



Leicester
City Council

**MEETING OF THE CHILDREN, YOUNG PEOPLE AND EDUCATION
SCRUTINY COMMISSION**

DATE: TUESDAY, 8 MARCH 2022

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Commission

Councillor Gee (Chair)
Councillor Cole (Vice-Chair)

Councillors Batool, Crewe, Pandya, Pickering, Riyait and Willmott

Co-opted Members (Voting)

Gerry Hirst	Roman Catholic Diocesan
Carolyn Lewis	Church of England Diocese
Mr Mohit Sharma	Parent Governor (Primary/Special Schools)

Standing Invitees (Non-Voting)

Janet McKenna	Unison
Joseph Wynglendacz	Teaching Unions

Members of the Commission are invited to attend the above meeting to consider the items of business listed overleaf.

For the Monitoring Officer

Officer contacts:

Jacob Mann, Democratic Support Officer

Tel: 0116 454 5843, e-mail: jacob.mann@leicester.gov.uk

Leicester City Council, City Hall, 3rd Floor Granby Wing, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact:

Jacob Mann , Democratic Support Officer on 0116 454 5843.

Alternatively, email jacob.mann@leicester.gov.uk, or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151.**



USEFUL ACRONYMS IN RELATION TO OFSTED AND EDUCATION AND CHILDREN'S SERVICES

(updated November 2015)

Acronym	Meaning
APS	Average Point Score: the average attainment of a group of pupils; points are assigned to levels or grades attained on tests.
ASYE	Assessed and Supported Year in Employment
C&YP	Children and Young People
CAMHS	Child and Adolescent Mental Health Service
CFST	Children and Families Support Team
CICC	Children in Care Council
CIN	Children in Need
CLA	Children Looked After
CLASS	City of Leicester Association of Special Schools
COLGA	City of Leicester Governors Association
CPD	Continuing Professional Development
CQC	Care Quality Commission
CYPF	Children Young People and Families Division (Leicester City Council)
CYPP	Children and Young People's Plan
CYPS Scrutiny	Children, Young People and Schools Scrutiny Commission
DAS	Duty and Advice Service
DCS	Director of Children's Services
EAL	English as an Additional Language
EET	Education, Employment and Training
EHA	Early Help Assessment
EHCP	Education Health and Care Plan
EHP	Early Help Partnership
EHSS	Early Help Stay Safe
EIP	Education Improvement Partnership

ELG	Early Learning Goals: aspects measured at the end of the Early Years Foundation Stage Profile
EY	Early Years
EYFS	Early Years Foundation Stage: (0-5); assessed at age 5.
EYFSP	Early Years Foundation Stage Profile
FS	Foundation Stage: nursery and school Reception, ages 3-5; at start of Reception a child is assessed against the new national standard of 'expected' stage of development, then teacher assessment of Foundation Stage Profile areas of learning
FSM	Free School Meals
GCSE	General Certificate of Education
GLD	Good Level of Development
HMCI	Her Majesty's Chief Inspector
HR	Human Resources
ICT	Information, Communication and Technology
IRO	Independent Reviewing Officer
JSNA	Joint Strategic Needs Assessment
KPI	Key Performance Indicator
KS1	Key Stage 1: National Curriculum Years (NCYs) 1 and 2, ages 5-7; assessed at age 7.
KS2	Key Stage 2: NCYs 3, 4, 5, and 6, ages 7-11; assessed at age 11.
KS3	Key Stage 3: NCYs 7, 8 and 9, ages 11-14; no statutory assessment.
KS4	Key Stage 4: NCYs 10 and 11, ages 14-16; assessed at age 16.
KTC	Knowledge Transfer Centre
LA	Local Authority
LADO	Local Authority Designated Officer
LARP	Leicester Access to Resources Panel
LCCIB	Leicester City Council Improvement Board
LCT	Leicester Children's Trust
LDD	Learning Difficulty or Disability
LESP	Leicester Education Strategic Partnership
LLEs	Local Leaders of Education
LP	Leicester Partnership

LPP	Leicester Primary Partnership
LPS	Leicester Partnership School
LSCB	Leicester Safeguarding Children Board
LSOAs	Lower Super Output Areas
MACFA	Multi Agency Case File Audit
NCY	National Curriculum Year
NEET	Not in Education, Employment or Training
NLEs	National Leaders of Education
NLGs	National Leaders of Governance
OFSTED	Office for Standards in Education, Children's Services and Skills
PEPs	Personal Education Plans
PI	Performance Indicator
PVI	Private, Voluntary and Independent
QA	Quality Assurance
RI	Requires Improvement
SA	Single Assessment
SALT	Speech and Language Therapy
SCR	Serious Case Review
SEN	Special Educational Needs
SEND	Special Educational Needs and Disabilities
SIMS	Schools Information Management Systems
SLCN	Speech, Language and Communication Needs
SLEs	Specialist Leaders of Education
SMT	Senior Management Team
SRE	Sex and Relationship Education
TBC	To be Confirmed
TFL	Tertiary Federation Leicester
TP	Teenage Pregnancy
UHL	University Hospitals Leicester
WIT	Whatever it Takes
YOS	Youth Offending Service
YPC	Young People's Council

PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

3. MINUTES OF THE PREVIOUS MEETING

**Appendix A
(Pages 1 - 10)**

The minutes of the meeting of the Children, Young People, and Education Scrutiny Commission held on 18 January 2022 are attached and Members are asked to confirm them as a correct record.

4. CHAIR'S ANNOUNCEMENTS

5. PETITIONS

The Monitoring Officer to report on the receipt of any petitions.

6. QUESTIONS, REPRESENTATIONS, AND STATEMENTS OF CASE

The Monitoring Officer to report on any questions, representations, or statements of case received.

7. SEND TRANSPORT POLICY CONSULTATION OUTCOME

**Appendix B
(Pages 11 - 40)**

The Strategic Director of Social Care and Education submits a report to provide the Commission with an overview of the proposed changes to the *Special Education Needs and Disabilities (SEND) Transport Policy* and the *Post-16 Transport Policy* following a consultation exercise.

8. LOCAL AUTHORITY DESIGNATED OFFICERS (LADO) ANNUAL REPORT 2020-21 **Appendix C (Pages 41 - 54)**

The Strategic Director of Social Care and Education submits a report updating the Commission on the work of the Local Authority Designated Officers (LADO) for the year 2020-21.

9. REVIEW OF MAINSTREAM FUNDING FOR SEND **Appendix D (Pages 55 - 142)**

The Strategic Director of Social Care and Education submits a report to update the Commission on the consultation to implement a fairer funding model across all the mainstream schools with effect from September 2022 that provide support to children and young people with Special Educational Needs and Disabilities (SEND).

10. VIRTUAL SCHOOL HEAD TEACHER REPORT ACADEMIC YEAR 2020-21 **Appendix E (Pages 143 - 184)**

The Strategic Director for Social Care and Education submits a report summarising the educational outcomes and attainment of Looked After Children during the academic year 2020/21. It considers their achievements and the support provided by the Virtual School Team to achieve the best learning outcomes for Looked After Children.

11. ELECTIVE HOME EDUCATION REPORT **Appendix F (Pages 185 - 196)**

The Strategic Director of Social Care and Education submits a report to provide a briefing on Elective Home Education (EHE) with a focus on the regulatory framework, the duties, powers and the approach of the LA to this area of work, and the duty of parents in respect of their children's right to a suitable education. Also, to provide a summary of the key data, the impact of Covid and the management of work including pressures services are under due to gradual increase in the numbers of EHE children over the last decade and the rise in numbers during the pandemic.

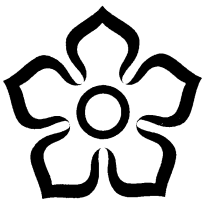
12. COVID-19 UPDATE AND VACCINATIONS IN LEICESTER SCHOOLS

The Strategic Director of Social Care and Education and the Principal Education Officer will provide a verbal update on the current situation concerning the impact of Covid-19 and the Covid and Flu vaccination programmes.

13. WORK PROGRAMME **Appendix G (Pages 197 - 202)**

The Commission's Work Programme is attached for information and comment.

14. ANY OTHER BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
CHILDREN, YOUNG PEOPLE AND EDUCATION SCRUTINY COMMISSION

Held: TUESDAY, 18 JANUARY 2022 at 5:30 pm

P R E S E N T :

Councillor Gee (Chair)
Councillor Cole (Vice Chair)

Councillor Batool
Councillor Crewe

Councillor Pandya
Councillor Pickering

Councillor Riyait
Councillor Willmott

In Attendance:

Councillor Cutkelvin – Assistant City Mayor for Education and Housing
Councillor Russell – Deputy City Mayor for Social Care and Anti-Poverty

Standing Invitees (Non-Voting)

Janet McKenna
Joseph Wyglendacz

Unison
Teaching Unions

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1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

It was noted that Councillor Moore was present at the invitation of the Chair to contribute to the Millgate School item.

2. DECLARATIONS OF INTEREST

Members were asked to disclose any pecuniary or other interest they may have in the business on the agenda.

Councillor Moore declared that she was on the advisory board for Millgate School, but as she was present at the invitation of the Chair this was not a conflict of interest.

3. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Children, Young People, and Education Scrutiny Commission held 7 December 2021 be confirmed as a correct record.

4. PETITIONS

The Monitoring Officer reported that none had been received.

5. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer reported that none had been received.

6. DRAFT REVENUE BUDGET 2022/23 AND DRAFT CAPITAL PROGRAMME 2022/23

The Deputy Director of Finance submitted a report setting out the City Mayor's proposed budget for 2022/23. The Commission was recommended to consider and comment on the Children, Young People and Education element of the report. The Commission's comments would be forwarded to the Overview Select Committee as part of its consideration of the report before presentation to the meeting of Council on 23rd February 2022.

Martin Judson, Head of Finance, presented the item. The background to the budget was outlined initially, it was noted that:

- The main issues affecting the budget were the decade of austerity, the Covid pandemic, and the rising costs of Adult Social Care. Of these Adult Social Care was most significant.
- The Government Finance Settlement was better than expected but was still only for one year.
- Reserves from previous years would be used to balance the budget, however it was projected that these reserves would run out by 2023/24 and that other savings would have to be found in that case.
- There was currently no indication that the Government would provide a systematic method of funding the increasing costs of Adult Social Care for Local Authorities.

The impacts of the budget on Children, Young People, and Education Services were next outlined. It was noted that:

- The two main areas of increasing costs were CLA and SEND Services.
- Due to uncertainty around placement costs, there was no permanent budget growth for CLA Services. However, any overspend in this area would be covered by social care reserves.
- Expansion of in-house CLA placements was being looked into.

Additional support for foster carers would also be provided.

- The number of requests for Education, Health, and Care Plans (EHCPs) had risen significantly, in line with national trends. Therefore, a budget increase had been put into the SEND Service to ease the staffing strain. It was uncertain if this increase in requests would be sustained.
- Another reason for the budget growth in the SEND Service was the failed renegotiation of contracts for taxis for EHCP pupils in December 2020.

In response to Member's questions, it was noted that:

- The Department for Education was running a review of EHCP policy to understand the rise in requests for EHCPs. The Council itself was working with other nearby Local Authorities to try and understand why requests were increasing.
- Providing the assessment process for EHCPs was a statutory duty of the Council. Therefore, if requests for EHCPs continued to grow at the current rate then additional funding would need to be sought.
- Funding for support for those with EHCPs was provided by the ringfenced High Needs Block only, the general fund was not allowed to be spent in this area.
- The trends for the increase in requests for EHCPs such as by age and specific conditions had yet to be examined but would need to be.
- Most other Local Authorities were seeing a significant overspend in their Children's Social Care Budget, with Leicester being an exception to this trend.
- Permanence targets for different age groups and trends in CLA numbers were used as the main predictive measure of numbers in the future. Current considerations were older children with complex needs entering the system, unaccompanied asylum-seeking children who were placed in Leicester, and those in semi-supported accommodation.
- Court proceedings for adoption orders and other permanence options were being slowed down by the backlog of court cases from the pandemic. Once this cleared up it was thought that numbers of CLA would stabilise and decrease.

There was a discussion on the budget increase for taxi provision for EHCP pupils. Frustration and disappointment were expressed over the increase, and it was suggested that an overhaul of the provision such as bringing it in-house would improve the Service and save money. More detail was requested on the increase. Officers and Members of the Executive noted the following:

- Had the previous procurement process been successful it would have made savings for the Service. Despite having been closely involved in the design of the new approach, the taxi companies withdrew from the process immediately before the contracts would have been signed.
- The provision of transport was mentioned in the EHCP and therefore was a statutory duty for the Council.
- A consultation process had recently concluded looking at a new

transport policy for EHCP pupils. It was anticipated that this would lead to less of a reliance on taxi contracts, with other transport modes being given higher priority.

- It had previously been determined that an in-house provision would be more expensive than the current arrangements. However, due to several industry issues, the fares for private taxis had recently significantly increased. Meaning that the potential of bringing provision in-house may need to be looked at again.
- One of the options being considered in the consultation process was the Personal Transport Budget. As part of this school attendance was monitored and the budget could be withdrawn if it was being abused.
- Another option was the expansion of the Yellow Bus Service, however this was not the appropriate option for many pupils. This was an example of the importance of working with each family to determine the best transport option.
- A renegotiation of taxi contracts was ongoing, and it was hoped that this could lead to a longer term saving. Contracts were based on individual pupils.
- A number of those who use Council funded travel to school had disabilities that would make it difficult for them to travel with other pupils.
- The most suitable transport mode for a pupil might change over time, the new policy would aim to give families independence to make those choices.
- An EHCP assessed if the child needed additional support for travel to school. Meaning that not every child with an EHCP would need Council funded travel.
- It was not possible to require that any taxis providing the travel service were licensed in Leicester.

AGREED:

1. That the Commission noted that Draft Revenue Budget and Draft Capital Programme for 2022/23.
2. That the Commission noted that the Department for Education had not properly funded SEND Services and would need to provide more funding in the future.
3. That the Commission requests more details on the budget increase for taxi provision for EHCP pupils.

7. COVID-19 UPDATE AND VACCINATIONS IN LEICESTER SCHOOLS

The Strategic Director for Social Care and Education, and the Principal Education Officer, provided a verbal update on the current situation concerning the impact of Covid 19 and the Covid and Flu vaccination programmes.

- Leicester had one of the lowest rates of vaccination for 12–15-year-olds, at 35%.

- One of the largest issues around the vaccination programme was the difficulty of filling in the parental consent forms, which were online only. Mobile users in particular struggled with the forms. The Council had expressed concern to the NHS around this.
- The NHS had agreed that clinicians would go to schools and have conversations with parents encouraging the vaccine.
- Schools had returned from the Christmas holidays with no additional measures.
- There had been a significant rise in case numbers, but these were more mild and shorter illness.
- Schools were seeing some staff shortages, but so far in the year no mainstream schools had had to send pupils home due to shortages.
- Several Special Schools had had to send pupils home due to staff shortages, in those cases remote education was ongoing.
- The reduced staffing levels had made having conversations around the vaccine with parents more difficult.

In response to Member's questions, it was noted that:

- It had not been found that wearing face coverings for an extended period reduced O2 levels.
- Schools had supplies of masks to provide to students in the case of discomfort.
- Work was ongoing with schools to send out communications on the vaccine via more usual channels.
- Individual schools used agencies to procure supply teachers. Supply staff were running short, so the Government had asked retired teachers to briefly return to work. Special Schools were struggling with supply staff due to the specifications of the work.
- There was variation in vaccinations levels for schools, largely based on their geographical areas.
- Consent form data for each school was now available, so this was currently being cross referenced with school sizes to determine percentages for each school.
- Consent forms allowed parents to refuse consent, however the number of refusals were very small.
- It was hoped that schools could put systems in place to help overcome the digital divide when it came to consent forms.
- Walk-in clinics were simpler for parents as consent could be given there and then. Schools had been asked to share information with parents when pop-up centres opened nearby.

AGREED:

1. That the Commission noted the update.

8. OFSTED INSPECTION REPORT

The Strategic Director of Social Care and Education submitted a report

following the recent Ofsted Inspection of Children, Young People and Education Services alongside letters from the Department of Education and Ofsted.

It was noted that the Commission had previously received a verbal report on the outcome of the Ofsted inspection. The full report was included in the agenda pack for Members to read, as were two letters from Ofsted and the Department for Education. Members were informed that receiving such letters was rare and therefore reflected the positive outcome of the inspection.

Members of the Commission welcomed the positive outcome and thanked officers for their work to continue delivering high quality services for children and young people.

AGREED:

That the contents of the report be noted.

9. MILLGATE SCHOOL RESIDENTIAL REVIEW REPORT

The Strategic Director of Social Care and Education submitted a report providing an overview of the findings from a strategic commissioning review of Millgate School's overnight respite and residential provision.

Councillor Cutkelvin, Assistant City Mayor for Education, and the Director of Adult Social Care and Commissioning, presented the item. It was noted that:

- Due to budget pressures, the spending on the High Needs Block was under review.
- This review had made it clear that the level of spending per student at Millgate School was much higher than other Special Schools, in part due to the residential facilities provided by the school being funded by the Block.
- Therefore, a review had been conducted into the provision. Staff, pupils, and parents were all included in the review.
- A number of possible recommendations were proposed following the review. It was decided to recommend Option 3 that funding from the High Needs Block towards the residential provision be tapered off as it was found to be outside the remit of the Block.
- The Council would work with the school to try to find additional funding to repurpose the respite facility and make it available for pupils of other schools.

