



November 13, 2024

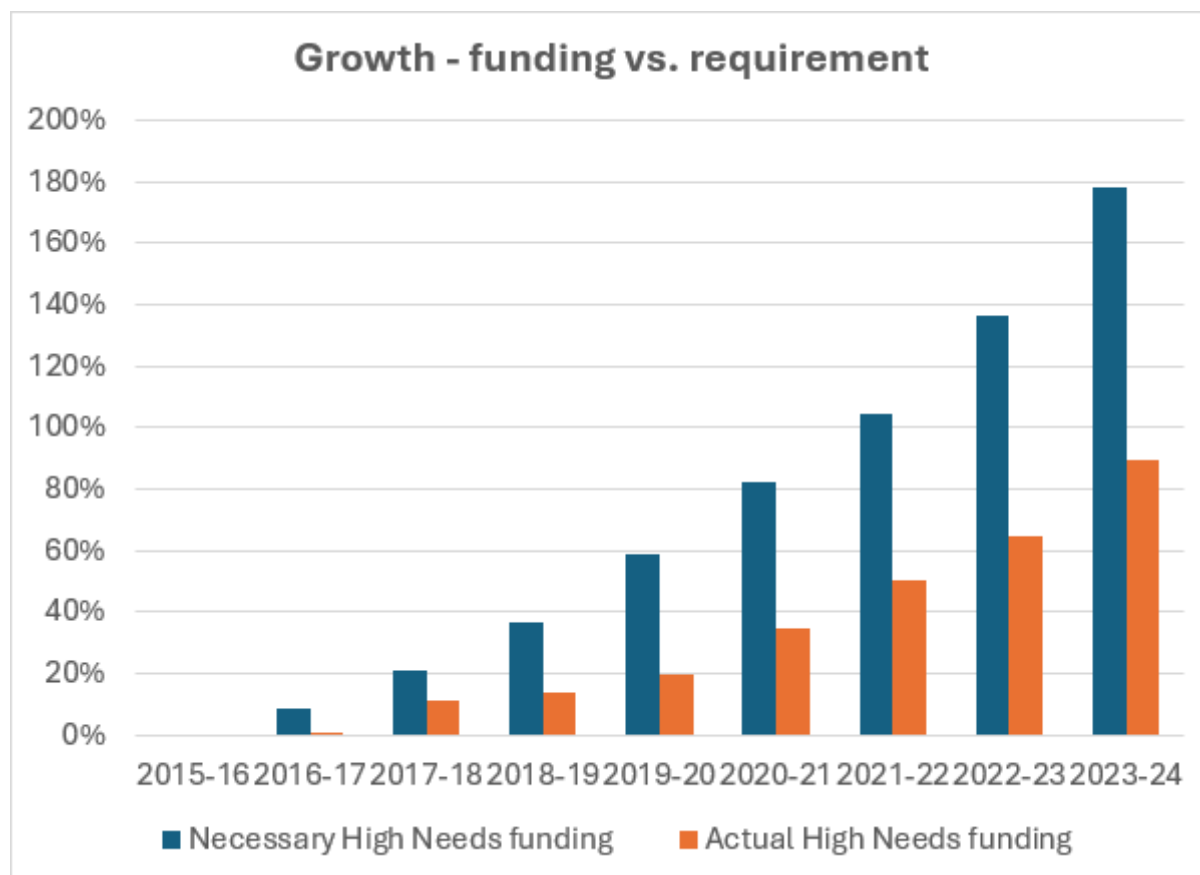
## Written evidence for the Public Accounts Committee from f40

This evidence has been provided by Hampshire County Council, supported by Dorset Council, Gloucestershire County Council, and Derbyshire County Council.

