

**NORTH YORKSHIRE COUNTY COUNCIL****The Executive****Tuesday 15<sup>th</sup> January 2019****Changing the Resource Allocation System from Can-Do to a banded system****Report of the Corporate Director – Stuart Carlton, Children and Young People’s Services****1.0 PURPOSE OF REPORT**

- To provide the Executive with feedback on the consultation to changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system.
- To request approval from Executive for the amended recommendation taking into account feedback from the consultation

**2.0 EXECUTIVE SUMMARY**

- 2.1 Local Authorities have a statutory duty to provide the resource to schools to meet the needs identified in a child’s Education Health and Care Plan (EHCP). The Local Authority has to make provision to meet identified individual needs however, it is also tasked with doing so in a way that is transparent, fair and equitable.
- 2.2 Currently top up funding (or Element 3) is allocated by an online tool called the Can-Do. This requires a school or parent to rate a series of questions from strongly agree to strongly disagree and then allocates funding according to a weighted formula behind the responses. Schools and the SEN team have identified issues with this as identified in the consultation summary and seek to change to another methodology which is more transparent and more equitable and is based on evidence of need and provision.
- 2.3 The Local Authority recognises that it has a duty to meet assessed needs in an individual’s EHCP and therefore there is no saving attached to this proposal.
- 2.4 The Strategic Plan recognises the significant pressure on North Yorkshire’s High Needs Budget and the need to work within the budget available which is £44.5 million. Currently there is predicted to be a deficit of around £5.7 million on the budget this financial year. The Strategic Plan clearly sets out that the High Needs Budget will be reviewed and reshaped. This will be an ongoing process and initiated with the consultation on three proposals which took place in October and November 2018.
- 2.5 The initial proposal is to replace the Can-Do with a “banded system” which is widely used across the country to allocate top up funding.
- 2.6 The aim is that the new banded system will have the following benefits:
- it will cover all areas of needs

- it will be easier to administer
- it will make sure funding is based on evidence of need
- it will make sure funding is allocated using clear principles
- it will be easier to understand
- it will be able to be used across the continuum of universal, targeted and specialist provision for 0-25 year olds

2.7 Following the consultation the original recommendation has been reviewed and is being submitted to Executive for approval. The proposal recommends the local authority:

- Implements a new banding system for allocating top-up funding based on the funding proposal and rates identified in the consultation.
- Endorses the development of an implementation plan so that this can take place from April 2019 and addresses the key points raised during the consultation in terms of financial impact and training. This will be scrutinised through the Spring SENCO networks, Special Head teacher's meetings and the Schools Forum.

### **3.0 ISSUES**

#### **Background**

3.1 The local authority has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and/or disabilities (SEND), working with parents/carers, young people and providers.

3.2 Additionally the local authority also must ensure that it meets the requirements laid out in the Children and Families Act 2014 and the SEND Code of Practice 2014 to provide top-up funding to make provision and meet needs identified in an individual's Education Health and Care Plan (EHCP)

3.3 In order to ensure compliance with these statutory duties, North Yorkshire has been developing its Strategic Plan for SEND Education Provision 2018-2023 (the Strategic Plan). The plan was approved by the Councils Executive Committee on Tuesday 4<sup>th</sup> September 2018.

3.4 Currently the local authority uses a resource allocation system called 'CAN DO' to identify the amount of additional funding is required to meet the needs of a child or young person with an Education, Health and Care Plan (EHCP). However, over the past 12 months there have been a number of issues raised by schools and parents regarding the system. In response we have scrutinised the current system and have identified that the Can-Do does not provide the required transparency in terms of how funding is allocated, provides different allocations for children with similar needs and requires strengthened accountability in ensuring that public money is spent efficiently and appropriately by ensuring there is evidence of both need and provision.

### **4.0 PERFORMANCE IMPLICATIONS**

4.1 North Yorkshire is already a high achiever in terms of achieving statutory timescales for EHC Assessment – 85% are completed within the 20 weeks timescale compared with the national benchmark of 61%

- 4.2 North Yorkshire is also a high achiever in terms of ensuring that only those children and young people who absolutely need an EHCP receive one. The national rate of EHCPs as a percentage of school population is 2.9%, our statistical neighbours rate is 3.05% and North Yorkshire rate is 2.32%
- 4.3 Despite this, between January 2014 and January 2018 there has been a 46% increase in the number of EHCPs. The Local Authority continues to lobby Government in terms of its responsibility to fully fund the changes introduced in the SEND reforms in 2014, not least of which was an increase in the age range to 25 years
- 4.4 Moving to a banding system with clear descriptors of need and provision would support the Local Authority in being able to more efficiently develop and monitor each child's performance against the agreed outcomes.

## **5.0 POLICY IMPLICATIONS**

- 5.1 Whilst there are no policy implications in relation to this change because Top-Up funding is governed by legislation and statutory guidance, there will be changes to processes and to the way that schools and settings request funding and evidence the needs and the provision.

## **6.0 OPTIONS**

- 6.1 Research into the range and nature of banding systems currently used by local authorities was undertaken and it was agreed to adopt a banding model similar to that used in Bradford and Redcar and Cleveland as these provided the best fit to realise the benefits identified in the proposals.
- 6.2 The banding system we propose can be described as follows:
- The banding system we propose consists of 10 bands – from 1-10.
  - Each band has detailed descriptors which can be applied to different primary areas of need: cognition and learning, communication and interaction, social emotional and mental health, sensory, physical and medical.
  - Each child's EHCP will describe their needs and these can be matched to the corresponding band descriptor
  - As needs change, we can review whether the band needs to be changed in conjunction with education providers, parents and carers and young people
  - Each band has an identified top-up amount allocated to it.
  - Bands 1-3 do not have an allocated top-up amount but identify a level of need and accompanying support that should be met within a school or setting's existing element 2 resource.

- 6.3 Full details of the proposals are attached in **Appendix 1** (Consultation document) and **Appendix 2** (Report to Schools Forum)

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The initial modelling of the banded system to date identifies greater consistency in the way funding is allocated but as EHCPs continue to increase the top up costs will also continue to rise.
- 7.2 However the new system will provide confidence and assurance that high needs funding is allocated on a consistent and fair basis and is sufficient to meet assessed needs identified in the EHCP.

## **8.0 LEGAL IMPLICATIONS**

8.1 Part 3 of the Children and Families Act 2014 is entitled 'Children and Young People in England with Special Educational needs and Disabilities.' It places statutory duties on Local Authorities in relation to both disabled children and young people and those with special educational needs (SEN). The strategic planning duties in the Act apply to all children and young people with SEND. The Special educational needs and disability code of practice: 0-25 years (2015) is the statutory guidance which underpins the legislation and must be followed by the local authority

8.2 Section 27 of the Children and Families Act 2014 required local authorities to keep the education and training provision for children and young people with SEND under review. Local authorities must consider whether the educational, training and social care provision is sufficient to meet children and young people's needs. In carrying out this duty local authorities must consult children and young people and their parent/carers as well as education providers.

8.3 Section 37 of the Children and Families Act 2014 requires local authorities to secure and maintain Education, Health and Care Plan ('EHCP') where it is necessary for special educational provision to be made for the child or young person in accordance with a EHCP.

8.4 Section 42 of the Children and Families Act 2014 requires local authorities to secure specified special educational provision for a child or young person in accordance with their Education, Health and Care Plan ('EHCP').

8.5 The local authority also has responsibilities towards children and young people with SEND under the Equality Act 2010 in that:

- They must not directly or indirectly discriminate against, harass or victimise disabled children and young people.
- They must not discriminate for a reason arising in consequence of a child or young person's disability.
- They must make reasonable adjustments to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers who are not disabled.

8.6 The local authority is also bound by the Public Sector Equality Duty and in discharging every function and every decision made a public authority must have due regard to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited under this Act
- Advance equality of opportunity
- Foster good relations between those with a protected characteristic, disabled children and young people and those without.

8.7 The local authority has taken into account its statutory duties in the development of these proposals and the associated consultation process.

## **9.0 CONSULTATION UNDERTAKEN AND RESPONSES**

9.1 This consultation formed part of a suite of three proposals impacting on the High Needs Block budget. A public consultation took place from 5<sup>th</sup> October 2018 to 11<sup>th</sup> November 2018.

9.2 The consultation process was thorough and included:

- Letters to parents/carers of all children and young people with EHC Plans and those on roll at the PRS
- Letters to post 16 young people with EHC Plans
- On line and paper based surveys
- Publicity via the 'Red Bag' and a request to raise awareness of the consultation
- Awareness via the Local Offer, NYPACT Parent/Carer Forum
- Range of formats of the documentation to improve accessibility to the information
- Regular communications via the press and social media to raise awareness of the consultation
- Engagement with young people in PRS, special schools and specific groups including Flying High
- On line power point presentation with verbal narrative for people that could not attend the public meetings
- Frequently asked questions were updated regularly and placed on the Consultation Page of the web site to help to provide clarity on any key areas of feedback highlighted throughout the consultation period.
- SENCOs in mainstream schools and Headteachers of special schools were asked to support young people to participate in and respond to the consultation. The local authority Behaviour and Attendance Advisers also provided support for young people in pupil referral services/alternative provision to contribute their views and tailored the approach to suit the needs of the young people.
- For this proposal, we also informally consulted with the SENCOs attending the Autumn SENCO networks which took place over the same period as the formal consultation.

9.3 Additional correspondence was also considered as part of the consultation from sources detailed below:

- MP letters
- Email responses
- Public questions from Full Council, Overview and Scrutiny Committee
- Meetings with Delta Academy and the Chair of the Management Committee, Head teacher from the Rubicon
- Union correspondence

9.4 All feedback has been given due consideration and has informed the final recommendation included within this report.

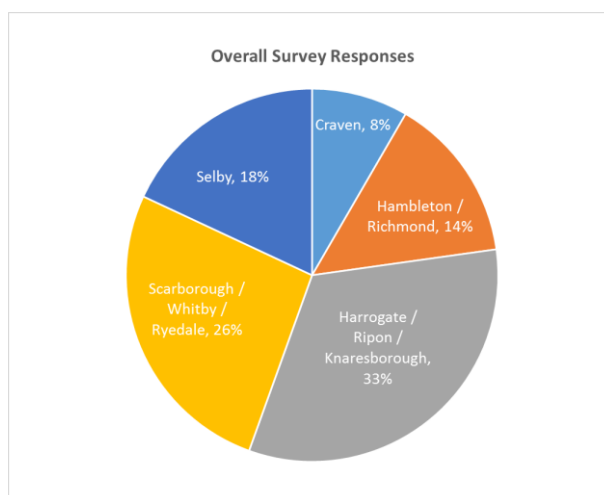
9.5 The summary and full consultation response documents are attached as **Appendix 3 and Appendices 4 and 4b**

9.6 There were 382 respondents who completed the survey (online and paper responses combined). Of this total:

- 32 (8%) were from Craven
- 55 (14%) were from Hambleton/Richmondshire

- 125 (33%) were from Harrogate/Knaresborough/Ripon
- 101 (26%) were from Scarborough/Whitby/Ryedale
- Scarborough 76 (75%)
- Whitby 11 (11%)
- Ryedale 14 (14%)
- 69 (18%) were from Selby

The pie chart below illustrates this further:



9.7 Of these overall respondents 362 indicated how they are involved with the special educational needs and disability service. This was as follows (NB percentages relate to the responses to this question):

- Parents/carers 163 (45%)
- Young people 76 (21%)
- Responding on behalf of an organisation 123 (34%)
- Education 111 (90%)
- Health 1 (1%)
- Social care 2 (2%)
- Voluntary 6 (5%)
- Other 3 (2%)

9.8 In addition there were 218 attendees at public events in the local areas. However it should be noted that some attendees were present at more than one event, so this figure does not reflect 218 separate individuals.

The attendees were as follows:

- 26 representing schools (including governors)
- 70 representing PRS
- 10 representing post 16 providers
- 86 parents and carers
- 7 children and young people

9.9 In addition 8 young people attended the consultation with the Flying High Group.

9.10 There were also 17 pieces of written feedback giving additional consultation responses. These were:

- 1 from a young person (6%)
- 5 from parents/carers (29%)
- 5 from Education professionals (29%)
- 6 others (35%)
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**Details of the Consultation Survey for the replacement of the Can-Do.**

9.11 We asked 4 questions around this proposal (Proposal 1)

1. To what extent do you agree with proposal 1?
2. Please provide further information (free text responses)?
3. Do you agree with the way we have worked out the values for the bands?
4. If no, please suggest how we could work this out?

9.12 We asked **“To what extent do you agree with Proposal 1?”** There were a total of 307 responses to the survey for this question. The views were as follows:

- Strongly agree 18 (6%)
- Agree 80 (26%)
- Neither agree or disagree 92 (30%)
- Disagree 47 (15%)
- Strongly disagree 70 (23%)

9.13 We asked **“Please provide further information (free text responses)?”**

- 11 of the 92 ‘neither agree or disagree’ responses supported the banding system and / or disliked the Can-Do (4% of total responses)
- 7 of the 70 disagree/strongly disagree responses supported the banding system and / or disliked the Can-Do .
- There were additional comments which indicated the reason for the disagreement – often related to the survey tool itself or to the consultation documents

9.14 Of the 307 responses, 181 comments were received which provided further detail regarding the reasons why respondents had agreed or disagreed.

- 62 (34%) of the comments were unrelated to the proposal. Of those 62:
  - 10 were for “agree” or “strongly agree”
  - 13 were “neither agree not disagree” and
  - 39 were for “disagree” or “strongly disagree”.
- Of the 39 who disagreed or strongly disagreed: 8 were related to Proposal 2 and a further 5 were related to young people with SEN who did not have EHCPs.
- 43 (24%) of the comments supported a move to a banded system. There were no comments in support of retaining the current can-do system

- 20 comments (11%) expressed concerns about the banding methodology due to concerns around the implementation and wanting detail around training, allocation to bands and how their individual child would be affected.
- 18 comments (10%) expressed broad concerns about using any methodology to allocate Element 3 and a preference that each EHCP should be costed individually.
- There were 8 (4%) concerns expressed about the funding allocation to each band and that it was not sufficient in the proposal.

9.15 We asked “**Do you agree with the way we have worked out the values for the bands?**” There were a total of 238 responses to this question, of which revealed the following responses:

- Yes 80 (34%)
- No 158 (66%)

9.16 We asked “**if no, can you suggest an alternative way to work this out?**” There were 130 responses to this question of which 89 gave no alternative and 18 were part comments or referenced a previous comment which wasn’t linked or were in relation to a different proposal (5 comments).

9.17 Where an alternative was suggested:

- 5 people suggested reducing the number of bands and 4 of those suggested removing bands 1-3.
- 7 people suggested allocating individually according to individual need and costing the provision for each child.
- 5 did not suggest an alternative but requested more money per band.
- 3 said “keep current resource” but this did not seem to be related to keeping the Can-Do but to keeping to money as it is currently for each child.
- 1 requested a social deprivation weighting to the banding system.
- 1 suggested that the LA should ask SENCOs.
- 1 suggested that there should be a “range” for each band to allocate within.

### **Other feedback**

9.18 Outside of the consultation survey, there were 2 additional pieces of written feedback received in relation to Proposal 1. One of which identified positives in using a banding methodology in another LA, and the other expressed concerns about allocating using any methodology and suggested allocating individually.

9.19 In addition to the survey responses and written feedback, it is important to note that the impetus to change from the can-do came largely from schools and the SEN team. They highlighted issues with the Can-Do which included onerous administration, subjective, inconsistent and not comprehensive enough to use across all needs.

9.20 During the period of the consultation, feedback from the SENCO networks reinforced the need to move away from the current CAN DO system

9.21 At the Scarborough consultation meeting for school staff and education professionals, there was a suggestion that this proposal should be delayed to allow



for the implementation plan to be included and SENCOs at that meeting requested no delay as they wanted a change from the Can-Do as soon as possible.

- 9.22 Comments were also received from some respondents stating they wanted to be able to see the full band descriptors as part of the consultation in addition to the summary information. There were questions around the appeals process should there be any disagreement in terms of needs, provision or placement identified. As per the Code of Practice, and as per current practice, parents and carers have the right to appeal if they are dissatisfied with any of those aspects of the EHCP. This will not change as a result of a change of resource allocation system

## **10.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

- 10.1 The local authority acknowledges that the transition from the CAN Do to the Banding system will have an initial impact on schools in terms of budget setting and in terms of the way SENCOs evidence needs and provision.

- 10.2 If the proposal is agreed the draft implementation plan will be finalised and shared widely with education providers and parents/carers. It will also incorporate details of training opportunities for finance colleagues in school and SENCOs.

## **11.1 RISK MANAGEMENT IMPLICATIONS**

- 11.1 Ultimately the Local Authority has a statutory duty to provide the resource to meet assessed needs. Each child with an EHCP currently has a top-up and that will be the funding allocation applied until a new amount has been agreed through the banding methodology if approved by the executive.

- 11.2 As stated in the SEN Code of Practice, parents and carers have the right to appeal if they are dissatisfied with any aspect of the EHCP and will therefore have the right of appeal if they fundamentally disagree with the banding allocation. This will not change as a result of a change of resource allocation.

## **12.0 HUMAN RESOURCES IMPLICATIONS**

- 12.1 The implementation plan will specify the training opportunities for colleagues to ensure confidence in the application and moderation of the new system.

- 12.2 Training will also be needed for the panel making decisions on Band 10 decisions for funding. Band 10 relates to the children and young people with most complex needs and carries the highest allocation of funding. Decisions regarding this banding will be made by a multi-disciplinary panel

## **13.0 EQUALITIES IMPLICATIONS**

- 13.1 The Equality Impact Assessment has been updated in response to the feedback from the consultation and is attached in **Appendix 5**

- 13.2 The Local Authority is aware of the pressures on school funding nationally and are working with Schools Forum on any proposals for change in terms of the High Needs Budget to look at the impact against the background of funding pressure. In addition, the Local Authority has been involved in representations to central Government regarding schools funding in general and SEND funding specifically.

13.3. Within the consultation potential adverse impacts have been identified in respect of children/young people with special educational needs and disabilities ('send'). This potential impact will be mitigated by the statutory duties that the Authority has to make provision to meet their SEND. The Authority has a statutory duty to carry out Annual Reviews for individual child/young person with an EHCPs to ensure that provision is still sufficient to meet need. The LA will continue to meet its statutory duties to meet the needs of the child/young person regardless of which band has been identified.

13.3 In addition to the statutory duties, the Authority intend to mitigate the concerns regarding potential impact of the change we propose by:

Developing an implementation plan for roll out of the Banding methodology from April 2019. To pick up on the concerns raised in terms of financial impact and training – the implementation plan needs to be robust in terms of the financial modelling and the roll-out and this will be scrutinised through the Spring SENCO networks, Special Headteachers meeting and Schools forum.

#### **14.0 ENVIRONMENTAL IMPACTS/BENEFITS**

None identified at this stage.

#### **15.0 COMMUNITY SAFETY IMPLICATIONS**

15.1 None identified

#### **16.0 REASONS FOR RECOMMENDATIONS**

16.1 We have given consideration to the feedback from the consultation and remain of the view that we should implement the new banding system from April 2019. There were significantly more comments in favour of replacing the CAN Do with a banded system rather than retaining the current system

16.2 The local authority remains of the view that a framework is required which provides consistency for the allocation of top up funding. This will be subject to moderation to ensure that the framework is being applied appropriately.

16.3 The local authority acknowledges its statutory duty to meet assessed needs of children and young people with SEND and there are no savings targets attached to this proposal. However, the banding framework will provide transparency and consistency in the way funding is allocated.

16.4 The Local Authority is committed to allocating Element 3 funding to meet assessed needs as required by the Code of Practice and that there would always be an option for those small number of cases who do not fit within a Resource Allocation System to have their funding agreed individually.

#### **17.0 RECOMMENDATION(S)**

17.1 That Executive :

Approves the recommendation :

- To implement a new banding system for allocating top-up funding based on the funding proposal and rates identified in the consultation.

- To finalise the full implementation plan so that the new system can be implemented from April 2019.

Stuart Carlton  
Corporate Director – Children and Young People’s Services

COUNTY HALL  
NORTHALLERTON  
3 January 2019

Author of report – Jane Le Sage Assistant Director Inclusion  
Presenter of report – Councillor Patrick Mulligan, Lead Member

### **Appendices**

Appendix 1	Consultation Document
Appendix 2	Schools Forum Report November 2018
Appendix 3	Summary of Consultation Responses
Appendix 4	Full Consultation Responses to Proposal 1
Appendix 4b	Supplementary feedback
Appendix 5	Equalities Impact Assessment

# Consultation on changes to the High Needs Budget

5<sup>th</sup> October 2018 to 11<sup>th</sup> November 2018

All local authorities have a duty to keep their special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

In order to meet this duty, North Yorkshire County Council has developed the strategic plan for SEND education provision. You can find this plan at [www.northyorks.gov.uk/sendplan](http://www.northyorks.gov.uk/sendplan). The plan includes actions to develop special educational provision in North Yorkshire and to have more local provision for children and young people.

We have a budget of £44.8 million to spend on special educational provision. This is called the High Needs Budget and is allocated by central government. There is significant financial pressure on this budget due to the increase in the number of children and young people who have been assessed as needing an Education, Health and Care Plan (EHCP). However funding from central government has not increased in line with increased demand. The strategic plan helps us to make sure we can make the best provision possible with the funding we have whilst ensuring we meet the assessed needs of children and young people.

As set out in the plan we are reviewing and reshaping the high needs budget. This will be an ongoing process as we implement the plan but we now want to consult on the following three specific proposals for change:

- Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system.
- Changing the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.
- Bringing arrangements for provision and funding for young people with EHCPs receiving post 16 education, into line with statutory guidance

**Please note that the Local Authority will always make sure that the assessed needs of children and young people are met, and that it meets its statutory duties.**

We want to ask your views on these proposals as part of a formal consultation.

This document explains the proposals for remodelling the High Needs Budget that we are consulting on. We recommend that you read more details about the proposals at <http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas> .

We have explained about who and how we are consulting, the timescale for the consultation and our equalities impact assessments, as well as how to complete the survey below.

### **Who are we consulting?**

We are asking the public for views on our proposals, specifically the following groups;

- parents, carers, children and young people;
- staff in early years settings, schools and further education settings (e.g. colleges), including governors;
- parent and carer groups, including North Yorkshire Parents and Carers Together;
- local authority staff.

### **How are we consulting?**

We are asking a number of questions, in a survey, about our proposals and for any other comments. The survey will be available online, via the council's website and via the Local Offer. Paper copies are available on request and an 'easy read' version is available on the website. We are also holding events the following events around the county, to talk about the proposals:

#### **Events for parents and carers:**

<b>Date</b>	<b>Time</b>	<b>Location</b>
Monday 22nd October	12:00 – 13:30	Skipton Town Hall, High St, Skipton BD23 1AH
Tuesday 23rd October	12:00 – 13:30	Community House, Portholme Rd, Selby, YO8 4QQ

Wednesday 24th October	12:00 – 13:30	Evolution Business Centre, County Business Park, Darlington Rd, Northallerton, DL6 2NQ
Tuesday 6th November	12:00 – 13:30	Scarborough Dial A Ride, Unit 4, 64-66 Londesborough Road, Scarborough, YO12 5AF
Wednesday 7th November	12:00 – 13:30	Cedar Court, Park Parade, Harrogate, HG1 5AH

### Events for school staff and other education professionals:

Date	Time	Location
Tuesday 16 <sup>th</sup> October	09:30 – 11:00	Allerton Court Hotel, Darlington Rd, Northallerton, DL6 2XF
Tuesday 6 <sup>th</sup> November	09:30 – 11:00	Scarborough Dial A Ride, Unit 4, 64-66 Londesborough Road, Scarborough, YO12 5AF

### What is the timescale?

The consultation will be open for 38 days starting on 5<sup>th</sup> October 2018 until 11<sup>th</sup> November 2018. Once the consultation has closed, we will review all of the responses and prepare a report for consideration by Executive Members of the Council with responsibility for Children and Young People's Services. They will consider the feedback on the proposals and make a decision in about whether they wish to implement all or some of the proposals.

### Information about our equalities impact assessment

We have carried out an equalities impact assessment (EIA) for each proposal which can be found here <https://www.northyorks.gov.uk/hnbconsult> . We will update these following comments received during the consultation and councillors will consider them again before they make a decision on implementing the proposals.

### Completing the survey

Please give your feedback on the proposals for changing the High Needs Budget by completing our online survey, at <https://www.northyorks.gov.uk/hnbconsult> .

We recommend that you read the background documents for each proposal before you complete your response. You can find these here <http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas> .

If you would like a paper copy of the survey, please call our customer service centre on 01609 780 780.

## Our proposals for changing the High Needs Budget

### **Proposal 1**

**We will change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system.**

In order to meet the needs of children and young people with SEND who have EHCPs, the local authority allocates funding from the High Needs Budget which is called 'element 3' or top up funding.

At the moment we use a system called the 'CAN-Do' model which is a type of system to allocate resources. This system was designed to allocate an amount of funding to support a child or young person based on their individual needs.

We are aware that parents/carers and schools have concerns about the 'CAN-Do' model and despite making changes we are not confident we have been able to address all the issues. For example there have been some difficulties in the system allocating the right amounts of funding to meet children and young people's needs. There are also concerns about the funding being allocated appropriately to meet all SEND needs as the questions in the system can be understood in different ways. The current system also does not require evidence to be provided about the needs of children and young people, and so there can sometimes be variation between settings and schools in the amount of funding allocated.

Therefore our proposal is to replace the CAN- DO system with a banding system. A banding system is where each child's needs are assessed and the provision they require to meet those needs is identified. This is then compared with descriptions of provision to see what level of funding is required to make that provision. The way funding is allocated will be easier for everyone to understand and will ensure the right amount is allocated for each child. It will ensure that each child or young person's need are met. It will also have the following benefits:

- it will cover all areas of needs
- it will be easier to administer
- it will make sure funding is based on evidence of need
- it will make sure funding is allocated using clear principles
- it will be easier to understand
- it will be able to be used across the continuum of universal, targeted and specialist provision for 0-25 year olds

Our proposal is that there are 10 bands for top up funding which will:

- cover all four areas of SEN: communication and interaction; cognition and learning; social, emotional and mental health and sensory physical.
- include provision for children and young people's medical needs
- cover needs from the least to the most complex.

Our proposed bands and funding are set out in the table below:

Band	Value
1	No value
2	No value
3	No value
4	£1,160
5	£3,160
6	£4,780
7	£7,570
8	£9,140
9	£12,880
10	£20,000

The descriptions of need for each band can be found at <http://www.northyorks.gov.uk/bands>

We have set the funding for each band by considering the amount of support a child or young person needs against each band description. We have compared these to a number of teaching assistant hours. This does not mean that support for a child or young person will always be provided by a teaching assistant; it could be equipment or a particular intervention. Each setting, school and provider will work out the best way to use resources to meet the needs of children and young people, working in partnership with parents and carers.

There are no savings attached to this proposal. Our aim is to ensure that the Local Authority has the right information to make sure each child or young person has the right provision to meet their needs. The proposed banding system will also ensure that funding for each child or young person is spent as stated in their EHCP.

We will introduce this change from April 2019. For children and young people who receive top up funding linked to their EHCP, this will be reviewed at their annual review and moved to the new banding system.

## **Proposal 2**

**We will change the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.**

In North Yorkshire provision for young people who are permanently excluded or at risk of permanent exclusion is made by pupil referral services (PRS) and alternative provisions (AP). The majority of these young people do not have EHCPs.

North Yorkshire PRS and AP provision is as follows:

- Craven PRS
- Sunbeck (Hambleton/Richmondshire)
- The Grove Academy (Harrogate/Knaresborough/Ripon)
- Scarborough PRS
- Ryedale Out Of School Education (ROOSE)\*
- Whitby Outreach\*
- The Rubicon Centre (Selby)



\*Provisions in Ryedale and Whitby are alternative provisions overseen by schools and are not registered as pupils referral services.

PRS and AP provisions meet the needs of children and young people who might need support to prevent them being excluded from school and who have been permanently excluded. At the moment they also have provision for pupils with medical needs, but as we implement the strategic plan there will be changes to this provision.

Our proposal is that we change the way we commission provision at the PRS/AP and how we fund them. We currently provide £4.6 million of funding to the PRS/AP provisions of which £2.7million 'non-statutory' funding.

We are proposing that we commission places at PRS on a place basis. This means that we ask each PRS or AP provision to deliver a certain number of places for pupils. In doing this we will meet our statutory duty to provide education for those who are permanently excluded but remove the 'non-statutory' element of funding from the PRS/AP budgets.

We are proposing that each of these places is funded at £10,000 for the place, and each place will have top up funding of £7,000. We intend that schools will be able to use these places flexibly to meet the needs of children who are at risk of exclusion rather than for permanent exclusions to provide a suitable alternative curriculum.

This will mean we are commissioning places at PRS/AP in a similar way to places in special schools. It will also mean the amount of funding for each place is similar to that in the same kind of provisions regionally and nationally.

For the academic year 2019 to 2020 we will also commission a number of in reach places for children with medical needs from the PRS/AP. These places will be funded at £10,000 each. We intend to change the model of provision for these pupils after that, in line with actions in the Strategic Plan. Further work is taking place on this and it will be subject to a separate consultation in due course.

From the non-statutory funding currently in the PRS/AP budget we propose to redirect £771,000 into the locality education partnerships so school leaders and other partners and stakeholders can use this funding to address priorities for SEND and Inclusion in their area. They may decide to use some of this funding to buy services from their local PRS/AP but, equally, they may look at other services that can meet the needs of children and young people.

By changing the way we commission provision in PRS/AP we expect there will be a saving to the High Needs Budget of between £1.3 million and £1.5 million each year which will help us manage the pressures on the High Needs Budget. However there will still be a significant investment of over £3 million into PRS/AP and local area partnerships. A transformational piece of work will also take place with PRS/AP and schools to develop a strengthened alternative provision offer across North Yorkshire.

We will introduce this change from April 2019. There will be some transitional funding for PRS/AP until 31<sup>st</sup> March 2020.

### **Proposal 3**

#### **We will bring arrangements for provision and funding for young people with EHCPs receiving post 16 education, into line with statutory guidance.**

Guidance of post 16 'full time' courses (2018) says that it is expected that a full time post 16 study course will be 600 planned hours per academic year.

The SEND Code of Practice, the statutory guidance we have to follow, says that:

*'Where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers 5 days a week, where that is appropriate to meet the young person's needs'. These packages of provision do not have to be at one provider and can include non-educational activities'.*

Our proposal is to bring arrangements in line with this guidance while still meeting the assessed needs of young people with SEND.

#### **There are two parts to this proposal:**

##### **3a Funding for young people with EHCPs in mainstream school sixth forms**

Young people with EHCPs who attend mainstream school sixth forms receive 600 hours of education over the academic year, the same as young people without EHCPs. This equates to 16 hours of direct tuition per week. However, currently, the LA pays the top up funding for these young people based on 25 hours a week, therefore is overfunding.

We are therefore proposing to fund the top up funding for these young people at 16 hours per week as this is what they receive.

By making this change we expect there will be a saving to the High Needs Budget of around £50 000 each year.

This will not affect young people attending special school sixth forms who will continue to have top up funded at 25 hours per week which is the amount of tuition they actually receive.

We will introduce this change retrospectively from September 2018.

##### **3b Funding for post 19 specialist placements**

Young people with EHCPs may receive continued specialist educational provision in the following types of provision:

- Personalised learning programme
- Specialist Post 19 Independent Provision or other Independent Learning Providers
- Supported Internships

Currently the full 25 hour programmes are funded entirely through the High Needs Budget, which is education funding.

We are proposing that 600 hours (16 hours per week) is funded through the High Needs Budget in line with guidance. The remainder of the 25 hour programme would be funded through adult social care funding.

By making this change we expect there will be a saving of between £0.9m and £1.2m to the High Needs Budget each year.

It is important to note that if a young person has been assessed as requiring a 25 hour programme this will still be provided. We will not be changing a young person's provision, we are just changing the way it is funded across the Council.

We will introduce this change retrospectively from September 2018.

<b>Date of meeting:</b>	Thursday, 27 September 2018
<b>Title of report:</b>	<b>Replacement of the CAN-DO RAS with a Banded System</b>
<b>Type of report:</b> Delete as required	For Discussion/ Information
<b>Executive summary:</b> Including reason for submission	North Yorkshire have previously used an in-house RAS (resource allocation system) to administer Element 3 “Top-up” funding since September 2015. This paper updates the Schools Forum on the development of a banded system and proposes to consult schools and parents. The paper also explains the intention to disapply the special schools MFG (minimum funding guarantee) to “re-base” E3 “top-up” funding arrangements so that each special school receives the actual amount of top-up intended by the new banded system.
<b>Budget / Risk implications:</b>	There is no saving identified for this proposal; financial modelling includes appropriate contingencies pending the transition of individual pupils from the current RAS to an appropriate band. There is a risk of ‘upward bias’ as each pupil is assessed using the new system. If the special school MFG is not disapplied for 2019-20, there is a risk that the implementation of the new system will add more financial pressure.
<b>Recommendations:</b>	That members of the Schools Forum note the contents of the report.
<b>Voting requirements:</b>	None
<b>Appendices:</b> To be attached	None
<b>Report originator and contact details:</b>	Nikki Joyce, Head of SEN <a href="mailto:Nikki.Joyce@northyorks.gov.uk">Nikki.Joyce@northyorks.gov.uk</a>
<b>Presenting officer:</b> If not the originator	Jane Le Sage – AD, Inclusion <a href="mailto:Jane.LeSage@northyorks.gov.uk">Jane.LeSage@northyorks.gov.uk</a>



## NORTH YORKSHIRE SCHOOLS FORUM

### 1.0 PURPOSE OF THE REPORT

To inform Schools Forum of the intention to consult on proposals to replace the CAN-DO Resource Allocation System (RAS) with a new NYCC Banding system.

### 2.0 BACKGROUND

#### **Context**

- 2.1 The Children and Families Act 2014 42(2) states that “...*the local authority must secure the specified special educational provision for the child or young person.*” This will be a combination of the delegated SEN notional budget to schools in addition to the required “top up” of element 3 funding to meet individual needs.
- 2.2 There is a recognition, both in the funding regulations and in the Code of Practice, for a need to have an efficient, equitable and fair system to identify the resource required to meet needs. The guidance is also clear, however, that a blanket policy cannot be implemented indiscriminately and there must always be the opportunity for an individual response, should it be required.
- 2.3 North Yorkshire County Council have used an in-house developed RAS (Resource Allocation System) to administer the Element 3 “top up” known as “CAN-DO” since September 2015. The premise of the CAN-DO was to avoid a gross banding system, and to allocate a specific amount generated by each individual child’s level of need. The CAN-DO consists of a series of questions to which the school / setting / parent can respond from “strongly agree” to “strongly disagree” with scaling between. Answers are weighted and the CAN-DO delivers an amount according to the answers and the weighting for each individual.
- 2.4 In the past year there have been a number of changes to the CAN-DO including the questions in the CAN-DO, the weightings, the allocation of funding and the removal of the complex medical element. This has resulted in a number of unintended consequences including:
- A rise in exceptional funding requests for complex medical funding;
  - Weighting changes resulting insufficient CAN-DO amounts;
  - Perceived loss of confidence in the system by schools, settings and the SEN Team;
  - An increase in administration and moderation by the SEN Team;
  - Lack of transparency and equity in the funding decisions made.

- 2.5 In addition, the CAN-DO model does not require schools and settings to evidence the statements they make and there is significant variation, therefore, between schools and settings in the amount of funding generated by the CAN-DO between children and young people with similar needs.

Purpose & scope of review

- 2.6 Issues identified above have resulted in a decision to review the system for allocating E3 top-up funding into the future.
- 2.7 The aims and benefits identified at the outset were:
- To replace the CAN-DO with a Resource Allocation System that was comprehensive and which would cover all needs including medical needs;
  - To improve the efficiency in the administration, allocation and moderation of top-up funding;
  - To increase accountability in requiring the evidence for the need at the outset and ongoing evidence of how that funding is delivered to each individual child to meet their needs;
  - To increase user confidence and ability to evidence the funding required;
  - To ensure equity across North Yorkshire and that equivalent needs would be met by equivalent funding regardless of who submitted the request or moderated the request;
  - To create a simplified, open and transparent funding model that would fit the vast majority of situations both at a place level in terms of special schools / PRS / EMS and at an individual level;
  - To ensure that there is assurance that the top-up allocation is both appropriate to meet needs whilst ensuring most efficient use of resources.
- 2.8 A working group was established consisting of the Head of SEND, Principal Assessment and Review Officers, Placement Officer, Commissioning Officers and Finance Officers. This group initially gathered together systems from across the region to review, along with any soft intelligence regarding ease of use, consistency and any identified difficulties.
- 2.9 The group identified 5 different systems that were sufficiently different from each other and which were felt to have sufficient information in order to apply that system in North Yorkshire. All were banding systems but used different methodologies to identify the banding required. Each comparison RAS was compared with the CAN-DO. A banding system currently used in Bradford - with descriptors for each band - was selected as the best fit for North Yorkshire, to deliver the benefits outlined above. This RAS is intended to be applied to all ages, stages and settings including Early Years and Post-16.