In response to Members' questions, it was noted that:

- Millgate School had chosen to go to an academy model, but this had made no impact on the decision.
- The residential provision was currently only available to Millgate pupils.
- The money saved would continue to be spent in other areas relevant to the High Needs Block as the funding was ringfenced for this purpose.

- Respite provision was a Care provision rather than Educational, and none of the children using the service had this requirement included in their EHCP. Provision of respite from the Children’s Social Care budget was under review.
- The pupils of Millgate would not have met the threshold to receive respite funding from the Children’s Social Care budget.
- A wider funding of respite provision would be preferable but was not possible due to budget pressures.

Several Members of the Commission stated that it was regrettable that the provision could no longer be supported, and expressed disappointment that the High Needs Block funding was not more and that with the current funding the extra spending on the provision couldn’t be justified.

Councillor Moore was invited by the Chair to give her views as a member of the advisory board for Millgate. Whilst recognising the efforts of Officers and the Executive in this issue, she disagreed with the recommendation to taper funding for the residential provision. It was suggested that the provision did fall under the remit of the High Needs Block, as a link could be drawn between educational success and having good accommodation. It was also suggested that some who would lose the provision, may not be able to remain at the school if their behaviours escalated, which could mean them having to be placed in out of area, and at greater cost to the Council.

Other Commission Members agreed with Councillor Moore, and felt that Option 1, to review the operating model to rationalise the funding, would be preferable. It was felt that sufficient evidence had not been provided that there was no educational advantage to the respite provision.

Councillor Willmott moved that the Commission recommend that Option 1, to review the operating model to rationalise the funding, be supported. This was seconded by Councillor Crewe, and upon being put to the vote, the motion was REJECTED.

Members of the Commission agreed that there should be a comprehensive review of respite provision in Leicester, involving a full range of statutory partners.

The Chair moved that the Commission recommend that option 3, “*Funding to be reduced from £400k to £300k from September – August 2021/22 A further reduction to £200k in 2022/23 and a reduction to £100k in 2023/24, no further funding from 2024/25.*” put forward by the Executive. This was seconded by Councillor Riyait, and upon being put to the vote, the motion was APPROVED.

AGREED:

1. That the Commission supported the recommendation “*Funding to be reduced from £400k to £300k from September – August 2021/22 A further reduction to £200k in 2022/23 and a reduction to £100k in 2023/24, no further funding from 2024/25.*”

2. That the Commission requested that a comprehensive review be held into respite provision in Leicester.

10. SPECIAL SCHOOL BANDING MODERATION PROCESS

The Director for Adult Social Care and Commissioning provided a verbal update on the Special Schools banding moderation process.

It was noted that a review into banding for Special Schools had shown that there was a need for moderation in the banding process. It was hoped that school leaders could have control in this moderation process. School leaders had wanted more observation and assessment in the moderation process, therefore the finalisation of the process would be delayed to make those changes. Once the work was complete a report would be brought to the Commission.

AGREED:

1. That the Commission noted the report.
2. That the Commission requested that once the moderation process was finalised, a full report be brought to the Commission.

11. HIGH NEEDS BLOCK ELEMENT 3 DECISIONS

The Director of Adult Social Care and Commissioning provided a verbal update on the consultation process for the High Needs Block Element 3 allocation.

It was noted that a full round of consultation, including meetings with school leaders, governors, and other key stakeholders had concluded. Work was currently ongoing to analyse the data from the consultation, and a full report would be brought to the Commission when ready.

AGREED:

1. That the Commission noted the report.
2. That the Commission requested that a full report be brought to the Commission when ready.

12. WORK PROGRAMME

Members of the Commission were invited to consider content of the work programme and were invited to make suggestions for additions as appropriate to be brought to future meetings.

AGREED:

1. That the contents of the work programme be noted.

13. ANY OTHER BUSINESS

There being no other business, the meeting closed at 8.02pm.

Appendix B

Children's, Young People and Education Scrutiny Commission Report

SEND Transport Policy Consultation Outcome

Lead Member: Cllr Elly Cutkelvin

Lead Strategic Director: Martin Samuels

Date: 8 March 2022

Useful information

- Ward(s) affected: All
- Report author: Clare Nagle
- Author contact details: Clare.Nagle@Leicester.gov.uk
- Report version number: v1.0

1. Summary

- 1.1. The purpose of this report is to provide the Children's, Young People and Education Scrutiny Commission with an overview of the proposed changes to the *Special Education Needs and Disabilities (SEND) Transport Policy* and the *Post-16 Transport Policy* following a consultation exercise.
- 1.2. The existing policies have been in place since 2016 and the proposed changes are needed to make the eligibility criteria clearer for parents and carers, to promote greater independence, prepare children and young people with SEND for adulthood and to reduce the increasing transport costs of this cohort.
- 1.3. Options are detailed in paragraphs 5.4 – 5.7. Option 1 is the preferred proposal.
- 1.4. The consultation ran between 25 October 2021 and 16 January 2022, which was extended from the original timeframe. This included contacting over 700 parents where their child was in receipt of transport, the use of social media to promote the consultation through key partners including the Parent Carer Forum and SENDIASS (Special Education Needs and Disabilities Information Advice and Support Services), and via the City Special Schools.
- 1.5. Only 9 responses were received as detailed at Appendix A. Of those who responded the majority confirmed they understood the changes, 50% suggested the policy met the objective of helping children to prepare for adulthood, and just over 50% confirmed the policy was easy to understand. Whilst the level of response was disappointing it would suggest people do not disagree with the proposals.
- 1.6. The changes will commence from 1 April 2022, with full implementation by 1 August 2022.
- 1.7. The proposed changes will affect both new and existing children with SEND. For new starters they will be subject to the new Transport Policy from the beginning of the new academic year in August 2022. For those children and young people currently in receipt of council funded transport, their needs will be reviewed as part of their annual Education, Health & Care Plan (EHCP) and other transport options will be considered as appropriate. As the proposed changes will see the removal of transport for post 16 individuals (bar exceptional circumstances) transitional arrangements are proposed for this group for a 2-year period. Therefore, they will receive council funded transport until 2024, pending any changes to their needs.
- 1.8. The following actions are also recommended to support the implementation the changes:

- Updates to the existing policies in line with feedback received (with a separate document outlining the changes from the 2016 version).
- The implementation of a communications plan to articulate the proposed changes for parents, carers and relevant staff.
- Provision of an easy read version of the policy to assist parents and carers.
- Eligibility criteria is clearly outlined and accessible via the Local Offer website.
- Include additional details relating to bus pass eligibility, which wasn't known at the time of the consultation.

2. Recommendations

2.1. The Scrutiny Commission is recommended to:

- Note the content of the report and to provide comment / feedback

3. Scrutiny / stakeholder engagement

3.1. The consultation ran between 25 October 2021 – 16 January 2022, having been extended through from 19 December to allow for further promotion and engagement with parents and schools.

3.2. The approach to the review involved extensive communications circulated to a wide range of key stakeholders, to over 700 parents in receipt of council transport, also via schools' communications channels and with our Parent Carer Forum and Special Education Needs and Disabilities Information Advice and Support Services (SENDIASS) social media channels. See appendix B for full details of the communications for this consultation.

4. Background and options with supporting evidence

4.1. The intention of the policy changes is to support children and young people access education through clear guidance on travel eligibility for parents and carers, to promote greater independence and prepare children and young people with SEND for adulthood, as their needs change. Implementation of the policy changes will also support a reduction in the use and costs of the Council's in house bus fleet and the use of taxis. In addition, the updated policy includes details on alternative travel methods, such as personal transport budgets and independent travel training.

4.2. This policy changes sets out how Leicester City Council will meet its duties to provide home to school and college travel to children and young people with Special Education Needs and/or Disabilities (SEND), living in Leicester who are eligible to receive it. The policy also gives advice on the support available and the commitment to encourage independent travel to and from school or college.

4.3. The changes include the use of alternative travel assistance including:

- Pilot grants for families towards the purchase or lease of adapted vehicles.
- Working with schools to transport their pupils and using alternative means of transporting small groups of pupils.
- Promotion and increased use of Personal Transport Budgets.

- Promotion of Independent Travel Training, where appropriate for young people from year 9 (14 years old), to access public transport.
- Use of Free Bus passes for young people and their parents.

4.4. It is important that families understand the eligibility criteria and whether their child is likely to meet this before taking the time to make an application. In most instances, children will not meet the statutory conditions for travel assistance. It is recognised there remains a need to bring about a cultural change, which needs to be managed sensitively and in a supportive way with families.

5. Detailed report

5.1. Full findings can be found at Appendix A. Although only 9 responses were received, they did include representation from:

- a parent/carer of a child or young person with SEND
- a member of staff providing support to children with SEND
- an employer of young people with SEND
- Other

5.2. The key questions asked as part of the consultation for the policies are shown in the table below:

Questions	SEND Home to School/ College Transport Policy	Post 16 Transport Policy
Do you understand the proposed changes to the policy?	89% stated yes	75% stated yes
Does the policy meet the objectives of helping children and young people prepare for adulthood?	50% stated yes	
Is the policy easy to understand?	56% stated yes	75% stated yes
In your view does the updated policy explain eligibility for transport for Post 16 young people?		86% stated yes

Table1: Questions from consultation

5.3. Additional comments were received, which will be addressed through further actions as part of the approval process for the policies, including:

- Comparison of the changes between policies
- Provision of information on how travel reviews will be conducted
- Support for parents living at separate addresses and overnight arrangements
- Reference to plain English and formats available in other languages, or formats such as film or images

Options

Option 1. Approve Policy Changes

5.4. It is recommended the policies are approved however that the following is undertaken, before formally launching the polices:

- Updates to the existing policies in line with feedback received (with a separate document outlining the changes from the 2016 version).
- The implementation of a communications plan to articulate the proposed changes for parents, carers and relevant staff.
- Provision of an easy read version of the policy to assist parents and carers.
- Eligibility criteria is clearly outlined and accessible via the Local Offer website.
- Include additional details relating to bus pass eligibility, which wasn't known at the time of the consultation.

5.5. Apply and embed the changes between April and August 2022, via a clear implementation and communications plan, so that:

- All new children and young people who are eligible for transport provision, through their Education Health Care Plan (EHCP) will be aligned to this policy.
- All children and young people who are currently in receipt of transport under the current policy will be transferred over following notification of the changes after two years (2024).

Option 2. Do nothing – Retain existing policies

5.6. By retaining existing transport policies there remains little option and opportunity to introduce or pilot alternative transport assistance such as Personal Transport Budgets, Travel Training and Bus Passes for families and therefore less of a focus on preparing for adulthood for Children and Young People with SEND.

5.7. Furthermore, there remains the likelihood of continued growth in demand for transport assistance, for both Taxi's and Fleet, given the large growth in EHCPs within the last year (38% increase in 2021, over 2020 figures).

Next Steps

5.8. The plan to implement the policies, includes three strands focussed on:

- those new to transport
- those in receipt of transport
- other areas of activity including the development of clear processes, procedures and accessible information.

5.9. Furthermore, a comprehensive communications plan will be implemented between April and August 2022, as detailed at Appendix C, to ensure families, carers and schools are aware of the changes.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

Expenditure on SEN home to school transport has to be funded from the Council's general fund. Costs have increased significantly in recent years in line with the increase numbers of pupils with Education, Health and Care Plans. Forecast expenditure in 2021/22 on SEN home to school transport is £12.1m including in-house, taxi and personal budgets.

The revised policy will reduce these costs, although this will take time given that changes will only take place after the annual review and that there is a 2-year transitional period for post 16 provision. The financial impact of the new policy both in terms of the reviews of

existing young people and for new referrals will be made following implementation to inform subsequent budgets.

Martin Judson, Head of Finance

6.2 Legal implications

The statutory provisions in relation to transport obligations are contained in the Education Act 1996. The local authority has a duty to make home to school travel arrangements, free of charge, to any child who is eligible. The eligible children are defined within the Education Act, and all categories relate to those who are of compulsory school age.

In contrast, there are separate provisions for those who are not of compulsory school age. For this group of children, the local authority is allowed, rather than required, to provide transport assistance. In addition, the support does not have to be provided free of charge.

The report sets out the proposed changes to the relevant local policies in order to reduce reliance on the taxi market and to increase the use of alternative methods of transport for both groups.

The statutory guidance requires the local authority to consult widely on any proposed changes with all interested parties. Consultations should last for at least 28 working days during term time. In compliance with these requirements, the proposed policies have been subject to the consultation exercise set out in the body of this report.

The results of the consultation should be analysed, prior to any final decision being made, to ensure that any decision making is lawful, follows a fair process and is reasonable.

Julia Slipper, Principal Lawyer (Education & Employment); Tel ext 6855

6.3 Equalities implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act 2010 are age, disability, gender re-assignment, pregnancy/maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report proposes to introduce changes to the SEND Home to School Policy and Post 16 Transport Policy documents following engagement which has taken place. Local authorities must consider the potential effect of their transport policy on disabled people, both disabled children and disabled parents. This is an area where equalities and particularly the PSED, will need to be an ongoing consideration.

An Equality Impact Assessment (EIA) is already underway on the Taxi Procurement – Taxi Framework Agreement. This area has been identified within the EIA and the EIA will need to be updated to reflect the proposed changes to both policy documents along with the

outcomes of the engagement exercise. The equality impact assessment is an iterative process that should be revisited throughout the decision-making process and updated to reflect any feedback/changes due to consultation/engagement as appropriate.

Need to ensure the implementation and consultation plans are accessible and targeted at those who will be impacted by the proposed changes.

Sukhi Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

No climate change implications

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

7. Background information and other papers:

8. Summary of appendices:

Appendix A – SEND Transport Consultation Findings Report 19.01.22

Appendix B – SEND Transport Policy consultation communications plan

Appendix C – SEND Travel Policy Communications plan v1 (Implementation phase)

Consultation Findings on Proposed SEND transport Policy

1. Introduction

A Statutory consultation was carried out between 25 October 2021 and 16 January 2022 on a proposed update to the Special Education Needs and/or Disabilities (SEND) transport policy.

The council has consulted on proposed changes to its transport policies in the past. In February 2017, both mainstream and SEND school transport policies were consulted on, little feedback was received at the time and it is not clear what the outcome was regarding any changes

On this occasion, the council consulted with people on updates to the current SEND transport policy for children and young people up to the age of 16 years, and those with SEND attending Post-16 education.

The consultation sought people's views on the proposed updated policy, which outlines:

1. The council's responsibility to enable, support and assist children and young people with SEND to participate in education and training.
2. Parent/ carer responsibilities in supporting their child(ren) access education and training.
3. The council's commitment to support children and young people to develop their independence, enabling them to prepare for adulthood.
4. How the council will meet its obligations to provide 'home to school' and 'college travel' to eligible children and young people with SEND living in Leicester.
5. Alternative options for travel assistance, such as personal transport budgets and independent travel training.

What is a SEND transport policy?

The SEND transport policies, in general, describes the support provided by the council in regards to home to school transport, where children have Special Educational Needs. The policy outlines eligibility and criteria for being eligible for support. The current policy document is available [here](#).

The policies have been updated, for consultation, to outline more clearly what the council offers, with added and enhanced detail on the support we provide. In summary:

- Nothing has been removed from the council's transport offer, and information about what we offer should be clearer to find and understand.
- Policies now clearly outline the obligations of the council, and also the responsibilities of parents/carers in getting their children to school on time.

The council in this consultation on SEND transport policies asked several questions regarding:

- The ease of understanding the proposed changes to policies;
- The impact that the changes will have on people;
- Whether there was anything 'missing' or not addressed in the proposed policies

Why does the council want to update the SEND transport policy?

The council would like to make its SEND transport policies easier to understand, so it is clear what support families can/not get, and why. We also want to strengthen the message around parental responsibility in regards to children being taken to school, as historically, this has been seen as the responsibility of the council. The council also recognises that:

- The transport offer should be based on the needs of children and young people as they develop and progress.
- The council has a duty to support and enable young people to develop and achieve independence to enable them to prepare for adulthood.
- Encouraging young people's independence will develop their skills for life, their confidence and social skills, and increase their opportunities for continuing education, training and social inclusion.

The council also has a duty to:

- Manage public money responsibly
- Provide value for money services
- Promote the use of sustainable travel and transport

The proposed amendments of the policy will support the efforts to reduce the council spend on transport by offering more cost-effective alternatives as the first offer, while also promoting independence.

If the updated policy was implemented, we would be able to more effectively promote independence of children with SEND, linking to our [Preparing for Adulthood Agenda](#). The council would be able to promote methods of transport assistance that are more cost effective, and relevant to the needs of the child.

The consultation was led by a small team within the commissioning sector of Social Care and Education.

2. Methodology

a. Letters

Letters were sent out at the start of the consultation to 729 families in receipt of council provided transport to explain how to participate in the consultation. The letter explained that the council were proposing to make changes to the SEND transport policy and that the recipient's opinions were important. The letter detailed all of the ways to contact the council about the consultation.

The following were sent with the letter:

- The web address for the consultation website where more information about the proposed policy changes could be found, as well as an online version of the survey.
- The postal address and email address to contact the consultation team with any queries.
- The consultation helpline telephone number and e-mail address to contact the consultation team with any queries.

The survey was also available to complete online on the council website at [SEND transport policy - Leicester City Council - Citizen Space](#)

The consultation team also made contacted City of Leicester Association of Special School (CLASS) to arrange a discussion, which they confirmed they did not want. Also requesting the school communicate out to parents about the proposed updates to policy, inviting them for their comments.

