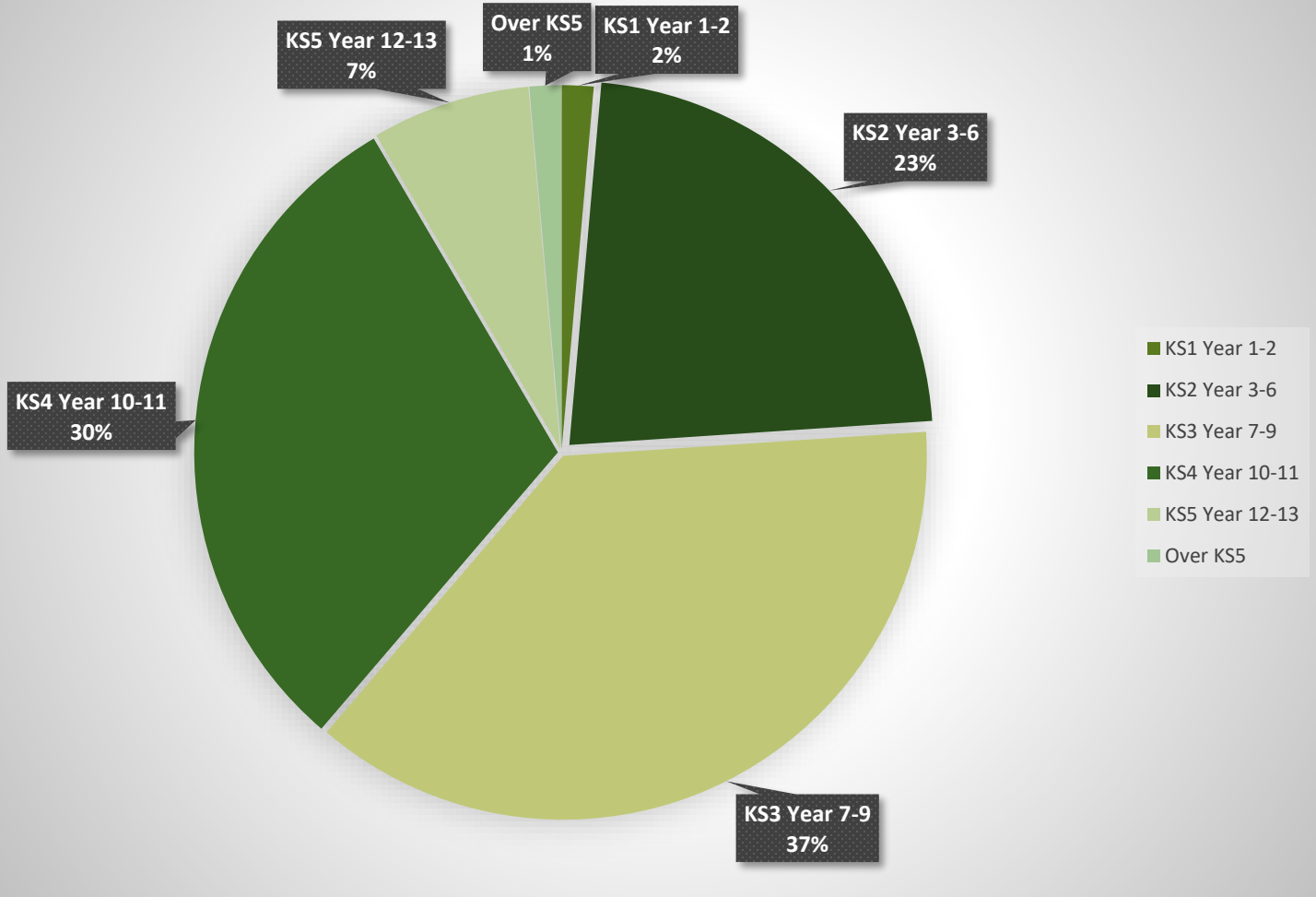
Where have these pupils come from? All schools or a few schools?

### Independent Provision Package Cost



Cost of INM placements (44% over £50,000)

### Independent Provision Key Stage Year Groups



Year groups of pupils in INM placements

# Headlines from the provision data:

Circa 1,569 pupils attend specialist placements

Circa 1,209 pupils attend special schools

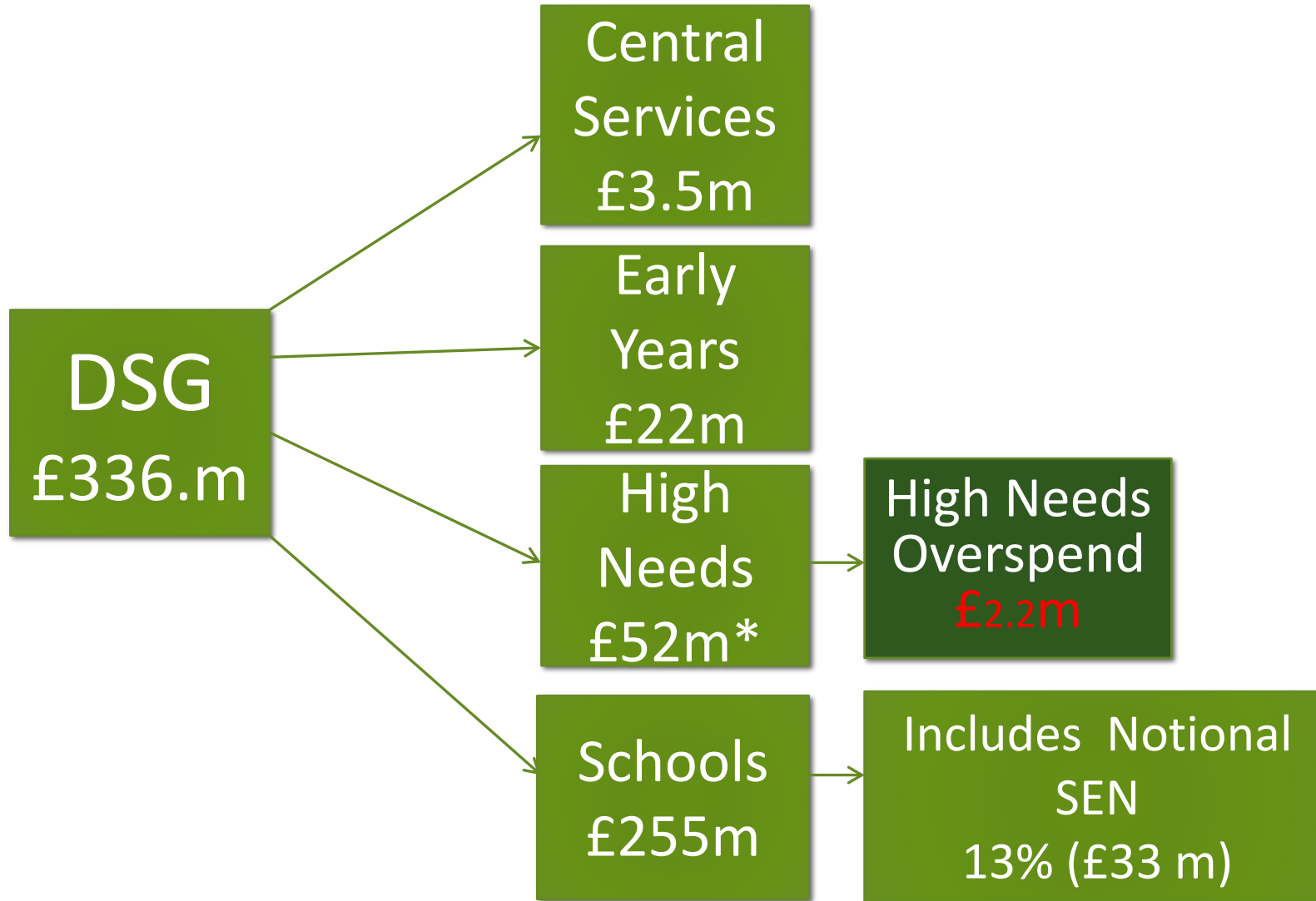
Circa 136 pupils attend INM settings

These INM placements are often associated with SEMH and ASD needs

Circa 178 pupils attend Resource Provisions

Resource Provisions are predominantly related to ASD

# 2022/2023 DSG



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# High Needs Budget Headlines

Overspend 21/22 in the region of £2.5 million

Spend on out of authority independent non-maintained specialist provision is £7.2 million

Average cost of independent placement is £53,000

Cost of in borough special school place is £11,00- 30,000

Cost of in borough resource base place is £13,000 – £16,000

# Ratio of Specialist Provision in each type of setting

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Numbers of placements	Type of setting	% of provision
178	Resource Base	11.4%
1,209	Special School	77.0%
182	Other	11.6%
Total	1,569	

Type of provision	% of provision	Number of required places
Enhanced resource provision	50%	128
Special school provision /AP	51%	129
		<b>257</b>

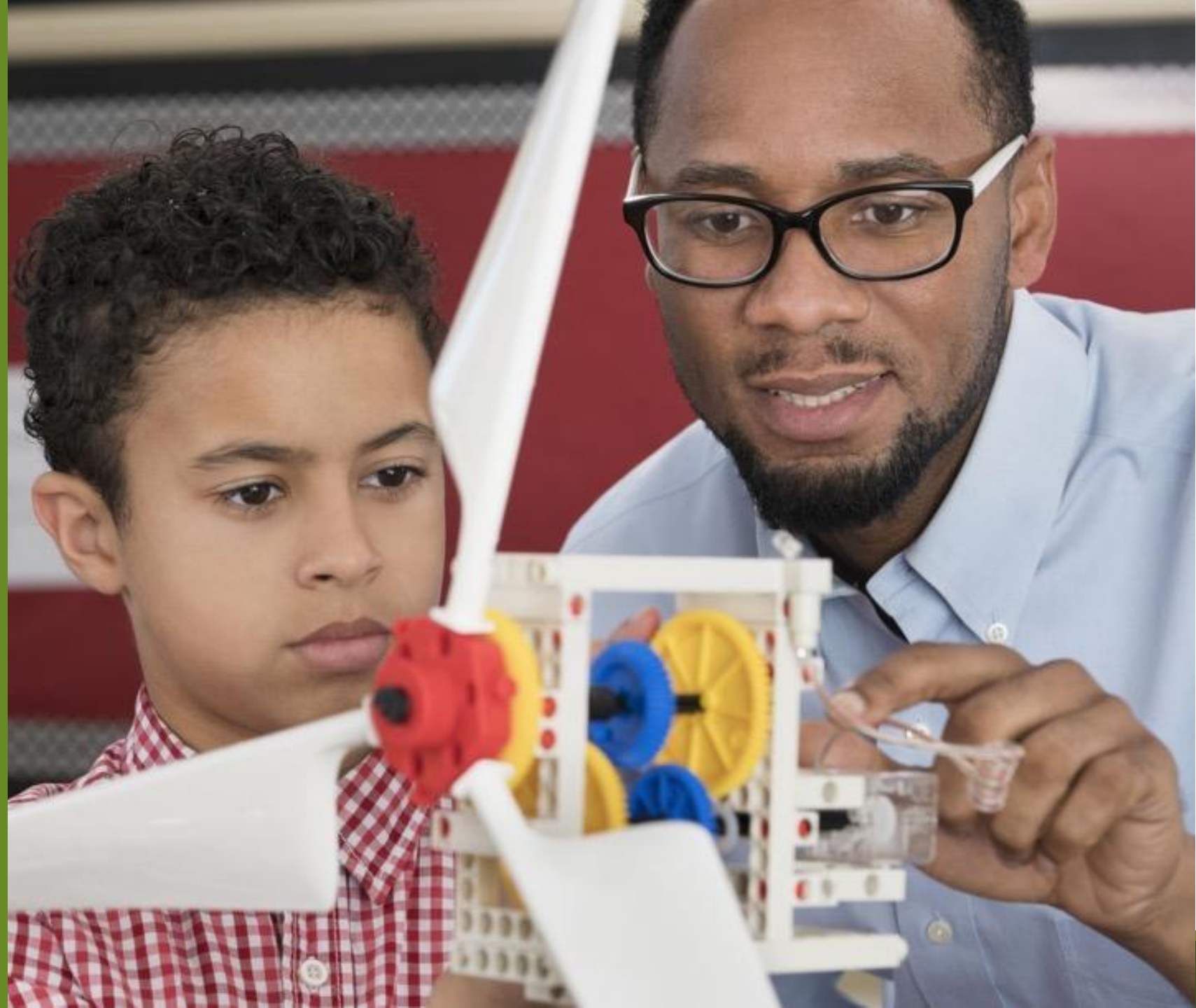
The predicted new 257 required placements will be dispersed across all types of specialist provision in the following ratios:



# What about Alternative Provision?

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Can we convert some of the £4.1 million spend on SEMH provision in INM settings to local high-quality AP managed by schools?



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# Creating capacity in the system: 6 areas of development

Realigning	Realigning SEND teams into localities to enhance a local schools led offer and deploying High Needs top up funding to support this
Repurposing	Repurposing existing spare capacity in mainstream schools to develop specialist resource provisions
Expanding	Expanding existing special school provision
Establishing	Establishing a new early help model for pupils with SEMH and developing an integrated graduated approach
Reducing	Reducing reliance on the independent/non-maintained sector for specialist provision and redeploying financial resources into local provision
Developing	Developing opportunities for Alternative Curriculum Offer delivered by mainstream schools

# Next Steps

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**Further develop the locality SEND early help offer and devolvement of early help funding.**

Undertake feasibility studies and develop proposals with:

- Special school heads to increase capacity
- Mainstream heads to increase resource base capacity
- Mainstream heads to develop school based AP
- Undertake a review of children in the independent sector to ensure adequate provision

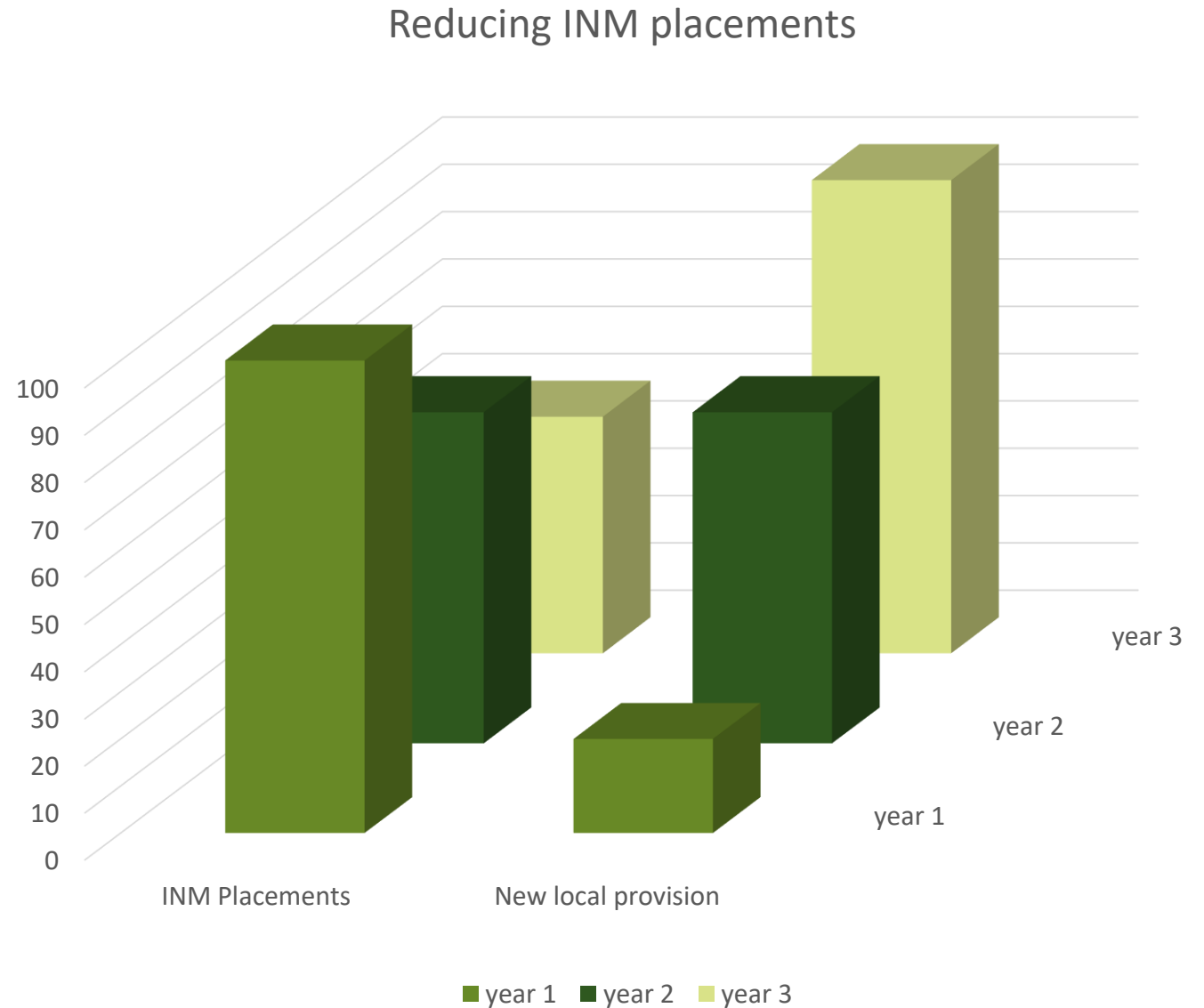
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# Shortfall Indicators in 2021/2022

Indicator	Data	Indicative shortfall
Indicator 1: Pupils with an EHC Plan without a school place	54 without a place Some as a result of shortfall	40
Indicator 2: Numbers of children in INM settings (intention is to reduce future placements)	136 in INM currently 20% reduction in year one 20% reduction in year one 20% reduction in year one	27 places year 1 22 places year 2 18 places year 3
Indicator 3: Increase in pupils with EHC requiring specialist placement	93 more EHC this year 55% may need specialist	50 places in year 1 50 places in year 2 50 places in year 3
Indicator 4 Growth in population	No overall predicted growth in pupil population	0
Total number of new specialist places over three year period	Year 1 + 117 places Year 2 + 72 places Year 3 + 68 places TOTAL 257 Places Required	

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# Phased reduction in INM placements in conjunction with growth of local ASD and SEMH provision



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# Sufficiency, managing our budget more effectively and the early help offer

For the vast majority of children with SEND, they can and should have their needs met in mainstream Settings.

One of the biggest areas of the current reform is aimed at SEND provision in mainstream settings so that it is easier for schools to access resource without the need for an EHCP and that schools are incentivised to intervene early. The current work that is taking place is around shaping a locality model and putting a greater share of the budgets in the hands of local school leaders whilst recognising that SEND provision is generally above what an individual school would be able to arrange.

The overarching aims of North Northants model is to:-

- put funding for the majority of children with SEND firmly in the hands of schools to make access to the necessary provision easier, quicker, supporting improved early intervention and consistent high-quality support.
- Promote co-operation and inclusion through a clear funding, incentive and accountability structure which leads to improved financial sustainability, without creating unnecessary complexity or burden.

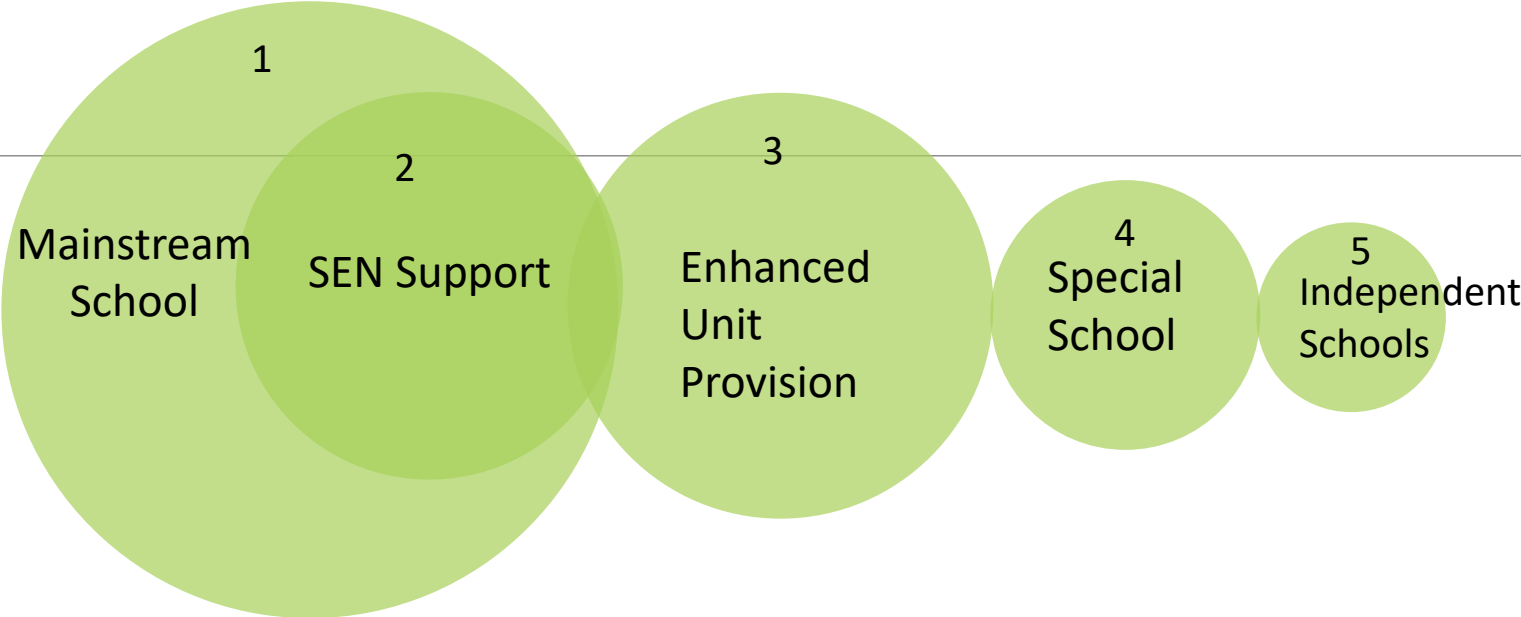
# STEP ONE

## Access Plan Do and Review

Children who continue to face challenges in their learning, despite receiving high quality teaching and differentiation, may need different strategies or provision. This is known as SEN Support.

SEN Support is a four -part cycle – assess, plan, do, review. The cycle is part of the graduated approach. A SEN Support Plan is written and shows support that is different from what other children need.

# Ensuring that there is a Graduated Model of SEN Provision in North Northamptonshire



**1. Mainstream School**

The majority of pupils with SEN/SEMH attend mainstream school with quality first teaching that identifies need and adapts the curriculum

**2. SEN Support**

Some pupils require additional resources and arrangements. Their needs are described in an SEN support plan

**3. Enhanced Unit Provision**

Specialist provision located on a mainstream school site.

**4. Special School Provision**

Access to a variety of special school provision catering for pupils with the most complex needs

**6. Independent Non Mainstream School**

Access to highly specialist learning and care environments for those pupils with highly exceptional or low incidence needs .



# STEP TWO

## Involving your Local Specialist Team

The Local SEND Specialist Term is made up of three teams:

- The Specialised Support Service (SSS)
- The Educational Psychology Service
- The Sensory/Medical/Physical complex Service (This includes hearing, visual and motor impaired and children with complex medical needs).

❖ Work is underway to develop Social and Emotional and Mental Health (SEMH) Outreach Services

Each School will have access to the SSS & SEMH team through an allocation of sessions each term, whilst the sensory service works with children with a sensory need, individually following a referral into the service.

The Educational Psychology Service is a traded service, which schools can directly buy into.

# STEP THREE

## Locality Team High Level Needs Funding

North Northants schools are expected to provide support to pupils with SEN from the resources delegated to them as part of their school budget (the notional SEND budget). For children and young people whose needs exceed that level of funding, schools are able to apply for additional high needs funding.

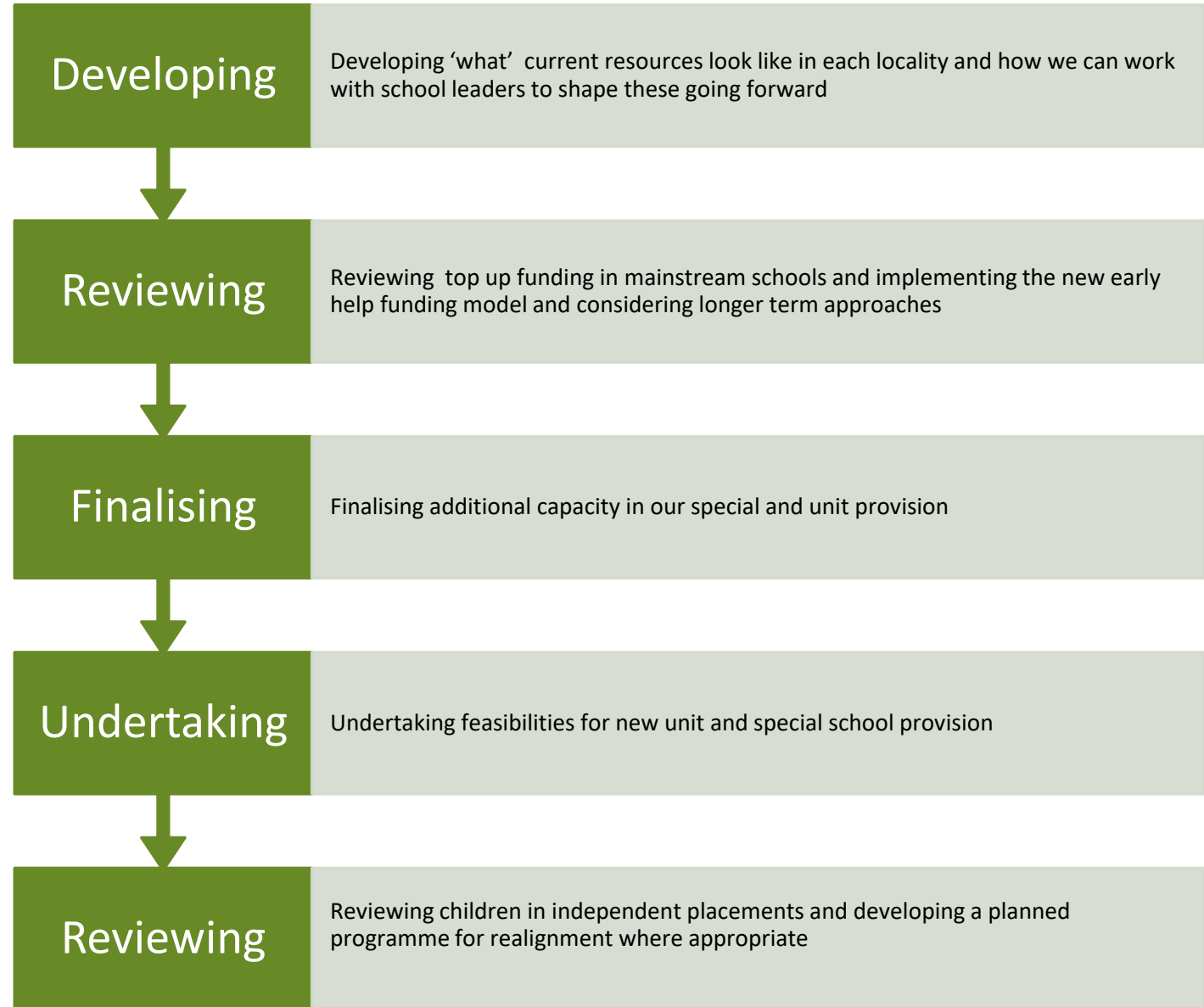
From September 2022 requests for High Level Needs funding can be applied for to the 'Locality of Schools' decision-making group. Decisions about the funding are agreed using specific criteria. This is called moderation.

To apply for additional funding schools will submit a SEND support plan, evidencing at least two terms of intervention, together with the HNF referral form. Evidence will need to be demonstrated that the locality team have also been involved.

This is all available at 'SEN Support' without the need for an EHCP.

Panels will be held for each of the four localities (Kettering/Wellingborough/Corby/East Northants) on the first Tuesday of each month.

# NEXT STEPS





Questions?

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# Agenda Item 5



## North Northamptonshire Schools Forum: 7 July 2021

### Agenda Item

#### DFE Consultation – Implementing the Direct National Funding Formula

#### **1 Purpose of the report**

- 1.1 To inform Schools Forum of the latest consultation by the DfE on the future of the National Funding Formula for mainstream schools, which invites responses by 9th September 2022
- 1.2 To seek agreement from Schools Forum that the detailed response from the LA should be prepared through the Schools Block Sub-Group of the Schools Forum.

#### **2 Background**

- 2.1 The Department for Education (DfE) and Education and Skills Funding Agency (ESFA) have been working towards a direct National Funding Formula for mainstream schools over many years. The formula has stayed a local one, but with fewer options for variations and with incremental changes to align all LAs and schools onto a single national funding formula.
- 2.2 Following consultation with all schools North Northamptonshire Council decided to adopt the National Funding values and factors for 2022/23. Every school were given an uplift through the Minimum Funding Guarantee for 2022/23 and this is expected to be the case again in 2023/24, with individual schools getting to a purely NFF driven formula allocation at various stages over the medium-term.
- 2.3 The change made in North Northamptonshire simplified much of the transitional arrangements that arise from the implementation locally of the NFF. The ESFA did still have some practical issues to consider on non-pupil related funding factors (i.e. splits-sites, NNDR, PFI, growth and falling rolls). They held a consultation, to which NNC responded during 2021, and they have considered the responses and are consulting again on the next steps for the NFF.
- 2.4 The consultation is found [here](#) but is provided as an [appendix](#) to this paper.

#### **3 Recommendations for Schools Forum**

- 3.1 Rather than work through the detail in Schools Forum, officers propose that the Schools Block sub-group is convened to consider a draft response to the paper. Once they are happy

with the contents, they can sign it off on behalf of Schools Forum, in order to meet the deadline for responses of 9th September 2022.

#### **4 Next steps**

- 4.1 Officers would convene the sub-group in late July 2022 for a single meeting. Representatives from Primary and Secondary schools are invited to participate in late July 2022 with membership agreed through North Northamptonshire Schools Forum.

#### **5 Financial implications**

- 5.1 North Northamptonshire Schools need to be aware of all the latest proposed changes made by the DFE so that they can submit a response which can influence the decisions made by the DFE.

#### **6 Legal implications**

- 6.1 Schools funding is governed by The School and Early Years Finance (England) Regulations 2021. It is important to ensure decisions are made within the regulations set.

#### **7 Risks**

- 7.1 There's the risk that the interest of North Northamptonshire Schools are not considered if North Northamptonshire Schools Forum fail to participate in this consultation.

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HM Government

# SEND Review:

Right support

Right place

Right time









# **SEND Review:**

**Right support, right place, right time  
Government consultation on the SEND and  
alternative provision system in England**

**Presented to Parliament  
by the Secretary of State for Education  
by Command of Her Majesty**

**March 2022**



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## Ministerial foreword



This government is determined to level up opportunities for all children and young people – without exception. We are just as ambitious for children and young people with special educational needs and disabilities (SEND) as for every other child. This green paper sets out our proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives.

The 2014 reforms to the SEND system brought many positive changes: increased co-production with children, young people and their families, an expectation of greater joint working between education, health and care, and a focus on a child's journey from birth to 25.

But we know that, too often, children and young people with SEND, and those educated in alternative provision, feel unsupported, and their outcomes fall behind those of their peers. Too many parents are navigating an adversarial system, and face difficulty and delay in accessing support for their child. And we know that the pandemic has disproportionately impacted children and young people with SEND, exacerbating the challenges that already existed within the system.

We commissioned the SEND Review to understand these challenges better and determine what it would take to establish a system that consistently delivers for children and young people with SEND. We have listened carefully to children, young people and their families. We have listened to those working in education across early years, schools and further education; those working across health, care, local government; and the many voluntary and community sector organisations that support children and young people with SEND. We thank them all for their time, input and for their patience.

This green paper sets out proposals to ensure that every child and young person has their needs identified quickly and met more consistently, with support determined by their needs, not by where they live. Our proposals respond to the need to restore families' trust and confidence in an inclusive education system with excellent mainstream provision that puts children and young people first; and the need to create a system that is financially sustainable and built for long-term success. We know that there are places where this is already the case, and we want to make this a reality across the whole country.

We are proposing to establish a single national SEND and alternative provision system that sets clear standards for the provision that children and young people should expect to receive, and the processes that should be in place to access it, no matter what their need or where they live. We are setting out proposals for strengthened accountabilities and investment that will help to deliver real change for children, young people and their families.

Creating a single national system that has high aspirations and ambitions for children and young people with SEND and those in alternative provision, which is financially sustainable, is not a straightforward task. However, the reward for getting this right is huge: children and young people supported to succeed and thrive for generations to come.

We are committed to continuing to listen to children, young people, parents, carers, and those who advocate for and work with them, as well as system leaders, to achieve this ambition. We encourage you to reflect on the proposals set out in this green paper and respond to our consultation. Together, we can ensure every child and young person with SEND, and all those in alternative provision, can thrive and be well prepared for adult life.



Nadhim Zahawi  
Secretary of State for Education



Sajid Javid  
Secretary of State for Health and Social Care



# Key Facts: the SEND and alternative provision system in numbers

## As of 2020/21 in the state-funded education system in England

**15.8% of all school pupils – 1.4 million – were identified with Special Educational Needs (SEN)<sup>1</sup>.**

In 2021, 36% of pupils in year 11 had been identified with SEN at some point in their educational journey<sup>2</sup>. 82% of pupils with SEN were in state-funded mainstream schools, 10% in state-funded special schools, 7% in independent schools, and 1% in state place-funded alternative provision<sup>3</sup>.

**12.2% of pupils were identified as requiring SEN Support**

This is an increase on recent years, from 11.6% in 2016, prior to which the rate had been decreasing<sup>4</sup>.

Amongst pupils on SEN Support in state-funded primary schools, the most common primary type of need in 2021 was Speech, Language and Communication Needs (34%). In secondary schools, this was Social, Emotional and Mental Health (SEMH) (22%)<sup>5</sup>.

**A further 3.7% of all pupils had an Education, Health and Care Plan (EHCP), receiving more support than available through SEN Support**

This is an increase on recent years, from 2.8% in 2016<sup>6</sup>.

Amongst pupils with an EHCP, the most common primary type of need in 2021 was Autistic Spectrum Disorder (30%)<sup>7</sup>.

50% of pupils with EHCPs were in state-funded mainstream schools, 41% in state-funded special schools, 7% in independent schools, and 1% in state place-funded alternative provision<sup>8</sup>.

**Of all children and young people with an EHCP, 77% are in schools or alternative provision**

Of the remaining 23%, 1% are in early years, 17% are in further education, and 6% are educated elsewhere or Not in Education, Employment or Training (NEET)<sup>9</sup>.

The proportion of 3- and 4-year-olds in receipt of funded early education with SEN fell from 6.6% in 2020 to 6.3% in 2021<sup>10</sup>.

**82.7% of children and young people in alternative provision were identified with SEN**

In state place-funded alternative provision in January 2021, 24.0% of pupils had an EHCP and 58.7% received SEN Support<sup>11</sup>. The most common primary type of need was SEMH (78.3%)<sup>12</sup>.

## **The high needs budget has risen by more than 40% over three years**

The high needs budget, which will total £9.1 billion in 2022-23 (over £8 billion in 2021-22), enables local authorities and institutions to better meet their statutory duties for those with SEND, including children and young people in alternative provision<sup>13</sup>.

## **Many parts of the SEN system aren't working as well as they should**

### **For parents and carers:**

In 2021 during the pandemic, 68% of parents reported that their child's needs were 'not met at all' or only 'somewhat met' in accordance with their EHCP<sup>14</sup>, during the pandemic.

### **For teachers:**

In 2019, 41% of teachers reported that there is appropriate training in place for all teachers in supporting pupils receiving SEN Support<sup>15</sup>.

### **For local areas:**

Of the 141 local area inspections published by 21 March 2022, 76 resulted in a written statement of action, which indicates significant weaknesses in SEND arrangements<sup>16</sup>.

## **Outcomes for those with SEN, or in alternative provision, on average are low**

### **In the Early Years Foundation Stage Profile<sup>17</sup>:**

In 2018/19, 76% of children identified with SEN did not achieve at least the expected level across all early learning goals, compared with 24% for those with no identified SEN<sup>18</sup>.

### **In key stage 2:**

22% of pupils with SEN reached the expected standard in reading, writing and mathematics in 2018/19, compared to 74% of those with no identified SEN<sup>19</sup>.

### **In key stage 4:**

In 2020/21, there were 87,210 pupils identified with SEN at the end of key stage 4, with an average attainment 8 score of 31.1. This compares to pupils with no identified SEN with an average attainment 8 score of 54.5<sup>20</sup>.

### **In state place-funded alternative provision:**

55% of pupils from state place-funded alternative provision sustained an education, training, or employment destination after key stage 4 in 2019/20, compared with 89% and 94% from state-funded special and mainstream schools respectively<sup>21</sup>.

## Executive summary

1. The reforms to the SEND system introduced in 2014 had the right aspirations: an integrated 0-25 system spanning education, health and care, driven by high ambition and preparation for adulthood. Since 2014, there is much to celebrate: 90% of state funded special schools are graded outstanding or good by Ofsted<sup>22</sup> and 2,200 young people were successfully placed on a supported internship in 2021<sup>23</sup>. As we have seen, particularly over the course of the pandemic, the system is driven by a hard-working and dedicated workforce who are committed to delivering excellent support for children and young people with SEND.
2. But despite examples of good practice in implementing the 2014 reforms, this is not the norm and too often the experiences and outcomes of children and young people are poor. There are growing pressures across the system that is increasingly characterised by delays in accessing support for children and young people, frustration for parents, carers, and providers alike, and increasing financial pressure for local government.
3. The government commissioned the SEND Review in September 2019 as a response to the widespread recognition that the system was failing to deliver improved outcomes for children and young people, that parental and provider confidence was in decline, and, that despite substantial additional investment, the system had become financially unsustainable. The Review has sought to understand what was creating these challenges and set out a plan to deliver improved outcomes, restore parents' and carers' confidence and secure financial sustainability.
4. Over the course of the Review, we have listened to a wide range of people from across the SEND system, including children, young people and their families; early years providers, schools and colleges; local authorities; health and care providers; and voluntary organisations. We have considered a child's journey through the SEND system - from early years through to further education.
5. As the Review progressed it became clear that alternative provision is increasingly being used to supplement the SEND system; to provide SEN Support; as a temporary placement while children and young people wait for their Education, Health and Care Plan (EHCP) assessment; or because there is insufficient capacity in special schools. We have therefore looked at the specific challenges facing the alternative provision sector as part of this Review.
6. We have also considered how this Review can be best implemented alongside reforms to health and social care. This includes the introduction of Integrated Care Systems and wider reforms to adult social care, as well as the forthcoming Independent Review of Children's Social Care. There is significant overlap between the cohort with SEND and those who interact with the care system. It is therefore important that the education, health and care systems work together effectively to

support children, young people and their families. We will consider the response to this consultation in parallel to the Independent Review of Children's Social Care to ensure the cumulative implications of reform deliver for children with the most complex needs.

## **There are three key challenges facing the SEND system**

### **Challenge 1: outcomes for children and young people with SEN or in alternative provision are poor**

7. Children and young people with SEN have consistently worse outcomes than their peers across every measure. They have poorer attendance<sup>24</sup>, make up over 80% of children and young people in state place-funded alternative provision<sup>25</sup> and just 22% reach the expected standard in reading, writing and maths<sup>26</sup>. In a 2017 study, special educational needs were more common in children with a mental health disorder (35.6%) than in those without a disorder (6.1%)<sup>27</sup>. Young people with SEN often have fewer opportunities in later life: by age 27 they are less likely than their peers to be in sustained employment<sup>28</sup> and are at greater risk of exposure to a number of harms, including becoming a victim of crime<sup>29</sup>.

### **Challenge 2: navigating the SEND system and alternative provision is not a positive experience for children, young people and their families**

8. We have heard that for too many families their experience of the SEND system is bureaucratic and adversarial, rather than collaborative. Too many parents and carers do not feel confident that local mainstream schools can meet their child's needs. Parent and carers are subsequently frustrated with the difficulties and delays they face in securing support for their child. The system relies on families engaging with multiple services and assessments, making it difficult to navigate, especially for the families of children and young people with the most complex needs. Some families with disabled children tell us they are put off seeking support from children's social care because of fear they will be blamed for challenges their children face and treated as a safeguarding concern rather than receive the support they need. The difficulty faced in navigating children's social care assessments, and the lack of consistency in the offer among local authorities, can mean that support is often only provided once families reach crisis point.
9. The system is not equally accessible: parents and carers with access to financial and social resources are often better placed to navigate the system and secure support for their child. Parents and carers of children in alternative provision often have little choice over whether their child ends up in these specialist settings, or whether the support and education being provided meets their child's needs.

10. Despite the heavy emotional - and sometimes financial - costs associated with tribunals, since 2015 the appeal rate to First-tier SEND Tribunals has increased year on year, demonstrating parents' and carers' increasing frustration with the system. In the academic year 2020/21, Her Majesty's Courts and Tribunals Service recorded 8,600 registered SEN appeals, an increase of 8% when compared with the previous year. Of the cases the tribunal upheld, 96% were at least partly in favour of the parent or carer, an increase of two percentage points on 2019/20<sup>30</sup>.

### **Challenge 3: despite unprecedented investment, the system is not delivering value for money for children, young people and families**

11. The government is making an unprecedented level of investment in high needs, with revenue funding increasing by more than 40% between 2019-20 and 2022-23. However, spending is still outstripping funding. Two thirds of local authorities have deficits in their dedicated schools grant (DSG) budgets as a result of high needs cost pressures. By the end of 2020-21, the national total deficit was over £1 billion<sup>31</sup>.

12. Forecasts show total high needs spending continuing to increase year on year, with recent increases driven predominantly by an increase in the proportion of children and young people with an EHCP, over and above general population change. The government has already announced additional investment of £1 billion in 2022-23. Whilst future funding will need to take account of the increasing prevalence of children and young people with the most complex needs, this needs to be balanced with targeting spending more at strengthening early intervention. Investment cannot continue to rise at the current rate, particularly since this is not matched by improved outcomes or experiences for children, young people and their families.

13. Although only making up a small part of total high needs spending, early years, further education and alternative provision can be heavily impacted by local funding decisions, over which they can feel they have minimal influence. High needs spending on alternative provision is also increasing, having remained relatively stable in recent years. Inconsistency in placements leads to unpredictable funding from year to year, or even within the same year, limiting the ability of alternative provision settings to plan and invest in services.

### **A vicious cycle of late intervention, low confidence and inefficient resource allocation is driving these challenges**

14. For children, young people, families and providers, there remains significant inconsistency in how children and young people's needs are met, with a lack of clarity around what services can be expected and who provides them. Too often, decisions are made based on where a child or young person lives or is educated, rather than their needs. This is most prominent at school level, with the school that a child or

young person attends accounting for more than half the chance of a child being identified with special educational needs<sup>32</sup>.

15. The current SEND system does not prescribe in detail exactly who should provide and pay for local services, leaving it to local agreement and First-tier SEND Tribunals. Similarly, delivery of alternative provision is inconsistent across areas and schools. In some places, alternative provision schools have a strong role in accommodating children and young people with significant needs and in providing support and services to help children and young people stay in mainstream schools. Elsewhere, provision is mixed, and children and young people may be placed in inappropriate settings that do not support their needs.
16. The Review has consistently heard that these challenges are driven by a vicious cycle of late intervention, low confidence from parents, carers and providers, and inefficient allocation of support which is driving the spiralling costs in the system. This cycle begins in early years and mainstream schools where, despite the best endeavours of the workforce, settings are frequently ill-equipped to identify and effectively support children and young people's needs<sup>33</sup>. Children and young people's needs are identified late, then escalate and become entrenched. In some cases, a child or young person may be incorrectly identified as having SEN when in fact they have not had sufficient access to high-quality teaching, particularly in reading and language<sup>34</sup>.
17. Inconsistent practice across the system exacerbates the challenges caused by late or misidentification: parents, carers and providers alike do not know what is reasonable to expect from their local settings and so lose confidence that mainstream settings will be able to meet the needs of their children and young people effectively. As a result, parents, carers, and providers feel they have no choice but to seek EHCPs and, in some cases, specialist provision, as a means of legally guaranteeing the right and appropriate support for children and young people.
18. Increased numbers of requests for EHCPs and specialist provision means that children and young people often face significant delays in accessing support as they need to go through a long and bureaucratic process to access provision. They do not always end up with the right support, in the most appropriate setting, with some children and young people placed in specialist settings even when their needs could be met effectively in mainstream settings with high-quality targeted support.
19. In some cases, children and young people are placed in alternative provision due to lengthy delays in securing an EHCP assessment, seriously disrupting an already challenging educational journey. By the time they arrive there, they may have fallen behind to an extent that it is hard for them to fully catch up before they reach the end of key stage 4. Too often they remain there regardless of whether that setting is the most appropriate to meet their needs.
20. Increased numbers of placements in specialist provision also restricts capacity. Some children and young people have to be educated outside of their local area or face long

journeys to and from school taking them away from their local community and resulting in increase transport costs. More children and young people are also placed in independent specialist provision, even when this may not be best for them. Too often the costs of such provision represents poor value for money.

21. As more children and young people receive EHCPs and attend specialist settings, more financial resource and workforce capacity is pulled to the specialist end of the system, meaning that there is less available to deliver early intervention and effective, timely support in mainstream settings. As a result, the vicious cycle continues with outcomes and experiences for children and young people continuing to suffer, and cost pressures increasing.

## **We need to turn this vicious cycle into a virtuous one**

22. We are clear that in an effective and sustainable SEND system that delivers great outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive without the need for an EHCP or a specialist or alternative provision place. This is because their needs would be identified promptly, and appropriate support would be put in place at the earliest opportunity before needs can escalate. Those children and young people who require an EHCP or specialist placement would be able to access it with minimal bureaucracy.
23. To shift the dial, we are setting out proposals for an inclusive system, starting with improved mainstream provision that is built on early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum, and prompt access to targeted support where it is needed. Alongside that, we need a strong specialist sector that has a clear purpose to support those children and young people with more complex needs who require specialist or alternative provision.
24. We need to deliver greater national consistency in the support that should be made available, how it should be accessed and how it should be funded. We need a system where decision-making is based on the needs of children and young people, not on location. This must be underpinned by strong co-production and accountability at every level, and improved data collection to give a timely picture of how the system is performing so that issues can be addressed promptly. This green paper sets out an ambitious plan for how we will deliver a more inclusive SEND system.

## A single national SEND and alternative provision system

25. We propose to:

- establish a **new national SEND and alternative provision system setting nationally consistent standards** for how needs are identified and met at every stage of a child's journey across education, health and care
- review and update the **SEND Code of Practice** to ensure it reflects the new national standards to promote nationally consistent systems, processes and provision
- **establish new local SEND partnerships**, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a **local inclusion plan** setting out how each local area will meet the national standards
- **introduce a standardised and digitised EHCP process and template** to minimise bureaucracy and deliver consistency
- **support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings**, drawn from the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs
- **streamline the redress process**, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

## Excellent provision from early years to adulthood

26. We will:

- **increase our total investment in schools' budgets by £7 billion by 2024-25, compared to 2021-22**, including an additional £1 billion in 2022-23 alone for children and young people with complex needs
- **consult on the introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos**, and increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise
- **commission analysis to better understand the support that children and young people with SEND need from the health workforce** so that there is a clear focus on SEND in health workforce planning



- **improve mainstream provision**, building on the ambitious Schools White Paper, through excellent teacher training and development and a ‘what works’ evidence programme to identify and share best practice, including in early intervention
- **fund more than 10,000 additional respite placements through an investment of £30 million**, alongside £82 million to create a network of family hubs, so more children, young people and their families can access wraparound support
- **invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision**. We will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline
- **set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools**, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one, sharing expertise and resources to improve outcomes
- **invest £18 million over the next three years to build capacity in the Supported Internships Programme**, and improve transitions at further education by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for employment and higher education

## A reformed and integrated role for alternative provision

27. We propose to:

- **make alternative provision an integral part of local SEND systems** by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention
- **give alternative provision schools the funding stability to deliver a service focused on early intervention** by requiring local authorities to create and distribute an alternative provision-specific budget
- **build system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust**, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed
- **develop a bespoke performance framework for alternative provision** which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations
- **deliver greater oversight and transparency of pupil movements** including placements into and out of alternative provision

- **launch a call for evidence, before the summer, on the use of unregistered provision** to investigate existing practice

## System roles, accountabilities and funding reform

28. We propose to:

- **deliver clarity in roles and responsibilities** with every partner across education, health, care and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities
- **equip the Department for Education's (DfE) new Regions Group** to take responsibility for holding local authorities and MATs to account for delivering for children and young people with SEND locally through new funding agreements between local government and DfE
- **provide statutory guidance to Integrated Care Boards (ICBs)** to set out clearly how statutory responsibilities for SEND should be discharged
- **introduce new inclusion dashboards for 0-25 provision**, offering a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- **introduce a new national framework of banding and price tariffs for funding**, matched to levels of need and types of education provision set out in the national standards
- **work with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework** with a focus on arrangements and experience for children and young people with SEND and in alternative provision

## Delivering change for children and families

29. We will:

- **take immediate steps to stabilise local SEND systems by investing an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme**, over the next three years, to support those local authorities with the biggest deficits
- **task the SEND and Alternative Provision Directorate within DfE** to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards

- support delivery through a **£70 million SEND and Alternative Provision change programme** to both test and refine key proposals and support local SEND systems across the country to manage local improvement
- publish a **national SEND and alternative provision delivery plan** setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people
- establish, for implementation of the national delivery plan, **a new National SEND Delivery Board** to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals

# Chapter 1: The case for change

## Summary

1. The current SEND system means that too many children and young people with SEND are achieving poor outcomes. Parents and carers are facing difficulty and delay in accessing support for their child. Providers have to navigate a complex system where it is not clear what support should be provided or who should pay for it. Despite a more than 40% increase in high needs funding between 2019-2020 and 2022-2023<sup>35</sup>, local government spending is outstripping funding and the system is financially unsustainable<sup>36</sup>.
2. In this chapter, we set out the key findings from the SEND Review and what is driving these challenges. We set out our vision for what needs to change to ensure that more children and young people are set up to succeed in a sustainable, less bureaucratic system. And finally, we set out our plan for action for how we propose to deliver the improvements the system needs.