### ***Support for children and young people with special educational needs***

#### **Unfair funding**

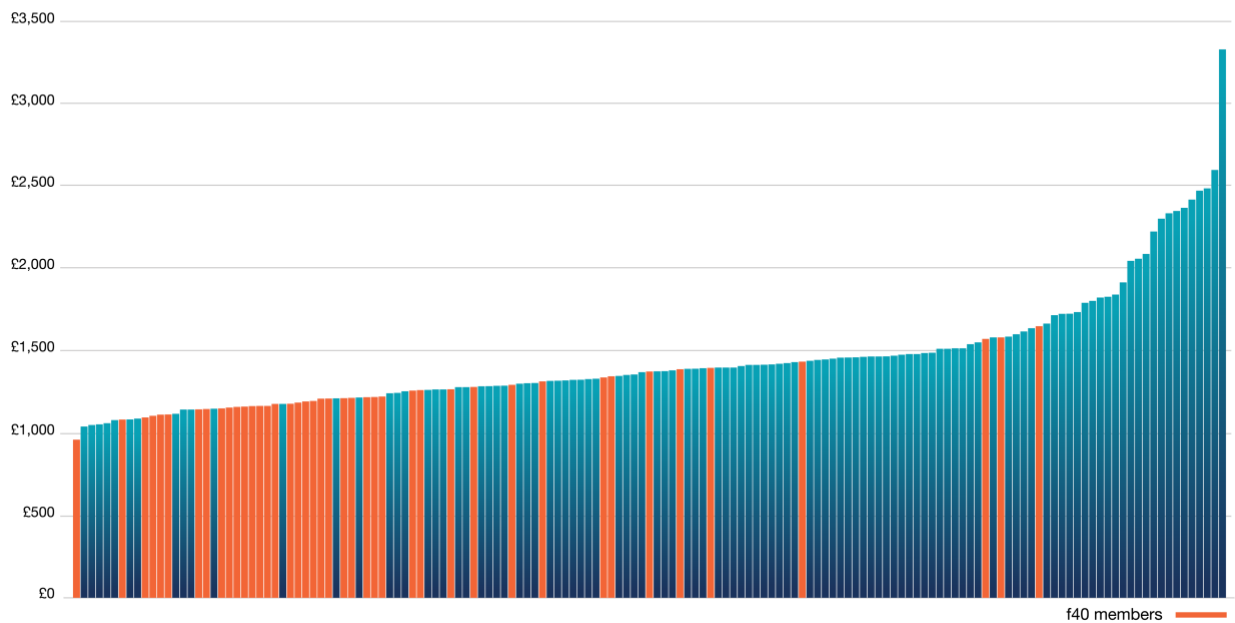
- Insufficient quantum of funding – whilst High Needs Block funding has grown significantly, increased demand, complexity, inflation and the impact of falling pupil numbers has meant funding has not kept pace, impacting on schools and the wider system of Special Educational Needs. f40 and other educational organisations believe £4.6bn additional funding would be required simply to account for inflation and increased demand for EHCPs since 2015.



- Inequitable distribution of funding – the High Needs National Funding Formula should reflect the current needs of pupils, however, over £3bn of the £10.5bn High Needs budget for 2024-25 is funding historic spend and a funding floor to protect some local authorities against losses. This means significant inequality in the funding of pupils across the country and the resulting impact of differing levels of support available.

The disparity of High Needs funding across local authorities in England is clear from this graph, below. An A3 version has also been submitted as an attachment, which clearly identifies the local authorities.

**Variation of High Needs Block funding per pupil allocations 2024-25 by local authority**



### **Funding for children with EHC Plans**

For every child with an EHCP, there is a notional £6,000 that a school contributes towards the provision from their core budget. This means the more children with EHCPs a school has, the higher the financial contribution it needs to make, and this causes significant pressures on the budgets of schools willing to take more children with EHC Plans. This creates a perverse incentive not to take children with EHCPs and is reflected in often-seen situations where two schools in one area will have very different numbers of children with EHCPs on their rolls and tends to disproportionately impact disadvantage.

### **No investment in prevention & the consequences to that, including driving requests for EHC Plans**

- The current cohorts have changed from those previously with more complex or co-morbidity of needs, meaning the approaches used previously may be less impactful.
- Schools' application of ordinarily available provision (this is the SEN support that should be available for all children as routine) varies greatly.
- Schools cannot access additional funding for additional adults or interventions without children having an EHCP, so they and parents may see this as the only solution if additional support is required, especially considering the current pressures on school finances.
- Access to specialists is challenging and having an EHC assessment and plan can expedite this.

### **Accountability/curriculum and its impact on inclusion**

- Ofsted system of accountability is focused on standards; whilst clearly this covers pupil outcomes, the notion of standards needs to be wide. This can become lost in the pursuit of a narrow view of strength.
- Schools in areas of high deprivation less likely to achieve a positive Ofsted outcome – this is recognised by current government as needing consideration.
- The last government promoted the English Baccalaureate (EBacc) as an ambition for all schools – this excludes a number of practical and vocational subjects, which may prevent pupils having an appropriately matched curriculum.
- Defunding of BTECs and lack of Level 1 post-16 courses, but vocational and technical skills pathways promoted (to meet local need).
- All of these elements might be considered as disincentive to take children with additional needs who may need a different curriculum in order to engage and thrive.

### **Attendance**

- Absence nationally remains stubbornly high at, on average, double the rates of pre-pandemic.
- New statutory burdens from the new statutory attendance guidance, no extra resource as no increase in funding.
- Statutory requirement for support and officer involvement for children who need joint monitoring from LAs – those who are 50% or less and those who have 15 or more days absence through illness – and there is an expectation that the LA funds places for these children in some cases.
- Changes to attendance coding – with the removal of authorised online tuition coding, so this now counts as absence.
- Young people aged 16-18 not in education, employment, or training (NEET) increasing from 500 to 1200 since 2019, no extra resource.
- All of these issues will impact particularly on children from disadvantaged backgrounds and those with additional needs, where regular attendance at school is key to improving outcomes.