Attempts were made to channel shift respondents to online where appropriate, in line with corporate vision – the consultation survey was available online-only.

b. Organisations and other stakeholders

Various board/group members and organisations were engaged with, to inform about the consultation and help where enquiries may be made about the proposed changes. These organisations represent the interests of people who receive transport services:

Group/Organisation Name	This group/organisation represents...
Lead Members for Social Care and for Education	Council Executive
Children Young People and Education Scrutiny Commission	Leicester City Community
Media/press team	
Staff working in services	Staff and those pupils the staff support
Trade Unions	Representing education professionals

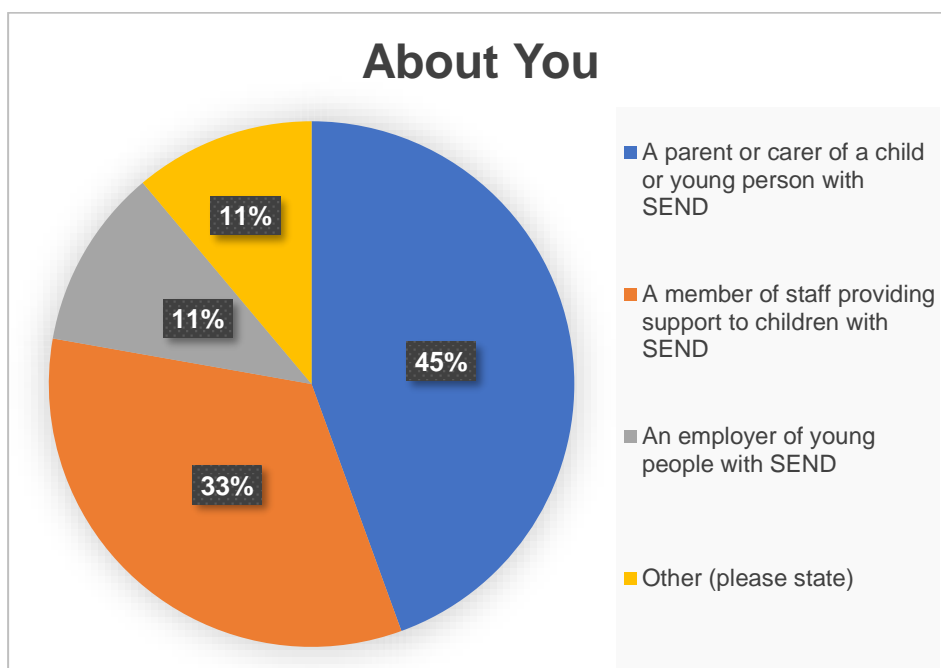
MPs	Constituents
Big Mouth Forum (children and young people)	
Parent Carer Forum	Parents and Carers of Children and Young People with SEND
City of Leicester Association of Special Schools	All Special schools
Mainstream Schools	Mainstream school settings
Early years settings	Early year provision
SEND Improvement Board	Special Education Provision
Schools Forum	All Leicester City Schools
Children’s residential homes	Looked After Children

The full stakeholder engagement plan can be found in Appendix B.

c. Consultation survey

A total of 9 people provided their comments on the proposed updates to policy via the consultation survey. Headline findings can be observed in “3. Headline Findings”

A full list of the responses to the Consultation survey can be found in Appendix xx.



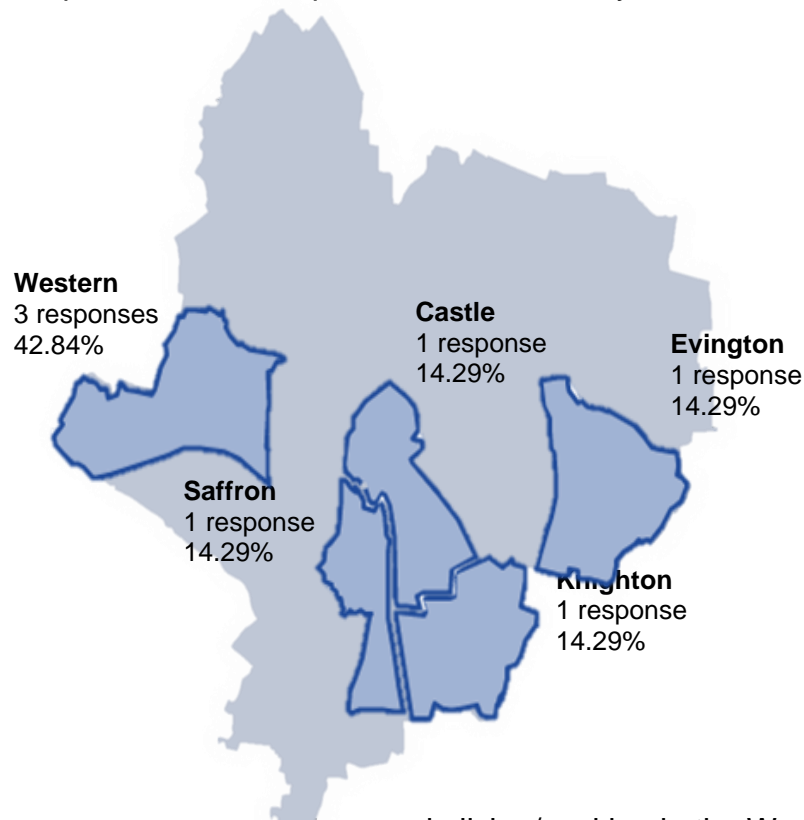
0 people chose to not answer this question.

1 person identified as ‘other’, stating that they were ‘Local Authority staff’.

Representation from several groups of people was not obtained in the survey, including:

- Children or young people with SEND
- Members of the public
- School representatives
- Health representatives
- Early years representatives
- Alternative learning representatives
- FE provider

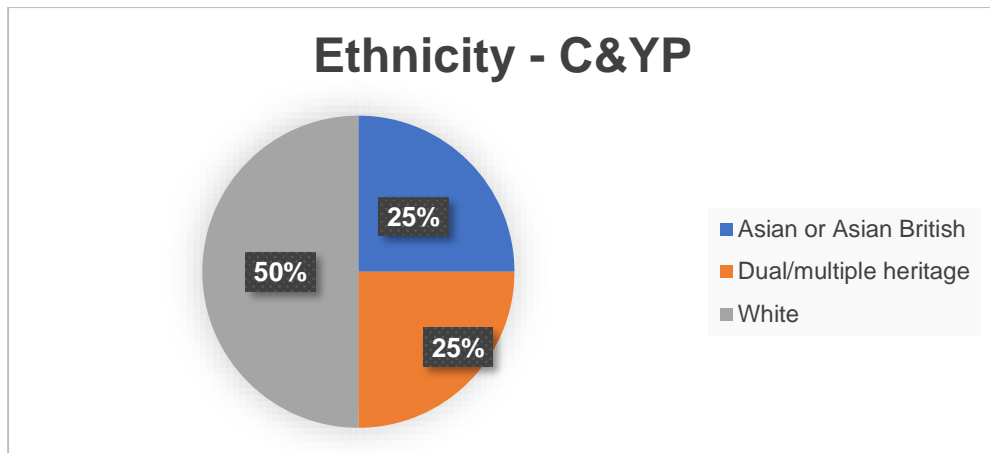
Survey responses were received from only 5 of the city's 21 wards. Survey responses are not representative of the city, as a whole.



Most responses were made by people living/working in the Western ward. 1 response was made by a person outside of Leicester. 1 person chose to not provide their postcode.

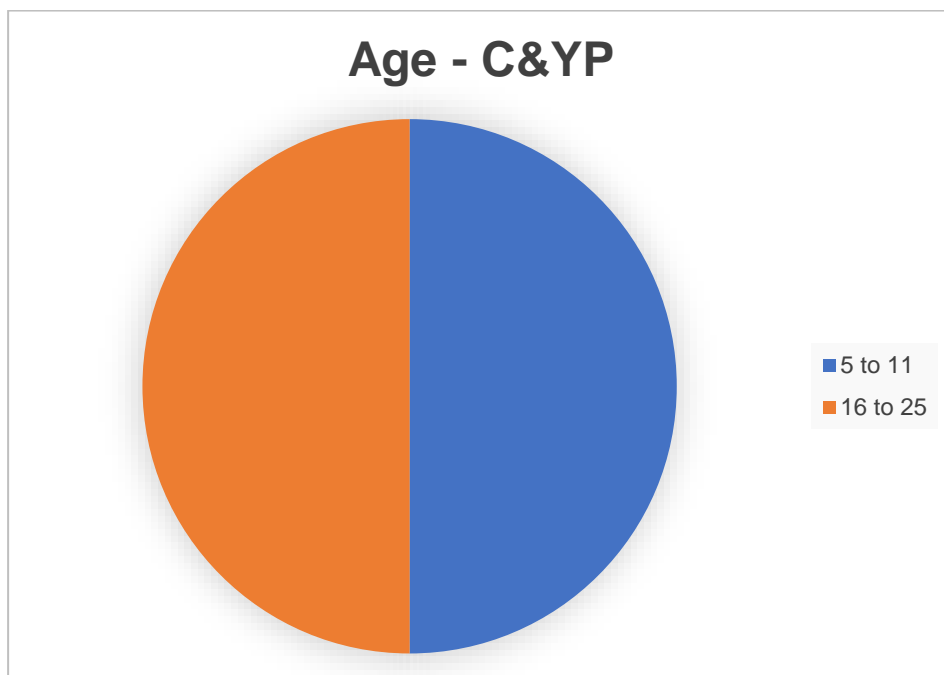
Equalities Monitoring – Children and Young People

Unlike the demographic of Leicester, the ethnicities of the children and young people provided in the survey were not diverse. Just 4 people provided a child or young person's ethnicity. With this, it would be logical to assume that the survey does not accurately reflect the views of the many diverse families that live in Leicester.



The consultation team asked for the age of children and young people in the survey. There was equal representation between those aged 5-11 years, and 16-25 years.

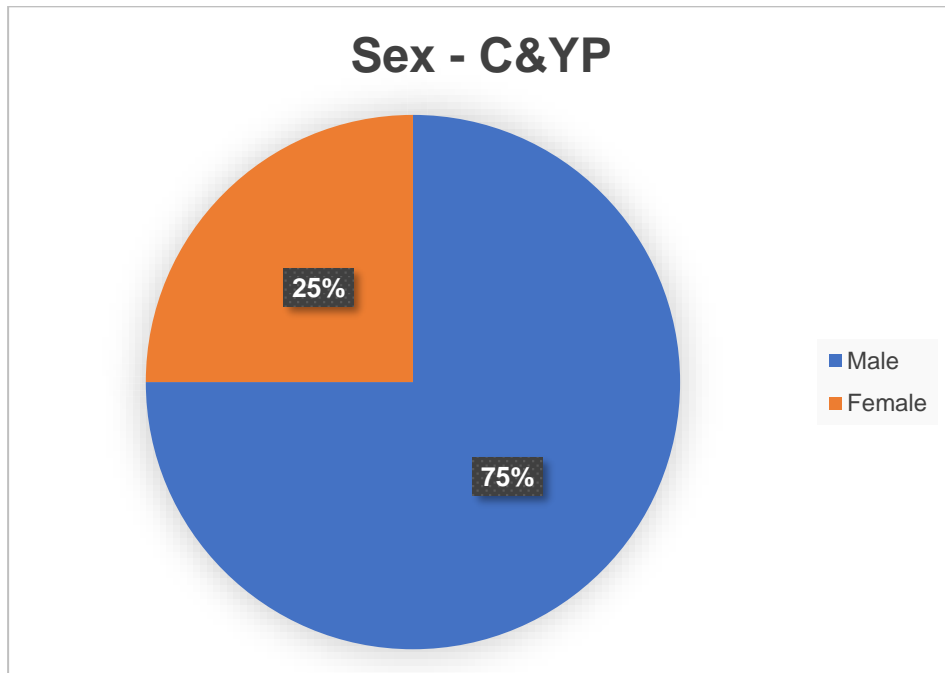
This lack of representation from other age groups would suggest that the survey results are not wholly representative of the people that receive SEND services.



Over half of people chose to not provide the age of a child or young person.

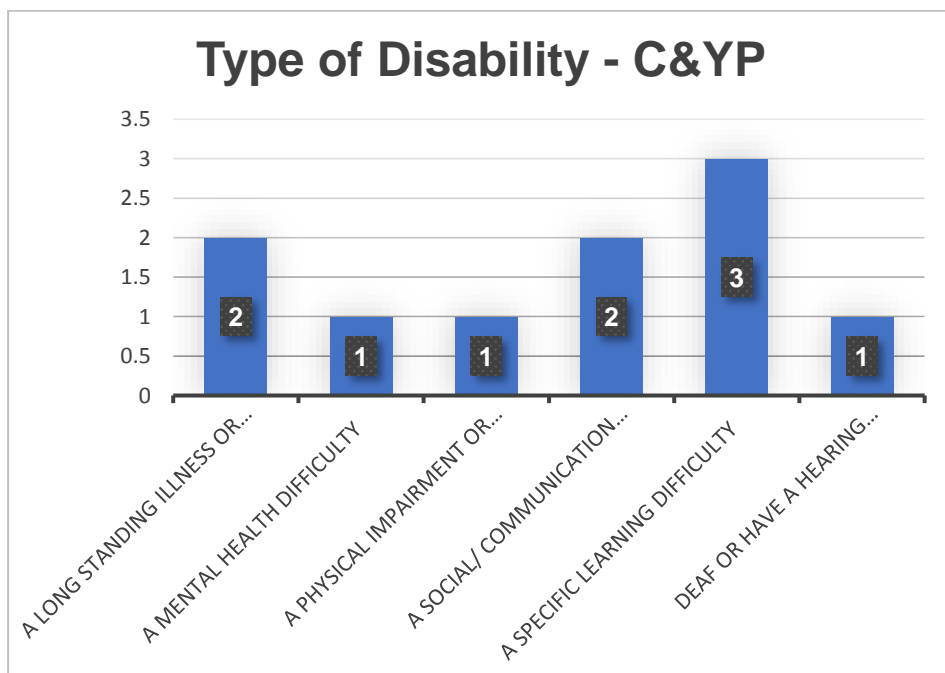
Only 4 people chose to provide a child or young person's religious status, with 50% stating that they identify as Christian, and 50% stating that they are Muslim. These figures would indicate that the survey responses do not accurately reflect the many different religions practiced in Leicester.

Only 4 people chose to provide a child or young person's sex, with 75% of people identifying as male.



Only 4 people chose to provide a child or young person's disability status, all 4 people identified as having a disability. Furthermore these 4 people provided details on the type of disability that a child or young person has.

Please note that people could state that a child or young person has more than one disability.

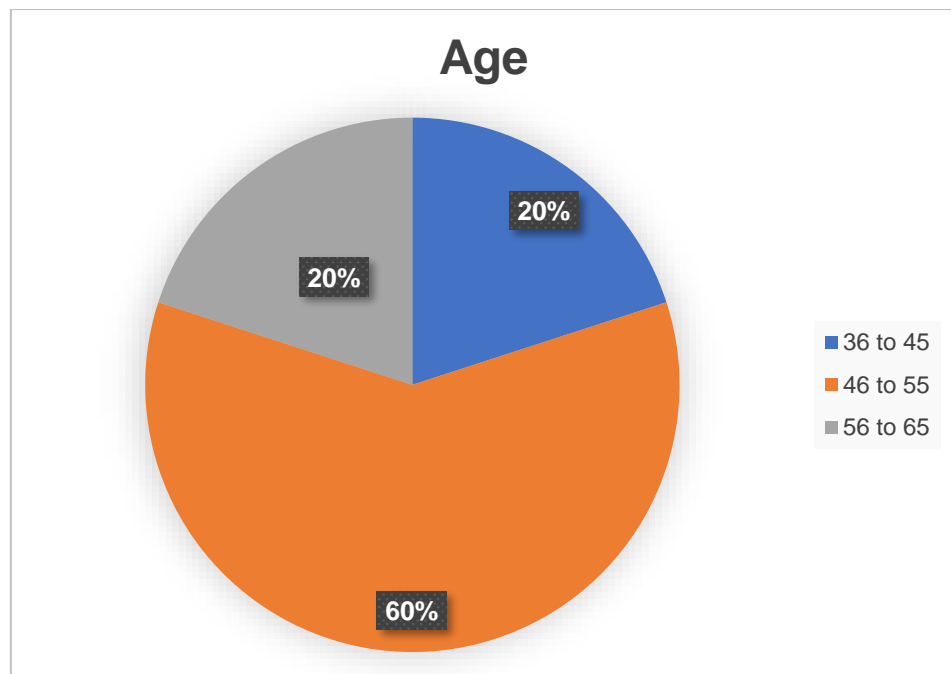


Most people stated that a child or young person has a specific learning difficulty. Due to the limited number of responses, it is not sure if responses to the consultation accurately reflect those children and young people receiving a service.