## NORTH YORKSHIRE SCHOOLS FORUM

### Funding allocation

- 2.10 In North Yorkshire we propose using 10 bands. Each band has a set of descriptors for each primary need which we are currently working through to ensure they fit North Yorkshire processes and Inclusive Education Service support. Bands 1-3 attract no further E3 funding and are expected to fall within the Notional SEN Budget (element 2) of up to £6k per pupil within the school or setting.
- 2.11 These bands are intended to support the local authority to hold schools to account for their provision at this level, to identify what that support should look like for an individual child, and to provide equity across the county in the decision to issue an EHCP and what should be “quality first teaching” and what would be additional and different in terms of SEN. Band 10 allocation is for highly exceptional and individual high needs cases and the actual funding will be determined by a panel. In North Yorkshire, this would apply to roughly 26 pupils of the current 2658 with EHCPs (0.98%). We propose that we would also allocate this resource by panel involving Headteachers. It is intended that there will be a fixed value per band compared to the CAN-DO RAS.
- 2.12 PRS funding would be based on place funding plus £7k top-up for children and young people without EHCPs (**see Item 2.4d elsewhere on the agenda**). For the minority of young people in the PRS who have an EHCP, they would be funded according to the band allocated by their EHCP.
- 2.13 At this stage we have modelled the number of pupils that would fall into each band in mainstream and in special schools. **The financial model is an estimate and appropriate contingencies are held as each child is matched to an appropriate band.** Special school allocations are impacted by the core offer and economies of scale taken into consideration in the calculation. We would expect exceptional funding requests to decrease significantly when the banding system is introduced as complex medical funding is included in the banding model – this has been excluded from the CAN-DO RAS.

### Special Schools MFG

- 2.14 It is our expectation that the DfE will allow local authorities to determine the minimum funding guarantee (MFG) for special schools at a level between +0.5% to -1.5% of overall funding, to be determined locally in line with the MFG for mainstream schools, assuming that the number and type of places remains the same. Given that North Yorkshire are proposing a fundamental shift to move from the CAN-Do Resource allocation System to a banded



## **NORTH YORKSHIRE SCHOOLS FORUM**

system, it is possible that the local authority may fund at below the -1.5% level of protection in order to balance fairly delivering the intended banded values and the pressures within the High Needs Block. As a result, it is our intention to apply for an exemption to the MFG through a disapplication request form. In effect, this will enable each special school to receive the value intended by the banded system and avoid further cost pressure in the High Needs Block as it would otherwise protect previous CAN-Do results at school level. The intention to disapply the MFG calculation for 2019-20 only (compared with 2018-19) will enable the top-up funding to be 're-based' with MFG calculations applied for each subsequent year (2020-21 onwards). It is our intention to consult North Yorkshire maintained special schools and academies on this proposal and the consultation results will be brought back to the Schools Forum in November.

### **3.0 RECOMMENDATIONS**

- 3.1 Schools Forum are asked to note the proposed change from the CAN-DO RAS to a banding allocation system and to endorse the proposed consultation with all schools, parents and carers in October / November 2018 with a proposed implementation date of the new banding system from 1st April 2019.

Stuart Carlton

Corporate Director, Children & Young People's Service



# Consultation on the changes to the High Needs Budget – Appendix 3

## Consultation outcomes report – Proposal 1

### Change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system

**We have developed this document to share the outcomes of the consultation for Proposal 1 of changes to the High Needs Budget. The consultation took place between 5<sup>th</sup> October 2018 and 11<sup>th</sup> November 2018.**

#### 1.0 What did we consult on?

All local authorities have a duty to keep their special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

In order to meet this duty, North Yorkshire County Council has developed the strategic plan for SEND education provision. You can find this plan at [www.northyorks.gov.uk/sendplan](http://www.northyorks.gov.uk/sendplan). The plan includes actions to develop special educational provision in North Yorkshire and to have more local provision for children and young people.

We have a budget of £44.8 million to spend on special educational provision. This is called the High Needs Budget and is allocated by central government. There is significant financial pressure on this budget due to the increase in the number of children and young people who have been assessed as needing an Education, Health and Care Plan (EHCP). However funding from central government has not increased in line with increased demand. The strategic plan helps us to make sure we can make the best provision possible with the funding we have whilst ensuring we meet the assessed needs of children and young people.

As set out in the plan we are reviewing and reshaping the high needs budget. This will be an ongoing process as we implement the plan but our consultation asked for views on the following specific proposals:

### **Proposal 1**

- **We will change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system.**

### Proposal 2

- We will change the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.

### Proposal 3

- We will bring arrangements for provision and funding for young people with EHCPs receiving post 16 education into line with statutory guidance.

Please note this consultation has now closed, but you can still read the consultation documents at the following link: <https://www.northyorks.gov.uk/previous-consultations>

## **This document provides information on the consultation outcomes specifically for Proposal 1**

## **2.0 Who did we consult with?**

**2.1** We asked the public for views on our proposals. We asked for views from:

- parents and carers of young people with SEND
- children and young people with SEND;
- staff in early years settings, schools, alternative provision and further education settings (e.g. colleges), including governors;
- parent and carer groups, including North Yorkshire Parents and Carers Together (NYPACT);
- local authority staff.

**2.2** Given the proposals we were consulting on we also specifically targeted the following groups:

- parents and carers of children and young people with Education, Health and Care plans (EHCPs)
- young people aged 16 and over with EHCPs
- children and young people receiving provision from Pupil Referral Services and Alternative Provision

## **3.0 How did we consult?**

**3.1** We asked a number of questions, in a survey, about our proposals and for any other ideas and suggestions. The survey was available online, via the council's website and via the Local Offer. Paper copies were available on request and an 'easy read' version was

available on the website. Copies of the consultation paperwork was also available in other formats as requested.

We recommended that those being consulted read more details about the proposals at the link <http://cyps.northyorks.gov.uk/nyep-meetings-and-agendas> .

**3.2** During October and November 2018 the consultation included:

- Lunchtime parent/carers' meetings in each of the localities (Craven; Hambleton/Richmondshire; Harrogate/Knaresborough/Ripon; Scarborough/Whitby/Ryedale and Selby)
- Three meetings for education professionals and schools staff. Two of these were held in the morning and one in the early evening
- A meeting with the Flying High young people's group.
- Facilitated group discussions with young people who attend Pupil Referral Services across the county in each of the five localities (Craven; Hambleton/Richmondshire; Harrogate/Knaresborough/Ripon; Scarborough/Whitby/Ryedale and Selby)

In addition the presentation given at these meetings was made available on the consultation website, and a series of frequently asked questions were added to the website during the consultation period.

SENCOs in mainstream schools and Headteachers of special schools were asked to support young people to participate in and respond to the consultation and the local authority also provided support for young people in pupil referral services/alternative provision to contribute their views.

**3.3** During the consultation we explained all three proposals for changing the High Needs Budget, and asked for feedback on each of these. The three proposals formed the structure of the presentations and discussion at meetings and with young people, and the survey questions.

## 4. Consultation respondents

### 4.1 High Needs Budget Consultation survey respondents

In relation to all 3 proposals for changes to the High Needs Budget there were 382 respondents who completed the survey (online and paper responses combined). Of this total:

- 32 (8%) were from Craven
- 55 (14%) were from Hambleton/Richmondshire
- 125 (33%) were from Harrogate/Knaresborough/Ripon
- 101 (26%) were from Scarborough/Whitby/Ryedale
  - Scarborough 76 (75%)
  - Whitby 11 (11%)
  - Ryedale 14 (14%)

- 69 (18%) were from Selby

Of these overall respondents 362 indicated how they are involved with the special educational needs and disability service. This was as follows (NB percentages relate to the responses to this question):

- Parents/carers 163 (45%)
- Young people 76 (21%)
- Responding on behalf of an organisation 123 (34%)
  - Education 111 (90%)
  - Health 1 (1%)
  - Social care 2 (2%)
  - Voluntary 6 (5%)
  - Other 3 (2%)

#### **4.2 Attendance at events**

There were 218 attendees at events, however it should be noted that some attendees were present at more than one event, so this figure does not reflect 218 separate individuals.

The attendees were as follows:

- 26 representing schools (including governors)
- 70 representing PRS
- 10 representing post 16 providers
- 86 parents and carers
- 7 children and young people
- 19 others (including representation from professional associations and local authority staff).

#### **4.3 Written feedback received**

In addition, 19 pieces of written feedback providing responses to the consultation were received. These were as follows:

- 1 from a young person (5.3%)
- 5 from parents/carers (26.3%)
- 5 from Education professionals (26.3%)
- 5 others (groups, unions and police) (26.3%)
- 3 unable to identify type of respondent (15.8%)

There were also 18 further contacts about consultation dates/presentation information but not providing specific responses to the consultation.

#### **4.4 Other feedback**

In addition, feedback and questions were also received for:

- The meeting of the County Council on 14 November 2018 – 2 questions/statements received.
- The Council's Young People Overview and Scrutiny Committee meeting of 7<sup>th</sup> December 2018 – 9 questions/statements received.
- The Skipton and Ripon Area Constituency Committee Meeting 13th December 2018 – 1 question received.

It should be noted that we are unable to provide a total number of consultation response numbers, as some individuals may have provided feedback through multiple routes.

## 5. Consultation feedback for Proposal 1

**We will change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system.**

### 5.1 Consultation Survey

We asked 4 questions for Proposal 1

1. To what extent do you agree with proposal 1?
2. Please provide further information (free text responses)?
3. Do you agree with the way we have worked out the values for the bands?
4. If no please suggest how we could work this out?

**5.1.1** We asked **“To what extent do you agree with Proposal 1?”** There were a total of 307 responses to the survey for this question. The views were as follows:

- Strongly agree 18 (6%)
- Agree 80 (26%)
- Neither agree or disagree 92 (30%)
- Disagree 47 (15%)
- Strongly disagree 70 (23%)

#### **5.1.2** We asked **“Please provide further information (free text responses)?”**

Of the “neither agree or disagree” responses, comments indicated that 11 of the 92 supported the banding system and / or disliked the Can-Do (4% of total responses) and of the “disagree” or “strongly disagree” responses, comments indicated that 7 of the 70 supported the banding system and / or disliked the Can-Do (2%). There were additional comments which indicated the reason for the disagreement – often related to the survey tool or to the consultation documents.

Of the 307 responses, 181 comments were received which provided further detail regarding the reasons why respondents had agreed or disagreed.

- 62 (34%) of the comments were unrelated to the proposal. Of those 62:
  - 10 were for “agree” or “strongly agree”,
  - 13 were for “neither agree nor disagree” and
  - 39 were for “disagree” or “strongly disagree”.

Of the 39 who disagreed or strongly disagreed: 8 were related to Proposal 2 and a further 5 were related to young people with SEN who did not have EHCPs.

- 43 (24%) of the comments supported a move to a banded system (including 8 in the “neither agree or disagree” and 3 in the “disagree” or “strongly disagree” categories) and 19 (10%) directly criticised the can-do. There were no comments in support of the can-do. 20 comments (11%) expressed concerns about the banding methodology due to concerns around the implementation and wanting detail around training, allocation to bands and how their individual child would be affected. 18 comments (10%) expressed broad concerns about using any methodology to allocate Element 3 and a preference that each EHCP should be costed individually.
- During the consultation, there were questions around the appeals process should there be any disagreement in terms of needs, provision or placement identified. As per the Code of Practice, and as per current practice, parents and carers have the right to appeal if they are dissatisfied with any of those aspects of the EHCP. This will not change as a result of a change of resource allocation.
- There were 8 (4%) concerns expressed about the funding allocation to each band and that it was not sufficient in the proposal.
- It is important to note that this proposal is a funding proposal regarding the funding principle around changing the Element 3 allocation from the Can-Do to a banding system. The details of the banding methodology in terms of training, implementation and roll-out will be developed based on the outcome of the consultation and the recommendations made.

**5.1.3 We asked “Do you agree with the way we have worked out the values for the bands?”** There were a total of 238 responses to this question, of which revealed the following responses:

- Yes 80 (34%)
- No 158 (66%)

**5.1.4 We asked ““if no, can you suggest an alternative way to work this out”?** There were 130 responses to this question of which 89 gave no alternative and 18 were part comments or referenced a previous comment which wasn’t linked or were related to proposal 2 (5 comments).

Where an alternative was suggested:

- 5 people suggested reducing the number of bands and 4 of those suggested removing bands 1-3.
- 7 people suggested allocating individually according to individual need and costing the provision for each child.
- 5 did not suggest an alternative but requested more money per band.
- 3 said “keep current resource” – this did not seem to be related to keeping the Can-Do but to keeping the money as it is currently for each child.
- 1 requested a social deprivation weighting to the banding system.
- 1 suggested that the LA should ask SENCOS.

- 1 suggested that there should be a “range” for each band to allocate within.

## **5.2 Other feedback**

**5.2.1** Outside of the consultation survey, there were 2 additional pieces of written feedback received in relation to Proposal 1. One of which identified positives in using a banding methodology in another LA, and the other expressed concerns about allocating using any methodology and suggested allocating individually.

**5.2.2** In addition to the survey responses and written feedback, it is important to note that the impetus to change from the can-do came largely from SENCOs who at SENCO networks and in discussion with the SEN team highlighted issues with the Can-Do namely: onerous administration, subjective, inconsistent and not comprehensive enough to use across all needs. During the period of the consultation, SENCO networks were also happening and, whilst not part of the formal consultation, SENCOs were asked again for their views on the Can-Do and these continued to be negative. Not one SENCO proposed maintaining the current Can-Do.

**5.2.3** At the Scarborough consultation meeting for school staff and education professionals, there was a suggestion that this proposal should be delayed to allow for the implementation plan to be included and SENCOs at that meeting requested no delay as they wanted a change from the Can-Do as soon as possible.

## **5.3 Summary of feedback**

Where comments had been made specifically regarding the funding proposal and the change from the Can-Do to a banding methodology there were significantly more comments in support of a banding methodology or critical of the Can-Do than in support of the Can-Do (no support identified) or lacking in support of the banding methodology.

Concerns expressed about funding for individual children, training and roll out would be addressed through the implementation plan should the banding methodology be approved. Concerns expressed about using any resource allocation system are fair concerns in the context of the Code of Practice which states that there must be the opportunity to allocate resource on an individual basis to meet need.

However, it is also clear that there must be transparency and equity in the way funding is allocated – without an underpinning system, achieving this transparency and equity on an individual basis is impossible to do.

We are clear that there are no cost reductions attached to this proposal, that the Local Authority is committed to allocating Element 3 resource to meet identified need as per the Code of Practice and that there would always be an option for those small number of cases who do not fit within a Resource Allocation System to have their funding allocated individually. We also take on board the requests from the SENCOs who primarily have to use the resource allocation system to change from the Can-Do.

## 6. Responses to all consultation feedback

**6.1** We have developed a consultation response document for Proposal 1, which lists each written piece of feedback that has been received either through the survey or other written feedback, and where appropriate, responses have been added.

**6.2** In the consultation survey, we also asked a final question in relation to all 3 proposed changes to the High Needs Budget which was **'If you have any other comments, suggestions or feedback on our proposals please tell us below'**. We have developed a consultation response document for this feedback and where appropriate, responses have been added, and have also included feedback or questions received for the County Council Meeting on 14<sup>th</sup> November 2018, and questions or statements received for the Children and Young People Overview and Scrutiny Committee meeting on 7<sup>th</sup> December 2018.

## 7.0 Equality Impact Assessments

**7.1** Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

There is an EIA for Proposal 1. This was shared on our website as part of the consultation material for consideration. The EIAs were monitored against feedback throughout the consultation period, including a review at the half-way point of the consultation. Having reviewed feedback on conclusion of the consultation there have been changes made to the EIA and it can be found at Appendix 4.

## 8. Outcome of the consultation

**8.1** The consultation was open for 38 days starting on 5<sup>th</sup> October 2018 until 11<sup>th</sup> November 2018. Once the consultation closed, we reviewed all of the responses and following consideration of the consultation feedback the proposed recommendation for Proposal 1 is:  
**To implement a new banding system for allocating top-up funding based on the funding proposal and rates identified in the consultation.**

**To develop an implementation plan so that this can take place from April 2019.**

**To pick up on the concerns raised in terms of financial impact and training – the implementation plan needs to be robust in terms of the financial modelling and the roll-out and this will be scrutinised through the Spring SENCO networks, Special Head teachers meeting and Schools forum.**

## 9. Next steps and timescales

We prepared a report for councillors, who will consider the feedback and recommendations for Proposal 1 and make a decision at the council's Executive scheduled for 15<sup>th</sup> January 2019.

These recommendations were put forward in line with the Authority's democratic processes as outlined in its Constitution.



## Consultation on changes to the High Needs Budget – Appendix 4

Written feedback to **Proposal 1**: Change the process for top up funding for children and young people with EHCPs from a resource allocation system to a banding system

We have developed this document to provide a response to feedback received during the consultation period for Proposal 1 of changes to the High Needs Budget, which ran between October 5<sup>th</sup> 2018 and November 11<sup>th</sup> 2018.

This document includes responses to all feedback received in relation to Proposal 1 through the following sources:

1. Written feedback to questions in the consultation survey;
2. Other written feedback.

Please note that although comments may have been redacted to ensure anonymity of respondents, we have not altered any wording.

### Consultation Survey feedback:

Where a written response has been submitted against a consultation survey question, we have also included the score the respondent selected.  
Key: SA (strongly agree); A (agree); N (neither agree or disagree); D (disagree); SD (strongly disagree).

We have also indicated against each response the type of respondent to help us analyse and understand feedback.  
Key: P (parent/carer); E (education professional); YP (young person); O (other).

**Proposal 1:**

**Change the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system.**

**1. Written feedback to questions in the consultation survey.**

Where survey respondents have provided written comments against questions, we have included these in this document, and provided a response to each individual piece of feedback.

**We asked:** To what extent do you agree with Proposal 1?

**To what extent do you agree with Proposal 1?**

(Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).

ID	Type	Comment or question	SA	A	N	D	SD	Response
1	P	I am the parent of a severely disabled child who has no choice but to attend the education provision offered to him. I do not see why a child with behavioural issues, due to poor parenting should be offered the same budget as a child with profound disabilities.						The banding system will consider the needs of children and allocate funding appropriately. We do not accept that all children with behavioural issues are a result of poor parenting
2	P	I believe it will make for clearer understanding and will enable schools to have the provision required where needed and not waste funding on things that are not needed. this will allows each individual school to provide the best access to all its students.						We also hope it will make for clearer understanding.
3	P	I have been without respite for [REDACTED], i am a single mum., my only support is my [REDACTED]. I am absolutley worn out , there is a setting i want my son to.go to, he has had [REDACTED] assesments but still.i have no resolve in this matter. I was promised i wouldnt be without respite once he left his last setting , he was there for [REDACTED]. Action is needed NOW !						No response required in terms of this proposal but we suggest that you make contact with your social worker to discuss the respite you refer to. Referral made to relevant manager
4	E	This would bring in line with other LA's. Funding is clear and will follow the young person. FE will clearly know						We also hope it will make for clearer understanding.

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To what extent do you agree with Proposal 1? (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).								
ID	Type	Comment or question	SA	A	N	D	SD	Response
		what funding the young person needs before they start to meet needs.						
5	E	CANDO ineffective						Yes this is one of the reasons we wish to change the system
6	E	The Can Do system has become unwieldy and ineffective. It neither distributes resource well enough, nor asks the right questions about inclusivity. It has become too anonymous						Agreed
7	E	This is what SENCOs have been asking for - something to make the process transparent for parents and teachers.						Support for change to banding system noted
8	E	This is probably the best way for a school such as ours to be able to sustain some level of support for the pupils we have without a significant cut to the staff that we already have employed with us within a mainstream primary school setting. This proposal is more in line with a previous model I worked with while employed in [REDACTED].						Support for change to banding system noted
9	YP	Too many people in school						Comments noted, no direct response required as not relevant to Proposal 1
10	YP	I think its a good idea because I find mainstream too difficult because theirs to many people and I couldn't concentrate						Comments noted, no direct response required as not relevant to Proposal 1 Relevance to Proposal 2 regarding the need for a range of alternative provision for young people
11	YP	Smaller groups and too many people						Comments noted, no direct response required as not relevant to Proposal 1 See above
12	P	This seems sensible, provided no child loses their provision as a consequence of the change.						No child's provision detailed in their EHCP will be lost as a consequence of changing the E3 allocation system
13	P	IM NEW TO THE WHOLE EHCP PROCESS SO AS LONG AS IT DOESNT AFFECT WHAT MY SON NEEDS TO GET THEN IM HAPPY TO CHANGE THE PROCESS. I HAVE RECENTLY COMPLETED THE CAN DO FORM AND ITS A JOKE.						Can-do criticism noted
14	P	There has to be recognition for the differentiating needs for the children. More complex cases will require more intervention and as a result funding						The proposed banding recognises that more complex needs and provision require more funding
15	P	Works in YCC						Reference to banding system working in other LAs noted

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Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

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ID	Type	Comment or question	SA	A	N	D	SD	Response
16	P	I feel it is the child who are SEN that need more looking after at the minute as these are the children that are being let down at the moment.						Whilst this proposal relates to children and young people with EHCPs we acknowledge your concerns around children with SEN more widely and have included those children in the SEND Strategic Plan actions.
17	P	Seems to be fair system						Support for change to banding system noted
18	P	I agree with the idea in principal and can see that a banding system is probably clearer to follow than the current system and should streamline what extra funding is provided, however I am concerned that in order to try and save money children will be downgraded into the lower 3 bands. Looking at this on a personal level I cannot see that my child would receive the same amount of funding he currently gets. He does however need this level of extra funding to provide the additional support.						Support for change to banding system noted. No child who has an EHCP will be moved onto bands 1-3 – these are only for children whose needs can be met at SEN Support, if a decision has been made to issue an EHCP, they will move onto bands 4-10.
19	P	Clarity regarding the requirements for evidence needed, parents are not now routinely sent copies of paediatric (CDC) clinic letters. Will partners in health be supporting the EHCP process, particularly for post 19 provision.						Comment not related to this proposal however, the Local Authority is aware of its duty for joint commissioning and integration as stated in the Children and Families Act 2014 and we continue to work with our partners in Health through the Health SEND network. In the most recent meeting, there was a discussion about Health needing to send copy letters to parents and carers and this is being taken forward by the CCG children's commissioning lead.
20	P	Agree in principal but will this be transparent. Parents and teachers have to jump through enough hoops as it is!						Support for change to banding system noted
21	P	The banding seems fair, although my worry would be that if a child has several needs within one banding they would receive the same funding as a child who only has one need. This doesn't seem to account for accumulative needs that may require extra funding. This is always the problem with funding via a primary need. How would it cover a child who is deafblind and also has complex medical needs?						Support for change to banding system noted. Details of how the banding system will effectively allocate resource for children with multiple needs has been considered and will be shared in the implementation plan.
22	P	It seems reasonable. Schools have to pay for ed psych assessments and therefore the evidencing of need may						Support for change to banding system noted. The Local Authority is aware of its duty for joint commissioning and

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		be difficult if this has a financial cost associated. Likewise CAMHS may have assessed need, provided treatment and closed the case because the GP has been requested to continue medication prescribing. TEWV do not write letters/reports unless a case is open to them. Seeking referral to CAMHS to provide evidence when intervention from CAMHS is not presently required is unlikely to achieve buy-in from families or CAMHS which is an overstretched resource. if the only reason for the referral is to provide NYCC with evidence...this needs to be addressed.						integration as stated in the Children and Families Act 2014 and we continue to work with our partners in Health through the Health SEND network.
23	P	Obviously a thorough assessment has to be made so everything is considered in the allocation						Comment noted and agree with need for a thorough assessment
24	P	Seems reasonable to me.						Support for change to banding system noted
25	P	There is no explanation as to how the banding is allocated and calculated. What isn't there any money for those in banding 1-3? The money available for those in banding 4-9 appears to increase incrementally, and then there is a much larger jump to Banding 9. Why is this so?						Explanation regarding bands 1-3 and details of how funding was allocated to bands based on Teaching Assistant hours is contained in the consultation document. Band 9 children and young people with have the most complex needs typically found within a special school and typically require full time one to one support AND additional equipment / adaptations which account for the jump from band 8.  You can find the information relating to bands from the consultation at the following link under the high Needs Budget consultation <a href="https://www.northyorks.gov.uk/previous-consultations">https://www.northyorks.gov.uk/previous-consultations</a>
26	P	Yu						Comments noted, no direct response required
27	E	I think it will make it more clear and the banding will allocate funds more fairly						We also hope it will make for clearer understanding and fair allocation of funding
28	E	I like the banding, this is a similar system to York that works very well.						Reference to banding system working in other LAs noted
29	E	Providing the bands are clear and are a realistic reflection of areas of need, this would be a good process. I would also like to see a breakdown of what each band entails						We hope it will make for clearer understanding and fair allocation of funding. If the change to a banding system is approved we

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<b>To what extent do you agree with Proposal 1?</b> (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).								
ID	Type	Comment or question	SA	A	N	D	SD	Response
		for each area of SEND, so for example what does Band 3 look like for a child with communication and interaction difficulties.						will then develop the implementation plan including banding for each area of SEND at each band.
30	E	As the present CAN-DO does not seem to be working for the LA or schools, a change to a different system seems appropriate. However, we note that the banding system does not lead to any savings.						Can-do criticism noted. Accept that this does not make savings in terms of the budget.
31	E	But this funding must be sufficient to meet the extra needs that a child presents- the consultation document- looked significantly lower unit sums per child.						The LA is committed to ensure that funding is sufficient to deliver provision identified in the EHCP.
32	E	I agree with the proposal but I am concerned as little detail is provided as to how pupils are assessed to fit into these bands. Historically CAN-Dos are easily manipulated and the funding attached to students consequently does not match needs. This is because an agenda is clearly motivating the outcomes of this process and there is no moderation. The bands seem fit for purpose but are obviously open to interpretation and the so the assessment to fit into these band needs to be robust but also efficient and not work intensive. The system needs moderation and with that should come a fairer process of allocating funding.						Can-do criticism noted. Further details of implementation including training, moderation and application to individual children will follow if the change to a banding model is agreed.
33	E	Concerned at Band 3 - 'significant' needs outlined, but without additional funding.						All schools receive core "place" funding for each child on their role. This is known as Element 1 funding. Schools also receive a delegated budget to support children with SEN up to £6000 per pupil. This is known as Element 2 funding and is to meet the additional needs of children at SEN Support level. Band 3 needs are identified currently at SEN support which does not require additional element 3 funding. Schools have element 2 funding to support these needs.
34	E	A banding system may or may not work. We currently have a system that is not working and so a new method is worth a try.						Criticism of can-do noted. The new system will be subject to a post implementation review after 12 months
35	E	The proposal will provide a more transparent system for the allocation of resources						Support for change to banding system noted

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ID	Type	Comment or question	SA	A	N	D	SD	Response
36	E	CAN-Do is difficult to complete.						Criticism of Can-Do noted
37	E	It sounds like the bands should make things clearer for the school.						Support for change to banding system noted
38	E	This is the best of the three proposals, I only agree as the other 2 options are even worse						Support for change to banding system noted
39	E	I think it is the only option that is possible for our small school. I do not agree with it but we could not survive with the other options.						Support for change to banding system noted. The three proposals were presented in their own right not as alternatives to each other. LA
40	E	I think it will help with the inconsistency. I hope there will be training and examples of what each band looks like.						Support for change to banding system noted
41	E	I think a banding system will be fairer. We do need to make sure that it is not too difficult for students that require additional funding to be placed above the bands that don't attract any funding.						Support for change to banding system noted
42	E	As the present CAN-DO does not seem to be working for the LA or schools, a change seems to be appropriate. However, we note that the banding system does not lead to any saving.						Criticism of can-do noted
43	E	Providing the bandings are consistent and coherent and have been prepared or at least agreed by key professionals who understand each type of need.						Support for change to banding system noted
44	E	The current system appears to not be working effectively. Not sure how the banding system will save money however.						Criticism of can-do noted. No savings are attached to this proposal.
45	E	I agree the current system needs improving, but I'm not sure the banding system is well considered or appropriate.						Criticism of can-do noted. Concern that banding system is the right alternative also noted.
46	E	in principle this appears a better process, however it's unclear to me yet whether the value of funding allocated to the bands is correct.						Support for change to banding system noted.
47	E	The current CAN-DO system is onerous for schools / parents; a change seems appropriate						Criticism of can-do noted. Support for change to banding system noted
48	E	I do believe we have a duty to provide viable education to the very vulnerable pupils and this has to be sustainable. The current system does need an overhaul as the current						Criticism of can-do noted.

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<b>To what extent do you agree with Proposal 1?</b> (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).								
ID	Type	Comment or question	SA	A	N	D	SD	Response
		process is very difficult to understand and parents feel very concerned that their children are missing out on valuable funding.						
49	YP	If over spending occurs then either cuts should be made or a more efficient system should be used.						We expect the banding system to be more efficient for the reasons outlined in the consultation document.
50	YP	Don't like mainstream school - too many people						Comments noted, no direct response required as not relevant to proposal 1 Comment probably in relation to Proposal 2 regarding Alternative Provision. We have acknowledged in these consultation responses that there is a need for a variety of AP approaches to help support young people remain on the roll of their school
51	YP	So I can go back into mainstream school						Comments noted but unable to provide a response as anonymous
52	YP	Seems fair what happens if you get no money bands? Even though there are a lot of bands but you miss something						Support for change to banding system noted
53	YP	Mainstream school isn't for everyone if the banding gets the right school then I agree Will home schooling be an option?						Support for change to banding system noted. If a child or young person is Electively Home Educated and has an EHCP then the LA would ensure that the provision in the EHCP could be delivered at home and appropriate funding support according to the banding would be available if so.
54	P	My son's ehcp is in process of being drawn up so would need more information on how you would approach this and what bands they are and what would be required to access the funding for the band						Implementation plan will provide full details of how we will introduce the new system and the full banding descriptors. Parents right of appeal will not change
55	P	I am worried about what sort of affects this could have on my son. He's only just got the right educational setting to be in as it's taken a year to get everything in place for him. I am worried that this now could be potentially taken away from him and he may not get an proper education.						This proposed change to the element 3 allocation system will not change any child's current educational provision and no child with an EHCP will lose it as a result of the proposed change.
56	P	I do not understand this question						Comments noted. We have tried to use a variety of mechanisms to make the information as clear as possible during the consultation



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To what extent do you agree with Proposal 1?							Response	
ID	Type	Comment or question	SA	A	N	D		SD
57	P	My disappointment is the lack of special school provision in North Yorkshire and no amount of ehcp funding will change that.						Lack of specialist provision is a national issue, However please see the strategic plan for SEND in terms of how NYCC intends to address gaps in provision
58	P	I don't fully understand what advantages this confers. It doesn't seem to save money and takes flexibility out of the system. It creates groups of similarity with attendant problems of determining equivalence as opposed to treating each individual as different which of course they are. I also don't understand the acronyms without a pocket guide beside them. I am not an education specialist.						Concerns around children being "grouped" through the banding system noted. Whilst we hope that the banding system will be a fair and effective method to allocate resource in the majority of cases, we acknowledge that there may be cases where the LA will have to address need outside of the banding system and are committed to doing so when necessary.
59	P	I appreciate that a banding system will enable funding to be allocated in a more consistent way. However in the case of my child I expect that this will result in a reduction of already inadequate funding. My son was issued with an EHCP in [REDACTED]. The recommendations by [REDACTED] clearly indicated the need for full time 1 to 1 support at mainstream [REDACTED] school. He was allocated approx £7.5k which even with the addition of element 1 and 2 funding from the school does not cover this amount of TA time. The school have had to top this up using their own budget. You have not given detail on the banding criteria, however as my child does not have Health or Care needs, I am guessing he would be band 6, meaning 1/3 of this funding would be lost. I note your comments about CAN-DOs that have resulted in higher funding allocation than required by the needs, and this would seem to be one such case, but in fact the amount we have now is already too low.						Support for change to banding system noted. If the recommendation to change to a banding system is taken forward, there will be a full implementation plan with training and support to ensure that children are appropriately banded. Parents right of appeal does not change
60	P	I can't comment as I don't understand enough about the change and its likely effects						We do understand this is a complex issue but have tried hard to make the information accessible. A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained The consultation proposals were reinforced at meetings to ensure the focus of the consultation

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

<b>To what extent do you agree with Proposal 1?</b>							
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ID	Type	Comment or question	SA	A	N	SD	Response
							was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested and the overview of the descriptors was also available during the meetings and on the website.
61	P	Would like to read the band descriptors first and hear directly from local schools on the difference the new banding system will make to the funding they receive for children. I have a concern that bands 1-3 where no top up is allocated will have a much wider effect on money school need to support children in schools. I would like to see the descriptors.					Implementation plan including application to individual children will be determined if this proposal to change to a banding system is agreed. The overview of the descriptors was available during the meetings and on the website.
62	P	Not enough information has been given about the changes proposed.					Implementation plan including application to individual children will be determined if this proposal to change to a banding system is agreed
63	P	I understand there will be a cost saving in the assessment but will this funding be reallocated to help the services needed? Will the bands funding levels be secure and subject to inflationary increases? Without this info it is not possible to have an informed view.					Funding is allocated to individual children not to services and the band funding would be kept under review at least annually to ensure that the identified provision can be made with the funding allocated to the band.
64	P	Don't really understand the proposal					We do understand that this is a complex issue but have tried hard through the consultation to make the information accessible. If approved we will discuss the changes with parents as we implement the model. The right of appeal for parents will not change in relation to any aspect of their EHCP
65	P	Don't understand					
66	P	I don't fully understand what the impact of this will have on my child.					
67	P	Don't understand how this will affect those it applies to					
68	P	Don't understand					
69	P	Don't feel fully informed sufficiently to make a judgement					
70	P	Its all about the detail which we don't have yet. So I want to know the criteria for each band. Its also all about the professionalism of those who are assessing children for their place on the ranges. Rubbish assessments will give inaccurate information, leading to an inappropriate place					We hope the new system will provide an appropriate framework to enable the needs of children to be compared with the bands and for parents, schools and the local authority to agree the band together. Bands will be reviewed as appropriate to ensure they remain appropriate to the child

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		on the range which, if funding is insufficient, will mean schools will struggle which ultimately could lead to pupil exclusion as the right support was not provided.						
71	P	Whether this works better will depend as ever upon the assessment. The descriptors are vague and the difference between the descriptors of each band is sometimes minor and yet the money difference is major. Is there flexibility within the money that can be allocated to each person as two people in the same band will not necessarily require the same funding? If not then your system will be overly rigid. The descriptors are vague and this will allow assessors to massage the person down to a lower category than appropriate. Given how your budgets are we suspect this will occur.						The summary descriptors were used in the consultation. If this proposal is agreed the full descriptors will be finalised together with the implementation plan for delivery. The banded system provides an amount against the descriptor to meet assessed needs. We have a statutory responsibility to meet assessed needs of children and young people with SEND and parents have a right of appeal if they are concerned with any aspect of the EHCP.
72	P	As long as every thing is considered, and not ignored .... the bands must be fully comprehensive						Support for banding system noted
73	P	We are concerned that a change in banding and reassessment of our son who is ██████ in college will not be a priority as he will soon transfer to health and adult services. We are still concerned about the transfer of services when he reaches the age of 19 despite your promise in your documentation this will now be seamless. We are worried the support he receives will not be at a level that will allow him to continue to develop.						Implementation plan including application to individual children will be determined if this proposal to change to a banding system is agreed The transition between children's services and adult's services is being reviewed at present to ensure strengthened working practices to support young people . The local authority has a statutory duty to meet assessed needs of young people and we will work closely with families during the transition process
74	P	I kind of agree those with lower level needs in mainstream could go to a lower band. I worry though that maybe this will put more pressure on special schools to take children who could attend mainstream. I also worry that funding is given fairly and pupils are banded correctly. I actually cannot see the banding system working out in proposals.						All points noted. Placements for children with EHCPs are agreed with parents and carers. Further developments in provision specified within the strategic plan will in time extend choice to families. The full banding system has been developed and will be available if this proposal is approved
75	P	I agree that there needs to be a process where funding is clearly linked to the ECP. The process also needs to be						Criticism of Can-Do noted. Support for change to banding system noted especially if linked to the EHCP review process.

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**To what extent do you agree with Proposal 1?**

(Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).

