

North Northamptonshire Schools Forum: 14/03/2024

Agenda Item 6

EHCP Funding Band Review

1 Background

1.1 EHCP funding comes from the Higher Needs Block of the Dedicated Schools Grant. This financial year it has totalled:

NNC Mainstream Schools (EHCP Top Up)	£7,227,214
Out of Area Mainstream Schools (EHCP Top Up)	£533,424
NNC Special Schools (RAS Top Up)	£15,222,696
Out of Area Special Schools (RAS / LA Set Top Up)	£1,636,971
TOTAL BAND FUNDING	£24,620,305

1.2 EHCP funding is based on a banding system. The banding of funding attached to an EHCP is decided by a multi-agency decision making group who will consider the content the EHCP. EHCP Top Up Level's 1A to 5A in mainstream schools and the RAS Level system – Band 1 – 10 in special schools.

1.3 The Schools Forum ratified a decision to move away from historic 'special arrangements' with schools and to stick to a banded system.

1.3 The local authority is regularly contacted by schools who state that the current funding they receive is not sufficient to deliver section F of the EHCP. Particularly when a 1:1 Teaching assistant is required.

1.4 The local authority, by law, are required to fund the provision outlined in section F of the EHCP.

1.4 The High Needs block is looking to be almost £10mil overspent this year, with a working estimate of £8mil next year.

2 Main report section or sections

2.1 The local authority recognises that the funding bands have not been reviewed for some time, and that the decisions that led to the current levels are now historic and not well understood.

2.2 The local authority would like to propose a subgroup of the school's forum, to review the current banding and look at potential impact.

3 Future options

3.1 Should the school's forum wish to progress with new banding modelling then a forum subcommittee would be established to complete this.

4 Recommendations for Schools Forum

4.1 Schools forum to decide on whether now an appropriate time would be to review EHCP funding bands.

5 Next steps

- 5.1 Should the school's forum wish to progress with new banding modelling then a forum subcommittee would be established to complete this.

6 Financial implications

- 6.1 Reviewing the funding bands will have financial implications on the High Needs Block. Modelling would need to be completed as part of the next steps to understand what these implications were. Any recommendations would need to recognise and respond to the funding envelope available within the Dedicated Schools Grant, and the pressure that has already been identified in this area.

7 Legal implications

- 7.1 Under s.42 Children and Families Act 2014 local authorities (LAs) have a legal duty to arrange the educational provision specified in section F of an EHCP. This includes ensuring adequate funding. LAs determine their own funding bands, and many view banding to ensure fair distribution of resources. However, the s.42 duty prevails - regardless of banding, the LA must fund the provision specified in the EHCP. The same applies if the school is not able to contribute the notional £6,000. Law takes priority over policy in all circumstances, and any LA policy criteria that conflict with legal requirements will be void.

8 Risks

- 8.1 If the Schools Forum do not agree to review the funding bands the Local Authority is at risk of legal challenge of not funding all provision outlined in section F of the EHCP.
- 8.2 If the Schools Forum do agree to review the funding bands this must be limited by the scope of the available resource to deliver any recommendations that may be made..

Report Author:

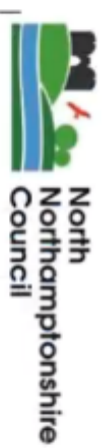
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EHCP Band Funding Information for Mainstream Settings.



Education, Health and Care Plan – Funding Criteria

Evidence needs to be seen that Element 2 has been spent/allocated to meet the child's needs.

Band 1A	Band 2A	Band 3A	Band 4A	Band 5A	Band 6A	Band 7A – SMP only
<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>	<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>	<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>	<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>	<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>	<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>	<p>Element 2: First £6,000 (notional SEN budget) Equates to: 10 hrs 1:1 18hrs 1:2</p>
<p>Element 3: ELHF £2,000 - £4,000 Can be allocated to provide 4 – 7 hrs additional 1:1.</p>	<p>Element 3: ELHF £4,000 - £6,000 Can be allocated to provide 7 – 10 hrs additional 1:1.</p>	<p>Element 3: ELHF £6,000 - £8,000 Can be allocated to provide 10 – 15 hrs additional 1:1.</p>	<p>Element 3: ELHF £11,000 Can be allocated to provide 15 – 20 hrs additional 1:1.</p>	<p>Element 3: EHLF £16,000* *£16,000 only given if external private support is needed (NHS services unable to provide support) i.e. Occupational Therapy, Speech and Language etc.</p>	<p>Element 3: EHC £20,000 Exceptional cases where a high package is needed following outreach advice.</p>	<p>SMP use only – for specific high cost packages. If ACSW is needed and school appointing their own £14,000 of funding is given.</p>
Maximum hrs support 17hrs 1:1	Maximum hrs support 20hrs 1:1	Maximum hrs support 25hrs 1:1	Maximum hrs support 32hrs 1:1			