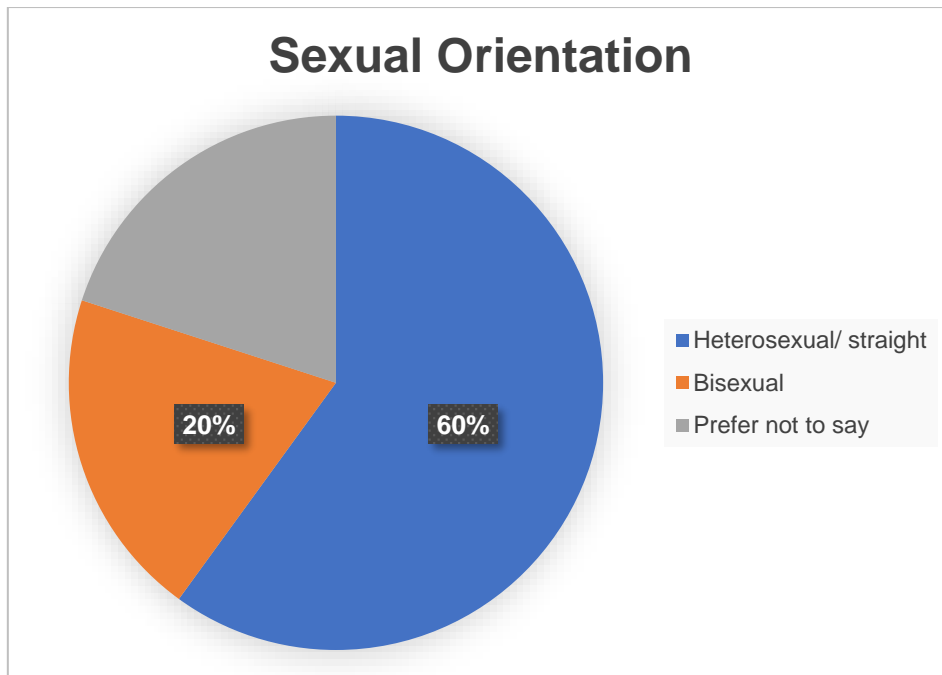
Equalities Monitoring – People Completing the Survey

Of the 9 people that completed the survey, 5 provided their ethnicity. All 5 people identified as White British. This is not representative of the diversity of people living in Leicester.

5 people chose to provide their age. Over half of people were aged 46 to 55.



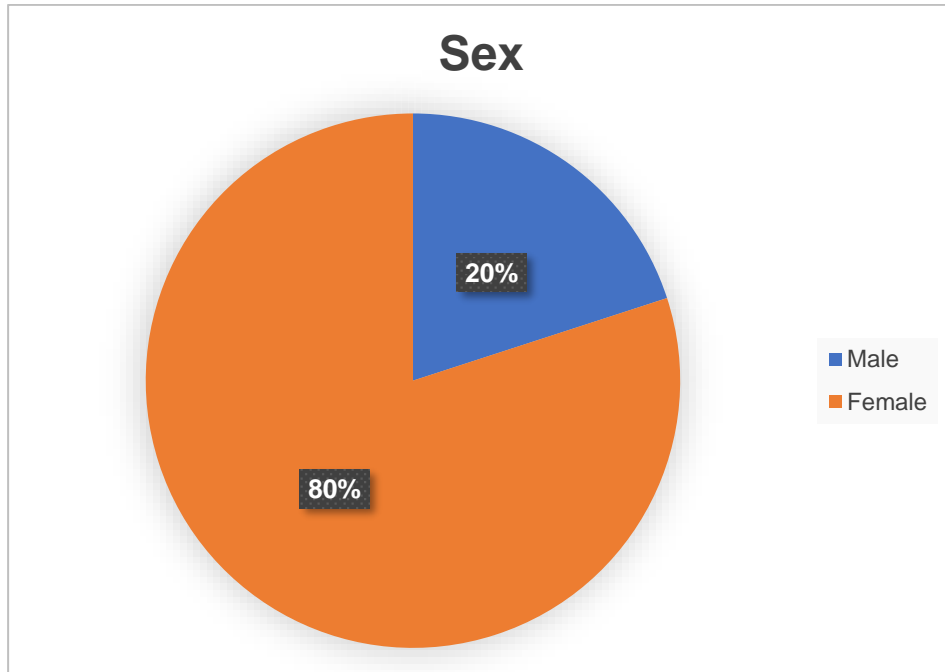
5 people chose to provide their sexual orientation. With limited representation from the LGBTQ+ community, it would be logical to assume that survey results do not accurately reflect the views of all people living in Leicester.



Of the 5 people that chose to provide their disability status, all 5 people stated that they do not have a disability. It would be logical to assume that the survey responses are not wholly representative of people who work/live in Leicester with a disability.

5 people chose to provide their religious status. 4 people identify as Christian, with 1 person identifying as having no religion. This is not wholly representative of the many different religions practiced in Leicester.

5 people chose to provide their sex. 80% of people identify as female. Further more, of the 4 people who disclosed their gender, all 4 stated that their gender is the same as that assigned at birth.



d. Submissions and Other Comments

Approximately 3 people called the consultation helpline. There was also an exclusive email address supplied for consultation queries, which was SCESurvey@leicester.gov.uk

A system was established to swiftly respond to people who had specific questions or required help/translation to complete the survey.

The calls were wide ranging and common themes in the types of call received can be identified as follows:

Queries received were in regard to current transport arrangements. These were directed to the relevant council officers.

A generic email account was also set up to receive queries about the consultation. No comments or observations were made about the proposal via e-mail. No emails were received.

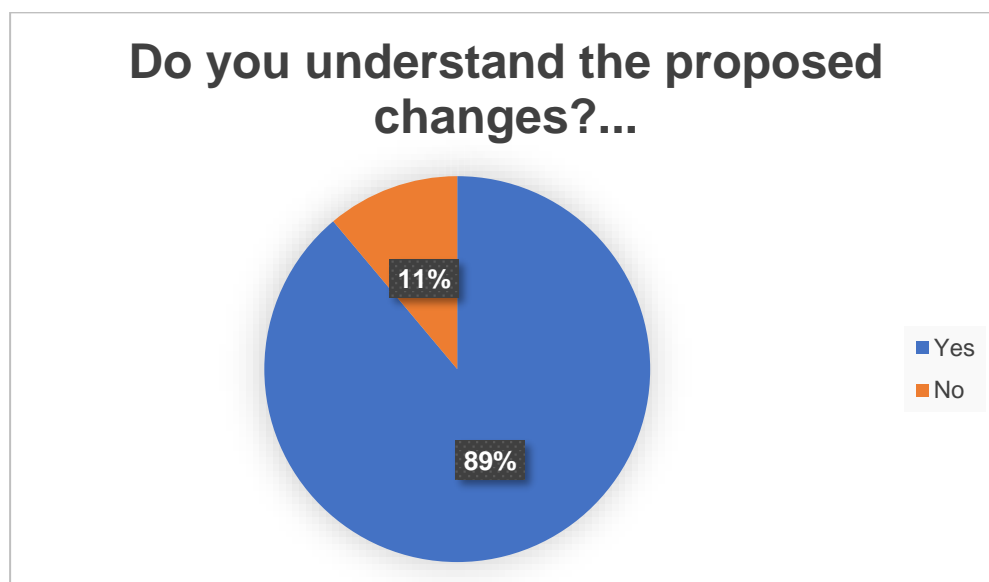
3. **Headline Findings**

a. **Updates to the SEND home to school/ college transport policy**

People were asked:

“Do you understand the proposed changes to the policy?”

All but one person replied to this question with the answer ‘yes’.



0 people chose to not answer this question.

People were also asked to provide some commentary on their choice. 3 comments were recorded.

Comment summaries are provided below.

For people that did understand the proposed changes, they said:

- Regarding the council’s responsibility to provide travel assistance to young people aged 16-18 years – If an expectation is made on colleges to provide bursary, then SEN needs should be clear on EHCP.
- The council expects parents of SEND children and young people to be experts, and that the council should take some accountability for meeting needs.
- There is no acknowledgement of children with divorced parents who provide overnight care arrangements. One person felt discriminated against, because they are a single parent.
- There is not enough acknowledgement on the different support needs, specifically a lack of clarity on what moderate learning disabilities are and the need to be flexible when providing transport provision to people.

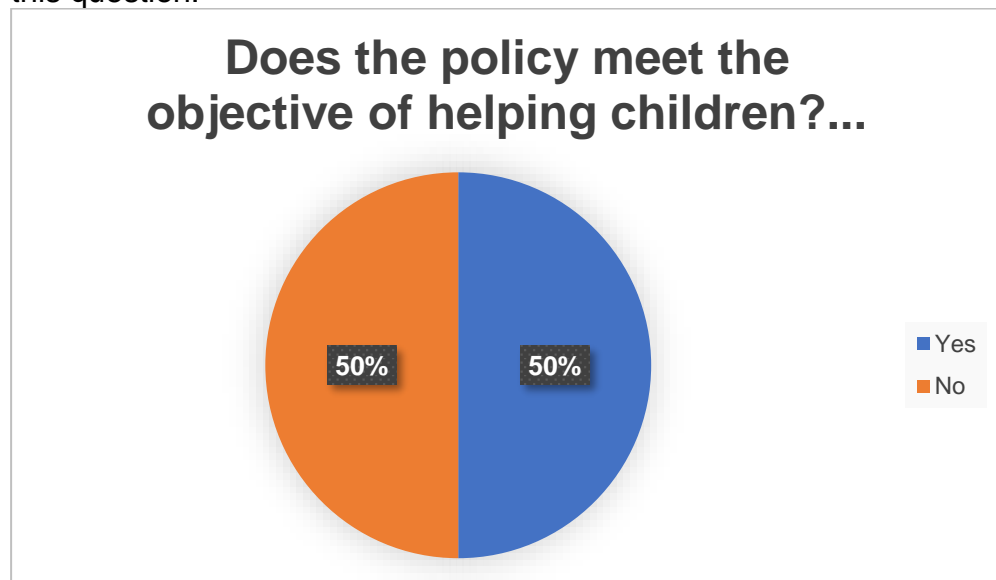
For people that did not understand the proposed changes, they said:

- It isn't clear how the policy has changed.
- It is difficult to make a comparison between current and proposed policies.
- It is felt as if the council is not being transparent about the changes suggested.

People were asked:

“Does the policy meet the objective of helping children and young people prepare for adulthood?”

Responses to this question were mixed, with 50% of people stating 'no', and 50% of people stating 'yes'. One person chose to not answer this question.



Comment summaries are provided below.

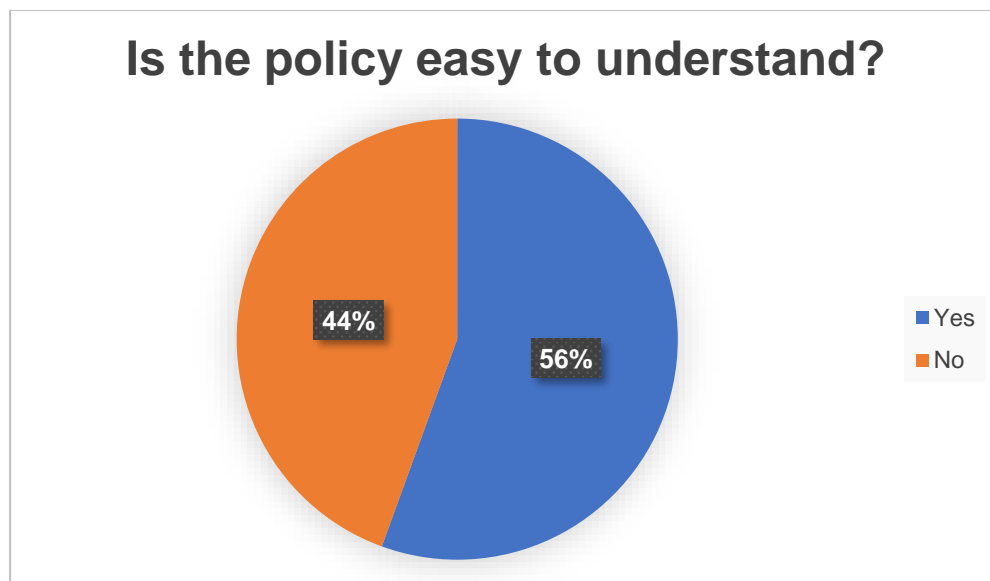
For people that did not think that the policy meets objectives, they said:

- The policy changes reduce transport provision for children and young people.
- The policy is counter productive to enabling children and young people.
- The policy should be clear on what efforts will be made to help children and young people correct behaviour that could result in transport being withdrawn.
- Priorities should be made to make sure that vulnerable children and young people are not expected to travel alone or with strangers.

People were asked:

“Is the policy easy to understand?”

Responses to this question were mixed, with 44% of people stating ‘no’, and 56% of people stating ‘yes’.



For people that stated that the policy was not easy to understand, they said:

- Eligibility criteria for support is not clear, in general.
- It is difficult to understand what support the council is responsible for, for young people from the age of 16 years plus.
- The policy itself is too long and would benefit being redrafted in Plain English

People were asked:

“Is there anything else you would like to see included in the policy?”

Responses to this question were mixed, with 50% of people stating ‘no’, and 50% of people stating ‘yes’. One person chose to not answer this question.

People were provided with an opportunity to comment on what else could be included:

- Clearer assessment criteria and decision making.
- Provide the online application process in multiple languages.

Lastly, people were asked how the changes to the SEND home to school/ college transport policy would affect them/ people with SEND.

6 people provided comments:

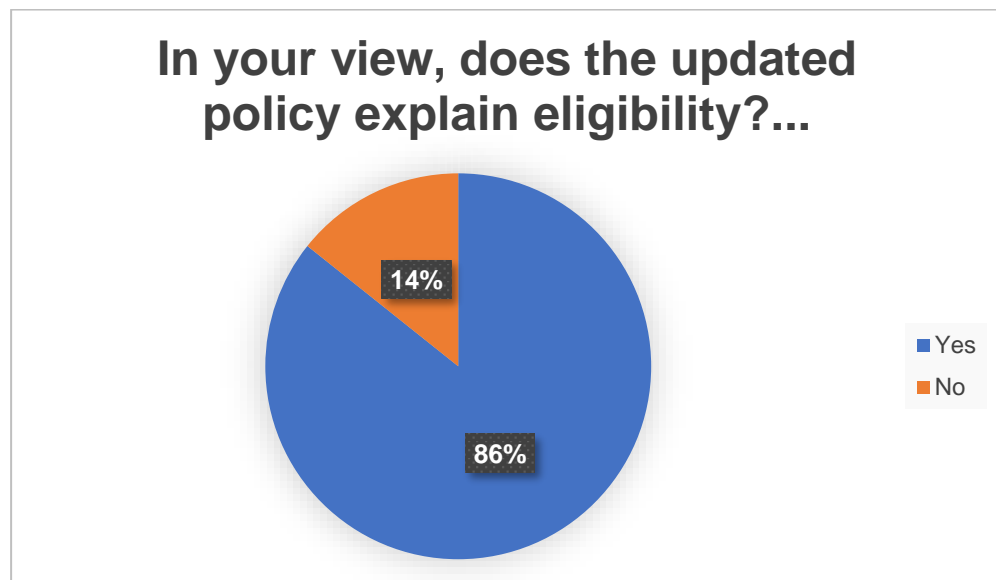
- The policy makes transport arrangements difficult, and may affect school attendance and even parents' working status.
- It is not clear what will be changed with the proposed policy.
- Independent travel training and annual assessments will have a greater focus, to prepare children and young people for adulthood.
- The policy make create barriers because of the language used.

b. Updates to the Post-16 SEND transport policy

People were asked:

“In your view does the updated policy explain eligibility for transport for Post 16 young people?”

All but one person replied to this question with the answer ‘yes’.



2 people chose to not answer this question.

People were also asked to provide some commentary on their choice. 3 comments were recorded.

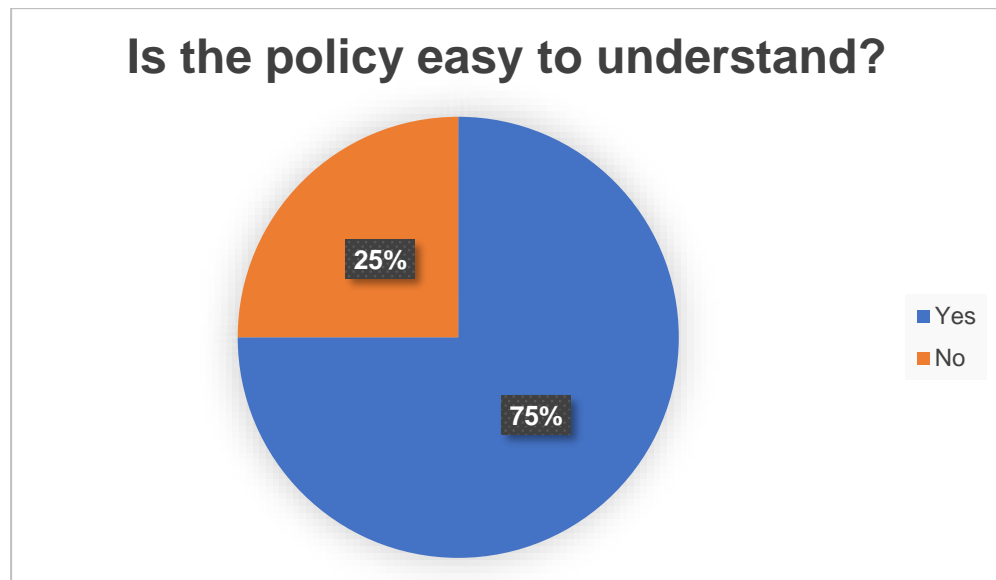
Comment summaries are provided below:

- The policy would suggest that the council does not want to be accountable for transport for post-16 students – this has been perceived negatively.
- The policy is too ‘wordy’
- Changes that could affect the lives of people negatively would not be liked.

People were asked:

“Is the policy easy to understand?”

Most people responded that the policy was easy to understand. 1 person chose to not provide an answer to this question.