## The SEND system since 2014

3. In 2014, the SEND system underwent significant reform, with Education, Health and Care Plans (EHCPs) being introduced as a replacement for the previous Statement of special educational needs. The fundamental principles that underpinned these reforms of co-production, joint working and a 0-25 child-centred approach were widely supported at the time and continue to be broadly supported now.
4. The Review has seen examples of mainstream early years settings, schools, academies and further education settings that have high aspirations for children and young people with SEND and provide excellent support. 90% of state funded special schools are graded outstanding or good by Ofsted<sup>37</sup> and 2,200 young people were successfully placed on a supported internship in 2021<sup>38</sup>. We have seen, particularly over the course of the pandemic, that the system is driven by a hard-working and dedicated workforce who are committed to delivering excellent support for children and young people with SEND.
5. We have also seen changes in the identification of some types of need. Since 2015, there has been an increase in the proportion of children and young people with EHCPs with a primary need of Autistic Spectrum Disorder (ASD), speech and language communication needs (SLCN), or social, emotional and mental health needs (SEMH) and a decrease in the proportion of those with moderate learning difficulty (MLD)<sup>39</sup>. See Annex Figure 2 for further details.
6. But, even accounting for these changes identified in need, it is clear that the SEND system is not operating effectively and the ambitions of the 2014 reforms have not yet

been realised fully, with too many children and young people not fulfilling their potential, parental confidence in decline and further pressure on a system already under strain.

## The aims of the SEND Review

7. The SEND Review was launched in 2019 in response to growing concern about the challenges facing the SEND system in England and the future of the children and young people it supports. Successive public reports, including those from the [Education Select Committee](#), the [National Audit Office](#), and the [Public Accounts Committee](#), highlighted a range of challenges to be addressed. The SEND Review committed to examining how the system has evolved since 2014, how it can be made to work best for all families and how it can ensure the effective and sustainable use of resources.
8. Alternative provision can serve children and young people both with and without SEND. While alternative provision was not part of the 2014 reforms, it is clear it is increasingly being used as part of the SEND system, demonstrated by the incremental rise in EHCP placements and the fact that over 80% of those in state place-funded alternative provision have SEN<sup>40</sup>. Close working with the sector during the pandemic, along with concerns about the poor outcomes for children and young people leaving alternative provision, demonstrates that reform is needed. We have therefore considered reform to alternative provision within the scope of this Review.
9. The SEND Review has looked at the full range of the SEND system, spanning early years provision through to further education and encompassing education, health and care. We have listened to hundreds of people, including children and young people, parents, the workforce within early years settings, schools, further education and alternative provision. We have listened to DfE's national young SEND advisory group, FLARE. We have spoken with health commissioners, designated clinical and medical officers, as well as social workers. We have spoken with those helping families to navigate the SEND system, as well as many charities whose focus is on supporting those with specific disabilities.
10. We have sought advice from independent advisers, key member organisations, further education commissioners, members of the government's SEND Review Steering Group and our Alternative Provision Stakeholder Group (see acknowledgements for members of these groups). We are very grateful to everyone who has taken the time to engage with us and offer their thoughtful insights and observations.
11. We conducted the SEND Review against the backdrop of the pandemic and understand how difficult the pandemic has been for so many people, including those families with children and young people with SEND. Despite the tireless work of

teachers, leaders, support staff, early years practitioners, local authorities and wider children's professionals across health and social care, children and young people with SEND missed out on learning and wider enrichment opportunities. But we recognise the challenges are not new: instead, the pandemic has exposed and exacerbated pre-existing difficulties<sup>41</sup>. For too many children and young people, the SEND system is not working well enough.

## **Children and young people with SEND and those in alternative provision have consistently poorer outcomes than their peers**

12. Research from the [Children's Commissioner's Big Ask Survey](#) shows children and young people with SEND have the same aspirations as their peers. They value their education and want good friends, a social life, and good mental health. They desire independence, and the prospect of a good job or career in the future<sup>42</sup>. We believe that, with the right support, all children and young people with SEND can achieve their potential, with most achieving in line with their peers.
13. Despite these aspirations, children and young people with SEN fall behind their peers at every stage of education, regardless of their prior attainment. Children and young people with SEN are also more likely to be disengaged from education, pushing them further behind. They have poorer attendance<sup>43</sup> and are more likely to be excluded<sup>44</sup>.
14. Key stage 4 outcomes for children and young people in alternative provision are poor, with 4.5% achieving grades 9-4 in GCSE English and maths in 2018/19<sup>45</sup> and only 55% sustaining their post-16 destination after six months in 2019/20<sup>46</sup>. This is often a reflection of the fact that over three quarters of children and young people in state place-funded alternative provision are in year groups 9–11<sup>47</sup>, many having already fallen a long way behind in their education.
15. Children and young people with SEN face poor outcomes beyond education. Whilst the likelihood of children with SEN being involved in crime is low – just 8% of children who had ever had SEN Support had also ever offended and 14% of children who had ever had an EHCP had also ever offended - those who are identified with SEN at some point are more likely to have been cautioned or sentenced for an offence, including serious violence offences. Children who had been cautioned or sentenced for any offence were more likely to be recorded as having SEN (both with SEN Support and with an EHCP) than the all-pupil cohort. Of children who had been cautioned or sentenced for an offence, 67% had ever had SEN Support and 13% had ever had an EHCP<sup>48</sup>. Young people with SEND are also overrepresented in the justice system: one in four children and young people in young offender institutions have SEND<sup>49</sup>.

16. As young people with SEN move into adulthood they find it more difficult to secure employment; at age 27 young people with SEN are 25% less likely to be in sustained employment than their peers with no identified SEN<sup>50</sup>.

## **Experiences of the SEND and alternative provision system are negative**

‘Even once you manage to get an EHCP then a whole new fight with the local authority starts - it's such a massive ordeal to make sure it's written correctly so the child gets the actual support - ultimately parents (like me) end up forced to appeal and go through tribunal’ – Parent, focus group 2021

17. Parents and carers want accurate information from their first contact with professionals and want to be partners in determining arrangements for supporting their child. However, this does not always happen. Parents and carers are not always made aware of the support that their child is accessing. Many parents and carers also find their child has been directed to alternative provision by their school and have little or no say in this decision.

18. Research from the [Children's Commissioner's Big Ask Survey](#)<sup>51</sup> showed many children and young people felt they had not received enough understanding or tailored support for their needs. When children and young people did not get the support they wanted, they often felt excluded, unable to form relationships with children their own age, and in some cases bullied. In the parents and pupils survey (2019)<sup>52</sup> and panel (2021)<sup>53</sup> commissioned by DfE, pupils with SEND were more likely to report experiencing bullying.

19. Families of children with SEND have spoken about the impact that trying to secure SEND provision has on them, including the financial costs and mental health impact<sup>54</sup>. We have heard the system is not always equally accessible parents and carers with access to financial and social resources are often better placed to secure support for their children. In a 2021 survey of 483 responses, conducted during the pandemic, 68% of parents reported that their child's needs were ‘not met at all’ or only ‘somewhat met’ in accordance with their EHCP<sup>55</sup>.

20. The growing number of tribunal cases reflects this dissatisfaction. In the academic year 2020/21, there was an 8% increase in registered appeals in relation to SEND, with 96% of decided cases found at least part in favour of families<sup>56</sup>. Despite this high success rate, going to tribunal is not an easy decision for families as it carries a huge emotional, and sometimes financial, burden.

21. The financial and administrative burden of preparing for and responding to tribunal cases is also felt significantly by local authorities and diverts resources away from providing direct support, which in turn affects children and young people waiting to receive the support they need.

## **The SEND and alternative provision system is financially unsustainable**

22. The government has made significant investment in the SEND system: by the 2024-25 financial year, the core schools' budget will have increased by more than £7 billion compared to its 2021-22 level. Within this overall budget, high needs funding for children and young people aged 0-25 with more complex needs has increased by £1.5 billion over the last two years and will increase by a further £1 billion in the next financial year to reach a total of £9.1 billion: an increase of more than 40% over three years. We will sustain and build on these increases through the rest of the current Spending Review period.
23. Despite this significant investment, the system is not delivering value for money and outcomes and experiences for children and young people with SEND are not improving. Instead, the system has become financially unsustainable, with investment being outstripped by spending which has left two thirds of local authorities with growing deficits. By the end of 2020-21, the total national deficit was over £1 billion.
24. Between 2014-15 and 2020-21, the largest contributor to the increases in high needs spend was the rising proportion of children and young people with an EHCP, over and above general population change, which accounted for roughly half of the more than £2 billion increase. See Annex Figure 3 for further details.
25. There is a lack of consistency in the costs of different types of specialist provision for children and young people with SEND, with the average cost of a placement in an independent special school costing more than double that of a placement in a maintained or academy special school (£54,000 compared with £22,000<sup>57</sup>). However, independent special schools often cater for children and young people with very complex needs which increases the average cost. Spending on this more expensive provision is taking up a greater proportion of local authorities spending – from 2014-15 to 2020-21, local authority spending on independent special and non-maintained special school places increased by 126%, compared with a 38% increase in spending on other special school provision; spending on alternative provision increased by 18% over the same period<sup>58</sup>.

## **There is too much inconsistency across the SEND system in how and where needs are assessed and met**

26. The 2014 reforms introduced, and placed significant emphasis on, local discretion with expectations based on the local authority working closely with local education, health and care partners, parents and carers.
27. However, this local discretion has resulted in significant inconsistencies in how SEND provision is delivered in practice across the country. This begins with inconsistency in how needs are identified and assessed: research by the [Education Policy Institute](#)



found that the school a child or young person attends is the greatest factor in whether they are identified as having SEN, and whether they access support, accounting for 67 to 69% of the inconsistency in identification<sup>59</sup>.

28. A lack of consistent guidance as to the type of settings where needs should most effectively be met means that there is significant inconsistency across the country in whether children and young people with the same types of needs receive an EHCP and where they are educated. A child or young person may be effectively supported in a mainstream school in one area of the country, but would be placed in a specialist setting if they were living in another area. See Annex Figure 4 for further details. Rates of EHCPs also vary significantly: 5.5% of all pupils in Torbay have an EHCP compared with 1.7% in Nottinghamshire<sup>60</sup>.

## A vicious cycle is driving these challenges

29. These challenges are driven by a vicious cycle of late intervention, low confidence across the system, and inefficient resource allocation.



**Figure 1: A vicious cycle of late intervention, low confidence and inefficient resource allocation is driving these challenges**

30. This begins in early years and mainstream schools where, despite the best endeavours of the workforce, settings are frequently ill-equipped to identify and effectively support needs<sup>61</sup>. This results in children and young people's needs being identified late, or incorrectly, with needs escalating and becoming more entrenched. In some cases, poor quality teaching, particularly in reading, may cause a child or young person to fall behind their peers and be incorrectly identified as having special educational needs.
31. Inconsistency across the system, around the identification and support of needs, means that there is inconsistent practice: parents, carers and providers do not know what to reasonably expect from their local settings. This results in low confidence amongst parents, carers, and providers in the ability of mainstream settings to effectively meet the needs of children and young people with SEND.
32. As a result of this low confidence, parents, carers, and providers feel they need to secure EHCPs and, in some cases, specialist provision as a means of guaranteeing appropriate support for their child. This increased need for EHCPs and specialist provision creates further challenges across the system:
- **children and young people face delays in accessing support** as they need to go through a time-intensive and bureaucratic process to access provision, even when what might be required is high-quality teaching to catch-up or time-bound access to a particular service.
  - **children and young people are not always placed in the most appropriate setting.** Not every child or young person with SEND requires a specialist placement, but a lack of clarity on when specialist provision is appropriate means that some children and young people end up in these settings even when their needs could be met effectively in mainstream, with some high-quality targeted support.
  - **increased requests for placements in specialist provision means that capacity is restricted.** Some children and young people, including those with more complex needs, face long journeys to school or have to attend out of area placements, resulting in increased costs for school transport. In some areas, alternative provision appears to be increasingly used to supplement special school places. Pressures on the capacity of specialist provision also mean that more children are placed in independent specialist provision, even when this may not be the most effective setting for them, resulting in poor value for money.
33. As more children and young people receive EHCPs and attend specialist settings, more resource and capacity is pulled to the specialist end of the system, meaning that there is less resource available to deliver early intervention and effective, timely support in mainstream settings. As a result, the vicious cycle continues with outcomes and experiences continuing to suffer, and costs pressures increasing.

## **A system where every child and young person can access the right support in the right place at the right time**

34. Addressing these challenges, and delivering better outcomes, improved experiences and financial sustainability, requires a whole system response. Far more children and young people should be able to access the support they need in their local mainstream setting, without the need for an EHCP or specialist provision. That begins with clear and common standards across the SEND and alternative provision system so that needs are identified, assessed and supported fairly and consistently, no matter where a child or young person lives or is educated. Consistent standards will facilitate a more inclusive system, with more children and young people able to have their needs met in high-quality mainstream provision with high aspirations, a confident and expert workforce and access to high-quality targeted support as needed.
35. We also need a strong specialist sector that supports those children and young people with more complex needs, and a clear vision for an improved alternative provision system that offers upstream support as well as placements. We need funding reform and strengthened accountability across the system so that everyone knows the role they play, is incentivised and held to account for doing so. We need a strong focus on delivery, supporting the move to a more inclusive system that starts to deliver now, and in the long-term for children, young people and their families. This green paper sets out how we intend to deliver these changes in England so that every child and young person can achieve their potential.

## Chapter 2: A single national SEND and alternative provision system

### Summary

1. The Review has concluded that there is a need for much greater consistency in how needs are identified and supported, so that decisions about support and provision are made based on a child or young person's needs, in co-production with families, not where they live or the setting they attend. The Review has heard that parents and carers want greater confidence that their local early years setting, school and college will be able to effectively support their child's needs.
2. We propose to establish a new national SEND and alternative provision system that will set new standards for how needs are identified and met across education, health and care. This will include standards on what support should be made available universally in mainstream settings, as well as guidance on when an EHCP is required, and when specialist provision, including alternative provision, is most appropriate for meeting a child or young person's needs.
3. In this chapter, we set out what the new national standards would cover, and how they would be delivered in a local area. In Chapter 3, we expand on how we propose to improve provision across the system, starting with excellent teaching in mainstream settings and improved workforce expertise across early years, schools and further education. In Chapter 4, we set out how this system will operate specifically for alternative provision settings. In Chapter 5, we set out our proposals for ensuring there are clear roles and responsibilities, alongside funding reform and robust accountability across processes and procedures in the system. Finally, in Chapter 6, we set out our plans for delivering the proposals set out in this green paper.

#### We propose to:

- establish a **new national SEND and alternative provision system setting nationally consistent standards** for how needs are identified and met at every stage of a child's journey across education, health and care
- review and update the **SEND Code of Practice** to ensure it reflects the new national standards to promote nationally consistent systems, processes and provision
- **establish new local SEND partnerships**, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a **local inclusion plan** setting out how each local area will meet the national standards

- **introduce a standardised and digitised EHCP process and template** to minimise bureaucracy and deliver consistency
- **support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings**, drawn from the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs
- **streamline the redress process**, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

### **What this means for:**

**Children and young people:** will be able to access the support they need, without bureaucracy and delay, and will be able to attend the setting that is right for them so that they can be supported to achieve improved outcomes.

**Parents and carers:** can be confident that their child's needs will be met effectively in the most appropriate local setting, without having to fight to secure the appropriate support for their child's needs. They can be clear about what support their child is receiving and are engaged in decision-making at every stage.

**Education settings:** can be clear about the support that they are expected to ordinarily deliver for children and young people with SEND. They can be engaged in strategic decision-making in their local area so that they can access the right targeted support for children and young people quickly and effectively.

**Health and care providers:** will be clear about their responsibilities in meeting children and young people's needs. Consistent processes and strategic planning will mean services can be jointly commissioned and delivered across regions to meet the needs of children and young people across their local area.

**Local government:** is clear on roles and responsibilities with the levers to fulfil their statutory duties. They can deliver the right, appropriate support to meet the needs of children and young people with SEND in their local area.

## **We propose to legislate for new national SEND standards**

4. The 2014 reforms placed a strong emphasis on local decision-making. However, it is clear that there is too much local discretion, to the extent that there are now, in effect, 152 local SEND and alternative provision systems operating across the country. This is difficult for parents and carers navigating the system and for education settings, particularly MATs and further education providers across regions, who have to deal with different systems, processes and funding regimes across multiple local authorities.

5. We propose to create new national SEND standards spanning early years settings through to further education. These standards would make consistent the provision, processes and systems that should be made available across the country for every child and young person with SEND, acting as a common point of reference for every partner within the SEND and alternative provision system. We intend for these to apply across education, health and care. We propose to bring forward legislation to place the standards on a statutory footing within the early years and education sectors and revise the SEND Code of Practice to reflect these standards. Recognising the different legal framework for health and adult social care (for ages 18-25), we will work with relevant bodies to ensure the new national SEND standards are appropriate for health and adult social care, reflecting this in the relevant health commissioning guidance and in line with the Care Act 2014. The application of the national standards to children's social care will be informed by the government's response to the forthcoming Independent Review of Children's Social Care. The proposed national standards will include:

- **How needs should be identified and assessed:** the standards will set consistent processes for decision-making on how a child or young person's needs are identified and recorded and instruct on how and when an assessment should take place, who should be involved in the assessment process, and how the information and evidence collected should be recorded and monitored. This will include standards on how and when a child or young person should be identified as requiring SEN Support, and best practice in reasonable adjustments for disabled children, such as those children with a sensory impairment. These standards should improve consistency of identification, reducing the likelihood of misidentification driven by place, setting or other factors such as race or disadvantage.
- **The appropriate provision that should be made available for different types of need:** the national standards will set out the full range of appropriate types of support and placements for meeting different needs. This will include setting out when needs can and should be met effectively in mainstream provision, and the support that should be made ordinarily available in mainstream settings to facilitate this. It will also bring clarity to the circumstances in which a child or young person needs an EHCP, and additionally whether their needs should be met in a specialist setting (including alternative provision). For those parents and carers with children with complex needs, there will be greater clarity too in when a special school is appropriate. There will be greater clarity about which partners should fund specific forms of support and provision.
- **Standardised processes for accessing and reviewing support:** the standards will set out clear processes for accessing and reviewing the support that is put in place in mainstream settings, including consistent standards on co-production with children, young people, parents and carers. It will also set clear standards for how

and when EHCPs should be effectively reviewed, with a much greater emphasis on effective time-bound support and achieving individual outcomes.

- **Standards for co-producing and communicating with children, young people, parents and carers:** co-production with children, young people and families is a fundamental principle of the SEND system and enables children, young people, parents and carers to be valued partners in decision-making<sup>62</sup>. We will introduce consistent standards for co-production and communication with children, young people and their families so that they are engaged in the decision-making process around the support that they receive and the progress they are making.
- **Standards for transitions:** transitions standards will ensure there are consistently deliverable arrangements in place as children and young people move to their next phase, particularly into further education, employment, and adulthood. The standards will have the preparation for adulthood goals at their heart, and will provide consistency on the quality, timeliness and effectiveness of transitions for children and young people in both mainstream and specialist settings.

**Consultation Question 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 the standards apply across education, health and care in a 0-25 system.**

## **We propose to introduce new local SEND partnerships to ensure effective local delivery**

6. National standards will ensure that there is greater fairness and consistency in decision-making across the country in how needs are identified, assessed and supported. However, we recognise that some local discretion will be required and necessary, taking into account differing prevalence of need, geographical contexts, and patterns of provision to enable effective local delivery. We want to create a system that promotes a collaborative approach to supporting children and young people with SEND, built on common understanding of needs and provision, with effective joint working, mutual trust and accountability between all system partners.
7. We propose to legislate to enable statutory local SEND partnership arrangements that bring together representatives across early years, schools, further education, alternative and specialist provision, in addition to health and care partners and other partners, including youth justice. The partnerships will be convened by local authorities who will continue to hold responsibility for high needs funding and coordinate the local system to deliver statutory responsibilities including duties for vulnerable children. We want to establish these new partnership arrangements, mindful of current local partnerships and not wanting to duplicate other partnership

arrangements including Integrated Care Partnerships. Statutory guidance will be clear on what is expected of every partner involved to enable these partnerships to be successful.

8. This local partnership will be responsible for working with parents and carers to carry out an assessment of need and existing provision across their local area, capturing the prevalence of different types of need locally, and the range of provision that will need to be available locally to effectively meet those needs. For alternative provision, this must include the provision necessary across a continuum of support, with a strong focus on targeted support in mainstream settings (further detail in Chapter 4). This partnership arrangement will enable local authorities to work collaboratively with health and care partners as well as local education settings, including MATs, to meet their statutory responsibilities for children and young people with SEND. We therefore propose to review the current co-operation duties and requirement to keep education and care provision under review.
9. Following the needs assessment, the local partnership will work with parents and carers to produce a local inclusion plan. The local inclusion plan should be a strategic plan for delivery including setting out the provision and services that should be commissioned in line with the national standards and based on the results of the joint needs assessment. Local partnerships will be expected to consider local issues, such as transport arrangements, when determining the provision that is included within the local inclusion plan. The local inclusion plan will inform the local offer, with the national standards being clear on what should be included within the local offer. We will undertake a local authority new burdens assessment as part of this proposal, including consideration of the capacity required to manage delivery of this change, such as the training and development needs of local authority SEN officer teams. In Chapter 5 we expand on how inclusion plans will be quality assured.
10. Whilst we would expect most planning and commissioning for provision to take place at a local authority level, for some types of provision a regional approach may be more appropriate. We propose that the national system encourages more commissioning at a regional level. This is likely to be the case for further education settings, whose footprint often spans across multiple local authorities<sup>63</sup> and for specialist provision to meet the most complex needs which tend to be less prevalent.
11. The local partnership will need to work alongside multi-agency safeguarding partnerships and Integrated Care Systems, with the joint needs assessment and local inclusion plan informing health and care commissioning to ensure integrated delivery of services across education, health and care.

**Consultation Question 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?**



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

### **We propose mandating the use of local multi-agency panels to improve parental confidence in the Education, Health and Care (EHC) needs assessment process**

12. We have heard from parents that improving the impartiality of the needs assessment process will improve their overall confidence in EHC needs assessments and local authority decision-making. Some areas have already taken steps to address this through the use of multi-agency panels. We propose introducing statutory local multi-agency panels to review and make recommendations on requests for EHC needs assessments, the needs assessments themselves and the consequent placement and funding decisions.
13. This panel would include representation from schools and colleges, health, social care, parents and carers to take a holistic view of the child or young person. They would make recommendations to the local authority on whether (following the decision-making processes set out in law) an EHC needs assessment must be carried out, whether or not an EHCP is required, and that the provision specified in a plan is in accordance with the national model. The local authority must then take these recommendations into account when making their final decisions.

### **We propose to standardise EHCPs to ensure consistent access to specialist provision**

14. The component sections and information that must be included within an EHCP are defined in law, and local areas have the discretion to create their own versions of the EHCP template and the process of inputting into them. However, recent analysis<sup>64</sup> by the Children's Commissioner highlights a lack of consistency in the specificity of information included within EHCPs, and how outcomes are defined, including the timeframe in which a child or young person is expected to achieve them by. There were inconsistencies too in the structure, length and formatting of EHCP forms, with the samples included in the analysis ranging from a maximum of 40 pages in one local authority to between 8 and 23 in another. The EHCPs produced by the local authorities in the sample would take approximately 50 minutes on average to read aloud to a child. This lack of consistency means that partners who work across multiple local authorities must navigate multiple processes and templates, reducing their capacity to deliver support and adding to their administrative burden.
15. We therefore propose to introduce standardised EHCP templates and processes. This will place greater focus on the support that is being put in place, including whether

support should be classed as education, health and care interventions, and therefore funded by the appropriate service. Documentation must be co-produced with parents, carers, children and young people to ensure the templates produced are user-friendly and accessible.

16. We know that families can feel overwhelmed and overburdened by multiple assessments. The national standards will make clear the input required from different services, including health and social care, to contribute to an EHC needs assessment. We will more clearly define the statutory requirement for social care input into EHC assessments, so that at a minimum children and young people with SEND are signposted to appropriate advice and guidance when more formal social care support may not be necessary.
17. We will explore opportunities for streamlining EHC and social care assessments following publication of the Independent Review of Children's Social Care. We will also review whether the distinction between sections H1 (provision under Chronically Sick and Disabled Persons Act 1970) and H2 (any other social care provision reasonably required by the young person's learning difficulties or disabilities) of EHCPs remain helpful and necessary.
18. We will standardise the annual review process for reviewing EHCPs, with new standards on documenting and celebrating progress achieved towards milestones and outcomes. We will introduce a requirement to discuss and record whether a step down to targeted support, and cessation of an EHCP, is more appropriate for meeting the child or young person's needs. This will ensure that when an EHCP is no longer necessary it can be ended whilst also ensuring that children and young people continue to access appropriate levels of support.
19. We propose to change the timescale for the issuing of draft plans following annual reviews. In light of a recent High Court judgment<sup>65</sup>, local authorities must now issue proposed amendments to the plan within four weeks of a review meeting. We are concerned that this deadline does not strike a balance between timeliness and certainty for families and enabling local authorities to gather and consider all the information and advice they need to draft quality amendments to an EHCP. We will therefore consult shortly on a proposal for a timescale that will enable a quality EHCP to be produced.

## **We propose to digitise EHCPs to reduce bureaucracy**

20. We will also digitise the EHCP process with a new digital EHCP template and a secure central location for parents, carers and professionals to upload key information, reducing the bureaucracy of the current process. We will work with parents, carers and professionals to make sure that they can submit and access all

the relevant information for producing, maintaining and reviewing the plan in a streamlined way that is easy to navigate and access.

21. We will make sure that the new system takes full advantage of the potential of technology and can give a holistic picture of the child or young person, for example, by including photos and videos. We will ensure there are appropriate controls in place so that the plan cannot be changed without parent or carer input and that it will provide an audit trail of previous decisions and amendments. The process will take account of General Data Protection Regulations (GDPR) considerations and information sharing protocols.
22. A digital EHCP process will also allow for better data collection including anonymous tracking of progress made towards outcomes and analysis of trends in the prevalence of need, and the support and provision that is made available. This data will be used by DfE to review and update the national standards so that they remain relevant and issues can be addressed proactively.
23. These changes will particularly support those children and young people who move school in the middle of an academic year. We will also consider how we can better support those who return to England following deployment abroad or in other parts of the UK, such as families in the Armed Forces or Crown Servants.

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

## **We propose to amend the process for naming a place within an EHCP**

24. In instances where it has been identified that a child or young person's needs require a placement in specialist provision, the local inclusion plan will set out the provision that is available within the local area, including units within mainstream, alternative and specialist provision.
25. In order to support parents and carers to express an informed preference of a suitable placement, they will be provided with a tailored list of settings based on the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs. These settings may be outside of the boundary of the local authority where this is appropriate. The local authority will allocate the first available place in order of the parent's or carer's preference and this school will be named in the child's EHCP.
26. Parents will continue to have the right to request a mainstream setting for their child, even when they are eligible for a specialist setting. Local authorities must name the mainstream setting where this is the parental preference, unless it is incompatible with the provision of efficient education for others. These changes will not impact children

or young people already in a specialist setting and will apply to future decisions about school places. This change will not come into effect until the local inclusion plan for an area has been quality assured and signed off as being in accordance with the national standards.

27. For children and young people with an EHCP, the setting named on the plan has a legal duty to admit the child or young person. We are aware of instances of alleged inappropriate or unlawful practices: 94% of local authorities said that “resistance from some schools to admit or retain pupils with additional needs or vulnerabilities” happened occasionally or regularly<sup>66</sup>.

28. There are processes to allow local authorities to direct admissions in maintained schools. Although academies are required to admit a child or young person with an EHCP, the power to direct admissions for academies remains with the Secretary of State for Education. We will consider changing this process, so that, as a final safety net to cover rare circumstances where collaborative working breaks down, local authorities have a backstop power to direct trusts to admit children, with a right for the trust to appeal to the Schools Adjudicator. This is important to ensure that children and young people with SEND are not left without a school place for unreasonable lengths of time. It will also support the wider pupil movements process, including placements into and out of alternative provision, with further detail on this set out in Chapter 4.

**Consultation Question 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?**

## **We propose to strengthen earlier redress through clear national standards and the introduction of mandatory mediation**

29. The new national system will be designed to minimise uncertainty and disagreements throughout the system and improve parental confidence. We recognise, however, that disputes around decision-making may still occur, but these should be addressed and resolved promptly where possible.

30. Through the national system, we will set standards for how complaints related to SEND processes and provision should be dealt with and who is responsible for resolving concerns. This will include improved quality assurance and greater clarity on the local authority commissioned dispute resolution and mediation services, alongside greater clarity on the role of local SEND Information, Advice and Support Services (SENDIASS) who provide impartial support to families and help them navigate processes including their options for redress.

31. Mediation helps to maintain and improve relationships between providers, local authorities and families which is important for long-term collaborative working and supports better outcomes for children and young people. In the current system, families must secure a mediation certificate before registering an appeal with the tribunal<sup>67</sup>, but they do not have to go through mediation itself. We propose to change this so that families and local authorities must engage in mediation prior to registering an appeal to the tribunal. The national standards will set clear expectations of how different parties should engage in mediation, including timescales for mediation to take place and ensuring that local authority decision-makers attend meetings. We will make sure there is appropriate support available to parents to help them understand the mediation process and how best to engage with it.
32. We propose to keep the impact of mandatory mediation under review as we start to deliver these changes. If the national standards and mandatory mediation does not prove effective in strengthening earlier redress, we will consider whether it is necessary to introduce an additional redress measure in the form of an independent review mechanism. This could be the same multi-agency panel proposed in paragraph 13 that reviews evidence at the EHC needs assessment stage to ensure consistency. In these circumstances, the panel would be responsible for reviewing the evidence in any dispute cases that are eligible for tribunal appeal, including refusal to assess need, refusal to offer an EHCP and the content of a plan. Cases would need to go through mediation first and then be reviewed by the independent local panel prior to a tribunal appeal being registered. We would need to consider whether this panel could make the binding legal judgements required to overturn previous local authority decisions and how this would apply across education, health and care.

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

33. The First-tier SEND Tribunal plays an important role in resolving disputes between parents, carers, young people and local authorities over a range of decisions. Appeals to the tribunal should only need to be made in cases where parents feel that their child's needs or proposed provision arrangements are not in line with the new national SEND standards, and mediation has not resolved the dispute. Tribunal decisions would be made in line with the new statutory national SEND and alternative provision standards. The extended powers, tested under the National Trial, given to the SEND Tribunal to hear appeals and make non-binding recommendations about health and social care aspects of EHCPs, provided those appeals also include education elements, will continue. This enables parents and carers to access a single route of redress across education, health and care.
34. The Equality Act 2010 makes clear that schools must operate inclusively and ensure that children and young people who are disabled can access and participate in education and other activities schools provide. However, where this is not the case

and practices may have been discriminatory, families and young people are able to bring a claim to the First-tier SEND Tribunal, which has the power to award a range of remedies to redress the wrong with the aim of putting a child or young person's education back on track. These remedies can include training of school staff and ordering a change to school policies. The government proposes to explore how well this arrangement is working in practice.

**Consultation Question 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?**

## Chapter 3: Excellent provision from early years to adulthood

### Summary

1. The Review has heard that we need a more inclusive system in order to ensure that children and young people with SEND are set up to thrive and are prepared for adulthood. The national standards introduced in Chapter 2 will provide consistency on where needs should be met, and how. This will give parents and carers increased confidence that their child can be supported effectively in their local mainstream setting and will offer providers greater clarity on the range of needs that can be met within a mainstream setting. An inclusive system will also ensure that children and young people have timely access to specialist services and support, including specialist placements where this is appropriate.
2. In this chapter, we set out our ambition for a continuum of support where needs are identified early and accurately so that the right support is delivered in the right setting at the right time. We will deliver improved mainstream provision, through a highly skilled and confident workforce across early years, schools and further education. Children and young people will access the support needed for effective transitions, especially as they move into further education, higher education, employment or adult social care services. There will be improved access to wraparound services for families, and more timely access to specialist support from health and social care partners where a child or young person requires this. We will invest in new specialist places, ensuring that those children and young people with more complex needs can access the support they need quickly and closer to home.

#### We will:

- **increase our total investment in schools' budgets by £7 billion by 2024-25, compared to 2021-22**, including an additional £1 billion in 2022-23 alone for children and young people with complex needs
- **consult on the introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos** and increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise
- **commission analysis to better understand the support that children and young people with SEND need from the health workforce** so that there is a clear focus on SEND in health workforce planning
- **improve mainstream provision**, building on the ambitious Schools White Paper, through excellent teacher training and development and a 'what works' evidence programme to identify and share best practice, including in early intervention

- **fund more than 10,000 additional respite placements through an investment of £30 million**, alongside £82 million to create a network of family hubs, so more children, young people and their families can access wraparound support
- **invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision.** We will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline
- **set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools**, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one, sharing expertise and resources to improve outcomes
- **invest £18 million over the next three years to build capacity in the Supported Internships Programme**, and improve transitions at further education by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for higher education and employment

#### **What this means for:**

**Children and young people:** can have their needs met effectively in the setting that is most appropriate for them, with far more children and young people able to attend their local mainstream setting. Children and young people will receive excellent teaching and can get access to the support they need quickly and easily.

**Parents and carers:** can be confident that their child's needs will be met in the most appropriate local setting, with clarity about what support will be made available. Families can access wraparound support so that they can thrive.

**Education settings:** have clarity on the provision that they should be making available as standard. The workforce has access to training and development at every stage of their career giving them confidence and expertise to effectively identify and support needs.

**Health and care providers:** can work with education settings to identify and support needs early. Improved strategic SEND leadership and greater clarity on the specialist support they need to make available will allow them to ensure the right resources are in place in each local area.

**Local government:** will have access to local specialist services and places that they can commission to support children and young people locally where appropriate. Improved clarity about where needs should be met, alongside increased investment in wraparound support and services, will allow needs to be met earlier, reducing budgetary pressures on specialist services.



## **We will identify need at the earliest opportunity in high-quality early years provision**

3. Excellent early years provision can play a key role by identifying needs early and putting the right support in place so that children can progress. Research has found that high-quality early years provision for children significantly decreased the likelihood of a child being identified with SEN in later years<sup>68</sup>.
4. The Early Years Foundation Stage (EYFS) two-year old progress check and the Healthy Child Programme (HCP) development review offer two valuable opportunities to identify additional needs for children aged 2 to 3 and put the right support in place for the children who need it in partnership with parents, carers and any relevant professionals. These are important interventions in assessing a child's progress and optimise children's development, which includes a focus on communication and language, personal, social and emotional development, as well as on children's physical development milestones. We will explore ways to upskill early years practitioners in undertaking the EYFS two-year-old progress check and encourage further integration to join-up across education and health services.
5. We have heard that early years practitioners can struggle to accurately identify where a child may have SEND. Although group-based early years providers are expected to identify a SENCo, early years SENCos are not subject to a minimum statutory requirement regarding the level of qualification. We will increase specialist SEND expertise by increasing the number of trained and qualified SENCos in early years settings, with a view for training to be delivered to up to 5,000 SENCos. We will also conduct a review of the Level 3 early years educator qualification and increase the number of SEND-qualified Level 3 practitioners in early years settings.

**Consultation Question 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?**

## The example of Daniella shows how the system will feel for children and young people following the proposed changes



Daniella is 4 and educated at her local mainstream nursery. The new SEND system means her needs are identified early and Daniella and her mum receive wraparound support.

### **Current experience and trajectory**

In the early part of the pandemic, despite Daniella's nursery staying open, she missed out on some aspects of support and valuable time with her peers.

The nursery suspect that Daniella might have moderate learning difficulties, which have been compounded by the implications of the pandemic on her learning.

The nursery staff are not sure how best to identify her needs to provide the right support for her and do not know what extra support might be available.

Daniella continues to fall behind.

When Daniella arrives in reception, her needs are not clear and there is little record of the previous support she has had. Therefore, provision is not in place – Daniella's needs become more significant and challenging as she gets older.

### **Future experience**

The staff at Daniella's nursery received SEND specific CPD with a focus on child development.

They utilise these skills to identify children who have been significantly impacted by a lack of interaction and services as a result of the pandemic.

The nursery staff exercise best practice and conduct a 2 ½ year integrated check with a health visitor. The health visitor uses the Early Language and Identification Measure Framework to identify the emerging need that explains why Daniella is beginning to fall behind her peers.

The local family hub model supports integrated working between professionals. The nursery staff and health visitor speak to the family and work together as a team around Daniella to identify what support can be put in place, supported by an effective local data sharing agreement so everyone in the multidisciplinary team has the information to make a good decision quickly.

On transition, the information about the support Daniella has received is passed from her nursery to her primary school. The school has access to a speech and language therapist (SaLT) if Daniella needs access to time-bound support.

## **We will support families at every stage of their child's journey**

6. To improve the availability of early support for families, we will invest £82 million in family hubs across 75 local authorities in England, as part of a wider £300 million package to transform services for parents, carers, babies, and children. These hubs will offer improved access to services, with better connections between families, professional services and providers. Hubs will be expected to help families who have a child with SEND to navigate support by signposting and referring them to appropriate services within the hub network and incorporate evidence-based support for children with SEND into their provision where appropriate. Local authorities receiving funding to develop family hubs through the £12 million Transformation Fund will be expected to integrate SEND provision into their 0–2-year-old offer, offering children the best start in life.
7. We will expand the reach of the Supporting Families Programme through a £695 million investment over the coming three years to secure better outcomes for up to 300,000 families. This will ensure more families are able to access quality, multi-agency support across a wide range of needs, including SEND.
8. Families take on many additional roles to support their children practically and emotionally, without any break. Access to respite, short breaks and opportunities to take part in activities in the local community can reduce stress and increase wellbeing. However, many families struggle to access the additional support they need. A survey carried out by the Disabled Children's Partnership (DCP) showed 53% of parents and carers had been forced to give up a paid job to care for their disabled child<sup>69</sup>.
9. Councils will be able to bid for projects to be funded from a new £30 million investment over the next three years, to set up more than 10,000 additional respite places. This small-scale project will enable innovative approaches to providing support to be evaluated over the course of the three-year programme, with best practice learning being shared across the system so that more families can benefit.
10. We recognise that even with this additional investment there is more that could be done to provide support for those children and young people with the most complex needs. We know that the forthcoming Independent Review of Children's Social Care has looked closely at early help and we await the report with its final recommendations in the spring.

## **We will deliver excellent teaching and high standards of curriculum in every mainstream school**

11. Excellent mainstream provision serves as the foundation for a strong SEND system that delivers for all children and young people and allows them to have their needs met effectively in their local setting. That is why we are investing an additional £7

billion in the core schools' budget by 2024-25, including a further £1 billion in 2022-23 alone for all those aged 0-25 with more complex needs, to ensure that the system has sufficient resource in the years to come.

12. But we are clear that there is further to go in delivering a mainstream system that can support children and young people with SEND effectively. This government's Levelling Up mission for schools is that, by 2030, 90% of primary school children will have achieved the expected standard in reading, writing and mathematics. But in 2019, only 22% of pupils with SEN met the expected standard in reading, writing and mathematics by the end of key stage 2<sup>70</sup>. We will not achieve our mission for 90% of children to reach the expected standard by 2030 in reading, writing and mathematics if we do not better support children and young people with additional needs or in alternative provision, many of whom do not have needs that, in and of themselves, should prevent them from achieving in line with their peers.
13. The Schools White Paper sets out a vision of the school system in which every child and young person can fulfil their potential, supported by an excellent teacher, high standards of curriculum, behaviour and attendance, backed by high-quality targeted support for those that need it. This includes a Parent Pledge from government to parents that wherever they live, and wherever they go to school, the school will provide evidence-based support if their child falls behind. We believe that, with excellent teaching and improved identification of need in inclusive educational settings, fewer children and young people will need additional interventions as they will be getting the support they need as part of high-quality teaching within the classroom.
14. Thanks to bodies such as the Education Endowment Foundation (EEF) and its international comparators, we have considerable knowledge and understanding about what works in improving children and young people's attainment and educational outcomes. To deepen our understanding, we will invest in new research on SEND classroom-based practice, exploring options to build this evidence base with a range of partners, including the EEF. This research will build on 'what works' initiatives currently underway in the SEND system to identify and share best practice, seeking to include trials on screening approaches to support early identification of special educational needs.
15. Excellent teaching is the bedrock of strong mainstream provision and is especially important for children and young people with SEND: research from the EEF found that teacher strategies, additional teaching, and positive interactions with teachers are important factors for improving the outcomes of children and young people with SEND<sup>71</sup>.
16. However, the level of confidence amongst teachers in supporting children with SEND is low. In 2019, 41% of teachers reported that there is appropriate training in place for

all teachers in supporting pupils receiving SEN support. This is a significant decrease since summer 2018 when 59% of teachers agreed with this statement<sup>72</sup>.

17. We have already begun to deliver a transformed professional development pathway for teachers, with high-quality training at every step of their career. We will invest up to £36 million in Initial Teacher Training and deliver 500,000 teacher training and development opportunities across Initial Teacher Training, the Early Career Framework and National Professional Qualifications by the end of this parliament:

- **the mandatory Initial Teacher Training (ITT) core content framework**, published in November 2019, sets out a minimum mandatory entitlement for all trainee teachers. This includes receiving clear, consistent and effective mentoring in supporting pupils with a range of additional needs
- **the Early Career Framework**, introduced in September 2021, entitles early career teachers to a further 2 years of development. This framework was designed in consultation with the education sector, including SEND specialists, and includes training on identifying pupils who need new content further broken down
- **a reformed suite of National Professional Qualifications (NPQs)** for teachers and leaders, introduced in September 2021, have been designed to help the teaching profession hone and develop the skills they already have and to ensure they support all pupils to succeed in both mainstream and specialist settings
- we will establish an **Institute of Teaching** which will become England's flagship teacher development provider, working closely with the Education Endowment Foundation. It will provide cutting edge training and build the evidence base on effective teacher development driving standards of teacher training even higher

18. In February 2022, we announced more than £45 million of continued targeted support for children and young people with SEND; this includes funding for programmes that will directly support schools and colleges to effectively work with children and young people with SEND, for example through training on specific needs like autism.

19. During the pandemic, we offered training to teachers for the first time in using assistive technology that can reduce or remove barriers to learning for children with SEND. We are currently testing how training can increase school staffs' skills and confidence in using assistive technology, which is more widely available following investment in remote education and accessibility features.

20. Teaching assistants play a key role in supporting children and young people with SEND to access learning in the classroom. We will set out clear guidance on the effective use and deployment of teaching assistants to support children and young people with SEND as part of the national standards.

## We propose to introduce a new SENCo qualification

'I work with all our local mainstream schools. Having a good SENCo is beyond vital, but almost impossible to find.' Head, Special School, Provider Fieldwork, DfE Delivery Unit (2019)

21. All mainstream schools must have a qualified teacher or headteacher designated as the SENCo. SENCos' play a critical role in sharing SEND expertise within schools, providing specialist guidance to the wider school workforce, setting the strategic direction, and making day-to-day provisions to support children and young people with SEND, including those with EHCPs. Currently training is available via the NASENCo qualification. We recognise that there is variability in terms of SENCos' experience of the NASENCo and whether it provides the knowledge and skills needed for the role. The government also recognises that the NASENCo currently sits outside of wider teacher development reforms.
22. To improve the level of expertise and leadership amongst SENCos, we are proposing to introduce a new Leadership SENCo NPQ. The NPQ would replace the current NASENCo, bringing the SENCo qualification in line with other teaching training. The NPQ would help improve SENCos' leadership expertise, making them well-placed to sit on a senior leadership team and inform the strategic direction of a setting. As the mandatory qualification for SENCos, all SENCos who have not previously completed the NASENCo would be required to complete the SENCo NPQ.
23. We also recognise that the 3-year window within which SENCos must complete their mandatory qualification creates an inherent risk of variation of when SENCos complete their qualification. We therefore propose to strengthen the statutory timeframe so that in addition to requiring training to be completed within 3 years, headteachers must also be satisfied that a SENCo is in the process of obtaining the qualification when taking on the role. We believe that this approach will ensure that SENCos have the knowledge and skills needed for the role at the earliest opportunity, enabling them to meet the needs of children and young people with SEND, their families and the school workforce.
24. Too often, SENCos' time is spent on completing bureaucratic administrative tasks instead of working with teachers to support children and young people with SEND: 74% of SENCos say that administrative work takes up the majority of their allocated SENCo time, with only 23% of SENCos reporting they have enough time to ensure that children and young people with EHCPs can access the provision they need<sup>73</sup>. We therefore recommend that SENCos are given sufficient protected time to carry out their role and are provided with dedicated administrative support to reduce the time they spend on administrative work.

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

**Consultation Question 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?**

## **Governance**

25. As set out in the SEND Code of Practice, schools are expected to identify a member of the governing body with specific oversight of the school's arrangements for SEND. This role is important in supporting the work of the SENCo, headteacher and the governing body in determining the strategic development of SEND policy and provision, and ensuring the school meets its responsibilities for reasonable adjustments. Through the revised Code of Practice, we will be looking to strengthen the relationship between the SEND governor and the SENCo.

### **Case study – Autism Education Trust**

The Autism Education Trust (AET) is a national partnership that operates across England and is supported by DfE. The AET creates and delivers a national professional development programme to enhance knowledge, understanding and skills in the workforce across early years, schools and post-16 settings to meet the needs of autistic children and young people.

The partnership consists of a range of organisations, including local authorities, the voluntary sector, universities and schools. These organisations apply to become AET programme partners, appointed and licenced by the AET to deliver the AET programme.

The AET provides a framework that can be used to change culture within education settings. Embedding the AET Programme creates a mainstream workforce who are skilled and confident to educate their local population of autistic children and young people, thus reducing the pressure on specialist services, preventing exclusions, and increasing the positive experiences of education for autistic children and young people.

The AET programme promotes whole-school development which is consistently applied through both the AET training and the implementation of the AET standards and competency frameworks. AET programme partners use these frameworks to benchmark how 'autism friendly' education settings are, and it enables them to assist education leaders to reflect and identify ways to improve their good autism practice by making reasonable adjustments as a whole setting.

The AET refer to this as a mainstream plus approach and it ties directly to their Good Autism Practice Principles (enabling environments, positive and effective relationships, understanding the individual, learning and development) that are evidence and research-based.

## We will improve timely access to specialist support

26. Children and young people with SEND frequently require access to additional support from a broad specialist workforce across education, health and care to enable them to effectively access the mainstream curriculum.
27. During the pandemic, there were reports of delays or challenges in accessing support, resulting in children's needs escalating<sup>74</sup>. This challenge was particularly acute for children's community health services with some key professions in high demand but lacking the capacity to deliver to all children that needed them. Data from the Mental Health Services Data Set (MHSDS) showed that between April 2019 and June 2021, only 16% of under 18-year-olds received a first appointment following an autism referral within the 13 week deadline recommended by NICE, while 17% of under 18-year-olds waited over half a year for an appointment following referral<sup>75</sup>.
28. Furthermore, 75% of families reported delays to routine health appointments for their disabled child in the first lock down<sup>76</sup>. The [Ask, Listen, Act study](#) reported that during the first national lockdown, 77% of health and social care professionals reported that the quality of care they were able to provide for children with SEND was 'much worse' or 'slightly worse' than prior to the pandemic<sup>77</sup>.
29. We are taking steps to increase the capacity of the specialist workforce. Since 2020, we have increased the number of educational psychologist trainees that we fund, to over 200, from 160 per annum, and have invested £30 million to train three more cohorts for academic years 2020, 2021, and 2022<sup>78</sup>.
30. We have put a clear focus on mental health and wellbeing, working in partnership with the Department for Health and Social Care (DHSC), NHS England and NHS Improvement to implement the proposals in the 'Transforming children and young people's mental health provision' green paper. We have committed to offer senior mental health lead training to every state-funded school and college by 2025, developing the knowledge and skills to implement and sustain a holistic approach to mental health and emotional wellbeing. In addition to this, NHS-funded Mental Health Support Teams (MHSTs) are in the process of being rolled out with an estimated 35% of the school population expected to have access to an MHST by 2023.
31. We are taking action across government to invest in health services and tackle waiting times for access to diagnosis and therapies. We are investing £2.5 million per year to support autism diagnosis for children and young people in line with the NHS Long-Term Plan. The NHS England-funded Realist Evaluation of Autism Service Delivery will continue work to support local areas to develop effective autism diagnostic pathways that will work well for children and young people.
32. Data and evidence on the precise demand for therapy from children and young people with SEND is limited. In order to ensure that the needs of children and young people with SEND are supported through effective workforce planning, the



Department of Health and Social Care will work with Health Education England, NHS England and DfE to build on existing evidence and build a clearer picture of demand for support for children and young people with SEND from the therapy and diagnostic workforce. This will allow workforce planning to focus on the areas of the health workforce which are a priority for meeting the needs of children and young people with SEND. We will also ensure that the joint needs assessment and local inclusion plans introduced in Chapter 2 support better joined-up workforce planning across education, health and care to enable schools and colleges to access specialist workforce on a targeted basis.