ID	Type	Comment or question	SA	A	N	D	SD	Response
		clear and transparent. I for example have not seen my daughter's Can Do and I don't know what funding she gets and how it is worked out. Currently the EHCP appears isolated from the process of funding. The EHCP is reviewed and amended annually and this clearly identifies up to date need - a banding system with descriptions of need will be more clear and transparent. I am concerned that the example of banding provided would not be a robust way of identifying need so I cannot strongly agree until I see a banding proposal that would help my daughter. She is [REDACTED] so her needs would be completely different to a child with [REDACTED] and VI appears across all the ranges with no differentiation						
76	P	I hope the new system will be transparent and open to challenge if necessary.						Aim is for banding system to be more transparent than current Can-Do system
77	P	I appreciate the need to be consistent across the board and certainly the CANDO that we completed did not seem to take mental health into account but the new descriptors only mention the social and emotional curriculum. The only descriptors I could find are the ones from the consultation but we were told that it was being updated. I raised a concern that descriptors only mentioned children being years behind national expectations but for children with high functioning autism who are very bright this is not the case. They may be several years behind where they should be according to their ability but this isn't necessarily identified, although it is a Special Educational Need. Their anxiety and poor functional skills are affecting their ability to access their education fully but do the new descriptors cover that any more than the CANDO?						Implementation plan including application to individual children will be determined if this proposal to change to a banding system is agreed. Criticism of Can-Do noted  The full descriptors will describe the needs of children and young people and there will also be discussions regarding the allocation of bands so that children are allocated an appropriate band.  We will review the implementation and bands in 12 months if the proposal is agreed. This will ensure we can resolve any 'teething' issues in the new system
78	E	I agree with the banding system as being fairer than the current CANDO system. It is clearer and less subjective. I have significant concerns that children up to three years behind can be supported only via quality first teaching						We also hope that the proposed system will be clearer and fairer. Additional resource in terms of SEN Support Element 2 funding is already available to support children with SEN who do not have the level of need requiring an EHCP.

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To what extent do you agree with Proposal 1? (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).								
ID	Type	Comment or question	SA	A	N	D	SD	Response
		with no additional resource. Despite many highly skilled teachers who are able to do this the potential for detrimental impact on provision and outcomes for others learners could be huge if teachers are the sole support for children with this level of need.						
79	E	Need more information and to see how it works out - e.g. the difference between bands 9 and 10 is huge - how likely is it the children could potentially reach band 10?						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
80	E	I do not have enough information about what evidence will need to be provided for the banding system. A lot of time was spent in school completing the can-do forms. Will this information be transferred over? Will more hours need to be spent by education staff who are already stretched? How do pupils at SEN school fit into the banding as all pupils are working at significantly below mainstream levels but not always at P levels?						The information regarding each child's needs and provision will be in the EHCP and that is the information which the banding will be based on alongside the annual review process. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
81	E	In theory, this looks to be a good proposal. However, I have reservations regarding how this works in practice and worries that this could cause underfunding.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
82	E	As the detail of the bandings is not available yet it is challenging to comment in more detail. I do note however that there is a considerable gap in funding amounts between band 9 and band 10 which is of concern. Band 10 funding does not seem to me to be the amount of money required to educate the most complex pupils at our school, so I would suggest it will cause a considerable loss of funding to school overall. I would be even more concerned if a lot of the pupils came out as Band 9 as this is certainly much less than most pupils current receive. I attended a consultation event where it was described that the amount required for funding TA hours had been taken into account around the middle of the bands and downwards. My assumption is that this is the cost of a mainstream TA salary. Please can it be taken into						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Band 10 in this proposal is decided by panel. The £20,000 stated was an indicative figure but for the small number of children and young people for whom bands 1-9 descriptors do not apply, there will be an individual amount generated by a panel which will include Head teachers from Special Schools.

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		account that some or most of the Special Schools have adopted the special school job descriptions and all these job roles are at least two bands higher.						
83	E	Not enough information available on what this will look like						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
84	E	This seems like a fairer way to distribute funding to students with additional needs.						Support for banding system noted
85	E	As long as the pupils have their needs met and enough TA's then I will support. At the moment we are 7 TA's short which is having a negative impact on vulnerable students.						Support for banding system noted
86	E	If we had been given more information rather than the brief out line of the banding I would have been able to make a choice. Also hearing at a meeting that there was more information but we weren't given that to look at was very infuriating.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.  A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested and the overview of the descriptors was also available during the meetings and on the website.
87	E	I am not in an informed enough position to make a commitment to this principle. Whilst I agree with the concept of the move from a highly flawed resource allocation system to a banding system, the banding system itself appears to be an incomplete model and so						Criticism of can-Do noted and support for change to banding system noted. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.

## Appendix 3A

## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

To what extent do you agree with Proposal 1? (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).								
ID	Type	Comment or question	SA	A	N	D	SD	Response
		whilst i agree to the move from one system to the other i cannot agree to the actual banding system proposed as not enough information has been provided.						
88	E	Didn't have the full information available.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
89	E	Not had enough information regarding the banding and the values						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
90	YP	Too many people at school but outreach is bad too.						Comments noted, no direct response required as not relevant to proposal 1
91	YP	As long as everything is looked at properly						Support for change to banding system noted
92	YP	Too many bands How will this give the kids what they need-will you make more space here?						Concern re: number of bands noted
93	YP	What happens to those who get no money-will they go to the Rubicon?						Bands 1-3 have no funding attached and are for children who are already at SEN support level in mainstream schools
94	P	Limiting to the child, not treating as an individual, restrictive						Accept that any resource allocation system may limit individualised response however, LA also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen in the majority of cases. There will be cases that do not fit the banding system and the Local Authority is aware that they are still responsible to ensure funding is available to meet need and will do so outside of the banding process.
95	P	If this simplifies and speeds up the process of allocation and review this is a positive thing. However based on the current bands I would anticipate funding to reduce for my son who has 1-2-1 at the moment. This can only result in more schools concluding they cannot provide for the needs of pupils. I do not have context as to how the new						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. The funding for each band is described in terms of Teaching Assistant hours as per the consultation summary. There are no cost reductions attached to this proposal.

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		figures are arrived at, and there seems to be a wide jump between band 6 & 7.						
96	P	It is never a one shoe fits all system. The children with need are unique The staff expertise ie training needs are very diverse the resources already in place will be different. eg a large primary , already having many send students, specialist staff and equipment may need much less than a small rural primary with untrained staff and few resources						Accept that any resource allocation system may limit individualised response however, LA also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen in the majority of cases. There will be cases that do not fit the banding system and the Local Authority is aware that they are still responsible to ensure funding is available to meet need and will do so outside of the banding process.
97	P	Provision has to be made on a per case base, pigeon holing people into groups may look good and allow you to deliver nice graphs for your presentations, but it has a built in failure-mechanism- a very silly idea						Accept that any resource allocation system may limit individualised response however, LA also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen in the majority of cases. There will be cases that do not fit the banding system and the Local Authority is aware that they are still responsible to ensure funding is available to meet need and will do so outside of the banding process.
98	P	Under your banding my son would have had minimal funding since he started school with a diagnosis of autism [REDACTED]. Instead he has had one to one support and has improved tremendously during his time at primary school.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
99	P	I haven't received sufficient information about this.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
100	P	I don't agree at all.						Noted that you don't agree
101	P	I don't feel that we have been provided with enough information with regarding how the banding system will						Implementation plan including moderation, application to individual children and training on the descriptors will be



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ID	Type	Comment or question	SA	A	N	D	SD	Response
		work and which level of needs will be within each band neither have we received enough information about the value given to each of the bands. I do feel that the current Can Do process is a very long one and not necessarily an equal system for all who apply but also feel that the local authority is introducing a new system which will benefit them and not the children who need the support. Therefore putting further strain on the schools. I am also applaud that in a meeting recently I witnessed a local authority representative state that we should bother with the Can Do as there is a banding system now in place- so much for a consultation!						developed and shared if the proposal to change E3 allocation system is agreed. There is no banding system in place currently and throughout the consultation meetings, when asked if the Can-Do should be completed currently, we agreed that it should,
102	P	no banding. allocate on needs only even if this means going over allocated budget.						Noted that you don't agree with banding system and request allocation on individual basis. We accept that any resource allocation system may limit individualisation but we do need a framework which is clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. We have a statutory responsibility to meet assessed needs of children and the banded system will provide some consistency to the funding required to achieve that. Parents will still have a right of appeal if they are in disagreement with any aspect of the EHCP There will be a small number of cases that do not fit the banding system and funding for these cases will be made through a multi disciplinary approach.
103	P	There seems to be little provision for large groups of young people who are in those bottom 3 bands. It's likely that there multiple people with additional needs in particular classes and so there are going to be some classes where the teacher is stretched even further than in other groups and the quality of teaching is likely to suffer, which has a detrimental effect on the children. Even a token amount might help some children get study support and allow the purchase of tablets or recording equipment to aid learning						There is funding delegated to schools – this is called Element 2 – and this has been allocated to meet the needs of children at SEN Support level which are those identified in bands 1-3.

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ID	Type	Comment or question	SA	A	N	D	SD	Response
104	P	don't understand how you can have generic bands of funds when each child and young person should have a needs and provision based assessment based on individual need then financial concerns then worked out. Do not think there is enough information given re this many LA's using this system have decreased their funding to their 'bands'						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Funding to each band would be reviewed at least annually to ensure that there was sufficient allocated to deliver the identified provision. The LA is committed to meeting identified needs and there are no savings attached to this proposal
105	P	The banding is flawed as based on what's written in an EHCP these plans are not always written well and two young people with similar needs can fall into different banding streams because of the plan not been precise and up to date. AROS refuse to update unless there is significant changes/need however even then they still don't update and just apologise 2years later when they realise the plan should have been amended!						Concern over annual review process and updating EHCPs as a result noted
106	P	pupils needs must be assessed first and foremost and the provision made according to those needs then work out how much that will cost. Rather than put pupils in generic categories it is unfortunate that the consultation document we have been given to read to make sense of all the proposals is not clear or easy to understand the face 2 face consultations have not made this any clearer and that this document does not allow for any considered response due to word limit we are not sure if the banding will be applied before or after needs and provision to meet those needs will be determined and want answers about once a banding level is set will that amount decrease as it has in so many local authorities ?						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Funding to each band would be reviewed at least annually to ensure that there was sufficient allocated to deliver the identified provision. The LA is committed to meeting identified needs and there are no savings attached to this proposal
107	P	i have ■ children with EHCP each child completely different and it is very hard to decide which band they would be in.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.

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ID	Type	Comment or question	SA	A	N	D	SD	Response
108	P	I feel that banding will remove the individual aspect of allocating a SEND budget in the form of a E3 top-up. I believe the hope that moving over to banding and reducing funding for some SEND children without impacting them is naive. If a school's budget is cut, a budget that was previously meeting need, there will of course be a negative impact on children with EHCP and/or all children in school by way of resource/staff time cuts.						Concern noted that banding system removes the individual aspect of allocating a SEND budget The banded system will be more transparent than the current system and allocation of bands will be through discussions with parents, education providers and others
109	E	In my experience your funding criteria are not well-tailored to the needs of young people. I would have no faith that this change will improve this - indeed it is only likely to make funding appropriately even more difficult. A shame County could not sort out its strategic planning and really focus on need - when this is clearly greater than ever. All that money and resource wasted on the then Foremost School - at that stage the consultation was saying clearly that this was so badly thought through. The closing of exemplary in County provision, Netherside Hall etc to fund that white elephant .... little short of criminal profligacy!?						Comments noted, no direct response required – comments relate to previous school closures.
110	E	The "banding system" criteria shared with staff at the "consultation" on October 16th 2018 fails to make mention of any post-16 funding at all. The "banding system" also seems incredibly harsh - for example "range 3" which receives £0 funding refers to students with down syndrome and students who are "resistant" to interventions.						The banding system proposed is designed to work fairly across all ages including post 16 and early years hence neither are specifically mentioned. Band 3 may include students with various diagnoses as may bands further up the table – a diagnosis does not guarantee funding at any particular band as it is needs based not diagnosis based. Bands 1-3 are funded from element 2 within the school's budgets.
111	E	The funding for Grove Road Academy must not be cut . This school provides irreplaceable first class education						Comments noted, no direct response required – relates to proposal 2
112	E	Currently we don't have enough information to assess the impact of a change to a banding system, my concern is that the banding system is too broad to meet specific needs and the gaps in funding within the bands mean that there is a real concern that children with existing ECHP will fall into lower funding bands. The most recent						Accept that any resource allocation system may limit individualised response however, LA also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen. Implementation plan including

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		government education select committee meeting was clear in the view that a banding system was not the best way to allocate funds as it lacked the ability to allocate to specific needs.						moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
113	E	While there does need to be banding and clear understanding as to what needs merit level of funding the current proposals are a concern. Currently many children receive 1 to 1 support that enables them to manage life at school. I am one of the many TA's in our county that support these vulnerable children. I am highly experienced at meeting the needs of the children I work with, as a result of my work and the work of other staff we need little support from outside agencies. Consider this against the proposals for funding, this would put some children in band 4 and their funding will be drastically reduced and leaving school's with a difficult choice because they will not be able to meet the shortfalls in the funding. The knock on affect will be tremendous, children will lose their TA's, this will increase their anxiety, becoming overwhelmed at school, leading to difficult behaviour putting increased pressure on teachers and GTA's. The child will be failed by the system.						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. No child will lose provision identified in their EHCP as a result of a change of E3 allocation system.
114	E	Placing a young person in a 'band' did sent allow for small changes in need that have huge impact.						We accept the challenge between making a banding system sensitive enough to encompass individual needs whilst also being transparent and efficient enough to allocate resource fairly and equitably. We have tried to achieve this with the 10 bands in the proposal
115	E	Children with the same needs may face different issues to access the support and therefore although their needs are similar the money required to meet their needs is different. For example cross county border speech and language support.						Speech and Language Therapy from the NHS is free at the point of access across the country however eligibility criteria may be different for different providers and there may be different waiting times. The money should not be a factor in this however.
116	E	Insufficient evidence regarding management those on the band boundaries with complex needs						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.

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117	E	You state that at the lower end of the scale, resources already in mainstream schooling will be expected to provide for additional resources and time but mainstream schools do not have the resources to provide this already. I agree that a fairer system is needed that is not based on how "pushy" some parents can be as it is clear from many cases that some students are allocated far more than is needed and some far less than is needed.							Support for a change in allocation system noted. Bands 1-3 use the delegated Element 2 funding held within the school budget. North Yorkshire faces unsustainable pressures on the High Needs Budget. This year, the funding received from the DfE for the education of children and young people with SEND is nearly £6m less than is required. The LA is funding this from reserves and has also asked Schools Forum to transfer money from all other schools. North Yorkshire is calling on Government to fund fully the high needs budget.
118	E	There is already little support for those in 1-3. You will make the classroom a place that nobody can learn at all by doing this.							Bands 1-3 use the delegated Element 2 funding held within the school budget. North Yorkshire faces unsustainable pressures on the High Needs Budget. This year, the funding received from the DfE for the education of children and young people with SEND is nearly £6m less than is required. The LA is funding this from reserves and has also asked Schools Forum to transfer money from all other schools. North Yorkshire is calling on Government to fund fully the high needs budget.
119	E	Whilst the resource allocation system certainly has faults, it would appear that the banding system is likely to even further reduce the amount of additional funding available to schools to meet individual need. Current E2 and E3 often falls short of the actual cost of meeting need. The language in the banding descriptors looks like the thresholds for making payments have been raised.							Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
120	O	Its not sufficient							Concern re funding allocation noted
121	O	No system can be designed to meet all the needs. There will never be a one size fits all convenient system. The system should be based on an individual needs based assessment especially given the multiple and complex needs. Young people will fall between bands and therefore miss out on essential support. The system is easy to understand, is bureaucratic and does not meet the needs of young people							Concern re need to allocate resource individually noted
122	O	Going from 1 complicated system to another. Will there be an ability for a parent to challenge an assessment?							Criticism of Can-Do noted. We hope that proposed banding system would be less complicated. Parents continue to have the

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ID	Type	Comment or question	SA	A	N	SD	Response
		More and more schools are using teaching assistants instead of teachers. Cheaper teaching, cheaper end product untrained and unable to go forward in the real world					right to challenge needs, provision and placement identified in the EHCP as they do at the moment.
123	O	It is not clear whether funding is being reduced or increased. made harder to obtain or easier you ling to Bands does not work so I have no idea whether the new bands are good or bad. As a governor I know how hard it is for schools to get ehcip plans agreed and usually they are rejected first time. School budgets are already stretched and any reduction in SEND funding will result in pupils not getting the help they need and disruption to other pupils as problems in class caused by these pupils disrupt learning for all					There is no cost reduction identified in this proposed change to a banding system. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
124	YP	How many times can people fill this in??? Two people hired at minimum wage can complete this several hundred times. Disgusting.					Criticism of this survey noted
125	Not noted	Just looks like a way to save money					No savings are required from this proposal the local authority has a statutory duty to meet assessed needs of children and young people. The local authority is responsible for ensuring efficient and transparent use of public monies
126	Not noted	Education should be freely available to all children and when they are at a greatest need, be it by reason of health, family circumstance or outside influence, complicated application processes are going to act as a deterrent.					Comments noted, no direct response required – this appears to relate to the EHC Assessment process.
127	P	This will make it even harder for children with SEN to gain funding					Concern noted – there are no cost reductions identified in this proposed change to a banding system. There are clear regulations in terms of funding for children and young people with SEND. This system provides greater transparency
128	P	I'm sorry to sound negative but yet again it's just another cost cutting exercise! & can someone tell why you have made the supporting information for this particular survey so confusing to read. We have children with disabilities,					Concern noted – there are no cost reductions identified in this proposed change to a banding system. This is the first consultation on high needs budget proposals. Previous

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		which means are lives are totally consumed. Which means finding the time to sit down and unravel all of the information to make some kind of sense is just impossible. Why were we only told about this consultation one week ago? Why are we having yet another consultation? Where has all the devious feedback from all the other consultations gone? I think this is totally unfair.						<p>consultations around the strategic plan for SEND resulted in the final version which was approved on the 4th September.</p> <p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p>
129	P	It is not meeting the needs of my child						Comments noted, no direct response required – not sure if this relates to current system or concern over proposed system
130	P	The county are currently not meeting need and fulfilling current EHCP's. Further cut backs are going to have significant impact on childrens learning and safety. NYCC have just increased budgets for adults yet our children are facing further detrimental cut backs. I have already had to have [REDACTED] this term because under existing budgets school are struggling to manage behaviors and keep children safe [REDACTED]						<p>The LA is committed to meeting identified needs and there are no savings attached to this proposal The local authority has a statutory duty to meet assessed needs.</p> <p>National government have provided more funding to Adult Services which is why this budget has shown some increase.</p> <p>We are of the belief that national government has not fully recognised or funded the implications of the SEND \reforms introduced from September 2014</p>
131	P	My child , who currently has a EHCP and is unable to cope in mainstream school would most likely fall into the 1-3 banding under the new proposal, if implemented this means my child would not be able to access education , causing further isolation, distress - emotionally , mentally , physically and heightening the risk of self harm which could be fatal.						<p>No child with a current EHCP will fall into bands 1-3 – these are for children at SEN Support level. All children with EHCPs will continue to have a funded EHCP at level 4 or above.</p> <p>We will work closely with parents if this system is introduced to make sure that children are receiving the support required to meet assessed needs</p>
132	P	We have not enough information to make a reasoned decision. What are the issues with current situation? Only by knowing the current problems can we recommend						The High Needs Officer group and the High Needs Budget Sub-group were provided with information related to issues with the Can-Do and a comparison of the Can-Do with possible

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		changes; Where is the baseline description of the current system or analysis of its failings? Your proposal tries to compartmentalise children who are, by the very nature of their needs, individuals. You say the current CanDo system is child centred (as it should be under the C&F Act) yet nowhere do you say the new system is, we can only presume it is not; therefore, contrary to the C&F Act. You fail to adequately explain how this will benefit the children. Your EIA recommends improvements needed but does not identify what they are or how they will be implemented, if at all. It also says you will not know the effects on the children till you implement the changes. This strengthens our feeling the staff in the NY SEND dept. have absolutely no understanding of SEND children, all you are interested in is money.						alternative funding methodologies. Within that group, officers with a range of experience of working with children and young people with SEND (including Teachers, Therapists and Social Workers) were involved in developing this proposal. The current proposals were developed based on their feedback and analysis of the information gained from that research. The improvements required formed the benefits identified in the consultation that any change should achieve. The Equality Impact Assessment was considered before and after the consultation and has been updated to identify mitigation We believe that the benefits would be realised by this proposed banding system.
133	P	Having read the full consultation (as well as the Easy Read), I'm still unclear as to what specifically is changing and how that will affect day to day. However, from conversations and communications with Selby Rubicon, I can understand just how damaging this will be for my child. Also, I'd like to highlight the Easy Read version of the proposals. I'm sorry but this document is frankly ridiculous. All three "ideas" are just generalised statements about helping children. They're not specific about anything and most people would read and agree with them all. Or is this the intention? You haven't said what specifics are or what the implications are. Most people will not wish to spend a huge amount of time reading the full proposals so will just scan the Easy Read. Therefore the feedback via a subsequent survey is fundamentally flawed. No one knows what they're agreeing to or commenting on.						Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.  A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested



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ID	Type	Comment or question	SA	A	N	D	SD	Response
134	P	A child's needs change rapidly depending on transition or class year. Many delays happen due to applications for funds and schools that are authority owned still not accessing appropriate training on funds and accessing appropriate external advice. The academies are further delayed. It's a subjective field and Sen needs more qualified assessors at lower level						This response is noted.
135	P	██████████ provided my daughter with the excellent support for her to be able to continue into further education at college which main stream high school failed her needs , without this necessary support and guidance she wouldn't have be where she is today						Comments noted, no direct response required – relates to proposal 2
136	P	Unreliable subjective!						Comments noted, no direct response required – unsure if this comment relates to this proposal, to can-do or to new banding proposal
137	P	This would severely impact the funding for The Grove Academy in Harrogate. Regardless of whether children have an EHCP or not, this setting is absolutely essential in catching children with special needs, difficulties, mental health issues or illness, those who for whatever reason absolutely cannot access mainstream education and respond well in this smaller, nurturing environment which facilitates them to have the confidence and wellness to get back into mainstream society and education afterwards. The point I feel strongly about is that catching these difficulties early and 'putting the young person back on track' will save huge amounts of money later by reducing the likelihood that these young people will require access to services as adults whether it be criminal justice, welfare, education,, support, care, medical. TGA in my experience provides invaluable short term intervention in a very skilled and supportive way, to allow these young people to 'fly'.						Comments noted, no direct response required here – this relates to proposal 2

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ID	Type	Comment or question	SA	A	N	D	SD	Response
138	P	I don not believe the bands take into account social deprivation and the years of under funding coastal towns have experienced. Just at a time when these issues need to be addressed, changing the funding stream is proposed. You cannot put the same levels of funding to Harrogate as Scarborough.						Funding is allocated to an individual child's assessed needs which will include needs resulting from deprivation factors
139	P	Because the danger is that as you just give a band number, the money allocated to it can then be lowered at a later date. The banding values, and the banding itself, are just policies. What happens if the LA changes the policies? If the banding values are not put up regularly then in fact it would be a real term cut. Information on whether the band will be put on the EHCP was not given - if you decide to put banding information into an EHCP instead of specific detail on SEND provision. Further detailed information and reassurance would be needed for this. The 2015 SEND Code of Practice, paragraph 9.69 says that "provision must be detailed and specific, and should normally be quantified." Putting a band (or a sum of money that the band attracts) in Section F of an EHCP isn't going to be enough.						<p>Accept that any resource allocation system may limit individualised response however, LA also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen in the majority of cases. There will be cases that do not fit the banding system and the Local Authority is aware that they are still responsible to ensure funding is available to meet need and will do so outside of the banding process.</p> <p>Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Funding to each band would be reviewed at least annually to ensure that there was sufficient allocated to deliver the identified provision. The LA is committed to meeting identified needs and there are no savings attached to this proposal</p>
140	P	This is been fought at court at Hackney CC. Children don't come in banding brackets. Needs should be determined by the child in question and not by which banding bracket they best fit.						<p>We accept that any resource allocation system may limit individualisation. However the local authority has a statutory responsibility to meet need and to provide appropriate funding to enable this to happen. The LA is also tasked with being clear and transparent in how funding is allocated and to have clear principles and methodology in how funding is determined. The banding system provides a framework to enable this to happen but as necessary the local authority will be flexible in terms of small numbers of children that do not fit the banding system . The Local Authority is aware that they are still responsible to</p>

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

To what extent do you agree with Proposal 1? (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).								
ID	Type	Comment or question	SA	A	N	D	SD	Response
								ensure funding is available to meet need and will do so outside of the banding process.  Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Funding to each band would be reviewed at least annually to ensure that there was sufficient allocated to deliver the identified provision. The LA is committed to meeting identified needs and there are no savings attached to this proposal
141	P	I have never experienced all services attending any EHCP or statement review. Services often do not submit information, services do not communicate with each other. It needs one lead. One service responsible						Comments noted, no direct response required – comment relates to annual review meetings not proposal 1
142	P	no flexibility						Concern re: lack of flexibility in banding methodology noted. The Local Authority is aware of its duty to meet individual assessed needs and will ensure that it does so – in the majority of cases through the banding system if approved but on an individual basis where necessary.
143	P	There was very little information available at the parent consultation or online regarding the descriptors in the proposed range for funding. It is not possible to have an opinion on something with only half the information. It is a huge concern that whilst the council say it is not a “cost saving exercise” the concern will be that the criteria will be tightened to the point that children miss out on funding under the new system who would have been entitled under the old. The information given currently re the range descriptors is a basic summary at best and worryingly subjective in my opinion						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
144	P	Your EIA shows you are putting the meeting of my son's needs in danger, he is secondary aged, a boy, and has SEN. You are planning to break the Equality Act 2010 which require you to improve his equality status. You must change the proposal immediately. If you act illegally,						The LA are fully aware of the legal obligations it has to the children/young people in its area. This needs to be addressed in EIA – combined protected characteristics – and has been done

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		which you are planning to, I will take legal action against you.						so before the consultation and also after the consultation considering the consultation feedback.  The LA are paying due regard throughout this process, including developing the proposals pre consultation and also considering the consultation responses.
145	P	The proposals on sixth form for students with a Learning Disability will mean that children will not have adequate provision whilst attending main stream settings if children do not have access to 25 hours of education they are not supported. Sixth form courses for children with learning disabilities in harrogate within mainstream do not exist and mainstream education within secondary education is poor it will does not meet the needs of children with a disability. The authority needs to concentrate on creating more special schools and giving parents a choice .						Comments noted, no direct response required – this response relates to proposal 3
146	P	I disagree with children attempting to boxes, particular ten boxes we couldn't see the full criteria of at the consultation.						Accept that any resource allocation system may limit individualised response however, LA also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
147	P	I do not feel able to fully make a decision on this as the information provided is not a full descriptor of the ranges as they are not yet complete and we were signposted to the Bradford website to find them. This consultation is in regard to NYCC not Bradford therefore it is not a full or thorough consultation. More time is needed for people to see the full information						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. During the consultation process, the overview of the descriptors was available both printed in the meetings and on the website.
148	P	1. Banding does not guarantee that a child's needs are met. The law is clear that the EHCP process should work						The LA has a statutory duty to meet the needs of a child/young person with assessed need. If this proposal is approved by

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ID	Type	Comment or question	SA	A	N	D	SD	Response	
		to identify all needs and provision, and that the draft should be sent out to consultation with education placement of the parent's choice, for the placement to say what they would need to be able to meet these needs and make necessary provision. "Banding" has no legal place in this process, no more than the CAN-DO did. 2. For those on the autism spectrum, for example, needs will be complex and varied, often co-morbid conditions will exist too, and these are unlikely to fit neatly within the banding boxes. 3. The "Consultation" provides a link supposedly to full descriptions of each banding, but this link does not lead to it, therefore the consultation is flawed due to insufficient information.							Executive that will not change. However, the LA is also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed
149	P	I need more time and fuller information to be able to properly consider this proposal							Request for more time noted but we have conducted a thorough consultation within a reasonable time scale
150	P	EHCPs must by law be based on individual needs. Banding is incompatible with the Council's statutory duty. The Council spent millions developing CANDO which was money that could have been spent on children. It is this strategic fault and waste that means the high needs budget is overspent. Children are paying for Managers failings. Councillors must provide better oversight. eg Cllrs have recently voted in SEND plan to reintroduce a system that was phased out 8 years ago - the argument then was it would save money to move to a central system - now we are being told the opposite. CANDO provides a fuller picture of the child and useful conversations about needs out of school. A huge amount of money has been spent training schools in CANDO. Recent Parliamentary Select Committee indicates banding is likely to be found to be unlawful and incompatible with aims of Children & Families Act.							The LA has a statutory duty to meet the needs of a child/young person with assessed need. If this proposal is approved by Executive that will not change. However, the LA is also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Concern re: money and time spent on developing Can-Do noted  We do not agree with your comments regarding millions of pounds being spent on the CAN Do system
151	P	I strongly disagree with this proposal: - Each child or young person, and their needs, is unique. Their needs must be fully assessed and the appropriate resources allocated to meet those needs. Using bands assumes							The LA has a statutory duty to meet the needs of a child/young person with assessed need and to provide appropriate funding accordingly.

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**To what extent do you agree with Proposal 1?**

(Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).

ID	Type	Comment or question	SA	A	N	D	SD	Response
		children are not unique. – Grouping children into bands means that some children in each band will not get enough resources to meet their needs, while others may get more. This does not seem a sensible approach to using a limited budget. – The descriptions of the bands include a description of the child’s attainment (in terms of how far behind their peers they are). A child may not be that far behind its peers or able to access a differentiated national curriculum, but only because of the additional support being provided through an EHCP. But these achievements could lead to a lower banding and loss of the funding that enables them. Again, not a sensible system. I have more comments, but you have limited the word count!						<p>If this proposal is approved by Executive that will not change. However, the LA is also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen.</p> <p>There will be a small number of children and young people that do not exactly align in terms of need to the banding and the funding form these children will be agreed with professionals and parents.</p> <p>Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed</p> <p>The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.</p>
152	P	Children thrive in a safe educational environment with specialist teaching.						Comment noted
153	P	I believe the proposals will mean the existing help being provided for children will be reduced. Only the most severely affected will get any funding. Therefore, with out funding the number of staff the school can afford is going to be reduced, and the staff they have will be allocated to the children who need the most help. Therefore, the other children will not get the help and this will affect their adult life. At secondary school the help needs to be there from year 7. If they have to be 2 years behind before help is given they will not be able to catch up, be able to do GCSEs effectively and this will mean they will not be confident moving into adult life. The help they receive at						<p>Mainstream Schools receive funding in their overall budget to support children with SEND – it is called the notional SEN budget. Children with EHCPs will draw down additional money through the banded system if the proposal is agreed.</p> <p>Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.</p>

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To what extent do you agree with Proposal 1? (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).									
ID	Type	Comment or question	SA	A	N	D	SD	Response	
		school will affect the rest of their lives and needs to be prioritised as soon as they start secondary, so they don't fall behind in the first place and giving them confidence to move forward.							
154	P	It is quite clear from these proposals that support will not be provided in Bands 1-3 will significantly disadvantage many. The plans to deal this through quality-first teaching and SENCOs is simply unrealistic. I have seen first hand about the current lack of resources which are available in schools and the strain being put on SENCOs - removing the funding as proposed will negatively affect the outcomes of many.							Bands 1 – 3 identify a level of need that is currently met through the delegated Element 2 budget into schools for children and young people at SEN Support Mainstream Schools receive funding in their overall budget to support children with SEND – it is called the notional SEN budget. Children with EHCPs will draw down additional money through the banded system if the proposal is agreed
155	P	The banding is based on Bradford's system. For children with mental health needs the CAMHS service in Harrogate does not have the skills to assess our children and will not assess them. I can't imagine this is the case in Bradford. Harrogate district Hospital does not see the need to give our children a diagnosis which I believe to be different from Bradford teaching Hospitals. Also NYCC make it difficult to get an EHCP for our children.							Comments noted, no direct response required – comment relates to access to CAMHS and EHC Assessment process  The local authority is intending to review the educational provision for children with medical needs including mental health and this will be subject a separate consultation in2019
156	P	Your banding system, leaves children with complex needs without the funding they need to progress fairly. It is purely cost cutting.							There is no cost reduction identified from this proposed change to Element 3 allocation  The local authority has a statutory duty to meet assessed needs of children and young people with SEND . Children withb highly complex needs will be in the higher bands and there will always be flexibility in terms of applying the bands to ensure needs can be met. Parents also have the right of appeal if they are dissatisfied with any aspect of the EHCP and this will not change
157	E	The ECHP funding was assessed on a banded system before the current can-do system - this was replaced as it did not work - why do you think that this will work now after it has been proven not to in the past? How can people consult on these proposals when you have not given the full descriptors for each bands? Why are students in bands 1-3 not given any funding? with the							Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Over the 4 years since the SEND reforms were introduced a range of different systems for E3 allocation have been tried across the country with different levels of

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		higher level descriptors you have given these students could have significant need and not be entitled to any support - how will teachers be able to manage these without the funding for TA's?						success. The proposed model is based on the Bradford model which has been evidenced to work effectively.
158	E	This proposal will effectively terminate the outstanding provision provided at Grove Academy PRU. Nothing less. It is an insult to the dedication and outstanding team work and practice. It is a rejection of the the needs of the children who attend. It offers nothing to the support of them and their families.						Comments noted, no direct response required – this comment relates to proposal 2
159	E	I have some grave concerns regarding the proposal to change the High Needs Budget to the proposed banding system in Proposal 1. My concerns are related to the amounts of funding proposed matched to the needs of the children. At Range 3, as you will be aware, a child may be attaining at more than 3 years behind expected levels despite differentiated learning opportunities and concentrated support and yet the proposal is for there to be no funding to support children such as these. How can a small school, such as ours, adequately support a range 3 child? I have further concerns about the additional stress that this would place on the teaching and support staff. We already struggle to recruit in our location and this would have a significant impact on staff retention. It is further worrying that a Range 4 child who will have difficulties that strictly restricts access to the National Curriculum would only be funded for £1,160. This doesn't cover the cost of an additional teaching						Element 2 funding is already available with the school to support pupils with SEN at SEN Support level. At band 4 a child would receive a top up of £1160 in addition to the £6000 available at SEN Support level. An EHCP for a band 4 child would not require a full time Teaching assistant – if that were required and stated in the EHCP then a child would not be banded lower than band 7.
160	E	The proposals seem incredibly harsh and there is no mention of post 16.						Concern noted. The proposed change is designed to cover all stages of education including early years and post 16 so no key stage is specifically mentioned in the proposal – please see consultation summary.
161	E	2700 students presently have EHCP's in North Yorkshire. It was stated at a consultation meeting that they are all presently funded. (Although this was disputed at the meeting. I asked how many of these 2700 students would						All 2700 students with EHCPs have funded EHCPs. No child would have their EHCP removed and be moved into SEN Support level as a result of this proposed change to a banding system to allocate element 3. Bands 1-3 are SEN Support level.



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		fall into the banding for no funding. No answer was given. Disgusting way to hide cuts.						Subject to the proposal being approved, all children with EHCPs would be moved onto at least band 4. The person who challenged that there were unfunded EHCPs in North Yorkshire contacted us to say that he couldn't find any details of this or identify any SENCO that he claimed had stated this.
162	E	SEN funding is already insufficient so further cuts would be devastating						There are no cost reductions identified as a result of this proposed change to a banding system to allocate Element 3
163	E	Mainstream schools are expected to have the resources for teaching children with difficulties that significantly affect their access to the national curriculum, social emotional curriculum and all aspects of school life; we do not have the resources for this. To quote range 3 'need the support of an adult' - which adult? 'May require additional support following an Education Health and Care Assessment' - assessments are being refused, where does the additional support come from when schools are working to full capacity?						All schools should be inclusive and should be able to meet the majority of Special Educational Needs as per Section 100 of the Children and Families Act 2014 and duties within Equality Act 2010 and SEND Code of practice. In order to do this, schools have element 2 funding to meet the needs of children at this SEN Support level
164	E	Most children in mainstream settings (unless they have medical needs) would fall into band 4 and therefore top up funding would total £1,160. Schools rely on the additional funding currently given to children with EHCP's and cannot fund the additional amount that will be required with the significant reductions in core school funding						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. On the modelling we have done so far there is a spread of allocation in mainstream between bands 4 and 7
165	E	Alternative provision for young people is seriously lacking in the Scarborough and has done for some time. The PRS does not have any places for early intervention and with cuts to funding this will never improve. Scarborough is a high need area of funding should to increased to help support the needs of young people and improve their life chances.						Comments noted, no direct response required – relates to proposal 2
166	E	The banding criteria will lead to cuts in funding for pupils in mainstream school and impact on the provision available. This will mean pupils not being able to reach						There are no savings identified from this proposal

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<b>ID</b>	<b>Type</b>	<b>Comment or question</b>	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>	<b>Response</b>
		their full potential and being denied an appropriate education						
167	E	The Banding system has already been used and does not work. The banding system is incorrect for this area- Scarborough						Concern re: banding methodology noted The new banding system if agreed has been subject to significant testing and as with any new process will be subject to review after 12 months so any issues can be addressed
168	E	The banding lean heavily towards learning levels being 12 months + behind their peers and pupils having C&I and ASD needs. The needs of pupils with a physical disability, who may be cognitively at an age appropriate level, but may require an adult to scribe for them, an adult to help them with toileting or to change their pads because they are not toilet trained at KS2, 3 and 4, or cannot weight bear to get on to a toilet seem to be have been forgotten. The needs of pupils who require a trained and skilled adult to do gastrostomy feeds, change colostomy bags, do a catheterisation procedure or do tracheostomy care are also not included in the banding system. A pupil with a tracheostomy CANNOT attend school without a trained, full time person working with them. Any blockage or the tracheostomy coming out could also be life threatening. Some children require frequent suctioning via their trache. These pupils have a clear need. There will not be a rush of pupils if they are funded!						Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. The descriptor overview shared during the consultation did not go into specific detail around different needs. There will be more comprehensive descriptors around physical and health needs as well as around communication and interaction needs and ASD which are not related to cognitive delay but highlight the needs of that individual and the type of support (and quantity) required to meet those needs.
169	E	The Grove Academy in Harrogate (Pupil Referral Service) does an amazing job. They get a variety of youngsters who have been excluded from school for one reason or another and more often than not sort out their problems and are able to slowly integrate them back into mainstream education. The pupils are often violent and that is why they have been excluded in the first place. If these cuts in finance are implemented there will not be enough staff to deal with the numbers of pupils are that referred by the schools to the Pupil Referral Unit. The schools in North Yorkshire do not have the facilities to						Comments noted, no direct response required – comment relates to proposal 2

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ID	Type	Comment or question	SA	A	N	D	SD	Response
		deal with violent pupils. There are many pupils that simply cannot cope with mainstream school and are referred to the Pupil Referral Unit and sometimes after a fairly short period work between the Unit and School. The results at GCSE are very promising and the pupils have far better outcomes than they would in mainstream school. [REDACTED]						
170	YP	Not enough accessible information available to be able to agree.						A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested
171	Not noted	How will this be funded.						Funding allocated to each band as described in the consultation document. Funding comes from the high needs block for top up funding for EHCPs
172	Not noted	Each child is different and needs their needs met.						The LA has a statutory duty to meet the needs of a child/young person with assessed need. If this proposal is approved by Executive that will not change. However, the LA is also tasked with being clear and transparent in how funding is allocated and to have clear principles and method in how funding is determined. Need to balance these and we believe the banding system proposed allows this to happen. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed
173	P	I do believe that the current system has many flaws but unfortunately no system will be without its problems. I hope that local authority will not implement another system, that will be to the detriment of support currently given to children and young people with EHCP's,	No rating selected					No pupil with an EHCP will be moved to bands 1-3 – these are for students at SEN Support level. All EHCPs will be banded from 4 – 10. There are no savings attached to this proposal and the LA is committed to ensuring identified needs are met.