3 people commented further on the policy, in regards to ease of understanding:

- The council is not taking responsibility for transport provision.
- The policy itself could be better presented in Plain English – this was mentioned by more than one person.

People were asked:

“Is there anything else you would like to see included in the policy?”

Responses to this question were mixed, with 43% of people stating 'no', and 57% of people stating 'yes'. Two people chose to not answer this question.

People were provided with an opportunity to comment on what else could be included:

- Will there be an option for parents to pay for transport provision?
- The council should take more responsibility for transport provision.
- A continued emphasis on travel training to prepare for adulthood.
- Clearer criteria for qualification.

People were asked how the changes to the Post-16 SEND transport policy would affect them/ people with SEND.

2 people provided comments:

- The policy would help a member of staff support people with SEND to encourage independence from an early age – as long as those that need transport are not excluded.
- The policy will enable those in Post-16 life-long learning.

Lastly, people were asked if they have any final comments on either of the two policies.

5 people provided comments:

- There is no information on how travel reviews will be conducted, including who will attend reviews?
- More 'effort' could have been made to explain the changes in policies, meaningfully.
- It would seem as if the council are deferring responsibility of SEND transport provision.
- Plain English in the policies would be useful and made available in multiple languages.
- Other formats for the policy would be useful, for different learner styles (use of video and images).

Other Engagement

A member of the commissioning team attended a virtual meeting hosted by the Parent and Carer Leicester forum to speak about the policy. A presentation was given about the policy amendments, and families had the opportunity to ask questions about the policy.

No questions about the policy were asked, and parents instead took the opportunity to ask about their specific transport arrangements, or to air frustrations about transport, these comments were noted and shared with the relevant team.

SEND Home to School - Travel Policy Communications Plan v1

35

Audience	Channel	Promotion approach/content	Target Date	Date completed	Second round comms target date	Second round date completed
Lead Members for Social Care and for Education	Virtual Meeting	LMB meeting, report and briefing	Completed August 2021	Completed August 2021		
Children Young People and Education Scrutiny Commission	Virtual meeting	To provide briefing to members on launch of the consultation	22 October	22 October		
Media/press team	Email/internal correspondence	Providing information in relation to consultation to anticipate any enquiries	22 October	22 October		
Staff working in services	Email promotion	Employers encouraged to share with staff as part of their organisational response. SEND services staff to be briefed by management team.	w/c 25 th October	25 October	w/c 27 November	27 November
Unions	Email promotion	Providing information in relation to consultation to anticipate any enquiries	w/c 25 th October	25 October	w/c 27 November	27 November
MPs	Email promotion	Providing information in relation to consultation to anticipate any enquiries	w/c 25 th October	26 October	w/c 27 November	27 November
Big Mouth Forum (children)	Virtual Meeting	Attendance at meeting (virtual) and presentation	November			

SEND Home to School - Travel Policy Communications Plan v1

and young people)						
Parent Carer Forum	Virtual meeting	Email to notify details of the consultation Attendance at meeting (virtual) and presentation	10 th November	10 November	15 December	15 December
SCE Newsletter	Email promotion	Providing information in relation to consultation to anticipate any enquiries	17 th November	17 November		
Special Schools	Email	Information in schools bulletin and link to consultation site. Attendance at meeting of special schools.	w/c 25 October	18 November	3 December	3 December
Mainstream Schools	Schools news bulletin	Information in schools bulletin and link to consultation site	18 th November	18 November	3 December	3 December
Early years settings	Email consultation	Early years setting supporting children with SEND to be targeted with email outlining consultation. Also include in SENCO newsletter. Primary, secondary and SEND special schools newsletters	18 th November	18 November	3 December	3 December
SEND Improvement Board	Email consultation	To brief the board and share consultation links	w/c 25 th October	26 October	27 November	27 November
Schools Forum	Email consultation	Potential meeting to present to schools' group.	w/c 25 th October	26 October	27 November	27 November

SEND Home to School - Travel Policy Communications Plan v1

Children's residential homes	Email consultation	Email survey to our current providers	w/c 25 October	26 October	27 November	27 November
Members of the public	Social Media, council website	Information with overview on SM and on website family pages	Ongoing through consultation via consultation page			
Letter to transport using families	Letter	Providing information in relation to consultation to anticipate any enquiries	w/c 25 October	29 October		

Travel Policy Implementation Communications Plan v1

Audience	Channel	Promotion approach/content	Date
Lead Members for Social Care and for Education	Virtual Meeting	LMB meeting and briefing	August 2022
Children Young People and Education Scrutiny Commission	Virtual meeting	To provide briefing to members on launch of the policy	TBC
Media/press team	Email/internal correspondence	Providing information in relation to the policy to anticipate any enquiries	TBC
Staff working in services	Email promotion	Employers encouraged to share with staff as part of their organisational response. SEND services staff to be briefed by management team.	TBC
Unions	Email promotion	Providing information in relation to policy to anticipate any enquiries	TBC
Big Mouth Forum (children and young people)	Virtual Meeting	Attendance at meeting (virtual) and presentation	TBC
Parent Carer Forum	Virtual meeting	Email to notify details of the policy changes Attendance at meeting (virtual) and presentation	TBC
Special Schools	Email and virtual meeting	Information in schools bulletin Attendance at meeting of special schools.	TBC
Mainstream Schools	Schools news bulletin	Information in schools bulletin	TBC
Early years settings	Email information on changes and links to website for guidance	Early years setting supporting children with SEND to be targeted Also include in SENCO newsletter.	Sophie can send an email to all SENCO contacts at any

Travel Policy Implementation Communications Plan v1

		Primary, secondary and SEND special schools newsletters	point if newsletter deadlines do not match TBC
Further Education providers	Virtual meeting and email	FE College & LA Liaison meeting including individuals from PFA meeting	TBC
SEND Improvement Board	Virtual meeting and email note	To brief the board	TBC
Schools Forum	Virtual meeting and email	Potential meeting to present to schools' group.	TBC
Children's residential homes	Email information on changes and links to website for guidance	Email link to our current providers	TBC
Members of the public & parents	Social Media, council website, letters to families in receipt of SEND transport	Information with overview on SM and on website family pages	TBC
Members of Parliament	Email notification of changes	Providing information in relation to policy to anticipate any enquiries	TBC
LLP & EIP	Email information on changes and links to website for guidance	Providing information in relation to policy to anticipate any enquiries	TBC

Appendix C

Social Care and Education Services
Children's Social care and Early Help Division
Safeguarding and Quality Assurance Unit

**Safeguarding and Quality Assurance Unit
Children's Social Care and Early Help Division
Social care and Education Services**

Local Authority Designated Officers (LADO)

Annual report

1st April 2020 - 31st March 2021



Contents:

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1. Introduction

The role of the LADO is set out in HM Government guidance Working Together to Safeguard Children (2018) Chapter 2 Paragraph 4 and is governed by the Authorities' duties under section 11 of the Children Act 2004. Further statutory guidance brought by Keeping Children Safe in Education (KCSIE) 2020 (last updated January 2021) added a further "harm threshold" to LADO responsibilities.

The Local Authority Designated Officer (LADO) is employed by Leicester City Council and its function is set out in Leicester City Children Safeguarding Partnership Inter-Agency Policy and Procedures.

The work of the LADO focusses on managing the process of investigation into allegations of harm made against adults who work in positions of trust with children and young people. The overall aim is to ensure all allegations however small are followed up thoroughly to ensure a safe and fair process for all involved.

The LADO has the following "harm thresholds", ie responds in situations where there are grounds to believe that adults working in positions of trust have:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to a child
- Behaved or may have behaved in a way that indicates that they may be unsuitable to work with children (KCSIE Sept 2020, now aligned with Working Together).

The LADO annual report is aimed to provide an overview of the management of allegations against the children's workforce and the role of the LADO in Leicester City for the period 1 April 2020 to 31

March 2021. It also provides opportunities for reflection to a wide audience and potentially influence/ inform future plans of actions and development of services across agencies, to prevent children and young people being harmed by adults in positions of trust.

2. Impact of the COVID 19 pandemic on LADO service delivery

The LADO service has maintained a consistent service in terms of availability and staffing over the last 12 months against the background of the COVID 19 pandemic. Interagency working transferred seamlessly online with use of MS Teams meetings and skype calls. Training opportunities offered by the LADO have also been effectively adapted to online delivery. The pandemic has inevitably had impact on the nature and volume of referrals and contacts to the service as detailed in the body of the report below.

4. Overview of LADO activities: performance data analysis

a. Number of LADO contacts

The LADO maintains a database of all allegations and concerns received which allows for targeted analysis and annual or thematic reporting.

Over the last 12 months, the LADO Service has continued to promote use of an accessible telephone advice line and generic mailbox to ensure advice and guidance has been readily available to employers and referring individuals from the duty LADO representative.

The table below reflects a breakdown of contacts received by the service in the past 5 years:




Period	Number of contacts
2016-2017	329
2017-2018	450
2018-2019	378
2019-2020	304
2020-2021	288

The decrease in the number of contacts to the LADO, during the reporting period was more notable in the early months of the pandemic when there were reduced opportunities for contact between children and adults in regulated activity i.e. as a result of school closures, lack of access for children to sports and leisure activities, faith based activities. Month on month reporting has shown that after the early months of the pandemic, LADO contacts resumed to a similar pattern as prior to the pandemic.

Overall figures reflect that employers and organisations continue to appropriately seek safeguarding advice for organisations and children in their care.

b. Outcome of LADO contacts

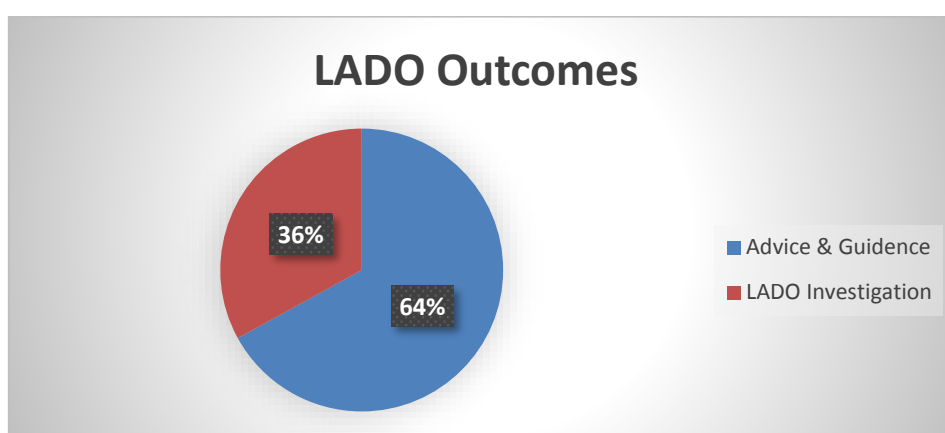
Review of the outcomes of LADO contacts is important in helping us to

-  understand potential themes or patterns of concern
-  ensure our service delivery is appropriate for the needs of our referrers
-  plan how we might best meet training needs across the children's workforce.

A breakdown of the outcomes of LADO contacts both for the last 4 years and for the year 2020 is given on the charts below.

	Number 2017/ 18	% of total	Number 2018/ 19	% of total	Number 2019/ 20	% of total	Number 2020/ 21	% of total
Number of contacts with the outcome of advice and guidance to employer/organisation	255	57%	248	65.7%	204	67%	185	64%

As evident, similar patterns in relation to conversions from contacts have been maintained for the past few years, indicating thresholds consistency and confidence across the partnership.



Our duty system is designed to enable direct and timely discussion between the LADO representative and referrer, whereby **64%** of initial contacts have concluded with **advice and guidance** to the employer. Advice and guidance include where concerns have not meet thresholds for harm / risk of harm and resulted in no further LADO action after initial consideration. The advice and guidance can include advice about internal investigations, managing practice, organisational systems, signposting to other Local Authority LADO’s or adult safeguarding services, hearing and feeding back to children.

*“thanks for dealing with this so professionally and effectively, whenever I ring you I always know that I will get a thought through response, no question ever feels like a silly question”
 (email from Headteacher received in February 2021)*

The accessibility of the duty advice line engages many different agencies and voluntary sector leaders and gives an opportunity for the LADO to explore concerns with employers in depth and to share knowledge and expertise about risk in organisations and from individuals in order to assist employers to deal with individual issues and consider wider safeguarding needs within organisations.

The data shows that **34%** of initial LADO contacts led to the **LADO coordinating further investigation**. In these circumstances, the LADO will facilitate multi-agency information sharing in order to determine harm threshold and ensure employers have all relevant evidence for well-informed risk assessments and management. The safety of a child and /or children and the support to the adult is integral to this process.

To support this process, the LADO service works closely with colleagues within the Local Authority e.g. safeguarding in education officers, adult safeguarding services and adult principal social worker, social care and family placements teams, independent foster home review officer, early education development team. The LADO will also liaise as required with a range of external colleagues that support safeguarding activity for example,

Disclosure and Barring Service (DBS), OFSTED, Police, Schools compliance / safeguarding leads for bodies in sports, faith, voluntary organisations and so on.

Below is a breakdown of referral outcomes where the LADO has coordinated further investigation:

Outcome of LADO investigation	2019/20	2019/20	2020/21	2020/21
	100	35.5%	103	36%
Unfounded <i>(there is sufficient evidence to disprove the allegation)</i>	33	33%	26	25%
Unsubstantiated <i>(there is insufficient evidence to prove or disprove the allegation)</i>	22	22%	21	20%
Substantiated <i>(there is sufficient evidence to prove the allegation balance of probability)</i>	38	38%	29	28%
Malicious	0	0%	1	1%
False	0	0%	4	4%
Ongoing cases	7	7%	22	22%

The outcomes above are in relation to the following categories of harm: neglect and sexual, physical and emotional harm. They reflect, as indicated, conclusions reached within the LADO process as to whether thresholds of harm or risk of harm have been met based on "balance of probability" decision making. Further comment:

- An **unsubstantiated** outcome is only reached when it is concluded that, after all enquiries have been made, the allegation cannot be proven or disproven. This outcome is used with caution as it can result in a less clear conclusion.
- All **substantiated** allegations of harm/risk of harm will be considered further to identify potential for ongoing risk of harm to children and the need for further action to safeguard children in the longer term.
- For all **substantiated** allegations, consideration is given to referrals to regulatory bodies and the DBS. In the period under review 8 referrals have been recorded as warranting referrals to DBS and 14 referrals recorded as requiring referral to an appropriate regulatory body. There is a need to be robust with respect to referrals to DBS and regulatory bodies to ensure ongoing and wider safeguarding can be actioned and recorded: this also reflects learning from serious incidents.

There is an increase in ongoing cases at this time reflecting the complexities in progressing some cases in a timely way due to external influences: for example, enquiries led by other agencies are known to have been hampered this year by difficulties in accessing and interviewing witnesses and the alleged perpetrators of harm due to COVID related restrictions, self-isolation, delays within the wider criminal justice systems.

The LADO role includes ensuring wider safeguarding is robust and this has led to a more robust tracking of LADO cases that are in the criminal justice process, awaiting complex disciplinary processes and ensuring DBS and regulatory body referrals are made. This can impact on the amount of ongoing case open.

c. Contact by category

Type of contact	Number 2017/18	% of total	Number 2018 /19	% of total	Number 2019 /20	% of total	Number 2020/21	% of total
Total	450		378		304		288	
Neglect	90	20%	42	11%	47	15%	67	24%
Sexual harm	104	23%	100	26.5%	72	24%	79	27%
Physical harm	183	41%	191	50.5%	142	47%	104	36%
Emotional harm	52	11%	45	12%	43	14%	38	13%

Breakdown of contacts by type of harm shows a not dissimilar picture from previous years, with the contacts about risk of **physical harm** to children once again representing the highest number of referrals.

This category includes contacts relating to direct and deliberate physical harm, physical intervention or restraints, mismanagement of behaviours e.g. in educational or residential care settings, situations where adult behaviour has been misinterpreted (adults may have felt they were guiding a child whereas a child may perceived that they were pushed. "grabbed" or "shoved").

Sexual harm is the next most frequent category and an analysis of the LADO investigations indicate an increase in awareness across the partnership around the identification of concerns relating to social media contacts between adults and children. There is also a documented increase UK wide in the frequency and detection of direct 'online' sexual harm of children, grooming type behaviours and sexual communication, and exploitation of children from adults who work with children. Additionally, historic allegations of harm are often of a sexual nature.

d. Who are contacts about?

	2017/2018	2018/2019	2019/2020	2020/2021
Total contacts	450	378	304	288

Social Care and Education Services
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Foster carers	20%	18%	20%	25% <i>*see breakdown below</i>
Education (non-teaching)	6%	6%	6%	4%
Education (teaching / learning support assistants)	9%	9%	7%	7%
Education (teaching)	19%	23%	20%	13%
Sport	3%	4.7%	2%	3.5%
Social Work	1%	1.3%	2%	2.5%
Health	3%	2.6%	6%	8%
Day care	5%	9.7%	7%	5.5%
Transport	5%	6%	6%	6%
Youth Work	1%	0.5%	3%	2%
Faith	8%	4.2%	3%	3%
Residential Care	7%	10%	13%	19% <i>** see breakdown below</i>
Police	1%	0.7%	0	0.5%
Probation	0%	0.2%	0	0
Volunteers	2%	1.8%	1%	1%
Other	11%	1.8%	2%	
Historical / previously working with children			2%	

* 72 contacts relating to foster carers include:
7 contacts about kinship carers
23 contacts about IFA carers (i.e. non-Local Authority)
42 contacts about Local Authority foster carers

** 56 contacts relating to residential care settings include:
8 contacts about Local Authority residential settings
48 contacts about private sector settings

Overall patterns of contact remain broadly similar to previous years with some variation.