33. We want to build on the existing functions of Designated Clinical Officers (DCOs) and Designated Medical Officers (DMOs) in supporting health commissioners to fulfil their statutory obligations around SEND, and in driving improvements within the health system. To ensure there is consistency in the functions across all local areas, and to reflect learning from current models and inspection outcomes, we propose to clarify the strategic and operational functions that these officers should have at both place-based and Integrated Care System level. This would be reflected in the revised SEND Code of Practice. To better reflect the functions for health, we propose that it be entitled 'Designated Health Officer'.
34. There is currently no provision for an equivalent Designated Officer in social care. To improve strategic leadership and engagement with the SEND system among social workers, the Council for Disabled Children (CDC) has been piloting the role of Designated Social Care Officer (DSCO) across 30 local authorities. This is a senior position within the local authority's children's social care function, with responsibility for supporting better engagement between social care and SEND teams. It has the potential to deliver better join-up between social care and other partners, such as the Virtual School Head, and in developing a quality support offer for families of children with SEND. We therefore propose to revise the Code of Practice to strongly encourage the adoption of DSCOs and use findings from the CDC work to establish what a high-quality standardised DSCO role would look like.
35. For adult social care, resources are being invested by the Department of Health and Social Care (DHSC) to improve the workforce capability and practice and will include learning and development to augment existing best practice on social work for children with SEND and broader care needs to transition to support from adult social care services.
36. We will test the value of embedding multi-disciplinary teams of specialists in alternative provision, through a £15 million, 2 year pilot in alternative provision settings. The Alternative Provision Specialist Taskforces went live on 1 November 2021 and are already working in 22 serious violence hotspots across England. As part of the pilot, professionals from across health, education, social care, youth justice and youth services are co-located in alternative provision settings to provide intensive wraparound support to vulnerable children and young people.

37. The pilot is built on the understanding that by having localised teams of specialists (such as mental health workers, speech and language therapists and family support workers) embedded within alternative provision settings, the outcomes of children and young people will improve, including reducing serious violence. The Youth Endowment Fund (YEF), a What Works Centre for serious violence, are working with the Department for Education (DfE) on the evaluation of the pilot which will help build crucial evidence of what works in alternative provision settings.

## **We will invest in high-quality specialist placements where needed**

38. We understand that for some children and young people, specialist provision will be the most appropriate placement for them to be able to learn and succeed. The proportion of pupils in specialist provision increased by 19% from 2016 to 2021<sup>79</sup>. Some children and young people have to be educated outside of their local area and face long journeys to and from school and college with a resulting additional cost pressure for local authorities on SEN transport in the region of £800 million. This limits their opportunities to be active members of their local community. More children and young people are also attending independent specialist provision, even when this may not be the most appropriate setting for a child or young person, because there are no other state specialist settings nearby.

39. We will invest £2.6 billion over the next three years to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. This funding represents a significant, transformational investment in new high needs provision and will support local authorities to deliver new places in mainstream and special schools, as well as other specialist settings. It can also be used to improve the suitability and accessibility of existing buildings.

40. As part of our new special and alternative provision free schools wave, we will prioritise local authorities in need of further specialist provision, identifying local authorities where a new local special free school will help local authorities reduce their dedicated schools grant (DSG) deficits, enabling the local authority to provide more effective and efficient SEND provision that will achieve better outcomes for children and young people with SEND.

## **We will set out a timeline so, by 2030, every specialist setting can benefit from being part of a strong trust**

41. We are clear on the benefits for schools, parents, carers and pupils of having a well-regulated trust-led system. The Schools White Paper set out plans to work with the sector to complete the journey towards a system where all schools are in a strong

trust, including special schools and alternative provision, of which 766 settings are not yet in trusts<sup>80</sup>.

42. As the specialist sector evolves into a fully trust-based system, it is important to ensure that there is still alignment and sharing of expertise between mainstream and specialist settings, with strong peer networks promoting both support and challenge, and upstream training opportunities from the specialist into the mainstream sector. We recognise that this best practice is found within strong trusts, whether they are specialist-only or mixed (where mainstream and specialist sectors are combined). We therefore propose that both types of trusts are encouraged to coexist in the trust-led future and that currently local authority maintained special schools and alternative provision are given the choice as to which type of trust to join based on their individual and local circumstances, unless the school is becoming a sponsored academy due to underperformance in which case the regional director will determine the most appropriate trust to secure improvement.

**Consultation Question 11: To what extent do you agree or disagree that both specialist and mixed MATs should 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.**

#### **Dixons Academy Trust**

Dixons is a multi-academy trust consisting of 15 schools serving the communities in West Yorkshire and the North West. Dixons' success stems from the high aspirations it shares across the trust for all its pupils, with the aim of maximising achievements. The trust is committed to high-quality teaching for all pupils, including those with SEN, by ensuring teachers have the knowledge and resource to meet the wider needs of all in the classroom. There is an emphasis on continuing professional development for all staff, and pupils are encouraged to share their opinions with student voice activities conducted throughout the year. Parents and carers are actively engaged with the school: strong communication allows for up-to-date feedback on progress, so families feel confident in the support being provided.

The trust also has a strong focus on wellbeing, and pupils can access social communication sessions, with teaching of basic skills like turn-taking and self-regulation. For those pupils who need targeted social and emotional support, the academy provides small pastoral groupings for registration, DEAR (reading) programmes, and Personal Development Studies. The trust has a rigorous system for identifying, reporting and following up alleged bullying incidents and has incorporated anti-bullying themes into the curriculum to ensure an open culture. The basis on which all this support rests is true inclusion: equal quality of education and experience for all pupils irrespective of need, increasing confidence amongst parents and carers that mainstream school can meet their child's needs.

## The example of Sophie shows how the system will feel for children and young people following the proposed changes



Sophie is 5, she has an EHCP and is educated in a special school. The new SEND system means her family and health and care partners can contribute easily to her EHCP and she is educated in her local special school.

### **Current experience and trajectory**

Sophie has profound and multiple learning disabilities as well as complex health needs which require daily management and specialist support.

The EHCP process was challenging and draining for Sophie's family. There was not an easy way for social care and health to contribute effectively to the plan.

When Sophie finally got her EHCP her parents did not feel the provision specified was properly quantified and lacked the specialist wraparound support needed to address her complex needs.

Sophie's parents felt isolated and unsupported and took the case to First-tier SEND Tribunal. The ruling went in Sophie's favour, but the local authority struggled to find Sophie a specialist placement.

Sophie is placed in a special school miles away from her local community. Sophie needs learning support and help with personal care, but the school lacks the capacity to support all her needs.

### **Future experience**

The new standardised EHCP process means multi-agency professionals across education, health and care can work together, and with the family, to ensure Sophie's case is viewed holistically and meets her needs.

The EHCP process is efficient, and Sophie's parents feel that the system is designed to help them access the support they need.

Through the free schools programme, a new special school has opened in Sophie's local area, and she is able to get a place.

The workforce has the capacity and knowledge to support Sophie with personal care and attending appointments alongside her learning, using professionals across education, health, and care.

Sophie's parents can relax in confidence that she is receiving high-quality support. They access respite which has a positive impact on their mental health.

## **We will support young people in their transition to further education**

43. The further education (FE) sector has a vital role to play in supporting young people with SEND: of all FE and Skills participants, 15.7% of those aged 19 and over had a self-declared learning difficulty and/or disability in 2020/21<sup>81</sup>. Through our reform on the post-16 skills system, we are driving improvements for all learners, including those with SEND. The Skills Bill places a duty on all colleges in the statutory sector to review their provision, at least once every three years, to ensure that the education and training provided meets the needs of all learners in the local area – including the needs of learners with SEND.
44. Well-planned transitions are key to setting young people up for success in further education. But too often, information about a young person's needs and required support is not shared in good time, making it challenging for colleges and other further education settings to put the right provision in place. The new national standards will include standards for transition, providing consistent, timely, high-quality transition preparation for children and young people with SEND. We also propose to expand the use of Common Transfer Files to facilitate smooth transition planning. These files would share relevant data between schools and further education settings about a child or young person's needs and ensure the right support is in place from Day 1.
45. Whilst there are examples of excellent SEND provision in the further education sector, senior leaders do not always appreciate their role fully in preparing young people with SEND for adulthood. That can lead to crucial roles, such as careers advice, or job coaching, being delivered by members of staff with no specific or additional training.
46. In January 2022, the Institute for Apprenticeships and Technical Education published a new Occupational Standard for Further Education (FE) teachers. This forms the backbone of the new Learning and Skills Teacher Apprenticeship which is now available for delivery. Going forward, this occupational standard will also form the basis for all publicly funded FE teacher training routes, including qualifications. Any new qualification is likely to include a specialist option in SEND for FE teachers to support learners with additional needs. We will continue to offer financial support for trainees through a range of incentives, including bursaries worth £15,000 each, tax free, that are available to support pre-service training in the academic year 2022/23 for SEND specialists in FE.
47. We will also consider how the proposed NPQ for SENCOs in schools could be aligned to support those with oversight of SEN provision in FE settings. Through our FE governance guide we will set an expectation that every governing body should have an individual with a SEND link governor role who would have a particular interest in the needs of students with SEND.

## **We will prepare young people with SEND for adulthood**

48. With the right support, the vast majority of young people with SEND are able to secure sustained employment or go into higher education. But for too many young people, this is not the case: young people with SEN are 25% less likely to be in sustained employment at age 27 than their peers<sup>82</sup> and they are more likely to become long-term not in education, employment or training (NEET)<sup>83</sup>. As a result, young people miss out on the stability and satisfaction that comes with sustained employment, and the opportunity to demonstrate and develop their skills. They may remain in education settings for longer than is beneficial, because there is not a viable opportunity for them to progress to. This places financial pressure on local authorities, particularly when an EHCP is in place.
49. To give young people with SEND the best opportunity to progress into employment, we will roll out improved careers guidance, including better information about the support that is available to them as they move into work. This will be delivered via Careers Hubs and support for Careers Leaders leading the design and delivery of careers education programmes tailored to the needs of young people with SEND, and currently supported via the Careers & Enterprise Company. We will continue to work with the SEND sector in developing statutory guidance for local skills improvement plans as part of the approach to addressing the SEND employment gap and improve the employment prospects of young people with SEND.
50. We are investing up to £18 million in supported internships over the next three years, aiming to double the capacity of the supported internships programme to provide more young people with EHCPs with the skills they need to secure and sustain paid employment.
51. Alongside this, we are investing further in traineeships to deliver 72,000 traineeships between 2022/23 and 2024/25. Traineeships are open to young people with SEND to support them into an apprenticeship or a quality job. In recent years we have seen improved representation of learners who have declared a learning difficulty or disability starting apprenticeships<sup>84</sup>. We are investing in a comprehensive package of professional development which includes upskilling providers and employers in making reasonable adjustments for apprentices with learning difficulties and/or disabilities.
52. We are also consulting on the review of post-16 qualifications at level 2 and below, with the consultation closing on 27 April 2022. We are proposing a simplified qualifications landscape with a system which is easier to navigate with high-quality qualifications that better support students, including those with SEND, to progress to positive outcomes such as further study, employment, or adulthood and independent living. We will continue to work closely with those in the SEND community to ensure our reforms improve the life chances of both young people and adults.

53. We are working with the Department for Work and Pensions to pilot an adjustments passport that is owned by the young person with SEND and sets out the support that they require to succeed in higher education or in the workplace. We will use the findings from the pilot programme to consider whether adjustments passports should be expanded to all young people with SEND.

**Consultation Question 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?**

#### **Weston College**

Weston College is an Ofsted outstanding college of further and higher education in Weston-Super-Mare, with around 30,000 learners across the country. Their whole college inclusive approach has created a sustainable, motivational SEND career structure allowing more learners to succeed and remain in their local area. The college provides individualised support programmes that are delivered by highly-qualified SEND practitioners. At the core of these is a sustained focus on preparation for adulthood. Work experience or an industry placement, digital skills development, careers information, advice, and guidance to facilitate meaningful and sustainable transitions, form integral parts of their learners' programmes. Staff are given specialist training opportunities, which are undertaken regularly, to ensure they can effectively meet the changing needs of learners and provide this level of support. In 2021, 95% of young people with high needs at Weston College progressed onto positive destinations.

## The example of Naz shows how the system will feel for children and young people following the proposed changes



Naz is 18 and is transitioning from post 16 provision into employment. The new SEND system means the right support is in place for him straight away.

### **Current experience and trajectory**

Teachers in Naz's college did not receive information on his needs before he arrived. This means the right support was not immediately in place.

The college does not have a qualified SENCo, so Naz is unsure who he can speak to about his concerns. Eventually the support Naz needs is put in place, but he has missed out on valuable learning time.

Naz has lost confidence in the college's ability to support his development.

When Naz starts thinking about his next steps post college, he considers several options such as an apprenticeship or attending higher education but is worried he won't receive the support he needs when he arrives.

Naz feels discouraged and disengaged from his learning. He struggles to progress and does not meet the expected standard.

### **Future experience**

Naz's secondary school works with him to understand what options are available locally and to help him find the best place.

Naz decides to attend his local college. The use of a Common Transfer File helps ensure information can be shared with his new college so they are prepared for his arrival.

The college think early about preparing Naz for his next steps. Naz decides to do a traineeship, which enables him to get a place on an apprenticeship with a local employer.

Naz uses an adjustment passport which empowers him to take ownership of stating the support he needs when speaking to employers which means he is assured he will receive appropriate help when he starts his role.

Naz's employers have taken advantage of the Department for Education's package of professional development, which means they are confident in making the reasonable adjustments required to support Naz to succeed.

54. We recognise that some young people with more complex needs will require different forms of support as they move into adulthood. Where adult social care support is required, this should happen in good time so that young people are not left without support. This can cause anxiety for the young person and their family and can also result in EHCPs being retained beyond the point at which a young person can achieve



more within an education setting. There have been improvements to the practice of transition planning since the Care Act 2014 through the Care Statutory guidance and practice tools. We want to improve practice development and build on areas where this is working well already.

55. We will keep our approach to transitions to adult social care under review, considering the recommendations from the forthcoming Independent Review of Children's Social Care, as well as reforms to adult social care, including those which follow from the Department of Health and Social Care's Integration White Paper which was published in February 2021. In this White Paper the Department of Health and Social Care committed to responding to recommendations from the Independent Review of Children's Social Care which may be relevant to adult social care.

## Chapter 4: A reformed and integrated role for alternative provision

### Summary

1. The Review has heard about the positive role alternative provision can play in supporting a small number of children and young people facing multiple challenges. At their best, alternative provision schools are experts in dealing with behavioural or other needs which present a barrier to learning, including support for health needs in medical and hospital schools. They deploy their specialist skills in both mainstream and alternative provision settings to help children and young people get back on track. But a high-quality alternative provision offer does not exist everywhere. Structural barriers to effective delivery of alternative provision mean that, too often, its role is unclear and it is used too late or in a way that is not best focused on a child or young persons needs.
2. To address these barriers, we propose to create a national vision for alternative provision, enabling local areas to ensure that children and young people with challenging behaviour or with health needs get targeted support in mainstream settings, or access to time-limited or transitional places in alternative provision schools. This vision will be delivered by an integrated SEND and alternative provision system with clear national standards. We will drive improvement in the sector and enable all alternative provision schools to benefit from joining a trust. This will transform the sector, giving alternative provision a key role in improving outcomes for children and young people.

#### We propose to :

- **make alternative provision an integral part of local SEND systems** by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention
- **give alternative provision schools the funding stability to deliver a service focused on early intervention** by requiring local authorities to create and distribute an alternative provision-specific budget
- **build system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust**, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed
- **develop a bespoke performance framework for alternative provision** which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations

- **deliver greater oversight and transparency of pupil movements** including placements into and out of alternative provision
- **launch a call for evidence, before the summer, on the use of unregistered provision** to investigate existing practice

### What this means for:

**Children and young people:** will receive quality support, such as coaching and self-regulation skills, as soon as they need it from skilled practitioners they can trust. They will know that no-one has given up on them and that they will be supported to reach their full potential.

**Parents and carers:** will have confidence that, if their child is placed in or supported by alternative provision, it is a way of helping their child succeed by providing quality education and support. Decisions about support and placements will be clear and collaborative, always in the child or young person's best interest, and communicated to families.

**Education settings:** mainstream primary and secondary schools will have a clear, tiered package of support from alternative provision settings to build capacity to address behavioural or other needs that present a barrier to learning. This will include targeted support in mainstream schools and time-limited placements in alternative provision. There will also be longer-term, transitional placements in alternative provision, but only when that is in the best interests of the child or young person. Alternative provision schools will be given the resources to deliver this.

**Health and care providers:** will understand the types of medical alternative provision and how they will support those children and young people who are unable to attend a mainstream or special school, or college because of health needs. This will include expectations of how schools, local authorities and health and care providers will work together to address these health needs whilst delivering high-quality education.

**Local government:** will be set clear expectations for arranging and funding alternative provision through local partnerships and inclusion plans. They will be held to account for this through local area inspections. Their commissioning decisions will be guided by performance data that reflects the challenges faced by alternative provision schools and the outcomes they seek to achieve. They will be given the resources to ensure these expectations will be met.

## The needs met by alternative provision

3. Alternative provision supports a broad range of needs and consists of a wide provider base, including Pupil Referral Units (PRU), alternative provision academies and free schools, independent schools and unregistered providers. Alternative provision schools also include a small number of medical and hospital schools. These play an

important specialist role in supporting children and young people whose health prevents them from attending a mainstream school, re-engaging them in education as much as their health allows, and providing a supported transition back to mainstream school when appropriate.

4. The number of children and young people in alternative provision is small<sup>85</sup>, with the majority (75%) not having been permanently excluded before arriving at alternative provision<sup>86</sup>. Most of these children and young people do not achieve the same levels of attainment, or sustained post-16 destinations, as their peers. They are also often vulnerable, including to criminal exploitation. A majority (70%<sup>87</sup>) of children and young people in state place-funded alternative provision have been classed as a Child in Need in the past 6 years. Of the pupil cohort which had ever been registered at a state or non-state place-funded alternative provision setting, 41% had ever been cautioned or sentenced for an offence (this rises to 45% for those that were registered at state place-funded alternative provision)<sup>88</sup>. These challenges often coincide with SEN, with around 80% of children and young people in state place-funded alternative provision having some need<sup>89</sup>, primarily Social Emotional Mental Health (SEMH) needs<sup>90</sup>. Alternative provision has the potential to play a transformative role within an integrated SEND system for this group, who need specific, specialist support to address individual needs.

## What prevents these needs being met?

5. Where good practice occurs, local leaders make a determined effort to collaborate and overcome disincentives in the current system. Where this does not happen, alternative provision lacks the leadership, quality, capacity, and stable funding to deliver a targeted outreach offer that has the confidence of mainstream schools.
6. There is no coherent, agreed purpose for alternative provision, and it is rare for local areas to have a shared strategic plan for how and when alternative provision can best support children and young people. Commissioning practices, including sometimes low-quality unregistered provision, can lead to children and young people missing out on the high-quality education they need. Funding is unpredictable due to the inherent volatility of demand, with a significant proportion of alternative provision's annual income dependent on whether places are used<sup>91</sup>. This makes it hard for alternative provision schools to invest in improving quality, recruit a skilled and stable workforce, or develop a consistent outreach service. Providers are small and often operate in isolation, hindering their capacity to improve and drive-up outcomes. There are gaps in how the system is held to account, including ensuring placement decisions are always in the best interest of the child or young person.
7. This results in a system where children and young people arrive in alternative provision too late and go on to achieve poor outcomes, with only 4.5% of children in

alternative provision nationally achieving grades 4 or above in English and maths GCSEs in 2018/19<sup>92</sup>.

## We propose to create a new national vision for alternative provision

8. Alternative provision will offer timely, world class support to children and young people whose behaviour or needs present a barrier to learning. All alternative provision schools will be ambitious in supporting children and young people to stay in, or return to, mainstream schools or colleges whenever appropriate. Decisions about support and placements will always be in the best interest of the child or young person. Alternative provision schools will provide the leadership and expertise to develop capacity in mainstream schools, building on strong behaviour cultures. Children and young people will have the confidence and skills to succeed in whatever they choose to do next.
9. This vision will be delivered by an integrated SEND and alternative provision system with clear national standards. Although the majority of children and young people in alternative provision have some form of SEND, it serves a distinct purpose that is different to special schools, primarily supporting children and young people to stay in or re-integrate back into mainstream education. Alternative provision addresses behaviour that presents a barrier to learning and supports children and young people whose physical or mental health needs prevent them attending school. It should not be used simply because a child or young person is identified with SEND, or they are waiting for an EHCP assessment, or because there is no capacity in special schools.
10. To deliver this vision, alternative provision schools will offer interventions and education across a continuum of support, rather than focusing exclusively on expensive long-term placements. We propose to establish a new delivery model based on a three-tier system of support:
  - **targeted support in mainstream schools** for children and young people whose needs lead to behaviour that disrupts theirs or others' learning, but for whom a strong school behaviour culture is alone not sufficient. For example, through 'on call' advice for mainstream schools, coaching, delivering self-regulation classes for small groups, or one-to-one support
  - **time-limited placements in alternative provision** for those who need more intensive support to address behaviour or anxiety and re-engage in learning. Schools should use their powers of off-site direction, ensuring that children and young people are dual registered and are supported to return to their original school as soon as is appropriate
  - **transitional placements** for those children and young people who will not return to their previous school but will be supported to make the transition to a different

school when they are ready, or to a suitable post-16 destination. Alternative provision schools will support these children and young people to recover as much academic progress as possible and have the skills and confidence to thrive in what they do next

11. This vision builds on the ambition in the Schools White Paper for all children and young people to be taught in a calm, orderly, safe, and supportive school, and links to the revision of the Behaviour in Schools guidance and the statutory Suspension and Permanent Exclusion guidance. For those children and young people for whom a strong behaviour culture alone is not sufficient, high-quality alternative provision will deploy evidence-led strategies to re-engage them in education, improving their attendance and behaviour. This will provide a coherent, national vision for alternative provision and establish a delivery model for achieving it in every area. Over time, this new system will reduce the number of preventable exclusions and expensive long-term placements, as needs will be identified and supported early. More children and young people will remain in mainstream schools, improving their experience, wellbeing, and outcomes.

**Consultation Question 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?**

**Case study: Chessbrook Education Support Centre, Hertfordshire**

Chessbrook is an Ofsted outstanding PRU that supports over a thousand pupils each year through a tiered intervention service with the core aim to keep children in mainstream education. Chessbrook's team of professionals are on call daily to provide outreach services to local primary and secondary schools so that pupil needs are addressed before they escalate. Approximately 15 pupils with the greatest needs receive onsite provision and Chessbrook set high expectations around behaviour which is reinforced in a calm and consistent environment. This approach is matched with high attainment standards. The core curriculum is supplemented by vocational courses to create bespoke pathways so every pupil can achieve meaningful qualifications. Chessbrook's collaborative and transparent relationships with other schools and track record of keeping pupils in mainstream schools has seen them gain recognition as a trusted partner in the region turning around the lives of vulnerable children.

## **We will embed this vision in the local delivery of alternative provision**

12. We know a coherent, strategic approach to alternative provision does not exist everywhere. Currently, some local areas struggle to plan and deliver alternative provision, reacting only once needs have escalated. Without a clear strategy and plan for alternative provision, schools do not recognise its potential to address behavioural and medical needs when they are first identified. We will introduce new statutory

partnerships to address this by bringing all relevant local partners together to assess need and plan alternative provision. The results of this will be set out in each partnership's local inclusion plan.

13. There are structural barriers preventing alternative provision schools delivering a targeted support offer for mainstream settings. Alternative provision schools are subject to volatile funding, which fluctuates within and across years. Unlike mainstream or specialist SEND schools, where the numbers of children and young people are relatively stable, a large proportion of alternative provision funding is linked to unpredictable pupil movements, attached to every child or young person who has been permanently excluded or who requires a long-term placement<sup>93</sup>. This creates an incentive to support children and young people only once needs have escalated, rather than providing early intervention. This leads to children and young people being in alternative provision for longer than may be necessary, which is the exact opposite of what we want alternative provision to achieve. The unpredictable funding also makes it difficult to attract and retain high-quality staff, with many schools only able to offer short-term contracts. Addressing this problem will make alternative provision schools less of a financial risk for multi-academy trusts, helping to realise the vision set out in the Schools White Paper of a clear time that, by 2030, all children will benefit from being taught in a family of schools.
14. We also know that the current reliance on long-term placements is expensive, and if needs were identified earlier, the same amount of funding could be used to support more children and young people to thrive in mainstream school. Shifting the focus of alternative provision towards early intervention and embedding this in every local area will ensure children and young people get back on track quickly and have the skills to reach their full potential.
15. To ensure alternative provision schools have the funding security and stability they need to deliver a support service focused on early intervention, we will break the link between individual pupil movements and funding. Based on best practice, we propose that local partnerships agree a multi-year budget to be spent on alternative provision (ideally for a minimum of 3 years). In their inclusion plans, partnerships will then detail the number of targeted mainstream support places, time-limited placements, and transitional placements necessary to meet expected needs each year. Local partnerships will agree the cost of each service or placement type that they will provide, and how changes in demand will be managed within the alternative provision budget. We will expect local authorities to distribute full funding in line with the plan, in a way that gives alternative provision schools security – with funding no longer following the movement of each individual child or young person. We will consider the best way to embed these changes for all alternative provision schools as part of wider funding consultations.

**Consultation Question 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?**

## **We will build capacity to create world class support in every area**

16. During the Review, we heard that many school leaders feel unable to access consistent, high-quality alternative provision. As set out in the Schools White Paper, by 2030 all schools, including alternative provision schools, will benefit from being part of a strong trust, which will address the small, often isolated, nature of alternative provision schools, and help drive up standards.
17. Alongside this, 7 new alternative provision free schools are already approved to open, run by strong multi-academy trusts in areas where new provision is most needed. This will form part of the £2.6 billion investment, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. Alternative provision settings are also eligible for the new School Rebuilding Programme, which is transforming buildings in poor condition at 500 schools. 100 projects, including 2 at alternative provision schools, have already been announced. This is on top of our £11.3 billion investment since 2015 in improving the condition of the estate. From financial year 2021-22, the weighting for special and alternative provision schools in these funding allocations has also been increased by 50% to better reflect their needs.
18. To underpin our planned improvements, we will work with the sector to develop and disseminate an understanding of effective alternative provision practice. This will build on the £15 million Alternative Provision Specialist Taskforce programme which has embedded multi-agency teams in 22 alternative provision schools to support young people in those areas with the highest rates of serious violence. The government also funded two years of an Alternative Provision Transition Fund to support Year 11 pupils affected by the pandemic make sustained post-16 transitions. We will use the learning from both programmes to inform the delivery of our reforms and ensure we make effective practice resources available to all alternative provision providers looking to improve for example through building better relationships with local partners like youth offending teams.

## **We will ensure the system is set up for success**

19. To support improvement in alternative provision, and to help commissioners identify good provision, we will develop a bespoke national alternative provision performance framework. The information we currently publish in [Compare School and College](#)



[Performance](#) does not include alternative provision schools and existing measures of performance do not account for the progress which can be made in a short time by this fluid cohort or the success of providers in reintegrating the children and young people back into mainstream schools. We will therefore develop a new performance table for alternative provision schools. This will recognise that most children and young people arrive in alternative provision at a late stage in their education<sup>94</sup>, having already fallen a long way behind their peers. The children and young people who remain in alternative provision until the end of key stage 4 will, therefore, attain better outcomes by focusing on the skills and qualifications that enable them to make a successful transition to post-16.

20. We propose a new national performance framework based on five key outcomes:

- effective outreach support
- improved attendance
- reintegration
- academic attainment, with a focus on English and maths
- successful post-16 transitions

21. We propose to establish an expert working group to assist and advise us in developing this framework. The new performance framework will complement recent changes made by Ofsted to the Education Inspection Framework to strengthen alternative provision school inspections, and the planned inclusion of Local Area commissioning of alternative provision in the new joint Ofsted/Care Quality Commission Local Area SEND framework (set out in Chapter 5).

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

## **We propose to improve oversight of alternative provision placements**

22. While early intervention support provided by alternative provision schools should reduce the number of children and young people requiring a placement in alternative provision, some children and young people will continue to benefit from the expertise and support which placements provide. Currently, there is no comprehensive statutory framework for pupil movements, including placements into and out of alternative provision. Children and young people can enter and leave alternative provision through multiple pathways, each with different levels of regulation, including unlawful off-rolling practices. This results in poor oversight, inconsistency across local authorities, and complex processes for children, young people and families to

navigate. Children and young people also told us that movements between schools are disruptive and can have a negative impact on their mental health.

23. Decisions to move children and young people into and out of alternative provision should always be made in their best interest. As far as possible, placements should be made after other forms of support have been tested, and with the aim of returning the pupils to mainstream schooling as soon as is appropriate. To achieve this, we will review how children and young people move around the school system, including through off-site direction and unregulated managed moves, with a view to introducing a statutory framework for all pupil movements. We will draw on existing good practice, including Local Placement Panels and Fair Access Protocols, to inform this future policy and legislation.
24. As set out in the Schools White Paper, we will also consider a new backstop power for local authorities to direct trusts to admit children, with a right for the trust to appeal to the independent Schools Adjudicator. This will ensure that placements into and out of alternative provision are in the best interests of the child or young person, and that they are not left without a school place for unreasonable lengths of time.
25. Many mainstream, special and alternative provision schools, and local authorities, commission part of their educational offer from unregistered providers, such as one-to-one tutors or mechanics. Used well, this provides a 'hook' back into learning. Used badly, learning needs are unmet and children and young people become less visible across the system. We will strengthen protections for children and young people in unregistered alternative provision settings, so every placement is safe and has clear oversight.
26. The use of unregistered provision requires very careful planning and oversight, but current practice is too often poor. The provision is often used in the absence of sufficient local planning to ensure there are high-quality alternative provision school places, and poor oversight puts the educational attainment and safety of children and young people at risk. We are concerned that commissioners are using a combination of part-time placements to create a full-time education package for children and young people. This is not joined-up, and no single local body is currently responsible for ensuring that children and young people are attending full-time education across the week. To find the right solution, we will issue a call for evidence on the use of unregistered alternative provision before the summer. This will seek views on how unregistered provision should operate, including whether the use of unregistered settings should be limited to part-time provision only as a re-engagement tool that complements education in registered schools.

**Consultation Question 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?**

## Chapter 5: System roles, accountabilities and funding reform

### Summary

1. We have consistently heard throughout the Review the need to align system incentives and accountabilities to reduce perverse behaviours that drive poor outcomes and high costs in the current system. Where local systems work more effectively, they are often too reliant on good will and relationships and this is the exception rather than the norm. We need every partner to be clear on their responsibilities in the system, have the right incentives and levers to fulfil those responsibilities and be held accountable for their role in delivery.
2. This chapter sets out our proposals to align incentives and accountabilities that will drive this culture change and ensure effective local delivery against the national standards.

#### We propose to:

- **deliver clarity in roles and responsibilities** with every partner across education, health, care and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities
- **equip the Department for Education's (DfE) new Regions Group** to take responsibility for holding local authorities and MATs to account for delivery for children and young people with SEND locally through new funding agreements between local government and DfE
- **provide statutory guidance to Integrated Care Boards (ICBs)** to set out clearly how statutory responsibilities for SEND should be discharged
- **introduce new inclusion dashboards for 0-25 provision**, offering a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- **introduce a new national framework of banding and price tariffs for funding**, matched to levels of need and types of education provision set out in the national standards
- **work with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework** with a focus on arrangements and experience for children and young people with SEND and in alternative provision

## We will deliver clarity in roles and responsibilities

3. Supporting children and young people with SEND depends on complex relationships between multiple bodies. Our aim is to create a system where incentives prioritise the needs of every child and young person and where effective, integrated, local delivery is achieved through collaboration, joint working and strategic leadership. Every partner will have a clear role and be equipped with the levers to fulfil their responsibilities to achieve this.

### What this means for:

**Children, young people and their families:** will be a partner in local decision-making with their views and wishes taken into account and reflected in the support they receive, with co-production embedded at every level of the SEND system.

### Education settings:

- **early years:** will be responsible for enabling children's needs to be identified and met early from 0-5 years old
- **mainstream schools/MATs:** will be responsible for delivering high-quality teaching for all pupils, providing targeted support where needed (as set out in the recent Schools White Paper) and collaborating with local authorities to deliver for the community
- **FE providers:** will be responsible for helping young people transition into employment and adulthood equipped with the right skills to succeed

**Health and Care partners:** will be part of a truly integrated SEND and alternative provision system, using the opportunity presented by the creation of Integrated Care Boards (ICBs) to enable effective joint working and commissioning of local services. ICBs will have a duty to cooperate with local authorities and will proactively provide input and shape local strategic planning and be responsible for funding and delivery of local health provision to meet the needs of children and young people with SEND.

**Voluntary community sector and private sector delivery partners:** we value the expertise, role and contributions of voluntary and community organisations, and that of our delivery and improvement partners across the country. We want to continue to work with them both nationally and locally to deliver better outcomes for children, young people and their families.

**Independent inspectorates:** Ofsted and the Care Quality Commission will continue to assure the quality of providers and local area services through provider level and Area SEND inspections. We know this is essential to giving parents and carers confidence in the system.

**Local authorities:** are uniquely placed to be a champion for the best interests of every child and young person in their area. They will continue to be responsible for the high

needs budgets and lead local delivery, convening the new local SEND partnerships to develop the proposed local inclusion plans. We will equip them with the right levers to match this role with the legislation for enabling local multi-agency partnerships and new backstop powers to direct admissions in schools.

**The government:** will set the new national SEND standards, steward and regulate the system jointly across education, health and care. DfE's new Regions Group will take responsibility for integrated delivery for schools and local authorities, including children's social care and SEND.

## **We propose to strengthen system accountabilities**

4. The Education Select Committee<sup>95</sup> and the National Audit Office<sup>96</sup> sought wide ranging views and identified the need to strengthen accountabilities across all parts of the system. In addition, the Review has heard the need for a much better and timely understanding of how the system is performing locally and nationally, so that we can enable local system leaders to drive performance and the government to fulfil its regulatory function and steward the system effectively. We therefore propose to strengthen accountabilities, through a range of measures, ensuring the right checks and balances are in place to drive better outcomes and prevent failure in the system with every partner held accountable for every role they perform.

## **We propose to hold local authorities and MATs to account for local delivery**

5. DfE will establish a new Regions Group by summer 2022 bringing together functions currently distributed across the DfE and the Education and Skills Funding Agency (ESFA) into a single interface<sup>97</sup>. This function will lead system regulation, holding local authorities and MATs to account for local delivery in line with the new national SEND standards.
6. DfE will support local authorities in the development and review of local inclusion plans to ensure that they are built on strong evidence, are forward-looking, have considered emerging trends and are coproduced with parents to inform effective local delivery. This extra layer of quality assurance will promote best practice and strengthen oversight of local authorities.
7. We also propose that DfE, in its role as the regulator, will enter into new funding agreements with local authorities to provide greater accountability and transparency in how high needs budgets are spent to ensure that value for money is being achieved. The new funding agreements between DfE and local authorities propose to provide clarity on spending of the high needs budget in line with the new national SEND standards and set the circumstances where DfE will intervene.

8. To ensure the conditions set out in the funding agreements are met, DfE will monitor ongoing delivery against local inclusion plans and where delivery is not in line with the national standards, DfE will take action. There will be a clear ladder of intervention that is built on DfE's existing intervention programmes such as Safety Valve and Delivering Better Value (see Chapter 6) and will focus on creating financial sustainability and improving outcomes for children and young people. Where intervention is required, this may look like an improvement plan, pairing with high performing local authorities, imposed conditions such as working with expert advisers and in extenuating circumstances, a change in leadership to control high needs budgets and manage local delivery.
9. DfE will collect timely data and create trigger points that result in an intervention. We will work with local authorities and stakeholders in developing these triggers to ensure they are fair and proportionate. These would be put in place to prevent financial failure, acting early so that the issues do not become entrenched. Sometimes those who know what is happening best are those who are most affected, such as children and young people, their families, and professionals; DfE will use reports from those on the ground to build up an understanding of what is happening.
10. As we move to a fully trust-led system, the government will adapt the regulatory and legal arrangements for trusts. DfE's new Regions Group will act as a single risk-based regulator for trusts, as well as oversight of local authorities. This includes bringing together existing requirements into a set of statutory academy standards. New statutory intervention powers will underpin the standards and provide a robust framework for ensuring we can tackle any trust which fails to achieve the expected outcomes by managing and governing their schools effectively. We have a clear vision for a more inclusive system to be embedded within these requirements and will work with stakeholders to define what we expect of MATs in relation to children and young people with SEND.
11. In the Schools White Paper we will define for the first time the qualities of a strong trust against five key principles including delivering a high-quality and inclusive education. In the longer term, we must shape a regulatory approach that is fit for a fully trust-led system. We will work with stakeholders to design an overall regulatory setup that is risk-based and proportionate through the launch of a regulatory review in May 2022, looking at accountability and regulation.

## **We propose to strengthen accountability within the health system for SEND**

12. The NHS has put in place a system oversight framework to help the NHS manage resources to deliver high-quality, sustainable care. The framework sets out how NHS England and NHS Improvement monitor the performance of Integrated Care Systems (ICSs), Clinical Commissioning Groups and trusts. It is used by NHS England and

NHS Improvement's regional teams to guide oversight of ICSs at system, place-based and organisation level, and sets out how they will work with the CQC and other partners at national, regional and local level to ensure activities are aligned. Regional NHS England and NHS improvement teams work closely alongside the SEND Improvement teams within DfE to ensure that improvement and intervention action is well aligned and has impact across the system.

13. We are working with DHSC to provide statutory guidance to ICBs, subject to the passage of the Health and Care Bill. The guidance will set out clearly how the statutory responsibilities for SEND should be discharged within the ICBs including that ICBs must identify an Executive Lead for SEND who sits on the Board. The Health and Care Bill also provides intervention powers for NHS England where ICBs are found to be failing. NICE has also recently published new guidelines around the support that disabled children and young people with severe and complex needs should receive. These guidelines will support commissioners in planning and securing appropriate services for this group.

## **We propose to make better use of data in the SEND system**

14. Data collection in the current system is inconsistent: we do not always collect the right information, at the right time, in a way that enables local systems and leadership to respond to local needs before it is too late. Local Area SEND inspections are currently the only tangible means of assessing performance at a local level, but the current system only allows for one-off inspections of every local authority within a 5-year window, with a revisit approximately 24 months after inspection for those local authorities that have been required to produce a Written Statement of Action. As a result, poor performance can continue without timely action and improvement resulting in poor outcomes for children, young people and their families.
15. We are proposing to introduce new local and national inclusion dashboards, setting out clear performance data and metrics across education, health and care for strengthened accountability and transparency to parents. These metrics will form the basis of monitoring, planning, and delivering services by local SEND partnerships, showing changes in how the system is performing, and changing patterns of need and provision, in a more timely way. The metrics will also be used by the DfE and other departments to determine progress over time, providing a holistic picture of local area performance.
16. We will work with all those involved in the SEND system to identify the most informative and appropriate data across themes against the national SEND standards at a national and local authority level, and where data isn't currently available, we will work with partners to develop it. This will enable us to consistently capture the following key metrics to monitor and track system health nationally and locally:

- **outcomes and experiences** – examples include attainment and absence rates, tribunal appeal rates, proportion of children with SEN excluded and percentage of young people with SEN in employment, apprenticeships or higher education after 16-18 study
- **identification of need** – examples include proportions of children with different types of needs, percentage of pupils with EHCPs, timeliness of EHCP assessments, and measures on the availability and access to community health services (such as waiting times)
- **value for money** – examples include high needs spending, high needs budgets surplus or deficits and percentage of spend in and out of area provision

17. We will consider carefully how we best align this with the FE Performance Dashboard proposed as part of DfE's reforms to the FE funding and accountability system and the new independent body in England focused on data, transparency and robust evidence announced in the Levelling Up White Paper.

18. One important way in which DfE is committed to improving data on outcomes, experiences and value for money, is via our flagship SEND Futures programme of research and analysis. This comprises both a value-for-money study of SEND provision, and a new longitudinal cohort study focusing specifically on children and young people with SEND, and their families.

19. We have seen the benefits that can be achieved through effective data sharing in allowing families to access prompt support, including through the Supporting Families Programme, and want to promote this more widely across the system.

20. We are working with NHS England to introduce new innovative tools that will facilitate better data sharing across education and health partners. NHS England are also exploring a proof of concept to develop a new innovative family-held digital record for children and young people with SEND that will allow local partners to share relevant information about a child or young person in a timely way. The proof of concept will work with parents and carers, local authorities, and health partners to explore how data can be shared safely and effectively with relevant partners, such as healthcare practitioners and early years settings.

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



## **We propose to update performance metrics for education providers**

21. Whilst some mainstream schools are inclusive and support children and young people with SEND, we have heard too many examples where this does not happen. Accountability measures can be seen as a disincentive for schools to be inclusive and take on pupils. There is a perception that those that do welcome pupils with SEND become 'magnet schools' and see increasing numbers attending which becomes unsustainable over time. The issues are complex, with a range of incentives pulling in different directions. We will need to continue to strike a balance between ensuring that inspection and performance metrics for education provision adequately speak to the complexity of the SEND cohort and ensuring they offer a true picture of performance to hold schools accountable for the outcomes of children with SEND, and their role in delivering these outcomes.
22. We propose to update Compare School and College Performance (also known as performance tables) to support parents, young people and wider stakeholders to consider contextual information about a school or college alongside their results data. This will make it easier to recognise schools and colleges that are doing well for children with SEND.
23. The new Ofsted Education Inspection Framework (EIF) (2019) has a greater emphasis on how schools support children and young people with SEND to succeed. To be judged outstanding, settings must show that children and young people with SEND achieve exceptionally well. Inspectors expect schools to provide all children and young people with access to the same broad and ambitious curriculum. Schools should recognise that children and young people with SEND have different needs and starting points and will need different levels of support to make progress through the school's curriculum. Under the EIF, it is not sufficient for schools to have a curriculum that is ambitious and well-designed for the majority of learners, if it leaves some behind. Ofsted's early analysis shows that schools are thinking more about individual needs and how they can be met through a well-designed curriculum and the value of high ambition for children and young people with SEND<sup>98</sup>.
24. All schools and further education providers will be inspected at least once by the end of the summer term 2025 under the new EIF. This means families will have an up-to-date picture of the quality of education that children and young people with SEND are receiving under the new framework.

## **We will work with Ofsted to update the Local Area SEND and alternative provision inspection framework**

25. Local Area Joint Ofsted and Care Quality Commission inspections will continue to have an important role in the system with a focus on how local delivery of services,

including health and care, impacts the experience, progress and outcomes for children and young people with SEND.

26. The government is pleased with the plan for a new Local Area Joint Ofsted/CQC SEND inspection framework due to launch in 2023. This will create an ongoing cycle of inspections and visits of local authorities, monitoring aspects of the liberty protection safeguards scheme and look more closely at children under 5, those aged 16-25 and those in alternative provision. This will pave the way and help build accountability for the changes proposed through the new national SEND standards, including for alternative provision. Ofsted/CQC will review the framework following implementation to ensure that inspections consider how key reforms and legislation impact the experience, progress and outcomes for children and young people.

## **We propose to reform funding for a strong and sustainable system**

27. We propose funding changes to help make the most effective use of our investment in high needs funding, which will total £9.1 billion in 2022-23 and will increase further over the following two years of the spending review period. We want to work with local authorities to make the best use of this investment to deliver quality support for children and young people with SEND and, through the national system, enable local authorities to balance their high needs budgets. This alongside our broader changes to the national funding system will ensure money is targeted to where it's needed most and incentivise and equip settings to provide high-quality education provision thereby improving outcomes for children and young people with SEND.
28. As part of the new national SEND and alternative provision system, we propose the introduction of a new national framework of banding and price tariffs for high needs funding, matched to levels of need and types of education provision set out in the new national SEND standards. Bandings would cluster specific types of education provision (aligned to need) as set out by national standards. Tariffs would set the rules and prices that commissioners use to pay providers – for example, pricing attributed to specific elements of provision such as staffing. This tariff system would draw upon similar examples that are seen in local authorities and other services that cover broad spectrums of support, such as the NHS. Tariffs would ensure the right pricing structures are in place, helping to control high costs attributed to expensive provision. The bands and tariffs would be developed to appropriately reflect need, including the most complex needs and sufficiently meet the cost of provision. They will be designed to give providers clarity on how much funding they should expect to receive in delivering support or a service and enable commissioners to determine the cost of places or services.
29. Most local authorities make use of 'banded' funding arrangements, building on local consensus about types/levels of available provision and associated levels of funding.

A national framework of national funding bands has the potential to establish a more consistent basis for the funding of provision. This would address concerns about the inconsistency in current local authority arrangements including the added administrative burden faced by many education settings receiving pupils from several local authorities.

30. The national bands and tariffs would apply across the breadth of education provision in the SEND system, including places in independent specialist provision, providing a more consistent basis for commissioning and funding of provision. All specialist providers will need to ensure the provision they offer is in line with the national SEND standards if they are to continue receiving placements funded by the local authority.
31. We do not underestimate the challenge and complexity of developing a national framework of bands and tariffs. That is why we will work with local authorities and stakeholders, drawing on their expertise, and propose to pilot approaches on a smaller scale, prioritising high-cost provision, before carefully sequencing implementation on a national scale.
32. We propose to set guidelines for who pays for support, and how local authorities set funding levels. Working with DHSC, DfE will set out joint funding guidance across education, health and care. We will also consult further on funding tariffs for education provision, including the extent to which local flexibility is required (for example, scope to fund lower or higher than the funding tariff) whilst remaining within the national SEND standards.

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

### **Early years funding**

33. In early years, local authorities are required to establish a SEND Inclusion Fund to provide additional top up funding to providers to improve outcomes for children with SEND. Funding for the SEND Inclusion Fund can come from both the early years and high needs funding blocks of the dedicated schools grant (DSG). We will work with local authorities, providers and stakeholders to establish whether changes to the SEND Inclusion Fund or the current early years funding system more widely are needed, to support the proposed national framework for bands and tariffs and ensure funding arrangements remain appropriate and well-targeted to improve outcomes for all children and young people, including those with SEND.

### **Schools' notional SEN budgets**

34. The notional SEN budget is an amount within each mainstream school's overall budget that the school may set aside for its pupils with SEND. This amount is calculated by the school's local authority. We will move to standardise the calculation

of schools' notional SEN budgets in the context of full implementation of the direct National Funding Formula (NFF) for mainstream schools – in which DfE, rather than local authorities, will determine budget allocations for individual mainstream schools through a single, national formula. This will help to underpin our objective to equip all mainstream schools, wherever they are in the country, with the resources they need to provide high-quality support for children and young people with SEND in their settings.

35. In the short term, we will issue guidance to local authorities on how they should calculate their notional SEN budgets within their local funding formula to bring some consistency to what is currently a very variable approach taken by different local authorities. This will give schools more confidence in the funds that they are being provided with to help them support their pupils with SEND.
36. As part of the further consultations on the direct NFF, we will also consider options for calculating notional SEN budgets within the schools NFF. This will take into account the views expressed during the SEND Review and in the 2019 call for evidence, and an updated analysis of what schools should be able, and expected, to afford to spend on SEN support. In the context of the direct NFF, we will consult on options for how DfE, rather than individual local authorities, could determine notional SEN budgets for schools and agree how schools can demonstrate what they achieve with their budgets.
37. We are clear that there should continue to be a national expectation on how much of the additional costs of supporting pupils with SEN mainstream schools should meet from their formula funding, so that schools and local authorities can plan their budgets appropriately. While we are clear that some threshold should be retained, we will consider whether £6,000 per pupil, per year remains the right threshold beyond which schools can expect to draw down additional high needs funding. The appropriate threshold will be considered in context of the responsibilities that sit with mainstream schools under the new national standards, and we will consult before taking decisions on any changes to the level of the threshold.

## Chapter 6: Delivering change for children and families

### Summary

1. The proposals set out in this green paper represent our commitment to supporting children and young people with SEND and lay the foundation for improvement. We will set out a well-designed delivery programme with a clear roadmap for improvement that stabilises the system in the immediate term and delivers the necessary culture change to build an inclusive system in the longer term so that more children and young people are supported to thrive and succeed.
2. Following our consultation, we will work with partners to design a delivery plan that recognises the context of the ongoing response to and recovery from the pandemic, and that different settings and areas of the country are at different stages of readiness as we introduce change. The plan will align with wider reforms around levelling up, including policy set out in the recent Schools White Paper, as well as the forthcoming Independent Review of Children's Social Care and wider reforms to the delivery landscape across health and care.
3. We will have a strong focus on evidence-based delivery, using well-designed feedback loops and processes to identify and manage unintended consequences promptly. We will learn from best practice in the system. We have seen that the best performing SEND systems are those with a consistent focus on co-production. We will therefore embed co-production with children, young people, and their families at every level in our delivery planning.