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<b>To what extent do you agree with Proposal 1?</b> (Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system).									
ID	Type	Comment or question	SA	A	N	D	SD	Response	
		especially pupils who would fall into band 1-3, and in theory will not be given any extra funding.							
174	P	I was unable to attend the information event I planned to attend in [REDACTED] this because my son was off [REDACTED] I do not feel well informed enough to comment.	No rating selected						A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested
175	P	Don't understand it at all	No rating selected						We recognise that the proposal is complex but we have worked hard to try to make the information as accessible as possible.
176	P	I can't agree or disagree as I don't feel the information given is clear. I have read all the supporting documents and don't have a clear understanding of what you are proposing and how it affects my child.	No rating selected						A summary document and easy read document were available – both checked by the Communications team to make sure they were accessible. Meetings were held so that we could explain the proposals. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested. We also placed the public meeting presentation and narrative on the web site so that people could see it even if they were unable to attend meetings
177	P	I'm afraid that I do not understand the proposal, what it will mean, and how it will affect us directly.	No rating selected						
178	P	I have been unable to have time to read the documentation fully & also not had time to attend a meeting I have not understood the proposal and so have not been in a position completed the survey I would query if changes would mean a reduction in the Funding my son would receive	No rating selected						
179	P	I have not had opportunity or time to read any information regarding this proposal. As a working parent, neither have I had time or opportunity to attend consultation meetings. Q2 & Q4 have not appeared on this survey so I have no idea what they were & obviously have been unable to answer them	No rating selected						
180	P	don't understand	No rating selected						

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ID	Type	Comment or question	SA	A	N	D	SD	Response
181	YP	I not know this one I don't know what banding means I do not know no one has siad it it is it is not fair you have not told us I do not like pictures in letters I am 19 not a baby no one tells us what anything is or means to us						No rating selected

**We asked:** Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out:

<b>Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.</b> Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
182	P	Remove the bands	No alternative suggested but comment noted
183	P	You have not provided enough information to allow a response from an informed perspective.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
184	P	I do not understand this question	Noted
185	P	It shouldn't work via a banding system. To quote the cliché, if it's not broken, don't try and fix it. Taking Selby Rubicon as an example, please look at the results and see how well it's doing. It cannot achieve this without adequate funding. Without adequate funding, you are effectively giving the children in schools like this on no chance. In the EIA document, this statement appears. "It is anticipated proposed changes to the current provision will impact more on the following: Young people with special educational needs and disabilities" I think this sums up the whole debate. This is the crux of the argument and the reason why we feel it is so wrong.	Comments noted, no direct response required – relates to proposal 2
186	P	See no value of having 0-3 as £0. May cause confusion . Reduce to 8 bands with 1 as £0	Noted suggestion to amalgamate bands 1-3 at SEN support level into 1 band.
187	P	A family and school should be able to identify what is needed as they know the child and then costing matches that current need like Nhs works. Not 1 blanket approach to finding and access to services	Noted suggestion to individually allocate. The local authority has a responsibility for ensuring transparent and appropriate allocation of high needs block funding to meet assessed needs of children and young people. The banded system provides a framework for this to happen but there will always be some flexibility in agreeing the funding for some young people.

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Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.			
Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
188	P	More money to this area it is grossly underfunded	Noted suggestion and will include in any future representation to central government who are responsible for allocating high needs funding
189	P	Don't!	Comment noted
190	P	To understand how debilitating mental and emotional needs are for a child and that this is a hugely increasing problem amongst young people and their needs must be included within the higher needs budgets. Mental and emotional needs are just as important as the additional needs listed in bands 4-10.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. SEMH needs and descriptors are part of this system
191	P	Current needs cannot be are not meet. Adding bands would just be a way of taking further money away from our already deprived children.	No alternative suggested. There is no spending reduction identified in the proposed change to a banding system.
192	P	We have not enough information to make a reasoned decision. There's no description of how figures were apportioned or how the system would be implemented. Who will decide which band an individual child falls into? Will there be an appeals system should a school and/or parent disagree with the band? Our child is autistic but does not immediately appear to be so; our friend has a child who is also classed autistic yet [REDACTED] or do anything for themselves; these two have very different needs yet both require one-one tuition. How would your banding system deal with this? If you want to save money, streamline your management structure and employ more frontline staff of a higher calibre than currently employed. Also, listen to recommendations of external specialists during EHCP process and use internal legal team rather than paying for expensive Barristers at tribunals. This would improve efficiency and save money; not hurt the very children you are supposed to be supporting.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Funding was allocated to each band according to the number of Teaching Assistant hours the provision would equate to. If parents disagree with the identified needs, provision or placement they can challenge this through the Tribunal system as currently.
193	P	Make the supporting information clear & transparent. Even the easy read does not make any sense to me. It's all confusing and doesn't tell me anything about what the changes are or will mean for my child's future.	Concerns about consultation process noted.
194	P	This provision needs the funding to allow it to help other young people as it did my daughter , it should be a priority and should never be closed down due to funding	Comments noted, no direct response required – relates to proposal 2
195	P	No banding	No alternative suggested
196	P	Do not load them in favour of the authority, together with establishing punitive criteria.	There is no spending reduction identified as part of this proposed change to a banding system
197	P	irrelevant see q5/6	Comments noted, no direct response required

## Appendix 3A

## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out. Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
198	P	See comment above. I do not have enough knowledge of the way money is allocated to CYPS or what the other pressures are to make a sensible suggestion about how the values should be arrived at.	Comments noted, no direct response required – unable to link to previous comment
199	P	There is no way for a parent to judge if these values are adequate for the provision required. How do these figure compare, for example, to a non SEND mainstream provision in primary/secondary. Does this include budgdt for education related health needs etc?	The values are costed equated to the number of Teaching Assistant hours required to deliver the type of provision identified in the plan. Regardless of where the young person attends, the funding is allocated to meet their identified need. Physical disability and health needs are included in the banding descriptors. For the most complex needs which are not covered by the descriptors, band 10 will be used to individually allocate to the child.
200	P	Again it depends on which banding would be allocated to which child? What information would inform the decision on which band to put them in?	The information in the EHCP will be compared with the descriptors to determine which banding.
201	P	It seems clear that the model has changed from supporting students to requiring schools to demonstrate why a student should be allowed funding	We need to ensure that allocated funding is spent on provision identified in the EHCP therefore it is important that schools should evidence the provision in place so that parents, children and young people know that they are being supported as they should be.
202	P	Until you can answer my points above at Q6 it is difficult to suggest an alternative.	Unable to respond as the responses do not link to previous responses
203	P	What is this bench marked against? How have these values been determined.	The values are costed equated to the number of Teaching Assistant hours required to deliver the type of provision identified in the plan.
204	P	No funding for bands 1 to 3.	Funding for this is delegated to schools in their Element 2 calculation to support children and young people at SEN Support level.
205	P	There should be a social deprivation calculation in the bands.	Comment noted
206	P	I have a disabled children who has not entered education yet. I would like to compare the current funding amounts with the values in the new bands before I can decide if I agree or disagree.	We do not anticipate any savings from using the banding methodology. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
207	P	If Can-Do is not sufficient it would be wise to consult more closely with SENIDASS and Senco staff on the ground regarding a way to streamline the system that will in real terms make the process easier (to understand) and more in tune with individual need.	This has been discussed with SENCOs at SENCO networks and they are keen to remove the Can-Do. Many have worked with banding methodologies in other Local Authorities and are keen in principle to change to a banding methodology.
208	P	I haven't seen them	Comments noted, no direct response required
209	P	To need to concentrate on getting the EHCP issued correctly before you drop the Can do. This system is no different	Comments noted, no direct response required – comment relates to the EHC Assessment process not this proposal

## Appendix 3A

## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.			
Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
210	P	Don't know where the info is about the banding. I can't attend a meeting as I'm working. I keep getting letters but none of it makes any sense whatsoever. Why can't we just find out of our children's place at a special school is still available and stop us from worrying all of the time.	Comments noted, no direct response required – comment about placement at a special school Referred to SEN team but no name supplied
211	P	Need more information to understand the bands before can say if this will or will not work	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
212	P	Scrap banding and keep the current funding formula.	Comment noted to keep Can-Do
213	P	There is no way to answer other than no because we are not party to all the information about what things cost so this is an irrelevant question	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
214	P	If cuts are to be made then it should not be done using the same proportions for all areas of the county. Identify areas most in need and support improvements in those areas. Once academisation occurs in Scarborough for all secondary schools you may find that more students will land in the care of NYCC at which point provision for the most needy will be required more than ever.	There are no savings or cuts identified in this proposal
215	P	See above.	Comments noted, no direct response required – does not link to previous responses
216	P	Don't undersand	Noted
217	P	There is no way for a parent to judge if these values are adequate for the provision required. How do these figure compare, for example, to a non SEND mainstream provision in primary/secondary. Does this include budgdt for education related health needs etc?	The values are costed equated to the number of Teaching Assistant hours required to deliver the type of provision identified in the plan. Regardless of where the young person attends, the funding is allocated to meet their identified need. Physical disability and health needs are included in the banding descriptors. For the most complex needs which are not covered by the descriptors, band 10 will be used to individually allocate to the child.
218	P	For all the reasons above. More information is needed	Comments noted, no direct response required – cannot see "reasons above"
219	P	Pupils mentioned above with major physical and medical needs should received funding, even if they are cognitively able. Without support, these pupils will not thrive in school and thrache pupils cannot attend school, due to the insurance implications. insurance@northyorks.gov.uk or the academy's insurer needs to be satisfied that suitably trained staff are available the whole time the pupil is in school.	Physical disability and health needs are included in the banding descriptors. For the most complex needs which are not covered by the descriptors, band 10 will be used to individually allocate to the child.



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Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out. Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
220	P	The funding for a PRU is significantly more than an young person in a special school. I'd agree to the banding if it was an indicative banding with scope to vary.	Comment on PRU funding – is this related to proposal 2. Comment noted re: indicative banding with scope to vary
221	P	Cannot find the bands and his you allocated them, a lot of info repeated , very hard to navigate	Comment noted re: information and process
222	P	Not enough information n to agree to this	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
223	P	The process should be based on assessment of the unique needs of each child or young person, with appropriate resources allocated to meet those needs. I fundamentally disagree with the proposed banding process.	Comment noted re suggestion that funding should be allocated on an individual basis
224	P	I don't think you have clearly explained how you have worked out the funding values so suggestions cannot be made. You also have three bands that qualify for no funding whatsoever?	The values are costed equated to the number of Teaching Assistant hours required to deliver the type of provision identified in the plan. Regardless of where the young person attends, the funding is allocated to meet their identified need.
225	P	Keep staff and pupils in PRU's.	Comment relates to proposal 2
226	P	I think the values of the higher bands need to be shared more lower down the bands so that each band has some value attached to it. This is particularly important in small schools who have a lot of children who would be in the lower bandings.	Comment noted re: range of funding across the lower bands
227	P	With out understanding the criteria for assessment for each banding I cannot agree that you have worked it out fairly. I understand the need to reassess funding and look for creative and innovative ways to use funds to there best advantage not only for NYCC but also for those accessing services. As a parent supporting their child in a system that can be difficult to navigate I need more information to answer this question fairly and without prejudice I.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
228	P	I cannot see in proposals how they are going to be worked out.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
229	P	The detail around the bandings is not there i.e. not finished. Cannot agree if do not have the detail	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
230	P	The existing system	Comment noted to keep can-do

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.			
Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
231	P	Simply put, funds should be transferred elsewhere from the LA budget. The fact that you will be withdrawing support from some of the most vulnerable children in our society is scandalous and the argument about the budget from central government is weak.	We are not making any cuts or savings as part of this proposal
232	P	Unfortunately I don't understand them so it is not a yes or a no! It has never been explained to me how they work. My understanding from mainstream school is that children can't be assessed for an EHCP until schools have proved that they are putting in 20 hours of support (i.e a TA post) I don't see how the delegated SEN funding with the middle range of the bands would be enough to fund a Teaching Assistant for 1:1. It may be that school is misinterpreting this but our impression (and experience a few years ago) is that either children struggle on with possibly an occasional TA led group intervention or inconsistent support "piggy backed" from a TA supporting a child with an EHCP or they have 1:1 TA support. There doesn't seem to be provision for the kind of support our autistic children need.	The banded system has been formulated on teaching assistant hours but schools will have flexibility in terms of how they use the funding to meet need. Some children may require additional teaching assistant support but others may need specific interventions and approaches from the team working with the child.  If the new proposal is agreed and bandings are allocated then these discussions need to be had around individual children and their needs
233	P	After reading your proposals I found it to be a little woolly in its terms used to determine banding	Sorry you found this. We have tried to provide an appropriate amount of information to help people decide on the principle to move to a different funding framework. A detailed implementation plan including moderation, application to individual children and training on the descriptors have been developed and shared if the proposal to change E3 allocation system is agreed.
234	P	I have answered "no" because I could not find any information on how the banding had been calculated.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
235	E	The bandings should be more inclusive to ensure that schools received more than £1,160.	Higher bands allocate higher funding than £1160
236	E	More transparency needed in terms of how this has been calculated.	Funding was allocated to each band according to the number of Teaching Assistant hours the provision would equate to. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
237	E	Decisions have been made in isolation and those who have proposed them have not worked directly with learners with SEN	High Needs Officer group and High Needs Budget sub group includes people with direct experience of previous or current working with learners with SEN including teachers, head teachers, therapists, social workers and Autism specialists

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out. Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
238	E	Is it possible to work out the cost of interventions I.e play therapy per session, 1-2-1 per hour and allocate according to the provision based on the desired outcome	To some degree yes – teaching assistant hours would be part of the descriptors but they do not include every possible provision option so if something else was stated as a provision in the EHCP, we would expect that to be costed so that we could ensure the banding identified was able to cover that level of provision
239	E	Students in the non funded banding were described as those who were 'three academic years' below their expected achievements. How is a main stream teacher expected to differentiate work in year 7 when some (none funded EHCP students) are working at year 4 level.	SEN support covers up to a 3 year delay in cognitive development. The code of practice is clear that mainstream should be able to differentiate to that level.
240	E	I just don't feel like the Banding system is 'fair'	Noted – no alternative suggested
241	E	I have no faith in what you are doing; you simply want to save money as a result of your poor planning and decision making. You seem to have no respect for or even awareness of the quality and expertise in SEND education that you are planning to destroy.	There are no spending reductions identified in this proposal.
242	E	See previous provisions and values .	Comments noted, no direct response required
243	E	In order to answer this, we would need to have all of the SEN funding information.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Funding is allocated to each banding according to number of Teaching Assistant hours as explained in the consultation.
244	E	At the staff "consultation" on Oct 16th 2018 we were only shown a so-called "summary" and this was used to excuse the evident harshness of some of the ranges, especially 1 to 3, and to dodge the issue around post-16 EHCPS.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Bands 1-3 are for children at SEN support level – no child with an existing EHCP would be transferred onto those bands. Post 16 EHCPS are part of the banding proposal which is designed to cover all ages from early years to post 16.
245	E	Look at the categories and discuss the issues with the experts in the special schools and PRU's. It is part of the PRU's job to get an EHCP for a pupil. I have taught Down's children and they have higher needs than category 1.	Comments noted, no direct response required – unsure if this is related to proposal 2
246	E	See above	Comments noted, no direct response required
247	E	I feel if the issues were targeted sooner at a primary level and the funding put there then the future impact would be less. By the time these children hit secondary education for many it is to late the damage is done.	Noted request for early intervention

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

**Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.**

Comments are from respondents who selected 'No':

ID	TY PE	Suggestion on how values can be worked out	Response
248	E	My first impression is that the banding streams are very broad and could see children losing significant funding when allocated a band.	Noted concern about breadth of band – would also mean some children would receive more funding than under the can-do
249	E	We do not know enough about the way in which the bands have been calculated to agree.	Noted approval for banding methodology. Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support). We appreciate funding concerns for schools in terms of their element 1 and element 2 funding as part of changes to the national funding formula. This proposal has no impact on these.
250	E	The banding itself makes sense and appears to be appropriately incremental based on need. The issue is around the financial support allocated to each band. There will be a large number of schools who are simply unable to meet these needs at Wave 1 due to a number of factors such as existing needs in the class, support available in the class and school, size of school, experience level of staff within a given class/school. This will put outcomes for vulnerable learners at risk.	Additional funding for SEN support (bands 1-3) already identified and available to schools as Element 2
251	E	Concerned at Band 3 - 'significant' needs outlined, but without additional funding.	The top up funding on top of element 2 (£6000) at band 4 will be sufficient to deliver the provision identified at that level in the EHCP
252	E	Band 4- really- what will that additional funding allow schools to provide. Schools make 'reasobale adjustments' all the time, yet high needs pupils need significantly more than any additional funding-this takes from the allocation for 'average mainstream pupil'.	The top up funding on top of element 2 (£6000) at band 4 will be sufficient to deliver the provision identified at that level in the EHCP
253	E	Need to take into account the size of the school trying to educate ALL pupils.	Comments noted, no direct response required
254	E	It is not particularly clear how this has been worked out. Overall the resource in the lower bands seems not enough compared with present.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
255	E	Band 4 is underfunded, many children who currently need 1 to 1 support will fit this category.	If full time 1:1 support is identified as a provision in the EHCP then this would equate to band 6 or 7 support. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
256	E	My answer should really be 'don't know' as there is insufficient information for me to be clear on this.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
257	E	do it on assessed need and the provision needed	Comment noted and the LA is under a statutory duty to make this provision for assessed need

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out. Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
258	E	Need information on how they are calculated first.	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support).
259	E	Some children will not be given support they need .	All children will receive support as identified in their EHCP
260	E	Don't know, can't see banding levels information.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
261	E	We disagree with the banding system. It should be based purely on individual need	Comment noted that resource should be based on individual need
262	E	there isn't enough information on how the bands are arrived at to comment - some worked examples would have been helpful	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
263	E	Leave it as resourced	Not sure if this means you wish to keep the Can-Do but noted as such
264	E	You have not provided information as to how the banding system has been worked out so we cannot be expected to answer this question. It is not acceptable to allow feedback to be provided when clear information on the above has not been provided.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
265	E	Not enough information to make an informed decision.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
266	E	The banding levels seem to provide hardly any significant financial support until band 6 or above is reached, some of the criteria could be clearer.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
267	E	We do not know enough about the way the bands have been calculated.	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support).
268	E	Do not dispute the banding categories but the funding attached is too low in our case.	Approval for banding methodology noted. We have not yet modelled on individual cases but do not anticipate any savings or cost reductions as a result of this change
269	E	I don't understand this element or what it means C's the funding levels currently available for my child	Comments noted, no direct response required
270	E	Because we simply don't have the information for each of the bands. We have the monetary figure but that's meaningless without the actual information which tells us what each band consists of. . Its also all about the professionalism of those who are assessing children for their place on the ranges. Rubbish assessments will give inaccurate information, leading to an inappropriate place on the range which, if funding is insufficient, will	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.			
Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
		mean schools will struggle which ultimately could lead to pupil exclusion as the right support was not provided.	
271	E	I have seen no information in regard to how the values were worked out as it was not provided in full detail.	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support).
272	E	Carry out an individual assessment of need as is required by law for every child with an EHCP which generates an exact budget.	Comment noted to allocate resource individually
273	E	I do not know enough about how the new bandings have been calculated to agree	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support).
274	E	do not understand them	Noted
275	E	We have no clue as to how much money the people in each band require. We cannot see how you have worked that out within the documents we have seen. You are asking a lot of main stream schools to manage band 3 children for nothing.	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support). Bands 1-3 has element 2 funding delegated to each school's budget to support the children.
276	E	See previous comments. One off awards could also prove useful	Unable to see previous comments – no response required
277	E	I feel strongly that this should be modelled for all the special schools at least. I worked in an authority where the banding descriptions were written by the special schools so that they came to an agreement together.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Indicative modelling has been completed and shared with the special schools but we cannot give accurate information until after the consultation and the recommendations have been made and approved.
278	E	There is not enough clarity around this- so I can not comment on the specifics. I have read some of the descriptors but not every one for every condition. I work in an environment where we use a point based outcome measure. People never fit into a category and then a best fit is used. This will be the same for the banding. So it will not lead to a the same child being banded by everyone across the county, which is the main goal of setting up the banding.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
279	E	Monetary value may not be sufficient.	Noted concern re: funding allocation to band
280	O	Money should not be cut from the schooling of vulnerable children	There is no spending reduction identified in this proposal
281	O	Again I cannot access the bands information to give a reasoned view. I suspect the funding will be less and this is totally unacceptable given the dire state of school budgets and this is an attempt to save money at the expense of the most vulnerable.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. There is no spending reduction identified in this proposal.

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## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out. Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
282	O	Take into account the needs an individual has. SEND is not a money making scheme it is necessary to help vulnerable pupils reach their full potential!!!	Comment noted to allocate resource individually
283	O	Haven't seen banding values to be able to commen	Banding values were in the consultation document.
284	O	By looking at the number of TEaching Assistance hours each child require, which would be specified in the ehcp and allocating appropriately	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support).
285	O	As above, I have not had access to enough information to allow me to make an informed response to this question.	Comment noted
286	O	This appears to be a major cost cutting exercise and the children lose out	There are no savings attached to this proposal
287	O	Clearer need descriptors - see above for ■ comments A diagnosis is not enough - this does not link any more to the EHCP than the can- do does My daughter cannot access any of the curriculum or keep safe in school with no other issue so could fit ranges 4 to 10.	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
288	YP	I think that this is classed as an unfair way of allocating budgets.	Concern noted. No alternative suggested.
289	YP	There is no information regarding the previous allocations - I am left to compare with nothing. The documentation is somewhat disingenuous	Previous allocations were a range rather than a banding methodology so it is not possible to compare the 2 systems
290	YP	the bands have not been calculated correctly	Comment noted. No alternative suggested
291	YP	The banding is based on area - some areas are more deprived than others so this isn't fair.	Comment noted. Allocation is based on identified needs. If deprivation is a factor in those needs then the allocation would reflect that
292	YP	It is not clear how the bands have been calculated, so I cannot agree.	Financial support to each band based on TA hours of support identified in the provision in the EHCP (or equivalent support).
293	YP	get back to govt and TELL them the £44m funding is inadequate. That is what our elected reps are paid for to fight our corner. this govt is robbing the most vulnerabe sections of society	Comment noted. The LA are lobbying government for more funding
294	YP	1. Banding does not guarantee that a child's needs are met. The law is clear that the EHCP process should work to identify all needs and provision, and that the draft should be sent out to consultation with education placement of the parent's choice, for the placement to say what they would need to be able to meet these needs and make necessary provision. "Banding" has no legal place in this process, no more than the CAN-DO did. 2. For those on the autism spectrum, for example, needs will be complex and varied, often co-morbid conditions will exist too, and these are unlikely to fit neatly within the banding boxes. 3. The "Consultation" provides a link supposedly to full descriptions of each banding, but this link does not lead to it, therefore the consultation is flawed due to insufficient information. 4.	The local authority has a duty to be clear, transparent, fair and equitable in how it allocates the Element 3 resource to meet need. There has to be a process to ensure that it is clear, transparent, fair and equitable and relates to the needs and provision identified in the EHCP. We believe that the banding methodology enables to be clear, transparent, fair and equitable in our resource allocation and decision making around that.

Appendix 3A

Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

Do you agree with the way we have worked out the values for the band? If no, please suggest how we could work this out.			
Comments are from respondents who selected 'No':			
ID	TY PE	Suggestion on how values can be worked out	Response
		The use of TA hours as indicative of need for total funding to meet all needs, including equipment, is not reliable as often both full-time 1-2-1 TA AND equipment are necessary.	
295	YP	Not enough understandable information.	Comment noted
296	YP	assess needs and provision and award accordingly	Comment noted – we anticipate this is what the banding methodology will achieve
297	YP	Full information on how the values have been decided was not available	Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed.
298	YP	Keep it person centred and detail the actual needs and how the money will be spent on the individual Why have band 1,2,3 if no money is to be allocated that implies no support needed	Bands 1-3 describe needs at SEN support level for which schools have delegated budget to meet those needs and provide the appropriate support.
299	Not not ed	The majority of the young people assessed for the bands will fall within bands 1 - 3. As Band 4 suggests that only young people in the bottom 1% of cognitive ability will be in Band 4 or above very few people will be assessed at bands 4 to 10. Even at this level where children are working at a level 3 years behind their peers the funding they receive will roughly equate to 3 hours of additional support per week. The funding is skewed to highly to Band 10. It needs to be spread out more evenly so that children who fall within Bands 1 to 3 can receive a budget that allows schools etc to provide meaningful support	All children and young people with an EHCP will fall into bands 4-10. Additional funding for SEN support (bands 1-3) already identified and available to schools as Element 2

**We asked:** If you have any other comments, suggestions or feedback on our proposals please tell us below:



## Appendix 3A

## Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

If you have any other comments, suggestions or feedback on our proposals please tell us below:			
ID	TYPE	Comment, suggestion or feedback on Proposal 1	Response
300	P	Generally I agree with the changes of proposal one and the exclusion provision needs to be changed for the better, it does not work at present. Post 16 proposal still needs to be looked at for college provision. In schools if you went down to 16 hours, I don't think the existing teachers or support would turn a student away if they were stuck on study time. Colleges are run differently so provision needs to fit in with their schemes. If colleges only want students in for 3 days and two days study time. What do parents do then to keep their child safe and keep the learning on target. Currently there is no solution if the college has need of the full 16 hours of money for physical changes to the environment or full support. This is especially so in high functioning children with high intelligence and low maturity and or social skills and/or physical problems. I am a parent but also a retired lecturer specialising in special needs provision in Yorkshire in colleges.	The 16 hours in post 16 is government guidance and the ESFA funds mainstream colleges and school 6th forms based on 600 hours per year or 16 hours per week direct tuition. We pay Element 3 pro rata to attendance – the full amount is based on 25 hours direct tuition. The top up amount is determined in order to provide the additional support required across those 16 hours of teaching so additional support will be available to students who need it.
301	P	The Can Do felt like it was designed to give a positive strengths based spin yet funding was for areas of weakness, any replacement model needs to be an honest model, you are making an assessment of need and a strengths based approach masks need. It is impossible to sugar coat need and yes it is upsetting to complete a weakness led approach but lots of us have to do it with DLA/PIP forms because need would not be accurately reflected if we didn't. All staff need to therefore be compassionate and remember that the honest assessment of need is painful but necessary.	Comment noted that EHC Assessments need to be honest and need to accurately reflect needs.
302	P	The banding proposal does appear overly rigid and we would have thought it should be a "banding range" of expenditure for each person.	Comment noted that the banding value should be a range
303	P	I feel the consultation is not providing full information around proposal 1 and that the deadline should be extended to provide the opportunity to see the full descriptors of the banding ranges and values before I could make an informed decision. By publishing this consultation without the full paperwork and information NYCC are removing our right to make a fully informed decision on how the changes will impact on our children and young people. Also when the underlying system of EHCPs which will be used to set the child's range for funding through banding is poor with poor timescales for completion, poorly written outcomes and annual reviews taking six months to change paperwork the flaws in that system will directly impact funding to young people and children	The proposal is around the funding principle of changing from the Can-Do to a banding methodology. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Comment noted re annual review administration but not related to the proposals

Appendix 3A

Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

If you have any other comments, suggestions or feedback on our proposals please tell us below:		
ID	TYPE	Response
304	P	<p>Comment, suggestion or feedback on Proposal 1</p> <p>Not enough information given about the banding system and no guarantee that the children and young people will have all of their needs met and making reference to other local authorities doing this doesn't make it right. In fact Leeds have just lost a tribunal against only funding 16 hours, surely this just tell us that legally it is not the right thing to do. Unfortunately it feels that the local authority are more interested in cost cutting and saving than meeting their obligations</p>
305	E	<p>The proposal is around the funding principle of changing from the Can-Do to a banding methodology. Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. The 16 hours proposal is not the same as Leeds – for young people who are attending mainstream post 16 provision for 16 hours of direct tuition a week already, we are just making sure that they are all funded the same way. For young people in post 19 provision who require a five day package, the Local Authority is committed to funding this between Education and Health and Adult Services.</p> <p>We do not anticipate any spending reduction or saving from changing resource allocation methodology. If a small school has a high proportion of students with EHCPs they will receive the element 3 allocation for all of those students. We do not anticipate that the change to a banding methodology would disproportionately impact negatively upon smaller schools.</p>
306	E	<p>Very concerned re the impact in particular on small schools that the banding system could have. Depending on outcome of re banding of current we could potentially lose tens of thousands of pounds of funding. When this is taken into account in conjunction with the recent consultation on element 2 top up funding this could be the next 'nail in the coffin' of small schools especially those on the edge of large towns that attract a disproportionate % of high needs pupils due to parent perception they will serve the needs of their children more effectively due to small classes. While I agree the current system is far from ideal I worry the proposed system would leave small schools with even bigger funding gaps.</p> <p>Implementation plan including moderation, application to individual children and training on the descriptors will be developed and shared if the proposal to change E3 allocation system is agreed. Indicative impact on the special schools has been modelled but this is only indicative as, until the consultation feedback has been reviewed, recommendations made and approval granted to those recommendations, we cannot model accurately. Special School sixth forms are not part of Proposal 3 – the High Needs Block will continue to fund element 3 for these students for 25 hours per week as currently</p>
307	E	<p>Please take into consideration the MFG consultation in the context of change in the High Needs Funding consultation. The Governors, Senior Leaders and I are really concerned about the combined impact of these funding changes. We were optimistic about the removal of the CanDo, because we anticipated that we would receive the right level of funding to run our school. However having seen the proposals I am now concerned about the banding proposal, the 16 hours top up and the combination of this with the proposed removal of the MFG [REDACTED]</p> <p>Comment noted that you want no delay in changing funding methodology.</p>
308	E	<p>I know that county get a lot of criticism but I feel that these proposals can do nothing but help current systems become more fair. I hope that there will be no delay in introducing the banding system which we really need.</p> <p>Physical disability and health needs are included in the banding descriptors which will be shared in the implementation plan if this proposal is taken forward. For the most complex needs which are not covered by the descriptors, band 10 will be used to individually allocate to the child.</p>
308	E	<p>My main area of experience and expertise is with pupils with Physical and Medical Needs and the changes in funding would leave schools unable to provide for pupils with higher needs who have no learning difficulties. In some cases the lack of funding will mean schools not</p>

Appendix 3A

Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

If you have any other comments, suggestions or feedback on our proposals please tell us below:			
ID	TYPE	Comment, suggestion or feedback on Proposal 1	Response
		being able to get suitable insurance and pupils not being in school. I am frankly shocked by the Post 16 provision plans. A pupil with certain physical and medical needs cannot be left without adult support if they are on the school premises but not receiving tuition, as I have written in the relevant sections. The Physical Disabilities element of SEND seems lacking and the medical (not mental health, but other grave medical needs) would seem to attract no funding at all.	
309	E	I have concerns that students with SEND will lose out and not receive support they need to succeed in school. As the reports make clear there are an increasing number of students attending schools with SEND and in some schools little provision is made for them. Will the new banding system mean that students who are in bands 1 to 3 are not entitled to any extra support at all? Is there going to be a reduction in teaching assistant roles? Teaching assistants are vital in many classrooms - the most important resource is often an extra body.	The Local Authority is committed to resourcing provision to meet needs identified in an EHCP. Students in bands 1-3 are at SEN Support level where the funding (Element 2) is delegated to the school's budget so that support they need is available.
310	P	Please take action asap , my son and other young people are suffering and its not right or fair . My son is due to leave school next summer , he has had his assesment for college , but said college has issues at the moment so this causing me great concern. But i will fight tooth and nail for a place for him there as its the best setting for him and the respite unit i want too..I will not give in, he deserves the best .	Comment noted – unsure to which proposal this relates.

**2. Other written feedback received for Proposal 1**

The following are written feedback received outside of the consultation survey in relation to Proposal 1. Please note content has not been altered.

ID	Comment or question under 'Other suggestions, comments or feedback'	Response
311	I have some grave concerns regarding the proposal to change the High Needs Budget to the proposed banding system in Proposal 1. My concerns are related to the amounts of funding proposed matched to the needs of the children.  At Range 3, as you will be aware, a child may be attaining at more than 3 years behind expected levels despite differentiated learning opportunities and	Element 2 funding is already available with the school to support pupils with SEN at SEN Support level. At band 4 a child would receive a top up of £1160 in addition to the £6000 available at SEN Support level. An EHCP for a band 4 child would not require a full time Teaching assistant – if that were required and stated in the EHCP then a child would not be banded lower than band 7.

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Consultation responses – High Needs Budget Changes: Proposal 1 - October / November 2018

ID	Comment or question under 'Other suggestions, comments or feedback'	Response
	<p>concentrated support and yet the proposal is for there to be no funding to support children such as these.</p> <p>How can a small school, such as ours, adequately support a range 3 child?</p> <p>I have further concerns about the additional stress that this would place on the teaching and support staff. We already struggle to recruit in our location and this would have a significant impact on staff retention.</p> <p>It is further worrying that a Range 4 child who will have difficulties that strictly restricts access to the National Curriculum would only be funded for £1,160. This doesn't cover the cost of an additional teaching assistant and yet a child in this range would need significant additional support.</p> <p>I will not be supporting Proposal 1. I would welcome your comments as to how my questions have been considered and the response to them.</p>	<p>We are unable to comment on the stress and recruitment issues for your school as part of this consultation</p>
312	<p>Hi I wanted to feedback via the survey but am unable to pass question 1 as it does not offer Leeds as an option. Would it be possible to add?</p> <p>The method you are proposing is similar to many other LA's from the p[point of N York's I feel it will be easier to access funding should it be required for an individual student would you agree?</p>	<p>We agree that the banding methodology should be clearer, more equitable and more efficient in the way it allocates funding than the current Can-Do methodology.</p>

## Consultation on changes to the High Needs Budget – Appendix 4B

### Written feedback to proposals – Other written feedback

We have developed this document to provide a response to written questions or feedback received in relation to proposed changes to the High Needs Budget consultation, which ran between October 5<sup>th</sup> 2018 and November 11<sup>th</sup> 2018. The consultation asked respondents to provide feedback on 3 proposals which were in relation to:

**Proposal 1** - Changing the process for top up funding for children and young people with Education, Health and Care Plans (EHCPs) from a resource allocation system to a banding system.

**Proposal 2** - We will change the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded in North Yorkshire.

**Proposal 3** - We will bring arrangements for provision and funding for young people with EHCPs receiving post 16 education, into line with statutory guidance.

We have developed separate consultation response documents for feedback relating specifically to each proposal. The feedback in this document provides responses to more general feedback received during the consultation period, and other feedback received outside of the consultation period.

1. General feedback from the consultation survey for proposed changes to High Needs Budget;
2. General feedback received outside of the survey format (email or letters);
3. Questions or statements to the meeting of the County Council held at County Hall, Northallerton on 14 November 2018;
4. Questions or statements to the meeting of the Council's Young People Overview and Scrutiny Committee meeting of 7<sup>th</sup> December 2018;
5. Question to the meeting of the Skipton and Ripon Area Constituency Committee Meeting 13<sup>th</sup> December 2018
6. Responses to MP letters relating to the consultation.