Past years have shown that the highest numbers of contacts and referrals relate to **education settings**, unsurprisingly so given that education supports a large employee base and daily contacts with large numbers of children. As noted earlier in the report, schools' closures over a period of several months during the COVID 19 pandemic is likely to have resulted in the reduced contacts to the LADO.

Interestingly the number of contacts relating to **transport** providers (notably taxi drivers and passenger assistants involved in the transport of vulnerable children e.g. to school and family contact sessions) has remained static although fewer journeys have been taken as a result of the pandemic.

Contacts in relation to **foster carers** have increased. It may be that this is related in part to the impact of COVID 19 and its attendant stresses on carers who may already be experiencing challenges in their care of Looked After Children. The levels of contacts relating to this group are being evaluated to consider any underlying themes identified and shared with the family placements service to support

the quality of foster carer assessments and monitoring processes. As such information gained from LADO processes will be used positively to aid learning and help improve services.

With respect to **residential placements**, this report has highlighted that contacts relating to the conduct of residential workers are higher from external providers than from in-house provision within the Local Authority. A positive development in this regard is the enhanced communication between LADO and Local Authority external placement commissioning team and now routine notification of every LADO concern to the team. Targeted work will be a focus of the next year's training for the unregulated and private sector placements locally.

Research and learning from case reviews around the UK tell us children more vulnerable to harm in organisations include **Looked After Children (LAC) and children with disabilities**. 40% of all contacts to the LADO this year have related individuals involved in the care and support of our Looked After Children: this is an increase of 10% on last year's figures. This data could indicate that social workers and others are increasingly keenly attuned to seeking out and hearing the voice and experiences of children and / or that children themselves are feeling more empowered and able to share worries and concerns. However, 10% of all contacts relate to those caring for children with disabilities: this is a decrease of 3 % on last year's figures suggesting perhaps that children with disabilities remain "less visible" and "more vulnerable."

e. Who makes contact with the LADO?

Contacts from	2019/2020	%	2020/2021	%
Total contacts	304		288	
Family members/ members of the public / anonymous	12	4%	9	3%
Education	70	23%	34	12%
Health (including EMAS)	4	1%	3	1%
Local authority (not social care e.g. transport, EWO, HR)	12	4%	10	3.5%
External social care providers (e.g. LA LADO's, private sector fostering and residential care)	47	15.5%	28	10%
Local authority social care (internal social care services Leicester city)	108	35.5%	119	41%
Regulatory and legal services including voluntary sector (e. g CAFCASS, OFSTED, NSPCC)	11	4%	50	17.5%
Police	35	11 %	35	12%

It is important that we understand where contacts to the LADO service originate and where we do not receive contacts, so that we can plan future awareness raising. Occasional 'spikes' in contacts from partner agencies and employers are indeed more noticeable following targeted training.

There have been fewer referrals from colleagues in education settings – as noted above this reflects the situation engendered by COVID 19 where children have been less present at and less visible in education.

Contacts from social care services within Leicester City have increased: it is felt that this is a positive repercussion from awareness raising events with social workers and in particular newly qualified social workers where there has been a focus to their attendance in person and online training events over the last 1 – 2 years.

Increase in referrals from the police are partly linked to the numbers of contacts which relate to sexual harm such as online sexual offences as the police are most often the agency first involved in or made aware of such concerns.

2.6 Timescales for conclusion of LADO contacts

	2018/2019	2019/2020	2020/2021
% cases closed in 4 weeks	71.5%	52%	70%
% cases closed in 12 weeks	86%	80%	91%

There are no statutory timescales around the completion of LADO processes. However locally we have set our own standards and expectations around timescales.

This is because we are very much aware of the levels of anxiety and distress caused by the processes of investigation to individuals involved and the need to conclude these processes in a timely way. Sometimes the LADO process can be protracted where there are complex enquiries or a need to rely on expert advice – for example where there are parallel police investigations relating to online or historical abuse.




The data above reflects an improvement in timeliness of throughput in the last 12 months. Quality assurance processes and management oversight routinely explore the timeliness of throughput.

It is noted that the LADO continues to track some cases after LADO processes have concluded to ensure that key safeguarding tasks are actioned e.g. employer referrals are made to the DBS for a barring decision. This can extend the length of LADO involvement however equally adds value in terms of the wider safeguarding context.

3. The voice and experience of children

Children’s voices and views are essential across all LADO processes. We recognise how important it is to understand as fully as we can the experience of children when we are assessing the potential impact of harmful or inappropriate behaviour towards them by adults in positions of trust.

Our expectations of our service are as follows:

-  We actively promote listening to and hearing children and their experiences to enable safe decision making.
-  We are questioning and curious about the views of children and the impact on them of allegations or concerns.
-  We challenge “blameful” language and attitudes such as scepticism towards or disbelief of children.

- ✚ We recognise the vulnerability of children in our society overall and consider the impact of factors such as age, gender, sexuality, race, culture and heritage, religion, past experiences and in particular past harms.
- ✚ We take account of the additional vulnerability of Looked After Children and children with disabilities and take all opportunities to advocate on behalf of these children.

Feedback to children is routinely recommended within LADO processes so that children are helped to understand that they have been heard and taken seriously to give them confidence to raise future worries and to build resilience in help seeking. This applies irrespective of whether children's allegations are upheld or not. Bespoke "age appropriate" letters to children from the LADO are sent through social workers, schools or sometimes directly. We also consider with involved professionals if there is scope for adults to acknowledge or apologise directly to children if their behaviour was wrong or unacceptable.

4. Partnership working and training

The LADO maintains **positive working relationships** with colleagues within the Local Authority and with other Local Authority LADOs and there is close liaison with many partner agencies, statutory and voluntary groups. This assists our promotion of case specific and wider safeguarding and assists in the development of safer organisations.

'Thank you for your time today on the telephone. I have to say the support and reassurance as I told you on the phone has been exceptional. I can't thank you enough. The last 24 hours has been horrible and you have helped me through a very dark time' (January 2021)

Through service realignment, clear pathways and strong working relationships, we have developed strong partnerships within the Social Care and Education Department – from links to the Principal Education Officer, to the Fostering Independent Reviewing Officer, Placements and Commissioning Teams and scrutiny panels (Adoption and Fostering)

The LADO is an active member of the **regional LADO group** which continues to meet quarterly "online" during the pandemic. These sessions enable reflection on practice and benefit good cross authority working in complex cases. The LADO prioritises attendance at the annual LADO conference to ensure the service is continually learning and considering any updated information.

Quality assurance work across Leicester, Leicestershire and Rutland has also developed over the period under review: this is reported in **7. Quality Assurance Activity** below.

One of the LADO's core responsibilities is to provide **training and awareness raising** sessions to partner agencies and other service provisions who work or come in contact with children.

The training and briefing sessions held in 2020 / 21 included:

- ✚ Training session to the designated safeguarding leads (DSLs)
- ✚ Presentation at the DSL forum
- ✚ Three generic training sessions for employers from range of settings via LSCP
- ✚ One briefing session to transport staff
- ✚ Two sessions to newly qualified social work staff

The training sessions focus on LADO processes, understanding harm thresholds, hearing children's experiences, and the impact on children and adults, learning from serious case reviews and developing safe and healthy organisational cultures.

Safeguarding in education colleagues also promote the LADO role in all whole school training and DSL training and have been linked with a number of faith organisations to undertake bespoke training and safeguarding learning where concerns have been brought to the attention of the LADO about these settings.

7. Quality Assurance (QA) of LADO activity

We recognise the LADO practice is a niche expertise that is limited within the local authorities. Therefore, continuing the work started in 2019, when we joined forces with our colleagues from Leicestershire and Rutland, to progress and embed QA activities of LADO work across LLR. The work undertaken through this group has included "dip sampling" of LADO initial contacts and "deeper dive" audits of more extended LADO work. Internal quality assurance activity has also been ongoing.

Quality assurance activity has shown that good to excellent quality advice provided to employers in their safeguarding practices, with timely decision making and robust multiagency safeguarding arrangements initiated.

Strengths identified

- ✚ LADO responses at the point of initial contact and referral are timely
- ✚ The need for interim safeguarding arrangements where allegations have been made are considered consistently and at an early stage for children, arrangements are fair and proportionate with consideration given in discussion between employers and LADO to all appropriate measures
- ✚ Rationales for decision making and LADO harm threshold considerations are clearly recorded, and next steps are also clear
- ✚ History for adults of concern, children and employing organisations is consistently considered and informs decision making.
- ✚ Case recording is thorough and timely
- ✚ There are very positive examples of a focus on children's experiences and voices
- ✚ The LADO is appropriately involved in initial strategy discussions regarding children
- ✚ Direction, advice and guidance to referrers is clear
- ✚ There is evidence of good consideration of other children who may be at risk from adults
- ✚ Adults' views are considered and taken into account
- ✚ There is evidence of consistent liaison and information sharing with regulatory bodies such as OFSTED, DBS, TRA, GMC, etc with professional bodies that oversee standards and compliance such as sports councils etc
- ✚ There is earlier consideration of the experiences of other children linked to adults of concern alleged perpetrators (eg formerly fostered children)
- ✚ Employee "managing allegations" information leaflets, revised meeting agenda and guide to LADO process outcome definitions have been devised and have been well received
- ✚ There is more consistent feedback to children
- ✚ There is more consistent consider of support to adults of concern / employers duty of care
- ✚ There is more consistent cross referencing to children's social care records

Areas for improvement

- ✚ There are at times delays in administrative tasks being completed in a timely way (minutes, action plans and cases being tracked)
- ✚ There is at time delay in escalation that has then resulted in drift.

- ✚ While regular feedback received from referrers in relation to the advice line and overall LADO involvement is positive, with good levels of confidence around the advice and guidance provided by the LADO, there is a need for more routine and systematic gathering of user feedback about LADO processes and LADO led multi agency meetings in particular: this has declined over 2020 – 2021 with all meetings taking place online

8. Conclusions and next steps

We very much see our role within the LADO service as just one element of a cycle of good practice which works towards a safer workforce and safer organisational cultures and environments for children. During the review period, and despite the challenges posed across all services by the COVID pandemic, we have continued to benefit from a stable and experienced LADO service which works effectively within this cycle.

We have maintained its good reputation across the partnership: this is reflected in the positive QA and feedback received regarding the advice and guidance provided, in the timely responses made and in streamlined LADO processes.

We continue working with many agencies and individuals to maintain positive working relationships and a heightened awareness of the LADO role. We are particularly pleased to report that at the heart of our work is an emphasis on considering the experiences of children and ensuring that they are heard.

Next steps for 2021 – 2022

We aim to continue delivering a trusted service that has the confidence of all stakeholders across the partnership, with particular focus of the experiences of children and families. To achieve this aim:

- ✚ We will continue to review our training offer on a regular basis to ensure it is fit for purpose, relevant and reflective of updated guidance and new developments in the field. Targeted training will be provided to the voluntary sector including faith, sports settings, faith settings, voluntary groups, services to children with disabilities and the private sector. Plans are already in place to develop training with a specific focus on developing safer organisations for delivery during 2020 - 21.
- ✚ We will work with the children's engagement and participation service to gain a children's perspective and critique of our work and our quality assurance processes.
- ✚ We will gain user feedback about LADO processes.
- ✚ We will robustly escalate any delays in cases at an early stage to avoid drift.
- ✚ We will continue to promote the support of colleagues within the Safeguarding and Quality Assurance Unit to the LADO role to ensure continuity and sustainability of the LADO service

Jude Atkinson – Local Authority Designated Officer
Lesley Booth – Service Manager
Safeguarding and Quality Assurance Unit Service Manager
May 2021

Executive Decision

Review of Mainstream

Funding for SEND

Children, Young People and Education Scrutiny Commission

Decision to be taken by: City Mayor

Decision to be taken on/Date of meeting: 17th February

Lead director/officer: Tracie Rees

Useful information

- Ward(s) affected: All
- Report author: Martin Judson, Sophie Maltby
- Author contact details: martin.judson@leicester.gov.uk Sophie.Maltby@leicester.gov.uk
- Report version number: 0.6

1. Summary

- 1.1 The purpose of this report is to seek the City Mayor and Executive approval to implement a fairer funding model across all the mainstream schools with effect from September 2022 that provide support to children and young people with Special Educational Needs and Disabilities (SEND). The report proposes to increase the current banding arrangements to reflect the child's needs as detailed in Option 3.
- 1.2 A 12-month transition period, during which time, all schools will receive the increased banded rates. Those schools facing a reduction will receive 50% of their losses for a 12-month period at a cost of £1.63m.
- 1.3 The Mainstream Schools currently receive additional funding for pupils with high levels of SEND (where those costs exceed £6,000 per pupil) from the High Needs Block (HNB) of the Dedicated Schools Grant (DSG).
- 1.4 The additional funding is paid in two parts, the first being a per pupil top up dependent upon the individual pupil needs. The second payment being an additional SEND payment which is intended to support the school's overall notional SEND budget. The methodology for both payments is the same regardless of whether the pupil has an EHCP (Education Health and Care Plan) or not. The payments are known as either 'mainstream top-ups' or 'element 3' payments.
- 1.5 There are currently around 1,250 pupils receiving this funding and expenditure in 2020/21 (800 with plans, 450 without) at a total cost of £11.8m. This is 20% of the High Needs Block (HNB) expenditure and second only to special school placement in magnitude. The amount of funding paid out for mainstream top ups has increased at an average rate of 25% since 2015/16, with the result that total top up expenditure has increased more than three-fold since 2015/16. During the same period the total number of pupils with EHCPs has nearly doubled (1.84 x) during the same period to 2,990 at January 2021.
- 1.6 There is substantial evidence that the additional SEND top up payment does not fairly distribute funding to those schools that need it. This report proposes ending this and instead paying out more funding based on individual pupil needs.
- 1.7 We undertook an extensive informal engagement followed by a formal consultation with schools, parents and other stakeholders between March and December 2021 to discuss the issues around top up funding and to help shape an alternative funding methodology that is more focussed on pupil need.
- 1.8 Following our considerable communication, the informal engagement only received minimal responses, although those who did respond, believed that funding should be child centric, distributed fairly and more transparent. Despite being requested, schools were unable to provide other suggestions for a more equitable and sustainable funding mechanism.
- 1.9 The responses from the informal engagement shaped the design of the formal consultation. An extensive communication plan was implemented to ensure all stakeholders were aware of this proposal and the importance of their input into the consultation. In our communications, we outlined the proposed funding

methodology, the impact of the changes to the funding and the introduction of new processes. We received 132 responses, from which there were 56 responses on behalf of schools, 57 responses from parents, and 19 from school governors, LCC staff and members of the public. (see appendices 1 and 2)

- 1.10 Following the consultation, and in light of the challenges to the existing HNB budget and the need to ensure that the funding is distributed equitably across all schools, it has been determined that we should remove the additional SEND top up element of the funding and provide schools with enhanced per pupil top up payments that are solely based upon children and young people's needs.
- 1.11 The proposed funding arrangements are not intended to reduce the overall level of funding available for high needs pupils within the mainstream schools. However, there will be a significant change in the distribution of funding to schools under this proposed fairer funding methodology. The changes should also reduce the rate of year-on-year growth in this additional funding.
- 1.12 We are now seeking Executive approval to start implementation from September 2022.
- 1.13 Following the analysis of the formal consultation, which indicates schools' significant concerns around managing the change in funding. We are recommending the approval of a 12-month transition period, during which time, all schools will receive the increased banded rates. Those schools facing a reduction will receive 50% of their losses for a 12-month period, as calculated as of December and paid in two fixed instalments.
- 1.14 No approval is required from the DfE for any changes agreed following this consultation.
- 1.15 Whilst it was important for us to capture the thoughts of parents and carers, the main audience for this report were the professionals who directly deliver support and manage budgets.
- 1.16 It has been inferred, based upon the extensive consultation communication programme and significant anecdotal evidence, that where stakeholders have not responded to the consultation survey, they have accepted the proposed funding changes.

2. Recommended actions/decision

- 2.1 To implement the revisions to SEND support funding for mainstream schools from September 2022 by enabling the removal of the additional SEND top up funding and increasing the individual banded rates, as detailed in option 3.
- 2.2 In response to the consultation, to agree that £1.63m of transitional funding be paid from the High Needs Block for a one-year period only to those schools that would see a reduction in their funding level under the new arrangements. The transitional period would be from September 22 and August 23 and the payments will be 50% of the funding reduction. This arrangement takes into consideration academic year employment cycles and allows optimum planning time for schools' budgets.