#### We will:

- **take immediate steps to stabilise local SEND systems by investing an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme**, over the next three years, to support those local authorities with the biggest deficits
- **task the SEND and Alternative Provision Directorate within DfE** to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards
- support delivery through a **£70 million SEND and alternative provision change programme** to both test and refine key proposals and support local SEND systems across the country to manage local improvement
- **publish a national SEND and alternative provision delivery plan** setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people

- establish, for implementation of the national delivery plan, **a new National SEND Delivery Board** to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals
4. We will support the system to secure immediate improvements. We are clear that there are changes all system leaders can make now to better support the system to deliver for children and young people with SEND. Through the Safety Valve programme, introduced in 2020-21, we have given local authorities with the highest percentage of dedicated school grant deficits an immediate opportunity to get on the front foot to resolve issues with the sustainability of their high needs budget. This programme has demonstrated just how quickly good leadership and genuine collaboration across education and finance can identify suitable and innovative solutions, for the benefit of children and young people with SEND. The recent Spending Review identified an additional £300 million over the next three years (2022-25) for the Safety Valve programme, and we recently wrote to a group of 20 local authorities, indicating that they would be invited to join the programme in 2022-23.
  5. In addition, we are also investing £85 million over three years in the Delivering Better Value in SEND (DBV) programme to support up to 55 local authorities to reform their high needs systems, addressing the underlying issues that lead to increased pressure, and putting them on a more sustainable footing. This will help to stabilise local authorities so that they are better able to support children and young people with SEND and prepare for change.

## **We propose to establish a National SEND Delivery Board**

6. The dedicated SEND and Alternative Provision Directorate within DfE will be responsible for overseeing the development of new national SEND standards. DfE and DHSC will work with relevant health and care bodies to align these with expectations for health and adult social care. The new national SEND standards will draw on the latest evidence, data and system expertise to ensure standards reflect best practice and are updated to reflect changing prevalence of need and available resource. This will ensure that expectations remain relevant and appropriate in delivering better outcomes for children and young people. The directorate will be aligned with DfE's new Regions Group which brings together functions that are currently distributed across the department into a single interface.
7. Alongside this, we propose to establish a National SEND Delivery Board that will bring together the relevant government departments with national delivery partners including parents, and representatives of local government, education, health and

care to hold partners to account for the timely development and improvement of the system.

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

## **We will align with wider reforms and changes to the delivery landscape**

8. We have heard frequently that the primary reason the high aspirations of the 2014 reforms have yet to be achieved is because insufficient attention was paid to implementation. Achieving the goals for children and young people set out in this green paper will require a concerted and careful focus on delivery by all in the system. This is a complex system, and it will be vital that all working in it understand the changes, their role in them, and how this will help meet the needs of children, young people and their families.
9. It will be crucial that changes to the SEND and alternative provision system are sensitive to the different starting points of local areas and especially sympathetic and accommodating of the fact that the system is recovering from the pandemic. Equally, these proposals are not made in isolation but in the context of complementary changes to the education, social care, and health systems. We therefore want to seize this unique opportunity to deliver system-wide change for children and young people but are clear-eyed about the delivery challenges this represents. We will pay careful attention to what local areas tell us is realistic and we are clear change will only work if it happens at a pace that local areas have capacity to deliver. We will ensure delivery plans align with and take account of this wider context, in particular:
  - The pandemic has disproportionately impacted children and young people with SEND and the system that supports them<sup>99</sup>. Plans are in place to support the system to **recover from the pandemic** to ensure those who need help receive high-quality and effective support and that all pupils, including those with SEND, are supported to make up lost learning. Guidance setting expectations was published in September 2021. We also provided additional funding for those who attend specialist settings (including special units in mainstream schools) in both the catch-up premium paid in the 2020/21 academic year and the recovery premium, as well as the school-led elements of the National Tutoring Programme. Implementation plans following the green paper consultation will be sensitive to this recovery context.
  - The **Schools White Paper** set out a vision of a school system in which every child and young person can fulfil their potential, supported by an

excellent teacher, high standards for all, and targeted support for those that need it. It amplifies and supports the proposals set out in this green paper, to ensure we support all children and young people through their journey to adulthood. The proposals in this green paper will build upon the ambitious vision for an effective education system that the Schools White Paper seeks to deliver.

- The **Independent Review of Children’s Social Care**, launched in March 2021, is taking a fundamental look at what is needed to make a real difference to the needs, experiences, and outcomes of those supported by children’s social care. Almost half of all children in need have SEN<sup>100</sup>. Together these reviews have the potential to transform the lives of some of the most vulnerable children and young people. The Care Review will set out its final recommendations in the spring and the government response will follow. We have taken into account the areas of focus identified in the Care Review Case for Change and considered this in our approach to this green paper. We will continue to ensure that any changes resulting from these reviews lead to a coherent system that has the best interests of families and vulnerable children at its heart.
- **Integrated Care Boards (ICBs)**, replacing Clinical Commissioning Groups, are being rolled out across the country, and will be in all parts of England subject to the passage of the Health and Care Bill. They aim to remove traditional divisions that caused too many people to experience disjointed care. They help to coordinate services across an area by forming partnerships between the organisations that meet health and care needs. Stronger integration between strategic partners such as physical and mental health services and between NHS and council services will help deliver better and more convenient services. The introduction of ICBs will help local areas to commission at scale, solve common issues together, share good practice and help deliver a consistent approach across larger areas to early identification and transition for children and young people with SEND.

## **We will deliver change for children and families**

10. We are determined to create the right conditions for lasting change that delivers on our shared aspirations for children and young people with SEND. We know this will require careful and collaborative planning and clear sequencing. It will also require extensive and continued engagement and communication to enable leadership of change at every level in the system. And most of all it requires genuine and continual co-production with parents from local to national-level to ensure we implement the



changes in line with our aspiration and as children, young people, and their families need.

11. We will support delivery through a £70 million SEND and alternative provision change programme to test and refine key proposals and support local SEND systems across the country to manage local improvement.

**Consultation Question 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?**

## Next Steps

12. The publication of this green paper marks the start of a 13 week consultation process, closing on 1 July 2022. Alongside this written consultation will be a series of events to gather additional views and contribute to the overall consultation. We know that engaging the sector, children, young people and parents to communicate and develop understanding of the proposals is a vital first step for successful implementation. As we do so, we will be clear that the time for change to start is now. There is a lot that local areas can begin to do to realise the vision of these changes; indeed, proposals build on practice that exists in some areas. We will therefore ask people not only to engage in shaping future plans but also to consider how they can make a difference today to support for children and young people with SEND.
13. Later this year, we will publish a national SEND delivery plan, setting out government's response to the consultation and how change will be implemented.

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

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

## List of consultation questions

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 the standards apply across education, health and care in a 0-25 system.
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?
3. What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?
4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?
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?
6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?  
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
  - If you selected Disagree or Strongly Disagree, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.
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.
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?
9. To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?  
Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree
  - If you selected Disagree or Strongly Disagree, please tell us why.

10. To what extent do you agree 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?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

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 Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

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?

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?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

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?

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, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

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?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

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

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

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

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?

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

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

## Glossary

**Academy:** A state-funded school in England that is directly funded by DfE, through the Education and Skills Funding Agency. Academies are self-governing and independent of local authority control.

**Alternative Provision:** Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education and support arranged by schools, including for pupils receiving targeted support in their mainstream school; pupils being directed by schools to off-site provision to improve their behaviour; and provision for pupils on a fixed period exclusion. When we reference state place-funded alternative provision, we mean alternative provision receiving £10,000 per place from a local authority or the Education and Skills Funding Agency, comprised of all Pupil Referral Units, alternative provision academies and alternative provision free schools.

**Annual review:** The review of an EHCP which the local authority must make as a minimum every 12 months.

**Care Quality Commission (CQC):** The independent regulator of health and social care in England, responsible for registering care providers, monitoring, inspecting and rating services, and taking action to protect people who use services.

**Child and Adolescent Mental Health Services (CAMHS) / Children and Young People's Mental Health Services (CYPMHS):** These services assess and treat children and young people with emotional, behavioural, or mental health difficulties. They range from basic pastoral care, such as identifying mental health problems, to specialist 'Tier 4' CAMHS, which provide in-patient care for those with more complex needs.

**Children in need:** A child in need is defined under the Children Act 1989 as a child who is unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired without the provision of children's social care services, or the child is disabled.

**Compulsory school age:** A child is of compulsory school age from the beginning of the term following their 5th birthday until the last Friday of June in the year in which they become 16, provided that their 16th birthday falls before the start of the next school year.

**Dedicated schools grant (DSG):** This grant is allocated on a financial year (April to March) basis to local authorities, and consists of four funding blocks: mainstream schools funding (often referred to as the schools block), funding for services the local authority provides to all schools (the central schools services block), high needs funding for children and young people with more complex needs (the high needs block), and the early years funding block.

**Disagreement resolution:** This is a statutory service commissioned by local authorities to provide a quick and non-adversarial way of resolving disagreements between parents or young people and bodies responsible for

providing education, whether the child or young person has an EHCP or not, or health and social care in relation to EHC assessments and plans. Disagreement resolution services can also be used in cases of disagreement between local authorities and health commissioning bodies during EHC needs assessments, the drawing up of EHCPs or the reviewing of those plans.

**Early help:** Early help means providing support as soon as a problem emerges, at any point in a child's life, from the foundation years through to the teenage years.

**Early Years Foundation Stage (EYFS):** The EYFS covers children from birth to age five. Many children attend an early education setting soon after their third birthday. The foundation stage continues until the end of the reception year and requires settings to deliver a broad early years curriculum across seven statutory areas of learning and development. It prepares children for learning in Year 1, when programmes of study for key stage 1 are taught.

**Early years provider:** A provider of early education places for children under five years of age. This includes schools, pre-schools, private nurseries and childminders.

**Education and Skills Funding Agency (ESFA):** An arm of DfE that manages the funding for learners between the ages of 3 and 19 years and for those with SEN or disabilities between the ages of 3 and 25. The ESFA allocates funding to 152 local authorities for maintained schools and voluntary aided schools. It is also responsible for funding and monitoring academies, University Technical Colleges, studio schools and free schools, as well as building maintenance programmes for schools and sixth-form colleges.

**Education, Health and Care Plan (EHCP):** An EHCP details the education, health and social care support that is to be provided to a child or young person who has SEN or a disability. It is drawn up by the local authority, with relevant partner agencies, after an EHC needs assessment of the child or young person has determined that an EHCP is necessary.

**First-tier Tribunal (Special Educational Needs and Disability):** An independent body which has jurisdiction under Section 51 of the Children and Families Act 2014 for determining appeals by parents and young people against local authority decisions on EHC needs assessments and EHCPs. The tribunal's decision is binding on both parties to the appeal. The tribunal also hears claims of disability discrimination under the Equality Act 2010.

**Free school:** A free school is a type of academy, which is free to attend, but is not controlled by the local authority. Free schools receive state funding via the Education and Skills Funding Agency. Parents, teachers, businesses or charities can submit an application to DfE to set up a free school.

**Further education (FE) college:** We define provision for all young people with SEND who are post 16 as FE. This includes colleges offering continuing education to young people over the compulsory school age of 16.

**Healthy Child Programme:** Healthy Child Programme runs from 28 weeks

pregnancy to 19/24 years of age. It provides universal, targeted and specialist interventions including screening, immunisation, health and development reviews, supplemented by advice around health, wellbeing and parenting for younger children and health advice for older children and young people.

**High needs funding/budget:** This funding is for children and young people aged 0 to 25 with complex needs, currently defined as those with SEND needing additional support costing more than £6,000 per annum, including the costs of special school and specialist college provision, and those requiring alternative provision. The majority of this funding is allocated to local authorities through their DSG (see above). We refer both to the national high needs budget, which DfE allocates, and to local authorities' high needs budgets.

**Integrated Care System (ICS):** New partnerships between the organisations that meet health and care needs across an area, to coordinate services and to plan in a way that improves population health and reduces inequalities between different groups. Subject to the passage of the Health and Care Bill, ICSs will be in all parts of England and will include the following statutory entities at system-level:

**Integrated Care Partnership (ICP):** The broad alliance of organisations and representatives concerned with improving care and the health and wellbeing of the population, jointly convened by local authorities and the NHS.

**Integrated Care Board (ICB):** Bringing the NHS together locally to improve population health and care. Clinical Commissioning Groups (CCGs) will be abolished.

**Independent school:** A school that is not maintained by a local authority and is registered under part 4 of the Education and Skills Act 2008. Section 347 of the Act sets out the conditions under which an independent school may be approved by the Secretary of State for Education as being suitable for the admission of children with EHCPs.

**Maintained school:** Schools in England that are maintained by a local authority – any community, foundation or voluntary school, community special or foundation special school.

**Mediation:** This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over EHC needs assessments and plans and which parents and young people can use before deciding whether to appeal to the First-Tier Tribunal about decisions on assessment or the special educational element of a plan. Mediation can cover any one or all three elements of an EHCP and must be offered to the parent or young person when the final plan is issued.

**NHS England (NHSE):** NHS England is an independent body, at arm's length to the government and held to account through the NHS Mandate. Its main role is to improve health outcomes for people in England by providing national leadership for improving outcomes and driving up the quality of care; overseeing the operation of clinical commissioning groups; allocating resources to clinical

commissioning groups, and commissioning primary care and specialist services.

**Non-maintained special school:** Schools in England approved by the Secretary of State for Education under Section 342 of the Education Act 1996 as special schools which are not maintained by the state but charge fees on a non-profit-making basis. Most non-maintained special schools are run by major charities or charitable trusts.

**Ofsted:** Office for Standards in Education, Children's Services and Skills is a non-Ministerial government department established under the Education & Inspections Act 2006. It has responsibility for the inspection of schools, children's services, and local SEND provision in England.

**Parent:** Under Section 576 of the Education Act 1996, the term 'parent' includes any person who is not a parent of the child but has parental responsibility (see below) or who cares for him or her.

**Parent Carer Forum:** A Parent Carer Forum is a group of parents and carers of disabled children who work with local authorities, education, health and other providers to make sure the services they plan and deliver meet the needs of disabled children and families.

**Parental responsibility:** Parental responsibility is defined under Section 3 (1) of the Children Act 1989 as meaning all the duties, rights, powers, responsibilities, and authority which parents have with respect to their children and their children's property. Under Section 2 of the Children Act 1989, parental responsibility falls upon:

- All mothers and fathers who were married to each other at the time of the child's birth (including those who have since separated or divorced)
- Mothers who were not married to the father at the time of the child's birth, and
- Fathers who were not married to the mother at the time of the child's birth, but who have obtained parental responsibility either by agreement with the child's mother or through a court order

Under Section 12 of the Children Act 1989, where a court makes a residence order in favour of any person who is not the parent or guardian of the child, that person has parental responsibility for the child while the residence order remains in force.

Under Section 33 (3) of the Children Act 1989, while a care order is in force with respect to a child, the social services department designated by the order will have parental responsibility for that child, and will have the power (subject to certain provisions) to determine the extent to which a parent or guardian of the child may meet his or her parental responsibility for the child. The social services department cannot have parental responsibility for a child unless that child is the subject of a care order, except for very limited purposes where an emergency protection order is in force under Section 44 of the Children Act 1989.



**Pupil:** A child or young person enrolled at a school, pupil referral unit or state-funded nursery, or a child who is no longer enrolled but meets one of several exemptions (for example, permanent exclusion).

**Pupil Referral Unit (PRU):** Any school established and maintained by a local authority under Section 19 (2) of the Education Act 1996 which is specially organised to provide education for pupils who would otherwise not receive suitable education because of illness, exclusion or any other reason.

**SEND Local Offer:** Local authorities in England are required to set out in their Local Offer information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have EHCPs. Local authorities must consult locally on what provision the Local Offer should contain.

**Special Educational Needs (SEN), Special Educational Needs and Disability (SEND):** A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age or has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions. 'Special educational needs' and 'disability' have different definitions in law and guidance.

In England, the Equality Act 2010 defines a person as having a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. As such, some pupils have disabilities that meet the Equality Act's criteria because of the effect on their day-to-day activities, but which do not call for special educational provision; and some pupils have special educational needs because of learning difficulties that do not meet the Equality Act's disability criteria. However, there is a significant overlap between children with disabilities and children with special educational needs, hence the common use of terms such as "SEND" and "SEND system".

**Special Educational Needs Co-ordinator (SENCo):** A qualified teacher (or headteacher or deputy) in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. Other early years settings in group provision arrangements are expected to identify an individual to perform the role of SENCo and childminders are encouraged to do so, possibly sharing the role between them where they are registered with an agency.

**Special educational provision:** Special educational provision is educational or training provision that is different from, or additional to that normally made for others the same age in mainstream schools, maintained nursery schools, mainstream post-16 institutions or places at which relevant early years education is provided.

**Special school:** A school which is specifically organised to make special educational provision for pupils with SEN. Special schools maintained by the local

authority comprise community special schools and foundation special schools, and non-maintained special schools that are approved by the Secretary of State under Section 342 of the Education Act 1996.

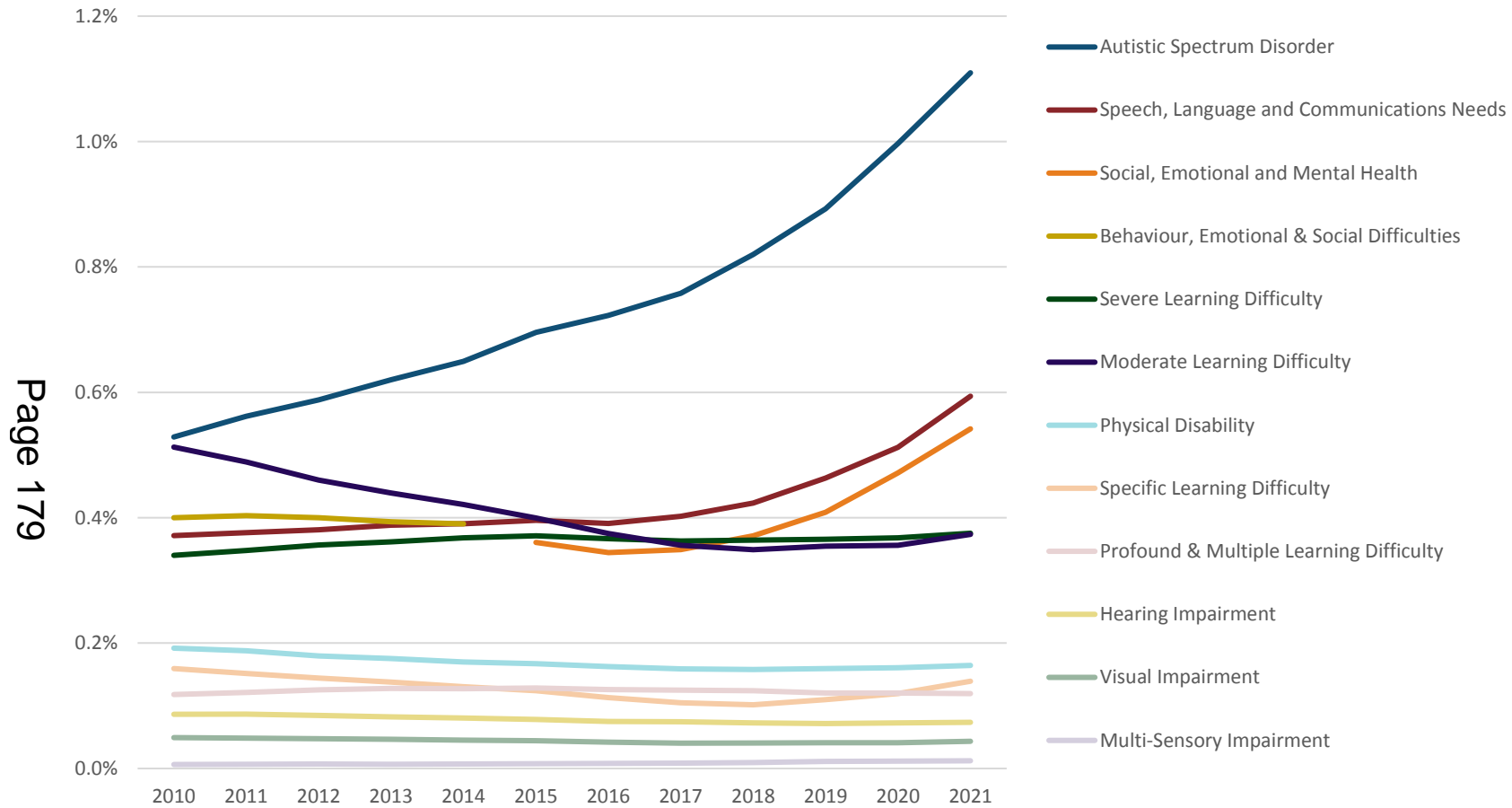
**Speech and language therapy:** Speech and language therapy is a health care profession, the role and aim of which is to enable children, young people and adults with speech, language and communication difficulties (and associated difficulties with eating and swallowing) to reach their maximum communication potential and achieve independence in all aspects of life.

**Virtual School Head (VSH):** The Virtual School Head (VSH) is an officer of a local authority who leads a virtual school team that tracks the progress of children looked after by the authority as if they attended a single school. The Children Act 1989 requires every local authority to appoint an officer who is an employee of that or another authority to discharge this duty.

**Young person:** A person over compulsory school age (the end of the academic year in which they turn 16) but under 25. From this point the right to make decisions about matters covered by Part 3 of the Children and Families Act 2014 applies to the young person directly, rather than to their parents. An individual becomes an adult at the age of 18.

## Annex: selected analysis and evidence

Figure 2: Proportion of pupils with an EHCP, by primary type of need, as at January of each year

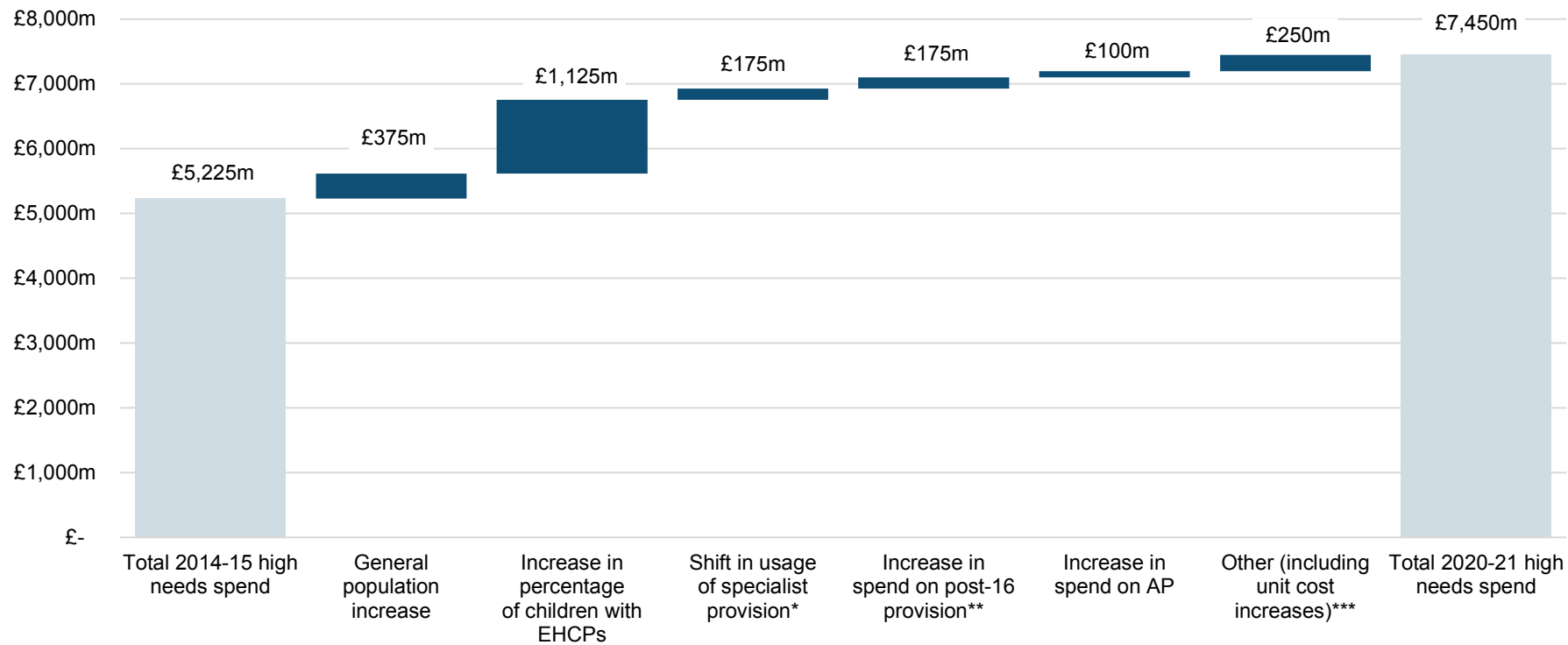


See note <sup>101</sup>

**Table 1: Proportion of pupils with an EHCP, by primary type of need, as at January of each year**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Autistic Spectrum Disorder	0.53%	0.56%	0.59%	0.62%	0.65%	0.70%	0.72%	0.76%	0.82%	0.89%	1.00%	1.11%
Speech, Language and Communications Needs	0.37%	0.38%	0.38%	0.39%	0.39%	0.40%	0.39%	0.40%	0.42%	0.46%	0.51%	0.59%
Behaviour, Emotional & Social Difficulties	0.40%	0.40%	0.40%	0.39%	0.39%							
Social, Emotional and Mental Health						0.36%	0.34%	0.35%	0.37%	0.41%	0.47%	0.54%
Severe Learning Difficulty	0.34%	0.35%	0.36%	0.36%	0.37%	0.37%	0.37%	0.36%	0.36%	0.37%	0.37%	0.38%
Moderate Learning Difficulty	0.51%	0.49%	0.46%	0.44%	0.42%	0.40%	0.37%	0.36%	0.35%	0.35%	0.36%	0.37%
Physical Disability	0.19%	0.19%	0.18%	0.18%	0.17%	0.17%	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%
Specific Learning Difficulty	0.16%	0.15%	0.14%	0.14%	0.13%	0.12%	0.11%	0.10%	0.10%	0.11%	0.12%	0.14%
Profound & Multiple Learning Difficulty	0.12%	0.12%	0.13%	0.13%	0.13%	0.13%	0.13%	0.12%	0.12%	0.12%	0.12%	0.12%
Hearing Impairment	0.09%	0.09%	0.08%	0.08%	0.08%	0.08%	0.07%	0.07%	0.07%	0.07%	0.07%	0.07%
Visual Impairment	0.05%	0.05%	0.05%	0.05%	0.05%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%
Multi-Sensory Impairment	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%

**Figure 3: Change in high needs spend 2014-15 to 2020-21**



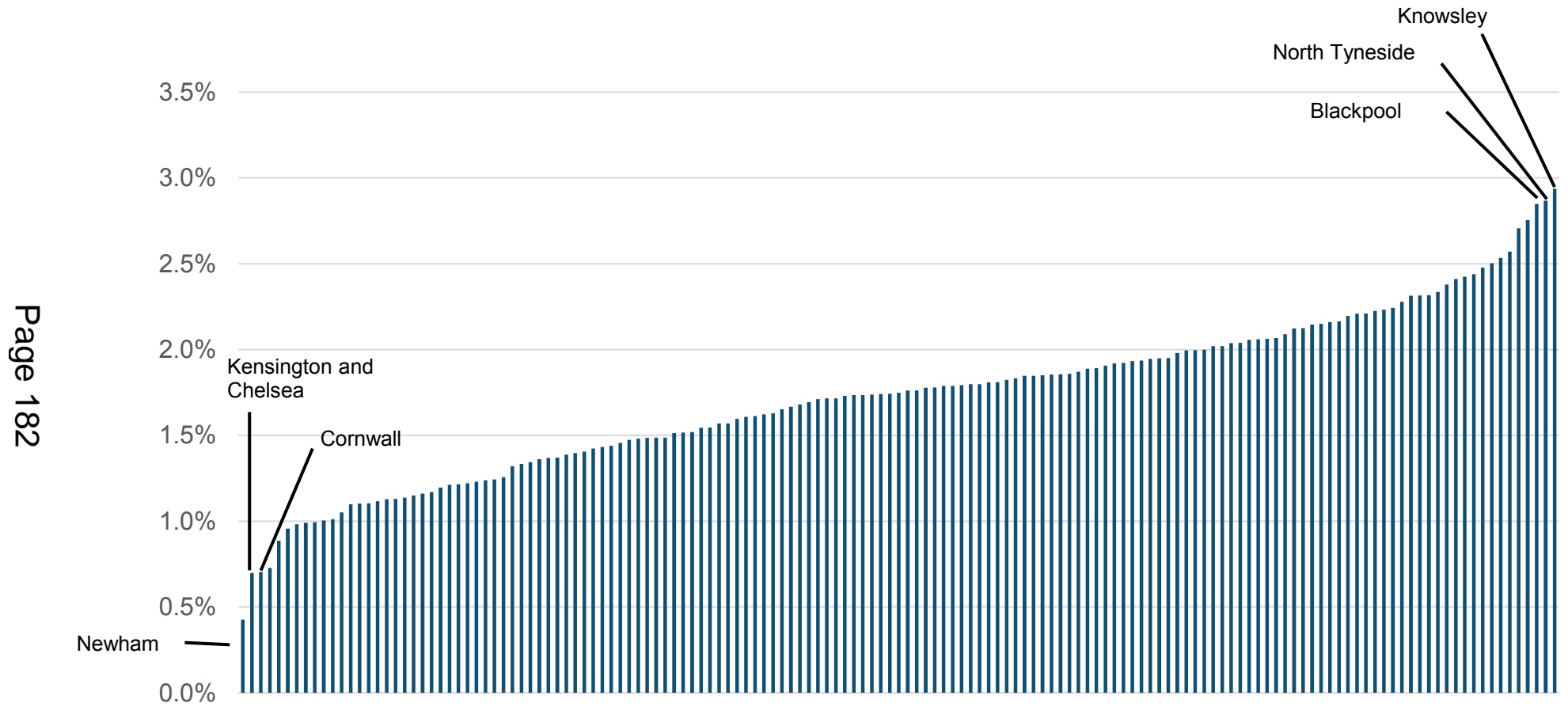
\*The shift in the usage of specialist provision has led to a net increase as a result of changes in proportions of needs met in different types of provision, of which most significant is the increase in the proportion of needs met in independent specialist settings (+£245m)

\*\*Post-16 refers to FE provision (including SPIs), and includes post-16 population growth and growth in 19-25 provision. Other post-16 provision is included in the other relevant categories. The 2014-15 baseline does not include funding for LDAs.

\*\*\*Other includes changes in average unit cost (including impacts of general inflation), therapies and other health related services, SEN support services, hospital education services, personal budgets, early years, funding targeted to mainstream schools for inclusion, SEN transport, carbon reduction commitment allowances for PRUs and income.

See note <sup>102</sup>

Figure 4: Proportion of pupils with an EHCP and in a special school, by local authority, as at January 2021



## Acknowledgements

We would like to thank all those who have contributed to and helped shape the Review. This includes the workforces across early years, schools, and further education settings, those working in health and care services, local government, voluntary and community sector organisations, system leaders, unions, our SEND Review Steering Group and Alternative Provision Steering Group and most importantly children, young people, parents and carers who have shared their experience of the current SEND system.

We would also like to thank the following organisations for their helpful insights throughout the Review: Council for Disabled Children, National Audit Office, Ofsted, Education Policy Institute, Independent Schools Council, NHS England, Office for the Children's Commissioner, National Network of Parent Carer Forums, Education Select Committee and Association of Colleges.

Finally, thank you to the SEND Review team and officials in the Department for Education, alongside officials across the Department of Health and Social Care, Her Majesty's Treasury, the Department for Levelling Up, Housing and Communities, Ministry of Justice and the Department for Work and Pensions.

We are extremely grateful to everyone for their time, expertise, commitment and thoughtful support and challenge.

### **SEND Review Steering group members:**

- Charlotte Ramsden, President, Association of Directors of Children's Services
- Chris Russell, National Director, Education, Ofsted
- Christine Lenehan, Director, Council for Disabled Children
- David Bartram, Director, Prescient Education
- David Holloway, Senior Policy Manager, SEND, Association of Colleges
- Leora Cruddas, Chief Executive, Confederation of Schools Trusts
- Mark Vickers, Chair of Alternative Provision/SEND CEO Network
- Michael Freeston, Director of Quality Improvement, Early Years Alliance
- Mrunal Sisodia, Co-chair, National Network of Parent Carer Forums
- Rachel de Souza, Children's Commissioner
- Sally Burlington, Head of Policy (People), Local Government Association

- Sue North, Head of Children and Young People, NHS England and Improvement, Learning Disability and Autism Programme
- Tina Emery, Co-chair, National Network of Parent Carer Forums
- Tony McArdle, Independent Adviser; Chair, SEND System Leadership Board

**Alternative Provision Stakeholder Group:**

- Cath Kitchen OBE, Chair of the National Association of Hospital and Home Teaching
- Christina Jones, CEO of River Tees MAT
- Emma Bradshaw OBE, Headteacher of The Limes College and Executive Principal of the Alternative Learning Trust
- Jenny Adamson, Head of the Saffron Valley Collegiate PRU
- Mark Vickers MBE. Chair of the National MAT CEO Network for Alternative Provision and SEND and CEO Olive Academies Trust
- Nic Brindle, CEO of the Youth Engagement Schools (YES) Trust
- Robert Gasson, Chief Executive, WAVE Multi-Academy Trust
- Sarah Dove, President of PRUsAP and CEO of Phoenix Education Consultancy
- Sharon Roscoe, CEO of the Education Partnership Trust
- Tim Morfin, Founder and CEO of Transforming Lives for Good



## References

- <sup>1</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>2</sup> Internal DfE analysis combining School Census, Alternative Provision Census, Pupil Referral Unit Census (as at January each year) for years 2009/10 to 2020/21. Coverage: Pupils in year 11/age 15 as at January 2021.
- <sup>3</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>4</sup> Special educational needs in England, Department for Education, 2021 , Special educational needs: analysis and summary of data sources, Department for Education, 2021
- <sup>5</sup> [Special educational needs in England, Department for Education, 2021](#). Note: In secondary schools, Moderate Learning Difficulties and Specific Learning Difficulties were nearly as common: 21% of pupils with SEN Support each.
- <sup>6</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>7</sup> [Special educational needs in England, Department for Education, 2021](#). Note: Autistic Spectrum Disorder was the most common in both primary and secondary phase.
- <sup>8</sup> [Special education needs in England, Department for Education, 2021](#)
- <sup>9</sup> [Education, health and care plans, Department for Education, January 2021](#). This covers all children and young people with an EHCP, not just pupils with an EHCP.
- <sup>10</sup> [Education provision: children under 5 years of age, Department for Education, 2021](#)  
The total population of 3- and 4-year-olds in receipt of funded early education also shrank over the same period.
- <sup>11</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>12</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>13</sup> High Needs Budget in 2022-23: [National funding formula tables for schools and high needs: 2022 to 2023, Department for Education, 2021](#), [Dedicated schools grant \(DSG\): 2022 to 2023, Department for Education, 2021](#).  
High Needs Budget in 2021-22: [National funding formula tables for schools and high needs: 2021 to 2022, Department for Education, 2020](#).  
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- <sup>14</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#). Survey: 483 responses, 27% reported that their child's needs were 'mostly met' or 'completely met', and 5% did not know.
- <sup>15</sup> [School snapshot survey - support for pupils: summer 2019, Department for Education, 2020](#)
- <sup>16</sup> [The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills, Ofsted, 2021](#). Further reports have been published since, which can be accessed via [Find an inspection report, Ofsted, 2022](#).
- <sup>17</sup> The early years foundation stage framework sets the statutory standards for the development, learning and care of children from birth to age 5. This includes seventeen

early learning goals that children are expected to have attained by the end of reception year, which cover, for example, language and physical development.

<sup>18</sup> [Early years foundation stage profile results: 2018 to 2019, Department for Education, 2019](#)

<sup>19</sup> [National curriculum assessments at key stage 2, 2019 \(revised\), Department for Education, December 2019](#)

<sup>20</sup> [Key stage 4 performance, Department for Education, 2021](#)

<sup>21</sup> [Key stage 4 destination measures, Department for Education, 2021](#)

<sup>22</sup> [State-funded schools inspections and outcomes as at 31 August 2021: main findings. Ofsted, 2021](#)

<sup>23</sup> [Education, health and care plans, Department for Education, 2021](#)

<sup>24</sup> [Pupil absence in schools in England, Department for Education, 2020](#)

<sup>25</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>26</sup> [National curriculum assessments at key stage 2, 2019 \(revised\), Department for Education, December 2019](#)

<sup>27</sup> [Mental Health of Children and Young People in England 2017. NHS Digital, 2018.](#)

Please note that in some cases the special educational need is related to the mental health disorder itself.

<sup>28</sup> [Outcomes for pupils eligible for free school meals and identified with special educational needs, Department for Education, 2018](#)

<sup>29</sup> [Tackling child exploitation: resources pack, Local Government Association, 2021](#)

<sup>30</sup> [Tribunal Statistics Quarterly, July to September 2021, Ministry of Justice, 2021](#)

<sup>31</sup> [Section 251: 2020 to 2021, Department for Education, 2020](#)

<sup>32</sup> [Identifying pupils with special educational needs and disabilities, Education Policy Institute, 2021](#)

<sup>33</sup> [Supporting SEND, Ofsted, 2021](#)

<sup>34</sup> [SEND: old issues, new issues, next steps, Ofsted, 2021](#)

<sup>35</sup> High Needs Budget in 2022-23: [National funding formula tables for schools and high needs: 2022 to 2023, Department for Education, 2021](#), [Dedicated schools grant \(DSG\): 2022 to 2023, Department for Education, 2021](#).

High Needs Budget in 2021-22: [National funding formula tables for schools and high needs: 2021 to 2022, Department for Education, 2020](#).

High Needs Budget in 2019-20: [Teachers' pay grant: allocations for 2019 to 2020 financial year, Department for Education, 2019](#), [Teachers' pension grant: 2019 to 2020 allocations, Department for Education, 2020](#), [National funding formula tables for schools and high needs: 2019 to 2020, Department for Education, 2018](#), [Dedicated schools grant \(DSG\): 2019 to 2020, Department for Education, 2018](#)

<sup>36</sup> [LA and school expenditure, Financial Year 2020-21, Department for Education, 2021](#), and [LA and school expenditure, Financial Year 2019-20, Department for Education, 2021](#)

<sup>37</sup> [State-funded schools inspections and outcomes as at 31 August 2021: main findings. Ofsted, 2021](#)

<sup>38</sup> [Education, health and care plans, Department for Education, 2021](#)

<sup>39</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>40</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>41</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The](#)

[Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#), and [COVID-19 parent and pupil panel \(findings from August 2020 to July 2021\), Department for Education \(2021\)](#)

<sup>42</sup> [The Big Ask: The Big Answer, Office for Children's Commissioner, 2021](#)

<sup>43</sup> [Pupil absence in schools in England, Department for Education, 2020](#). This compares to an overall absence rate of 6.5% for pupils on SEN Support and 4.3% for pupils without SEN.

<sup>44</sup> [Permanent exclusions and suspensions in England, Department for Education, 2021](#)

<sup>45</sup> [Key stage 4 performance, Department for Education, 2021](#). Due to the COVID-19 pandemic, the summer exam series for the 2019/20 and 2020/21 academic years were cancelled, which meant that centre assessed grades were awarded to pupils. In 2020/21, this percentage had risen to 12.6%, an almost threefold increase from 2018/19.

<sup>46</sup> [Key stage 4 destination measures, Department for Education, 2021](#)

<sup>47</sup> [Schools, pupils and their characteristics, Department for Education, 2021](#)

<sup>48</sup> [Education, children's social care and offending, Department for Education and Ministry of Justice, 2022](#)

<sup>49</sup> [Seen and Heard: supporting vulnerable children in the youth justice system, Prison Reform Trust, 2010](#)

<sup>50</sup> [Outcomes for pupils eligible for free school meals and identified with special educational needs, Department for Education, 2018](#)

<sup>51</sup> [The Big Ask: The Big Answer, Office for Children's Commissioner, 2021](#)

<sup>52</sup> [Omnibus survey of pupils and their parents or carers: wave 6, Department for Education, Summer 2019](#)

<sup>53</sup> [COVID-19 Parent and Pupil Panel: July findings Report, Department for Education, 2021](#)

<sup>54</sup> [Special educational needs and disabilities, House of Commons Education Committee, 2019](#)

<sup>55</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#)

<sup>56</sup> [Tribunal Statistics Quarterly, July to September 2021, Ministry of Justice, 2021](#)

<sup>57</sup> Calculations derived from [LA and school expenditure, Department for Education, 2021](#), [Statements of SEN and EHC Plans: England 2021, Department for Education 2021](#) and [Schools, pupils and their characteristics, Department for Education, 2021](#).

The unit cost of £22,000 for state-funded special schools is calculated as: s251 outturn lines 1.2.1 + 1.2.2 (both for SEN/Special schools) divided by the number of pupils in this school type per the school census. This is added to the £10,000 per place funding. The unit cost of £54,000 for independent and non-maintained provision is calculated as: s251 outturn line 1.2.3 (for SEN/Special schools) plus £10,000 per non-maintained special school pupil, all divided by the number of pupils in non-maintained special schools and independent special schools per SEN2.

<sup>58</sup> Calculations derived from [LA and school expenditure, Department for Education, 2021](#), [Dedicated schools grant \(DSG\) 2020 to 2021, Department for Education, 2021](#), [Education, health and care plans, Department for Education, 2021](#) and (for populations)

[Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, Office for National Statistics, 2021.](#)

<sup>59</sup> [Identifying pupils with special educational needs and disabilities, Education Policy Institute, 2021](#)

<sup>60</sup> [Special education needs in England, Department for Education, 2021.](#) The City of London has been excluded owing to its unique situation.

<sup>61</sup> [Supporting SEND, Ofsted, 2021](#)

<sup>62</sup> [Special educational needs and parent confidence, Lamb Enquiry, 2009](#)

<sup>63</sup> [Research on funding for young people with special educational needs, Department for Education, 2015](#)

<sup>64</sup> [An inconsistent approach to SEND, findings from analysis of Education Health and Care Plans \(EHCP\) from two local authorities in England, Children's Commissioner, 2022](#)

<sup>65</sup> L, M and P v Devon County Council 2022 EWHC 493 (Admin)

<sup>66</sup> [Research into how local authorities are ensuring sufficient places and supporting vulnerable children, Department for Education, 2022](#)

<sup>67</sup> Except where the appeal is on placement only.

<sup>68</sup> [Special Educational Needs at Age 10 Assessed by Teachers: A Longitudinal Investigation of the Influence of Child, Family, Home Factors and Pre-school Education on the Identification of SEN, Yvonne Anders, Pam Sammons, Brenda Taggart, Kathy Sylva, Edgard Melhuish and Iram Siraj-Blatchford, British Educational Research Journal, 37:3, 421-441 2011](#)

<sup>69</sup> [#CountDisabledChildrenIn, Disabled Children's Partnership, 2022](#)

<sup>70</sup> [National curriculum assessments: key stage 2, 2019 \(revised\), Department for Education, 2019.](#) Compared to 74% of those with no identified SEN.

<sup>71</sup> [Special Educational Needs in Mainstream Schools: Evidence Review, Education Endowment Foundation, 2020](#)

<sup>72</sup> [School Snapshot Survey – support for pupils: Summer 2019, Department for Education, 2020](#)

<sup>73</sup> [National SENCO Workload Survey 2020: Time To Review 2018-2020, Bath Spa University and nasen, 2021.](#) The equivalent figure for children and young people on SEN Support is 14%.

<sup>74</sup> [Then There Was Silence, The Impact of the Pandemic on Disabled Children, Young People and their Families, Disabled Children's Partnership, 2021](#)

<sup>75</sup> [Autism Statistics Quarter 1 \(April to June\) 2019-20 to Quarter 1 \(April to June\) 2021-22, NHS Digital, 2021](#)

<sup>76</sup> [Then There Was Silence, The Impact of the Pandemic on Disabled Children, Young People and their Families, Disabled Children's Partnership, 2021](#)

<sup>77</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#)

<sup>78</sup> [Multi-million pound fund to train more educational psychologists in schools, Department for Education, 2019](#)

<sup>79</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>80</sup> [Get Information About Schools, Department for Education, 2022.](#) Data extracted on 18th March 2022.

- <sup>81</sup> [Further education and skills learners, Department for Education 2021](#)
- <sup>82</sup> [Outcomes for pupils eligible for free school meals and identified with special educational needs, Department for Education, 2018](#)
- <sup>83</sup> [Characteristics of young people who are long-term NEET, Department for Education, 2018](#)
- <sup>84</sup> [Apprenticeships and traineeships, Department for Education, 2021](#)
- <sup>85</sup> [Schools, pupils and their characteristics, Department for Education, 2021](#). As of January 2021, around 22,000 pupils (12,800 sole or main registration, 9,200 dual registration) were taught in 348 state place-funded AP schools (197 LA-run Pupil Referral Units and 151 AP academies and free schools - see [Schools, pupils and their characteristics, Department for Education, 2021](#)). There were also 32,000 pupils attending LA funded placements in non-state-place-funded settings (including further education colleges, independent AP schools and unregistered settings).
- <sup>86</sup> [Working paper: Using data in assessing the quality of AP schools, FFT Education Datalab, September 2021](#)
- <sup>87</sup> [Outcomes of children in need, including looked after children, Department for Education, 2019](#)
- <sup>88</sup> [Education, children's social care and offending, Department for Education and Ministry of Justice, 2022](#)
- <sup>89</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>90</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>91</sup> [Alternative provision market analysis, Department for Education, 2018](#). In the 2017-18 financial year, the average cost of a full-time placement for one academic year in AP was £18,000. The place-led element of AP funding was around £10,000, with the remainder covered by top-up funding from the commissioner.
- <sup>92</sup> [Key stage 4 performance, Department for Education, 2021](#). Due to the COVID-19 pandemic, the summer exam series for the 2019/20 and 2020/21 academic years were cancelled, which meant that centre assessed grades were awarded to pupils. In 2020/21, this percentage had risen to 12.6%, an almost threefold increase from 2018/19.
- <sup>93</sup> [Alternative provision Market Analysis, Department for Education, 2018](#). In the 2017-18 financial year, the average cost of a full-time placement for one academic year in AP was £18,000. The place-led element of AP funding was around £10,000, with the remainder covered by top-up funding from the commissioner.
- <sup>94</sup> [Working paper: Using data in assessing the quality of AP schools, FFT Education Datalab, September 2021](#)
- <sup>95</sup> [Special educational needs and disabilities, House of Commons Education Committee, 2019](#)
- <sup>96</sup> [Support for pupils with special educational needs and disabilities in England, National Audit Office, 2019](#)
- <sup>97</sup> [Changes to the way the Department for Education \(DfE\) will operate from 1 April 2022 onwards, Department for Education, 2022](#)
- <sup>98</sup> Internal analysis undertaken by Ofsted.
- <sup>99</sup> [The impact of COVID 19 - A year in the life of families raising disabled and seriously ill young children and young people, Family Fund Trust, 2021](#), [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study](#), [Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of](#)

[impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022, and COVID-19 parent and pupil panel \(findings from August 2020 to July 2021\), Department for Education \(2021\)](#)

<sup>100</sup> [Outcomes of children in need, including looked after children, Department for Education, 2020](#)

<sup>101</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>102</sup> Calculations derived from [LA and school expenditure, Department for Education, 2021](#), [Dedicated schools grant \(DSG\) 2020 to 2021, Department for Education, 2021](#), [Education, health and care plans, Department for Education, 2021](#) and (for populations) [Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, Office for National Statistics, 2021](#)

<sup>103</sup> [Special educational needs in England, Department for Education, 2021](#)



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# Opportunity for all: strong schools with great teachers for your child







# **Opportunity for all**

**Strong schools with great teachers for  
your child**

**Presented to Parliament  
by the Secretary of State for Education  
by Command of Her Majesty**

**March 2022**



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## Foreword from the Secretary of State for Education



We all want bright futures for our children and success for our schools. When I talk to parents and carers they tell me how critical education is to happy and fulfilled lives. This won't come as a surprise to anyone, and our children tell us the same: that they are excited to be back at school and realise the fundamental importance of a top quality education. They want to have good jobs and happy families, and they want to contribute to their communities.<sup>1</sup>

Wanting this is easy. Delivering it is challenging.

I know myself what it is like to feel that a bright future is a long way away. I have been the child at the back of the classroom, terrified that my English teacher will ask me a question. I have been the 'disruptive influence' who needed help to learn how to manage my energy. It was the support of excellent teachers in a great school which helped me move forward. I want every child in England to have that opportunity. I am part of a government which has made it its mission to level up opportunity across the United Kingdom, ensuring no person is disadvantaged on account of where they live, and to deliver a manifesto commitment to take action in areas where schools suffer from entrenched underperformance.

In England, we can be proud of what we have achieved together in recent decades. Working with parents and teachers, we have transformed the way our schools work and our children are taught. More children secure the foundations of literacy and numeracy that are so critical for their wider learning and life chances, as the key facts on the next pages show. More children than ever are taught in schools judged to be "good" or better, with 86% of schools judged to be this compared to 68% in 2010.<sup>2</sup>

We have achieved this by backing our teachers and leaders, giving them the training and development to deliver for the communities they serve. We have revolutionised how reading is taught and the curriculum our children experience is richer, deeper and wider in knowledge than ever. We have returned rigour to our exams and the qualifications children achieve set them on a path for success. We have fostered innovation through academy trusts and free schools. All of this has been informed by the best research and evidence available, supported by the world-class Education Endowment Foundation. At the heart of this success has been collaboration – amongst professionals, organisations and local leaders – working together to deliver for children and young people.