Please note that although comments may have been redacted to ensure anonymity of respondents, we have not altered any wording.

1. The following responses are to consultation survey comments received under the section 'If you have any other comments, suggestions or feedback on our proposals please tell us below':

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
1	P	Has anyone considered WHY there are so many children with "Special Needs" ? Does no-one step back and ask the question of what is the cause of so many children being 'diagnosed' as such ? Could it be that once diagnosed a child gets additional attention and "investment" - so why should they not go down that route, even if not truly in need ? The country seems to be heading down a path of identifying a significant % of children as "special needs" - 15% currently, what is the country's future when this 15% is of normal adult working age ? Where is the budgeting for that ?	This comment has been noted. The Strategic Plan for SEND Education provision aims to ensure there is early identification and intervention for children and young people with SEND. This will reduce the risk of them needing more specialist higher cost provision.
2	P	I'm sorry to sound negative but yet again it's just another cost cutting exercise! & can someone tell why you have made the supporting information for this particular survey so confusing to read. We have children with disabilities, which means their lives are totally consumed. Which means finding the time to sit down and unravel all of the information to make some kind of sense is just impossible. Why were we only told about this consultation one week ago? Why are we having yet another consultation? Where has all the previous feedback from all the other consultations gone? Please be honest with us all & produce something that is honest, clear & transparent.	<p>Information from the ISOS review and informal and formal consultation about the proposals for the Strategic Plan shaped the Plan which can be found at: <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> . This consultation is about three specific proposals to make changes to the High needs Budget</p> <p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested</p>
3	P	I understand local authority money needs to be saved but reducing the budgets of these already under-funded resources is not an intelligent use of	This response is noted.

## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		public money. There will be implications in the lives of the young people affected by such change, and this will go on to have societal consequences that could work out more expensive in the longer term. You admit yourselves it will impact young people with SEND. I believe the best outcome for these plans is for them to be shelved. Thank you.	
4	P	Improved training should be funded and mandatory for school SEN teams and Sencos. It should be delivered annually and schools accountable to their actions but also allow authority to be accountable for failings in the system. Bedale high school is prime example no senco was in post for a year, no external applications for enhanced provision or assessments and appalling understanding of ASD. Despite the enhanced provision being available, authority employed a consultant head to post who openly discriminated against SEN children and resulted in a school not being inclusive and moving mainstream children to alternative education. Results in global cost implications. Wider agencies identified and commented, complaints to Ofsted and the authority should be accountable for this alongside their decision to not support the wider SEN children through adequate training and supervision. Close supervision of authority services is essential and would save a lot of money long term.	<p>All SENCOs must undertake the SENCO qualification.</p> <p>The Strategic Plan includes actions to strengthen the universal provision in mainstream schools for children with SEND which includes training, evidence based approaches and continued support for SENCOs. More information can be found on pages 24-25 in the document at <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a></p> <p>There will be closer monitoring of schools in respect of accountability and progress of children and young people with SEND and this will link with our proposals for developing local area accountability and decision making (pages 30-31 of the Strategic Plan).</p>
5	P	NYS should lobby the government, who has not funded the new system appropriately, rather than making cuts to existing budgets that are overspent as a result of meeting statutory duties. I agree with efficiency savings, but not budget cuts. Inevitably our children will pay the price for the government's decision makers not understanding the children, young people, education professionals, and parents/carers. If they did, they would fund this vital service appropriately. To have an inclusive education system, and society which will save social care costs over a child's lifetime they need to invest in the provision available. By making cuts in every direction at the same time, it is adding to the burdens we face as families. There is no wonder we feel that we have to fight everyone to get simply what they deserve.	North Yorkshire faces unsustainable pressures on the High Needs Budget. This year, the funding received from the DfE for the education of children and young people with SEND is nearly £6m less than is required. The LA is funding this from reserves and has also asked Schools Forum to transfer money from all other schools. North Yorkshire is calling on Government to fund fully the high needs budget.
6	P	The small amount of money there is needs to be shared out fairly.	The proposals being made for the High Needs budget will enable the local authority to do this.
7	P	Worried about some of the services been taken away from children who already have them put in place through ehcp plans. Worried about some of these children been worse off when they are doing so well now.	The local authority will always ensure that the provision set out in a child or young person's EHCP is made, according to its statutory duty.
8	P	How can we make a reasoned decision on these proposals when we don't know the problems with the current system? We may be able to suggest a	Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people.

## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		<p>less radical remedy if armed with this information. We only have the LAs word the current system is failing, you have provided no evidence. Unfortunately, from our experience, you have knowingly lied so many times your word is of little consequence to us. Following Precautionary Principle, we have no option but to disagree with all points. Your consultation is less than adequate. The fact none of the venues are near where we live is a consequence of geography and we understand the cost would increase significantly were you to offer more venues. However, the distance combined with all of them being lunch time is unacceptable; this precludes us from attending any of them. We have had just 3 working days' notice of the consultation meetings, far too little time for us to arrange a day off to attend - we both have commitments we cannot get out of.</p>	<p>The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p>
9	P	<p>Aside from my comments, giving the Selby area only 5 days notice is incredibly poor practice! Also that in your recently published announcement, NYCC acknowledge that many Selby children are sent out of county for their educational provision... it is also widely known that NYCC schools align their half terms differently to the surrounding LA's and yet this has not been taken into account with the date set for the Selby area consultation - many of our 10children are on half term the week before NYCC schools or for two weeks starting Monday 22nd October- many parents will not be able to make it to the consultations because their children are at home for half term already .. very poor planning and even poorer consideration of local landscape and needs of SEN Parents in this area! #youareNOTlistening!</p>	<p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>The comment about differing school holidays has been noted for future consultations.</p>
10	P	<p>Can I say that I think it is absolutely outrageous that whilst announces further cut backs to children's services, it has been released in the press about tax payers funding a £1600 lavish dinner for NYCC staff. Taking away much needed funds from vulnerable and disadvantaged children and using tax payers money in a highly unsuitable manor in such times of</p>	<p>The High Needs Budget is used for the education of children and young people with SEND.</p>



## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		hardship is absolutely disgraceful. Our children deserve more and as parents we will fight in unity.	
11	P	The personnel commissioned to do this work and propose these damaging and naive changes, patently do not have the necessary credentials to undertake the task!	No response required.
12	P	These proposals will leave vulnerable young people, many of who have been in care at even more of a disadvantage than they already are. On top of your cuts to alternative provision this is going to leave a generation of vulnerable youngsters abandoned by NYCC. Just so you can save some money, shame on you!	The Strategic Plan for SEND Education Provision sets out how North Yorkshire will develop the continuum of provision to meet the needs of children and young people with SEND. The local authority will always meet its statutory duty to meet the assessed needs of these children and young people.
13	Not known	If you need to save money - cut the salaries of the senior officers by 50%, they are paid far too much for the quality of service they deliver. Our son has been manifestly failed by NYCC - the evidence is clear in his educational tribunal findings. And what is NY response -hire expensive briefs, and appoint an officer full time to work on tribunals. Answer cut the number of tribunals save hundreds of thousands in lawyers fees. This is a gross failure at strategic management level which needs to be accounted for and the people responsible made accountable for	The comments do not relate to the 3 proposals that were subject to consultation.
14	Not known	I AN INCLUSIVE CULTURE AND ETHOS' WE WILL NOT GIVE UP ON ANY CHILD OR YOUNG PERSON. PROPOSAL 2, - IF IMPLEMENTED WILL MEAN THAT IS EXACTLY WHAT WILL HAPPEN AS THEY WILL GET A SUB STANDARD DEGREE OF EDUCATION WHERE THEIR INDIVIDUAL NEEDS AS A WHOLE ARE NOT CONSIDERED OR MET.	The Strategic Plan for SEND Education Provision sets out how North Yorkshire will develop the continuum of provision to meet the needs of children and young people with SEND. The local authority will always meet its statutory duty to meet the assessed needs of these children and young people.  We are committed to reducing permanent exclusions of young people. A responsive AP model is key to ensuring early intervention and support for those at risk of exclusion
15	P	I have been without respite since [REDACTED] when my son turned [REDACTED] i am a single mum with no support at all from my sons father , i am absolutley worn out and feel i have been very badly let down and lied to , as i was assured i would not be without respite once his last setting ended ! The setting i want have assesed him [REDACTED] , but i still have norhing concrete . My son is [REDACTED] Please can there be light at the end of a very dark tunnel for me . All i have is school and home ! Action is needed NOW !	This response is noted but is not relevant to the proposals being put forward. The issues raised have been forwarded to the appropriate manager to make contact with the family
16	Not known	The issues covered in this consultation are complex & I do not have any information detailing the current system to compare the proposed new system against it. It seems a fancy way of redistributing limited funds, but ultimately if the funds are becoming less then the children & young people	The proposals in the consultation are being made to ensure that we use the budget available in the best way to meet the needs of children and young people. North Yorkshire is calling on Government to fund fully the high needs budget.

## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		they support will suffer, as sufficient funding will not be available without removing it from someone else in need.	
17	P	There is an increasing number of children that need additional support in school. More staff need to be provided so that children are given help as soon as there is a problem. Parents are having to fight for every little bit of support. This leads to further problems with mental health and school refusal, as help is not provided quickly enough, which costs more in the long run. Understanding and compassion to these children needs to be provided, and not blaming the child or parent. Schools need more staff and better training to provide support for children automatically. If this was the case fewer ehcp would need to be requested as a way of forcing schools to provide provisions.	<p>The Strategic Plan for SEND Education provision aims to ensure there is early identification and intervention for children and young people with SEND. This will reduce the risk of them needing more specialist higher cost provision.</p> <p>The Strategic Plan includes actions to strengthen the universal provision in mainstream schools for children with SEND which includes training, evidence based approaches and continued support for SENCOs. More information can be found on pages 24-25 in the document at <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a></p> <p>The plan sets out how we will develop a continuum of provision to meet the needs of children and young people with SEND in North Yorkshire.</p>
18	P	I understand the need to address the funding of this service but after reading the plans I am not confident that this will not lead to a reduction of care for those in need. For those of us who do not stamp our feet but quietly support and nurture our Children to the best of our ability will loose out and the ultimate price will be our children not being able to access an educational service and all the benefits that brings to allow them to develop as best then can into independent adults.	The Strategic Plan for SEND Education Provision sets out how North Yorkshire will develop the continuum of provision to meet the needs of children and young people with SEND. The local authority will always meet its statutory duty to meet the assessed needs of these children and young people.
19	P	Parents are not concerned how this is met as long as it is met!!!	Comment notes
20	p	I am not sure I have a strong enough handle on the current plan to be able to say the future plan will be better. Our child is [REDACTED] at the moment and is well looked after at [REDACTED] The future which this deals with is full of uncertainties and concerns and I am afraid this neither allays these nor makes them any clearer.	The Strategic Plan for SEND Education Provision sets out how North Yorkshire will develop the continuum of provision to meet the needs of children and young people with SEND aged 0-25. It can be found at <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> .The local authority will always meet its statutory duty to meet the assessed needs of these children and young people.
21	P	A comparison of old and new would be beneficial to see. I also would like to hear more from a range local head teachers and sencos to hear their views on the changes.	The consultation gave opportunities for Headteachers and SENCOs to comment on the proposals. All responses to the consultation will be considered and a response made to each written comment received. These will be published as part of the papers for consideration by The Executive of the Council who will make the decisions on the proposals.
22	P	When you have a child with additional needs our time is spent caring for them which is very time consuming. I have no issue with giving feedback but I am a well educated women but do not understand the proposal. Maybe explaining in English what you are proposing would make it easier because I do not have time to work out what you mean. I am busy being a full time carer , life is hard enough	A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested

## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
23	P	Id like to understand what NYCC are doing to change the Governments 2014 based formula for this type of funding. It was explained to me that the funding shortfall is a direct result of the Children and Family act which asks local authorities to educate EHCP children until they are 25 yet the funding formula does not take account of this change.	North Yorkshire is calling on Government to fund fully the high needs budget.
24	P	The letter we received arrived after three of the five events had taken place. None of them easy to access from Easingwold, especially not for working parents	<p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p>
25	P	It is all unclear	A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested
26	P	I feel it is essential the council reviews how it carries out their consultation processes. At present it is a process that is perceived to lack transparency, appropriate timescale to allow all those impacted to review sufficiently and there are some views that the process is just a tick box exercise and the outcome is already preempted regardless of the views throughout the consultation process. This is particularly appropriate for Proposal 2, as there are still many questions that need answered and the impact of any outcome at present, will create a high detriment to our local community.	<p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked</p>

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>questions were added to the website as the consultation progressed. Materials were available in other formats if requested</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>All consultation responses will be considered and will inform recommendations to be made to the Council's Executive. Responses will be made to all written comments and these will be published with the papers for The Executive for their consideration prior to a decision on the proposals being made</p>
27	P	<p>I attended one of the consultation meetings and this was useful to help me understand the changes to the operation of the SEND budget for North Yorkshire. We have [REDACTED] children who are now teenagers and [REDACTED] an EHCP. I understand that you have to make changes to the ways that you manage available funds and that your funds have of course been effectively cut by central government as part of the ongoing austerity measures. We appreciate that you are doing the best that you can and my wife and I will accept whatever changes that you might consider appropriate. Thank you.</p>	<p>This response has been noted.</p>
28	P	<p>To be quite honest I don't fully understand it all. I don't feel there has been enough meetings about the proposals and non that I have been able to attend. I do know everyone is struggling and maybe more pressure needs to be put on central government as budgets are cut to the bone in fact there are huge deficits in schools budgets, certainly in my child's speacial school. I am yet to see how these proposed changes will affect them but affect them they will</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear.</p> <p>As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>North Yorkshire is calling on Government to fund fully the high needs budget.</p>
29	P	<p>I am afraid that the lack of time for this consultation is damning. We received an invitation after a number of sessions had occurred and those that remained were not at a time which working parents can attend. I strongly urge you to reconsider this course of action, through both the lack of adequate consultation and the profound negative effects it will entail. Specifically, no details of the process for allocating bands (beyond through</p>	<p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced</p>

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Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		<p>the normal annual review) are given. What is the procedure, who will have the final say and what is the appeals procedure should a parent wish to challenge. These are vital issues which affect young people with EHCPs.</p>	<p>through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>The proposal around changing to a banding system is purely a funding proposal. The implementation plan including detailed descriptors and training will be developed should the proposal be approved to take forward. Across the country, banding systems are widely used and have a robust evidence base and are transparent and equitable. Whatever methodology is used to determine the Top-Up allocation, parents, carers and young people have the legal right to challenge the content of the EHCP through the Special Educational Needs and Disability Tribunal.</p>
30	P	<p>The information needs to be clearer. How will this affect my child.</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested</p>
31	P	<p>Although the document was available I couldn't find any mention of proposals.</p>	<p>All three proposals were set out in the consultation summary document which was available as part of the consultation papers. The proposals were also explained at meetings and in the presentation on the website.</p>

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
32	P	I feel the LA need to consider in more depth the potential impact of the proposals.	This comment is noted.
33	P	I have a degree and a professional qualification . This is quite possibly the worst survey I have ever read. The proposals and their effects are unclear . I can understand your proposal but given the effects are unclear I cannot answer the survey properly . I could not attend the meeting either. We cannot vote when we don't know the implications or effects on our children. Do not fail the parents on this as well as the children. You need to try harder.	<p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>The proposal around changing to a banding system is purely a funding proposal. The implementation plan including detailed descriptors and training will be developed should the proposal be approved to take forward. Across the country, banding systems are widely used and have a robust evidence base and are transparent and equitable. Whatever methodology is used to determine the Top-Up allocation, parents, carers and young people have the legal right to challenge the content of the EHCP through the Special Educational Needs and Disability Tribunal.</p>
34	P	The consultation I attended on 7th November at Cedar Court was poorly organised. There were not even enough seats until a member of the hotel staff brought some more in. It was a lunchtime event but no lunch was provided. There were not even enough cups and saucers or glasses of water. I was only able to attend for the advertised hour and a half as I was due back at work, the even had not even moved on to discussing the third proposal.	<p>The comments about the organisation of this event have been noted and will be taken into account for future consultations.</p> <p>Officers leading the meetings endeavoured on all occasions to ensure that there was time allocated to each proposal for explanation and discussion.</p>

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
35	P	Too much emphasis on EHCP rather than development of an inclusive provision. The middle children will miss out	This consultation focused on three specific proposals for changes to the High Needs Budget, Proposals 1 and 3 related specifically to children and young people with EHCPs which is why the focus was around those children and young people with EHCPs. The Strategic Plan for SEND Education Provision which can be found at <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> covers the continuum of provision for SEND from universal (mainstream) through targeted to specialist.
36	P	I don't understand any of your proposals. How about a phone number where we can just ring you and find out what's safe and what's not so we are prepared for it in advance? Everyone's circumstances are totally different and I'm sick of all the stress and worrying now about cutbacks and my sons welfare.	A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested
37	P	Councils should come together with parents to more pressure on the government to gain extra funding needed and remove academies that are failing special educational needs children that should be able to be supported in a mainstream school. Money needs to be invested in mainstream schools for SEND children to be included not isolated	North Yorkshire is calling on Government to fund fully the high needs budget.  The Strategic Plan for SEND Education Provision sets out how North Yorkshire will develop the continuum of provision to meet the needs of children and young people with SEND aged 0-25 including those in mainstream schools and colleges.. It can be found at <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> .
38	P	Reiterate all previous comments	No response required.
39	P	NYCC needs to get a grip on education policy as good pupils in Scarborough are suffering. Funding changes will make this worse.	This response has been noted.
40	P	The way EHCPs were explained to me was that these are proof of the needs of a young person and if councils haven't got the money to provide them then national government has a duty to.	The local authority will always meet its statutory duty to meet the assessed needs of children and young people with EHCPs. The government provide high needs funding to local authorities but unfortunately this has not risen to reflect the additional costs of the 2014 SEND Reforms.
41	P	The information is misleading and unclear. Statements have been made but they do not thoroughly explain how the changes will affect the young people. If you pull the money from the schools, they will no longer be able to meet need. Education will no longer be inclusive without the right level of support and more Children will require placement in specialist provisions.	A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. These were arranged at lunchtimes following previous feedback from parents/carers that this was the most appropriate time for them. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of

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## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested.</p>
42	P	<p>I am appalled by the proposals to target those with EHCP's , as if life won't be hard enough for these people... surely the council can look at other funding streams.</p>	<p>The local authority will always meet its statutory duty to meet the assessed needs of children and young people with SEND with EHCPs.</p>
43	P	<p>Your proposals are incomprehensible, apart from the fact you are planning to break the law by spending less, thus making life harder for groups you have a duty to make significant improvements. Your EIA shows the dangers you are putting vulnerable people in, the are not taking the EIA seriously. What is clear is that YNCC has a public duty to improve increasing numbers of vulnerable peoples lives and you are planning not to do this. You need, you in law, must, make new proposals which show how you will securely, and without risk, make the lives of vulnerable childrens' lives better. You cannot do this by spending less money. All your proposals must, to keep within the law, be rejected. It is a disgusting, inaccessible document.</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>The EIA has been developed taking into account all groups with protected characteristics and reviewed as a result of the consultation. A revised version will be published with the papers to be considered by the Executive.</p> <p>The Strategic Plan for SEND Education Provision sets out how North Yorkshire will develop the continuum of provision to meet the needs of children and young people with SEND aged 0-25. It can be found at <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> .</p>
44	P	<p>This consultation is flawed in not giving enough space for feedback - I could not complete Q10 - you ask us for our views then restrict them?? I do agree that change is necessary - but this is an issue we all need to take to government - why are the most vulnerable being made to pay? I hardly know a parent who has not had to push and push and push for the support their child needs, this adds insult to injury.</p>	<p>The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.</p> <p>North Yorkshire is calling on Government to fund fully the high needs budget.</p>
45	P	<p>The consultation documents are unclear and verbose without proper explanation of what actually is being proposed!</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website.</p>



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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal.</p>
46	P	<p>There is FAR too little information for this consultation to be fully informed: A lack of information from Social Care, Health, Mental Health and so on means that no response can be fully informed. Therefore the consultation is flawed. There are also a number of aspects of the proposals that would be questionable in terms of the Equality Act and in terms of the Children and Families Act that would give cause for concern regarding Equality and discriminatory policy and practice. Generally, other information provided is both misleading and selective in presentation, with some essential pieces of information missing from the proposals and supporting consultation documentation. Furthermore, the "working group" did not include parent carers and so the requirement for Co-production is not being met.</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested</p> <p>A full Equality Impact Assessment has been developed taking into account all groups with protected characteristics and reviewed as a result of the consultation. A revised version will be published with the papers to be considered by the Executive.</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p>
47	P	<p>proposal 3 at Harrogate face 2 face was not covered in any way sufficiently - suggest this one goes back out to consultation so families can get the answers they need and that the consultation involves HAS and Health partners</p>	<p>There is information in the consultation documents and in the online presentation about proposals 3.</p> <p>Officers leading the meetings endeavoured on all occasions to ensure that there was time allocated to each proposal for explanation and discussion.</p>
48	P	<p>I need more time and fuller information to be able to properly consider this proposal therefore I feel the County Council has not fulfilled its duty to provide full and thorough information to allow those affected to make an informed decision.</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested.</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p>

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Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
49	P	<p>I consider the Council should in future ensure all its consultation proposals are first assessed by a qualified lawyer and that legal advice is attached. There are clear legal faults and omissions in the consultation. I could not understand the proposals from the consultation documents, I was only able to understand them by finding information given to the schools forum. The proposals as written are incoherent. Councillors must step up and apply proper scrutiny because successive SEND managers are advising Cllrs to fund initiatives with little evidence only for Cllrs to be asked to agree to do the exact opposite a few years later. EMS and SEN outreach duplicates resources at a cost of over £6 million. ISOS found EMS purpose and outcomes unclear. EMS was supposed reduce exclusions - they have increased. SEND services are poor quality and not achieving progress for young people leading to higher costs. Alternatives should have been provided as are other ways to save money than frontline.</p>	<p>The consultation proposals and paperwork were considered by a qualified lawyer prior to the consultation taking place.</p> <p>The summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team lawyer. Meetings gave the opportunity for proposals to be explained.</p> <p>The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested.</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>The Strategic Plan for SEND Education provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out actions to develop the continuum of provision for children and young people with SEND across universal (mainstream), targeted and specialist provision. This includes changes to the current EMS model. The ISOS review work underpins the Strategic Plan.</p>
50	P	<p>I attended the consultation in Harrogate on November 7th and am concerned that the feedback given at this consultation was not recorded so that comments made can be fed into the consultation. It was also taken over by proposal 2 which overshadowed the other 2 proposals and probably stopped parents who had nothing to do with proposal 2 from asking questions or giving a view.</p>	<p>At all consultation meetings notes were made of the themes which emerged from the meetings. These will be considered as part of the consultation.</p> <p>The point about discussion on proposals 2 is noted.</p> <p>Officers leading the meetings endeavoured on all occasions to ensure that there was time allocated to each proposal for explanation and discussion.</p>
51	P	<p>The whole consultation is unsatisfactory. Our concerns will not be answered individually. You group concerns into themes and respond. You then pass this off as a consultation and send it to the councillors for ratification. The system is corrupt. Interestingly where is the new sixth form college at Forest School. I don't remember a consultation about scrapping this. Sadly I believe you rail road everything through and often pass through illegal actions. Like demanding that people with a motability car for their child must use this to transport their child to school - shocking!!</p>	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested.</p>

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## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>All consultation responses will be considered and will inform recommendations to be made to the Council's Executive. Responses will be made to all written comments and these will be published with the papers for The Executive for their consideration prior to a decision on the proposals being made.</p>
52	P	Halt, reconsider, reevaluate. Have empathy and act within the realms of morality.	No response required.
53	P	I don't understand the survey, not all parts apply to our life stage and it is hard to understand the impact this will have.	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested.</p>
54	P	I am not able to attend the public engagement session in Harrogate, as I am at work that day. I have been bombarded with requests to read supporting documentation and fill in the consultation survey but it is not clear what the proposals actual mean, in real terms. It reads as Doublespeak, obscuring and disguising reality. Please can we have some clarity, set out succinctly? Is this just a paper exercise?	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested.</p>
55	P	I am very sorry but I don't understand the survey. If I had more information regarding this I would happily make an informed response to the questions	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested.</p>
56	P	The information provided for this consultation is not easy to understand. It requires you to read multiple documents and link them together. A single, comprehensive (and simple) explanation of the proposal should have been	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation</p>

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## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		provided in one document. Limiting the word count for responses prevents people from responding in full to the proposals. That prevents a proper consultation. The consultation is not linked from the main NYCC SEND webpage which is surprising and may lead to some people missing it and not responding. Overall, a disappointing and inadequate approach to consultation. and the consultation is not mentioned on the main NYCC SEND page	<p>proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. A news banner with a link was in place on the SEND Local Offer pages to direct people to the main consultation page and raise awareness of the consultation.</p> <p>Materials were available in other formats if requested.</p> <p>The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.</p>
57	P	As a working parent of a profoundly disabled child plus sibling - I have not had sufficient opportunity or time to read & respond to these proposals properly	No response required.
58	P	Just to clarify, I did attend a meeting however I still don't fully understand the proposals and the effects these changes would have on young people and their families. I felt there was a lot of missing information, there was no representative from social care and the meeting wasn't long enough, also it wasn't always easy to hear what everyone was saying, I don't understand why a microphone wasn't used. I feel we haven't been given enough time to consider and research the proposals, especially since the last consultation was held on the 7th Nov only a few days before the closing date on the 11 Nov. As with other recent consultations the time scale of things all seems very rushed.	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested.</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>The comments about being able to hear presenters is noted for future consultations.</p>
59	E	I have great concern for the future of children with EHCP's and the provision that they will receive in mainstream school if the budgets are to be cut as suggested. I understand that savings need to be made but to reduce the funding available for our most vulnerable children is shocking.	The local authority will always ensure that the provision set out in a child or young person's EHCP is made, according to its statutory duty. This applied to children and young people in mainstream schools as well as special schools.
60	E	I appreciate the need to claw back funds and that there has been an overspend in some cases. I understand that the directive is from central government. I also agree that changes can be made. Local secondaries do need help to tackle exclusion rates but this work will need funding. However, the cuts should equitable and fair. You have acknowledged that all of these pupils have 'high needs' and that all are vulnerable.	No response required.

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
61	E	This is a disgusting way to treat the young people who need the support of everyone. Giving more money to the main stream schools whilst removing life chances from students with SEMH and disabilities makes me ashamed to live in Yorkshire	The proposals are intended to ensure that the budget available is used efficiently and effectively to meet the needs of children and young people with SEND
62	E	Many thanks for your hard work on these proposals, I understand it must be very hard.	No response required
63	E	Let's just see what you're really made of; we know your game, we intend to make others fully aware as well.	No response required
64	E	The quality on depth of this survey is inadequate for the purpose it is trying to achieve. It shows either a lack of thought or ambivalence to the subject matter	<p>The summary document and easy read document were available and were both checked by the Communications team for accessibility. These were also checked by the Legal team. The survey was checked in the same way. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. The presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested.</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p>
65	E	As a main stream school, with a high percentage of high needs pupils- we do receive additional funding- however, this in no way pays for the extra provision and also the extra significant workload on both every class teacher and SENCO. I worry that through inclusion, and then underfunding these pupils will become marginalised. Pupils in mainstream education are currently funding pupils with SEN, and in my school it is having an increasingly negative effect, both on the workload of class teachers and also the progress of all the individuals. There is a lack of SEN provision beyond mainstream, far too much paperwork, and too much strain put on school budgets.	The Strategic Plan for SEND Education Provision ( <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> ) sets out how North Yorkshire will develop and improve provision for all children and young people with SEND. This includes strengthening to offer from universal (mainstream) provision, developing a different kind of targeted mainstream provision and increasing places at special schools. It also includes reshaping the high needs budget to support those developments. The proposals being consulted on are part of this work.
66	E	My concern that is once again the LA is rushing through changes as a panicked response to its on going financial difficulties. The LA has shown poor strategic judgement over the last several years. The new strategic plan seems to be based more on a wish and a prayer than any really though through attempt to address the underlying causes of the dramatic rise in exclusions, mental health problems among young people and the rise in	The Strategic Plan is based on extensive informal and formal consultation and is underpinned by the ISOS reviews. It draws on examples of good practice. The provision to be developed is intended to improve the offer of education provision for all children and young people with SEND across North Yorkshire, and to promote early identification of need and intervention to meet need so that needs are met earlier, more locally, and at less cost overall. It will be subject to regular review to ensure actions are having positive impact.

## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		EHCP's. I am really worried that this is a monumental disaster in the making!	
67	E	Stop picking away at SEND funding and give this area of education the money it deserves and the TA'S these pupils depend on	No response required.
68	E	I appreciate that CYPS is massively underfunded in this area but trying to find cuts from the budget for schools to meet high needs doesn't make any sense to me as it would appear that the main drain on funds is finding out of area placements when schools can't meet need. More needs to be done to investigate what schools who do meet need and don't exclude re doing that is different to those who say they can't meet need and do exclude. More money needs to be directed by some means to those schools who are doing the right thing! I know that there is a separate consultation on E2 exceptional but it would appear that my small secondary school of 369 is not considered small and therefore the LA considers it reasonable that the school should contribute first £660k to meet need for a disproportionate number of EHCP and K code students. this can't be right!	Comment not related to proposals – referring to Element 2 or the delegated school's SEN budget. There are no cuts or spending reduction target attached to the change to a banding methodology. School's core funding including guidance around Element 2 and the need for a school to provide the first £6k for pupils with SEN are nationally set.
69	E	I'd be interested to know more about long term plans for moving students requiring specialist provision back into their local areas. Short term increase in costs may lead to significant long term savings. I'd also be interested to know how much effort has been put into engaging the local business community into supporting our efforts. Lots of entrepreneurs are actually very interested in supporting disengaged youngsters, and may not be aware of the woeful state of the High Needs Block- has any kind of sponsorship been sought? Finally, I'd like to re-emphasise that there is a very great risk of excluded youngsters being left without quality provision because of the impossibility of groups of HTs planning for future provision without access to funds, which are currently tied up in PRUs. This whole situation needs to be managed very carefully, and a sudden drop off in funds (say in April 2020) could be very damaging.	<p>The Strategic Plan for SEND Education Provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out how we will develop and improve the offer of education provision for children and young people with SEND across universal (mainstream), targeted and specialist provision. Our aim is to develop local provision so children and young people can attend school as close as possible to their home. An improved offer in North Yorkshire will mean fewer children and young people being educated out of area.</p> <p>National government is responsible for the core funding to meet the needs of children with SEND. Local businesses do support the wider social care needs of young people . Businesses are also involved in helping develop a wider range of alternative provision pathways</p> <p>The proposals to develop local area steering groups with access to funding (part of proposal 2) will give local Headteachers and partners access to funding to commission provision locally.</p>
70	E	This survey does not allow for the submission of sufficiently detailed responses.	The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.
71	E	My worry is that this may be rushed - is a pilot project in say one area of the county possible?	This comment is noted.

## Appendix 3B

## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
72	E	More information is needed on how this will be implemented and what time may need to be spent on this. Whilst I agree that pupils should have access to the right funding and provision, I would like to know what will have to be done to secure the funding? What evidence will be needed?	The proposal around changing to a banding system is purely a funding proposal. The implementation plan including detailed descriptors and training will be developed should the proposal be approved to take forward. Across the country, banding systems are widely used and have a robust evidence base and are transparent and equitable. Evidence to secure funding will be based on the content of the EHCP which identifies needs and provision to meet those needs.
73	E	This sector appears to be taking a disproportionate loss of funding when compared to other sectors. This seems unwise due to the importance of the possible loss of much needed services.	The Strategic Plan for SEND Education Provision ( <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> ) sets out how North Yorkshire will develop and improve provision for all children and young people with SEND. This includes strengthening to offer from universal (mainstream) provision, developing a different kind of targeted mainstream provision and increasing places at special schools. It also includes reshaping the high needs budget to support those developments. The proposals being consulted on are part of this work.
74	E	I am disappointed that money is not being increased to support early intervention in the coastal areas. This is where the most support is required. Having worked in schools on the coast for [REDACTED] the trends in difficult behaviour, increased learning needs, demands for alternative provision and upskilling parents in 'parenting' has to be a focus or with the academisation of many schools has the local authority just ignored these trends and are leaving it the Trusts to deal with!?	<p>The Strategic Plan for SEND Education Provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out how we will develop and improve the offer of education provision for children and young people with SEND across universal (mainstream), targeted and specialist provision. Our aim is to develop local provision so children and young people can attend school as close as possible to their home. This includes the coastal areas. Page 37 of the Strategic Plan gives more information about this.</p> <p>The proposals to develop local area steering groups with access to funding (part of proposal 2) will give local Headteachers and partners access to funding to commission provision locally, and this will include the coastal areas (see pages 30 and 31 of the Strategic Plan).</p> <p>Funding has been secured from the OA funding to enhance approaches to inclusion. This includes enhanced training for mainstream schools to embed inclusive practice, intensive support for families in need and the creation of additional AP pathways.</p>
75	E	Why was the option box, on such a key issue as SEND restricted to the amount that could be entered. Leave well alone, why change something that works!!!	The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.
76	E	It is not acceptable to have character limited boxes on such issues as SEND funding and the provision of services to our most vulnerable disadvantaged young people in the area. I do NOT accept that this is a consultation or that you are interested in the views provided if you will not even allow us to fully put what our issues are with the proposals. I have many many more points to make but am not allowed to do so. The "Staff Consultation Meeting" was not a Consultation, we were shut down at each available point, not allowed to ask questions as you had "run out of time" and clearly lied to about	The purpose of the meetings during the consultation period was for officers to explain in more detail the proposals and allow time equally for questions and discussion on each one. This was only part of the consultation as there was a summary document and easy read document available which were both checked by the Communications team for accessibility. These were also checked by the Legal team. The survey was checked in the same way. The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.