2.3 To note that the £1.63m transitional payment will add to the Council's High Needs Block cumulative deficit.

3. Scrutiny / stakeholder engagement

3.1 The following stakeholders will be briefed during the proposed consultation:

- Lead Members: Feb – April 22
- City Mayor/ Executive Ward Councillors/ Scrutiny: Feb 22 – Mar 22
- LCC/SCE Staff: March – April 22
- Unions: Feb – March 22
- Schools Forum: Feb 22
- LPP/EIP: Feb – April 22
- All Schools: Feb – Mar 22
- School Governors: Feb 22
- PCF Mar 22
- BMF Mar 22
- SENDIASS: Mar 22
- SEND Improvement Board: parents/carers January 22
- Health – CCG: March 22
- SENCo Network: Feb – April 22

4. Background and options with supporting evidence

- 4.1 Pressures on the HNB is a recognised national issue, which is well documented across local government. The pressure on the Dedicated Schools Grant (DSG) has led to more and larger overspends in recent years. Figures from the Department for Education (DfE) show that there are now 430,697 children with an education, health and care plan (EHCP) in England, an increase of 10% from 2020.
- 4.2 The 2019/20 s251 published (local authority budget) data reports total local authority net in-year overspends on HNB budgets of 10.8% of the funding allocations or £593m. 138 out of 152 LAs (91%) had an in year overspend.
- 4.3 The DSG is a specific grant, and the conditions of grant make clear that it can only be spent on the Schools' Budget, and not on other aspects of local government expenditure. But where there is an overspend on the DSG, local authorities could decide to fund that from general resources. This has led some local authority Chief Finance Officers to conclude that if their DSG account is in deficit, they need to be able to cover the deficit from the authority's general reserves. However, changes in Government policy have meant that moving funds from other resources or general reserves is no longer possible.
- 4.4 The forecast over-spend for the HNB in Leicester for 2021/22 is forecast to be nearly £8m. Whilst the DfE have provided additional funding to the HNB in 2021/22, the increases have not kept pace with the continued growth in demand particularly in the numbers of pupils with SEMH and ASD.
- 4.5 The in-year overspends in the HNB in recent years have been funded from the LA's DSG reserves. However, these reserves are forecast to move into a deficit position at the end of 2021/22, a deficit which will continue to grow whilst demand continues to exceed the available funding.
- 4.6 The continued and on-going pressures on the DSG has been acknowledged by the DfE. Following consultation in 2019 the government changed the School and Early Years Finance Regulations to make it clear that the DSG is a ring-fenced specific grant separate from the general funding of local authorities. Any deficit an authority may have on its DSG reserve account is expected to be carried forward to the next year's schools' budget.
- 4.7 The DfE's intention is that deficits should be recovered from future DSG income. The DfE are expecting those LAs who have a deficit balance on their DSG reserve account to produce a management plan to at least eliminate their in-year deficits on the HNB.
- 4.8 In response to the cost pressures exerted on the HNB and the forecast deficit on the DSG reserve account the LA is undertaking a review of all areas of HNB expenditure. The intention of these reviews is not specifically to cut costs. Instead, these reviews are intended to ensure that the available funding is distributed fairly and equitably and that the services commissioned provide value for money.
- 4.9 Between March and June 2021 an extensive informal Engagement took place with key stakeholders (see appendix 1). The following options in relation to alternative funding methodologies were discussed with schools, parents and key stakeholders:
 - Option 1- continue with the existing funding method of both a per pupil-based top up payment and an additional SEND top up payment.
 - Options 2- maintain the additional SEND top up payment but at a lower level.

- Option 3 - provide schools with enhanced per pupil top up payments based on pupil need and remove the additional SEND top up payment altogether.

In addition to this we also asked key stakeholders and schools if they had any suggestions to enable us to design a consultation going forwards. Whilst the 3 options were not discussed individually, it was very clear that schools wanted a system that was fair, and child centred. No further suggestions were made by schools on alternative methods of funding

- 4.10 The responses from the Engagement informed the design of a 3-month Consultation that started in September. Again, an extensive communication plan was implemented (see appendix 2) to ensure that all stakeholders were aware of the funding proposal and the importance of their input. (A summary of the output can be found in Appendix 3)

Overall, 132 responses were received, with the vast majority from parents and schools. Schools that gained from the proposed change to the funding model felt that the new model was fairer, simpler, and more transparent, schools that faced a reduction in funds felt that the model was simpler and transparent but did not feel it was fair. The majority of responders felt that the new model would not support inclusion, however, it was also felt that inclusion should be a whole school ethos and not a policy that should be linked to finances. Parents were concerned about the impact the changes would have on the support their children currently received and were worried that their child may have to go to a special school. Overall, it was felt that whilst the rationale behind the changes made sense, additional transition time and interim financial relief should be given to those schools that face reductions in funding to help them manage the change and plan

5. Detailed report

5.1 Mainstream schools are expected to fund up to the first £6,000 per pupil of the additional costs of providing support to pupils with all levels of SEND from their schools' block delegated budget which is calculated using the national schools funding formula. Much of this additional support will be for low levels of SEND which cost less than £6,000 per pupil.

5.2 The local authority provides 'top-up' funding where the level of SEND support required costs more than £6,000 per pupil and this is paid for from the HNB. This top-up funding means that many higher needs pupils can be appropriately supported within the mainstream system. Currently this funding is provided to approximately 1,250 pupils with 800 having EHCPs and 450 without. The rate for each band is identical regardless of whether the pupil has a plan or not.

5.3 Appendix 4 provides a breakdown of the HNB expenditure over the past 6 years. The spend on mainstream SEND support top up funding was £11.8m in 2020/21, the second largest single item of expenditure and 20% of total expenditure. Total mainstream top up expenditure has increased three-fold since 2015/16 and this compares to a near doubling in the total number of pupils with EHCPs during the same period.

5.4 The current methodology for top up funding to schools has two parts:

- Per pupil top up payment.
- Additional SEND top up payment.

5.5 Per pupil top up

5.5.1 In 2013/14 when the national school funding formula was introduced it was proposed locally and agreed with Schools Forum that top up funding would be based on a banded system. Banding is a way for local authorities to allocate levels of top-up funding for securing special educational provision for those children and young people with SEND.

5.5.2 Pupils and students with high needs are those who have additional support assessed by the local authority as costing more than £6,000 per annum and for whom the local authority is paying top-up funding to the school.

5.5.3 The funding for schools is allocated as follows:

Element 1 is a per pupil amount paid from the school's block fund, Element 2 is the schools notional SEND budget and is also paid from the school's block fund, Element 3 is a top up payment paid from the high needs block.

Element 1 and 2

Type of funding	
Element 1	Per pupil amount
Element 2 (Contribution from the schools notional SEND budget.)	£6,000

Element 3

Element 3 funding is made up of 2 parts. The 1st part is a banded rate based on per pupil need and the 2nd part is an amount paid once the higher needs threshold (please refer to 5.6.3) has been exceeded. This amount is up to an additional £15,000 over and above the banded rate.

Type of funding	Band 1	Band 2	Band 3
Element 3 Part 1 Individual top up	£2,272	£5,636	£8,900
Element 3 Part 2 Additional SEND top up (Applied if 40% of the notional SEND budget has been exceeded.)	£15,000	£15,000	£15,000

5.5.4 The majority of LAs provide individual pupil funding using a banded system.

5.5.5 Where pupils are not being assessed for an EHCP, schools submit applications for additional top up funding and these are assessed by a panel which includes representatives from school SENCos, Educational Psychology, SEND SS and Finance. Schools must demonstrate that they are spending more than £6,000 on additional resource and evidence the pupil's needs. Schools have been allowed to use their own cost rates to calculate their additional expenditure and this determines which support band the child is assigned to. The panels meet monthly and process around 40 requests per meeting.

5.5.6 Whilst a statutory assessment is required for an EHCP, the method of allocating additional resource is the same as above. A separate Resource Allocation Panel (RAP) meets fortnightly and includes school SEND coordinators, SEND SS (Specialist Teachers), LA Education Care and Health Inclusion Officer (ECHIO), Educational Psychologist, parent representative, health representative, social care representative and is chaired by the Special Education Service (SES) Service Manager. There are between 25-30 cases per meeting.

5.6 Additional SEND top-up payments

5.6.1 Local authorities, on a discretionary basis can provide supplementary support funding to the school in addition to the individual banded rate for the pupil. This support was intended to compensate those schools that retained greater numbers of high needs pupils in their schools compared to other schools with similar levels of SEND. Such schools will be spending more of their own budget on the first £6,000 of costs for a high needs pupil and so may be disadvantaged financially by being inclusive and retaining more high-level SEND pupils than other schools.

5.6.2 To calculate the additional SEND top-up the council first of all identifies how much budget the school has to support the general level of SEND within the school. The Council calculates the proportion of this notional SEND budget that is being used for high needs pupils and makes the additional payment to the school to ensure that this proportion doesn't exceed a particular threshold.

5.6.3 This results in additional payments of £15,000 per high needs pupil being paid once a certain number of high needs pupils is reached in the school. This means that some schools will receive £15,000 plus up to £8,900 for the banded rate for every additional high

need pupil. Other schools however, with a greater level of notional SEND budget will only receive the banded funding of up to £8,900. (See Appendix 5 for an example.)

5.6.4 This approach was thought to be appropriate when it was introduced in 2013/14, based on the information at that time. The notional SEND budget is based on indicators within the school's pupil population such as deprivation and prior attainment. However, there is now good research and practical evidence to show that the level of funding for general SEND within a school budget is not a reliable indicator of the incidence of SEND within a school. Therefore, basing the calculation of additional SEND top up payments on the proportion of the notional SEND budget that a school has, is flawed.

5.6.5 The result of this approach is that funding is unfairly distributed. For example, a sample of schools which each have 8% of their pupils on roll having a requirement for SEND support (as identified by the school) actually have notional SEND budgets within a much larger range of between 2.8% and 12.4% of their total budgets. (Refer to Appendix 6). As a result of the support payments being based on the notional SEND budget, schools with the same actual incidence of SEND in the school receive very different additional SEND top up payments.

5.6.6 The current method of calculating additional SEND top-up payments not only produces an unfair funding distribution, but it also results in an unsustainably rapid rise in overall costs. This is because once the number of high needs students in a school reaches a certain threshold, additional payments are made at the rate of £15,000 per additional pupil, nearly double the highest banded rate. The additional top up payments have increased by 25% in 2020/21 compared to 2019/20; banded payments however have only increased by 11% over the same period. This rate of increase is unaffordable given the pressures on the HNB.

5.7 Other LA approaches

5.7.1 Appendix 7 includes details of 6 other LA approaches to funding mainstream SEND top ups. All of these LAs operate an individual pupil led banding system similar to the Leicester City approach. Of the 6 LAs:

- 5 of these LAs also provide an additional supplementary payment.
- 2 of these LAs link that payment to the level of general SEND budget.
- 3 of these LAs link any additional payments directly to the number of high needs pupils.

5.7.2 The individual banded rates are not significantly dissimilar to Leicester's rates. The amount of funding for additional discretionary payments is far less generous than our approach. For the 2 LAs that do use the general SEND budget, they assume that all of this budget has to be consumed on paying for the first £6,000 worth of costs before any additional payments are made.

5.7.3 Compared to these LAs, Leicester is unique in the way additional payments are calculated and far more generous. Nevertheless, a number of these LAs are still looking at revising their approach to support funding as a result of continued pressure on their HNB.

5.8 The following proposals for a revised system were presented to mainstream schools and settings during our engagement. Schools were requested to suggest other suitable or alternative proposals for funding.

5.8.1 Option 1 – continue with existing funding method.

For the reasons outlined above this is not considered equitable and is not a sustainable funding model and therefore is not recommended.

5.8.2 Option 2 – Increase the existing threshold level at which additional SEND top up payments are paid.

The evidence (outlined in Appendix 9) strongly suggests the notional SEND budget does not reflect the actual incidence of SEND in schools and it is not therefore recommended as a basis for funding at any threshold level.

5.8.3 Option 3 – Provide support to schools with enhanced per pupil top up payments that are based on the actual number of high needs pupils in the school and their associated costs. The funding released from not using additional top up payments that are based on the notional SEND budget will be used to increase the existing banded rates and so directly contribute to the actual costs incurred by schools.

5.9 No further funding models were proposed by schools, therefore of the options that were considered, it was felt that option 3 was the only viable proposal to be included within the formal consultation. This model has a number of benefits as it:

- Addresses the inequities and unsustainability of the current system.
- Allows us to increase pupil-based funding.
- Links funding more directly to individual pupils and their needs and delivers more funding to those schools with high needs pupils.
- Increased accountability on schools to demonstrate the impact of funding on pupil outcomes.

5.10 This proposal aims to remove the second element of the current system which results in payments to schools that exceed the threshold of their notional SEND budget to high needs pupils. This element cost £4.5m of the total £11.8m spent on mainstream top ups in 2020/21.

5.11 In the proposed changes, elements 1 and 2 will remain the same. However, for element 3, the individual top up payments have been increased and the additional SEND top up has been removed.

Type of funding	Band 1	Band 2	Band 3
Element 3 – an increased per pupil top up (banded rate)	£2,630	£8,383	£12,698
Element 3 – additional SEND top up	Removed	Removed	Removed

The increased rates we pay for the bands and the proposed new rates are shown below:

Band	Current	Proposed	Increase	% Change	School Contribution	Total	Equivalent TA Hours Per day
Band 1	£2,272	£2,630	£358	16	£6,000	£8,630	3
Band 2	£5,636	£8,383	£2,747	49	£6,000	£14,383	5
Band 3	£8,900	£12,698	£3,798	43	£6,000	£18,698	6.5

n.b. Please note these totals do not include the minimum funding guarantee per pupil amount (Element 1)

- 5.12 A detailed description of how the new bands are calculated is in Appendix 9. The bandings are driven by the equivalent Level 2 TA support hours required. Based on the feedback from the engagement we have reviewed the processes around Element 3 applications and will be encouraging schools to adopt more flexible approaches to the use of funding in order to demonstrate improved outcomes for CYP.
- 5.13 Based on the high needs pupils in 2020/21 this allocation method would distribute 86% of the total banded rate plus notional SEND budget subsidy that was paid out in 20/21. When the new methodology is fully implemented, £1.8m would be available for future growth and the other measures outlined from paragraphs 5.17 onwards below.
- 5.14 Changing the funding methodology will result in a significant change in the distribution of funding received by schools. Some schools will gain, and some will lose funding. On a like for like basis using the 2020/21 high needs pupil cohort, 58 schools would gain under the new arrangements and 44 would see reduced funding. A summary of the overall impact and a full list of schools showing the change in funding for the financial years 2022/23 and 2023/24 using 2020/21 pupil data is included in Appendix 10 and 11 for illustration purposes only. The actual level of funding for these years will of course be entirely dependent upon the actual number of pupils in those years.
- 5.15 We appreciate that these changes will present a challenge to some schools, but it must be emphasised that this will correct what is currently an unfair funding system. To mitigate the effects, we are proposing a number of measures outlined below.
- 5.16 As part of the change in funding methodology one of our priorities is to make the use of top up funding more effective to support schools with our broader strategic aim to improve practice for inclusion. We also want to improve the monitoring of the identification of children with SEND for top up funding and review more systematically the quality and type of provision, the use of funding and the outcomes achieved.
- 5.17 To do this, and to support schools with the transition, the local authority has appointed a SEND Inclusion Quality Manager and two SEND teachers. This new team will work in close partnership with schools to support changes as a result of this review and resource can be aligned and coordinated with the wider school improvement agenda and in particular the Special Leaders in Education, the Teaching Schools and the Closing The Gap programme.
- 5.18 The Inclusion Quality Manager will establish systems and processes that will provide accountability once a top up allocation has been made. The team will also support school SEND Coordinators when making applications so that they are effective and of a high quality, through direct support and training. In addition, the Quality Manager will support schools to account more effectively for how the resources are spent and to develop implementation plans, which schools will co-produce with families, which describes the outcomes to be achieved and the measures of progress to be used. Through this investment in advice and training the local authority will make the assessment of need more consistent and maximise the use of the resources available.
- 5.19 Those schools that are more affected by the change in funding methodology would be the first to engage with new Inclusion Quality Team to look at how existing resources are being deployed and how this can be managed. (See Appendix 12)

- 5.20 The majority of the consultation responses are in favour of the new system on the grounds that it is a fairer way of allocating funding. However, those schools that will see a lower level of funding under the new system also said that they need more time to adjust. We have listened to the comments and concerns and in response, therefore, it is recommended that an additional fixed sum is paid to these schools to cover the first year of implementation, September 2022 to August 2023. This payment will be in addition to the revised banded rate payments.
- 5.21 It is proposed that the additional payment is 50% of any reduction in annual funding for 2021/22 that would have been incurred by the school if the new revised funding system had been in place for that year, as opposed to the current system. The calculation will be based on the pupil cohort as of December 2021 and there would be further adjustments to the calculation as a result of any changes in pupils/pupil circumstances in the period January 2022 to March 2022/.
- 5.22 Calculating fixed sum payments now will give the schools and the LA certainty over the level of additional funding for schools and the additional burden on the LA's HNB. It is felt that a 50% contribution strikes a fair balance between affordability for both the LA and schools. Moreover, it means that schools will still need to begin making adjustments as soon as possible towards the ultimate revised funding levels but it will allow them additional time to make those adjustments compared to our original consultation proposal.
- 5.23 The additional payments will add a very significant additional cost to the HNB of £1.63m compared to the original consultation, adding to the cumulative HNB deficit. This is because we are allowing the schools that receive a fairer funding level under the new system to keep that gain during the transitional period, whilst giving schools that are facing reductions certainty about the protection they will receive.
- 5.24 The fixed sum payment will be split across two financial years, with 7/12ths in September 2022 and 5/12ths in April 2023. All schools that see a reduction in E3 funding will receive an equal percentage of their reduction in funding.

	Financial Year 2022/23						Financial Year 2023/24					
	Apr 22		Aug 22	Sept 22		Mar 23	Apr 23		Aug 23	Sep 23		Mar 24
Allocation method	Old System			New System			New System					
Additional Payment	None			Fixed Protection Payment 1			Fixed Protection payment 2			None		

(See appendix 13).