### **Independent non-maintained special schools (INMSS) and Alternative provision (AP)**

- Rising demand for specialist placements has led to a lack of spaces, so children have to be placed in INMSS and unregistered AP, which is not regulated.
- The current tribunal system gives parents greater power to request INMSS or AP placements.
- INMSS places can be a cost-effective solution for some pupils, however, many are high cost and currently there are some large provider companies, which own multiple placements and make large profits that go to shareholders. The average cost of an INMSS placement (in Hampshire) is £70,000 compared to on average £25,000 for maintained special school.

### **The tribunal system**

- The volume of appeals requesting specialist placement continues to rise at a rate exceeding local authorities' ability to develop provision.
- There are national pressures on the Tribunal Service as whole, causing significant delays in hearings:
  - The LA has been subsequently required to manage additional processes, such as additional paperwork in the form of supplementary bundles, case review documentation and often additional pre-hearing meetings or dispute resolutions given the prolonged timeframe.
- There is inequity in the system caused by the complexity of the process and varied access to legal support. The area with highest recorded Gross Domestic Product (GDP) (in Hampshire) has the highest number of tribunal appeals, whilst the area with the lowest recorded GDP has the lowest number of appeals registered.

- The lack of update to legislation has meant this remains centred around parental choice rather than well informed opinions of professionals, and with lack of focus in the process of provision being proportionate to level of need.

### **Admissions and issues with own admission authority schools and SEN / Behaviour challenge**

- Different types of schools have different freedoms with regards to admissions arrangements. This can make it difficult for parents to understand and navigate arrangements e.g. one academy places siblings higher in their criteria than catchment. This means catchment children are more likely to miss out on a place in this area, than for a community / voluntary controlled school.
- The LA cannot compel own admission authority schools to admit standard applications over PAN, nor can it compel them not to admit over PAN where there is surplus. This makes a coordinated LA response to these issues difficult.
- As high needs issues, particularly SEN and behaviour issues increase, it is becoming harder to persuade all schools to admit these children, due to both funding and the high-profile nature of school performance. Schools also increasingly 'cap' in-year, giving no local capacity.

### **Statutory override**

- Increasing local authority deficits relating to Special Educational Needs as demands and expectations set out in government policy exceeding funding provided.
- Many LAs (including Hampshire) would not be able to close the ongoing annual deficit in future years, meaning that the cumulative deficit will continue to rise without Government intervention.
- Statutory override allowing us to carry forward the deficit ends on 31 March 2026 and at this stage there is no national solution to this problem. Any suggestion that ongoing in year deficits or the cumulative deficit must be made good by the local authority will put the Council in the position of issuing a Section 114 notice and starting discussions with Government.
- Councils already financially suffering due to the loss of interest in reserves due to the High Needs deficit.

### **Transport**

Increased numbers of students with an EHCP leads to increased numbers on School Transport

- 30% increase in the last 3 years.
- The number of additional local placements has not kept up, so students are travelling further:
  - Therefore, students are more stressed by the longer journey to school.
  - Longer journeys are more expensive, and there is less scope for students to share a vehicle.
- This affects the cost of the service – huge increases in cost.
- Statutory School Transport must be free by law – free transport provided to families that could afford to pay.
- Whilst the High Needs Block has seen some increase in funding to recognise growth in demand, local authorities have not seen comparative growth in funding for activities they are required to fund directly.

### **Free School Meals (FSM) funding**

- FSM funding is £2.58 per meal and (Universal Infant) UIFSM funding is £2.53 per meal.
- UIFSM started in September 2014 funded at £2.30 per meal.
- In 10 years, school meal funding has increased by **10%**
- In the same period NLW has increased by **71%**

- Food inflation to September 2023 is **27%** compared to 2014.
- Hampshire In-house Education Service's cost per meal is £3.20 from September '24.
- *This obviously impacts schools with more deprived cohorts disproportionately.*

### **Academisation**

- Academisation can take up to two years; until conversion it remains the LA's responsibility. School leaders and the community can feel challenged by this protracted period, and it can arrest their single focus on improving.
- Finding a Trust can be difficult; sometimes the Trusts withdraw after due diligence, particularly if there are budget issues. This leaves schools in limbo and securing leadership can be difficult.
- The attainment of academies in a number of Hampshire academies is extremely poor but as they are not inadequate the DfE does not have a robust intervention mechanism, so there are few/no levers for improvement.
- Several academies have high levels of suspensions and exclusions with the LA having limited means to challenge Trusts to act.
- *This obviously impacts schools with more deprived cohorts disproportionately.*

### **Childcare Market Changes**

The childcare market is generally responding well to changes however, there are concerns re disadvantaged two-years-olds being squeezed out of provision.

**Ends**

**Produced by f40**

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For more information about f40, go to <https://www.f40.org.uk/>