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<sup>1</sup> Office of the Children's Commissioner. [The Big Answer](#). 2021.

<sup>2</sup> Ofsted, [State-funded schools' inspections and outcomes as at 31 August 2020](#), 2020

Now we must do more to ensure every child can access cornerstone literacy and numeracy skills, wherever they live and learn. We must do more to ensure that children with special educational needs and disabilities (SEND) and children with a social worker have the same opportunities to thrive as their peers. We must continue to address the educational and emotional impact of the pandemic, particularly for more disadvantaged and vulnerable children.

My vision for this white paper and the SEND Review alongside it is simple: to introduce and implement standards that will improve children's education, deliver the right support if they fall behind and give them the tools to lead a happy, fulfilled and successful life.

I want every child to get a great education and the right support, in the right place, and at the right time. That means that we need to go from roughly seven in ten children achieving the expected standard in reading, writing and maths by the end of primary school to nine in ten children by 2030, and improve the national GCSE average grade in both English language and in maths.

This white paper sets out how we will achieve that. We will build on the strengths of great teachers, leaders and other professionals, and cement the improvements that we have already made.

But we are not shying away from reform, or from making difficult decisions. The problem we are trying to solve is simply too important not to do so. We have to find ways to tackle what is not working as well as it could.

Government does not have all the answers, and nor should it. A flourishing school system can only be achieved by schools working in partnership with each other, so that the achievements of the very best schools can reach every corner of the country. It will only be made a reality by building on a great early years education and looking ahead to the skills, careers and lives young people want after they leave education. It will need parents, teachers, community leaders, social workers, local authorities, professionals and children themselves to come together as one to make it succeed.

This white paper will help us make this vision a reality.

A handwritten signature in black ink, appearing to read 'N. Zahawi', with a stylized flourish at the end.

**The Rt Hon Nadhim Zahawi,  
Secretary of State for Education**



## Key facts

### As of 2020-21 in the state-funded education system in England:

---

#### There were 8.9m children and young people in education<sup>3</sup>

- 4.7m in primary, 3.5m in secondary, 0.6m in other 16-19 settings<sup>4</sup>, and 0.1m in special & alternative provision (AP).<sup>5</sup>
  - 21% were eligible for Free School Meals.
  - 16% of pupils were identified with a Special Educational Need.<sup>6</sup>
  - 10% had received support from children's services ('children in need' or CIN) in the last six years.<sup>7</sup>
- 

#### There were 22k schools<sup>8</sup>

- 16.8k were primary schools, 3.5k secondary schools and 1.4k specialist or alternative provision schools.
  - 44% of mainstream schools were academies and 87% of these were in a multi academy trust.
  - 41% of alternative provision and special schools were academies and 88% of these were in a multi academy trust.
- 

#### Almost 1m people work in schools<sup>9</sup>

- This includes 460k teachers (including 70k leaders), 270k teaching assistants and 230k other support staff.
- 

### England has made significant progress in education since 2010

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#### More children are achieving key milestones

- England achieved its highest ever scores in international comparison studies in both reading and maths.<sup>10</sup>
  - Since the introduction of the Phonics Screening Check in 2012, the percentage of Year 1 pupils meeting the expected standard has risen from 58% to 82%, with 91% achieving this standard by Year 2 in 2019.<sup>11</sup>
- 

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<sup>3</sup> DfE. [Schools, pupils and their characteristics](#). 2021 and [GIAS](#) accessed in January 2021

<sup>4</sup> DfE. [Participation in education and training and employment](#). 2021

<sup>5</sup> "Alternative provision" means the education arranged for pupils who would not otherwise have a suitable mainstream or special school place, for example through illness or exclusion. It includes Pupil Referral Units (PRUs), Alternative Provision academies and free schools, independent settings, Further Education, hospital schools, and bespoke unregistered provision

<sup>6</sup> DfE. [Special educational needs in England](#). 2021

<sup>7</sup> DfE. [Outcomes for children in need, including children looked after by LAs in England](#). 2021

<sup>8</sup> DfE. [Schools, pupils and their characteristics](#). 2021 and [GIAS](#) accessed in January 2021

<sup>9</sup> DfE. [School workforce in England](#). 2021

<sup>10</sup> DfE. [PIRLS 2016: reading literacy performance in England](#). 2017. and DfE. [Trends in International Mathematics and Science Study 2019: England](#). 2020.

<sup>11</sup> DfE. [Phonics screening check and key stage 1 assessments: England 2019](#). 2019.

- In 2019, 65% of key stage 2 (KS2) pupils reached the expected standard in all of reading, writing and maths, a 7-percentage point increase in reading and 9-percentage point increase in maths since 2016.<sup>12</sup>
- The disadvantage gap – based on an index of English and maths attainment at key stage 4 (KS4) – narrowed by 9.1% between 2011 and 2019.<sup>13</sup>
- Over a third of pupils are now sitting the full English Baccalaureate (EBacc) combination of subjects, benefitting from access to a core, knowledge-based, academic curriculum.<sup>14</sup>

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**More schools are rated Good or Outstanding by Ofsted**

- The proportion of schools rated Good or Outstanding by Ofsted has increased by 18 percentage points, from 68% in 2010 to 86% in 2020.<sup>15</sup>
- More than 7 out of 10 sponsored academies are now rated Good or Outstanding compared to around 1 in 10 of the local authority-maintained schools they replaced.<sup>16</sup>

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**Schools are better funded**

- Per-pupil funding for 5–16-year-olds will be 6.4% higher in 2022-23 than in 2010-11 (inflation adjusted).<sup>17</sup>
  - Introduced in 2011, total Pupil Premium (PP) funding will increase to over £2.6bn in 2022-23.<sup>18</sup> In 2021-22, the PP supported over two million disadvantaged pupils.<sup>19</sup>
- 

**We must do more to help every child fulfil their potential**

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**Too many children leave education without key knowledge and skills**

- In 2019, 35% of pupils did not meet the expected standard in all of reading, writing and maths at key stage 2.<sup>20</sup>
  - Of those who did not meet the expected standard in key stage 2, just 21% achieved a grade 4 or above in English language and 14% did in maths at key stage 4 in 2019.<sup>21</sup>
- 

<sup>12</sup> DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#). 2019.

<sup>13</sup> DfE. [Key stage 4 performance 2019 \(revised\)](#). 2019

<sup>14</sup> DfE. [Key stage 4 performance, Academic Year 2020/21](#). 2021

<sup>15</sup> Ofsted. [State-funded schools' inspections and outcomes as at 31 August 2020](#). 2020

<sup>16</sup> [Analysis of Ofsted. State-funded school inspections and outcomes: management information \(2019\). 2022](#).

<sup>17</sup> DfE. [School funding statistics, financial year 2021/22](#). 2022

<sup>18</sup> DfE. [School funding boosted by £4bn to level up education for young people](#). 2021

<sup>19</sup> DfE. [Pupil premium: allocations and conditions of grant 2021 to 2022](#). 2021

<sup>20</sup> DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#). 2019

<sup>21</sup> DfE. [Key stage 2 to 4 transition matrices 2019 \(revised\)](#). 2019

- 
- 55% pupils with 5 or more GCSEs A\*-to-C (including English and maths) completed a degree versus 6% those with fewer. 15 years post-GCSE, they're also 16 percentage points more likely to be employed, earning on average £9k more per year.<sup>22</sup>
  - Achieving our Levelling Up mission that 90% of pupils meet the expected standard of reading, writing and maths in key stage 2 is estimated to be worth £31-60bn for the wider economy for a single cohort in 2030.<sup>23</sup>
  - Achieving our ambition of increasing the national GCSE average grade in both English language and maths by 0.5 is estimated to be worth £34bn for the wider economy, for a single cohort in 2030.<sup>24</sup>

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**Outcomes vary between children and regions with different characteristics**

25,26

- Pupils with SEN were less likely to meet the expected standard in reading, writing and maths at key stage 2 (22% versus 74% with no identified SEN) or to achieve GCSE grades 4 or above in English and maths (27% versus 71%) in key stage 4.
- Disadvantaged pupils were less likely to meet the expected standard in reading, writing and maths (51% versus 71% of all other pupils) in key stage 2 or to achieve GCSE grades 4 or above in English and maths (45% versus 72%) in key stage 4.
- 50% of all 'Inadequate' and 'Requires Improvement' schools with at least two consecutive judgments below 'Good' are in Education Investment Areas, which constitute only around a third of local authorities.<sup>27</sup>

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**COVID-19 has exacerbated challenges**

- In autumn 2021, the average primary school pupil had lost 1.9 months in maths and 0.8 months in reading. Disadvantaged children lost an additional 0.3 months in maths and 0.4 months in reading.<sup>28</sup>
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<sup>22</sup> DfE. [Post 16 education and labour market activities, pathways and outcomes \(LEO\)](#). 2021.

<sup>23</sup> DfE. [Economic benefits of meeting the ambitions set out in the Schools White Paper](#). 2022.

<sup>24</sup> DfE. [Economic benefits of meeting the ambitions set out in the Schools White Paper](#). 2022.

<sup>25</sup> DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#). 2019

<sup>26</sup> [Key stage 4 performance 2019 \(revised\)](#). 2020

<sup>27</sup> Ofsted. [State-funded school inspections and outcomes: management information](#). 2022.

<sup>28</sup> DfE. [Pupils' progress in the 2020 to 2021 academic year](#). 2022.

## Executive summary

1. This government's Levelling Up mission for schools is that by 2030, 90% of children will leave primary school having achieved the expected standard in reading, writing and maths, up from 65% in 2019.<sup>29</sup> In the worst performing areas, the percentage of children meeting the expected standard will improve by a third. This white paper adds to that goal, seeking to lift the attainment of all secondary pupils by setting an ambition to increase the national GCSE average grade in both English language and in maths from 4.5 in 2019<sup>30</sup> to 5 by 2030. These ambitions will be the measure of this white paper's success.

2. The best schools are realising these standards already, but our aim is to achieve these excellent outcomes for children and young people nationally. We will do this through two key principles: a rigorous commitment to using, building and sharing evidence so that every school knows 'what works' for all of their children; and a focus on enabling collaboration between teachers, schools and wider children's services so that every child is supported to realise their full potential.

3. At the heart of these ambitions is the need for an excellent teacher for every child in classrooms across England. Improving the quality of teaching is the single most important in-school factor in improving outcomes for children, especially for children from disadvantaged backgrounds and those with special educational needs and disabilities (SEND).<sup>31</sup> We know that great teachers are made, not born. That is why we are delivering the single biggest programme of teacher development ever undertaken in this country and investing further in the skills and futures of the professionals who are central to our mission. We will deliver:

- **500,000 teacher training and development opportunities** by 2024, giving all teachers and school leaders access to world-class, evidence-based training and professional development at every stage of their career.
- **Specialist training to drive better literacy** through a new National Professional Qualification for Leading Literacy; a new National Professional Qualification for Early Years Leadership; and up to £180m investment in the early years workforce, including training for early years practitioners to support literacy and numeracy teaching.
- **£30,000 starting salaries** to attract and retain the very best teachers – with additional incentives to work in the schools with the most need.

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<sup>29</sup> DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019 and [DLUHC, Levelling Up the United Kingdom: missions and metrics Technical Annex](#). 2022.

<sup>30</sup> DfE, [Key stage 4 performance 2019 \(revised\)](#). 2019.

<sup>31</sup> J. Hattie. *Visible Learning*. 2009. and Education Endowment Foundation. [Special Educational Needs in Mainstream Schools](#). March 2020.

4. However, great teaching does not exist in isolation: schools must offer a calm, orderly, safe and supportive environment where children are keen and ready to learn, and where teachers are empowered to focus on delivering the best possible lessons. We will provide free ready-made resources, guidance and lessons, designed in partnership with teachers and experts, which will reduce teachers' workload and allow them to focus on responding to the needs of their class. We will support schools to secure the fundamentals of behaviour, attendance and wellbeing for all, driving down incidents of poor behaviour and increased absence following the pandemic. We will deliver:

- **A new arms-length curriculum body** that works with teachers across the country to co-create free, optional, adaptable digital curriculum resources to deliver a rigorous, high-quality curriculum.
- **A richer, longer average school week** which makes the most effective use of time in school and ensures children enjoy a rounded education.
- **Better behaviour and higher attendance** through more effective use of data, including an annual behaviour survey and a national data system to drive up attendance and make it easier for agencies to protect vulnerable children.

5. World-class teachers and high standards in curriculum, behaviour and attendance are critical for success but we know – as the best schools and trusts<sup>32</sup> do – that many children need additional, targeted support to help them achieve their potential, and that this must come as quickly as possible. This requires a focus from every teacher, school and trust in the country to identify children at risk of missing out and deliver the right combination of academic, pastoral and specialist support they need to thrive, including wider children's services where needed. We will secure the game-changing tools and interventions they need to do so. We will deliver:

- **A Parent Pledge** that your school will provide evidence-based support if your child falls behind in English or maths and tell you about their progress.
- **Up to 6 million tutoring courses by 2024** with action to cement one-to-one and small group tuition as a permanent feature of our school system.
- **A secure future for the Education Endowment Foundation** putting our independent, 'what works' centre on a long-term footing and placing the generation and mobilisation of evidence at the heart of our education system.

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<sup>32</sup> The term 'trust' refers to an academy trust throughout

6. Alongside this support, government must also play its part to ensure that the school system as a whole raises standards for children, making sure these improvements are felt fairly across England. That is why we want to spread the benefits of the best multi academy trusts so that every child learns with the benefits of a strong, supportive family of schools. To ensure that is the case, we must create a system with clear roles and accountability. It is only through a collaborative system in which everyone involved in education plays their part that we will achieve our literacy and numeracy mission. We will deliver:

- **A fully trust led system with a single regulatory approach**, which will drive up standards through the growth of strong trusts and the establishment of new ones, including trusts established by local authorities.
- **A clear role for every part of the school system**, with local authorities empowered to champion the interests of children and a new collaborative standard requiring trusts to work constructively with all other partners.
- **Education Investment Areas** to increase funding and support to areas in most need, plus extra funding in priority areas facing the most entrenched challenges.

7. Taken together, these steps will support children to achieve their potential wherever they live and whatever their background, following the wider vision of giving everyone the opportunity to flourish which this government set out in the Levelling Up White Paper.

## Introduction

8. The decade prior to the COVID-19 pandemic saw major progress in children's outcomes, supported by improvements in education. England achieved its highest ever scores in international comparison studies in both reading and maths.<sup>33</sup> The attainment gap between disadvantaged children and other children narrowed by 13% at key stage 2 and 9% at key stage 4 between 2011 and 2019.<sup>34</sup> There was a transformation of what schools teach, through reforms to the national curriculum and examinations systems; of how schools operate, through the expansion of academy freedoms to almost half of schools; and of how schools are funded via the introduction of the Pupil Premium and the national funding formula.

9. However, even before the pandemic, there was still much further to go before England could call itself truly world-class in education. In 2019, 35% of children did not achieve the expected standard in reading, writing and maths by the end of primary school in key stage 2.<sup>35</sup> Children who were disadvantaged or vulnerable, including those with special educational needs, were more likely to be amongst those missing out on key learning milestones.<sup>36</sup> COVID-19 has exacerbated these challenges, despite the extraordinary efforts of parents, teachers, and many others working with children. As we move towards living with COVID-19, we must support children to recover from its educational and emotional effects.

10. Literacy and numeracy are the bedrock of a great education, unlocking the whole curriculum and turbocharging social mobility. They are the essential tools which allow children to go on to further training and employment, and to live fulfilled lives. They are the gateway to the broad and rich curriculum children need. This white paper sets out two ambitions that by 2030:

- i. 90% of primary school children will achieve the expected standard in reading, writing and maths, and the percentage of children meeting the expected standard in the worst performing areas will have increased by a third.<sup>37</sup>
- ii. In secondary schools, the national GCSE average grade in both English language and in maths will increase from 4.5 in 2019<sup>38</sup> to 5.

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<sup>33</sup> DfE, [PIRLS 2016: reading literacy performance in England](#). 2017. and DfE, [Trends in International Mathematics and Science Study 2019: England](#). 2020.

<sup>34</sup> DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019 and DfE, [Key stage 4 performance 2019 \(revised\)](#). 2019

<sup>35</sup> DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019

<sup>36</sup> DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019

<sup>37</sup> DLUHC, [Levelling Up the United Kingdom: missions and metrics Technical Annex](#). 2022.

<sup>38</sup> DfE, [Key stage 4 performance 2019 \(revised\)](#). 2019.

11. These aims are not for any one school or teacher to achieve alone, but a measurement of success across England at a system level. We need a stronger and fairer system that will allow all children to feel the benefits of the best school trusts. This white paper marks the start of a journey to achieve this ambition, as part of the government's wider programme alongside the Skills for Jobs White Paper, the Levelling Up White Paper, the Special Education Needs and Disabilities Review and the Independent Care Review. This white paper provides a blueprint for England, but we will work with all parts of the United Kingdom to share successes and learning as we make progress across the decade.



Legend

Teachers

Standards

Targeted support

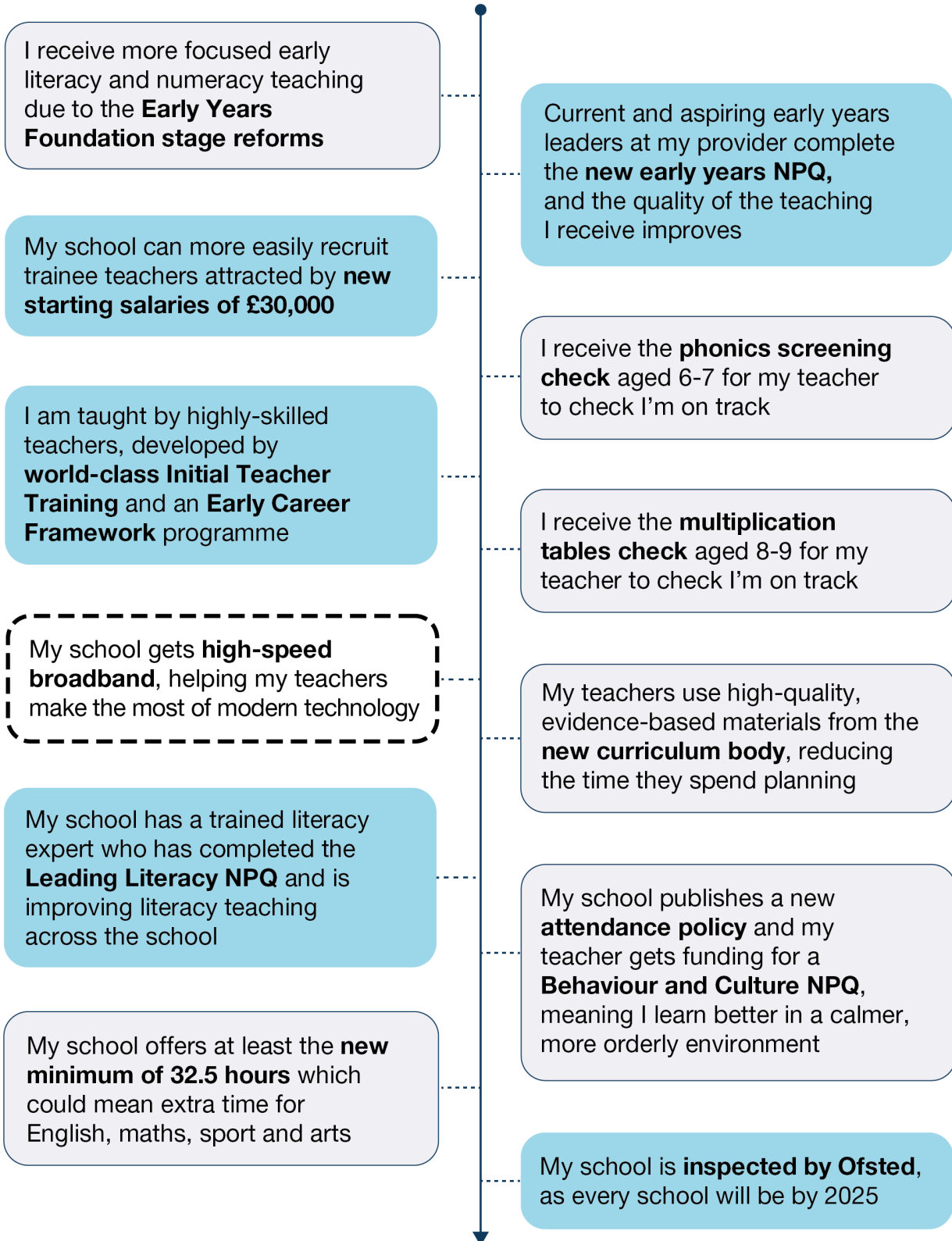
Systems

Timings for non-phase-specific policies are illustrative only



## How this white paper helps children

to receive a world-class education founded on literacy and numeracy



NPQ = National Professional Qualifications

Legend

Teachers

Standards

Targeted support

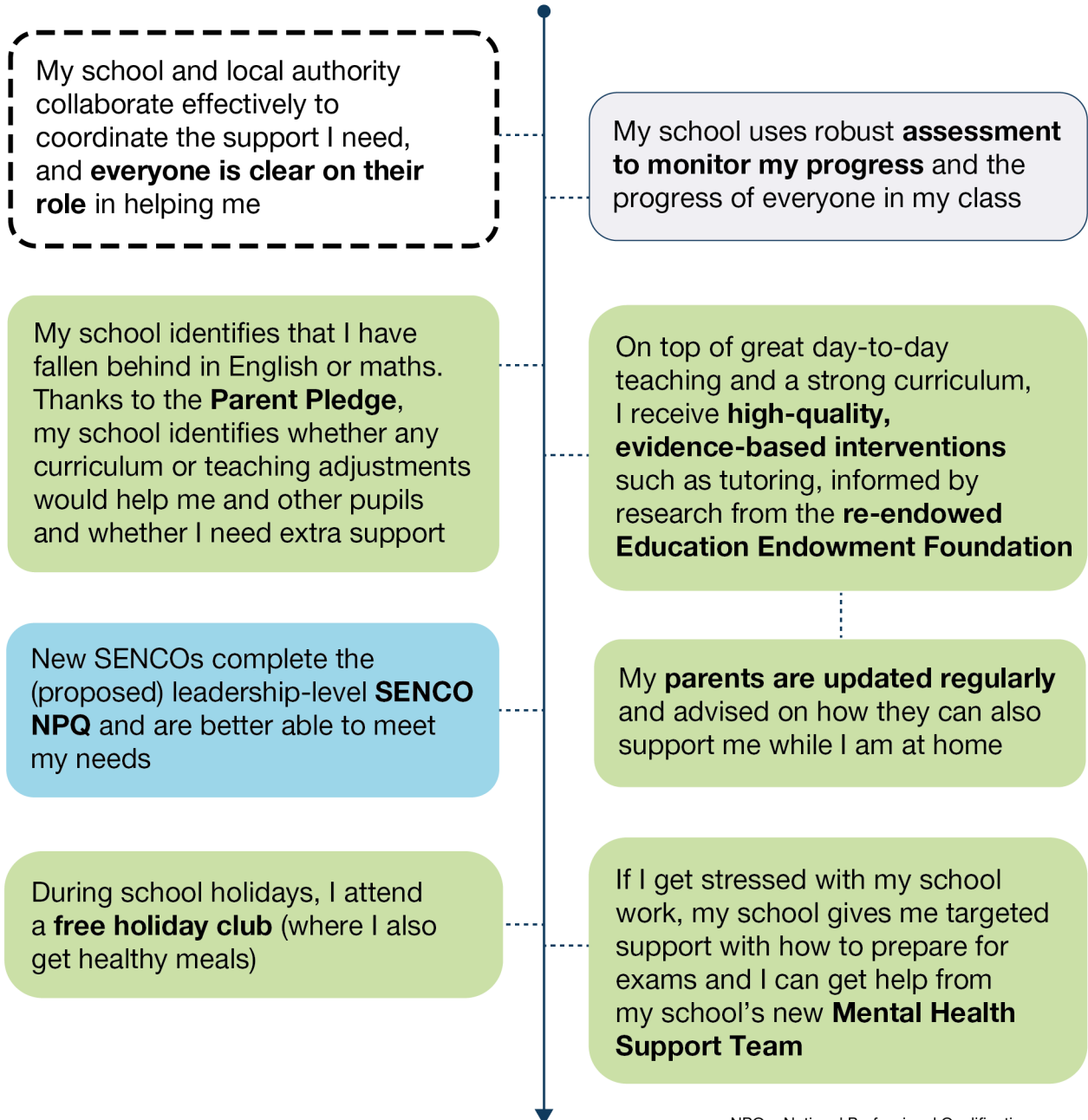
Systems

Timings for non-phase-specific policies are illustrative only



## How this white paper helps a child in need of extra support

in any school to be rapidly identified and provided with targeted, evidence-based help



NPQ = National Professional Qualifications  
SENCO = Special Educational Needs Coordinator

Legend

Teachers

Standards

Targeted support

Systems

*Timings for non-phase-specific policies are illustrative only*



## How this white paper helps a child in an Education Investment Area (EIA)

with extra funding and support to improve the quality of their schools and teaching

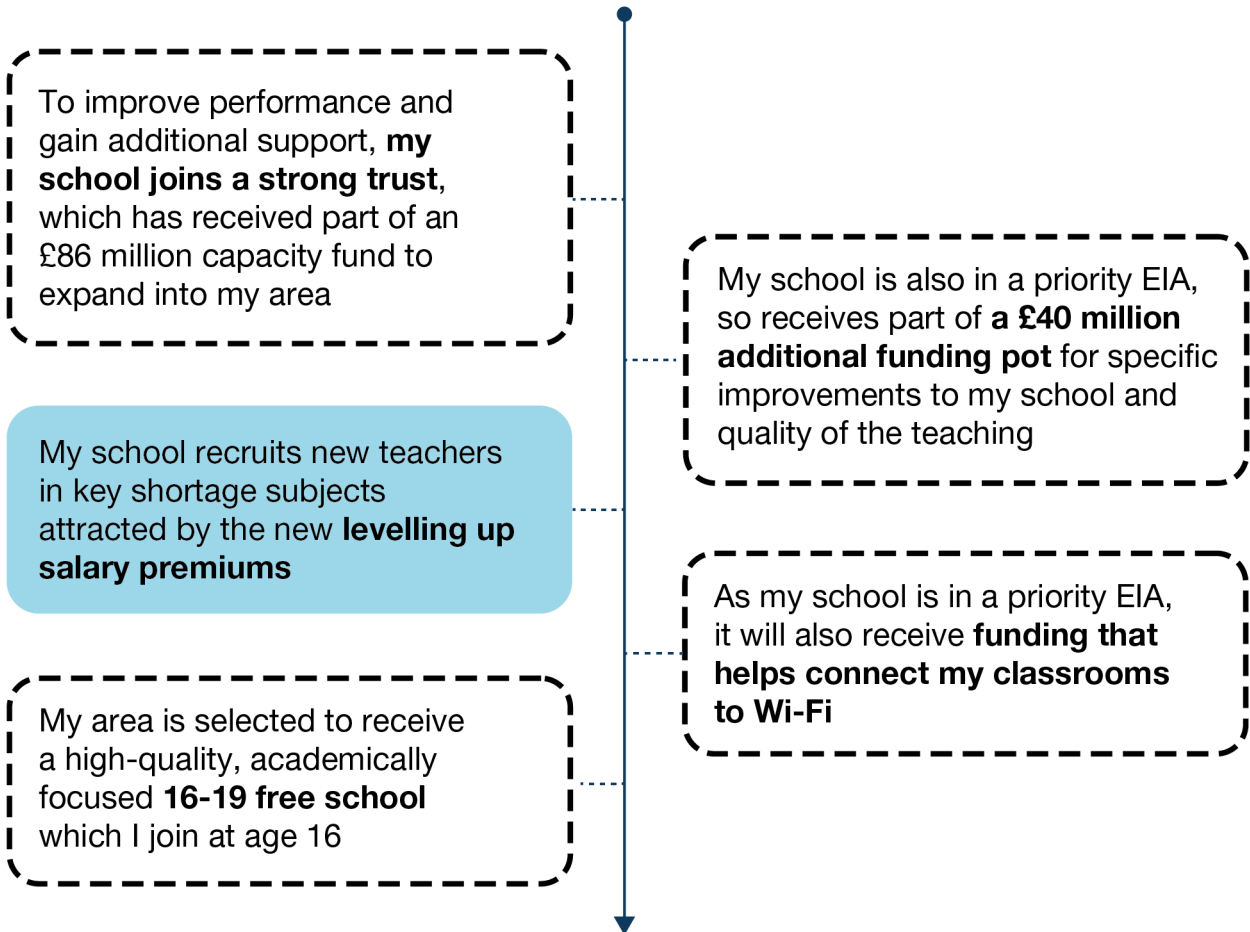


Figure 1: What this white paper means for your child

# Chapter 1: An excellent teacher for every child

## Summary

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### **By 2030, every child will be taught by an excellent teacher trained in the best-evidenced approaches**

- All teachers will have access to world-class training and professional development at every stage of their career, giving them the expertise and support needed to deliver great teaching.
- Teaching will be an attractive, high-status profession; we will recruit and retain the best teachers, in the subjects and areas they are needed most.
- High-quality early years provision will ensure children have the best possible start to their education, building strong foundations for the rest of their time in school.

### **We will deliver:**

- **500,000 teacher training and development opportunities** by 2024, giving all teachers and school leaders access to world-class, evidence-based training and professional development at every stage of their career.
- **Specialist training to drive better literacy** through a new National Professional Qualification for Leading Literacy; a new National Professional Qualification for Early Years Leadership; and up to £180m investment in the early years workforce, including training for early years practitioners to support literacy and numeracy teaching.
- **£30,000 starting salaries** to attract and retain the very best teachers – with additional incentives to work in the schools with the most need.

### **What this means for families:**

- **Excellent teachers:** your child will be taught by highly skilled teachers, trained in the best-evidenced teaching methods to help your child reach their full potential.
- **Great teachers where they are needed most:** new targeted incentives will attract teachers to work, train and stay in schools serving disadvantaged communities.
- **A more expert early years workforce:** equipped to support children through the most crucial stage of their development and lay the foundations for life-long learning.

## Why this matters

12. The quality of teaching is the single most important in-school factor in improving outcomes for children,<sup>39</sup> especially for those from disadvantaged backgrounds. Being taught by a high-quality teacher can add almost half a GCSE grade per subject to a given pupil's results.<sup>40</sup> We have strong evidence that leadership is second only to classroom teaching as an in-school influence on children's learning.<sup>41</sup>

13. That is why excellent teaching for every child is at the heart of our plan to level up opportunity across England. It is the work of excellent teachers that will help us to achieve world-class standards of literacy and numeracy, broad and rich educational opportunities for all and, looking across to the SEND Review, an inclusive education system for children with SEND. It is only with consistently excellent teaching for every child, at every point in their school journey, that we will deliver a truly world-class school system.

14. That is why we are making a crucial investment in the training and development of our schools and early years workforce, investing in the people that will help our children succeed wherever they are, no matter their background.

15. We know that excellent teachers and school leaders are made, not born. The evidence is clear that high-quality professional development can lead to improved children's attainment.<sup>42</sup> That is why we have enshrined an entitlement to evidence-based training as part of a teacher's career. This chapter details the next step in England's journey to being a world-leader in teacher training and development.

## Progress to date

16. In collaboration with academics and leading experts, we have transformed the way we train teachers and school leaders. Every teacher and school leader now has access to a golden thread of high-quality, evidence-based training and professional development at every stage of their career. By providing training on areas that are fundamental to high-quality teaching like behaviour management, adaptive teaching and curriculum design, these reforms will help teachers and leaders to support all pupils to succeed, including those identified with SEND.

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<sup>39</sup> J. Hattie. *Visible Learning*. 2009.

<sup>40</sup> H Slater, N. M. Davies and S. M. Burgess. [‘Do teachers matter? Measuring the variation in teacher effectiveness in England’](#). 2012.

<sup>41</sup> NCTL. [Seven strong claims about successful school leadership](#) . 2006

<sup>42</sup> Education Policy Institute. [The effects of high-quality professional development on teachers and students](#). 2020.

17. Since publishing the Teacher Recruitment and Retention Strategy in 2019, we have made excellent progress in rolling out the Early Career Framework reforms and refreshed National Professional Qualifications. This guarantees every teacher a structured package of support during their first two full years in the classroom and provides a suite of training packages to support them as they progress in their career.

18. Alongside these changes, by 2024, a reformed Initial Teacher Training provider market will be delivering quality assured training that places a greater emphasis than ever before on embedding structured practice into courses – ensuring trainees are ready to thrive in the classroom.

19. Every one of these programmes is based on the best available evidence of what works, as established by the Education Endowment Foundation. We have established a national network of Teaching School Hubs, local centres of excellence in teacher development, to ensure that the benefits of these reforms deliver for teachers and pupils right across England.

## Challenges remaining

20. We are determined to make teaching an attractive, high-status profession where every teacher receives world-class training. We recognise that the pandemic has created challenges for teachers as well as for their pupils, which schools and teachers continue to navigate through.

21. Getting this right is a challenge, but one that we must rise to in order to shape the future of the next generation of teachers and their pupils. Our training and development offers have many connected parts that need to work together for delivery and the successful implementation over this difficult period is testament to the teaching profession's desire to support and develop others. But we must build on this – maintaining the collaborative spirit in which these reforms were created – to ensure these programmes are taken up fully in every school in the system. We need to ensure our reforms to teacher training deliver to their full potential and give every teacher the expertise they need to boost children's attainment, especially the most disadvantaged.

22. We know, however, that more is needed. At present, pay and incentives are not always attractive enough to attract and keep the teachers we need – and we know that this is especially acute when recruiting teachers to areas of disadvantage, making it harder still for those schools to improve outcomes for the children they serve. We must work together with school leaders to ensure schools have cultures that support the wellbeing of our teachers and tackle excessive teacher workload, where this still exists.

## How we will achieve our vision

### We will deliver 500,000 teacher training and development opportunities

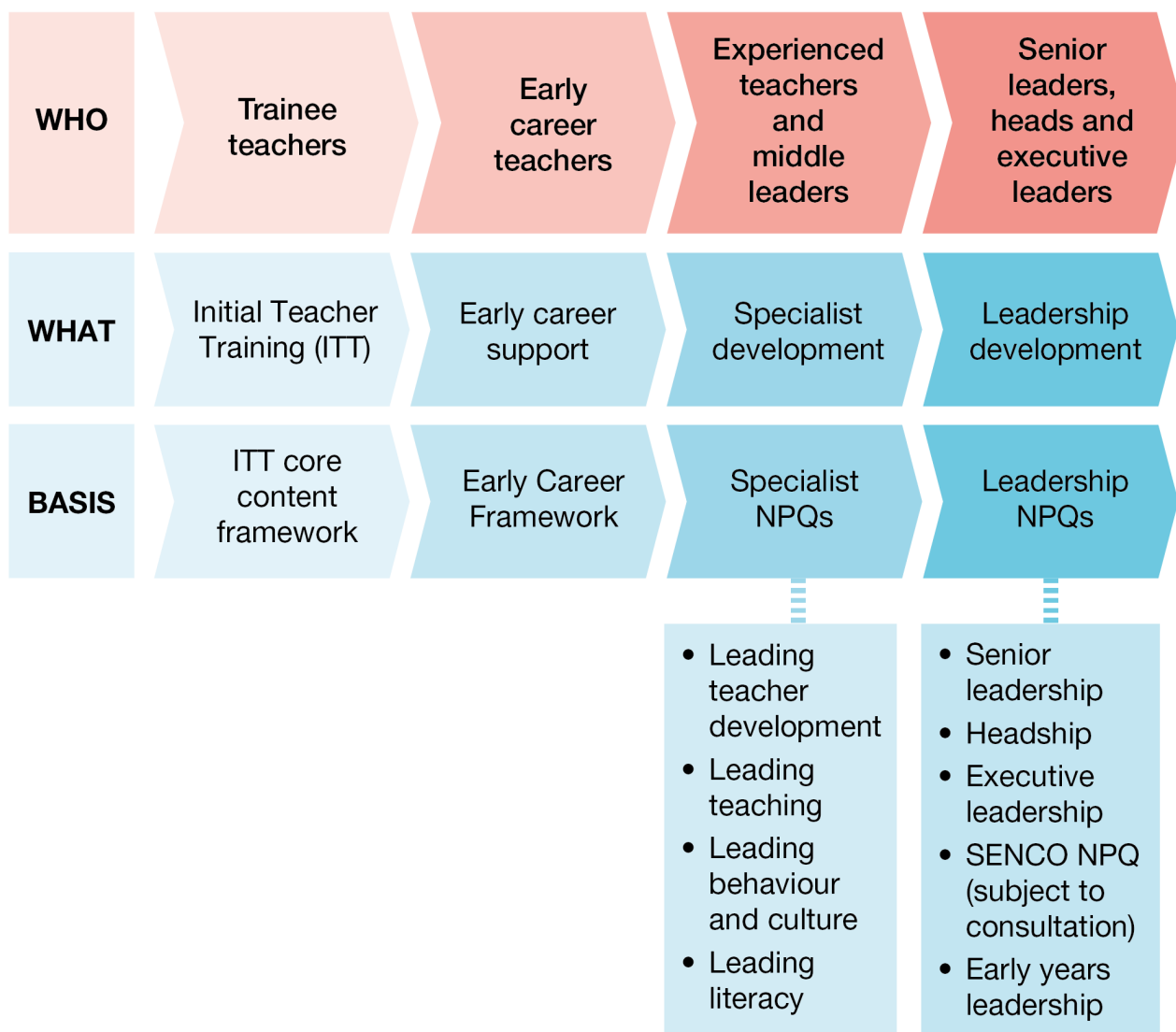
23. We will deliver 500,000 teacher training and professional development opportunities across Initial Teacher Training, the Early Career Framework and National Professional Qualifications by 2024, building on our successful delivery to date and making England a world-leader for evidence-based teacher training and development.

24. We will implement and embed the Early Career Framework reforms so that every teacher enjoys their entitlement to evidence-based training and support at the start of their career. Over 25,000 early career teachers are already receiving a package of structured support, each with a fully-trained mentor to support their development. In response to feedback from the first cohort to benefit from these reforms, we will reform the role of Appropriate Bodies to reduce training burdens and protect mentor and early career teacher training time.

25. We will provide 150,000 funded training scholarships for National Professional Qualifications during this Parliament, which will include new specialist qualifications in teacher development to help embed our wider reforms. We want all schools to be able to benefit from the high-quality, evidence-based training and development that National Professional Qualifications offer to teachers and leaders. Every teacher and leader employed in a state-funded school or state-funded 16-19 organisation in the country can access these scholarships, from those who want to develop expertise in high-quality teaching practice, such as behaviour management, to those leading multiple schools across a trust.

26. To support the delivery of the government's ambition for literacy, schools will be able to access a new Leading Literacy National Professional Qualification from September. This will train literacy experts who will drive higher standards of literacy teaching in their schools. As with every other qualification in the golden thread, these qualifications are underpinned by the best available evidence, assured by the Education Endowment Foundation.

## 500,000 teacher training opportunities across our golden thread of teacher development



**Figure 2: England's teacher development system**

27. We know that for our school system to be truly world-class, we must ensure every child benefits from these reforms. Improving teaching quality is a crucial part of our mission to improve standards of literacy and numeracy. We will consult on introducing a leadership level SENCO National Professional Qualification to replace the National Award in SEN Coordination as the mandatory qualification for new SENCOs. This will align SENCO qualifications with our reformed teacher development system and ensure that these professionals are fully supported to meet the needs of children and young people with SEND. This proposal will be set out in more detail in the SEND Review.



## **We will permanently embed evidence at the heart of teacher development**

28. At the core of these reforms to teacher training and development is a clear articulation of the best available evidence in the underpinning evidence frameworks. However, this evidence does not stand still so we will establish a process for reviewing the evidence frameworks that underpin our golden thread of teacher development. The Initial Teacher Training Core Content Framework, the Early Career Framework and the National Professional Qualification frameworks will be updated in line with the best available evidence from this country and internationally, assured by the Education Endowment Foundation.

## **We are establishing an Institute of Teaching**

29. Working closely with the Education Endowment Foundation, the Institute of Teaching will be England's flagship teacher development provider, delivering cutting-edge training, including targeting disadvantaged areas of the country. It will build the evidence base on effective teacher development, driving standards of teacher training even higher. It will become a world leader in teacher training, with degree-awarding powers and giving teachers the chance to study academic programmes as part of their development.

30. The Institute will also provide training for a new cadre of National Leaders of Education, linked directly to underpinning evidence frameworks. These National Leaders of Education, who have experience of turning around under-performing schools, will be deployed to do just that.

### **Case Study**

#### **Professional Development in Kingsbridge Community College**

Kingsbridge Community College is an 11-18 school and part of Education South West, a family of 11 schools in South Devon. Teacher professional development is central to their improvement as a school, trust and local centre of excellence in the region. As a Teaching School Hub, Kingsbridge are working with a national Lead Provider, to deliver the golden thread of training and support.

Kingsbridge also work with leading school trusts in the region to develop additional professional development programmes, such as SW100, which seeks to grow the outstanding leaders of the future. In total, they work in partnership with over 500 schools in the region to deliver evidence-based professional development.

## **We will ensure the quality of Initial Teacher Training**

31. It is vital that we support these wider changes by completing the reform of our system of Initial Teacher Training. That is why we are setting a new minimum quality threshold and re-accrediting all Initial Teacher Training providers against this higher standard. A new system of higher-quality training provider partnerships will be supported by £36 million to support the delivery of new Quality Requirements, including better training for mentors and the delivery of new, cutting edge, intensive training and practice activity. Every Teaching School Hub will be involved in Initial Teacher Training to ensure that we have training places in every corner of the country.

32. To ensure quality remains high, Ofsted will increase the frequency of their inspections of Initial Teacher Training providers, so that every new entrant to the profession receives the best possible training. They will also speed up the inspection cycle so that all Initial Teacher Training providers are inspected by July 2024, and then every three years after that. Ofsted inspections of early years and primary Initial Teacher Training will always include a focused review on early reading, including systematic synthetic phonics, as the best way to teach children to read.

## **We will deliver the biggest ever early years training programme**

33. We know that high-quality early education, particularly early language skills, can greatly improve a child's attainment throughout primary school.<sup>43</sup> We also know that almost half of the gap between disadvantaged children and their peers at key stage 4 has emerged by age five.<sup>44</sup> That is why we will extend our rigorous, evidence-driven approach to improving teaching quality to the early years sector, with an investment of up to £180 million.

34. We will – for the first time – deliver a National Professional Qualification for Early Years Leadership, underpinned by evidence assured by the Education Endowment Foundation. This qualification recognises the expertise required to deliver great early years outcomes – and it sits atop a suite of training programmes for early years staff, including an expanded Professional Development Programme and commitments to increase the number of trained graduates and SEND qualified Level 3 practitioners in the sector.

35. As we raise standards, we remain committed to making sure that families that want it are able to access early years provision. In addition, we will continue to explore what more can be done to help families access childcare which suits their lives in the round, including that which is out of hours or before or after school.

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<sup>43</sup> Save the Children. [Early language development and children's primary school attainment in English and Maths: new research findings](#). 2011.

<sup>44</sup> Education Policy Institute. [Divergent pathways: the disadvantage gap, accountability and the pupil premium](#). 2016.

## **We will invest in our teachers**

36. We are committed to delivering the government's manifesto commitment to pay new teachers a starting salary of £30,000. This will position a career in teaching amongst the most competitive in the labour market to ensure we continue to attract the best graduates. Our proposals to the independent School Teachers' Review Body set out plans which would deliver this commitment by 2023/24 and would also reward experienced teachers and leaders with their highest pay rise in over 15 years.

37. We encourage all schools to sign up to the recently published Education Staff Wellbeing Charter, to build a shared commitment to promoting staff wellbeing. Alongside this, we will continue to champion a culture of flexible working in schools. With the support of new, shared curriculum resources and the benefits of being part of a strong trust, we want leaders to empower their teachers to spend their time on activities that deliver the most value for children's outcomes.

## **We will attract the best teachers where they are needed most**

38. Great teaching is transformational for children's life chances, but we cannot achieve our ambitions unless we have sufficient teachers. Schools still struggle to recruit the teachers they need, and those serving disadvantaged communities are more likely to struggle to attract teachers into posts.<sup>45</sup> We will therefore incentivise new teachers to work in places where they are needed most through our Levelling Up Premium. This will be worth up to £3,000 tax-free for eligible maths, physics, chemistry and computing teachers, in years one to five of their careers, who choose to work in disadvantaged schools, including in the new Education Investment Areas.

39. We will explore new ways of supporting schools to recruit teachers in subjects where there is a shortage. For example, we will introduce a new scholarship to attract the most talented language graduates to the profession and we will pilot a new Initial Teacher Training course designed to support more engineers to teach physics. Alongside this we will continue to invest in our internship programme, increasing the number of people who get the opportunity to experience teaching before deciding whether to enter the profession.

40. To make teaching here even more attractive to the best teachers from around the world, we will introduce a new relocation premium to help with visas and other expenses. This will be complemented by bursaries for international trainees with the potential to be brilliant teachers in priority subjects. By bringing forward legislative changes and introducing a new digital service, we will recognise high-quality teaching qualifications from all over the world in this country.

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<sup>45</sup> DfE. [Local analysis of teacher workforce: 2010 to 2015](#). 2016.

## Chapter 2: Delivering high standards of curriculum, behaviour and attendance

### Summary

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#### By 2030, every child will be taught a broad and ambitious curriculum in a school with high expectations and strong standards of behaviour

- From early years onwards, all children will be taught a broad, ambitious, knowledge-rich curriculum and have access to high-quality extra-curricular provision.
- All children will be taught in calm, orderly, safe and supportive schools with high levels of attendance.
- Children will have fair access to high-quality time in school regardless of where they live.

#### We will deliver:

- **A new arms-length curriculum body** that works with teachers across the country to co-create free, optional, adaptable digital curriculum resources, supporting schools to deliver rigorous, high-quality curricula.
- **A richer, longer average school week** which makes the most effective use of time in school and ensures children enjoy a rounded education.
- **Better behaviour and higher attendance** through more effective use of data, including an annual behaviour survey and a national data system, to drive up attendance and make it easier for agencies to protect vulnerable children.

#### What this means for families:

- **Brilliant lessons:** your child will be taught lessons of the highest quality, improving outcomes and ensuring they are prepared for later life.
- **High expectations on behaviour and attendance:** your child will learn in a calm, orderly, safe and supportive school with high expectations for every child.

## Why this matters

41. Every child should benefit from a broad, ambitious, knowledge-rich curriculum, taught by highly skilled teachers. This is essential to the task of spreading opportunity and levelling up. This will, in turn, support the skills ecosystem, ensuring that our pupils are equipped with the vital knowledge and skills they need for their future careers including in important growth sectors like digital and green jobs. It is crucial that every school has a well-designed and well-sequenced curriculum, which ensures children build knowledge in a broad range of subjects before going on to specialise after the age of 16, developing the skills for further education and training.

42. The cornerstones of a broad, academic, knowledge-rich curriculum are literacy and numeracy. From early years, right through a child's time in school, securing the basics of literacy and numeracy are non-negotiable as the gateway to further learning, attainment, and fulfilling experiences. That is why we have placed such an emphasis on standards of reading, writing and maths over the past decade – and why achieving world-class levels of literacy and numeracy across England is our mission over the next decade.

43. But no matter how brilliant a school's curriculum, children will not achieve their potential in a school with poor standards of attendance and behaviour. Children with no absence at key stage 4 are almost 2 times more likely to achieve 5 or more GCSEs than children who missed 10-15 percent of lessons.<sup>46</sup> Persistent absence impacts attainment and children's safety, with 90% of young offenders persistently absent,<sup>47</sup> and disruptive behaviour is the most common reason for suspensions and permanent exclusion (34%).<sup>48</sup> Some children will also need additional targeted support (see chapter 3).

44. Leaders are responsible for setting the culture for their school and making sure that all children attend school and learn in calm, orderly, safe and supportive environments, with high expectations for what every child can achieve. Securing the fundamentals of curriculum, behaviour and attendance in every school in the country is vital to achieving our literacy and numeracy missions.

## Progress to date

45. The 2014 National Curriculum raised expectations of what all children should be taught, and we reformed GCSEs and A levels to put them on a par with qualifications in the best-performing countries in the world. Ofsted's new inspection framework has driven leaders and teachers to focus on the intent, implementation and impact of their curriculum, promoting a broad, balanced approach.

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<sup>46</sup> DfE. [The link between absence and attainment at key stage 2 and key stage 4: 2013 to 2014 academic year](#). 2016.

<sup>47</sup> MoJ and DfE. [Understanding the Educational Background of Young Offenders](#). 2016.

<sup>48</sup> Explore education statistics. [Permanent exclusions and suspensions in England, Academic Year 2019/20](#).

46. We introduced the Phonics Screening Check in 2012 and by 2019 more than 90% of 7-year-olds met this standard,<sup>49</sup> which is a significant predictor of later reading comprehension performance.<sup>50</sup> The Multiplication Tables Check will have the same effect on this key component of maths fluency. Our reforms to the Early Years Foundation Stage added new focus to early foundations for literacy, numeracy and language skills.