Appendix 3B

Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		timescales and information that was provided to Headteachers. If ALL the Heads separately say they weren't informed of the size of the cuts but you state they were, I know who I believe. If those high up people responsible for these consultations really cared about the young people of North Yorkshire and their staff, they should consider resigning so services could continue.	<p>In addition the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested.</p> <p>All of these elements make up the consultation, not the meetings alone.</p> <p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>All responses to the consultation will be considered and a response made to each written comment received. These will be published as part of the papers for consideration by The Executive of the Council who will make the decisions on the proposals.</p>
77	E	We are in very challenging times. I have always believed that high level capacity at the youngest end with the earliest intervention would have a much more positive longer term impact on young people, but this will take time to see fruit from.	The Strategic Plan for SEND Education Provision ( <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> ) aims to ensure there is early identification and intervention for children and young people with SEND. This will reduce the risk of them needing more specialist higher cost provision.
78	E	Education and early support will reduce future need and therefore spend. These children unsupported increase the problem making it more expensive in future years.	The Strategic Plan for SEND Education Provision ( <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> ) aims to ensure there is early identification and intervention for children and young people with SEND. This will reduce the risk of them needing more specialist higher cost provision.
79	E	Impact on other services and schools could be catastrophic	The proposed changes would be part of the overall development of the continuum of education provision for children and young people with SEND which aims to ensure the needs of as many children and young people as possible can be met in North Yorkshire provision.
80	E	The whole consultation process has been a joke and it has been abundantly clear that NYCC have no interest in feedback about the proposed changes to funding. During the meeting for teachers and school staff xxxxxx was patronising, belittling and downright rude and dismissive of any feedback. She was unable or unwilling to answer very basic questions about what the planned provision for the PRS would look like and at times attempted to shout down and intimidate people asking questions. These proposed changes are ill conceived, naive and are fundamentally failing the most deprived and vulnerable children in our society. Without a doubt NYCC will be failing in their statutory duty if these funding proposals go ahead.	<p>The purpose of the meetings during the consultation period was for officers to explain in more detail the proposals and allow time equally for questions and discussion on each one. This was only part of the consultation as there was a summary document and easy read document available which were both checked by the Communications team for accessibility. These were also checked by the Legal team. The survey was checked in the same way.</p> <p>In addition the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed. Materials were available in other formats if requested.</p> <p>All of these elements make up the consultation, not the meetings alone.</p>



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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>Overall in the county we have gone well beyond any statutory requirements to ensure that the voices of young people, their families, teachers and carers are heard as part of this consultation and the consultation has been legal, fair and thorough.</p> <p>All responses to the consultation will be considered and a response made to each written comment received. These will be published as part of the papers for consideration by The Executive of the Council who will make the decisions on the proposals.</p> <p>The local authority will always meet its statutory duty for children and young people, including those who have been permanently excluded and those who have EHCPs.</p>
81	O	<p>I think lots of people have sat round a desk and come up with a way of making something complicated even more complicated. All that will happen is: Less money Less provision Centres closing Looking around to provide new centres—cos you have to help these people Massive increase in social issues in adult life—need for even more officers!!</p>	<p>The Strategic Plan (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) is based on extensive informal and formal consultation and is underpinned by the ISOS reviews. It draws on examples of good practice. The provision to be developed is intended to improve the offer of education provision for all children and young people with SEND across North Yorkshire, and to promote early identification of need and intervention to meet need so that needs are met earlier, more locally, and at less cost overall. It will be subject to regular review to ensure actions are having positive impact.</p> <p>The plan includes actions in respect of the PRS/AP (pages 26 to 27) and reshaping of the high needs budget (pages 32 and 33) which underpin the proposals being consulted on.</p>
82	O	<p>This is a cost saving measure directed against the most vulnerable children in our education system at time when predictions say that 80% will be in deficit by 2020. Is this proposal really going to help schools or pupils? I think no.</p>	<p>The Strategic Plan for SEND Education Provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out how we will develop and improve the offer of education provision for children and young people with SEND across universal (mainstream), targeted and specialist provision. Our aim is to develop local provision so children and young people can attend school as close as possible to their home. An improved offer in North Yorkshire will mean fewer children and young people being educated out of area.</p> <p>The plan includes actions in respect of the PRS/AP (pages 26 to 27) and reshaping of the high needs budget (pages 32 and 33) which underpin the proposals being consulted on.</p>
83	E	<p>It is unacceptable that the option boxes on such a key issue as SEND funding are restricted to the amount that can be entered. This invalidates the consultation. One is led to believe that this consultation is fait accompli - why call it a consultation why not call it Official NYCC Policy Document</p>	<p>The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education provision. A paper survey was available which allowed more text to be written.</p> <p>All responses to the consultation will be considered and a response made to each written comment received. These will be published as part of the papers for consideration by The Executive of the Council who will make the decisions on the proposals.</p>

## Appendix 3B

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
84	YP	Hard to understand as we don't get involved with the money side of things, I suppose we are the lucky ones but then others need the support too.	No response required.
85	YP	I will get some qualifications - can you put a price on that?	No response required.
86	YP	This survey is a) being discussed with academics about the questioning bias and b) being checked by a freedom of information request to ensure all answers are considered and reported and c) being checked for accessibility for all parents / carers of those whom it will affect.	No response required.
87	YP	Fidget spinner	No response required.
88	YP	More support in mainstream Q6 - easy read Smaller unit that the school runs so they can meet everyones needs without leaving school	<p>The Strategic Plan for SEND Education Provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out how we will develop and improve the offer of education provision for children and young people with SEND across universal (mainstream), targeted and specialist provision. Our aim is to develop local provision so children and young people can attend school as close as possible to their home.</p> <p>The actions in the plan cover improving support in mainstream (pages 24 to 25) and developing targeted provision for small groups of children and young people linked to mainstream schools (page 25).</p>
89	YP	Not young person friendly	<p>A summary document and easy read document were available – both check by the Communications team for accessibility.</p> <p>Meeting during the consultation gave the opportunity for proposals to be explained.</p> <p>Materials were available in other formats if requested.</p> <p>SENCOs in mainstream schools were asked to support children and young people to respond to the consultation.</p> <p>Headteachers of special schools were asked to support children and young people to respond to the consultation.</p> <p>The local authority provided support for young people in PRS/AP to respond to the consultation.</p> <p>The local authority is keen to hear from young people about suggestions for making consultations more accessible to them.</p>
90	YP	This is not young person friendly	A summary document and easy read document were available – both check by the Communications team for accessibility.

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>Meeting during the consultation gave the opportunity for proposals to be explained.</p> <p>Materials were available in other formats if requested.</p> <p>SENCOs in mainstream schools were asked to support children and young people to respond to the consultation.</p> <p>Headteachers of special schools were asked to support children and young people to respond to the consultation.</p> <p>The local authority provided support for young people in PRS/AP to respond to the consultation.</p> <p>The local authority is keen to hear from young people about suggestions for making consultations more accessible to them.</p>
91	YP	Not young person friendly	<p>A summary document and easy read document were available – both check by the Communications team for accessibility.</p> <p>Meeting during the consultation gave the opportunity for proposals to be explained.</p> <p>Materials were available in other formats if requested.</p> <p>SENCOs in mainstream schools were asked to support children and young people to respond to the consultation.</p> <p>Headteachers of special schools were asked to support children and young people to respond to the consultation.</p> <p>The local authority provided support for young people in PRS/AP to respond to the consultation.</p> <p>The local authority is keen to hear from young people about suggestions for making consultations more accessible to them.</p>
92	YP	Sort it out.	No response required.
93	YP	This is not young people friendly	<p>A summary document and easy read document were available – both check by the Communications team for accessibility.</p> <p>Meeting during the consultation gave the opportunity for proposals to be explained.</p> <p>Materials were available in other formats if requested.</p>

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## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>SENCOs in mainstream schools were asked to support children and young people to respond to the consultation.</p> <p>Headteachers of special schools were asked to support children and young people to respond to the consultation.</p> <p>The local authority provided support for young people in PRS/AP to respond to the consultation.</p> <p>The local authority is keen to hear from young people about suggestions for making consultations more accessible to them.</p>
94	YP	The text in this survey is not easy for young people to understand.	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility.</p> <p>Meeting during the consultation gave the opportunity for proposals to be explained.</p> <p>Materials were available in other formats if requested.</p> <p>SENCOs in mainstream schools were asked to support children and young people to respond to the consultation.</p> <p>Headteachers of special schools were asked to support children and young people to respond to the consultation.</p> <p>The local authority provided support for young people in PRS/AP to respond to the consultation.</p> <p>The local authority is keen to hear from young people about suggestions for making consultations more accessible to them.</p>
95	YP	My mum filled this bit in .... we have had to argue for provision throughout my child's time in education and now as a young adult, it seems we will have to keep on arguing, and justifying their need. However if my young person had been causing problems in the community the resources would be thrown at them to help pull their life around, and get them back on the straight and narrow. Whereas my young person has to be led by the hand down the path of life and sadly will always need support, and you are planning to chip chip chip away at their provision.... I am disgusted.	<p>The Strategic Plan for SEND Education Provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out how we will develop and improve the offer of education provision for children and young people aged 0-25 with SEND across universal (mainstream), targeted and specialist provision. Our aim is to develop local provision so children and young people can attend provision as close as possible to their home.</p> <p>The local authority will always meet its statutory duty for children and young people, including those who have been permanently excluded and those who have EHCPs.</p>
96	YP	you not equal and not take our voice you are not been accessible for us I think you need to talk to ones it affects you never do that and you shud	<p>A summary document and easy read document were available – both checked by the Communications team for accessibility.</p>

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## Consultation responses – High Needs Budget Changes – October / November 2018

ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
			<p>Meeting during the consultation gave the opportunity for proposals to be explained.</p> <p>Materials were available in other formats if requested.</p> <p>SENCOs in mainstream schools were asked to support children and young people to respond to the consultation.</p> <p>Headteachers of special schools were asked to support children and young people to respond to the consultation.</p> <p>The local authority provided support for young people in PRS/AP to respond to the consultation.</p> <p>The local authority is keen to hear from young people about suggestions for making consultations more accessible to them.</p>
97	YP	We need more money to make sure everyone has what they need. Better transport to make sure we can get to activities, clubs etc	North Yorkshire is calling on Government to fund fully the high needs budget.
98	YP	Give me p	No response required
99	Not selected	Just the same as stated under proposal 2	No response required.
100	Not selected	PEOPLE WITH SPECIAL NEEDS GET EXTRA HELP	<p>The Strategic Plan for SEND Education Provision (<a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a>) sets out how we will develop and improve the offer of education provision for children and young people aged 0-25 with SEND across universal (mainstream), targeted and specialist provision. Our aim is to develop local provision so children and young people can attend provision as close as possible to their home.</p> <p>The local authority will always meet its statutory duty for children and young people, including those who have been permanently excluded and those who have EHCPs.</p>
101	Not selected	Need more places to go	No response required.
102	Not selected	I have no idea.	No response required.
103	Not selected	Give them the same education curriculum as at mainstream students' but give them support.	The Strategic Plan for SEND Education Provision ( <a href="http://www.northyorks.gov.uk/sendplan">www.northyorks.gov.uk/sendplan</a> ) sets out how we will develop and improve the offer of education provision for children and young people aged 0-25 with SEND across universal (mainstream), targeted and specialist provision. The plan aims to ensure that children and young people will get the type of education they need more locally.
104	Not selected	I cant complete the survey as word limit cuts me off how can we have our say if we cant actually say it? Also the proposals are very very unclear	The online survey did have text limits, in line with the survey used by the Council for the proposals for the Strategic Plan for SEND Education

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ID	TYPE	Survey comment or question under 'Other suggestions, comments or feedback'	Response
		<p>Please go out to consultation on this again to explain and bring HAS and CHC colleagues along to answer very important questions as we expect they have bought into proposal 3 so will have no problem coming to explain how they are going to pick up those extra 2 days..without then we have not been given the information!!!!</p>	<p>provision. A paper survey was available which allowed more text to be written.</p> <p>The summary document and easy read document were available – both checked by the Communications team for accessibility. These were also checked by the Legal team. Meetings gave the opportunity for proposals to be explained. The consultation proposals were reinforced at meetings to ensure the focus of the consultation was clear. As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the consultation website. A series of frequently asked questions were added to the website as the consultation progressed.</p> <p>Materials were available in other formats if requested</p> <p>Proposal 3 was a funding proposal regarding the principle that education would fund 3 days / 16 hours per week in post 16 as per national guidance. Where young people have an agreed 5 day package, that package won't change – only the source of funding for 2/5 of it will change. Going forward, if this proposal is approved, we hope that 5 day packages would be jointly agreed and developed between Education and Social Care to ensure a holistic plan with clear progression into adult life beyond education identified.</p>

2. The following feedback was by email or letter during and outside of the consultation period - please note these have been redacted to ensure they are anonymised but content has not been altered.

ID	Other written feedback, from emails and letters	Response
104	<p>This is to inform you that I have received this letter about 'consultation' about budget changes (dated a week ago) but I know of parents of SEND children who have not. I noticed Bristol City council also failed to consult properly on this matter recently and were told cuts should perhaps not be made at all.</p>	<p>Information about the consultation was sent out to all schools and the PRS/AP before it started, with a request to promote it to parents/carers and young people. The website page was live before the consultation began to give advance notice and was updated with details of events and consultation papers on the first day of the consultation. Shortly after the start of the consultation the above was reinforced through letters to parents/carers and young people. There were regular social media updates throughout the consultation.</p> <p>As we were aware that not all parents and carers would be able to attend a consultation meeting the presentation used at meetings was available on the</p>



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ID	Other written feedback, from emails and letters	Response
	<p>What support is in place/will be in place for families that already get basic minimum if education provide because of health /medical needs?</p> <p>What are the expected/accepted hours of education pupils who cannot get to school because of health/medical conditions should/will receive and from where?</p> <p>What about the many children declined EHCP or even refused assessment for one how are there needs accessed and provided for?</p>	<p>We will make sure that children and young people get the education they are entitled to, taking into account their medical needs. This will be monitored by the lead officer through the 'virtual school'.</p> <p>If a pupil cannot attend school because of medical reasons as confirmed by the appropriate medical professional, then they are entitled to up to full time education, depending on their medical needs and how much they can manage. Advice will be taken from the medical professional as to how much the pupil can access. However we would expect children who are able to access full time education to be back in school or equivalent within the very near future.</p> <p>The methods we use to decide appropriate home tuition and longer term education for young people with medical needs will be subject to further consultation.</p> <p>If a pupil has medical needs and cannot attend school then the Local Authority will make arrangements for education. They do not require an EHCP for this.</p>
106	<p>1. PRs Budget in 2010 was Approx £870,000 for 16 commissioned placements, the plan for 2019 is for approximately 13 placements and 3 medical placements (13x17k + 3 x10K) at a budget of £251 (73% cut in budget from initial commission) from 2018 £500k to 2019 £238k is a cut of 52%. However, the PRS are being asked to complete this work with the same pupil numbers including higher need ECHP students. How is the LA going to maintain that the PRS will remain a safe environment for students and staff on this reduced budget?</p> <p>For 2019-2020 - How will the local steering group meet and support pupils as they will not have any money, the £75k is being used as transitional funding for the PRS in Craven. This begs the question as to what the steering groups are actually able to fulfil within the academic year.</p> <p>From 2020 - 2021 there will be no £75k (transitional funding) and no Medical funding there the total PRS predicted budget for 13 @ £17k student would actually be £221k!!!! What provision does the LA that provides a better quality service and better outcomes could be provided for this money?</p>	<p>The funding proposed within this proposal is in line with how places are funded nationally and is fair and equitable in line with how other provisions, such as special schools, are funded from the High Needs Budget.</p> <p>The LA will work with all current PRS to develop a model of AP that meets the needs of each locality that is fit for purpose and financially sustainable.</p> <p>The local steering groups will be established in 2019 and will have a much broader role than determining the spend of delegated funds. This will include the monitoring of performance, identifying local priorities, developing plans that address local priorities and reviewing and establishing local protocols to assist this work. This work is not all dependent upon the delegation of funding.</p>



ID	Other written feedback, from emails and letters	Response		
	<div data-bbox="277 204 1144 300" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">HOW MUCH DO YOU PAY FOR A PLACE IN THE PUPIL REFERRAL UNIT</td> <td style="width: 50%; padding: 2px;">HOW MUCH MONEY DO YOU RECHARGE SCHOOLS WHEN THEY PERMANENTLY EXCLUDE?</td> </tr> </table> </div> <p data-bbox="208 316 1245 496">2. Funding benchmarking data – questions are vague 'how much do you pay for a place at the PRU?' There are no questions about size of the PRU's. Most of our research suggests that the majority of PRU's in LA's are 50+ places per PRU. Completely different economies of scale! As an example even though Cumbrian PRU's get fixed PRU funding they also get £110,000 Lump Sum. This information is freely available on the internet. Cumbrian PRUs also have 50+ pupils.</p> <p data-bbox="255 539 1200 600">The widening of the alternative provision offer means there are more options available to schools looking for a different type of provision to meet young people's needs.</p> <p data-bbox="208 643 1223 762">3. Consultation says plenty/wider AP choice in area – there is no other AP provision in Craven area/there is one AP in Selby, how will the choice be widened with no funds to do so? This question was asked and a lack of clarity in the consultation, something about charities!</p> <p data-bbox="208 802 1245 922">4. What are the LA timescales for this being put in place? The timescales are very short especially when you take in consideration the 'highly likely' scenario of having to move premises. Is there any money for relocation? Who will receive the money for sale of the current premises?</p> <p data-bbox="215 962 1104 1134">The changes to provision for pupils with medical needs will give greater flexibility to the provision of home tuition, and therefore more opportunity for pupils to engage with and benefit from this provision. Pupils will be encouraged to return to school as soon as possible and be supported to do this. The introduction of a 'virtual school' for pupils with medical needs will ensure pupils are monitored and reviewed regularly and that they are achieving appropriate outcomes. Care will be taken to ensure that changes to provision for pupils with medical needs are carefully planned and implemented so that the needs of these pupils are met and the LA delivers its statutory duty.</p> <p data-bbox="208 1169 1223 1382">5. Consultation talks about the introduction of virtual schools for medical pupils – but how is that going to help them get back into schools? Has the LA got data on the number of medical pupils that have gone directly from Home Tuition back to MS school? There is a severe lack of understanding of the 'needs' of these students. Where is the money coming from for paying for the 'virtual medical service?' Is taken into account. We have had larger group of medical pupils with one teacher. This won't be able to be completed under the current plan and is actually more cost effective. Is</p>	HOW MUCH DO YOU PAY FOR A PLACE IN THE PUPIL REFERRAL UNIT	HOW MUCH MONEY DO YOU RECHARGE SCHOOLS WHEN THEY PERMANENTLY EXCLUDE?	<p data-bbox="1272 180 2163 371">The benchmarking is one aspect that was considered in establish a fair and equitable place cost. Other sources used were national research carried out by the DfE and our own local funding arrangements with special schools. High Needs Budget funding must provide provision for a vast range of needs and provisions. It is our view that funding should be fair and equitable to ensure all needs are met. Current AP funding in North Yorkshire is disproportionately high compared to our specialist schools.</p> <p data-bbox="1272 531 2134 584">The LA will work with all current PRS to develop a model, or models, of AP that meets the needs of each locality that is fit for purpose and financially sustainable.</p> <p data-bbox="1272 611 2145 746">Although it is not NYCC's intention to directly commission AP from independent providers we understand and recognise that schools do. We will work with these providers to ensure they are safe and comply with legal requirements and where appropriate assist them in developing their offer if it meets identified local needs to widen the choice for schools.</p> <p data-bbox="1272 802 2134 855">The consultation documentation is clear that the proposal is to implement in April 2019 subject to due consideration of the feedback.</p> <p data-bbox="1272 882 1861 906">The sale of premises is not relevant to this consultation.</p> <p data-bbox="1272 962 2145 1066">The consultation is with regard to the funding arrangements for those at risk of, or who have been, permanently excluded from school. This exert is from the Equality Impact Assessment which identifies any groups that might be affected by the changes and any mitigating actions to be taken.</p> <p data-bbox="1272 1098 2157 1209">A new model of medical provision will be subject to a further consultation in 2019. The reference to Virtual School does not mean virtual learning. A virtual school is a model adopted to ensure central oversight of all children and young people to ensure they are accessing the support they need in whatever setting is appropriate.</p>
HOW MUCH DO YOU PAY FOR A PLACE IN THE PUPIL REFERRAL UNIT	HOW MUCH MONEY DO YOU RECHARGE SCHOOLS WHEN THEY PERMANENTLY EXCLUDE?			

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ID	Other written feedback, from emails and letters	Response																		
	<p>the plan to use supply teachers to undertake this or have a team of staff centrally? How are the economies of scale going to be able to manage this and where is the evidence that has formed the SEND Plan?</p> <p>With regard to customers it is anticipated that any impact arising from changes to current provision will be mitigated by achieving better outcomes for individual young people with SEND and by having a better range of educational provision. The introduction of targeted mainstream provision across the county will increase provision for pupils with SEMH needs, and it is anticipated that this will provide support earlier for the pupils, reduce exclusions and ensure pupils are maintained in mainstream provision.</p> <p>6. How can the LA say young people will get better outcomes? With the huge reductions in staffing and specialist teachers within the PRS's how does the LA anticipate this to be the case. With fewer teaching and support staff the curriculum will be reduced and not be 'broad and balanced'. Exactly how will there be a 'better range of educational provision'?</p>	<p>The strategic plan sets out a number of developments of provision of which AP is only one aspect. We will establish additionally resourced provision for young people with SEMH and Communication and Interaction needs, develop local hubs of specialist teams to provide an improved therapeutic offer into mainstream schools and expand special school capacity across the county. These developments will ensure more provision is available that meets needs and improves outcomes.</p>																		
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ID	Other written feedback, from emails and letters	Response
	<p>7. PRS's have all been advised that the EHCP's they will be requested to consult on will be KS4 (as seen above) yet the EIA documents all refer to late KS3 and KS4 EHCP's. When and under what consultation did this change occur from the SEND plan 2018-2023?</p> <p>There will be a specified number of places commissioned at each PRS/AP. These will be flexible preventative places for pupils who have been permanently excluded (secondary pupils). There will also be places at PRS only for pupils with EHCPs (late KS3/KS4)</p> <p>If under forecast budget constraints Craven PRS has to change to a ROOSE model, how will the LA fulfil the ECHP plan. The ROOSE model has student on a MS school role. The PRS in Craven would not be an OFSTED registered school.</p>	
	<p>8. The plane states that the LA expects PX to be reduced? Based on what evidence? Has the LA completed any investigations with the local steering group to see how they would spend the 75k in Craven?</p>	<p>Within North Yorkshire there are differing models of provision and some reflect many if not all of the characteristics of good AP as defined by the DfE. These models are influenced and managed by local school leaders and respond to needs prior to exclusion. In these localities exclusions are kept low and have been for some time. The local steering groups will have senior representation from the LA and spending will be agreed in partnership.</p>
	<p>9. The LA have already been advised it would be difficult to provide a long term curriculum for KS3 pupils at the current time. With the proposed budget &amp; staffing cuts how do they expect PRS's to provide this as it is a regular occurrence.</p>	<p>The strategic plan sets out a number of developments of provision of which AP is only one aspect. We will establish additionally resourced provision for young people with SEMH and Communication and Interaction needs, develop local hubs of specialist teams to provide an improved therapeutic offer into mainstream schools and expand special school capacity across the county. These developments will ensure more provision is available that meets needs, improves outcomes and ensure young people do not remain in PRS long term unless that is appropriate.</p>
	<p>10. Does the LA think it is a positive step for KS3 pupils to be taught with KS4. Under the proposals it is difficult to see how this won't happen.</p>	<p>The LA's view is that curriculums should meet the needs of individuals.</p>
	<p>11. At the PRS we deal with some of the most vulnerable pupils in NY and all services trying to help them are being taken away or reduced – PRS, Prevention Service etc surely this is failing them not helping them?</p>	<p>The strategic plan sets out the actions being taken to meet the needs of all young people with SEND. This will ensure that suitable provision is available and will work in partnership with all services to ensure holistic needs are met</p>
	<p>12. You refer to ISOS working with the PRS's to remodel the service yet this work didn't start until after the Consultation began – Consultation started 5th October – First ISOS workshop 17th October. (Headteachers of PRS not advised of the proposals until 2nd day of 2018/2019 term) How are you able to move to a Consultation stage when no preparatory work appears to have been done?</p>	<p>The consultation is to seek views on the proposal. Work has been and is ongoing in parallel with regards to future models. Discussions with Head Teachers of PRS have been ongoing since March 2018 of the need for more efficient models of AP.</p> <p>This consultation is specifically about the funding model for AP.</p>

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	<p>13. LA keep saying PRS HT's were aware of the new funding proposals but ALL the HT's have stated they were asked for comments and ideas based on 5,10,15 &amp; 20% cuts in funding which is what staff were all then advised to be prepared for. Why is the LA misleading people in the consultation?</p>	<p>The consultation is clear that there is a £1.3-£1.5m reduction in spend on this aspect of High Needs Budget. This equates to a total spend reduction of 28%. This has been communicated through public meetings and documentation that sets out how the remaining money will be disseminated. The LA has at no point failed to disclose this information.</p>
	<p>14. The "Discretionary" Funding for Craven PRS last year was £268k – the proposed funding model says that the local steering group will receive approx. £75K. a) Slight variation in amounts b) How is a mere £75K going to help mainstream schools keep pupils and not perm ex, deal with SEMH pupils – bearing in mind this money will now cover both primary and secondary schools?</p>	<p>The local area money has been proposed using a needs based formula that takes into account the school population as well and levels of SEND and deprivation measures to ensure that each area is provided with a fair proportion of the available resource.</p>
107	<p>To all involved in the SEND Budget Consultation,</p> <p>My name [REDACTED] and I am one of the Officers at the North Yorkshire branch of Unison.</p> <p>I am contacting you to provide feedback for this consultation following seeking the views of our members. I was not able to put this in the desired format on the online form so I am contacting you by e mail.</p> <p>I would like to outline the following questions and concerns that have been fed back during this consultation and we would be grateful if they could be taken into consideration.</p> <p>The main concerns are in relation to the second proposal which is focussed on the Pupil Referral Services (PRS) and in particular the impact on staff working in the Pupil Referral Units (PRU).</p>	<p>Please see responses to individual questions below:</p>
	<p>1. There are concerns regarding the consultation being meaningful and there being adequate opportunity for staff to express their views and ask questions within the consultation meetings. In light of the potential impact of these changes it is felt more time is needed to adequately consult with all parties affected.</p> <p>There have been concerns raised regarding meaningful consultation aimed at pupils and parents. There has also concern that staff in the PRU's had not been visited by anyone from NYCC responsible for decision making. This is a particular concern in areas that may be facing specific pressures where there is a distinct lack of alternative provision. It is felt that staff would have benefitted from being able to demonstrate the work they are doing and the unique pressures in their area as part of this consultation.</p>	<ul style="list-style-type: none"> <li>• The local authority is of the view that the consultation has been thorough and meaningful for each of the 3 proposals. Consultation included 5 meetings for parents/carers and 3 for professionals, an on line and paper survey and access to versions in alternative formats.</li> <li>• All parents/carers with children who had an EHC Plan were written to directly together with parents/carers of young people who were on the roll of the Pupil Referral Services.</li> <li>• Local authority staff also met with groups of young people within the PRS and the Flying High group of 16-25 year olds. Special school head teachers also facilitated feedback on proposals from young people in their schools.</li> <li>• Schools were asked via the 'Red Bag' to make parents/carers aware of the 3 proposals for consultation.</li> </ul>

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		<ul style="list-style-type: none"> <li>• The Communications team has raised awareness of the consultation on an ongoing basis throughout the consultation period</li> <li>• A series of frequently asked questions have been made available on the web site throughout the consultation period in response to themes that have arisen.</li> <li>• There has been strong representation at the professional meetings by PRS staff and staff have also raised questions at Full Council and Overview and Scrutiny and whilst these have been out of the consultation period, responses are being included in the analysis. We are of the view that the consultation has been thorough and that we have provided a range of opportunities for feedback on the consultations.</li> <li>• The local authority meets with PRS Head Teachers on a regular basis and all were involved in the development of the Strategic Plan for SEND provision, which articulated plans for the future of Alternative Provision. Working groups were established from June 2017 with regards to SEMH provision. PRS Head teachers were made aware of significant pressure on the High Needs Block budget in March 2018 and in July 2018 they were informed that there was a need for transformational change into the future to ensure value for money.</li> <li>• We acknowledge the quality of the PRS/AP provision but we are of the view that we need to reduce exclusions by establishing a model of alternative provision that can be used flexibly by schools to meet the needs of children who are starting to disengage from the mainstream environment. Schools have clearly stated that they want to increase the range and responsiveness of AP in their area.</li> </ul>
2.	<p>There is a lack of a clear timescale to enable staff to see how these changes will be managed; this has led to significant anxiety among staff as some of these changes will take effect September 2019. Staff will need a clear plan with detailed costs. This is also in light of all PRS receiving good or outstanding Ofsted results; this is raising concern that the standard offered will not be able to continue.</p>	<ul style="list-style-type: none"> <li>• The initial proposals suggest that the budgetary changes will take effect from April 2019 but that transitional funding will be provided to PRS/AP provisions for the financial year 2019/20. There has been a lot of feedback regarding the timescales of finalisation and implementation of the new model and we have reflected this in the final recommendations to Executive.</li> </ul>
3.	<p>There is concern regarding the current situation, as we know more pupils are facing permanent exclusion. How will the local authority be able to adequately respond to this need by limiting resources? There is also an unanswered question of what will happen to young people once all the available places are full?</p>	<ul style="list-style-type: none"> <li>• We are concerned by the increase in permanent exclusions as we know that this has a detrimental impact on future outcomes for young people. We are also aware that schools do not take the decision lightly and try not to resort to permanent exclusion in the majority of cases.</li> <li>• We want to work with schools and PRS/APs to be able to establish a range of high quality alternative provision that schools can use flexibly and at an early stage when a young person is disengaging with mainstream school. We will still provide educational provision for young people that have been subject to a permanent exclusion</li> </ul>

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		<ul style="list-style-type: none"> <li>We also want to ensure that young people who have been excluded can transition into a new school when appropriate</li> <li>We are keen to agree a collaborative arrangement with schools to fund alternative provision so that we maximise the money we collectively have</li> </ul>
	4. What will the expected curriculum be? With the proposed limitations on non-statutory provision will this limit what pupils can be offered? As we know many young people struggle to engage with core subjects and benefit greatly from access to a wide range of learning opportunities.	<ul style="list-style-type: none"> <li>As we develop the new models in localities we will agree the range of curriculum areas, accreditation routes and wider learning opportunities.</li> <li>We want to ensure that young people can achieve academically and are well prepared for next steps as they move into post 16</li> </ul>
	5. What will flexible provision mean? Also who will be responsible for this? There are concerns regarding schools having greater decision making powers as they are arguably responsible for excluding the pupils. Where there are limited resources this could then lead to conflict arising between schools.	<ul style="list-style-type: none"> <li>We want to establish a model that enables schools to access a range of AP that they can use to personalise a learning programme for a young person. This may mean that they place a young person in AP for a number of sessions throughout the academic year to follow specific courses, it may mean that the young person accesses specific interventions. We have been told that schools are not able to access a range of AP because all money is invested in the infrastructure of PRS and is affected by the limitations of PRS buildings.</li> <li>Schools are responsible for overseeing educational provision and progress of their students. They are telling us that they cannot access preventative AP under the current model and sometimes this means that they resort to permanent exclusion</li> <li>The performance of localities in terms of exclusion, part timetables, value for money of commissioned provision will be overseen by the Locality Based Steering Groups that will be set up from the Spring 2019. Details can be found in the Strategic Plan for SEND Provision (page 30)</li> </ul>
	6. There are proposals to change the name of the PRU's, what does this mean and does this indicate a change in school status?	<ul style="list-style-type: none"> <li>Yes we do want to change the name of the PRS so they are recognised as Alternative Education Providers rather than the historic interpretation that they are providers for permanently excluded young people</li> </ul>
	7. Why is there a proposed amount of funding 10k per child (plus top up of up to 17k)? There is a disparity between this and funding for pupils with medical needs.	<ul style="list-style-type: none"> <li>The funding proposed per full time place in a PRS is £17K</li> <li>We are proposing to fund young people with medical needs at a rate of £10K per full time place which is equivalent to school funding of AWPU and notional SEN budget allocation</li> </ul>
	What is the 3m investment mentioned in inclusion panels and what will this look like moving forward?	We are unclear what this is referring to. Under our proposals we will still be investing over £3m across the county to support statutory and preventative provision. The £3m does include approximately a total of £770K that will be deployed to the 5 Local Steering Groups across the county. The partnerships will agree how this money is used to address priorities for Inclusion, which may include supporting more AP.
108	As suggested by you on Twitter, here are some further comments for inclusion please!	Please see responses to individual questions below:
	1. Cut off to word limit is denying us a proper voice – we know we can also email but many people will not necessarily know to do that or feel they can.	<ul style="list-style-type: none"> <li>Respondents who wished to say more than the word count allowed were able to complete a paper copy, or as you say, could have fed back to us by letter, email if they wished</li> </ul>

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	<p>2. There were no accessible consultations for our young people – this is always a difficult issue, but the very way it was all worded for those able to read the main details was enough to cause upset. One young person in an out of county placement, well aware of the painful route to get there, was thrown into panic when attempting to discuss the consultation as he now feels his placement should/will be taken away from him.</p>	<ul style="list-style-type: none"> <li>• We asked adults who knew the young people to help discuss the proposals and gain their views e.g. special schools, local authority officers and parents/carers</li> <li>• There is no intention in the proposals to disrupt the education of a young person in an out of county specialist placement</li> </ul>
	<p>3. The 'easy read' did not give any indication whatsoever of the difficulties that might arise from the proposals so does not present a balanced picture for consideration. It failed to provide equally accessible supporting documentation as those links it refers to do for the parents, e.g. the banding descriptors and council papers. It also failed to tell them what the law says – which is a must for any accessible consultation.</p>	<ul style="list-style-type: none"> <li>• The easy read version provides a less wordy version of the full document but people can still access the more detailed information if they wish. All papers associated with the proposals have been available to the public.</li> <li>• The public meetings were arranged so that people could meet with local authority staff to discuss the proposals rather than just rely on written information.</li> <li>• A video with talk over was also placed on the web site to help explain the details of the proposals</li> </ul>
	<p>4. The proposed cuts to the PRS are devastating, and quite rightly being challenged – however the emphasis on risk of exclusion is overshadowing the other areas of PRS work where they are used to support young people with SEND who are out of school (far too many for far too long), and for medical tuition. Those with SEND who are not considered 'medical' disappear totally in those gaps.</p>	<ul style="list-style-type: none"> <li>• Under the proposal we still intend to fund places for students with medical needs together with outreach provision.</li> <li>• PRS should be able to meet the needs of young people at SEN Support level. PRS are responsible for requesting statutory assessment of young people who may require an Education, Health and Care Plan.</li> <li>• We also commission additional places in some PRS for children with EHC Plans</li> </ul>
	<p>5. The cuts to 3 days education – this is already seriously affecting 16-18 year olds who are not being accepted by DCS and therefore left with two blank days. The 3 day week access to education is not lawful and is discriminatory. Mainstream students at college are able to still go into college on non-timetabled days and sessions to access facilities, the library and some learning support - the very things that our disabled students in mainstream NEED. It's a matter of Equality. The two remaining days should be for things such as Life Skills, Social Skills, PSCHE, SRE, Employability Skills, SALT - all that needs specific adapted teaching, and embedding in daily life and age appropriate activities. Anything that Educates or Trains is clearly for Section F and should be education provision. We ask that the consultation is clearer on this stance and confirm that they have no intention of not meeting this statutory requirement in education provision.</p>	<ul style="list-style-type: none"> <li>• The local authority has a duty to provide 600 hours of education for post 16 young people.</li> <li>• Young people with SEND who have been assessed as requiring a 5 day provision will receive this offer but it will be funded jointly by Health and Adult Services and Education. Education will be paid for from the High Needs Block and the other two days will be funded by HAS.</li> <li>• We intend to fulfil our duty to ensure assessed needs are met appropriately for young people with EHCPs up to the age of 25 years</li> </ul>
	<p>6. For post-19, there has been no indication that HAS is on board with the extra support they will be expected to pick up – is this a joint plan? We have not been provided with enough information to comment adequately. Also we are well aware that HAS is undergoing a transport consultation at the moment and also needing to cut costs. The same concerns as for point 5 apply here, regardless of age – even up to age 25 if there is an EHCP.</p>	<ul style="list-style-type: none"> <li>• Discussions have already been held with HAS in terms of the proposals at senior level.</li> <li>• The transport consultation is separate to these proposals. Health and Adult Services have the same duty to meet assessed needs of adults.</li> </ul>

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ID	Other written feedback, from emails and letters	Response
	<p>7. It does not seem sensible to lose control of this money when the council has already delegated a lot of SEN money to schools, when it isn't ring fenced for alternative provision and when previous decisions to delegate more money to schools e.g. element 3 outside of EHCPs and EMS hasn't led to the promised reduction in exclusions but in fact an increase. Finally, it is upsetting that this is causing so much division and setting the public against the LA, I imagine making many people's jobs uncomfortable – it is our wish, and that of many we talk to, that we could truly work together and take this debate to government – the only place it can effectively be resolved as we are all very clear the Children and Families Act extended obligations without providing anything like the appropriate funding.</p> <p>Apologies we missed a section at the start of point 7 - please insert: We are concerned parents will be referred to schools and this local partnership for alternative provision and not told about the councils legal duty. We are also concerned the existence of this statutory duty hasn't been made clear to members voting on the proposals. The consultation reads as though the only duty is for pupils with ehcps when in fact the duty to educate applies to all children under s19 Education Act.</p>	<ul style="list-style-type: none"> <li>• Schools receive a notional SEN budget as part of their overall budget. This money is not ring fenced but schools use this money to provide support for children with SEND in their schools.</li> <li>• Under this proposal the local authority will retain overall responsibility for the money as it is from the High Needs Block budget. We invest over £4.7 million into PRS/AP provision across the county which has not resulted in a reduction in exclusions and therefore we want to agree other ways to invest some of this money to provide greater flexibility as to how this money is used to improve inclusion.</li> <li>• We want to work with secondary schools and the PRS over the transition period if the proposal is approved to shape the model for AP into the future. We are strongly of the belief that permanent exclusions should be kept to a minimum as we know young people generally do not do as well as if they remain at their mainstream school with appropriate support. We want to ensure that AP can be used at an early stage by schools to help personalise a young person's learning programme so it meets the needs of the young person and can be overseen by the school.</li> <li>• Elected members will be reminded of the legal duties of the local authority before a decisions is taken. This will be emphasised in the final Executive report</li> </ul>
109	<p>Suggestion - Proposed cuts to Special Needs Education Budget I suggest that this proposals completely ignores the public's passionate support for this use of their taxpayers' funds. I doubt if any household in untouched by some direct knowledge of the needs of children with impairments and their parents. Apart from providing the usual public goods - street lighting etc - UK society has shown a lasting and permanent commitment to supporting those with additional needs as a priority - and no more so than children for whom expert and ambitious support in the formative years can bring about lasting benefits for the ecomic and social wellbeing that will last a lifetime. We are a rich country and as such are in the position to fund this spending at the current level if the political will is there. I suggest that politicians are completely out of touch with the reality of the electorate's priorities if they think this is an acceptable proposal. Please reject this proposal and demonstrate that we are decent, fair and inclusive society that we can well afford to be.</p>	<ul style="list-style-type: none"> <li>• We currently invest over £4.7 million to support children at risk of or who have been excluded from school and those with medical needs. However if the current trends continue to increase this will require further funding from the public purse.</li> <li>• We also know that young people who have been permanently excluded cost the tax payer, on average, an additional £370K due to their need for support from support services into the future. In 2017/18 exclusions in NY</li> <li>• would have cost an additional £39 million to society.</li> <li>• We want young people to have the life chances they deserve and not be limited by the impact of permanent exclusion.</li> <li>• The strategic plan for SEND developed by the local authority clearly explains the range of work we are undertaking to make sure that children and young people with additional needs have their needs met and receive the support they require.</li> <li>• We are a Children's Service judged as outstanding by Ofsted and are committed to maximising outcomes for our children and delivering high quality and cost effective services.</li> </ul>



3. The following information was requested to be included as public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018. The following information is an extract from the draft minutes from the meeting - this will remain draft until minutes have been approved at the Council meeting on 20th February 2019.

ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
110	<p><u>Public Question 1</u></p> <p>Hello, my name is Alex Boyce and I am one of the organisers of the 'Save the Pupil Referral Service' Campaign. As you are aware, in an attempt to recoup the debt in the High Needs Budget, the council are proposing cuts of at least 50% across the 7 pupil referral units in North Yorkshire. This means they would either close completely or run with dangerously low staff numbers. I would like to give you a summary of some key documents surrounding the issue of exclusion as local people are confounded by the council's proposal:</p> <p><u>Extracts from Key Documents</u></p> <p>Exclusions are increasing</p> <p>The numbers of exclusions continues to increase. North Yorkshire's increase in exclusions is above both regional and national figures. Between the 2015/16 and 2016/17 academic years there was and [sic] increase in all fixed-term exclusions of 42%.<sup>1</sup></p> <p>Nationally, there has been a "40% increase over the past three years"<sup>2</sup></p>	<p>This information has been extracted from the DRAFT Minutes of the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018. This remains draft until minutes have been approved at the Council meeting on 20 February 2019.</p> <p>In response to question Alex Boyce's questions, County Councillor Patrick Mulligan said:</p> <p>1) North Yorkshire is experiencing an increase in fixed and permanent exclusion despite an investment of £4.6 million per year from the Local Authority.</p> <p>Young people who have been permanently excluded from school perform less well than their peers in mainstream in terms of academic achievement, life chances, and have an increased dependency on public services – on average costing an additional £370,000 per person.</p> <p>North Yorkshire County Council wishes to invest in the reduction in the need for permanent exclusion across the county by:</p> <ul style="list-style-type: none"> <li>• Encouraging the development of different approaches to alternative provision allowing schools to use it more flexibly to support young people disengaging from mainstream curriculum</li> <li>• Building capacity in schools for inclusion</li> </ul>

<sup>1</sup> NYCC Strategic Plan for SEND Education Provision 0-25 at <https://www.northyorks.gov.uk/send-specialist-support-and-inclusion>

<sup>2</sup> House of Commons Education Committee Report "Forgotten children: alternative provision and the scandal of ever increasing exclusions" at <https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf>

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<p>Mainstream schools cannot cater for some pupils and are excluding and off-rolling Children in care, children in need, children with special educational needs and disabilities (SEND) and children in poverty are all more likely to be excluded than their peers.<sup>2</sup></p> <p>An unfortunate and unintended consequence of the Government's strong focus on school standards has led to school environments and practices that have resulted in disadvantaged children being disproportionately excluded, which includes a curriculum with a lack of focus on developing pupils' social and economic capital.<sup>2</sup></p> <p>The rise in so called 'zero-tolerance' behaviour policies is creating school environments where pupils are punished and ultimately excluded for incidents that could and should be managed within the mainstream school environment<sup>2</sup></p> <p>But... North Yorkshire CC plans to stop schools excluding and to force schools to take responsibility for previously-excluded children there should be little, if any, need for a young person to be permanently excluded from school.<sup>1</sup> Schools will not refuse to admit a pupil who has been denied a place at that school at appeal, if the protocol identifies that school as the one to admit the child.<sup>3</sup></p> <p>If a Fair Access Panel does not make an offer of a school place, the Local Authority will identify a school/academy to admit the young person<sup>3</sup> Where a Fair Access Panel judges that a child is not yet ready for mainstream provision, based on the information provided, they will allocate a school roll and will consider which provisions are appropriate. The school is responsible for securing appropriate full-time educational provision.<sup>3</sup></p> <p>North Yorkshire doesn't have a plan for Alternative Provision – it just expects them to appear and operate. <i>We will:</i></p> <ul style="list-style-type: none"> <li>• <i>Revise the local alternative provision directory for schools</i></li> <li>• <i>Establish a provider forum chaired by the local authority to provide advice and guidance to alternative providers operating in North Yorkshire and surrounding area</i></li> </ul>	<ul style="list-style-type: none"> <li>• Providing more opportunities for school leaders and the Local Authority to work collaboratively to shape provision.</li> </ul> <p>2) There is currently a directory of alternative provision which is updated annually.</p> <p>3) We acknowledge the quality of provision across PRS/APs. This proposal is about taking steps to reducing the use of exclusion across NY. The Local Authority conducts safeguarding checks of alternative provision. Schools are responsible for quality assurance and monitoring of placements in AP for individual young people.</p> <p>4) As per the answer to question 3.</p> <p>5) The costs of places for a permanently excluded child are currently £19,000 per annum. Under the proposal this will be reduced to £17,000 per annum which is in line with national average (between £17,000 - 18,000) and feedback from a number of Local Authorities nationally. The costs for other Alternative Providers range from £6,000 in Further Education to £20,500 in a special school and £30K for Alternative Provision academies.</p> <p>6) Schools are telling us that the range and capacity of Alternative Provision needs to be increased across North Yorkshire. Responsibility for monitoring quality, value for money will remain with the Local Authority and schools and overseen by the Locality Partnerships.</p> <p>7) There are a number of reports that underpin the review of AP including:</p> <ul style="list-style-type: none"> <li>• ISOS locality reviews 2016</li> <li>• Strategic Plan for SEND 2018-2023</li> <li>• October 2018 ISOS workshops on PRS/AP provision – currently in draft form with LA.</li> </ul> <p>Alex Boyce then asked a supplementary question regarding home tuition for children and young people who are unable to attend school due to their medical needs.</p>
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ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
	<ul style="list-style-type: none"> <li>• <i>Establish a forum for alternative provision with neighbouring local authorities to ensure illegal schools can be identified quickly<sup>3</sup></i></li> </ul> <p>There is no mention of quality assurance of alternative provision in the NYCC Strategic Plan for SEND. But... AP does not work on market principles. It needs a clear plan.</p> <p>Our research suggests that there is not a single “best model” for arranging local AP. Instead, our research has underscored the importance of having a clear strategic plan that articulates a shared understanding of the role of local AP.<sup>4</sup></p> <p>Local AP needs to be seen as system that has to be planned strategically, rather than as a traditional market. Indeed, our research suggests that, in certain important ways, AP does not operate like a traditional market.<sup>4</sup></p> <p>And... Alternative Provision is unregistered, unregulated and generally low quality. In a quarter of the schools surveyed, the curriculum for pupils who attended alternative provision on a part-time basis was too narrow.<sup>5</sup></p> <p>As I am sure you are aware, I have repeatedly expressed my concerns about the number of children disappearing from the formal system and into unregulated, unregistered provision. That includes much alternative provision (AP), which does not always have to be registered and therefore is subject to no independent scrutiny – despite the fact that a lot of AP caters for some of our most vulnerable children.<sup>6</sup></p>	<p>In response to question Alex Boyce's question, County Councillor Patrick Mulligan said:</p> <p>As detailed in the strategic plan for SEND education provision the local authority is intending to change the model of delivering home tuition for children and young people who are unable to attend school due to their medical needs and is planning to introduce this change from September 2019. This will be subject to further consultation in early 2019 but it is important to note this change has already been agreed in the strategic plan for SEND provision.</p> <p>Currently the LA commissions the PRS/AP to deliver home based medical tuition for secondary students ( except in the East where the funding is delegated to secondary schools). The current model involves staff from the PRS travelling to the home address of a child to deliver a teaching session. The numbers of hours offered to children varies according to need.</p> <p>We intend to change the model to ensure the local authority funding is being used more efficiently to focus on teaching and to increase the tuition hours that will be available for young people whilst they cannot attend school.</p> <p>The revised model will also provide greater oversight of young people who are receiving home tuition by schools and the local authority, thereby ensuring that their return to school is progressed at the appropriate opportunity and any additional needs in terms of SEN are identified in a timely manner, and appropriate provision put in place.</p>

<sup>3</sup> NYCC Draft Fair Access Protocol (Sep 2018) at [https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Consultations/Admission arrangements 2020-21/Appendix 4 - proposed in-year fair access protocol.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Consultations/Admission%20arrangements%202021/Appendix%204%20-%20proposed%20in-year%20fair%20access%20protocol.pdf)

<sup>4</sup> Alternative provision market analysis by ISOS Partnership for DFE (Oct 2018) at <https://www.gov.uk/government/publications/alternative-provision-market-analysis>

<sup>5</sup> Alternative provision: the findings from Ofsted's three-year survey of schools' use of off-site alternative provision at <https://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey>

<sup>6</sup> HHM Chief Inspector Amanda Spielman letter to the Public Accounts Committee (31 Oct 2018) at <https://www.gov.uk/government/publications/amanda-spielman-letter-to-the-public-accounts-committee>

ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
	<p>The lack of information about where these children end up is perhaps my greatest concern as Chief Inspector.<sup>6</sup></p> <p>North Yorkshire wants local groups of schools to take responsibility for commissioning alternative provision. Local Area Inclusion Steering Groups will: Commission services and develop the alternative provision offer to meet identified needs within the locality and reduce exclusion, with the aim of a 'no-exclusion' approach in the area.<sup>1</sup></p> <p>Work to reduce the numbers of young people at risk of exclusion and poor attendance<sup>1</sup></p> <p>But... school-led commissioning models are generally of poor quality. Schools do not always have the capacity and specialist knowledge to have full responsibility for the commissioning of long-term placements for pupils who will often have complex needs. A fragmented approach to commissioning responsibilities and a lack of oversight and scrutiny around decisions means that pupils are being left vulnerable to inappropriate placement decisions.<sup>2</sup></p> <p>Some schools were still not taking enough responsibility for ensuring the suitability of the placements they set up. A few of the schools in the survey placed pupils at an off-site provider without having visited first to check its safety and suitability. Some schools did not check for themselves that the relevant safety standards were met.<sup>5</sup></p> <p>AP provides for more than just those permanently excluded. These children have unmet needs and their numbers are growing. However, the AP population is made up of a greater number of students than those who are just permanently excluded.<sup>2</sup></p> <p>Most LAs use AP for a wide range of purposes, with the majority of LAs identifying multiple reasons why they would use AP. The most common reasons given were provision for excluded pupils (selected by 96% of LAs), provision for mental and physical health-related reasons (80%) and early, preventative support (78%)<sup>4</sup></p>	

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ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
	<p>Many of these children are arriving in the AP sector with unidentified and unmet needs<sup>2</sup></p> <p>We expect the greatest increase in the areas of C&amp;I (Communication and Interaction) and SEMH (Social Emotional and Mental Health)<sup>1</sup></p> <p>There are increasing numbers of children with mental health needs in schools and alternative provision<sup>2</sup></p> <p>I am appealing to the council to oppose this proposal and re-consider both the speed and severity of the cuts. I would also appreciate the council's formal response to these questions:</p> <ol style="list-style-type: none"> <li>1) Can the council explain how this proposal will remedy the problem of increasing exclusions in North Yorkshire?</li> <li>2) Can the council provide a list of alternative provision centres available for September 2019 in North Yorkshire?</li> <li>3) Can the council assure us that alternative provision will be as good as the education and support at PRUS which are rated Good or Outstanding?</li> <li>4) Can the council guarantee that alternative providers will be assessed and monitored to ensure safe standards of care?</li> <li>5) Can the council provide any research they have completed into the anticipated costs of a new network of alternative provision in the county?</li> <li>6) In the long term, does the council really believe handing over education to profit making providers will give the taxpayer value for money?</li> <li>7) Can the council assure us that all ISOS reports (used to justify the proposal) have been finalised and please send them to my personal email address?</li> </ol>	
111	<p><u>Public Question 2</u></p> <p>The following public questions were received from Richard Hughes, of Grove Academy Pupil Referral Unit.</p>	<p>This information has been extracted from the DRAFT Minutes of the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018. This remains draft until minutes have been approved at the Council meeting on 20 February 2019.</p> <p>In response to public question 2), County Councillor Patrick Mulligan said:</p>

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ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
	<p>1. My name is Richard Hughes and I teach at the Grove Academy Pupil Referral Unit. I am speaking on behalf of all staff and students at the PRU with the support of the leadership team at the Delta Academy Trust.</p> <p>2. We work with some of the most complex and disaffected young people across the Harrogate area and have provided them with an Outstanding education support service for over twelve years now.</p> <p>3. The PRU educates and supports a range of pupils with complex needs including extreme social, emotional, behavioural and medical problems which prevent them from attending 'mainstream' schools. These Special Educational Needs have proven extremely difficult if not impossible to accommodate in mainstream; these students have been, or are at risk of being, permanently excluded from school.</p> <p>4. The Council's CYPS committee plan to cut their funding of the PRS service, in effect by 83% from next April 2019. (That is a removal their 'discretionary' payment, 2/3 of our budget and a serious reduction in their per pupil top up.) Essentially this destroys a national model of Outstanding SEN provision. The Council is expecting us to meet the needs of a rapidly increasing number of complex students with a staff team reduced by up to 80%. The Council maintain that all PRU heads were informed of the likely scale of this cut last year; in reality our management received this incredible news in September.</p> <p>5. The Council have talked about a small transitional fund for the first year but this still represents a 50% funding cut that means we cannot function from April 2019.</p> <p>6. This huge cut would of course be disastrous for this excellent service and mean at best huge downsizing if not closure. The severe damage would be to the students themselves, many of whom are the most vulnerable in the area, but then to their families, who often struggle with their own personal, social and health issues. In the wider community Public Services such as Policing and Social Care are already stretched and they will certainly be further pressured. Finally, the impact on local mainstream schools will potentially be catastrophic. They can not cope with further</p>	<p>The Consultation has finished and all views will be given due consideration including comments on timescales. The Consultation did state that transitional funding would be agreed for 2019/20 and PRS also have significant reserves of between £128,000 and £765,000.</p> <p>Responses from local schools will be considered and made public when the consultation has been analysed.</p> <p>Further work is required across localities to ensure young people who have been permanently excluded can access mainstream provision as appropriate. This is recognised by the Local Authority and is being addressed through the In Year fair Access Protocol and the establishment of the local Partnerships.</p> <p>Richard Hughes then made a supplementary statement that highlighted that PRUs did not have significant reserve funds as there had significant expenditure of capital upon developing facilities.</p>

ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
	<p>SEN demands, as evidenced by the increasing number of exclusions and 'off rollings'; if they are forced to retain these pupils then how are they going to manage? There is no clear plan in place!</p> <p>7. There has been a rapid increase in referrals to the PRS on medical grounds. These range from severe physical illnesses to autism and development disorder then to the full range of mental health conditions. There is a crisis of provision for those young people with health problems and the Council are proposing huge cuts to it – it simply does not make sense.</p> <p>8. This proposal will dismantle many years of highest quality provision, experience and expertise; the staffing to support these pupils with their various needs and to safeguard them adequately. The Grove Academy PRU has been recognised as Outstanding by OFSTED <b>three times</b> in a row, a feat only achieved by 9 of some 350 PRUs across the whole country. Surely this is a beacon of quality provision that should be celebrated, not destroyed?</p> <p>9. The Council's so-called 'consultation' on what have only been termed 'changes' to the High Needs Budget, has been rushed and extremely poorly thought through. Its plan for provision in the future is very unclear. The only clear idea put forward seems to be that schools liaise with a new network of profit-making Alternative Provision centres or Charity providers to form a strategy. Ourselves and our colleagues are not aware of any such even basic quality providers locally. And this is to deal with the increasing number of permanently excluded children in the system, with the evident need for preventative placements and to accommodate the increasing number of students referred on medical grounds, <b>all by next April!</b></p> <p>10. Given the lack of Alternative Provision in the Harrogate area at present the pace of change seems completely unreasonable and, frankly, suggests <b>panic</b> on behalf of the Council. Whilst North Yorkshire council are proposing that these changes come into effect in some <b>4 months</b>, other councils have taken <b>at least 3 years</b> to create such a network of providers. Whilst there is certainly need for more alternative routes through</p>	

ID	Public questions or statements to the Meeting of the County Council held at County Hall, Northallerton on 14 November 2018	
	Question or Statement	Response
	<p>education, getting rid of the safety net that the PRU provides without these options in place is asking for serious problems across schools and local communities.</p> <p>11. The likely effects of these cuts will be a worsening of the current adolescent mental health crisis, an increase in truancy and children missing from education, an increased risk of child exploitation and coercion into criminal behaviour and an increased risk of anti-social behaviour within the community. North Yorkshire police are opposed to this proposal and are in the process of formalising their objections. Local schools are similarly shocked and in clear opposition. Parents, staff and students are outraged, all of this increasingly evidenced in local and national media.</p> <p><b>Could the council please re-consider their position on the proposed cut to the funding of the Grove Academy Pupil Referral Unit. Could the council also respond to the following key questions about the cuts proposed for the Grove Academy PRU:</b></p> <p>1) Harrogate PRU only found out about the proposed cuts on September 4th and they are due to take effect in April 2019. The Consultation opened in October and closed on November 11th. Could the Council explain how this is a fair and timely approach to such a significant systemic change?</p> <p>2) All local schools contacted are objecting to the Council's proposal. What response have the Council had from local schools? Are the council prepared to direct mainstream schools to accept excluded students on to their roles?</p> <p>Many thanks for your time and consideration on these critical matters.</p>	

4. The following questions were received for the Young People Overview and Scrutiny Committee meeting of the 7th December 2018. Please note these have been redacted to ensure they are anonymised but content has not been altered.



Public questions or statements to the Young People Overview and Scrutiny Committee Meeting, County Hall, Northallerton on 7 <sup>th</sup> December 2018.		
ID	Question or Statement	Response
112	<p><b><u>QUESTION/STATEMENT 1</u></b></p> <p>Hello</p> <p>Re: Cuts to the Pupil Referral Service proposed as part of "Changes to the High Needs Budget"</p> <p>Question: It is a fantasy to believe that every child can be educated in a mainstream school especially with their own severe budget pressures (80% of N Yorks schools are in deficit). Even schools with EMS status are excluding students with special needs. The CEO of our MAT, has told Stuart Carlton that "on your proposed cuts I will have to close the Grove as a PRU." The Collaborative system between local schools and prus has not worked for many years now, leading to a typical stay of 2 years for permanent exclusions in PRUs instead of the maximum 30 school days stated in the council's in year fair access protocol. In the light of this reality, can the council explain how it's proposed collaborative arrangements will be any different from the previous ones which have failed? And can the council explain where the students currently on roll at the Grove Academy will be educated in September 2019 if it is forced to close as a PRU?</p> <p>PRINCIPAL The Grove Academy PRU, Harrogate</p>	<p>The following is a response to all 9 questions and statements submitted at the Young People Overview and Scrutiny Committee meeting of the 7<sup>th</sup> December 2018.</p> <p><b>Initial Statement.</b></p> <ol style="list-style-type: none"> <li>1. The LA has been working with key stakeholders including schools, parents/carers, young people and other professionals to finalise the strategic plan for SEND provision. We have also scrutinised the range of research documents which inform good practice models for AP and how they can be effective in reducing exclusions.</li> <li>2. The LA invests over £4.6 million per year to provide for children and young people who have been, or are at risk of, permanent exclusion from school. £2.7 million is invested in PRS/AP for preventative work. This does not take into account the additional funding the LA invests for students with medical needs.</li> <li>3. Rate of growth of permanent exclusion in NY is 13th highest out of all LAs despite this investment. This must prompt a change in approach in NY – we would be reviewing and making changes to the alternative provision offer, in line with p.26 of the SEND Provision</li> </ol>

**QUESTION/STATEMENT 2**12<sup>th</sup> November 2018

Dear Mr Busby,

**Re: Threatened Closure of Harrogate's Grove Academy Pupil Referral Unit**

My name is \_\_\_\_\_ and I am the \_\_\_\_\_ and \_\_\_\_\_ at The Grove Academy PRU. I am writing on behalf of all the staff at the Grove Academy and referring to Proposal 2 of NYCC's proposed cuts to the High Needs Budget.

My colleagues have provided sound arguments against every detail in this proposal, copies of which I believe you will have received and read. I am writing from a safeguarding perspective.

The staff team at The Grove Academy, both teaching and non-teaching, is dedicated and passionate about providing the very best, most suitable all round individual provision for every single young person who is referred to us. We take safeguarding very seriously and operate a culture of vigilance. We know the background of every child which allows us all to be aware of the potential risks each of them faces whether it be Child Sexual Abuse, Criminal Exploitation, radicalisation, drug and alcohol misuse, physical abuse, mental abuse or neglect all of which, and more, we have had experience of and have prevented at The Grove Academy. 40% of the current cohort at the Grove Academy currently have Child Protection or Child In Need status so we really are dealing with the most needy, most vulnerable students. We know who our pupils associate with in their local communities and liaise very closely with their families. We have close links with all the other service providers and agencies including police and social services and work with them on a daily basis. By liaising so closely with all these services and families we are best placed to safeguard these vulnerable children, reduce their risk taking behaviour and support them in achieving the very best they are capable of. With the best will in the world mainstream schools aren't in a position to do this and will not have the resources or capacity if these cuts are implemented. If NYCC's proposals are allowed to go ahead these children will be at serious risk of harm including Child Sexual Exploitation and taking part in criminal behaviour. Harrogate could quite easily become another Rotherham, Sheffield or Newcastle or at least have to deal with several Serious Case Reviews. The already stretched resources of other schools and agencies, including the Police, Social Care and the NHS would be under even more pressure.

Strategic Plan, regardless of the current pressure on High Needs Block Funding.

4. The LA acknowledges the Ofsted ratings of the PRS as good or above but must now give consideration to how the significant increase in permanent exclusions can be reduced longer term.
5. High needs block budget is facing a £5.7 million deficit for 18/19 and predicted to rise to £13 million by 2022. Corrective action is required to ensure the local authority meets its statutory duty but also manages its budgets effectively.
6. Throughout 2018 extensive informal engagement and formal consultation took place on the Strategic Plan for SEND Education Provision 0-25. This plan was approved by the Executive on 4th September 2018. Within this document (p.26/27) it is clearly detailed the changes proposed to PRS and AP in North Yorkshire. These changes include:
  - Commissioning on a place basis for the purpose of preventing exclusion and provision of education for those who are excluded
  - Removal of medical outreach tuition with a new model to replace it
  - Working with mainstream Head Teachers to ensure investment of HNB funds have an impact of reducing exclusion
  - Ensure local steering groups and Head Teachers have more influence on the model of AP in each locality

I have been humbled by the response to the cuts we have had from parents, pupils and former pupils who have rallied to our cause. They speak passionately and eloquently about what The Grove Academy has done for them, what it means to them and what would have happened to them had they been denied our provision.

Her choice of the word 'people' is poignant; they see us as human beings who treat them with respect and are there to help and support them not as detached professionals who are paid to do a job of work. They've had the confidence and conviction to attend the consultations, be interviewed by local radio and The Guardian newspaper in an effort to save 'their

school' which clearly means so much to them. These are young people who now have a positive future and who would be written off through lack of funding if this proposal is allowed to take effect. They deserve so much better than this.

school' which clearly means so much to them. These are young people who now have a positive future and who would be written off through lack of funding if this proposal is allowed to take effect. They deserve so much better than this.

It is a false economy to cut the budget of a school which has been rated as Outstanding in their last three Ofsted inspections and which is already providing the specialist support which NYCC propose mainstream schools should be able to do under their new proposals. This is not realistic. They expect this to be achieved on a share of a one off payment of £771,000 (see paragraph 8 on page 6 of NYCC's 'Consultation on changes to the high needs budget') in real terms this means £165,000 per school. Given that many local schools have their own budget problems to cope with, it is simply an impossible task for them to manage these complex students with this meagre handout – not least because this money will not go far in commissioning places from profit-making Alternative Provision centres. Such a short-sighted systemic change will put the future and safety of a significant number of young people in the Harrogate area at risk. One cannot put a price on the safety of children.

Yours sincerely,

Throughout the development of this plan PRS Head Teachers and staff were consulted. This consultation, specifically in regard to The Grove Academy, was facilitated through the following meeting and/or consultation events:

- 14.06.17. SEMH task and finish group Harrogate
- 15.11.17. PRS governors meeting (No PRS governors attended)
- 16.01.18. Harrogate HTs meeting (PRS Invited)
- 12.03.18. Specific meeting for PRS HTs
- 04.06.18. Harrogate/Knaresborough/Ripon HTs meeting – formal consultation (Both The Grove's former and current HT attended)
- 13.06.18. Specific PRS HTs meeting as part of formal consultation

During this same time period regular meetings continued between the LA and PRS Head Teachers. On the following dates the need for much more efficient models, the HNB deficit and implications of this and pre warning of PRS budget implications were discussed:

- 21.03.18 Points discussed:
  - significant pressures on HNB
  - fundamental review of all aspects of funding including PRS budgets
- 04.07.18 Points discussed:
  - Medical provision and its removal from PRS in 2019 for outreach with in-reach proposal to follow
  - The need for transformational change (with various models suggested by PRS Leads and LA)
  - Strong challenge the LA have had from Mainstream Head teachers about the value for money PRS provide given the levels of investment.

QUESTION/STATEMENT 3

Dear Mr Busby

**Re: Threatened Closure of Harrogate's Grove Academy Pupil Referral Unit**

This letter makes two requests.

The first is that you spend a few minutes of your time considering the information below.

The second, assuming that what follows is sufficiently persuasive, is that you add your voice to those of North Yorkshire police, social care agencies, mainstream schools, staff, and pupils and their families, in asking North Yorkshire County Council ('the Council') to reconsider its current position regarding cuts which will almost certainly lead to the closure of the Grove Academy. They have said their decisions are "not set in stone".

#### Introduction

The Grove Academy Pupil Referral Unit (PRU) in Harrogate is one of seven specialist units that form the wider North Yorkshire Pupil Referral Service (PRS). They support and educate a range of pupils with complex needs including extreme social, emotional, behavioural and medical problems.

The Grove Academy has been recognised as 'Outstanding' by OFSTED during its last three inspections. This has been achieved by only nine others – or less than 3 per cent – of some 350 PRUs across the whole country.

Against a background of increasing local and national demand for such provision it might be hoped that beacons of quality such as the Grove Academy would be encouraged to thrive. Instead, the Council's Children's and Young People's Service (CYPS) committee is proposing cuts of 83 per cent to the council-funded part of the Grove Academy's budget. At a minimum there will be a substantial quantitative and qualitative reduction in the services that the Grove Academy can provide. Closure is a real possibility.

Moreover, the Council's plan for the future provision of these services is unclear. Faced with similar challenges, other councils have taken at least three years to create a network of alternative providers. CYPS is attempting to push through a 'consultation' and as yet unspecified restructuring by April 2019.

In summary, the likely effects of these cuts will be a worsening of the current adolescent mental health crisis, an increase in truancy and children missing from education, an increased risk of child exploitation and coercion into criminal behaviour and an increased risk of anti-social behaviour within the community. North Yorkshire police are opposed to this proposal and are in the process of formalising their objections. Local schools are similarly shocked and in clear opposition. Parents, staff and students are outraged.

- **04/09/18 Meeting purpose:**
  - To brief all PRS and AP leads of proposals prior to public consultation and Schools Forum

7. Permanent exclusion has a detrimental impact on the achievements and life chances of young people in terms of :
  - Lower levels of attainment in comparison to their peers
  - 45% not in education, employment or training compared to 6% in mainstream
  - Increased vulnerability in terms of criminality -42% of prisoners had been PX
  - Increased health risks including mental health (Making the difference breaking the link between school exclusion and social exclusion, Oct 2017) (Forgotten Children- Alternative provision and the scandal of ever increasing exclusions, July 18)
8. Our drive is to:
  - Reduce permanent exclusion across the county
  - Increase the range and capacity of AP which can be used flexibly at an early stage to personalise learning and maintain young people on their school roll. This is not happening effectively in NY despite a 2.7 million investment per year into PRS/AP.
  - Develop Alternative Provision pathways with school leaders at the helm so that it is flexible in meeting need early, is of good quality and represents the most efficient use of public monies invested in LAs and school budgets.
  - Ensure schools have greater accountability for young people placed from their schools
  - Increase transparency of the allocation and impact of high needs funding with school leaders

This approach is in line with recommendations from national studies which emphasise early intervention, high quality and strong accountability of schools.

**Cuts and Consequences**

The CYPS committee, led by Stuart Carlton, Jane LeSage and Chris Reynolds, is proposing to remove the so-called 'discretionary' part of the Grove Academy's budget, or roughly two-thirds of its current income. They also propose to reduce the top-up funding from £9,000 to £7,000 per student. This represents a cut of around 83 per cent to the Council funded part of the budget, and an overall cut of 55 per cent assuming that funding from the Department for Education (DfE) will remain the same.

This huge cut would be disastrous for the Grove Academy and mean at best major downsizing if not closure. The impacts would be damaging on several fronts:

- To the students themselves, many of whom are the most vulnerable in the area.
- To their families, many of whom struggle with their own personal, social and health issues.
- To the wider community where public services such as policing and social care are already past breaking point.
- To local mainstream schools which are already at full stretch in terms of meeting SEN demands and would then be hugely limited in their ability to exclude. They must then face huge disruption if currently excluded pupils were to be directed back on to their rolls, as seems to be the plan.

The Council is expecting the Grove Academy to meet the future needs of a rapidly increasing number of complex students despite a staff reduction of up to 80 per cent. Among student groups that are at risk from this are those referred to the Grove Academy with an Education and Health Care Plan (EHCP, formerly the SEN Statement), or on medical grounds.

In the school year 2015/16 only six students at the Grove had EHCPs (or SEN Statements) for conditions ranging from autism to developmental disorder. The following year this figure had risen to 12 and the year after to 13.

In the school year 2015/16 only nine students were referred to the Grove because they could not access mainstream schooling on medical grounds, often due to severe anxiety or other mental health disorders. By 2017 this figure was exceeding 20 pupils.

There is already a crisis of provision for those young people with health problems and yet the Council are proposing huge cuts. The effect will be to destroy a national model of outstanding SEN provision. It simply does not make sense.

**Proposal**

- Provide an increased number of places for young people who have been, or are at risk of being, permanently excluded from school in line with national average funding (ISOS report 2018).
- Funding for students with medical needs will continue to be funded in the PRS for the near future at a slightly uplifted rate of £10,000 per full time place
- We will have to take steps to reduce the LA contribution to preventative funding to offset the significant pressure on the high needs block. However we have not taken the decision, like some other LA's, to remove it all. The LA have proposed that a reduced spend of 28% would enable a proportion of the non-statutory money, £771,000, be provided directly to local area partnerships made up of school leaders. This will support their ability to develop the right offer and reduce any incentive to exclude in order to access support. These partnerships will be constituted groups with detailed terms of reference and a range of responsibilities for the monitoring and performance of each locality in regard to SEND and School Improvement.
- In parallel to the consultation on funding, a series of workshops have taken place to consider and explore models of AP into the future to ensure that young people are predominantly supported prior to exclusion, rather than following exclusion.
- Across the county the proposal set out would still see between £3.1 and £3.3m being invested from the HNB into the education system to provide alternative provision and support earlier intervention strategies.

**Implications for the Grove Academy**

- The LA currently invests over £1.2 million to the Grove Academy. This funding is made up of :
  - £435K statutory funding
  - £788K for those at risk of exclusion

**'Consultation' and 'Changes'**

The Council maintain that all PRU heads were informed of the likely scale of this cut last year. In reality management received this shocking news only in September 2018.

The Council's so-called 'consultation' on what have only been termed 'changes' to the High Needs Budget has been rushed, and to date it has provided little or no response to staff, parent and student concerns.

The Council's plan for provision in the future is very unclear. The only substantial idea put forward by the Council was that local schools, together with a new network of profit-making Alternative Provision centres or Charity providers, would somehow come together to form a strategy. This is to deal with the increasing number of permanently excluded children in the system, with the evident need for preventative placements and to accommodate the increasing number of students referred on medical grounds. All this, by April 2019!

Given the lack of Alternative Provision in the Harrogate area at present the pace of change seems completely unreasonable and suggests panic on behalf of the Council. Whilst North Yorkshire County Council is proposing that these changes come into effect in just five months, other councils have taken at least three years to create such a network of providers. Whilst there is certainly need for more alternative routes through education, getting rid of the safety net that the PRU provides without these options in place is asking for serious problems across schools and local communities.

The Council has talked about allocating a small transitional fund to the Pupil Referral Service. However, this would be for one year only and would represent an immediate 45 per cent cut, increasing to at least 55 per cent the following year. Again, this is totally unsustainable.

**Conclusions**

In summary, if the proposals outlined above are approved the Grove Academy could not continue to offer its outstanding services to these most challenging of pupils. Its excellence as a service is based on the quality of engagement, individualised support and a motivational personal, social and academic curriculum. It is so much more than the sum of its parts!

The proposals will dismantle many years of highest quality provision, experience and expertise; the staffing to support these pupils with their various needs and to safeguard them adequately. Given that the Grove Academy is already close to capacity it would quickly reach the physical limits of its provision.

**Actions**

You support is sought for the following:

1. Request that the Council re-consider its position on the proposed cut to the funding of the Grove Academy Pupil Referral Unit.
2. Request that the Council also respond to the following key questions about the cuts proposed for the Grove Academy PRU:

- The Grove PRS offers a total of 25 FTE places with a place cost of around £48K per place. This is disproportionate to the national average of £18K per place for AP and is significantly above a specialist SEMH school pace in NY which averages £19,769 per place
- Under the proposals the LA will commission between 28-30 places in the Grove for permanently excluded young people (excluding medical provision) at national average funding rates
- It is proposed that the budget changes will be introduced from the financial year 2019/20 but transitional funding will be agreed to ensure stability for the PRS/AP provision whilst the new AP model is finalised
- Discussions are continuing with Head teachers in the area to ensure the future model for AP is agreed together with collaborative arrangements for funding.

**Associated Changes**

- The Strategic Plan for SEND provision also specifies further developments which will ensure the needs of young people with additional needs including SEND are met
- Transfer of 0.5-1% from schools funding to offset high needs block funding pressures of £5.7 million for 18/19
  - Multi-disciplinary teams of SEND professionals in localities to enhance support for young people in schools and local accountability for young people
  - Increase in specialist and targeted provision including SEMH
  - Enhanced model for young people with medical needs
  - Replacement of Behaviour and Attendance collaboratives under a strengthened governance arrangement

**Independent AP**

- 2.1 Harrogate PRU only found out about the proposed cuts on 4<sup>th</sup> September 2018 and they are due to take effect in April 2019. The Consultation opened in October and closed on November 11<sup>th</sup>. Please could the Council explain how this is a fair and timely approach to such a significant systemic change?
- 2.2 All local schools contacted are objecting to the Council's proposal. What response have the Council had from local schools? Are the Council prepared to direct mainstream schools to accept excluded students on to their rolls?
- 2.3 Can the council provide a list of Alternative Provision centres available to schools in the Harrogate area, including costs, from September 2019? Can parents and pupils be assured that these AP centres will be subject to the same rigorous checks and monitoring as the PRS? Can parents and pupils be assured that these AP centres will provide the same, Good or Outstanding education that is available through the current PRS?

Many thanks for your time and consideration of these critical matters. I am speaking on behalf of all staff and students at the PRU, with the support of the leadership team at the Delta Academy Trust of which the Grove Academy is part.

Yours sincerely

The Grove Academy

It is not the council's view that Independent AP will become the core offer of AP into the future. However, we do recognise that Independent AP do contribute to the breadth of offer available to schools and young people and will engage with the sector to monitor and prompt development of suitable pathways.

NYCC maintains a directory of providers in line with our statutory duties and are going further to ensure standards including safeguarding, welfare and legal compliance are evidenced prior to entry into the directory. Schools will continue to be responsible for the assurance of quality for any provision they use.

### Safeguarding

With regard to concerns raised by representatives of The Grove Academy in relation to safeguarding we restate our absolute and total commitment to safeguarding the most vulnerable in our society. This is underpinned by the revised guidance on Working together to safeguard children which reinforces the responsibilities of all stakeholders including education providers.

We are rightly proud of our record in this regard and are recognised by Ofsted as Outstanding in all areas. Despite this unprecedented endorsement of our safeguarding practices we continue to strive for improvement in all areas and will work side by side with all partners, including AP, to continue to ensure systems are robust and they minimise the risk of harm.

The introduction of a revised Early Help strategy in 2019 will further strengthen our joint responsibilities to safeguard children and young people

### Consultation

The Council has undertaken extensive consultation in respect of the High Needs Budget proposals and has carried out a legal consultation. The LA

**QUESTION/STATEMENT 4**

I am a teacher at The Grove Academy Pupil Referral Service (The long term Ofsted Outstanding Harrogate PRU).

I would ask the scrutiny committee to seriously enquire as to what is REALLY the basis to North Yorkshire's SEND funding crisis.