47. We are supporting teachers to deliver higher standards of behaviour in schools by embedding behaviour management training across our suite of teacher training and development programmes, including through our behaviour hubs which pair schools together to help them learn to create cultures that support good behaviour.

48. We have strengthened schools' approaches to safeguarding and wellbeing, improving statutory guidance, introducing compulsory relationships, sex and health education and strengthening the role of Designated Safeguarding Leads.

49. Prior to the pandemic, we oversaw a dramatic improvement in attendance at all levels resulting in 15 million extra days of learning in 2018/19 compared to 2009/10.<sup>51</sup>

## Challenges remaining

50. Ofsted's 2017 report on delivery of the national curriculum raised concerns about the overall quality of curriculum design in schools, which prompted revisions to the inspection framework in 2019. Curriculum design is an expert skill, yet too many teachers reinvent the wheel and design new lessons, with recent Teacher Tapp data showing 46% of primary teachers are planning their lessons from scratch.<sup>52</sup> This situation fails those new teachers and fails the children they teach. In no other profession are newly trained employees expected to discover by trial and error how to deliver. Instead – as with other top professions – we must do more to support new teachers to succeed.

51. The pandemic underlined the huge cost of having children out of school and the importance of having every child in school so they are able to learn. As we emerge from the pandemic, we must drive attendance rates back to pre-pandemic levels and beyond, and continue to drive down incidents of poor behaviour. We must understand the issues underlying behaviour, including wider factors like mental health, and pay particular attention to supporting disadvantaged and vulnerable groups who have often suffered most in recent years.

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<sup>49</sup> [DfE. Phonics screening check and key stage 1 assessments: England 2019](#). 2019

<sup>50</sup> K. S. Double, J. A. McGrane, J. C. Stiff., & T. N. Hopfenbeck. [The importance of early phonics improvements for predicting later reading comprehension](#). British Educational Research Journal. 2019.

<sup>51</sup> Comparison of overall absence rates between 2009/10 and 2018/19. Explore education statistics, [Pupil absence in schools in England, Academic Year 2018/19](#).

<sup>52</sup> Teacher Tapp. [Should we keep the phonics check?](#). 15 February 2022,

52. We can and should go further, including to address a lack of consistency in school opening hours and in the extra-curricular offers schools afford their children. Following the sacrifices young people made during the pandemic there is – now more than ever – a moral imperative to ensure no child is short-changed on their time in school.

## How we will achieve our vision

### We will establish a new curriculum body

53. Building on the success of Oak National Academy's work in the pandemic,<sup>53</sup> we will establish a new arms-length national curriculum body. It will work with thousands of teachers to co-design, create and continually improve packages of optional, free, adaptable digital curriculum resources and video lessons that are effectively sequenced to help teachers deliver an evidence-based, high-quality curriculum. Each subject will have a choice of resources, providing variety for teachers. This sector-led approach will draw on expertise and inputs from across the country, involving teachers, schools, trusts, subject associations, national centres of excellence and educational publishers.

54. These resources will ensure high quality lessons are available nationwide for the benefit of all children. It will free teachers to teach using the best possible resources, reducing workload so teachers can concentrate on delivering lessons, creating new resources only when there's a reason to do so.

55. The curriculum body will work closely with the Education Endowment Foundation and Ofsted, to ensure its work is informed by the best available evidence and aligns with best practice. The body will develop a choice of optional resources with teachers and leaders, to ensure it is always focused on meeting their needs. The body will also work closely with those delivering teacher training and professional development, providing consistent examples of quality lessons and curricula to support their programmes.

56. We will also ensure the resources and programmes produced by the curriculum body are available across the United Kingdom. We will work with the devolved administrations to develop content that stretches and challenges pupils beyond each country's national curricula, providing ambitious pupils with the opportunities to go above and beyond their school's curriculum.

57. Together with the reforms to teacher training and development, the curriculum body will create a virtuous cycle of evidence-based training for teachers and expert-crafted, adaptable lessons which will drive the quality of children's learning higher each year, working towards our literacy and numeracy ambitions.

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<sup>53</sup> ImpactEd. [Oak National Academy 2020/21 Evaluation Report](#). 2021

## Benefits of the future curriculum body

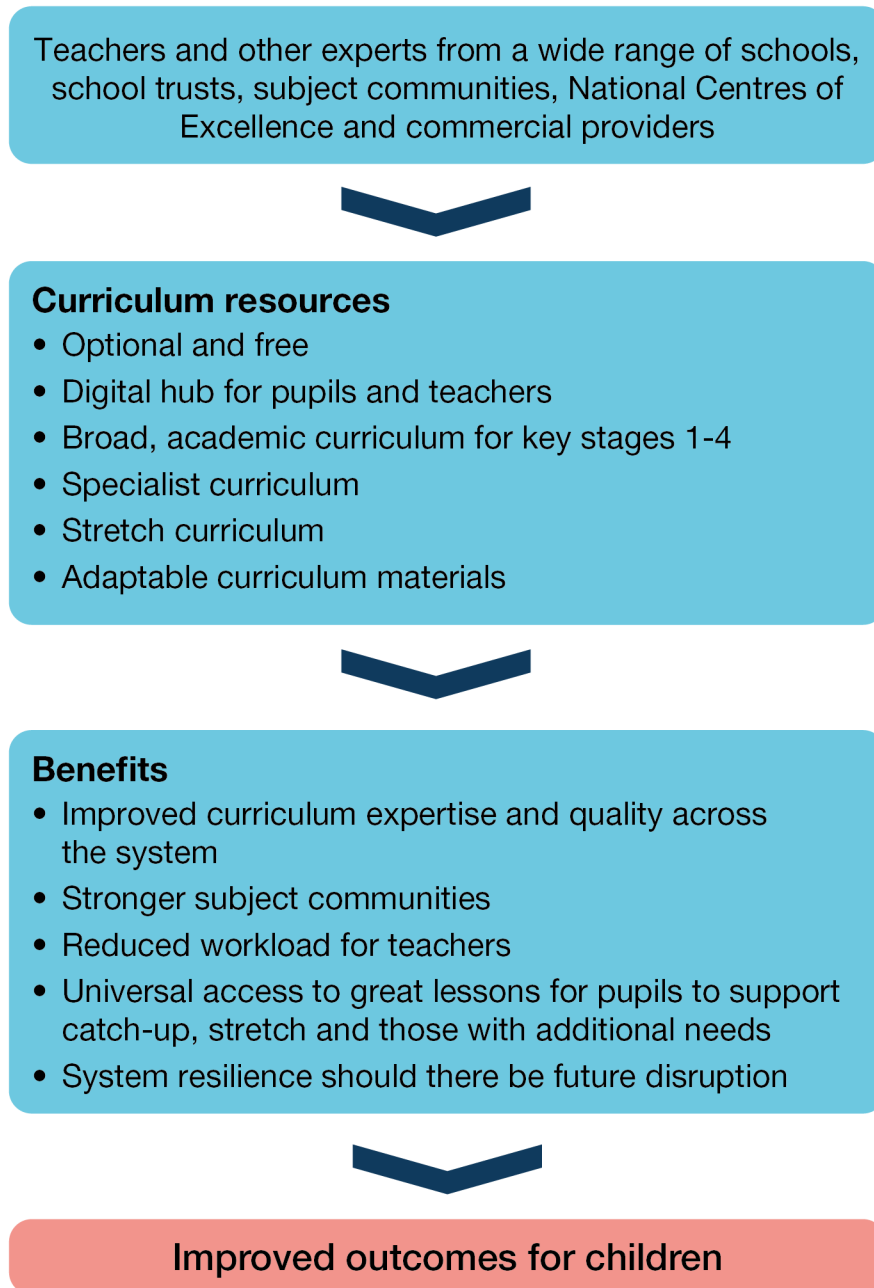


Figure 3: Benefits of the Future Curriculum Body

### We will deliver a richer, longer average school week

58. We also want to address the discrepancy of teaching time in schools. It is unfair that a child who receives 20 minutes per day less of teaching time loses out on around 2 weeks of schooling a year.



59. We will therefore introduce a minimum expectation on the length of the school week of 32.5 hours (the current average) for all mainstream state-funded schools. We will expect all mainstream state-funded schools to work towards meeting this expectation as soon as possible and by September 2023 at the latest. We will strongly encourage all state-funded schools to deliver two substantive morning and afternoon sessions each school day, with appropriate flexibility for religious observance. Thousands of schools, in every corner of the country, already deliver this length of week within existing budgets. With the additional investment of £7 billion for schools by 2024-25 announced at the Spending Review, we will expect all state-funded mainstream schools to deliver at least a 32.5 hour week within their budgets.

60. Ofsted considers the overall quality of a school's education, including the ambition of the curriculum. If Ofsted has concerns about the quality of education at a state-funded mainstream school and the school falls short of the government's expectation on time, Ofsted will look at how they have come to that decision and what impact it has on the quality of education provided.

61. Considering the wider benefits of increased time for pupils, including more opportunities for learning, socialisation with peers and enrichment, we will also encourage all mainstream state-funded schools to explore going further than 32.5 hours if possible.

62. Specialist settings, including alternative provision providers, support a wide range of pupils with diverse needs and therefore currently structure their school week in more varied ways than mainstream schools. Therefore, we do not think it is appropriate to set an expectation for a minimum school week in specialist settings. However, these settings should share our overall ambition to extend and enrich the school week where it would be beneficial to pupils for them to do so, whilst taking into account operational and financial considerations.

63. We will publish guidance on best practice in the summer to support both the minimum expectation for mainstream schools and the wider ambition for all schools to consider increasing time in school where appropriate. This will include case studies from schools that deliver longer weeks and examples of how additional time can be used, including to support pupils' literacy and numeracy.

64. As part of a richer school week, all children should be entitled to take part in sport, music and cultural opportunities. These opportunities are an essential part of a broad and ambitious curriculum, and support children's health, wellbeing and wider development, particularly as we recover from the pandemic. The government will publish updated plans to support sport and music education in 2022, and will publish a cultural education plan in 2023, working with the Department for Digital, Culture, Media and Sport and Arts Council England. This will include how best to support young people who wish to pursue careers in our creative and cultural industries. We will build on our high-quality citizenship education by supporting the National Youth Guarantee, promoting volunteering and expanding access to the Duke of Edinburgh Award and Cadet Schemes.

65. We want all children to be inspired by the options available to them when they leave school or college. We will launch a new careers programme for primary schools in areas of disadvantage and are extending the legal requirement to provide independent careers guidance to all secondary school children, as well as increasing the opportunities for them to meet providers of apprenticeships and technical education. We will also improve professional development for teachers and leaders on careers education, including strengthening understanding of apprenticeships and technical routes.

### **We will embed our curriculum and assessment reforms**

66. In order to provide stability for schools and enable them to remain focused on recovery from the pandemic and raising standards of literacy and numeracy, we will make no changes to the National Curriculum for the remainder of the Parliament. We will maintain our current system of primary assessment and world-class GCSEs and A levels. Ofqual seeks to return, in 2023, to GCSE and A level results that would be in line with those from pre-pandemic years.

67. Our dedicated English and maths hubs will support schools to drive up literacy and numeracy standards, continuing our emphasis on mastery and systematic synthetic phonics and publishing the second part of our reading framework in 2023. We will establish roles for the Education Endowment Foundation and the new future curriculum body to ensure quality and consistency in the evidence-based practices these hubs promote.

68. We remain committed to improving uptake of the Ebacc subjects, especially amongst the most disadvantaged children, and will continue to drive improvements in access to high-quality language teaching to realise this. From 2023, we will establish a network of modern foreign language hubs and introduce more effective continuous professional development courses for language teachers in both primary and secondary schools.

69. A stronger understanding of national performance is also a critical part of understanding how the system is progressing towards our goals. We will introduce a new test of literacy and numeracy, taken by a sample of children in year 9, to estimate performance at a national level. This will consist of a short series of digital activities undertaken by a small number of children in school.

70. Getting to 90% of children reaching the expected standard in reading, writing and maths in key stage 2 means we must start in early years, with a particular focus on critical early speech and language skills. We will assess the effect of recent reforms to the Early Years Foundation Stage on teaching practice and, where necessary, identify ways to go further in ensuring children are prepared for key stage 1, recognising the critical role of early language development in building strong foundations for literacy and numeracy.

## We will back headteachers to maintain good behaviour

71. Schools must be calm, orderly, safe and supportive spaces to learn and teach so that children can develop, attain and succeed in all aspects of the curriculum, including literacy and numeracy. Schools with a strong behaviour culture see positive impacts on attendance and attainment.

72. In order to support schools to develop strong cultures that reduce poor behaviour and benefit pupils, all teachers and leaders employed in state-funded schools have access to a fully funded training scholarship to undertake a National Professional Qualification in Behaviour and Culture. To support this, we will revise the Behaviour in Schools guidance and the statutory Suspension and Permanent Exclusion guidance to provide more practical support to school leaders. We will launch a new National Behaviour Survey to better understand what parents, children, teachers and leaders think of behaviour and wellbeing in their school.

### Case Study

#### Driving a positive behaviour culture

Glenmoor Academy is an 11-16 all girls secondary school situated in Bournemouth, which serves as the lead school in a Behaviour Hub. At Glenmoor, behaviour is taught and seen as a curriculum subject: their vision is one of “High Achievement, High Standards,” while working to core values of integrity, compassion and courage.

At Glenmoor, exemplary behaviour is an expectation, and every child, staff member and stakeholder plays an important role in achieving this, as part of a pro-active, whole-school approach. Leaders have created a detailed charter setting out expected models and concepts of behaviour. Rewards at Glenmoor play a pivotal role in promoting positive behaviour. Whilst sanctions are based on consistency and predictability, rewards are personable and proportionate. Collectively, these policies support an unapologetic focus on ‘teaching and not telling’ behaviour. Leaders at Glenmoor are clear with children’s behaviour explaining “here is why we are doing this”.

Glenmoor understand that behaviour is “never done,” and use their opportunity to support other schools as a chance to reflect on their own behaviour culture and foster collective, professional learning.

73. We fully back headteachers who have to weigh the needs of children with challenging behaviour against the needs of their whole school community, including through the use of exclusions. The SEND Review will set out reforms to tilt the focus of alternative provision<sup>54</sup> towards early intervention, so that more children are supported to manage challenging behaviour and needs early, reducing preventable exclusions. Alternative provision will also continue to provide longer-term specialist support so that the small number of children who are excluded can access good quality education and re-integrate into a mainstream school or college.

## **We will work with schools and local authorities to improve attendance**

74. Now more than ever before, face-to-face education for children's academic, social and emotional wellbeing is of paramount importance. Subject to the results of our February consultation, we will introduce new legislation to create new statutory guidance on attendance, including a requirement for every school to publish a clear attendance policy.

75. To help schools support their children to attend school consistently, we will make it easier for schools to access and emulate best practice around attendance, with the Education Endowment Foundation and the Youth Endowment Fund developing further off-the-shelf attendance interventions for schools, and introduce new voluntary standards for attendance professionals.

76. Having learnt from the pandemic how important having a real-time national picture of attendance can be, we will also make it easier for schools to understand individual attendance patterns and for trusts, local authorities and the Department for Education to identify concerning patterns more quickly. We will design a national data solution and introduce legislation to modernise the rules on recording attendance. This integrated, 21<sup>st</sup> century approach to tracking attendance will provide a safety net for spotting vulnerable children at risk of falling through the net. It will also provide a blueprint for wider data improvements across the system.

77. We will also introduce legislation to establish a register for children not in school, exploring how this data should be used by local authorities and multi-agency teams to undertake their duties and support children's education.

78. We recognise that attendance is an issue that requires all local and national bodies to play their part. That is why, subject to the results of our February consultation, we will also set new statutory expectations of local authority attendance services. We will expect schools and local authorities to work closely with these bodies to re-engage children who are 'severely absent' (those missing more than 50% of their sessions in school).

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<sup>54</sup> "Alternative provision" means the education arranged for pupils who would not otherwise have a suitable mainstream or special school place, for example through illness or exclusion. It includes Pupil Referral Units (PRUs), Alternative Provision academies and free schools, independent settings, Further Education, hospital schools, and bespoke unregistered provision

## **We will support children's safety and wellbeing**

79. Physical and mental wellbeing is a key enabler for children to benefit from time in school. Children's attainment, behaviour and attendance both drives, and is impacted by, their wellbeing. We are building on the additional £79m invested in specialist mental health support for children and young people during the pandemic by accelerating the introduction of Mental Health Support Teams that provide extra capacity for early support and advising school staff. We will make sure every school has the opportunity to access funded training for a senior mental health lead.

80. To keep children safe we will strengthen Relationships, Sex and Health Education, as well as our statutory safeguarding guidance, Keeping Children Safe in Education. This will support schools to protect children from abuse and exploitation in situations inside and outside of the schools, including (but not limited to) child on child abuse, online and face-to-face abuse, sexual abuse, exploitation, harassment, domestic abuse, substance misuse and criminal exploitation.

81. We will continue to support Ofsted's work to scrutinise and challenge off-rolling, clarifying the rules on how and when children should move between education settings, including alternative provision. We will introduce legislation to increase Ofsted's powers to inspect schools that are operating illegally without registration, addressing risks to the safeguarding and education of children who attend them.

# Chapter 3: Targeted support for every child who needs it

## Summary

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### By 2030, every child who falls behind in English or maths will get the right support to get back on track

- High-quality classroom teaching and evidence-based targeted support – including tutoring – will be made available to every child that is behind, with parents regularly updated on their child’s progress.
- Schools will be better equipped to robustly and routinely identify children who need this support and to act quickly, including for those with SEND.
- Schools will fund evidence-based, targeted activities to improve the attainment of disadvantaged children, including the most able, from their Pupil Premium funding.

### We will deliver:

- **A Parent Pledge** that your school will provide evidence-based support if your child falls behind in English or maths and tell you about their progress.
- **Up to 6 million tutoring courses by 2024** with action to cement one-to-one and small group tuition as a permanent feature of our school system.
- **A secure future for the Education Endowment Foundation** putting our independent ‘what works’ centre on a long-term footing and placing the generation and mobilisation of evidence at the heart of our education system.

### What this means for families:

- **Timely identification of need:** your child will go to a school that accurately assesses their progress and identifies where they need additional support.
- **An evidence-based response:** children who are identified as needing academic, pastoral or specialist support will receive high-quality, evidence-based help.
- **Transparency:** parents will be better informed about their child’s progress, and the support their child receives.

## Why this matters

82. We have set out how world-class training and creating the conditions for excellent teaching to shine will improve children's life chances and see standards rise. However, as the best schools and trusts know, ensuring 90% of children meet the expected standard in reading, writing and maths will also require a systematic way to deliver targeted support to those children that fall behind at some point on their educational journey. In 2019, 65% of 11-year-olds achieved the expected standard.<sup>55</sup> Whilst much of this gap will be closed by excellent teaching of a strong curriculum, we will not reach 90% without a step change in how we support those children who need more help to succeed.

83. This will require a robust approach from every school and trust to identify where children may need additional help to succeed in school, and to provide them with the evidence-based support they need so that they can progress through the curriculum with their peers. This could take the form of a phonics catch-up programme run by a trained teaching assistant, or small group tuition after school in maths. For all children, additional support will remain grounded in high-quality teaching and a strong curriculum.

## Progress to date

84. Over the last decade, significant additional focus has been paid to the need to combine high-quality teaching with evidence-based targeted support. We established the £2.6 billion per year Pupil Premium to fund extra support for disadvantaged children. The Education Endowment Foundation recommends around half of this is spent on high-quality teaching, with the remaining half split between targeted academic support and wider strategies to raise attainment and address barriers to success.<sup>56</sup>

85. England is a leader in generating and disseminating education evidence, with 70% of school leaders saying that they regularly use Education Endowment Foundation evidence to inform what happens in their school.<sup>57</sup>

86. As a core part of our response to the pandemic, we have invested nearly £5 billion, including £3 billion in targeted support to help those children worst affected by COVID-19. This includes the creation of the National Tutoring Programme, through which over 1 million tutoring courses have now started since November 2020. This has been critical to helping pupils who are behind – the EEF found that small group tuition has an average impact of an additional four months in primary schools and two months in secondary.<sup>58</sup> We will deliver up to 6 million tutoring courses, each providing 15 hours of tutoring, by 2024.<sup>59</sup>

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<sup>55</sup> DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019.

<sup>56</sup> Education Endowment Foundation. [EEF blog: The Pupil Premium and the importance of using evidence](#). 2021.

<sup>57</sup> Education Endowment Foundation. [EEF launches updated Teaching and Learning Toolkit](#). 2021.

<sup>58</sup> Education Endowment Foundation. [Teaching and Learning Toolkit](#).

<sup>59</sup> DfE. [National tutoring programme: courses started](#). 2022.

## Challenges remaining

87. It is not the case yet that all children receive the additional support they need when they need it. Even before the pandemic, too many children – especially those who are most vulnerable – fell behind and never caught up with their peers. Too many parents bear the stress and worry of fighting for the specialist support their child needs. A step change is needed to deliver our literacy and numeracy missions, so more children in both primary and secondary school get back on track when they are struggling.

88. We are proud of our record of narrowing the attainment gap between disadvantaged children and their peers, with the gap narrowing by 12.8% between 2011 and 2019 at key stage 2<sup>60</sup>, and 9.1% at key stage 4<sup>61</sup> in the same period. But the pandemic has hindered this progress. By Autumn 2021, the average primary school pupil was still 1.9 months behind where they would have been in maths and 0.8 months in reading, with the average secondary school pupil 2.4 months behind in reading. Disadvantaged children fared worse, losing an additional 0.4 months in maths in primary, 0.9 months in reading in primary and 1.5 months in reading in secondary.<sup>62</sup> The pandemic widened the disadvantage gap, with disadvantaged children less likely to have high-quality remote education, more likely to be absent from school and – consequently – more likely to have fallen behind.

89. We must also do more to ensure children with SEND and children with a social worker have the same opportunities for success as their peers. Whether improving the early identification of need and the quality of mainstream support, or providing effective and timely specialist support, we have a moral duty to do better by these children.

90. Through the introduction of the Pupil Premium and education, health and care plans we have rightly focused our school system on children who face particular challenges in their learning. However, by looking through the lens of a pupil's characteristics we sometimes miss the needs of children who do not acquire the label of having a special educational need or disability or being disadvantaged. We need to pivot to a system where all children receive the right support, in the right place, and at the right time based on their need.

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<sup>60</sup> DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019.

<sup>61</sup> DfE. [Key stage 4 performance 2019 \(revised\)](#), 2019

<sup>62</sup> DfE. [Pupils' progress in the 2020 to 2021 academic year](#), 2022.



## How we will achieve our vision

### We will deliver a Parent Pledge

91. The Parent Pledge is a promise from government, via schools, to families: any child that falls behind in English or maths should receive timely and evidence-based support to enable them to reach their potential. We pledge to make that a reality in every school in the country. We pledge to ensure that schools communicate this work to parents, ensuring parents are fully engaged in their child's education – and relieving them of the worry and stress that comes from a child falling behind at school.

92. Many children, at some point in their school journey, fall behind. They miss some lessons through illness, or don't grasp a critical concept. They catch up through our education system's first line of support: excellent teaching. Their teachers continually assess their understanding in class, adapt their teaching to respond to any gaps, and use a curriculum that revisits and embeds knowledge over time. Our reforms set out in previous chapters will further strengthen the quality of teaching in our nation's classrooms.

93. Some children, however, will need additional support in order to progress through the curriculum in English or maths. Too often this support is only available for children who have acquired a label – that they have a special educational need, or have been identified as disadvantaged. We will ensure all children are able to get the support they need, without requiring a label.

94. The best schools use robust, reliable assessment to identify children who need extra help, and offer targeted, evidence-based support to these children. We will make this an expectation across England. All schools should monitor pupil's progress in English and maths using robust assessment. They should have a system for responding to what this shows – both in terms of adjustments to classroom practice and providing additional support for children who need it. This should be drawn from the growing evidence base of effective support approaches. For example, a school may use a phonics catch-up programme to support children with a low reading age, or small group tutoring to support children who need to practise their maths. The very best schools and trusts in the system already do this as a matter of course, but for many schools this will be an important and significant shift. We will, in partnership with Ofsted, set out further guidance on targeted support and the use of effective assessment in due course.

95. We recognise that some children who are behind their peers may also have special educational needs. The process set out above will ensure that children do not need a diagnosis in order to access academic support. It complements plans, which will be set out in the SEND Review, for a clearer interaction between the SEND system and the support that should be readily available in all schools.

## Our Parent Pledge:

Any child that falls behind in English or maths should receive timely and evidence-based support to enable them to reach their potential

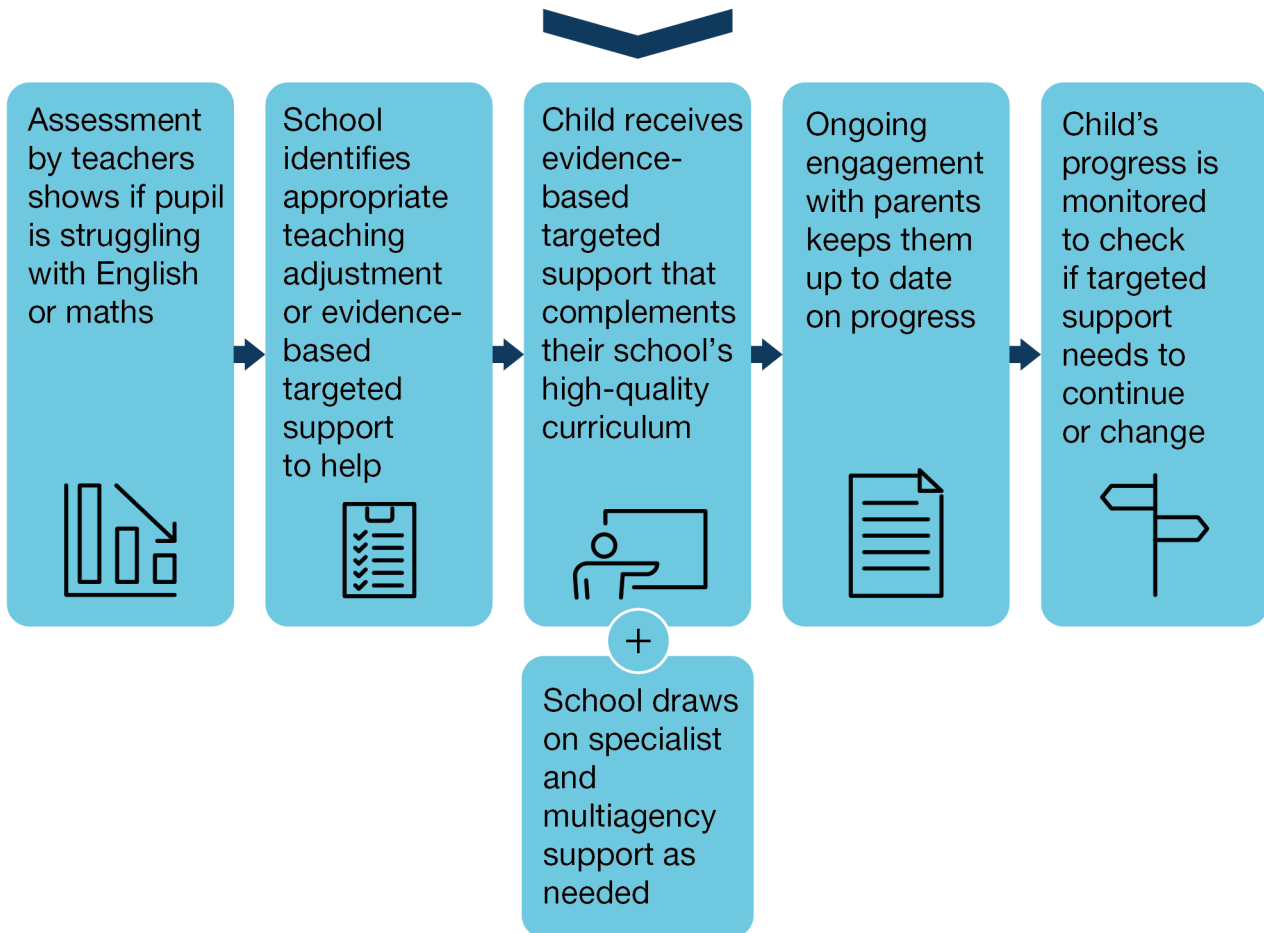


Figure 4: Our Parent Pledge

96. The Parent Pledge is a commitment to effective assessment and support and we will embed it as a central part of any school. The success of this commitment depends on how it is implemented in schools. We know that many schools implement this well already, but we are also aware of the risk of it being misinterpreted or implemented poorly. The Parent Pledge should not lead to schools over-testing children, labelling them as “behind”, or withdrawing them from a rounded school experience in order to focus on English and maths. It should be based on reliable assessment and used to provide evidence-based support that complements a child’s core education.

97. Ofsted's recently strengthened inspection framework, with its focus on how schools help all pupils to succeed, including those who are behind in English and maths, will mean that there is strong accountability for all the elements within the pledge. As part of school inspections, inspectors look at how assessment is used to identify pupils' progress through the curriculum. They look at how schools provide a high-quality curriculum and teaching for all children and additional targeted support for those who are behind. This targeted support might include small group or individual tutoring and/or other evidence-based interventions. Ofsted also seeks views from parents and draws on those views in its inspection discussions.

98. As well as ensuring schools are delivering effective in-school targeted support as part of the Parent Pledge, we will also work closely with Ofsted to spread examples of schools successfully providing targeted support alongside high-quality teaching, including how they ensure that parents are regularly updated on how their child is doing.

99. Effective use of the £2.6 billion per year Pupil Premium is key to delivering the Parent Pledge. The EEF recommends that around half of Pupil Premium funding should be spent on high-quality teaching as the first tier of support, with the other half going towards targeted academic support and wider strategies.

100. Whilst the Pupil Premium will retain its core focus on driving up the attainment of disadvantaged children wherever they fall on the ability spectrum, we will make it easier for schools to use this money to support literacy and numeracy skills where needed. Based on the EEF's evidence about what works, we have produced a menu of recommended evidence-based approaches and encourage schools to use this to make decisions about Pupil Premium spend. Schools will also want to consult this menu when making decisions about how to effectively deliver the Parent Pledge.

## **We will embed tutoring in every school**

101. Government has invested £1 billion to establish the National Tutoring Programme. We will deliver up to 6 million tutoring packages by 2024, which when combined with our programmes to deliver tutoring for young people aged 16-19 equates to around 100 million hours of tutoring. Small group tuition has an average impact of an additional four months in primary schools and two months in secondary school,<sup>63</sup> and it is our vision that tutoring no longer be the preserve of families who can afford to pay for private tuition, but the right of any child in need of additional support.

102. We will continue to financially incentivise schools to provide tutoring – and we expect every school to make tutoring available to children who need it. Schools have the flexibility to use their own staff, bring in dedicated new staff or use external tutors from accredited organisations to provide high-quality tuition that best meets the needs of their pupils. Tutoring will be a core 'academic' option in the Pupil Premium menu.

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<sup>63</sup> [Education Endowment Foundation. Teaching and Learning Toolkit.](#)

103. From 2024, we will have cultivated a vibrant tutoring market, serving schools right across England. We will expect tutoring to continue to be a staple offer from schools, with schools using their core budgets – including Pupil Premium – to fund targeted support for those children who will benefit.

## Case Study

### Using tutoring to improve children's outcomes

Queensmead School in Middlesex is an 11-18 academy within the QED Academy Trust. Approximately 25% of children at Queensmead qualify for Pupil Premium.

Following the Government's announcement of the National Tutoring Programme, the school leadership team decided to access tuition via the National Tutoring Programme for their Looked-After Children, who received 1:1 tuition remotely at home during the lockdown period. Staff also identified students that needed extra support in English and maths, at both Key Stage 3 and Key Stage 4.

As a result of tuition, Queensmead have seen a decrease in the number of students who were identified as behind. They have continued to use the programme and are now using School-Led Tutoring funding, to accelerate catch-up for children in Years 9 and 10 who need additional targeted support. Queensmead discuss options to have an extra lesson in English or Maths with both parents and children.

Small group tutoring sessions are also helping some Year 11s prepare for their GCSE exams and students are benefitting significantly from tutoring delivered by staff with whom they already have a longstanding relationship.

Tutoring has been essential to the success of the children at Queensmead, and the school's aim is that every child who needs it will receive some form of tuition by the end of the programme.

### We will re-endow the Education Endowment Foundation

104. It is critical that our focus on closing the attainment gap is underpinned by the very best evidence of what works. Over the past decade, the EEF has carried out over 200 evaluations to understand which interventions and approaches are most effective in closing the attainment gap, engaging 16,000 schools and reaching over 1.7 million children through its research. England is now an international bastion of education evidence, with English schools now some of the most evidence informed in the world.

105. The fundamental value of this independent and trusted evidence broker is clear – from robust evidence generation to guidance supporting effective Pupil Premium use and oversight of the evidence underpinning the training for all new teachers. That is why we will re-endow the EEF with at least £100m, cementing its role as a central, long-term feature of the education landscape for at least the next decade. This will allow it to continue its crucial work to build the evidence base. Crucially, it will provide actionable and accessible guidance and support to schools and act as a ‘guardian of evidence’ to ground education policy in the very best evidence.

106. We will also go further to ensure that the evidence generated directly impacts children. That is why we will provide over £55 million for our Accelerator Fund to develop and scale-up the best-evidenced literacy and numeracy interventions, spreading effective programmes to every corner of the country. This fund will fuel cutting-edge, evidence-based programmes, directly informing the best practice targeted support schools will implement through the Parent Pledge. We will support schools across England to access pioneering targeted support, straining every sinew across the whole school system to deliver our ambitious literacy and numeracy mission.

## **We will reform the SEND and Children’s Social Care systems**

107. In the current system, over 15% of children have an identified special educational need, and vulnerable children and children with SEND have lower educational attainment than their peers on average. A world-class school system must deliver brilliant outcomes for all children and, if we are to deliver our mission by 2030, we must ensure that vulnerable children and children with SEND are provided a better quality of education, underpinned by more effective, joined-up support.

108. We will set out ambitious reforms in the SEND Review, ensuring that all children and young people with SEND are able to access the right support in the most appropriate setting, including mainstream schools, in a timely manner, wherever they are in the country. We will consult in the Review on introducing a leadership level SENCO National Professional Qualification for new SENCOs, recognising the significance of the SENCO role in schools and ensure professional development for this role builds upon our wider ‘golden thread’ of teaching reforms (see chapter 1).

109. To improve access to specialist provision, we will invest £2.6bn in high needs capital investment over the next three years to deliver new places and improve existing provision for children and young people with SEND or those requiring alternative provision. This funding represents a transformational investment in new high needs provision and will support the delivery of tens of thousands of new places. As part of this investment we will deliver new special and alternative provision free schools.

110. We will equip the Department for Education’s new Regions Group, described in chapter 4, to hold local authorities and academy trusts to account for local delivery for children and young people with SEND, make better use of data to understand system health and work with independent inspectors and health colleagues.

111. We will respond to the Independent Review of Children's Social Care, ensuring the most vulnerable children are supported to succeed. We will continue to deliver the recommendations of the Children in Need review, including promoting the educational achievement of looked-after children and the previously looked-after cohort through Virtual School Heads.

112. We know that schools need to work with a range of local partners to deliver the support that some children need, particularly where needs extend beyond school gates. We will continue to support families, including expanding the Supporting Families programme to secure better outcomes for up to 300,000 families and delivering the Holiday Activities and Food programme to provide enriching activities and healthy meals for disadvantaged children during school holidays.

### **We will work with universities to deliver better targeted support**

113. We will drive greater social mobility in Higher Education, strengthening the engagement between schools and Higher Education Providers. We will work closely with the Director for Fair Access and Participation at the Office for Students to drive this increased engagement and ensure the money that providers spend on access and participation is used effectively and in line with evidence to deliver real social mobility.

# Chapter 4: A stronger and fairer school system

## Summary

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**By 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one**

- All schools will provide a high quality and inclusive education within the resilient structure of a strong trust,<sup>64</sup> sharing expertise, resources and support to help teachers and leaders deliver better outcomes for children.
- The best trusts in the system will work where they are needed most, levelling up standards, and transforming previously underperforming schools.
- Every part of the system, from strong trusts to local authorities, will be held accountable to a set of clear roles and responsibilities, so that no child falls through the cracks.

### We will deliver:

- **A fully trust led system with a single regulatory approach**, which will drive up standards, through the growth of strong trusts and the establishment of new ones, including trusts established by local authorities.
- **A clear role for every part of the school system**, with local authorities empowered to champion the interests of children and a new collaborative standard requiring trusts to work constructively with all other partners.
- **Education Investment Areas** to increase funding and support to areas in most need, plus extra funding in priority areas facing the most entrenched challenges.

### What this means for families:

- **Stronger local schools right across England:** schools will retain their ethos, whilst benefitting from the expertise and support of their family of schools in a strong trust, especially in areas of disadvantage.
- **Clear accountability for outcomes for every child:** public services will deliver for children and their parents.
- **Better support for children and families:** it will be clear what the different roles and responsibilities of schools, trusts, local authorities and others are.

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<sup>64</sup> The term 'trust' refers to an academy trust throughout

## Why this matters

114. The previous chapters set out the direct role that government can – and will – play to support the great teaching that will raise standards in our classrooms, allowing us to meet the ambitions that will deliver for every child.

115. However, it is also the government's role to ensure the right conditions in the school system so that these improvements are felt fairly everywhere and all children benefit from them. The best system structures enable and amplify progress towards these higher standards – and the worst stifle them.

116. The highest performing trusts use their collaborative structure to deliver outstanding literacy and numeracy outcomes for their children. They train, retain and deploy excellent teachers where they are needed most, develop and share ambitious curricula and deliver targeted support to raise standards.

117. Teachers and leaders in strong trusts can form communities of practice, sharing evidence-based approaches and benefitting from high quality professional development to improve outcomes for children. Strong trusts also achieve economies of scale, sharing resources, centralising functions, and ensuring robust financial governance, in order to build resilience and save time and money to reinvest into education. As a result of these benefits and more, our best trusts achieve strong educational outcomes, particularly for disadvantaged children – if all children did as well as pupils in a trust performing at the 90th percentile, national performance at key stage 2 would be 14 percentage points higher and 19 percentage points higher for disadvantaged pupils.<sup>65</sup>

118. That is why we want to spread the brilliance of the best trusts as families of schools throughout the country and create a school system where every part of the system has a clear role to play – all focused on delivering outstanding outcomes for children. The accompanying document: 'The case for a fully trust-led system' explores this in more detail.

119. Only by creating a fair and cohesive system can we be confident in levelling up every part of the country, with schools in strong trusts, robust regulation of the system and empowered local authorities who can champion the interests of children – particularly vulnerable children.

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<sup>65</sup> DfE. [KS2 school level performance data, 2019](#). Mainstream schools only. LAs are LA maintained schools aggregated to LA level. SATs are standalone schools, rather than groups of schools. Data on trust status from [Get Information about Schools \(GIAS\)](#)'



## Case Study

### Delivering transformative outcomes in areas of high disadvantage at Dixons Academies Trust

Dixons Academies Trust strives to achieve effective school improvement and great outcomes for children, exclusively in areas of high disadvantage. It achieves this by building a strong school culture, scripting routines in detail around the most vulnerable child, and running a longer school day to ensure maximum time for children to benefit from high quality teaching and support. The trust focuses relentlessly on doing a few things well rather than chasing every new initiative.

Nine of their fifteen schools currently hold an Ofsted grade, six judged Outstanding and three judged Good. One free school and five sponsored academies await their first inspection.

The trust's schools in Bradford and Leeds are heavily oversubscribed and children have achieved strong outcomes, including both attainment and progression into post-18 study and employment. Children eligible for Pupil Premium (PP) at Dixons consistently outperform the average for children not eligible nationally, with a disadvantaged Progress 8 score of 0.52 (against 0.13 non-PP) in the last published data, and 35% achieving EBacc at grade 4/C or above (against 29% non-PP).

The trust was identified as the sponsor for two local authority maintained secondary schools in Liverpool, both of which had been rated "Inadequate" by Ofsted. The trust worked actively in both schools for almost a year and provided staff training, established coaching and aligned processes with other Dixons academies. It also embedded new and improved routines for culture and instruction, as well as systems to improve attendance.

The trust has worked hard to ensure that the changes have had a positive impact in the area, offering its support to school improvement more widely. In the school, staff have reported feeling supported with new learning routines and that there had been better behaviour from children.

## Progress to date

120. Over the past 10 years, school standards have improved rapidly – 86% of schools are now rated Good or Outstanding, compared to 68% in 2010.<sup>66</sup> There are almost 10,000 academies – of which 8,500 are in multi academy trusts that have more than one school.<sup>67</sup>

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<sup>66</sup> Ofsted. [State-funded schools inspections and outcomes as at 31 August 2020](#). 2020.

<sup>67</sup> DfE. [Open academies, free schools, studio schools and UTCs](#). 2022.

121. Where schools do underperform, they are now routinely transferred into strong trusts. The positive impact of this on children can be huge. More than 7 out of 10 sponsored academies are now rated Good or Outstanding compared to about 1 in 10 of the local authority maintained schools they replaced.<sup>68</sup>

## Challenges remaining

122. The improvements we have seen across the last decade have not been uniform, and too many children are not yet benefiting from the excellent standards in the best schools. Government has not systematically supported our strongest performing trusts to grow, and they have not been adequately incentivised to work where they are needed most. Many of our best schools operate alone, and not enough attention has been paid to harnessing the expertise already in the system, with local authorities prevented from setting up trusts.

123. The system that has evolved over the past decade is messy and often confusing. Schools, trusts and local authorities have unclear – and often overlapping – roles and responsibilities. Unclear expectations of academies and local authorities permit grey areas which have sometimes allowed vulnerable children to fall through the gaps. Government has not been able to intervene adequately in the small number of trusts that have fallen short in the expectations of parents, or clearly set out through the regulatory system the standards it expects all trusts to achieve.

124. This confusion can have damaging consequences for children, especially the most disadvantaged and vulnerable. We need a stronger and fairer system that will allow all children to feel the benefits of strong trusts if we are to deliver the ambitions set out in this white paper.

## How we will achieve our vision

### We will increase capacity in the parts of the country that need them most

125. The first part of this journey will see investment in 55 Education Investment Areas over the remainder of this Parliament.<sup>69</sup> These are in cold spots of the country where outcomes in literacy and numeracy are the poorest and there is most urgent need for the benefits that strong trusts can bring.

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<sup>68</sup> [Analysis of Ofsted. State-funded school inspections and outcomes: management information \(2019\). 2022.](#)

<sup>69</sup> DLUHC. [Education Investment Areas: selection methodology](#). 2022.

126. We will shortly be consulting on moving schools that have received two consecutive below 'Good' judgements from Ofsted into strong trusts to tackle underperformance. This approach will be taken across England, but will begin in Education Investment Areas, as they are the areas most in need of rapid improvement. We will also invest directly to support our strongest trusts to expand into these areas, committing up to £86m in trust capacity funding over the next 3 years, with a particular focus on Education Investment Areas. We will offer retention payments in high priority subjects such as maths, helping recruit and retain the best teachers, to drive attainment in core subjects in the schools they are needed in most across England.

127. In addition to this action, we will provide further support to 24 Priority Education Investment Areas (which are a subset of the 55 Education Investment Areas), to address entrenched underperformance, including in literacy and numeracy, in areas with some of the highest rates of disadvantage in the country. In these areas, around £40m of additional funding will be provided for bespoke interventions to address local needs, such as addressing high absence rates. We will also launch a new multi academy trust Chief Executive Officer development programme for established leaders, such as executive headteachers and senior staff in academy trusts. This will support their development and preparedness for Chief Executive Officer roles, building on our golden thread of professional development set out in chapter 1.

128. We will build on this approach by opening a targeted number of high quality, academically focused 16-19 free schools in the areas where they are most needed. These schools will aim to rapidly increase the proportion of disadvantaged children in these areas progressing to top universities. The selection process for these schools will prioritise bids located in Priority Education Investment Areas, as well as the wider group of Education Investment Areas.

## **We will shape a dynamic system of strong trusts**

129. We need to nurture a dynamic system of strong trusts with the capacity to improve schools if we are to deliver the step change needed across England to meet our ambitions. In the future, no one organisation will have the right to run schools indefinitely without delivering excellent outcomes.

130. We know that trusts typically start to develop central capacity when they have more than 10 schools. Scale is also what enables them to be more financially stable, maximise the impact of a well-supported workforce and drive school improvement. Recognising the importance of trust capacity to support the system to improve, we will avoid converting schools as standalone academies, however we will consider bids for high quality free schools to open initially as standalone trusts. We expect that most trusts will be on a trajectory to either serve a minimum of 7,500 pupils or run at least 10 schools.

131. We will carefully monitor the size of new trusts and never expect a trust to expand before it is ready. While there will be no maximum size of trust, we will limit the proportion of schools in local area that can be run by an individual trust. The priority in making these decisions will always be what is right for the children, parents and communities they serve.

132. As part of the SEND Review, we will also consult on a policy of allowing local authority maintained specialist providers to move into either specialist-only or mixed trusts, based on individual and local circumstances.

133. So that trusts continue to be responsive to parents and local communities, all trusts should have local governance arrangements for their schools. We will discuss how to implement this with the sector.

### **We will ensure all types of school can help build the fully trust led system**

134. We will unlock the expertise that exists across England by supporting new trusts to develop where they are needed, allowing new partners to bring their experience to improve outcomes for children.

135. Thus far, local authorities have not been able to set up trusts, which has been a barrier to some of the best local authority maintained schools supporting other schools to succeed. We want to enable trusts that work effectively for the primary schools who make up the majority of the remaining maintained sector.

136. Local authorities will be able to establish new multi academy trusts where too few strong trusts exist, enabling high performing schools with a track record of local partnership to formalise their relationships and add expertise and capacity to the trust system. These trusts will be regulated in the same way as any other trusts, and we will ensure that safeguards are in place to effectively manage any potential for conflicts of interest both for the trust and the local authority – including limits on local authority involvement on the trust board.

137. We will provide assurance to Church and faith schools when they join or form trusts, bringing forward legislation to ensure that statutory freedoms and protections that apply to Church and faith maintained schools also apply to academies with a religious character. We recognise the costs which Dioceses and other religious authorities face in establishing trusts and we will develop options for financial support, allowing strong Church and faith trusts to drive even higher standards in these schools. We are also committed to ensuring that all providers of schools with a religious character remain able to open new schools, once all schools are in trusts.

138. We know schools in rural areas can be particularly important to their communities, and Diocesan trusts and trusts established by local authorities will be well placed to ensure these schools are effectively supported. We will also continue to apply the presumption against closure of rural schools and our national funding formula reform has seen the funding schools attract through the sparsity factor more than double to £95 million.

139. Recognising their important role within the communities they serve, we will ensure that selective schools are secure in multi academy trusts.

## **We will better regulate school trusts**

140. The current legal and regulatory system for trusts, based around individual contracts, was designed for a small group of disruptor schools. This has become increasingly unsuited to ensuring quality and fairness in a system that already educates more than half of all children. All trusts must be held clearly to account for high standards in order to provide the platform to achieve our ambitions in literacy and numeracy.

141. To increase clarity in the short term, we propose to bring together both new and existing requirements on academy trusts (currently set out in legislation and funding agreements) into statutory academy trust standards. New statutory intervention powers will underpin the standards and provide a robust framework for ensuring we can tackle any trust which fails to achieve the expected outcomes by managing and governing their schools effectively. The department, through the Regions Group described below, will take a single regulatory approach to trusts.

142. In the longer term, we must shape a regulatory approach that is fit for a fully trust led system. We will launch a regulatory review in May 2022 looking at accountability and regulation – including how we will hold trusts to account through inspection in the future.

143. As part of this future regulatory approach, school leaders and teachers also need clarity on how we define trust strength. In turn, parents will want assurance about the expectations against which trusts are held to account. Therefore, for the first time, we will provide a definition of trust strength. The success of multi academy trusts in delivering against the strong trust definition, as well as the academy trust standards, must be the basis for transparent assessments of their potential for growth.

- **High Quality and Inclusive Education** – delivers high quality education across their academies, including for disadvantaged children and children with SEND, and operates fair access. Has effective central leadership teams, strong school leadership and teaching, and uses evidence-based curriculum design and implementation.
- **School Improvement** – works quickly to improve standards within all their schools, particularly transforming previously under performing schools, and maintaining appropriately performing schools.
- **Strategic Governance** – operates an effective and robust governance structure that involves schools and exemplifies ethical standards. Utilises the expertise and skills on its boards to oversee the strategic direction of the trusts effectively and hold leaders to account. Has a strong local identity, engaging effectively with parents and the wider community.
- **Financial Management** – is underpinned by strong and effective financial management, prioritising the use of resources, including the estate, to deliver the best educational experience for children.

- **Workforce** – trains, recruits, develops, deploys and retains great teachers and leaders throughout their careers, proactively engaging in Initial Teacher Training and the Early Career Framework, supporting staff development by using National Professional Qualifications and other evidence-based professional development and providing them with opportunities to progress. Deploys the best staff in the schools where they are needed most and prioritises staff wellbeing.

144. We will also consult on the exceptional circumstances in which a good school could request that the regulator agrees to the school moving to a stronger trust.

## Case Study

### Curriculum Planning in Outwood Grange Academies Trust

Outwood Grange Academies Trust adopts a model of collaborative planning across its twenty-six secondary and twelve primary academies in the North of England and the East Midlands. Outwood Grange Academy leads the Yorkshire and Humber Maths Hub and is involved in the Teaching for Mastery programme.