Myself and many colleagues in the profession are aware of the scandalous wasting of many millions of pounds in relation to the closing of two successful SEND residential provisions (Netherside Hall and Balliol Schools) and their replacement with Foremost School, later rebranded Forest Moor. To public knowledge this has continued to fail as a provision despite the many millions that the County has poured into it (precise figures are clearly unpublished and pending a FOI request, now overdue.)

To clarify my question for the Committee:

How can the County justify the saving of £1.5 million by cutting a long term outstanding EBD and medical provision, with no reasoned plan in place for supporting these young people?

How can the County justify these cuts when they are wasting untold millions on a failed and failing provision at Forest Moor?

Many thanks for your consideration.

Teacher  
HG43SD

is not of the view that there is a need for a second consultation on these principles.

Officers are currently fully considering those consultation responses prior to developing recommendations to propose to the Executive in January 2019.

All consultation feedback is under analysis



**QUESTION/STATEMENT 5**

Hello,

Re: proposal 2 of the changes to the High Needs Budget - cuts to the Pupil Referral Service

Question: Richard Sheriff, President of the ASCL and Principal of Harrogate Grammar, stated in the Harrogate Advertiser last week that the proposed changes to the High Needs Budget would "result in having nowhere to go for a whole set of children with varied and particular needs, which will be almost impossible to meet in mainstream...the outcome will be HIGH levels of exclusion." Given that the main justification stated by the council is that the changes will REDUCE exclusions, what is the council's response to Mr Sheriff?

Thank you,

**QUESTION/STATEMENT 6**

Dear Mr Busby

I would like to submit the following question to the overview and scrutiny committee for consideration this Friday...

*Parents, staff and pupils alike feel that the council's consultation on the Changes to the High Needs Budget was fundamentally flawed and, as such, unlawful. The content of the consultation documents was misleading and lacked both transparency and precision. There are also serious concerns about the poor distribution and accessibility of the documents and the overall timing of the consultation process. As a result, a group of parents is pursuing legal action against the council. Though the challenge is only just being drafted, the parents have been advised that the case is very strong for at least a delay and a revised second consultation. After this challenge, the parents also plan to challenge the content of the proposed "Changes to the High Needs Budget," chiefly proposal 2 concerning severe cuts to the Pupil Referral Service (PRS); I believe another campaign group "Save SEND North Yorkshire" is challenging proposals 1 and 3. These parents' action has the backing of both the NEU and NASUWT. In addition, the North Yorkshire public is highly concerned about the council's plans: over 2600 signatures have been gathered on a [change.org](http://change.org) petition and many others are sending written objections to the council. And so, given the obvious flaws in the consultation process, would the council consider revising its consultation documents and setting about arranging a second, lawful consultation process on these proposals rather than ploughing ahead with this premature, unwise and unsupported decision?*

I would also like to read out my question at the meeting. Is this possible please?

Yours sincerely

Parent Governor of The Grove Academy Pupil Referral Unit  
Save the PRS campaign group

**QUESTION/STATEMENT 7**

Dear Sir,

Re: the proposed cuts to the Grove Academy PRU and the whole North Yorkshire Pupil Referral Service

I'd like to give the following statement and question for the scrutiny meeting on December 7th:

At the three-time OFSTED outstanding PRU in Harrogate only 3% of school leavers in the last 5 years have gone on to enter the criminal justice system.

The recent education committee report on "forgotten children" states that this figure is as high as 50% when PRU provision is of low quality. The report clearly calls for more good-quality PRUs to act as an intervention to reduce criminal behaviour.

So when Cllr Mulligan drags the names of PRUs through the dirt by associating them with criminality and implying they are part of a path to prison, he is correct - BUT HE IS TALKING ABOUT POOR QUALITY PRUs. North Yorkshire's PRUs are all rated Good or Outstanding. His comments show a complete lack of regard for quality, which is obviously critical, and I feel are deliberately misleading the public. At the Grove Academy PRU the staff turn children's lives around, keeping them safe and protecting them from coercion into criminality - you only have to read the Harrogate Advertiser to see the difference the PRU makes to the lives of their students.

Have the council inc the CYPs executive studied the Education Committee report entitled "Forgotten Children: alternative provision and the scandal of ever increasing exclusions" published on July 25 this year AND, in the light of that report's recommendations, can the council explain how cutting/closing Outstanding PRUs like the Grove Academy in Harrogate will safeguard our most vulnerable children in the future?

Yours sincerely,

Parent

**QUESTION/STATEMENT 8**

Hello,

I'd like to submit a question for the next CYPs scrutiny committee meeting.  
Question: I'm sure you're aware of the proposed cuts to the pupil referral service as part of the changes to the high needs budget. For the grove academy pru in Harrogate this would mean a 66% cut (based on 25 student places). The council have very vague plans for a network of Alternative Provisions which they believe will spring up in time for sept 2019. Currently there are only a handful of Alternative Provisions in the Harrogate area: Veloheads, an overpriced bike repair shop with no qualified teachers; Harrogate Training Services, which charge £75/hour and is utterly unsuitable for excluded students; and NISAI, a "virtual" school, which is quite frankly laughable as a provision for disaffected students, or students who have mental health problems. Can the council explain how this lack of quality Alternative Provision will educate the most needy and vulnerable students in the Harrogate area? If the council believe devolved funding will stimulate the market for alternative provisions, they are misguided - the proposal only offers only around £16k per school which will hardly buy one placement in AP. N Yorks Schools, 80% of which are in deficit, will be forced to off roll students they cannot cope with or exclude, and there will be no PRU left to educate them.

Many thanks,

**QUESTION/STATEMENT 9**

Dear Mr Busby,

The aim of this letter is to ensure that any decisions about the future of the PRS services of North Yorkshire are made based on the reality of needs, rather than the hopes of attempting to fix difficult financial problems.

We do not live in a simple or straightforward society, the demand for non-mainstream school places has increased, the number of students permanently excluded from schools has increased, complex emotional and mental health needs in students have increased, the desire to help students with additional needs however has not changed.

The PRS service (anywhere) is filled with teachers, instructors, and assistants with this desire, they have developed skills, curricula, and most importantly pedagogy which is intended to re-engage, develop and rehabilitate students so they are able to become successful members of society, be that with qualifications or improved emotional stability and always improving aspirations for their own future.

I write this letter from the position of educator, with particular investment in the Grove academy in Harrogate.

The proposed cuts will cut deeper than the loss of provisions filled with expertise; the CYPS committee, led by Stuart Carlton, Jane LeSage and Chris Reynolds, is proposing to remove the so-called 'discretionary' part of the Grove Academy's budget, or roughly two-thirds of its current income. They also propose to reduce the top-up funding from £9,000 to £7,000 per student. This represents a cut of around 83 per cent to the Council funded part of the budget, and an overall cut of 55 per cent assuming that funding from the Department for Education (DfE) will remain the same.

This huge cut would be disastrous for the Grove Academy and mean at best major downsizing if not closure. The impacts would be damaging on several fronts:

- 1) To the students themselves, many of whom are the most vulnerable in the area.
- 2) To their families, many of whom struggle with their own personal, social and health issues.
- 3) To the wider community where public services such as policing and social care are already past breaking point.
- 4) To local mainstream schools which are already at full stretch in terms of meeting SEN demands and would then be hugely limited in their ability to exclude. They must then face huge disruption if currently excluded pupils were to be directed back on to their rolls, as seems to be the plan.

The Council is expecting the Grove Academy to meet the future needs of a rapidly increasing number of complex students despite a staff reduction of up to 80 per cent. Among student groups that are at risk from this are those referred to the Grove Academy with an Education and Health Care Plan (EHCP, formerly the SEN Statement), or on medical grounds.

In the school year 2015/16 only six students at the Grove had EHCPs (or SEN Statements) for conditions ranging from autism to developmental disorder. The following year this figure had risen to 12 and the year after to 13.

In the school year 2015/16 only nine students were referred to the Grove because they could not access mainstream schooling on medical grounds, often due to severe anxiety or other mental health disorders. By 2017 this figure was exceeding 20 pupils.

There is already a crisis of provision for those young people with health problems and yet the Council are proposing huge cuts. The effect will be to destroy a national model of outstanding SEN provision. It simply does not make sense.

In good conscience the proposed cuts are less a reimagining of the services and more a hatchet job aiming to save money fast. Dismantling excellent provisions in such a short time scale and replacing them with a theoretical provision by April is fantastical, and the period of consultation provided less answers or date it has provided little or no response to staff, parent and student concerns.

The Council's plan for provision in the future is very unclear. The only substantial idea put forward by the Council was that local schools, together with a new network of profit-making Alternative Provision centres or Charity providers, would somehow come together to form a strategy. This is to deal with the increasing number of permanently excluded children in the system, with the evident need for preventative placements and to accommodate the increasing number of students referred on medical grounds.

## Consultation responses – High Needs Budget Changes – October / November 2018

Given the lack of Alternative Provision in the Harrogate area at present the pace of change seems completely unreasonable and suggests panic on behalf of the Council. Whilst North Yorkshire County Council is proposing that these changes come into effect in just five months, other councils have taken at least three years to create such a network of providers. Whilst there is certainly need for more alternative routes through education, getting rid of the safety net that the PRU provides without these options in place is asking for serious problems across schools and local communities.

The Council has talked about allocating a small transitional fund to the Pupil Referral Service. However, this would be for one year only and would represent an immediate 45 per cent cut, increasing to at least 55 per cent the following year. Again, this is totally unsustainable.

Again, let me reiterate that these changes, with such an underdeveloped plan are all to be put in place by April 2019.

Finally, I ask you the following:

- 1) To Support the local PRS and the Grove by requesting the council re-considers its position on the proposed cut to the funding.
- 2) To explain why The Grove and PRS only found out about the proposed cuts on 4th September 2018 and that they are due to take effect in April 2019. The Consultation opened in October and closed on November 11th. Please could the Council explain how this is a fair and timely approach to such a significant systemic change?
- 3) To share with us the response the Council has had from local schools?
- 4) To explain how the Council is prepared to direct mainstream schools to accept excluded students on to their rolls?
- 5) To answer this; Can the council provide a list of Alternative Provision centres available to schools in the Harrogate area, including costs, from September 2019? Can parents and pupils be assured that these AP centres will be subject to the same rigorous checks and monitoring as the PRS? Can parents and pupils be assured that these AP centres will provide the same, Good or Outstanding education that is available through the current PRS?

Thank you for your time.

Your Sincerely

## 4. Question to the meeting of the Skipton and Ripon Area Constituency Committee Meeting 13th December 2018


Question to the meeting of the Skipton and Ripon Area Constituency Committee Meeting 13 <sup>th</sup> December 2018		
ID	Question or Statement	Response
113	<p><b>Statement/Question at Skipton and Ripon Area Constituency Committee Meeting 13<sup>th</sup> December 2018</b></p> <p>North Yorkshire County Council is currently proposing drastic reductions to funding of educational provision for children who are excluded from mainstream schools. These changes are driven by an ideology which puts budget before benefit and is symptomatic of conservative elected representatives both in local government and parliament.</p> <p>There are seven Pupil Referral Units (PRU) in North Yorkshire. They are all recognised as either good or outstanding by OFSTED. These institutions provide life chances to children who would otherwise be left by the wayside. The PRU in Harrogate, The Grove Academy, takes children excluded from 11 secondary schools in North Yorkshire and is threatened with closure within the next few months, as is the Craven Pupil Referral Service in Skipton. It will be impossible for them to function with the proposed cut in funding of at least 50% and probably as much as 66%. The alternative provision, such as virtual schooling, proposed by NYCC is clearly far inferior.</p> <p>May I ask the council today if they will consider delaying this decision to allow for a fuller and proper public consultation and to allow the PRU's time to manage the drastic change to their financial circumstances?</p> <p>Yours sincerely</p> <p>██████████</p>	<p><b>Response to Question at Skipton and Ripon Area Constituency Committee Meeting</b></p> <p>NYCC currently provides £2.7m of non-statutory High Needs Block funding to PRS and AP to work proactively with local schools to reduce exclusion, this is in addition to £1.9m of statutory funding. Despite this investment, exclusions are increasing rapidly and schools report regularly being unable to access support from the current PRS model early enough to prevent exclusion.</p> <p>We recognise the Ofsted judgements of all PRS in North Yorkshire and have not sought to question the quality of provision. However we must recognise and respond to the challenge of increasing exclusions and stretched budgets by ensuring that young people can access support before, and not after, they are excluded from school and ensure that funding arrangements from the High Needs Block are fair and equitable across a vast range of SEND provision.</p> <p>Currently the national average cost for alternative provision is £18,000 per place. North Yorkshire's present funding arrangements are disproportionately higher than this national average. A full time place at The Grove Academy currently stands at around £48,000 per place. For the purposes of context, and to illustrate the disproportionate levels of funding, maintained SEMH special school provision funded from the HNB costs, on average, £19,769 per place.</p> <p>The HNB is currently running at a projected deficit of £5.7m for this financial year. This level of deficit is unsustainable into the future. The proposed reduction in spend in relation to alternative provision for those who have been, or at risk of being, excluded is 29% and the proposals will give school leaders more scope to shape a system of support that can be accessed before exclusion.</p>




Question to the meeting of the Skipton and Ripon Area Constituency Committee Meeting 13 <sup>th</sup> December 2018		
ID	Question or Statement	Response
		<p>Irrespective of the pressure on the HNB budget we would still be bringing forward these proposals to address the effectiveness of early intervention, the disparity of funding between PRS and other HNB funded provision and the role of local education leaders in shaping the AP offer in each locality.</p> <p>The Council has undertaken extensive consultation in respect of the High Needs Budget proposals and has carried out a legal consultation. The LA is not of the view that there is a need for a second consultation on these principles.</p> <p>Officers are currently fully considering those consultation responses prior to developing recommendations to propose to the Executive in January 2019.</p> <p>All consultation feedback is under analysis.</p>


**5. MP letters received relating to the consultation**


## Consultation responses – High Needs Budget Changes – October / November 2018



MP letters in relation to the High Needs Budget consultations.		
ID	Question or Statement	Response
114	<p><b>From:</b> [REDACTED]  <b>Sent:</b> 26 September 2018 13:18  <b>To:</b> [REDACTED] Marion.Sadler@northorks.gov.uk  <b>Subject:</b> Rubicon Centre Funding</p> <p>Hi [REDACTED]</p> <p>Nigel has had a letter from [REDACTED] at the Rubicon Centre regarding the proposed funding cuts for the service. We understand that these will amount to over 50% of their current budget. Nigel is extremely concerned about this given that need is undoubtedly increasing in the Selby area and there is very little provision for young people with special education needs. As you know, there is no special school provision in the area at present which puts huge pressure on the Rubicon Centre. [REDACTED] has told us that the only way they will be able to cope with the budget reduction is by reducing both the capacity and the quality of the support they offer. This is clearly not a desirable situation for the most vulnerable young people.</p> <p>Please could you draw Nigel's concerns to Stuart's attention and ask him for a response?</p> <p>Kind regards,  [REDACTED]  [REDACTED]  Senior Caseworker, Office of Nigel Adams MP</p> 	<p>An individual response has been sent to the MP.</p>


115	<p style="text-align: center;"><b>RT HON JULIAN SMITH MP</b> Skipton &amp; Ripon</p> <p style="text-align: center;"></p> <p style="text-align: center;"><b>HOUSE OF COMMONS</b> LONDON SW1A 0AA</p> <p style="text-align: right;">31 October 2018</p> <p>Dear Richard</p> <p><b>Craven Pupil Referral Service</b></p> <p>I visited the Craven Pupil Referral Service, The Snaygill Centre, Keighley Road, Skipton, on Friday, and spoke with the Headteacher, [redacted], and also met a number of his staff too, in connection with the Council's proposed High Needs budget changes and the effect this would have on the school. [redacted] confirmed that he will provide a written response to the consultation, however, I promised to write to you to pass on the concerns raised in the meantime.</p> <p>[redacted] is concerned especially about the timescale for the consultation as I believe they were only aware of the proposals, which will significantly alter the service to be provided, on returning to school in September. Whilst it is recognised that changes will be required, the speed with which this has to be done is very concerning with the size of cuts proposed giving little time to, for example, if necessary, find alternative and suitable premises covering a large geographic area, adjust staffing etc. In essence, they would like more time to plan and to ascertain what is possible as they need to find a solution in the right way, with time, and with no detriment to their students, and I should be most grateful if you would let me have your comments on the points raised.</p> <p>I hope the County will be able to spend time listening to the School's concerns and are able to assist them in finding a suitable solution, going forward, and look forward to receiving your comments, in due course.</p>	An individual response has been sent to the MP.
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<p><b>Yours sincerely</b></p>  <p><b>The Rt Hon Julian Smith MP</b></p>	
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116	<p style="text-align: center;"><b>RT HON JULIAN SMITH MP</b> Skipton &amp; Ripon</p>  <p style="text-align: center;"><b>HOUSE OF COMMONS</b> LONDON SW1A 0AA</p> <p style="text-align: right;"><b>RECEIVED 20 NOV</b></p> <p>Mr Richard Flinton Chief Executive North Yorkshire County Council County Hall Northallerton DL7 8AH</p> <p style="text-align: right;">12 November 2018</p> <p>Dear Richard</p> <p><b>The Grove Academy</b></p> <p>I have been contacted regarding North Yorkshire County Council's proposed changes to High Needs funding in connection with The Grove Academy, Harrogate, at which he is a teacher.</p> <p>is concerned especially about the timescale for the consultation, as he claims that the School was only made aware of the proposals, which will significantly alter the service provided, in September. Whilst it is recognised that changes will be required, the speed with which this has to be done is very concerning with the size of cuts proposed giving little time to, for example, if necessary, find alternative and suitable premises covering a large geographic area, adjust staffing etc. is also concerned about the availability of places for their students in mainstream schools, and would like to understand what preparations the Council have made for alternative provision for the students concerned.</p> <p>A copy of ' correspondence is attached so that you can read his concerns and I would be most grateful if you would let me have your comments on the points he raises.</p> <p>Yours sincerely</p> <p><b>Rt Hon Julian Smith MP</b></p>	An individual response has been sent to the MP.
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117	<p style="text-align: center;"><b>RT HON JULIAN SMITH MP</b> Skipton &amp; Ripon</p>  <p style="text-align: center;"><b>HOUSE OF COMMONS</b> LONDON SW1A 0AA</p> <p style="text-align: right;"><b>RECEIVED 20 NOV 2018</b></p> <p>Mr Richard Flinton Chief Executive North Yorkshire County Council County Hall Northallerton DL7 8AH</p> <p style="text-align: right;">15 November 2018</p> <p>Dear Richard</p> <p>I have been contacted regarding The Grove Academy, Harrogate, at which [redacted] is a teacher.</p> <p>[redacted], on behalf of the school, has asked that I write to you regarding North Yorkshire County Council's proposed changes to High Needs funding and their effect on the school.</p> <p>[redacted], on behalf of the school, has asked that I write to you regarding North Yorkshire County Council's proposed changes to High Needs funding and their effect on the school.</p> <p>In particular, [redacted] would like to understand the reasons for the short timescale of the consultation, the response the council have had from local schools in relation to these proposed changes, and what Alternative Provision is available for the affected students.</p> <p>A copy of [redacted] correspondence is attached so that you can read her concerns and I would be most grateful if you would let me have your comments on the points she raises.</p> <p>Yours sincerely</p> <p><b>Rt Hon Julian Smith MP</b></p>	An individual response has been sent to the MP.
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<p>118</p>	<p><b>JULIAN SMITH MP</b> Skipton &amp; Ripon</p>  <p>HOUSE OF COMMONS LONDON SW1A 0AA</p> <p>RECEIVED 06 DEC 2018</p> <p>6 November 2018</p> <p>Dear Richard</p> <p>I have received an email from my constituent, Dr Morris Charlton of 29 Eshton Road, Gargrave, Skipton, BD23 3SH, in connection with the Craven Pupil Referral Service and the Council's changes to the high needs budget.</p> <p>A copy of the email is attached so that you can read Dr Charlton's concerns, and I should be most grateful if you would let me have your comments on the points raised.</p> <p>Yours sincerely</p>  <p>The Rt Hon Julian Smith MP</p>	<p>An individual response has been sent to the MP.</p>
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119	<p><b>From:</b> [REDACTED] <b>Sent:</b> 13 November 2018 11:59 <b>To:</b> [REDACTED] Marion.Sadler@northyorks.gov.uk <b>Subject:</b> Pupil Referral Units</p> <p>Dear [REDACTED]</p> <p>Our constituent, [REDACTED] came to see us at our surgery last week regarding Pupil Referral Units. I am attaching two briefing note she brought with her – these refer to The Grove specifically, but she also wanted to express her concern about the future of the Pickering unit. Kevin would be grateful if Stuart could clarify the situation so that we can go back to [REDACTED]</p> <p>Kind regards,</p> <p>[REDACTED] <u>Private Secretary to Kevin Hollinrake MP</u> <u>Member of Parliament for Thirsk &amp; Malton</u></p>  <p>9 Hanover House Market Place Easingwold York YO61 3AD</p>	An individual response has been sent to the MP.
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## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

### *High Needs Block Element 3 Resource Allocation System review and replacement – December 2018*

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Children and Young People's Service – NYCC Inclusion Service
Lead Officer and contact details	Jane Le Sage - Assistant Director – Inclusion
Names and roles of other people involved in carrying out the EIA	Nikki Joyce – Head of SEN
How will you pay due regard? e.g. working group, individual officer	This project has been governed through a strategic Project Board and monitored through High Needs Officer Budget Group.  The proposals were subject to a formal public consultation process during 5 <sup>th</sup> October and 11 <sup>th</sup> November 2018 and this EIA were monitored during and at the end of this period.

	Following this, any changes to the High Needs Block Element 3 Resource Allocation System will be placed for approval by the Council's Executive on 15 January 2019.
When did the due regard process start?	Initial working group discussions to review the existing Resource Allocation System (RAS) – also referred to as the “Can-Do System” started in Spring 2018. Research and options appraisals have been undertaken and final proposals were developed and subject to public consultation between 5 <sup>th</sup> October 2018 and 11 <sup>th</sup> November 2018. This EIA update follows the consultation.

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The local authority has a statutory responsibility, under the Children and Families Act 2014, to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with Special Education Needs/Disabilities (SEND), working with parents/carers, young people and providers.

In order to meet the needs of this group of children, the High Needs Block has an element of “top up” funding (Element 3) which is designed to make provision over and above what could be reasonably expected for a school to deliver within its Notional SEN Budget (Element 2 - £6k per pupil) to individual children with SEND. Across England, Local Authorities adopt different ways to determine what this Top-Up allocation should be for each child. In North Yorkshire this has been the CAN-DO system. This is currently a web-based process through which schools can input details relating to a child's needs and which calculates an amount of funding. However, over the past year there have been issues with the CAN-DO that have resulted in a lack of confidence from both schools and LA staff in relation to the amount of funding allocated, resulting in significant administration time to reassess and validate individual requests.

- We are recommending that we stop using the current ‘CAN DO’ allocation system and apply a new banding system from April 2019.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The proposal put forward is to ensure that the local authority can deliver its statutory responsibilities in relation to education provision for children and young people with SEND.

The changes aim to:

- Ensure that there is a fair, transparent and equitable method by which the Local Authority allocates the Element 3 resource
- Ensure that funding allocated is sufficient to meet identified needs in the Education Health and Care Plan
- Ensure that schools and settings are able to evidence what provision is required and can continually demonstrate that they are meeting each child / young person's identified needs
- Ensure that there is an efficient process which uses the minimum possible administration time for both the Local Authority and schools / settings.

The authority hopes to achieve:

- Improved efficiency in EHCP administration
- Equity in the distribution of the Element 3 funding which is based on the child's need and not on the ability of any individual to complete the current CAN-DO
- Simplification of the High Needs Funding system so that there is transparency and clarity across special schools, targeted provision, mainstream schools, early years settings and post 16 settings
- Financial assurance that funding allocated to individual's through the E3 is appropriate to meet needs and that the provision can be tracked and monitored

### **Section 3. What will change? What will be different for customers and/or staff?**

With regard to customers (children and young people with SEND) we do not anticipate any reduction in provision, but we anticipate that provision will be better monitored and that outcomes will be more clearly identified and tracked in terms of the benefits from that provision.

With regard to customers (schools and settings) who may wish to apply for Element 3 funding as part of an EHC Assessment request, there will be a new process by which they request this funding. This will include the need for schools and settings to evidence what provision has already been made, to what extent this has and has not met needs, and therefore what additional provision is required to effectively meet each child's needs.

For all schools and settings there will be a consistent funding mechanism for both place and top up funding that will be applied.

The proposed review and reshaping of High Needs Budget allocation and processes will ensure funding is allocated and used as effectively as possible. Proposed changes will ensure SEND education provision is delivered within the available budget. The impact on a child/young person would be mitigated as the Authority will continue to make provision for all assessed needs.

### **Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)**

Feedback has been received from mainstream school staff, special school Headteachers, SENCOs (through SENCO networks) and SEN staff. This feedback has informed us that the current CAN-DO system is not fit for purpose, resulting in a lack of confidence directly relating to:

- High need for moderation and administration which is inefficient
- A period where the CAN-DO gave incorrect amounts
- Variability and inconsistency in the amounts generated for children and young people with similar needs
- Does not encompass the medical funding

Consultation on the actual proposal took place once the proposal was agreed through High Needs Sub Group and Schools Forum which met at the end of September 2018.

#### **Formal consultation – 5<sup>th</sup> October 2018 to 11<sup>th</sup> November 2018**

- A public consultation took place from 5<sup>th</sup> October 2018 to 11<sup>th</sup> November 2018. An online survey was available on the NYCC website with paper copies made available for those who required these. Easy Read versions were also made available. Public engagement events in localities were held during the public consultation period and

included events in localities for parents and families and for education and SEND health professionals.

- During this time we also used existing communication methods such as promoting the consultation and events through the council's e-red bag to schools, our Local Offer, and NYFACT to disseminate information to parents and carers through their network of groups and members, our NYCC website, and corporate Facebook and Twitter accounts.
- During the consultation period additional communications took place in the form of direct mailings to; parents and carers of young people with EHCPs; to young people post 16 with an EHCP; to parents and carers of young people who attend a Pupil Referral Service (PRS); and to young people who are on the role of a PRS. This was to act as a further reminder of the consultation and to raise awareness of the consultation events for parents and families, and to ask for their assistance in supporting their young people to be able to respond to the consultation.
- During the consultation we regularly updated some frequently asked questions on our consultation page to help respond and provide clarity on any key areas of feedback highlighted throughout the consultation period.

**Update December 2018 following the consultation initial analysis:**

There were 172 comments received as part of this survey which provided further detail regarding the reasons why respondents had agreed or disagreed with the proposal.

31 (18%) of the comments were unrelated to the proposal and indicated that the respondent had given a (typically) disagree or strongly disagree response because of factors unrelated to the actual proposal.

31 (18%) of the comments supported a move to a banded system and 15 (9%) directly criticised the can-do. Where concerns were expressed about the banding methodology this was either because of concerns around the implementation (training, funding allocated to bands and whether individual children would receive less funding as a result) or broad concerns about using any methodology to allocate Element 3 and a preference that each EHCP should be resourced individually and an individual amount determined for each EHCP. During the consultation, there were questions around the appeals process should there be any disagreement in terms of needs, provision or placement identified. As per the Children & Families Act 2014, Code of Practice, and as per current practice, parents and carers have the right to appeal if they are dissatisfied with any of those aspects of the EHCP. This will not change as a result of a change of resource allocation.

It is important to note that this proposal is a *funding* proposal regarding the funding principle around changing the Element 3 allocation from the Can-Do to a banding system. The details of the banding methodology in terms of training, implementation and roll-out will be developed based on the outcome of the consultation and the recommendations made.

In addition to the survey responses, it is important to note that the impetus to change from the Can-Do came largely from SENCOs who at SENCO networks and in discussion with the SEN team highlighted issues with the Can-Do namely: onerous administration, subjective, inconsistent and not comprehensive enough to use across all needs. Feedback was received in the survey that SENCOs wanted to move to a banding methodology without delay.

Where comments had been made specifically regarding the funding proposal and the change from the Can-Do to a banding methodology there were significantly more comments in support of a banding methodology or critical of the Can-Do than in support of the Can-Do or lacking in support of the banding methodology. Concerns expressed about funding for individual children, training and roll out would be addressed through the implementation plan should the banding

methodology be approved. Concerns expressed about using any resource allocation system are legitimate concerns in the context of the Code of Practice which states that there must be the opportunity to allocate resource on an individual basis to meet need. However, it is also clear that there must be transparency and equity in the way funding is allocated – without an underpinning system, achieving this transparency and equity on an individual basis is impossible to do.

We are clear that there are no cost reductions attached to this proposal, that the Local Authority is committed to allocating Element 3 resource to meet identified need as per the Children & Families Act 2014 and Code of Practice and that there would always be an option for those small number of cases who do not fit within a Resource Allocation System to have their funding allocated individually. We also take on board the requests from the SENCOs who primarily have to use the resource allocation system to change from the Can-Do.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

The Council receives around £44.5m million in high needs budget to deliver provision for children and young people with SEND. There is significant pressure on this budget as a result on the increase in numbers of children and young people with SEND and the demand for specialist placements. Currently the budget overspends by around £5.5 million.

To support the delivery of our Strategic Plan for SEND Education Provision 2018-2013 we advised we will review and reshape the systems and processes for allocating this budget in line with the actions in the plan. The review and reshaping of high needs funding will take place through engagement with education sector leaders through the North Yorkshire Schools Forum. The School Forum was established under the Education Act 2002 to provide schools with more involvement in the allocation of funding.

There are no savings targets attached to these proposed changes, but the Local Authority seeks to ensure that Element 3 top-up is allocated fairly, is sufficient to meet needs and that it is spent appropriately for each individual with the ability to ensure schools and settings are accountable for the use of this funding. The local authority recognises its statutory duty to ensure the assessed needs of a child or young person can be met and this includes ensuring appropriate levels of funding to enable this to happen

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
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Age	✓			<p><b>Customer:</b> Age is not a factor in determining needs either in the current can-do or in the proposed new RAS. The statutory obligations only apply to children aged 0-25. However, age is not a factor in this proposed change as all children aged 0-25 with SEND will be able to access the funding equally according to assessed need.</p> <p><b>Staff:</b> No identified impact.</p> <p>A further mitigation for age, disability and gender is that for those with an EHCP, the LA have a statutory duty to meet the needs contained within the plan and this over-rides any other considerations, policies or resources</p>
Disability		✓	✓	<p><b>Customer (school or CYP):</b> Things will improve as follows:</p> <ul style="list-style-type: none"> <li>• Requests for assessment will be accompanied by clear evidence of need, interventions and provision making it more clear what provision is required to meet needs. This will ensure that the young person receives exactly the provision they require</li> <li>• Once an EHCP is issued, it will be easier to ensure that a child is receiving the provision identified to meet needs as the school / setting will need to identify that they are delivering the provision specified at each annual review.</li> </ul> <p>There may, however be negative impact during implementation as follows:</p> <ul style="list-style-type: none"> <li>• Some schools / settings have submitted CAN-DOs that have resulted in higher funding allocation than required by the needs. There may then be reductions in the amount generated by a more robust system. This should not impact on the young people as the LA has a statutory duty to make provision for assessed needs, but may impact on the school's budget. Once the new bandings have been allocated, we will look at the impact on each individual school budget and will look to mitigate any negative impact through transition funding.</li> </ul>

	✓			<p><b>Staff:</b> No identified impact.</p> <p>A further mitigation for age, disability and gender is that for those with an EHCP, the LA have a statutory duty to meet the needs contained within the plan and this over-rides any other considerations, policies or resources.</p>
Sex (Gender)	✓			<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact on gender as a result of the project. The SEND population of young people with EHCPs is higher among boys however as the LA have a statutory duty to meet the needs contained within the plan, this over-rides any other considerations, policies or resources.</p>
Race	✓			<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the project.</p>
Gender reassignment	✓			<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact in relation to gender reassignment as a result of the project.</p>
Sexual orientation	✓			<p><b>Customer &amp; Staff :</b> It is anticipated there would be no identifiable impact in relation to sexual orientation as a result of the project.</p>
Religion or belief	✓			<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact on specific religious groups or beliefs as a result of the project.</p>
Pregnancy or maternity	✓			<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact as a result of the project.</p>
Marriage or civil partnership	✓			<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact as a result of the project.</p>

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
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..live in a rural area?	✓			<b>Customer:</b> It is anticipated there would be no identifiable impact as a result of the project.  <b>Staff:</b> No identified impact.
...have a low income?	✓			<b>Customer:</b> It is anticipated there would be no identifiable impact as a result of the project. During the consultation there was a comment that social deprivation should be a factor in the resource allocation. Resource is allocated on a child basis according to their needs. If their needs are greater due to the impact of social deprivation then they would be in a higher band with a greater allocation.  <b>Staff:</b> No identified impact.

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

It is anticipated proposed changes to the current provision will impact more on the following: Young people with special educational needs and disabilities.

These groups are more likely to find change challenging if changes are made to current services they will need support to make the transition. We will ensure that if any child or young person receives less funding as a result of the proposed changes that there is a transition plan to ensure required provision to meet needs is maintained.

Further work will be undertaken, once proposals have been through the decision making process. For each child, there is a statutory process of annual reviews which ensures that their needs are reviewed annually and the provision is reviewed to ensure it meets their special educational needs. We will continue to monitor the implementation through feedback, training and support at SENCO networks and in individual meetings between SENCOs, school and setting staff and the SEN Team.

<b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	✓
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way	



which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>Potential problems have been identified and therefore a robust implementation plan will be required. If adverse impact is identified, transitional funding will be available and we will ensure that each child's needs are met and suitable provision is made through the implementation of the new banding system.</p> <p>During the development of the proposals, approval for consultation, consultation and decision making process there was ongoing consideration to any equality impacts that arise, and how these can be mitigated.</p> <p>The largest mitigation for age, disability and gender is that for those with an EHCP, the LA have a statutory duty to meet the assessed needs contained within the plan and this over-rides any other considerations, policies or resources. These children/young people will have their identified provision retained, regardless of whether the decision is made to move towards the proposed banding system.</p> <p>Update December 2018.</p> <p>See summary in section 4 above and note that the consultation has not highlighted any Equality Impact issues that were not recognised in the development of the proposal. The key mitigation for any negative impact on staff and funding will be in the Implementation plan and ensuring robust training and support is given to the change to the new Resource Allocation System and that financial modelling is completed and support given to schools and settings.</p> <p>Having reviewed feedback at the end point of the consultation, there are no identified changes to the EIA. If the decision is made to approve this proposal and move to the banded system there will be an implementation process and the individual impact will be identified during this process.</p>	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

If proposals are approved we will monitor and review via:

- Annual reviews for individual EHCPs to ensure that provision is still sufficient to meet need;
- Feedback from SENCOs on an ongoing basis and through regular SENCO Network Meetings to understand the user experience;
- Budget monitoring at High Needs Officer group to understand any impact on funding allocation;
- LA staff feedback in relation to improved efficiency in EHCP administration.

<b>Section 11. Action plan.</b> List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.				
<b>Action</b>	<b>Lead</b>	<b>By when</b>	<b>Progress</b>	<b>Monitoring arrangements</b>
Formal consultation	Jane Le Sage	Oct/Nov 2018	Complete	Through the Programme Board / HNB OG.
Finalisation of implementation plan and roll out	Jane Le Sage	Mid February 2019		As above
Final guidance document produced	Jane Le Sage	Mid March 2019		As above
Review of implementation / impact	Jane Le Sage	Sept 2019		Through the Programme Board / HNB OG.  Through SENCO Network Meetings
Post Implementation Review of banded system to	Jane Le Sage	Interim: Dec 2019 Full: July 2020		At the end of the first full academic year. Reviewed through Inclusion Management Team

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This section has been considered following the consultation to ensure any unidentified impacts can be considered.

The Local Authority is aware of the pressures on school funding nationally and are working with Schools Forum on any proposals for change in terms of the High Needs Budget to look at the impact against the background of funding pressure. In addition, the Local Authority has been involved in representations to central Government regarding schools funding in general and SEND funding specifically.

Within the consultation potential adverse impacts have been identified in respect of children/young people with special educational needs and disabilities ('send'). This potential impact will be mitigated by the statutory duties that the Authority has to make provision to meet their SEND. The Authority has a statutory duty to carry out Annual Reviews for individual child/young person with an EHCPs to ensure that provision is still sufficient to meet need. The LA will continue to meet its statutory duties to meet the needs of the child/young person regardless of which band has been identified.

In addition to the statutory duties, the Authority intend to mitigate the concerns regarding potential impact of the change we propose by:

Developing an implementation plan for roll out of the Banding methodology from April 2019. To pick up on the concerns raised in terms of financial impact and training – the implementation plan needs to be robust in terms of the financial modelling and the roll-out and this will be

scrutinised through the Spring SENCO networks, Special Headteachers meeting and Schools forum.

**Section 13. Sign off section**

This full EIA was completed by:

**Name: Nikki Joyce**

**Job title: Head of SEND**

**Directorate: CYPS Inclusion**

**Signature: N Joyce**

**Authorised by relevant Assistant Director (signature):**

**Signature: J Le Sage**

**Date: 18/12/18**

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