The maths leads from all their schools work together, which provides the means for them to develop a deep understanding of the conceptual levels required in each maths area which they can then pass onto the teachers in their own schools. All secondary teachers then have opportunities to contribute to the design of the materials to teach the concepts in Key Stages 3 and 4.

The primary teachers have the support of a high-quality textbook scheme. Whilst methods for teaching the ‘required, standard’ content is discussed and agreed between maths leads, it is left to individual teachers to exercise their own professional judgement and skills in delivering the lessons. Planning sessions act as effective continuous professional development and collaborative working also means that workload is shared.

This means there is a coherent Scheme of Work with consistent pedagogical approaches identified, across the academy trust, but teachers are free to teach in a way that can be adapted, according to children’s needs.

### We will set out a clear timeframe to achieve a fully trust-led system

145. We want to make sure all children benefit from these changes, so having put in place plans to build capacity in the system within an updated regulatory framework, we must set a clear timeframe to spread this systematic improvement approach to as many children as possible.

146. We will introduce new powers enabling the Secretary of State to bring a local authority's maintained schools into the academy system where a local authority has requested this as part of their local strategic plans, working with them and their schools to shape the local trust landscape. It is important that no maintained school is left in isolation, without the benefits that a strong trust can offer.

147. We want all schools to be in or joining a strong trust by 2030 and will engage with the sector on how best to achieve a fully trust led system.

148. The Department's Regions Group, described below, will work with local partners to develop plans which achieve this, based on local dialogue about which collaborations will best serve the interests of children and parents.

### **We will ensure that every actor in the school system has a clear role**

149. The shift to a fully trust led system is a once in a generation opportunity to recast the responsibilities of every actor in the system so that, collectively, we maximise the transformative impact of our schools. We will provide greater clarity and coherence about who does what, aligning accountabilities with the levers to deliver, and make sure everyone is incentivised to put children's interests first.

150. We will need every actor in the system to play its full part in order to meet our literacy and numeracy ambitions. None of this will happen overnight, nor does it supplant the centrality of high-quality teaching, supplemented by targeted support. But an increasingly stronger school system over the next decade will accentuate and drive this excellence right around the country.

151. Local authorities will remain at the heart of the system, championing all children in their area – especially the most vulnerable – as they step back from directly maintaining schools into their new role. In this role, they will harness their unique capacity to coordinate across local services to improve outcomes for children. We will back local authorities with new legal powers to match their responsibilities – and work openly with the local authorities and the wider school system to co-design the detail over the coming months. As part of the SEND Review, we will also set out plans to ensure they are held accountable for delivering these responsibilities.

152. The Department for Education will continue to steward the system, setting ambitious standards for trusts and schools, serving the Secretary of State using a single regulatory approach. Building on the lessons of the pandemic, we are changing the way the department works with local and regional partners. We will establish a new Regions Group by summer 2022, bringing together functions currently distributed across the department and the Education and Skills Funding Agency into a single interface<sup>70</sup>. The group will consist of nine regions, aligned to the geographies used across the rest of government. To reflect their evolving role, Regional Schools Commissioners will be known as Regional Directors. The Regions Group will drive improvement, expanding the reach of our strongest trusts and proactively intervening where trusts are not providing the excellent education we expect.

153. Independent inspectorates such as Ofsted and the Care Quality Commission will continue to assure the quality of schools, specialist providers, and children's services. As part of the regulatory review, we will consider the evolving role of inspectorates in a fully trust led system.

154. Ofsted will inspect all schools against the current inspection framework by the end of the summer term 2025, to provide a quicker assessment of recovery from the pandemic. The inspections will mean parents receive up-to-date assurance about the quality of education being provided, schools receive timely information to inform their plans for improvement and Ofsted is able to give swifter recognition to schools as they strive to recover. The programme will include Outstanding schools that were until recently exempt from routine inspection so that we have independent assurance on standards in every school.

155. Strong trusts will be solely accountable for school improvement, delivering a brilliant education for children – with churches and other faith groups continuing to offer a distinctive education through networks of trusts.

156. We expect all actors in the system, including trusts and local authorities, to collaborate to ensure the best outcomes for their communities. This includes cooperating in key delivery areas like admissions and attendance, but it is also about a wider civic responsibility. To ensure this, we will introduce a new collaborative standard – one of the new statutory academy trust standards – requiring that trusts work constructively with each other, their local authorities and the wider public and third sectors. We will engage with the sector, through the wider regulatory review, as we develop the detail.

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<sup>70</sup> DfE. [Changes to the way the Department for Education \(DfE\) will operate from 1 April 2022 onwards \(Review of the Education and Skills Funding Agency\)](#). 2022.



## A strengthened role for local authorities

Local authorities have crucial responsibilities for children, on SEND, Children's Social Care, attendance, admissions, place planning and other key areas. But in a dual system of academies and maintained schools, our research shows that their role is often too contingent on the strength of individual relationships – sometimes lacking levers to fulfil their responsibilities such as ensuring no child remains out of school.

Alongside the SEND Review and our response to the Independent Review of Children's Social Care, our reforms to the school system will provide clarity for local authorities about their role in education and care and their relationship to other actors.

Our overarching vision is that local authorities will champion the best interests of children in their area, ensure the system works for the most vulnerable children, and plan services which are best co-ordinated locally.

In the context of the school system, this means local authorities will:

- **Meet their communities' need for good school places** across the local system so that there is a suitable place for every child;
- **Secure the best outcome for individual children**, especially the most vulnerable. They will have a strengthened role overseeing local admissions arrangements, assuring arrangements to keep children safe, and making sure children attend school;
- **Hold new legal powers** in areas such as admissions and have **improved access to data** so that they can deliver these responsibilities more effectively.






We will work openly with local authorities in the coming months to co-design the detail of these proposals.<sup>71</sup>

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<sup>71</sup> [DfE. Local authority provision for school places and support for vulnerable children. 2022.](#)

# Roles and responsibilities in the future schools system

## Local organisation

	Local authority (LA) Plans and secures provision	Multi-academy trust (MAT) Provides education
 <p>Sufficiency</p>	<ul style="list-style-type: none"> <li>• Forecasts pupil place needs and identifies viable options (for mainstream, AP and specialist schools) – including via the free school presumption process.</li> <li>• Can object to the Schools Adjudicator about pupil admission numbers (PANs) for mainstream schools, where there is a need for an increase.</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborates with other trusts and with the LA to support the development of place plans and deliver agreed places.</li> </ul>
 <p>Admissions</p>	<ul style="list-style-type: none"> <li>• Co-ordinates admissions, including managing in-year applications.</li> <li>• Convenes multi-agency in-year placement panels for vulnerable and unplaced children.</li> <li>• Has a backstop power to direct admission of a child if required.</li> </ul>	<ul style="list-style-type: none"> <li>• Develops admission policies and makes decisions.</li> <li>• Participates in multi-agency in-year placement panels for vulnerable and unplaced children.</li> <li>• Establishes an independent appeals panel where needed.</li> </ul>
 <p>Safeguarding</p>	<ul style="list-style-type: none"> <li>• The Local Safeguarding Partnership (LSP) sets out local safeguarding arrangements.</li> <li>• The LA commissions and oversees the audit process, referring non-compliance to DfE.</li> </ul>	<ul style="list-style-type: none"> <li>• Carries out statutory duties, including completing the LSP's safeguarding audits.</li> </ul>
 <p>Attendance</p>	<ul style="list-style-type: none"> <li>• Ensures all children in their area are in education.</li> <li>• Works with schools to identify pupils at risk of poor attendance and supports them to attend.</li> </ul>	<ul style="list-style-type: none"> <li>• Supports leadership focus on improving attendance across all its schools, as part of overall trust improvement efforts.</li> </ul>
 <p>Ensuring quality</p>		<ul style="list-style-type: none"> <li>• Adheres to the statutory academy standards and proactively develops characteristics of a strong trust.</li> </ul>

## Standards, regulation and intervention

### Department for Education

#### Policy and standards

#### Regions Group



#### Sufficiency

- Sets the framework for central free school applications.
- The Secretary of State signs new funding agreements and amends them for material changes.
- DfE quality assures pupil forecasts and provides basic need and high needs funding to LAs.

- Makes decisions about expanding and creating trusts and schools, working alongside LAs and trusts to ensure place plans align.
- Proactively monitors and intervenes where necessary by removing schools from poor trusts or merging trusts.
- Assesses and recommends approval of central free school applications.



#### Admissions

- Sets the national framework – including the School Admissions Code.

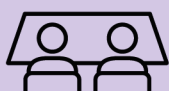
- Intervenes where a trust is in breach of its funding agreement or statutory requirements, including compliance with admissions law.



#### Safeguarding

- Sets standards for the safeguarding audit process and trust safeguarding arrangements.

- Seeks assurance from trusts on compliance when concerns are raised.
- Intervenes when breaches occur.



#### Attendance

- Sets standards to ensure all children are thriving and engaged in education.

- Consider attendance as part of decision making.






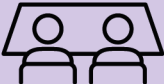

#### Ensuring quality

- Sets statutory standards for trusts, and develops the strong trust framework.
- Stewards the trust system.

- Takes a single regulatory approach to act as the single regulatory interface based on the regulatory framework.
- Commissions support and intervenes in under-performing trusts or academies.
- Decides sponsoring trusts for inadequate schools.
- Brokers trust growth.

\*The Regions Group is comprised of Regional Directors (previously Regional Schools Commissioners) as the primary regulatory interface, supported by the ESFA who provide financial assurance.

## Standards, regulation and intervention

Ofsted/Inspectorate Provides independent assurance	Schools Adjudicator Arbitrates in exceptional circumstances
 <b>Sufficiency</b>	<ul style="list-style-type: none"> <li>• Considers objections to PANs in mainstream schools where the LA believes an increase is needed to provide sufficient places.</li> </ul>
 <b>Admissions</b>	
 <b>Safeguarding</b>	<ul style="list-style-type: none"> <li>• Determines if policies are fair and lawful in the event of objections.</li> <li>• Provides a route for trusts to appeal an LA direction decision.</li> </ul>
<ul style="list-style-type: none"> <li>• Examines the effectiveness of safeguarding arrangements as part of inspections.</li> </ul>	
 <b>Attendance</b>	
<ul style="list-style-type: none"> <li>• Considers schools' efforts to improve or sustain high levels of attendance as part of inspections.</li> </ul>	
 <b>Ensuring quality</b>	<ul style="list-style-type: none"> <li>• Inspects quality of education in schools.</li> <li>• Future trust inspections will be considered as part of the regulatory review. Any arrangements will be underpinned by the strong trust principles.</li> </ul>

**Figure 5: Roles and responsibilities in a fully trust led system**

## **We will deliver high quality school places and fair admissions across England**

157. In order to deliver a fairer and stronger school system, we need to empower local authorities to deliver both the right number of school places and fair admissions for their local areas, so that no school or trust can avoid delivering on its responsibilities.

158. Local authorities will retain the overall sufficiency duty to provide an appropriate place for every child. They will determine the number of school places, including special and alternative provision places, that are needed in a locality.

159. Based on transparent standards, the Department for Education will be responsible for ensuring that these places are provided by the best possible schools. Department for Education Regional Directors will make decisions about expansion of existing schools and trusts as well as the creation of new ones, using area-based commissioning. We will also seek proposals for new mainstream free schools in areas where there is a clear demographic need for additional places, prioritising proposals located in Education Investment Areas.

160. In general, we expect all actors to work together constructively so that there are always enough places for children – but we know it is vital to have a safety net for the rare occasions when this is not successful. We will consult on giving local authorities the power to object to the Schools Adjudicator about a school's Published Admissions Number if an increase is required to provide sufficient places and no suitable school otherwise agrees to provide them.

161. Trusts will continue to act as their own admissions authorities and will be expected to act inclusively, providing the most vulnerable and disadvantaged children with the opportunity to attend the best schools. We will bring the requirement for trusts to follow the admissions code onto a statutory footing.

162. Local authorities will continue to coordinate main round admissions and, in the future, take responsibility for managing all applications for in-year admissions too. To further strengthen the system, we will work with local authorities, trusts, schools and parents to develop options to reform the admissions framework, including the setting of over-subscription criteria. We will consult on a statutory framework to govern children's movements so that all placement decisions – including about the use of alternative provision – are always made in the best interest of the child, especially the most vulnerable like children in need.

163. As a final safety net to cover rare circumstances where collaborative working breaks down, we will consult on a new backstop power for local authorities to direct trusts to admit children. Trusts would have the right to appeal this to the Schools Adjudicator.

## **We will ensure the system works for vulnerable children and children with SEND**

164. We know that multi-agency working is absolutely critical to improving children's life chances. The publication of this white paper alongside the forthcoming SEND Review and recommendations of the Independent Review of Children's Social Care creates a rare opportunity to join up vital work across schools, children's social care and SEND services.

165. In addition to the areas considered by these reviews set out in chapter 3, we will introduce a range of measures to improve the sharing of information between organisations working with vulnerable children, including data and intelligence about attendance, exclusions and those removed from school rolls. Alongside the recently announced register of children not in school, these efforts will increase the speed with which local authorities and safeguarding agencies can intervene when there are concerns and reduce the time vulnerable children spend out of school.

166. Keeping children safe is the first responsibility of everyone working in the school system. As we move to a trust led system, we will continue to require consistent training and effective incident response. We will also institute a new system of proactive assurance with Local Safeguarding Partnerships commissioning safeguarding audits every three years. This system will help ensure that all schools' policies are consistent with local safeguarding arrangements and the academy trust standards.

## **We will provide funding, infrastructure and technology for an effective system**

167. We have delivered the biggest funding boost for schools in a decade, and continue to deliver year-on-year, real terms per pupil increases to school funding. We will invest a further £7 billion by 2024-25 for the core schools budget in England, compared to 2021-22.

168. Having successfully introduced the national funding formula, we will now transition to using that formula to set each school's budget directly, without local amendment – ensuring every child receives their fair share of funding. This will give parents, school leaders and governors confidence that their school's funding reflects a consistent assessment of their schools' children and context, rather than where the school happens to be located. A direct national funding formula also supports the expansion of successful and efficient trusts, who will not have to navigate differences in local funding arrangements. We will consult in the autumn on the details of the formula.

169. We know that trusts use pooling or 'top slice' mechanisms to ensure effective and efficient operations across their group of schools and enhance the resilience of their academies to respond to short-term challenges. New transparency measures will ensure that it is always clear to parents how this flexibility is being used.

170. We want to ensure that schools and trusts get the best value from every pound they spend, so we expect all schools to make use of the Department's School Resource Management (SRM) tools, guidance and direct support. Through our SRM programme, we have already supported schools to make £1bn savings<sup>72</sup> since 2015-16. We will expand the programme to secure a minimum of a further £1bn in the next phase for reinvestment in our schools. We will support all schools to target their resources to improve the education of pupils, but we know that it is high performing trusts which have the most potential to focus resources efficiently - further detail is set out in the accompanying document 'The case for a fully trust led system'. Further guidance and support, as well as how the sector can work together to support continuous improvement, will be published in summer 2022.

171. We also want to create an environment where schools can use technology to support innovation and the spread of evidence-based practice. Both before and during the pandemic, schools have demonstrated their ability to try new things using technology. We know that some innovations, such as online parents' evenings and setting homework on digital platforms, have worked for parents, children and schools and are here to stay.

172. We expect that remote education will continue to be used, allowing children to keep pace with their education when in-person attendance in school is impossible. We will continue to work with the sector on this, learning from the many examples of excellent practice developed during the pandemic.

173. Every school in the country should have the right infrastructure to allow them to make the most of modern digital technology for their children, including the high-quality tools provided by England's flourishing EdTech market. We will work with commercial providers to accelerate gigabit capable broadband rollout to schools, to enable all schools to have access to a high-speed connection by 2025. We will set out the core technology that we expect all schools to have in place by publishing new digital, data and technology standards, so that teachers and pupils can be confident that technology will work in the classroom, and invest up to £150m to upgrade schools who are furthest from meeting our standards in priority areas. We will also establish a strong evidence base for effective use of technology and embed this evidence across our world-class school system, so that it is easy for schools and families to use the best products at the right time.

174. We will streamline and personalise digital services provided by the department for schools and trusts to improve user experience and efficiency, freeing up workforce capacity, and reducing the number of sign-ons. We will also transform and modernise our approach to data, automating appropriate and safe data sharing across schools, trusts, local authorities and government. This will provide data-driven insights for evaluation of programmes and evidence about what works, while minimising the reporting burden on schools.

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<sup>72</sup> This is against a counterfactual based on maintaining per-pupil non-staff spend in real terms at 2015-16 levels

## Conclusion

175. This white paper marks the start of a journey towards an education system in which all children benefit from the high standards of the best schools and families of schools, bringing us closer to achieving our literacy and numeracy missions year by year. It will form part of a wider programme of change, alongside the SEND Review, Independent Care Review, Skills for Jobs White Paper and Levelling Up White Paper.

176. As we begin to deliver the changes set out in this white paper, we will work with all our partners across the education system, underpinned by the two core principles of using, building, and sharing evidence, and enabling collaboration so that every child is supported to realise their full potential. We will work at a national, regional and local level to agree next steps and make sure everyone is part of the process to achieve the very best for the children of this country.

177. Looking forwards to 2030, the vast majority of children leaving primary school will have achieved the expected standard in reading, writing and maths, and secondary school children will have improved attainment at GCSE. The children of this country will be taking the next steps in their education and training, equipped with the tools they need to make a success of the next phase, whether it is through A Levels; a T Level, co-designed by employers and based on the best international examples of technical education; or a high-quality apprenticeship. Through the steps this white paper is taking to make sure they benefit from an excellent teacher, high standards, targeted support and a stronger and fairer school system, their careers and future lives will be built on the foundations they need to succeed.













Department  
for Education

# Implementing the Direct National Funding Formula

**Government consultation**

**Launch date 7 June 2022**

**Respond by 9 September 2022**

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## Ministerial foreword



This Government is committed to levelling up opportunity for all children and young people. As set out in the [Levelling up](#) White Paper, our levelling up mission is for 90% of primary school children to achieve the expected standard in Key Stage 2 reading, writing and maths by 2030. Fundamental to achieving that is ensuring that the right level of funding is allocated to the school system – and so we have delivered the biggest funding boost for schools in a decade, and by 2024-25, we will have invested a further £7bn to the core schools budget in England, compared to 2021-22.

We must also ensure that that funding is distributed fairly, based on the needs and characteristics of individual schools and their

pupils. The introduction of the national funding formula for schools (NFF) in 2018-19 was a major step forward – replacing the postcode lottery of the previous funding system with a single, national formula that allocates core funding for mainstream primary and secondary schools in England based on a consistent assessment of need.

Since its introduction, the NFF has been a ‘local authority-level’ formula – whereby the NFF distributes funding fairly between local authorities, and local authorities then distribute that funding among their respective schools using their own formulae. Following last year’s consultation [Fair school funding for all](#), we have confirmed our intention to move to a direct funding formula for mainstream schools, which will complete the reforms to school funding which started when the NFF was first introduced. A direct NFF will mean that the Department determines funding allocations for individual schools, without substantial local adjustment.

Our commitment to introducing this reform is guided by by our commitment to the following principles:

- **Fair** – each mainstream school should be funded on the same basis, wherever it is in the country, and every child given the same opportunities, based on a consistent assessment of their needs. Moving to a direct NFF will mean that it will no longer be the case that schools with similar pupil intakes and circumstances can be allocated significantly different funding, simply due to being located in different local authorities. It will ensure a level playing field between schools, resourced on a consistent basis to meet the needs of their pupils.

- **Simple and Transparent** – one national school formula will be simpler to understand and engage with than the current 150 different local formulae. A single national formula will mean that the funding an individual school is allocated, and the basis on which it was calculated, will be transparent to all in the system. A direct NFF means that everyone with a stake in education – and especially parents – can more easily understand what funding is being allocated to an individual school and how that reflects the school’s pupils and its context.
- **Efficient and Predictable** – A national formula through which funding is matched to relative need, means that resources can be distributed across the system as efficiently as possible. It will also support head teachers, governing bodies and academy trusts to compare their income, spending and outcomes with other schools, and to identify ways to improve. A single national funding approach will create greater predictability in funding, supporting the system to make best use of resources.

The move to a direct NFF also supports the objective set in the schools white paper, [Opportunity for all](#), that by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one. In the current system, multi-academy trusts’ individual academies can be funded on a different basis, if they are spread over more than one local authority area. The direct NFF will ensure that all academies, and all schools, are funded on a consistent basis, wherever they are in the country.

Moving to a direct NFF requires a change in legislation in order to allow the Secretary of State to determine schools’ funding allocations directly. This forms part of the [Schools Bill](#) which was introduced in Parliament on 11 May 2022. The legislation we have proposed reflects the conclusions of the consultation we undertook last year.

Alongside the Schools Bill, this consultation outlines the next steps in our reforms to the school funding system. It focuses on the detailed implementation of the direct NFF, including the important interaction between the direct NFF and funding for high needs.

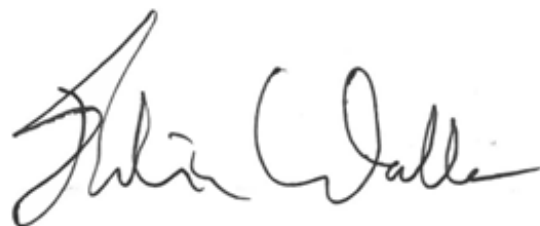
Effective implementation of reform is vital for success, and we are committed to continuing to engage closely with school funding stakeholders to ensure that the direct NFF is implemented as effectively and smoothly as possible – drawing on their expertise and experience. This consultation forms part of that process. It will be followed by further sector engagement, including further consultations on related funding issues such as the consequent reforms to high needs funding arrangements following the ongoing consultation on the SEND and alternative provision green paper.

It is vital that the new direct formula works for schools and this consultation is the latest in a long series that has helped to progress and shape our policy. I know that school leaders, business managers and governors face many demands on their time but I am



grateful for the ongoing interest of so many across the sector in our work to complete these reforms and get the detail right.

I look forward to your responses.

A handwritten signature in black ink, reading "Robin Walker". The signature is written in a cursive style with a large initial 'R' and 'W'.

**Robin Walker MP, Minister of State for School Standards**

## Introduction

In 2021 we held our first-stage consultation on the direct national funding formula (NFF) for schools: [Fair school funding for all: completing our reforms to the National Funding Formula](#). Following the feedback to that consultation, in March 2022 the Government published its [response](#), which confirmed our commitment to introduce the direct NFF.

Our first consultation on the direct NFF focused on the principle of moving to a direct formula, and proposals on how we should transition towards this end point. Following the largely positive response to the consultation, we have confirmed that we will begin moving towards the direct NFF from the 2023-24 funding year.

This current consultation focuses further on the detail of the implementation of the direct NFF. It does not restate our broad proposals for reform, which are outlined in the first consultation and the response.

An important part of implementation of the direct NFF is the interaction between the direct NFF and funding for high needs, which many highlighted in their responses to last year's consultation. In this consultation, we set out proposals for the continuation of two current elements of funding for special educational needs (SEN), and for alternative provision, but consider how these would need to change in operation as we move to the direct NFF: first, continuing to have some flexibility within the funding system to move funding to local authorities' high needs allocations (and correspondingly adjust mainstream schools' NFF allocations); and second, the determination of notional budgets for mainstream schools' SEN and disability support, within their direct NFF allocations.

The consultation also sets out proposals for how funding for schools experiencing significant growth in pupil numbers, or falling rolls, could operate under a direct NFF. This is set out in more detail than in our first stage consultation. In response to the feedback to that consultation, we propose a system which retains some local flexibility to determine how this funding is allocated, while aligning with the principles set out above to achieve much greater fairness, simplicity and predictability. In doing so, we are aiming to ensure consistency with the ongoing role of local authorities as set out in the schools white paper, [Opportunity for all](#), ensuring that local authorities are supported to carry out their role as champions of the child and in place planning. The first stage consultation set out our ambition that *all* of mainstream schools' core funding allocations would be determined by a single national funding formula – including both “school-led” elements (which are allocated on the basis on the circumstances of the school) and pupil-led elements (allocated on the number and characteristics of pupils). We acknowledged that allocating some of these “school-led” elements directly to individual schools through the NFF would mean we had to move away from relying on historic local authority spending decisions as we do currently, and that that would be a complex

set of reforms. In this consultation, therefore, we set out more detail on our proposals for how this will operate in the direct NFF.

As we move to the direct NFF, the minimum funding guarantee – which protects schools against excessive year-on-year changes in their per-pupil funding – will continue to operate. In the current system, the "funding floor" in the NFF mirrors the operation of the minimum funding guarantee in the local formulae. When the direct NFF is introduced, the minimum funding guarantee and the NFF funding floor will effectively merge into one single funding protection mechanism – which we will continue to refer to as the minimum funding guarantee. In this consultation we set out a proposal on how this will operate.

Finally, we set out proposals on how the funding cycle should operate in the direct NFF – that is, the regular timescales for gathering data to calculate funding allocations, and then confirming these allocations to schools. A key consideration here is how we can support schools' budget planning, by giving them early indication of future funding levels.

Taken together, this consultation sets out a detailed picture of how we propose that the direct NFF will work in practice. We are not setting a definitive final "end date" at which the direct NFF will be implemented, as it will be important to continue to be guided by the impact of the initial transition towards the direct NFF, before deciding on the further pace of change. However, to give a sense of the likely timescales to inform schools' and local authorities' planning, we are setting out that we expect to have moved to the direct NFF within the next five years – that is, by the 2027-28 funding year. We hope that we may be able to move to the direct NFF *sooner* than this – but not later.

To further support schools and local authorities' planning, in Annex A we set out a forward timeline of upcoming activity related to the direct NFF. This includes our plans to reform the operation of some funding factors in order to prepare for the direct NFF; further explanation of how local authorities' funding formulae will move gradually closer to the NFF in the transitional phase; and planned legislative changes.

Further consultations are also planned on related funding issues. Details of these are also set out in the forward timeline. Following the consultation on the SEND and alternative provision green paper, we will conduct a further consultation on consequent reforms to high needs funding arrangements. We also plan to consult on the funding for local authority services through the central school services block (CSSB), as we move to the direct NFF, and in light of the future role for local authorities as set out in the Schools White Paper, Opportunity for all.

## Who this is for

- Schools and academy trusts
- Local authorities
- Any other interested person or organisation

## Issue date

The consultation was issued on 7 June 2022.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

- [NFF.CONULTATION@education.gov.uk](mailto:NFF.CONULTATION@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Consultations.Coordinator@education.gov.uk](mailto:Consultations.Coordinator@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in autumn 2022.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

### By email

- [NFF.CONULTATION@education.gov.uk](mailto:NFF.CONULTATION@education.gov.uk)

### By post

Funding Policy Unit  
Department for Education  
Sanctuary Buildings  
20 Great Smith Street  
London  
SW1P 3BT

## Deadline

The consultation closes on 9 September 2022.

## The interaction between the direct NFF and funding for high needs

In the first stage of consultation on the direct NFF, we recognised that the interaction between funding for mainstream schools, and funding for high needs (for children and young people with more complex special educational needs and disabilities (SEND), and those who need alternative provision) is a key consideration in our reform plans, and this was echoed by many respondents to the consultation. The Government published the SEND and alternative provision green paper, [Right support, right place, right time](#) on 29 March 2022, which sets out our proposals for ambitious reforms to the SEND system to bring greater national consistency, so that provision is based on a child or young person's needs and not where they live or the setting they attend, within a financially sustainable system where resources are targeted effectively. This emphasis on greater fairness and consistency aligns closely with the principles that underpin the move to the direct NFF.

The Government's consultation on the SEND and alternative provision green paper concludes in July 2022. Following consideration of the responses to that consultation, we will consult on further detailed proposals on how high needs funding will operate to deliver the aims of the green paper. As set out in the forward timeline in **Annex A**, in future consultations we plan to cover the operation of funding bands and tariffs to support the development of a national framework for SEND provision. This will involve addressing a range of complex issues, and potentially making significant changes to the current system of place and top-up funding for specialist provision, as well as the current expectation that mainstream schools will provide for the first £6,000 of additional expenditure on pupils with SEND, before they become eligible for high needs top-up funding. Extensive consultation will be needed as we develop this framework, informed by the expertise of our stakeholders.

In the current consultation, we focus on two elements of the high needs funding system where we can provide further clarity for schools, academy trusts and local authorities now on how the direct NFF will operate. Firstly, we set out proposals for how continued flexibility to transfer funding to authorities' high needs budgets, by adjusting mainstream schools funding, could work under the direct NFF. The commitment to include such flexibility was set out in the Government response to the first stage consultation – here, we now set out proposals on how this would operate. Secondly, we set out proposals on the continuation of notional SEN budgets in the direct NFF – that is, continuing to give mainstream schools an indication of a (non-ringfenced) portion of their core budget for meeting the additional costs of provision for pupils with special educational needs.

## Flexibility to transfer funding to high needs

In the current funding system, local authorities have a degree of flexibility to transfer funding between the blocks of their Dedicated Schools Grant (DSG) allocations. In the majority of cases, local authorities transfer funding from their schools block (that is, funding for mainstream schools) to their high needs budgets. Local authorities' local funding formulae then determine how the schools block funding (after such transfers) is distributed to mainstream schools. Local authorities can transfer up to 0.5% of their schools block with the approval of the schools forum, but transfers above 0.5%, or where the schools forum does not agree, must be decided by the Secretary of State.

This is an important flexibility which has helped local authorities as they face pressures due to high needs costs. In particular, it can be beneficial in allowing local adjustments which reflect where the allocations of mainstream schools and high needs funding are significantly out of line with the local pattern of demand for and supply of provision for children with SEND, and which will take time to change locally. To support local changes in the longer term, the proposals set out in the SEND and alternative provision green paper aim to establish a more consistent approach to provision standards and funding, and this should help to address some of the causes of the current cost pressures, helping to move towards a system that is financially sustainable. However, both local changes and a new national framework will take time to implement and achieve the intended impact.

In the Government response to the first stage of the direct NFF consultation, we therefore committed to retaining the flexibility to transfer funding from mainstream schools to local authorities' high needs budgets in the direct NFF. We envisage that this flexibility will need to be used with decreasing frequency as the local systems become financially sustainable, through local action supported by the national reforms envisaged in the green paper. While we are clear that this flexibility will be retained, it will need to operate differently from the current system once we move to the direct NFF.

As set out in the SEND and alternative provision green paper, local authorities will continue to have responsibility for the local delivery of provision for children and young people with SEND, particularly those with high needs. Therefore, we propose that local authorities should continue to have responsibility for preparing and submitting any applications to the Secretary of State for funding to be transferred to their high needs budgets, via an adjustment to the NFF allocations for mainstream schools in their area. The applications would include: the amount of the transfer requested; the period over which the transfer is requested (e.g., if it is for more than one year); the reason for the transfer request (i.e. what the funding would be used for); and how and which mainstream schools' allocations would be affected. The final decision maker on these requests would be the Secretary of State, to ensure that decisions are taken on a consistent basis, in line with the principles underpinning the direct NFF.

Although local authorities would be required to include the amount of transfer requested in their application, the Secretary of State would have the discretion to modify that amount in agreeing to a transfer of funds. In some cases, it will be appropriate to agree to multi-year funding transfers (with an annual review) – for example, if a local authority is engaged in a DfE programme such as the Safety Valve work with authorities that have deficit budgets, in which they commit to reforms to their SEND systems which span multiple years.

Further detail on the criteria for assessing funding transfer applications, in particular in relation to how the transferred funding would be used, will be set out at a later stage, as we will need to make sure that such criteria are in line with wider system developments following the SEND and alternative provision green paper consultation. However, we expect to continue the use of the following criteria:

- Strong evidence that a transfer is necessary to address significant cost pressures on high needs.
- Specific and detailed plans which demonstrate that the transferred funding would contribute to addressing cost pressures in a sustainable way.
- Strong evidence of a transfer of financial responsibility for children with high needs from mainstream schools' NFF funding to the local authority's high needs budget – such as a significant increase in the proportion of children with education, health, and care (EHC) plans placed in specialist settings rather than mainstream schools, or an increase in the costs met by high needs top-up funding for pupils with EHC plans in mainstream schools.

Both to make the application process more straightforward at a local level, and to support consistency in decision making, we propose that local authorities will be provided with a short “menu” of options on how the adjustment to mainstream schools' NFF allocations could be made. A short list of options, rather than complete freedom to propose how the adjustments could be made, will help to avoid delays in confirming funding allocations. This flexibility will also allow the requests to address particular local issues in the provision for children and young people with complex needs – for example, a local authority may judge that schools with high proportions of pupils with SEN pupils are facing particular pressures, and require additional funding from the high needs budget. Or, a local authority might judge that a portion of the funding directed to additional needs in the schools NFF is, because of local patterns of provision, required to support special schools or units. We envisage that this short list of options would therefore include:

- A percentage reduction in all mainstream schools' NFF allocation.
- A percentage reduction in the NFF funding that mainstream schools attract through the basic entitlement factor (rather than additional needs factors) – this would be of relative benefit to schools with high proportions of pupils with additional needs.



- A percentage reduction in the NFF funding that schools attract through additional needs factors.

Within these options, the Secretary of State would then also take into account local authorities' views on whether to:

- Include primary or secondary schools, or both, in the adjustment of allocations.
- Include schools on minimum per-pupil funding levels (MPPLs) in the adjustment of allocations.
- Include schools on the minimum funding guarantee (MFG) in the adjustment of allocations.

Where a funding transfer request is approved by the Secretary of State, we will adjust mainstream schools' NFF allocations accordingly. We would aim for these adjustments to be made in time for them to be included within the usual timescale for confirming schools' NFF funding allocations. More generally, we want to ensure that as much advance notice of such adjustments as possible is given, both to schools and to local authorities: early clarity on their funding levels will enable better budget planning. This will probably mean that local authorities will need to submit applications informed by the provisional high needs allocations that are published in July each year, and an estimate of mainstream schools' allocations, using the latest NFF factor values and the previous years' pupil data, rather than waiting until allocations are confirmed closer to the start of the financial year. This is similar to the current process, whereby the initial deadline for local authorities to submit "block transfer" requests is in advance of the latest census data (which is then used to calculate the allocations themselves). We will therefore support local authorities to make informed decisions on whether a funding transfer request should be submitted, by providing estimate figures for the "unadjusted" schools and high needs allocations.

We propose that, as in the current system, local schools should be able to give their views of a local authority's proposal to transfer funding to high needs. Currently, local authorities must consult their schools forums, and their local schools, on a "schools block transfer" proposal, and – when a decision is referred to the Secretary of State (for example, because the proposed transfer is above 0.5% of the schools block), we require a local authority to submit detail on the responses to these consultations.

It will be important for the Secretary of State's decisions to continue to be informed by local feedback, and so we propose that in advance of submitting applications for transfers of funding local authorities must engage in appropriate consultation with their schools and other stakeholders, and provide evidence on the responses as part of their application. As indicated in the response to the first consultation, now that the SEND and alternative provision green paper has been published, we plan to review how the role of the schools forum fits with other local partnership arrangements. The green paper sets out proposals for local SEND partnerships, which will develop local inclusion plans – a strategic plan for delivery, including setting out the provision and services that

should be commissioned in line with national SEND standards. Subject to consultation responses to the green paper, we will look to align the application and approval process for schools funding transfers to local high needs budgets, with the establishment and operation of these local partnerships and plans. As in the current system, the responses to local planning and consultation activity will be key information that the Secretary of State will consider in taking a decision over whether to approve the proposal.

## Indicative SEND budget

### Question 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?

Do you have any other comments on the proposals for the operation of transfers of funding from mainstream schools to high needs?

The SEND and alternative provision green paper sets out proposals for an inclusive system, starting with improved mainstream provision that is built on early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum, and prompt access to targeted support where it is needed. We are clear that there should continue to be a national expectation on how much of the additional costs of supporting pupils with SEN mainstream schools should meet from their formula funding, so that schools and local authorities can plan their budgets appropriately.

As now, the direct NFF will include a number of factors that act as a proxy for the incidence of SEN in mainstream schools<sup>1</sup>. We are keeping under review whether the current factors will remain appropriate in future (for example, considering the disruption to the flow of usable attainment data as a result of the pandemic, and in the context of future changes to assessment), and whether further changes are needed to ensure the factors capture the range of additional support that we expect schools to provide for their pupils with SEND.

Following the SEND and alternative provision green paper consultation, we will also look at whether to use more than one threshold to capture pupils with low attainment in their previous phase of education (i.e. a further tier to reflect those with the lowest levels of attainment), and the feasibility of introducing new factors. This work will be informed

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<sup>1</sup> Low attainment in the previous phase of pupils' education and measures of deprivation are the current formula factors acting as the main indicators of the extent to which a school's pupils have additional needs, including SEN.

by the development of the new single national SEND and alternative provision system proposed in the green paper, which will include the longer term establishment of consistent standards on what support should be made available universally in mainstream settings.

As well as ensuring that funding is being directed as appropriately as possible, this work will enable us to establish a consistent basis for calculating an amount within each school's budget for supporting pupils with additional needs. Currently local authorities use factors in their local school funding formulae to identify for each school a notional SEN budget. Although this provides the same formulaic calculation for all the schools in each local authority area individually, it does not provide a nationally consistent approach.

There was clear feedback through our 2019 call for evidence that school leaders and SENCOs find it helpful when setting school budgets to have a guide to the amounts they may set aside for spending on SEND support. We therefore propose to continue the concept of identifying for each school a budget for the costs of additional support for its pupils with SEND. This would be calculated by the Department under the direct NFF, rather than by local authorities, and would indicate the amount within the school's overall budget that is allocated to help schools meet the costs of additional provision for children with SEND, up to a defined threshold (currently £6,000 per pupil, per annum).

Some responses to the call for evidence suggested that the budget should be ring-fenced for use on SEND, rather than notional. Since we believe schools should be responsible for decisions on how they design and deliver a curriculum which meets their pupils' needs, they should also have flexibility in using their resources, not least because it is unlikely that any formulaic approach would be able to reflect the precise cost of supporting every pupil with SEND in each school. That is why the existing locally determined budgets are notional, rather than ring-fenced, and we do not believe those reasons change with the move to a direct NFF.

The SEND and alternative provision green paper proposes to introduce national standards for the SEND provision to be available in mainstream schools, with associated funding bands and tariffs. Subject to the green paper consultation, we will consult on the detailed calculation of an indicative budget for SEND support within the direct NFF, as part of our wider consideration of the funding changes that the green paper reforms will require. We will also consider and consult on whether a different financial threshold or alternative approach would be more appropriate, consistent with the responsibilities that will sit with mainstream schools under the new national standards.

Prior to the development of those national standards, we think it is important to maintain the clarity that the £6,000 high needs threshold offers in the system. This reflects that it

remains appropriate for mainstream schools to contribute to the costs of supporting their pupils with SEND before seeking additional high needs funding.

We will, however, issue guidance to local authorities on how they can calculate their schools' notional SEN budget for 2023-24 using local formula factors. We intend that this guidance will help to bring greater consistency and help with creating the right incentives across the current system.

### **Question 2**

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

## Growth and Falling Rolls funding

In this section of the consultation, we set out our proposals on how revenue funding for schools experiencing significant growth, or significant decline, in pupil numbers would operate under the direct NFF. In developing these proposals, we have carefully considered the responses to the first stage consultation – which highlighted some risks in implementing a purely standardised, national system of growth and falling rolls funding.

Local authorities have a statutory responsibility to ensure there are enough school places available in their area for every child aged 5 to 16 needing one, as set out under section 14 of the 1996 Education Act. The recent Schools White Paper, [Opportunity for all](#), reiterated that local authorities will continue to play this important role. Our lead proposals below aim to support LAs as they meet these responsibilities, by ensuring some continued local flexibility.

The Department provides basic need capital grant funding to local authorities to support them to meet that statutory duty. Funding allocations are calculated annually, using local authorities' own data on pupil forecasts and school capacity, as reported through the School Capacity Survey (SCAP). Local authorities use this funding to create places in brand new schools (via the 'free school presumption' process<sup>2</sup>) or through the expansion or remodelling of existing schools, working with any school in their local area in doing so, including academies/free schools. Further information can be found in the online [Basic need capital funding allocations guidance](#).

We also expect local authorities – in fulfilling their place planning function – to reduce or find alternative uses for school buildings where there are high levels of spare places, in order to avoid detriment to the educational offer or the financial position of schools. This can include, for example, increasing the provision of early education and childcare, reutilising space within mainstream schools for SEND units or resourced provision, and reconfiguring the local offer of places via remodelling, amalgamations, mergers and closures.

The Department expects all schools and academy trusts to work collaboratively with local authorities, dioceses and other schools in the area, to ensure that there is a co-ordinated approach to place planning and delivery. The Department expects local partners to support local authorities to meet their sufficiency duty by providing additional places where they are needed and work with them to reduce the number of places offered where they are surplus to requirements. To further support local authorities to

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<sup>2</sup> See section 6A of the Education and Inspections Act 2006, and published guidance at <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

meet their sufficiency duty, the Department provides them with revenue funding for growth and falling rolls, through their Dedicated Schools Grant.

Local authorities currently have discretion as to whether or not to operate a growth and/or falling rolls fund. If they do, it must be used only to:

- **Meet the revenue costs associated with new and expanding schools<sup>3</sup>.** This funding is allocated to schools agreeing to expand in response to a proposal by the local authority and to fund the development of new schools. The costs of new schools will include lead-in costs, for example to fund the appointment of staff and the purchase of any goods or services necessary in advance of admitting pupils.
- **Support growth in pre-16 pupil numbers to meet basic need.** This can be necessary to help schools meet the additional costs that they incur as a result of growth in pupil numbers, for example in establishing an extra class (either as a bulge class or an ongoing commitment), before these additional pupils lead to schools receiving greater core allocations in the following year under the lagged revenue funding system.
- **Support additional classes needed to meet the infant class size regulation.** Local authorities can provide additional funding to schools where an infant class exceeds 30 pupils and therefore the school must cover the costs of opening another class or employing an additional teacher to meet this regulation.
- **Support falling rolls where places will be needed in future.** Local authorities can support good and outstanding schools with falling rolls, where local planning data shows that the currently surplus places will be needed within the next three to five financial years. This was introduced because a pupil-led funding system can cause difficulties where local authorities identify that the number of places required will increase in the near future and therefore want to ensure that the schools and places that will be needed remain viable in the short term.

The ESFA also provides “popular growth” revenue funding where schools experience significant growth in pupil numbers due to increased popularity, to reflect their increased costs. At present, this funding is available for academies with significant forecast growth in pupil numbers – not maintained schools. Agreements are made on a case-by-case basis, on application by academy trusts.

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<sup>3</sup> Free schools delivered through the Government’s central route receive grant funding directly from the ESFA to fund post start-up costs and diseconomy costs in establishing a new school. For ‘presumption’ free schools delivered under section 6A of EIA 2006, the local authority is also responsible for providing the site and leading on building works.

## Responses to the First-Stage Consultation

In the first stage consultation, we proposed that the Department introduce national, standardised criteria to allocate revenue funding for schools experiencing significant growth in pupil numbers and/or falling rolls. A narrow majority of consultation respondents agreed with this proposal, although that was true of only a third of local authorities, and a significant proportion of respondents called for some continued local flexibility in how growth and falling rolls funding is allocated to schools, to help local authorities fulfil their duties with regard to the sufficiency of school places.

In our first stage consultation response, we committed to improving how growth funding is allocated, to achieve greater simplicity, fairness and consistency. However, we recognise that this is a complex area of policy and that the consequences for local school place planning processes will need to be carefully considered. This consultation document aims to respond to those main consultation points raised, and outline proposals which respond to that feedback.

First, we outline the current pattern of growth and falling rolls funding and make the case for change to align better with the principles of the national funding formula.

Second, we consider the concerns raised in the first stage consultation responses around the consequences of moving to a purely national, standardised system, and we provide an alternative option for growth and falling rolls funding, which would allow some degree of local flexibility. This would still be a significant step forward in the consistency and fairness in how this funding is allocated. In addition, some respondents asked for more specifics on a national standardised system. Accordingly, we also provide a more detailed set of proposals on how a national, standardised system of growth and falling rolls funding could operate, including the national criteria to be set on when growth is “significant” enough to attract growth funding and how this funding could be allocated. Overall, we propose that, at least initially, a system which retains local flexibility would be most appropriate under a direct NFF.

Lastly, we provide a proposal on popular growth which would extend support to maintained schools in response to responses made in the first stage consultation.

## The Allocation of Growth and Falling Rolls Funding

The Department allocates a notional growth funding element to local authorities each year, as part of the DSG. In 2022-23, the Department allocated £246m. We take a formulaic approach to allocating this funding to local authorities to ensure the funding is distributed fairly and consistently. Growth funding is currently based on the actual pupil growth that local authorities experience, at the level of [Middle Layer Super Output Area \(MSOA\)](#) – these are smaller geographic areas within the local authority with an average population of 7,200. This is a significant improvement in the way we allocate growth

funding (it was previously based on historic spending) and ensures we are allocating this funding consistently across local authorities.

## Analysis of current growth funding

Local authorities determine criteria for allocating growth funding to schools in their local area. Local authorities currently have a large amount of discretion over how they allocate growth funding – both in terms of the eligibility criteria they set (such as thresholds on levels of growth in pupil numbers, or numbers of additional classes), and in terms of the funding levels for eligible schools. Our analysis has found considerable variation in how local authorities distribute growth funding.

Local authorities do not have to allocate all of the growth funding that they receive, and can spend more or less on growth funding than they received through the DSG for that purpose. This leads to a very varied picture nationally: for example, Camden spent over £2m in growth and falling rolls funding in 2022-23, despite only being nominally allocated around £330,000, while 17 local authorities allocated no growth funding at all in 2022-23, despite receiving allocations of up to £1.9 million from the Department.

In addition to variation in overall spending on growth across local authorities, significant differences are seen in allocations at a lower level. We have looked at the growth criteria set by local authorities in 2022-23, to identify the method they use to allocate funding, and the amount of funding a school would receive for a primary bulge class of 30 pupils<sup>4</sup>. On average this is £74,000. However, this ranges from a minimum of £31,000 in Bexley to around £195,000 in Tower Hamlets: a six-fold difference in the amount of funding made available. Bexley have calculated such growth funding on the basis of additional teaching costs a school incurs, while Tower Hamlets have calculated based on the average total per pupil funding provided through their local formula.

We recognise some of the differences in funding amounts may reflect the different costs associated with an additional primary bulge class on the basis of pupil characteristics. We have looked at the relationship between the proportion of FSM6 pupils in each local authority, as a proxy for additional needs, when comparing the amount of funding each local authority provided. However, we have not found any clear relationship between the level of support a local authority would provide and the level of free school meals eligibility. Both Manchester and Tower Hamlets have a high proportion of pupils eligible for Free School Meals (44% and 45% respectively) yet would provide £30,000 for

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<sup>4</sup> We have managed to calculate figures for 23 local authorities only. It was not possible to do this for all local authorities as some do not use the criterion, or some use indicators to measure costs for a bulge class that are not based on fixed figures e.g. the cost of a teacher in the area.



maintained schools and £52,000 for academies in Manchester and around £195,000 in Tower Hamlets for each primary bulge class.

There are not only high levels of variation in funding for primary bulge classes across local authorities, but also in the methodologies which local authorities use. 45% of all local authorities use some form of per pupil rate to calculate the additional growth funding for a primary bulge class. These per-pupil amounts range from £1,004 per pupil for maintained schools and £1,721 for academies per pupil in Manchester to £3,399 per pupil in Wandsworth. Alternatively, some local authorities base their growth funding rates on the costs of employing an additional teacher, and additional equipment costs, rather than a per-pupil funding rate. In some cases, this funding varies according to teacher pay scales, whereas in others the growing schools simply receive a standard lump sum amount.

### **Analysis of falling rolls funding**

There is a similar level of variation in falling rolls funding. Only 24 authorities have set funding aside for a falling rolls fund in 2022-23, with half of these in London. We have not found a strong relationship between the existence or size of falling rolls funding, and the changes in pupil numbers seen over the past four years. Most spending is concentrated in London: the 12 London local authorities with a falling rolls fund have an allocated total falling rolls fund of £6.2 million in 2022-23, whereas the non-London local authorities have an allocated total of only £3.5 million.

In addition, local authorities again use different eligibility criteria for falling rolls and methodologies for determining the amount of funding. The criteria used include the level of decrease in pupil numbers, using either decline in number on roll (NOR) or pupil numbers below the Published Admission Numbers (PAN). Where NOR is used, the range of decline necessary to trigger falling rolls funding ranges from a 2% to a 20% decline in NOR. Where PAN is used, pupil numbers need to fall 10% below the PAN in some local authorities to trigger funding, but 20% below PAN in others.

### **Growth and falling rolls funding under a direct NFF**

The Department is committed to achieving a growth and falling rolls system which aligns with the principles of the direct NFF. That means that funding is fair, simple and transparent, and predictable. Our view is that the current system does not provide this. As set out in the above analysis, two schools in similar circumstances facing an increase in pupil numbers could be allocated significantly different levels of funding owing to their location, and MATs, especially those which span local authority boundaries, may find it difficult to determine any additional growth funding to which their schools are entitled.

This consultation outlines two options for growth funding under the direct NFF. The first option would allow some continuing local flexibility in how growth funding is distributed to schools, but with significantly greater consistency than in the current system. The second option is a national, standardised system without local flexibility, where we allocate growth funding directly to schools as part of their allocations based on information provided by local authorities. Last, we explain why the first approach, which retains local control, is our favoured approach.

### **Approach one: retain some local flexibility**

This approach would retain some local flexibility for local authorities as they respond to the pupil place planning needs of their areas. Implementing this approach as we transition to the direct NFF would require the following:

- We would place restrictions in the School and Early Years Finance Regulations and/or in the DSG conditions of grant on how local authorities use growth and falling rolls funding.
  
- In particular, in order to meet the principles of the direct NFF we would:
  - (a) place additional requirements on local authorities to increase the consistency and predictability of funding in relation to how local authorities operate growth funding;
  - (b) similarly, place additional requirement on how local authorities operate falling rolls funding;
  - (c) refine the allocation methodology of growth and falling rolls funding within the DSG; and
  - (d) explicitly allow local authorities to spend growth and falling rolls funding on repurposing and removing surplus places.

These are considered in turn below.

- Local authorities would continue to be required to submit their local growth criteria for scrutiny by the ESFA. We would also publish data on the growth criteria which local authorities were adopting in order to increase transparency of the approaches taken.

These proposals could be implemented in 2024-25, in the second transitional year of the introduction of the direct NFF. Once the direct NFF is in operation, growth and falling rolls funding would remain as part of local authorities' funding allocations, alongside other elements of DSG, such as Early Years and High Needs, with proposals on changes to the allocation methodology included below.

## **Proposals to place requirements on how local authorities operate growth funding**

We would place a number of requirements on how local authorities could use and spend their growth funding in order to make the funding allocated more consistent. This will also bring about simpler and more transparent funding allocations, including:

- Requiring local authorities to use a standard formulation for their growth criteria, which is transparent to all schools/academy trusts in their area. This would ensure local authority growth criteria can easily be understood and compared, and the Department would publish data on the growth criteria. This formulation would allow local authorities to exercise some flexibility over the structure of growth funding (e.g. the use of per pupil values or a lump-sum, or both) and the factor values used, for a defined number of situations where growth funding may be applicable (e.g. a temporary bulge class). This would have the effect of simplifying the number of approaches which local authorities can take, although retaining some local discretion.
- Place minimum requirements on local authorities' growth criteria to ensure schools can be assured of a basic level of funding as and when they agree to take on additional pupils. We could, for example, mirror the existing minima that apply to basic entitlement funding in local funding formula – £2,000 per primary school pupil and £3,000 for secondary pupil (or an equivalent lump sum).
- The Department could also place minimum expectations on the circumstances in which local authorities would be required to provide growth funding - for example that support would be provided for any school creating an additional class of 30 pupils. In the example above, this would mean all primary schools would have the security of being guaranteed to receive at least £60,000 for an additional bulge class of 30 pupils.
- Requiring local authorities to retain funding centrally for the use of growth and falling rolls funding. Under a direct NFF, local authorities would be unable to use this funding to top-up their local schools budget and so schools' budget allocations, since these would be provided directly by the NFF. If local authorities did not spend their full allocation of funding on growth funding, this would either revert to form part of their DSG balance (as currently), or revert back to the Department.

## **Proposals to place requirements on how local authorities operate falling rolls funding**

Similarly, we would place a number of requirements on how local authorities could use and spend funding for schools on falling rolls, in order to make the funding allocated more consistent. We propose to:

- Standardise the allowable eligibility criteria and funding methodology for local authorities using a falling rolls fund. This would include a minimum threshold for a school's decline in pupil numbers, in order for it to be eligible for funding, and a

standard calculation methodology for funding based on the expected future increases in pupil numbers. This would take account of the difference between the current number on roll and expected future capacity.

- Require local authorities to use their School Capacity Survey (SCAP) data to assess whether school places will be required in the next three to five years, replacing the current requirement to use local planning assessments. This will ensure that allocations of falling rolls funding are based on a consistent measure of forecasting future school places.

We are considering whether or not to retain the restriction that only schools that are judged to be 'good' or 'outstanding' by Ofsted are eligible for falling rolls funding. Feedback to our first consultation was that the requirement can cause difficulties in some local authorities' ability to ensure the viability of places that will be needed in future. Moreover the use of SCAP data in allocating this funding should provide improved assurance that places will be required.

### Question 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?

### Question 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?

## Proposals on allocation of growth and falling rolls funding to local authorities

We propose to reform the allocation of growth and falling rolls funding in order to better suit the current needs of local authorities through:

- Re-baselining the total amount of growth funding, nationally, to better reflect current spending patterns. The current amount of funding is based on spend levels in 2018-19; we would re-set the national total on the basis of the 2023-24 spend.
- Allocating funding between local authorities on the basis of both growth **and** falling rolls by calculating local authorities' allocation on the basis of areas (MSOAs, within local authority areas) which have either seen growth or (significant) declines in pupil numbers. This is a departure from the current system whereby only MSOA-level data on pupil growth, and not declines, is used to calculate authorities' growth/falling rolls funding allocations.

## Question 5

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

### Proposal to increase the scope of growth funding

In addition, we believe that there is a strong case to extend the scope of how growth and falling rolls funding may be used by local authorities. It is prudent for local authorities to retain some spare capacity in the system, in order to respond to and manage shifting demand including unexpected changes, provide for parental choice and support the effective management of the admissions system; but it is also important that local school estates are managed efficiently to ensure they remain financially viable.

This involves local authorities and local schools/ trusts working together where there are high levels of spare capacity, to reduce or repurpose this in order to avoid undermining the educational offer or financial viability of schools in their area. Local authorities should consider a spectrum of options for the reutilisation of space, including, for example, co-locating nursery or SEND provision, as well as options for reconfiguration, including via remodelling, amalgamations or mergers/closures where this is the best course of action. Such repurposing of school estates often involves revenue costs.

We believe it would be helpful if growth and falling rolls funding could be used to support local authorities to facilitate this process, which will become more common in future, as pupil numbers start to decline nationally. We could permit local authorities to spend growth and falling rolls funding on the revenue costs associated with repurposing or reducing school places. This is the analogue of their current role in meeting revenue costs where a new school opens or expands. This could provide local authorities an additional lever in pupil place planning, where the costs of repurposing or removing spaces would otherwise be prohibitive to achieving these longer term improvements.

## Question 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?

### Approach two: national standardised system

This section provides more detail on an alternative approach – for a fully standardised system to growth funding, without local flexibility. As we explain below, we favour the former option set out above, which would allow some continued local flexibility.

However, we provide more details on how a fully standardised alternative approach

would operate, to allow respondents to this consultation to make a informed preference between the two options.

A national, standardised system for growth funding would see local authorities submit data on schools that are forecast to grow as part of a new data collection exercise. DfE would publish the national eligibility criteria which will be used to determine whether forecast growth (or decline) would be sufficiently “significant” to merit funding being allocated, and ask local authorities to submit the relevant data. DfE would also set standardised funding amounts for schools’ growth or falling rolls funding allocations.

In order to be consistent with the wider NFF, we would propose that funding provided for schools who see pupil growth is the basic entitlement rate for each additional pupil, adjusted by the area cost adjustment (ACA). This is consistent with the most common current approach taken by local authorities. This would also align with the funding provided by the NFF due to local authorities who amend a school’s pupil numbers as part of the new data collection.

In order to implement a national standardised system, we would need to define the threshold for a “significant” growth in pupil numbers, such that growth above this threshold would attract additional funding. Our suggested criterion for significant growth is broadly based on the idea of stepped costs, where the increase of costs is associated with the provision of additional classes and will affect schools differently depending on their size. This is based on our analysis of local authority growth criteria where the most common threshold is around an additional class of 30. We expect the majority of the applications we would receive from local authorities would be for additional temporary or permanent bulge classes, which have been agreed in advance of the academic year. However, some local authorities, particular those with smaller more rural schools choose to fund a ‘half class’ of 15 in primary schools, which we have sought to mirror for small primary schools to ensure this system works for them. We have sought to avoid any ‘cliff edge’ effects where schools of similar sizes would have different thresholds for significant growth. Therefore, we would define significant growth as increases in the number of pupils which mirror the following:

<b>School Size</b>	<b>Threshold for significant growth</b>
Fewer than 300 pupils	15 pupils
Between 300 and 600 pupils	5% increase in NOR
Greater than 600 pupils	30 pupils

**Table 1 Threshold of pupils needed for growth funding by school size.**

## **Operation of a national, standardised system**

There were a number of specific concerns raised during the first stage consultation about the operation of a national, standardised system. We address these here, to clarify some of the technical details on how such a system would work in order that those responding to the consultation can make an informed decision on the two options.

The first stage consultation suggested that any increases in pupil numbers should feed through into schools' core funding allocations for the coming year. Some respondents were concerned that final decision around pupil place planning can be made in Spring, after the schools' core funding allocations were confirmed. While we would seek to include any growth funding within core funding allocations, we understand that our data collection process would need to be able to account for late changes in pupil numbers in advance of the Autumn term. In those instances, where growth funding could not be included within the core NFF allocations, there would be a mid-year adjustment process.

Some respondents raised concerns that some schools face additional costs beyond those accounted for in a basic allocation. We would allow an opportunity for local authorities to provide evidence where a school's specific circumstances mean that it would have exceptional, additional costs, for example relating to temporary accommodation, which are not already accommodated through the Department's standard allocation.

Some respondents were concerned about the use of the claw back mechanism where pupils do not materialise. In these cases, some local authorities' local growth criteria provide a form of ongoing commitment or protection arrangements to schools in cases where pupil numbers are not predictable. However, the national system would require a form of pupil number adjustment in order to provide assurance that funding is being spent appropriately.

## **Approach under a Direct NFF**

Our view is that the first approach, which retains local control, should be the approach taken under a direct NFF. We believe this option best reflects the role of local authorities as set out in the white paper, as it would go hand in hand with their sufficiency duty to provide an appropriate place for every child. We propose to implement such an approach, retaining some local flexibility but with greater national consistency, in 2024-25, in advance of the introduction of the direct NFF. In advance, we would consult with local authorities and the sector more widely on the specific proposals and requirements which would be put in place. This approach builds upon existing practice, and should not represent any new processes or burdens to local authorities.

We believe that this local approach is be consistent with the aims of the NFF – that funding is fair, consistent, simple, transparent, efficient and predictable. The use of

additional regulations would ensure each school receives a minimum standard of provision by their local authority, and that each school can plan for a predictable minimum level of funding. While a national, standardised system would create an even more uniform allocation of funding, the changes that we propose (while allowing some local flexibility) would lead to substantially greater consistency in how schools with growing pupil numbers, or falling rolls, are funded. This also means that we can provide increased transparency.

Lastly, we recognise the concerns around local authorities' sufficiency duty which were raised in the first stage consultation. Retaining the link between local authorities' school place planning processes and the growth funding provided for schools provides assurance that this is being spent efficiently. With our proposed approach, local authorities will have incentives to manage the school estate effectively and be pushed to find cost-effective solutions to basic need demand in their area.

### **Question 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?

## **Popular growth**

Not all growth in schools is to meet demographic need. Growth can also occur where a school becomes more popular with parents and children locally. We currently make funding available for academies with significant forecast growth to reflect their increased costs. Academies that are entitled to this funding provide us with an estimate for their number of pupils in the coming year, which we provide funding for subject to an adjustment process based on the actual, in-year autumn census. Agreements are made on a case-by-case application basis at academy trust level.

As we proposed in our first-stage consultation, and confirmed in our first stage consultation response, we will retain a system of popular growth for academies which have seen an increase in popularity, after being recently sponsored by a multi-academy trust which has improved the school's performance. We proposed using data from the in-year autumn census to provide an automatic check on which academies that have recently been sponsored by an academy trust have also experienced significant in-year growth. The publication of our national funding allocations would identify which schools receive additional popular growth funding in order to meet our aim of funding schools more transparently.



We also recognise that a number of respondents raised concerns about “popular growth” being available only to academies, and not local authority maintained schools. It remains our strong view that this reflects the particular role that academy trusts play in the school system. This funding aims to remove a disincentive for MATs to take underperforming maintained schools, which historically have had low pupil numbers, into their trusts so that they can lead school improvement. However, in order to address these concerns, we are consulting on whether maintained schools should also be able to access popular growth funding by basing their funding allocation on estimates. This would be through a case-by-case application process where local authorities can apply for this funding on behalf of particular maintained schools where there is clear evidence of expected significant popular growth, along with evidence of recent improvements in school performance through pupil assessment data.

**Question 8**

Do you have any comments on the proposed approach to popular growth?

## Premises funding

In our first stage consultation, [Fair school funding for all](#), we asked for views on reforming “premises” funding under a direct NFF. The premises factors in the NFF include additional revenue funding for PFI schools, schools with split sites, and schools which face costs relating to exceptional circumstances (such as rental costs for their premises).

Currently, premises funding is based on historic spending at local authority level, rather than up-to-date data on costs and needs. Relying on historic spending leads to anomalies within the patterns of funding allocated to different local areas, and would become progressively less appropriate as a funding methodology in a direct NFF, given our underlying principles of fairness and consistency in funding between local areas.

In the Government’s response to the consultation, we recognised respondents’ concerns about the complexity of PFI contracts and plan to work closely with the sector to develop an appropriate approach to PFI schools under a direct NFF, to be consulted on at a later date.

We also confirmed our intention to develop a formulaic approach to split sites as part of the direct NFF. Respondents were generally supportive of our proposal to implement a split sites formula in the direct NFF, and pointed to the need for clear eligibility criteria that took into account a range of costs, regardless of distance. This approach will make funding for schools with split sites simpler, fairer and more consistent, taking into account the additional costs associated with having additional sites. We confirmed that we would consult on further details of our proposal for a split sites formula with the intention of implementation in the 2024-25 NFF. Further details on this follow below.

We also confirmed that we would continue to include an exceptional circumstances factor in the NFF, following feedback from respondents that there were exceptional premises costs faced by schools which needed to be met, although there needed to be greater clarity about what exceptional circumstances were. Further details on our proposed approach for exceptional circumstances are also below.

### Premises: Split sites

The split sites factor is intended to account for the extra costs associated with a school operating, and needing to duplicate services, across a number of separate sites. Extra costs may be incurred from requiring additional reception facilities, travel time for teachers, and travel costs for pupils.

Split sites has remained an optional factor for local authorities under the current funding arrangements. In the NFF, it is funded on the basis of spend in the previous year. In 2021-22, the factor was used by 107 local authorities, with 456 schools receiving split

sites funding. Split sites funding has held steadily at around £28 million for a number of years (£28.4 million in 2021-22). While split sites funding represents less than 0.1% of the overall schools NFF, it typically represents around 2% of overall NFF income for those schools that receive it.

There is a great deal of variation in the split sites criteria developed by different local authorities – in both the definition of a split site, and the level of funding provided to schools.

In their 2021-2022 local formulae, over half of local authorities (64%) using a split sites factor specify that sites must be separated by a road to receive split sites funding, and a number of these allocate additional funding where a school meets a distance threshold. Two-thirds (66%) of local authorities use a minimum distance between sites, ranging between 110 metres and 1.5 miles, as their eligibility criteria. A minority (17%) use a minimum percentage of students – most commonly 20% - who are educated at the second site.

The majority (60%) of local authorities who allocate split sites funding do so as a lump sum, with others allocating on a per-pupil basis or a points based system. The average amount of funding is around £58,000, although this ranges from £2,789 in Derbyshire to £213,690 in Torbay.

This variation across local authorities means that schools with split sites are funded in an inconsistent way. There is also little correlation between the amount allocated and the distance between sites. For example, a secondary school in Barking and Dagenham would be eligible for £200,000 of split site funding by virtue of having a public road separating two buildings, while a secondary school in Bracknell Forest with a second site over a mile away from its main site would attract £75,000 of split sites funding. The current system also means that academies within MATs spread across different local authorities can be allocated substantially different funding. In 2021-22, there were six MATs which had schools in different local authorities receiving split sites funding.

The current variation in funding is so large that we do not believe it can be based on genuine differences in the additional costs that schools face, especially given the range of eligibility criteria attached to different values. There is a clear case for a new NFF split sites factor that funds schools operating across multiple, separate sites on a fair and consistent basis.

Moreover, the current system would become steadily less suitable as we move to a directly applied NFF – as rolling forward local authorities' historic spend would become a less accurate reflection of real differences in schools' circumstances. Ultimately, with the full introduction of the direct NFF, we would cease to have any useable data.

Our proposals below for a formulaic approach to split sites could be implemented from 2024-25, and in advance of the final transition to the direct NFF. These reforms to the split sites factor are a key part of preparing for the direct NFF.

## Eligibility for split sites funding

Schools that operate across multiple, separate sites incur additional costs because of the need to duplicate services. These may be staff costs, such as additional reception, caretaking, catering, pastoral support or leadership staff costs. Broadly, the additional costs associated with split sites schools relate to additional fixed costs and overheads over the two site. We do not expect these to significantly vary with pupil numbers, and, as with the majority of current split sites factors, we propose additional funding uses a lump-sum. Schools with a second site that is at a distance from the main site may accrue further costs from a greater number of duplicated services, and the need for pupils and teachers to travel between sites.

We propose to develop a split sites factor which recognises these costs through a basic eligibility criteria that attracts a lump-sum payment, and a distance eligibility criteria that attracts an additional lump-sum payment.

$$\textit{Basic eligibility} + \textit{Distance eligibility} = \textit{Total funding}$$

### Equation 1 Funding through the split sites factor

## Basic eligibility

We propose that sites should be counted as ‘split’ where they are separated by a public road or railway as a clear marker of separateness. This again aligns with the majority of existing local authority split sites formulae.

We propose that to qualify as ‘split’, the sites must be used primarily for the education of 5-16-year-olds, and must share a single unique reference number (URN) – this ensures we would only fund shared premises once. We would exclude sites such as buildings which are owned and leased out full time by the school.

We also want to apply the criterion that a site must have a building, using the same definition as the CDC<sup>5</sup> in order to align with current data collection practices on schools. This includes rented premises where the school has maintenance responsibilities, but

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<sup>5</sup> The Condition Data Collection (CDC) collects data on buildings’ conditions as part of work to improve the school estate.

would exclude sites which only contain ‘ancillary buildings’, such as storage sheds, as they are not used primarily for the education of 5-16-year-olds.

The requirement for a building on the site would exclude playing fields from triggering eligibility for split sites funding. We do not believe playing fields incur the same costs as a building. This is also in line with the majority of local authority formulae.

## Distance eligibility

To meet the distance eligibility criterion, the site would have to meet the basic criterion and meet a distance threshold of 500 metres (0.3 miles) by road. The median and modal distance used by local authorities who applied a distance threshold in 2020-21 was 500m, and we propose to use the same. We believe that 500m is a reasonable distance for when regular travel between two sites becomes inconvenient and certain facilities need to be duplicated, both incurring additional costs.

This would therefore mean a site could trigger additional funding, on top of funding through the basic criterion, to reflect the additional costs of having a second site that is at a greater distance, such as travel time. We recognise that a 500m cut-off represents a “cliff edge” for any schools which just miss out on eligibility, and may consider the use of a taper to provide some additional funding, on a sliding scale, to those schools. However, we recognise that that would add considerable additional complexity to the formula. We would be interested to hear thoughts on this.

### Question 9

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

### Question 10

Do you agree with our proposed criteria for split site ‘basic eligibility’?

### Question 11

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

## Measuring distance

To determine eligibility for the distance eligibility part of the split sites formula, we would use school site address data to calculate road distances between school sites. We would calculate distances using the same data sets as we use for the sparsity factor in the NFF – that is, the Ordnance Survey AddressBase Plus and MasterMap Highways Network data sets.

When calculating road distances:

- Our start and end points would be the closest point on the road giving access to the site, as recorded by Ordnance Survey.
- We would calculate the shortest road distance between sites to ensure consistent treatment for all schools.
- We would not account for the impact of traffic restrictions such as one-way streets or “no right turns”. This ensures the distance between sites is the same irrespective of which is set as the start and end point.
- We would exclude some unsuitable road types such as farm tracks.

Like the sparsity factor, we would use road distances rather than travel times. Travel times vary day to day depending on external conditions and we cannot have an objective, data-driven formula if we use travel times.

## Multiple split sites

Where a school has more than two sites, they would receive a basic eligibility allocation for each additional site, and a distance eligibility allocation for each additional site which is over 500 metres from the ‘main’ site. The ‘main’ site is the address given on Get Information About Schools (GIAS). This would be capped to a maximum of three ‘basic eligibility’ payments and three ‘distance eligibility’ payments.

## Allocation of funding

Split sites funding would be a “lump sum” payment, rather than on the basis of pupil numbers, or other site factors. This would be linked to the size of the existing schools NFF lump sum that all schools receive, reflecting the ‘core’ costs the funding is allocated for, but recognising that a second site does not attract the same expenses as a main site. We propose to set the maximum amount schools can receive for a split site at 60% of the NFF lump sum. In 2021-22, this reflected the average 2021-22 local authority maximum funding for a split site at around £70,000. This would be split as 20% of the NFF lump sum allocated under basic eligibility, and 40% of the NFF lump sum allocated under distance eligibility. The factor values for 2024-25 have not yet been set, but if we assume similar annual increases in the lump sum, the maximum funding available would be around £75,000, with £25,000 allocated through basic eligibility and

an additional £50,000 allocated if the site meets the distance threshold.

### **Question 12**

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

### **Question 13**

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

## **Funding protection**

Introducing a national formula for split sites will lead to a reduction in funding for schools in local authorities with very generous split sites funding, whereas other schools will attract more split sites funding than they currently do. We will protect schools from losing funding through the minimum funding guarantee (MFG) (and, in advance of the full introduction of the direct NFF, the funding floor), to avoid excessive year-on-year losses. We will not, however, protect a school's split sites funding where they cease being a split site school, as they would no longer incur these costs.

## **Implementation and transition**

We propose to introduce the new split sites factor in the NFF in 2024-25. Local authorities would then need to use the NFF split site factor in their local formulae with immediate effect in 2024-25. This is in line with our approach to transition to a direct NFF, whereby local authorities will be required to use all NFF factors from 2023-24 (see roadmap below for details). Local authority split site factors should have the same structure as our approach, using both a basic and distance eligibility with lump sum payments. This would mean that all schools which are eligible for split site funding receive it in 2024-25.

## **Data collection**

### **Implementation**

We need to collect additional data to formularise the split sites factor. Our proposals require a list of split site schools and their addresses.

Specifically, we would collect data covering:

- Which schools meet our split site eligibility criteria.
- The full addresses of any additional sites. We will take the main site address as the one recorded on Get Information About Schools.

- The Unique Property Reference Number (UPRN) for any additional sites, where known.

We do not already hold suitable data. For example:

- Get Information About Schools records only schools' main addresses.
- Current data on split sites funding records schools' funding rather than site details.
- The Condition Data Collection records schools' sites at the point of their condition inspection. We cannot use these data because a) they do not identify whether sites are primarily used for the education of 5-16 pupils and b) they are out of date for some schools because they are not updated annually.

The new data requirements mean we can only formulaise the split sites factor from the 2024-25 NFF.

### **Collecting data as part of the APT**

Nationally, only a small proportion of schools have split sites. Asking all schools whether they have split sites would be burdensome: the majority would have to inform us they do not. Instead, we will ask Local Authorities for the data. This will make use of existing knowledge in areas currently operating a split sites formula.

As Local Authorities do not have full responsibility for Academy and Voluntary Aided school sites, we will ask all Local Authorities to engage with their Academy and Voluntary Aided schools before returning the data. We also encourage split site schools to proactively engage their Local Authority between now and October 2022.

We will request the data as part of the Authority Proforma Tool (APT). Once we have analysed consultation responses, we will issue advanced guidance on our requirements and how to supply any such data to allow preparatory work if desired. To formulaise the split sites factor from 2024-25, we will ask for data in the 2023-24 APT.

When we receive split site data returns, we will apply quality assurance. Our assurance process will ensure any issues with split site data do not interfere with local funding formula sign-off.

#### **Question 14**

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

#### **Question 15**

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



## Premises: Exceptional circumstances

The exceptional circumstances factor is intended to account for additional premises costs that the majority of schools do not face. Currently, local authorities can apply to the Education and Skills Funding Agency (ESFA) to use an exceptional circumstances factor in their local formulae. Funding is allocated to local authorities based on the previous year's spend. In 2021-22, 71 local authorities used the exceptional circumstances factor in their local formulae, with £19.6 million allocated across 327 schools. This ranged between £2,958 and £600,000, and from 1% up to 30.5% of a school's budget.

As with other premises factors, the existing approach to exceptional circumstances funding will quickly become inappropriate as we move to the direct NFF and local authorities' role in determining funding allocations is reduced. Under a direct NFF, we need to develop a national approach to exceptional circumstances. We think this is an opportunity to review and standardise our approach to ensure that we are funding exceptional, unavoidable and significant costs consistently, efficiently and fairly across the country. We propose to introduce the changes below at the same time as we introduce the direct NFF.

### Changes to criteria

#### Standardising what is funded under an exceptional circumstances factor

Currently, there are a wide range of circumstances funded through the exceptional circumstances factor as the only criteria which local authorities have to meet is that the cost is greater than 1% of the school's budget and affects fewer than 5% of schools in the area. Rather than eligibility being determined through the proportion of local schools affected, we seek to move to a system where discrete categories of costs can attract additional support.

First, we think that some costs currently being funded through exceptional circumstances arrangements are better funded through formula factors. Therefore we propose changes to the following categories:

- **Building Schools for the Future (BSF) school:** The BSF factors would be incorporated into a modified PFI factor.
- **Amalgamating school:** Local authorities can currently support schools with 85% of the combined lump sums of their predecessors as temporary support while cost structures adapt to the new arrangements. In our proposals, this would be automatically allocated through the lump sum factor. These schools may also become eligible for split site funding.
- **Super-sparse school:** Local authorities can also provide additional funding to very small, rural secondary schools, on top of existing sparsity funding to be viable. We propose to automatically incorporate this into the sparsity factor.

This would involve technical changes to the operation of these formula factors and would be a more appropriate and consistent approach to funding these circumstances. We would make the necessary modifications to these factors in time for the introduction of the direct NFF.

There are some exceptional circumstances which are included in local formulae by a minority of local authorities, which we do not believe should be included in the NFF. We propose no longer funding listed buildings through the exceptional circumstances factor. We also propose to no longer fund any costs that are not related to school premises through the exceptional circumstances factor, as we want to use the NFF pupil-led factors to fund schools on a consistent assessment of the needs of their cohorts.

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.

We are interested in respondents views about any other circumstances that we need to consider.

### **Changing the minimum threshold value of the exceptional circumstance**

We propose that we raise the exceptional circumstances funding threshold to account for at least 2.5% of a school's budget, up from the current 1%. We want to significantly reduce the number of schools receiving exceptional circumstances funding so that we target funding only to schools where costs are exceptional and meaningful, and are not maintaining the significant differences in funding between local authorities which reflect historic decisions. We believe that this approach is the fairest way to ensure that schools receive funding to meet their costs, but in a way that is consistently applied.

### **Restricting funding to historic commitments**

We propose to restrict funding to where there are historic commitments for exceptional circumstances which have already been made by local authorities under the above three categories. We believe that the significant, unavoidable, exceptional costs which schools face are already being met by their local authority.

This means that, to apply the new criteria outlined above, we would invite reapplications under a new national process, with local authorities applying on behalf of maintained schools, and academy trusts applying on behalf of their constituent academies. All requests would need to be in respect of schools already in receipt of exceptional

circumstances funding, and would be reviewed against our updated criteria, ensuring that we provide a level of consistency and transparency across existing claims moving forwards. This will allow us to target funding to schools where costs have been recognised as exceptional and meaningful by the local authority, although schools which no longer meet our criteria would be protected from significant turbulence through the minimum funding guarantee.

To ensure that we are flexible to changing needs in future, we would accept new requests that meet our criteria where a school has clear, newly arising needs, which fall within our proposed criteria. We would expect this to apply very rarely.

**Question 16**

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

**Question 17**

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

## The minimum funding guarantee (MFG) under the direct NFF

Under the current funding arrangements, local authorities set a minimum funding guarantee (MFG) which protects schools from excessive year-on-year losses in per-pupil funding. The NFF funding floor mirrors the MFG in the local formulae, and is important for ensuring the affordability of the MFG in the local formulae.

As we move to a direct NFF, the NFF floor and the MFG in the local formulae will merge into one single protection mechanism – which we will continue to refer to as the MFG. The MFG in the direct NFF will continue to play a crucial role for ensuring sufficient stability for schools funded above their “core” formula allocations, so that they do not see sudden drops in their per pupil funding levels.

The interaction between the NFF and the local formulae complicates the current operation of the floor and the MFG. We plan to use the opportunity provided by the move to a direct NFF to both simplify and improve how the MFG operates.

### Using local formulae and GAG baselines when transitioning to the direct NFF

The NFF floor and the MFG both operate by guaranteeing a certain amount of funding in reference to the school’s “baseline”, which is calculated in respect of a school’s funding allocation from the previous year. When the NFF was introduced in 2018-19, the baselines for both the NFF floor and the MFG were calculated in reference to schools’ 2017-18 actual funding. However, with time the NFF and local formulae baselines have drifted apart, as the NFF baseline each year has been calculated in respect of the previous year’s NFF allocations, whereas the MFG baseline has been calculated in respect of the previous year’s actual funding from the local funding formulae.

What matters for schools as we move to the direct NFF is what their funding will be compared to what they received in the previous year – not compared to what their notional NFF allocation was. To ensure that schools continue to be protected against year-on-year losses as intended under the direct NFF, we therefore plan to use the local formulae baselines for the MFG in the year we introduce the direct NFF. For clarity, this means that for academies, their actual GAG allocation will be used as the baseline.

#### Question 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?

## Moving to a simplified pupil-led funding protection under the direct NFF

The NFF has both school-led and pupil-led factors. The school-led factors (the lump sum and sparsity funding) are determined by the school's characteristics, with one amount calculated per school through each factor. In contrast, the pupil-led factors (basic per pupil funding and funding for additional needs factors such as FSM, FSM6 and low prior attainment), are allocated in respect of the number of pupils, and their characteristics, in a school.

The aim of the NFF's funding floor, and the MFG, is to protect schools from sudden losses in their pupil-led funding, per pupil.

- It is a **per pupil protection** which allows funding to go up and down with pupil numbers;
- It **protects pupil-led funding only** (not total funding per pupil) as school-led funding should not increase or decrease with pupil numbers.

However, in the way the floor and the MFG currently operate, there is a complication whereby year-on-year changes in school-led funding are also included in the protection. The reason for this is that school-led factor values can increase or decrease quite significantly in local formulae as they move towards the NFF factor values. Without this feature in the MFG, schools in local authorities which decrease their school-led factor values would be "under-protected" whereas schools in local authorities which increase their school-led factor values would be "over-protected".

When we move to a direct NFF, this issue will disappear, since all schools will be funded directly by the NFF factor values: there will no longer be differences between the NFF school-led factor values, and local formula school-led factor values. We therefore plan to move to a fully pupil-led funding protection which does not take into account changes in school-led funding. Doing so would simplify the floor significantly, which will help improve the transparency of the funding system, and make it easier for schools to understand how their funding levels are calculated.

A further reason for moving to a fully pupil-led protection is that, under the current system, year-on-year increases to the lump sum and the sparsity factor results in a slight decrease in schools' baselines (a worked example of how the floor currently operates is set out in Annex B). This decreases the funding received by schools on the MFG. The larger the funding increase in the lump sum and the sparsity factors, the lower the baseline – and the less funding schools receive through the MFG. While this effect is typically very small, it affects a larger number of schools. Moving to a fully pupil-led funding protection would remove this issue altogether.

The current system also leads to undesirable outcomes when schools see significant changes in pupil numbers at the same time as their school-led funding is changing. That

is currently managed at a local level by allowing local authorities to submit disapplication requests where “the normal operation of the MFG would produce perverse results”. By moving to a simple pupil-led protection, we avoid these “perverse results” from occurring in the first place. The worked example in Annex B illustrates this point.

This change would only come into effect once the direct NFF has taken effect. Up to, and including, the year we implement the direct NFF, decreases in school-led funding resulting from the move towards the direct NFF will be protected by the MFG. The same protections will also be applied when the split sites and exceptional circumstances funding are formalised. This means that schools that lose split sites or exceptional circumstances funding as a result of the formalisation of these factors will be protected through the MFG.

## Adjusting the floor for changes in year-groups

### Question 19

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

The NFF floor is calculated on an overall per pupil basis. This can lead to undesirable effects if a school is changing its year-group structure. For example, if a secondary school expands to become an all-through school, the NFF floor – as it currently operates – would protect the funding for their primary pupils at the same per-pupil funding rates as for their secondary pupils. This would not be fair to other schools which are funded at lower levels for their year 6 pupils.

In contrast, subject to a successful disapplication request, local authorities can adjust the level of the MFG to take into account such changes to year-group structures. Under the direct NFF, we plan to make adjustments to the baselines such that schools that change their year-group structures will not be unfairly “overprotected” compared to other schools.

### Question 20

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

## **The annual funding cycle**

Key aspects of the annual funding cycle relate to when we announce the structure of the NFF and associated factor values; when and how we gather data to calculate funding allocations; and when we confirm final allocations to schools. Our aim is to provide early information to schools to support schools' budget planning, while ensuring enough time to gather and quality assure data and calculate allocations accurately.

This section is asking questions on the proposed high level timeline for the annual funding cycle under the direct NFF; what early information would be most helpful for schools to aid them in their budget planning; and the timing and nature of information we will continue to collect from local authorities.

The preceding proposals in relation to movements of funding to high needs, premises funding and growth funding will all have implications for the funding cycle in the direct NFF. Some of the detailed arrangements on the funding cycle will therefore depend on the outcome of the consultation in respect of those proposals.

### **A high level proposal for the annual funding cycle**

Under the current arrangements, we typically publish NFF factor values and any structural changes to the NFF for the subsequent year's NFF, in July. Local authorities then prepare their local formulae during the autumn, with final allocations confirmed – at the latest – by the end of February for maintained schools and end of March for academies.

Under a direct NFF, local authorities will no longer prepare local funding formulae, but we propose to keep other features of the cycle unchanged. The table below sets out key features of the current funding cycle and how we propose that these would change under a direct NFF.

Timing	Current arrangements	Proposed changes from the current system
Spring (usually)	DfE usually consults on any planned significant changes to the NFF in the spring before the NFF is published.	No change proposed to the current DfE-led consultation processes.
July	NFF structure and factor values published for the subsequent funding year, together with notional allocations and local authority primary and secondary units of funding (PUFs and SUFs).	We propose to keep the timing of the NFF publication on the structure and factor values unchanged, although what we publish alongside the formula will change. (See below for details.)
Autumn	Local authorities consult with their schools forums on local funding formulae, de-delegation and block-transfers.	Local authorities will still need to consult by autumn on de-delegation and transfers to high needs.
December	Local authorities' Dedicated Schools Grant (DSG) allocations published.	DSG allocations will no longer be published for the schools NFF, but they will still be published for early years, high needs and the CSSB.
December – January	Local authorities submit the "Authority Proforma Tool" (APT) with the local funding formulae as well as information on the school estate and pupil data.	Local funding formulae will no longer be produced. We will still need to gather some information from local authorities, but to a slightly different timescale from now. (See below for details).
February	Deadline for local authorities to confirm funding allocations for maintained schools	ESFA will issue the allocations under the direct NFF, and will try to get them out to all schools and academies as early as possible – and no later than current deadlines.
March	Deadline for mainstream academies to be informed of GAG allocations by ESFA	

**Table 2 Comparison of current annual funding cycle and proposed change**

## Providing early information to schools to help budget planning

Under the current arrangements, schools receive information to help them with their budget planning before they receive their final allocations in February/ March. Key pieces of information come through:



- Publication of next year’s national funding formula, typically in July, which informs schools and local authorities of next year’s factor values together with any structural changes to the formula.
- Also in July, publication of notional allocations which tell schools how much funding they would receive if (i) their pupil numbers and pupil characteristics remained unchanged from the previous year, and if (ii) their local authority’s formula mirrored the NFF.
- The draft APT which ESFA typically shares with local authorities between July and September. Based on these APTs, local authorities can share information with schools on their expected future budgets. In particular, once data on pupil numbers and pupil characteristics are known in the autumn, these numbers can be plugged into the draft APT, along with the local authorities’ proposed local formula, to give a good understanding of the funding the majority of schools will receive in the following year. (For academies whose funding agreements mean that they are funded on a different basis to other schools, this tool is less useful.)

We are proposing to **continue publishing the national funding formula in July each year**. Under a direct NFF, the published formula will apply directly to schools, so schools will have earlier knowledge of the final formula which will apply to them. Unlike now, primary and secondary units of funding (PUFs and SUFs) would not be published for local authorities, as they will no longer be needed.

In order to help schools understand what the formula will mean for them in practice, we have two options:

1. Continuing to publish notional allocations as we do now, showing what each school’s funding would look like the following year if their pupil numbers and pupil characteristics remained unchanged. And/or
2. Publishing a “calculator” tool which allows schools to plug in their own pupil numbers and pupil characteristics, to see what their funding would be.

The aim of the **calculator tool** would be to serve a similar function to what the draft APTs do now. It would be pre-populated with all the new factor values, so schools can see how their funding would change with pupil numbers and/ or pupil characteristics. If the tool is published before the start of term in September, schools could plug in their pupil data as soon as that becomes available.

Other information not captured by either notional allocations and a “calculator” tool would be:

- Any de-delegation which would be determined at local level and which local authorities would deduct from the amount maintained schools are allocated from the NFF.

- Any transfer to the high needs budget, where the Department would be adjusting mainstream school funding allocated from the schools NFF – subject to the outcome of this consultation on that question.
- Any Exceptional Circumstances funding, which would be subject to the separate application process which local authorities and Academy Trusts would undertake. However, as we would not expect significant year-on-year changes in exceptional circumstances funding, this should only affect a very small minority of schools.
- Any growth funding which would be provided separately later in the year. When and how growth funding will be provided depends on the outcome of this consultation.

This information will need to be provided to schools separately in order to support their budget planning.

### **Question 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?

### **Question 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?

## **Timing and nature of data collected from local authorities**

Under the current arrangements, ESFA pre-populates the APT with data on pupils and schools from the October census. Local authorities can then make amendments to this data when they send it back to ESFA.

Under the direct NFF, the October census will form the basis of most school and pupil data used to calculate allocations. Local authorities will no longer complete an APT, since they will not set a local formula, but we will still continue to need some additional information from local authorities.

We want to gather the required data as early as possible – without compromising the accuracy of the data – so that we can notify schools of their funding allocations ahead of the February/ March deadlines.

We propose to collect information related to:

## **PFI**

We plan to consult on the approach taken for PFI schools. We currently expect that local authorities would need to submit similar information as they currently provide. However, the timings and exact content for submission of the required information would be subject to the outcome of the upcoming PFI consultation.

## **Exceptional circumstances**

We propose that local authorities would submit requests for exceptional circumstances funding for local authority maintained schools only. Academy Trusts would be responsible for submitting such requests for their academies. Details of the information required will depend on the outcome of this consultation in respect of exceptional circumstances.

We propose that the deadline for these requests would be in October, in line with the current deadline for disapplication requests for exceptional circumstances for the local formulae.

## **Split sites**

The “premises: split sites” section includes details of the split sites data collection process we plan to undertake in advance of formularising the factor in 2024-25. We expect information about split sites schools to remain broadly stable. Until we introduce the direct NFF, we propose that local authorities would submit information on changes to split sites for both local authority maintained schools and academies as part of the APT. Details of the information required will depend on the outcome of this consultation regarding split sites.

Under the direct NFF, we propose that local authorities would submit requests for split site changes for local authority maintained schools only, whereas Academy Trusts would be responsible for submitting such requests for their academies. We propose that the deadline for submitting information on changes to split sites would be in October, at the same time as the deadline for submitting requests for exceptional circumstances.

## **Growth funding**

The information required, and timings of it, will depend on the outcome of this consultation.

## **Transfers to the high needs budget**

Subject to the outcome of this consultation in respect of transfers from the schools NFF allocations to the high needs budget, we envisage that local authorities would need to propose any such transfers to the high needs block to the DfE in the autumn, to give sufficient time for the Secretary of State to take decisions, and for ESFA to calculate the adjustments ahead of the publication of funding allocations.

## Question 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?

### Planned school reorganisations and changes in pupil numbers

As local authorities will continue to be responsible for delivering the sufficiency duty, local authorities will need to inform ESFA of planned school reorganisations – similar to the information they currently supply through the APT. This includes information on planned changes to the school estate (compared to the October census of the previous year), such as mergers or closures. It also includes planned changes to the size of existing schools, including school expansions to meet basic need (either permanent or in the form of bulge classes) and changes in year-group intakes/ phases.

Local authorities will also need to inform ESFA of expected pupil number changes related to school reorganisations, as well as forecast pupil numbers for new and growing schools where funding does not fully rely on data collected from the October census. For academies, trusts will continue to be responsible for supplying information on forecast pupil numbers in respect of academies funded on estimates, and local authorities will need to provide information on forecast pupil number changes which relate to structural changes or basic need. This is in line with the current arrangements.

We currently collect information on planned school reorganisations and pupil number changes in the APT. In order to calculate allocations and issue them in a timely manner, we will need this data earlier than under the current system. There are two options for how we could achieve this:

- We could issue a request earlier than we currently do without the use of a pre-populated form. This means that local authorities would need to input data on, for example, planned pupil number changes without access to a form which includes the pupil-numbers recorded in the October census.
- 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.

## De-delegation

ESFA uses information on de-delegation to make an adjustment to the general annual grant (GAG) funding academies receive for mid-year converters. While this information is currently collected through the APT, we recognise that local authorities may wish to wait with confirming the de-delegation budgets until after the NFF allocations have been announced. This leaves us with two options under the direct NFF:

1. We undertake a separate data collection in March to cover the amounts schools will pay for de-delegated services; or
2. We do not collect information on de-delegation as a matter of course from local authorities. Instead, we only collect information when needed for mid-year converters.

If we run a separate collection in March, we could continue to publish information on de-delegation, which would be beneficial for transparency purposes. Depending on the number of converters, it could also be simpler to do one single collection (option 1) than several bespoke collections for all mid-year converters (option 2).

### Question 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?

### Question 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?

## Annex A: forward timeline

The move towards the direct NFF constitutes a major structural change to our school funding system. To prepare for implementation, we are planning significant activity across different workstrands, including:

- Developing the schools NFF ahead of the implementation of the direct NFF, to ensure that the formula is as fair and targeted as possible, and to allow us to move effectively to a direct NFF;
- Transition arrangements, including new requirements on local authorities to bring their local funding formulae gradually closer to the NFF.
- Refining our plans for the “end state”, and the details around how the direct NFF will operate in practice. This consultation forms part of that process, with further consultations planned on related funding issues.
- Legislative changes, including reforms to primary legislation.

To help schools, local authorities and academy trusts plan ahead, the roadmap presented here sets out the different steps we plan to undertake across these workstrands.

To ensure a smooth transition, we are pursuing a gradual and carefully managed process. We have not as yet set a firm implementation date for the direct NFF, as we want to be guided by the impact of the initial transition towards the direct NFF, before deciding on the further pace of change. As such, the roadmap presented here will be refined as we move forward, and should be seen as a first version of an iterative process, reflecting our current thinking. We will be publishing updates alongside further consultation documents, to reflect our latest plans at each stage.

As noted in the introduction, we expect to have moved to the direct NFF within the next five years – that is, by the 2027-28 funding year. We hope that we may be able to move to the direct NFF sooner than this – but no later.

### Developing the schools NFF

- **Split sites:** Subject to the outcome of this consultation, we plan to make changes to the split sites factor in the 2024-25.
- **Exceptional circumstances:** Depending on the outcome of this consultation, we would propose to implement changes to the exceptional circumstances factor at the time of the introduction of the direct NFF.
- **Growth funding:** Depending on the outcome of this consultation, we could implement changes to the growth factor in 2024-25.
- **Area cost adjustment:** We plan to update the Area Cost Adjustment (ACA) methodology in light of the updated GLM data published by DLUHC, with changes coming into force in 2024-25.

- **Private Finance Initiative (PFI):** We plan to consult on options for reform to the PFI factor in advance of the introduction of the direct NFF.

## Transition arrangements

As announced on 28 March in response to the first consultation on the direct NFF, we will start transitioning towards the direct NFF in 2023-24 by requiring:

- Local authorities to use all, and only, NFF factors in their local formulae;
- All local formulae factor values to move at least 10% closer to the NFF, except where local formulae are already “mirroring” the NFF.
- Local authorities to use the NFF definition for the English as an Additional Language (EAL) factor (although flexibility over the sparsity factor methodology will remain in 2023-24).

The approach to transition in subsequent years will depend on the impact in the first year.

## Legislation

Moving to a direct NFF requires a change in legislation in order to allow the Secretary of State to determine schools’ funding allocations directly. This forms part of the [Schools Bill](#) which was introduced in Parliament on 11 May 2022. This legislation outlines that the Secretary of State will determine school funding under the new framework for school funding and reflects the conclusions of our first-stage consultation.

## Refining our plans for the “end state”

This consultation forms part of our work to prepare for the detailed implementation of the NFF, and how we operationalise the direct NFF in practice. We plan to publish the result of this consultation in the autumn. Depending on the outcome of this consultation, we may issue further consultations on specific details of the operation of the direct NFF, for example in relation to the funding cycle. We will provide an update of our forward timeline when we publish the response to this consultation.

We will also consult further on the interaction between the direct NFF and funding for high needs. Following consideration of the response to the ongoing consultation on the SEND and alternative provision green paper, we will undertake further consultations on the consequential reforms to high needs funding arrangements. This will include the operation of funding bands and tariffs to support the development of a national framework for SEND provision. Such developments will involve addressing a range of complex issues, and extensive consultation will be needed as we develop this framework, informed by the expertise of our stakeholders.

We also plan to consult on the funding for local authority services through the central school services block (CSSB), with particular consideration on how this funding might be reformed as we move to the direct NFF, and in light of the future role for local authorities as set out in the Schools White Paper, [Opportunity for all](#).



## Annex B: Worked example illustrating the operation of the NFF funding floor

The floor operates by guaranteeing a minimum increase in pupil-led funding per pupil vis-à-vis a school's "baseline". The baseline is calculated with reference to each school's funding allocation from the previous year.

A fully pupil-led funding protection would simply take the pupil-led funding from the previous year as the baseline. In contrast, under the current system the formula also takes into account the change in school-led funding. This is shown by the equation below, where funding in "Year 1" is used to calculate the baseline for the floor in "Year 2".

Where, PL = pupil led, SL = school led, PP = per pupil and Y = Year,

$$Y2 \text{ baseline PL PP} = \frac{Y1 \text{ PL} + (Y1 \text{ SL} - Y2 \text{ SL})}{Y1 \text{ Pupil Numbers}}$$

### Equation 1 The baseline if funding protection is fully pupil-led

The table below illustrates how the baseline is calculated using a theoretical example of a primary school with 200 pupils, receiving £5,000 per pupil in pupil-led funding and £200,000 in school-led funding in year 1, but £150,000 in year 2. (The example is highly theoretical. In practice, large decreases in school-led funding can occur in the current system where local authorities move their funding formulae closer to the NFF. Under the direct NFF, school-led funding would instead be expected to increase year-on-year. However, the same principles applies whether school-led funding increases or decreases.)

Y1 PL	Y1 SL	Y2 SL	Y1 SL – Y2 SL	Y2 Baseline PL PP Y1 PL + (Y1 SL – Y2 SL) Y1 pupil numbers
200 * £5,000 = £1,000,000	£200,000	£150,000	£50,000	(£1,000,000 + £50,000) / 200 = £5,000 + £250 = £5,250

**Table 3 Baseline calculation scenario**

As can be seen in this example, the school's pupil-led per pupil baseline is £5,250; £5,000 out of which comes from the pupil-led funding the school received in year 1, and £250 out of which comes from the decrease in the school's school-led funding between year 1 and year 2.

The table below looks at the amount of funding that is guaranteed through the floor in year 2, depending on how many pupils the school has in that year. (For simplicity the

example assumes that the floor is set at 0% - so the floor is set at the level of last year's baseline.)

Y2 Pupil Nos	Protection from Y1 PL	Protection from the change in SL funding
200	$\text{£}5,000 * 200 = \text{£}1,000,000$	$\text{£}250 * 200 = \text{£}50,000$
100	$\text{£}5,000 * 100 = \text{£}500,000$	$\text{£}250 * 100 = \text{£}25,000$
300	$\text{£}5,000 * 300 = \text{£}1,500,000$	$\text{£}250 * 300 = \text{£}75,000$

**Table 4 Floor funding by number of pupils**

Since the protection is expressed in per pupil terms, the amount of funding the school is guaranteed through the protection is scaled with pupil numbers. That is the case for both the part of the protection coming from the pupil-led funding, and the part of the protection coming from the change in school-led funding.

The scaling of the protection stemming from the pupil-led per pupil funding is in accordance with the policy objective. However, the scaling of the protection stemming from the change in school-led funding is not. If pupil numbers remain unchanged at 200, the school-led protection stays at £50,000. However, if pupil numbers decrease to 100, the school only receives a £25,000 protection from the change in school-led funding, whereas if pupil numbers increase to 300, the protected school-led element increases to £75,000. As such, for schools whose school-led funding is decreasing, an increase in pupil-numbers leads to an “over-protection” of that loss, whereas a decrease in pupil-numbers leads to an “under-protection”.

The same issue occurs when school-led funding increases instead of decreases. But for a school seeing an increase in school-led funding, the “over-protection” would occur when pupil numbers decrease, and “under-protection” would occur when pupil numbers increase.

If we move to a fully pupil-led funding protection instead, this issue of over- and under-protection would no longer occur.



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