- 5.25 The transitional support payments have been based on payment schedules produced in December 2021, and will help schools plan their budgets for the next 2 years. The fixed sum payment will be split across two financial years, with 7/12s in September 2022 and 5/12s in April 2023
- 5.26 Schools have been made aware of the potential reductions as part of the formal consultation. All schools have been provided with a financial calculator to enable them to forecast accurately their potential funding in September 2023. In addition, they have been

offered support from the Inclusion and Quality Team, which as yet not all schools have taken up.

5.27 We have listened to the comments and concerns raised in the consultation and believe this option fairly shares the financial impact of the proposed changes between the LA and the schools and at the same time gives schools time to manage their school budget and prepare for the full implementation.

5.28 Subject to an executive decision. The revised system would be fully implemented from September 2023.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

6.1.1 The financial implications of the proposed changes are covered extensively in the body of the report. *Martin Judson, Head of Finance*

6.2 Legal implications

6.2.1. Part 3 of the Children and Families Act 2014 sets out the duties placed on Local Authorities for children and young people in England with SEND.

High Needs Block (HNB) funding provides the funding for support packages for an individual with special educational needs in a range of settings. The purpose of the HNB is to ensure equality and equity of opportunity for all children and young people irrespective of their need. Banding is a way for local authorities to allocate levels of top-up funding for securing special educational provision for those children and young people with SEND. These are not statutory arrangements, and each local authority will have its own mechanism for allocating funding.

There is a statutory requirement for the Council to consult with Schools Forum when making important decisions around schools and funding. This report seeks Executive approval to implement the proposed changes in September

The Public Sector Equality Duty requires the Council to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The proposed consultation should be used to help identify where revision to the proposal might be needed to take account of the impact to individual school budgets and/or pupils and to ensure continued equality of opportunity for those affected.

The results of the consultation should be analysed, prior to any final decision being made, to ensure that any decision making is lawful, follows a fair process and is reasonable.

It is recommended that further legal advice is taken as the proposals are developed.

Julia Slipper, Principal Lawyer, Education & Employment. Tel 0116 454 6855

6.3 Equalities implications

6.3.1 Under the Equality Act 2010 (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The proposal seeks approval to consult formally with mainstream school to remove the additional SEND top up element of the funding and provide schools with enhanced per pupil payments that are only based upon children and young people's needs.

The proposed funding arrangements are not intended to reduce the overall level of funding available for high needs pupils within the mainstream schools. However, there will be a significant change in the distribution of funding to schools under this proposed fairer funding methodology.

As the proposal is focused on SEND funding for mainstream schools, the protected characteristic of disability is highly relevant to the proposal however other protected characteristics should also be considered to ensure that there are no unintended disproportionate impacts, or if disproportionate impacts are identified, they are appropriately mitigated.

It is important that any funding reforms are applied to all schools consistently in supporting opportunity for all children, irrespective of their background, ability, or need.

The public sector equality duty, so far as it concerns age, does not apply to the exercise of a function relating to the provision of education to pupils in schools, including those pupils over the age of 18.

The proposals have the potential to impact pupils, non-teaching staff and teaching staff. In order to demonstrate that the consideration of equalities impacts has been taken into account in the development of the proposals and as an integral part of the decision-making process, an Equalities Impact Assessment is underway and will be updated to reflect the outcomes of the informal engagement which has taken place with schools, parents and other stakeholders. The possible or actual impacts of continuing to provide funding in the same way as it is provided has been considered as part of the impact assessment.

The proposed option 3 was consulted on formally in September 2021 with schools. We need to ensure any consultation/engagement process is fair, accessible and proportionate.

Schools are also subject to the PSED and have responsibilities to prevent discrimination against and ensure the fair treatment of all children and young people with disabilities. In addition, employers have duties under the Equality Act 2010

The consultation findings and recommendations on the proposal will support the collation of information required to enable decision makers in paying due regard to the PSED.

Any recruitment should be carried out in line with LCC recruitment policies.

Surinder Singh, Equalities Officer Tel 37 4148

6.4 Climate Emergency implications

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

7. Background information and other papers: background information and other papers are within the appendices.

8. Summary of appendices:

Appendix 1 - Pre-Consultation Communication Plan

Appendix 2 – Post Consultation Communication Plan

Appendix 3 – Consultation Summary

Appendix 4 – Summary of HNB

Appendix 5 Charts of details of current distribution of funding

Appendix 6 – Illustration of the correlation of notional SEND budget

Appendix 7 – Other LA's methodology

Appendix 8 - The argument against using the notional SEND budget

Appendix 9 - Revised Banding methodology

Appendix 10- Comparison of total high needs funding using current and proposed formula

Appendix 11 - Chart of comparison of total high needs funding using current and proposed formula

Appendix 12 - Audit and Quality Assurance Process

Appendix 13 FAQ's

Appendix 1 Pre-Consultation Comms Plan

Project details

Project number	TBC
Project name	Element 3 / Top up Funding
Project Sponsor	Sophie Maltby
Project Lead	Jabeen Layne

Version	Date	Author	Amendment Details
V 0.1	14/06/21	JL	

Purpose, aims and objectives

To have a clear plan for consulting all stakeholders on changes to additional SEND top-up funding for pupils in September 2022.

The communications plan will:

- Inform mainstream settings of the proposed changes to the additional SEND funding model and share the rationale behind the new proposal.
- Encourage key stakeholder groups to provide feedback on the new proposal and shape the final solution.
- Promote collaboration between the stakeholder groups and the local authority to ensure mainstream settings understand the impacts of the new funding model and are supported through the change.
- Support schools to plan for the implementation of the new model and minimise the impact of the change on SEND pupils.

- Share key timelines of the different phases of project delivery.

Communication risks and issues

Risks

- Some mainstream settings may be resistant to change and would not accept the new proposals if their school is adversely affected
- We may be subject to judicial review and for example in Waltham Forest, parents sought a judicial review which found in favour of the Local Authority.
- For those schools whose funding changes, there may be a challenge to buy into the proposals for change
- Applications for statutory assessments before the changes are implemented may increase
- Mainstream settings may start excluding children from schools on the basis that they can't support them
- Transitional costs increase in the short terms as the new process is implemented
- Relationships with some schools may be impacted if we do not manage the changes effectively
- Implementation timescales are based on a financial year and not the academic year although this should be mitigated by a careful transitional process.

Issues

- Schools already under significant pressures due to the impact of Covid and increasing numbers of SEND pupils in mainstream settings. Changes to the High Needs Budget places additional pressure upon them.

Key messages:

- A pupil-centred approach to make sure children with SEND support receive well planned targeted interventions
- Leicester City has faced unprecedented challenges around provision for children and young people with SEND. This proposal will ensure the best possible outcomes for our children by ensuring that there is equality and parity of funding for all pupils in mainstream provision
- The implementation of the new model is about utilising the existing High Needs Block funding more effectively to meet needs and improve outcomes for SEND pupils.
- New Quality Improvement services will support mainstream settings in the use of the BERA (Best Endeavors and Reasonable Adjustments) framework and use of quality first teaching
- Confirm that there will be the support mechanisms to help schools manage the transition to the new funding model
- Confirm key timelines for consultation, review and implementation

Communication methods:

Outlined below mixture of meetings, presentations, email communications and formal consultation with quantitative and qualitative questions to inform recommendations

Stakeholders – to be contact during different phases of the project

Audience	Channel	Approach	Date
Lead Member	LMB and planned meetings	<ul style="list-style-type: none"> • Initial and ongoing progress checks • Formal report with proposed approach to consultation • Executive Briefing for use by Lead Member • Update report following consultation activity to describe any changes to consultation 	May onwards July 2021 July 2021 January 2022

Audience	Channel	Approach	Date
City Mayor / Executive Ward Councillors	Briefing email	<ul style="list-style-type: none"> • Formal report with proposed approach to consultation • LMB note – members bulletin • Update report following consultation activity to describe any changes to consultation 	Aug 2021 January 2022
LCC and SCE Staff	Briefing email/ meeting attendance	SCE newsletter outlining consultation To be briefed by SEND and Social Care Management on consultation	Sept 2021
Unions	Meeting & follow- up email	<ul style="list-style-type: none"> • Formal email confirming consultation launch • Briefings to outline consultation proposal, timelines, and implications • Outcomes and recommendations following decision by Lead Member 	Sept 2021 January 2022
Schools Forum	Meeting & follow- up email Ongoing meetings	<ul style="list-style-type: none"> • Briefing/awareness • Formal email confirming consultation launch • Briefings to outline consultation proposal, timelines, and implications • Outcomes and recommendations following decision by Lead Member 	Sept 8 th /Nov
Leicester Primary Partnership and Education Improvement Partnership	Meeting & follow- up emails Ongoing meetings	<ul style="list-style-type: none"> • Formal email confirming consultation launch • Briefings to outline consultation proposal, timelines, and implications • Outcomes and recommendations following decision by Lead Member 	Sept 2021

Audience	Channel	Approach	Date
All Schools	Direct email – follow-up meeting with identified schools Ongoing KiT meetings	<ul style="list-style-type: none"> • Formal email confirming consultation launch • E-briefings to outline consultation proposal, timelines, and implications • PEO Keeping in Touch meetings (occur weekly) • Outcomes and recommendations following decision by Lead Member • Schools Extranet 	Sept 2021
School Governors	Email and virtual meeting as required Termly Chair of Governors briefing	<ul style="list-style-type: none"> • Formal email confirming consultation launch • Potentially deliver governor training session on budget expectation and use of funds for SEND provision • Outcomes and recommendations following decision by Lead Member 	Sept 2021 January 2022
Leicester City Parent Carer Forum	Meeting & follow- up email	<ul style="list-style-type: none"> • Update and launch of formal consultation • Attendance at PCF meeting – Use easy read presentation and resources for parents to understand proposals 	Sept 2021
SENDIASS	Meeting & follow- up email	<ul style="list-style-type: none"> • Formal meeting at launch of consultation. • Briefing information to be shared on social media website • Outcomes and recommendations following decision by Lead Member 	Sept 2021
SEND Improvement Board members/partners	SENDIB agenda	<ul style="list-style-type: none"> • Progress update from SEND service 	July onwards
Children and Young People with SEND (BMF)	Virtual meeting	Attendance at virtual meetings prepare easy read presentations	Sept 2021

Audience	Channel	Approach	Date
Parents/ Carers of mainstream pupils (including those from EHCP audits with contact details given)	Letter via schools	<ul style="list-style-type: none"> Communications via schools confirming plans, consultation launch and next steps 	Sept 2021
Health – CCG – via SENDIB and key contacts	Direct email	Launch of formal consultation Outcomes and recommendations following decision by Lead Member	Sept 2021
SEND Services	Meeting & follow- up email	<ul style="list-style-type: none"> Formal meeting at launch of consultation. Briefing information to be shared on social media website Outcomes and recommendations following decision by Lead Member	Sept 2021 January 2021
SENCo Network	Meeting & follow- up email	<ul style="list-style-type: none"> Formal meeting at launch of consultation. Briefing information to be shared on social media website Outcomes and recommendations shared following decision by Lead Member Confirmation email for Go Live 	Sept 2021 January 2021 April 2021
MAT CEO		<ul style="list-style-type: none"> Meetings 	
Business Managers	Meeting & follow- up email	<ul style="list-style-type: none"> Formal meeting at launch of consultation. Briefing information to be shared on social media website Outcomes and recommendations shared following decision by Lead Member Confirmation email for Go Live 	Sept 2021 January 2021 April 2021
Local Offer	Local offer	<ul style="list-style-type: none"> Briefing information to be shared on Local offer 	Sept 21

Consultation timeline and activities

Phase	Time	Activity	Lead
Start - up/ Feasibility	June 2021	<ul style="list-style-type: none"> • Complete analysis of data • Document consultation proposal • Create Scrutiny Report for LTM/LMB • Create briefing for Lead Members and City Mayor • Create briefing for Schools/SENCo's to share engagement findings 	Sophie Maltby
Planning and Design	July 2021	Preparation of formal launch <ul style="list-style-type: none"> • Online consultation platform • Presentation materials • Briefing notes • Consultation meetings and events to be confirmed 	Jabeen Layne
Delivery	August 2021 September 2021 December 2021 January 2022 February 2022	<ul style="list-style-type: none"> • Briefing to LMB/CMB and Scrutiny • Formal launch of Consultation • Consultation formally closes • Submit report and recommendations to Lead Member • Recommendations and changes communicated to: • Unions, EiP/LPP/ Schools Forum/ Schools/ Governors/ Parents & Carers 	Sophie Maltby
Closure	March 2022 September 2022 October 2022	<ul style="list-style-type: none"> • Implementation / Intention notice • Implement recommendations and changes • Lessons learnt and project closure 	Jabeen Layne

Appendix 2 Post Consultation Comms Plan

Project details

Project number	TBC
Project name	Element 3 / Top up Funding
Project Sponsor	Sophie Maltby
Project Lead	Jabeen Layne

Version	Date	Author	Amendment Details
V 0.1	21/12/2021	JL	

Purpose, aims and objectives

To have a clear plan for communicating to all stakeholders the recommended option for changes to the additional SEND top-up funding for pupils in September 2022.

The communications plan will:

- Share the analysis and recommendations from the mainstream SEND funding review consultation
- Inform stakeholders of the outcomes of the Executive Decision and the agreed changes to the additional SEND funding model
- Promote collaboration between the stakeholder groups and the local authority to ensure mainstream settings understand the impacts of the new funding model and are supported through the change.
- Support schools to plan for the implementation of the new model and minimise the impact of the change on SEND pupils.
- Share key timelines of the different phases of project delivery.

Communication risks and issues

Risks

- Some mainstream settings may be resistant to change and would not accept the new proposals if their school is adversely affected
- We may be subject to judicial review and for example in Waltham Forest, parents sought a judicial review which found in favour of the Local Authority.
- For those schools whose funding changes adversely, further support may be required through the transition period
- Applications for statutory assessments before the changes are implemented may increase
- Mainstream settings may start excluding children from schools on the basis that they can't support them
- Transitional costs increase in the short terms as the new process is implemented
- Relationships with some schools may be impacted if we do not manage the changes effectively
- Implementation timescales are based on a financial year and not the academic year although this should be mitigated by a careful transitional process.

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Issues

- Schools already under significant pressures due to the impact of Covid and increasing numbers of SEND pupils in mainstream settings. Changes to the High Needs Budget places additional pressure upon them.

Key messages:

- **Transition:** Support mechanisms will be in place to help schools manage the transition to the new funding model
- A pupil-centred approach to make sure children with SEND support receive well planned targeted interventions
- This proposal will ensure the best possible outcomes for our children by ensuring that there is equality and parity of funding for all pupils in mainstream provision
- The implementation of the new model is about utilising the existing High Needs Block funding more effectively to meet needs and improve outcomes for SEND pupils.
- Confirm key timelines for implementation

Communication methods:

Outlined below mixture of meetings, presentations, email communications and formal consultation with quantitative and qualitative questions to inform recommendations

Stakeholders – to be contact during different phases of the project

Audience	Channel	Approach	Date
Lead Member	LMB and planned meetings	<ul style="list-style-type: none">• Initial and ongoing progress checks• Formal report with analysis from the consultation and agreed approach to the new funding model• Executive Briefing for use by Lead Member• Update report following the Executive decision to describe any changes to the implementation	Ongoing Feb 2022 Mar 2022 Apr 2022
City Mayor / Executive Ward Councillors	CMB and planned meetings	<ul style="list-style-type: none">• Formal report with analysis from the consultation and agreed approach to the new funding model	Feb 2022

Audience	Channel	Approach	Date
		<ul style="list-style-type: none"> • Formal request for a decision to agree and implement the new funding model • Update report following the Executive decision to describe any changes to the implementation 	February 22 March 2022 April 2022
LCC and SCE Staff	Briefing email	SCE newsletter outlining Executive Decision to be briefed by SEND and Social Care Management on consultation	April 2022
Unions	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022
Schools Forum	Meeting & follow- up email Ongoing meetings	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022
Leicester Primary Partnership and Education Improvement Partnership	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022

Audience	Channel	Approach	Date
All Schools	Briefing email Ongoing KiT meetings	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation and • PEO Keeping in Touch meetings (occur weekly) • Schools Extranet 	February 2022 March 2022 Jan – April 2022 Jan – April 2022
School Governors	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022
Leicester City Parent Carer Forum	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications 	February 2022 March 2022 April 2022
SENDIASS	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications 	February 2022 March 2022 April 2022
SEND Improvement Board members/partners	SENDIB agenda	<ul style="list-style-type: none"> • Progress update from SEND service 	January 2022 onwards
Children and Young People with SEND (BMF)	Briefing email	Attendance at virtual meetings prepare easy read presentations	April 2022

Audience	Channel	Approach	Date
Parents/ Carers of mainstream pupils (including those from EHCP audits with contact details given)	Letter via schools	<ul style="list-style-type: none"> • Communications via schools confirming implementation, transition and next steps 	April 2022
Health – CCG – via SENDIB and key contacts	Briefing email	<ul style="list-style-type: none"> • Briefing confirming implementation, transition and next steps 	April 2022
SEND Services	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications <p>Briefing following the Executive decision to describe any changes to and impact of the implementation</p>	January 2022 February 2022 March 2022 April 2022
SENCo Network	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022
MAT CEO	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022

Audience	Channel	Approach	Date
Business Managers	Briefing email	<ul style="list-style-type: none"> • Formal email confirming outcome of the consultation • Briefings to outline the implementation timelines, and implications • Briefing following the Executive decision to describe any changes to and impact of the implementation 	February 2022 March 2022 April 2022
Local Offer	Local offer update	<ul style="list-style-type: none"> • Briefing information to be shared on Local offer 	April 2022

Timelines and activities

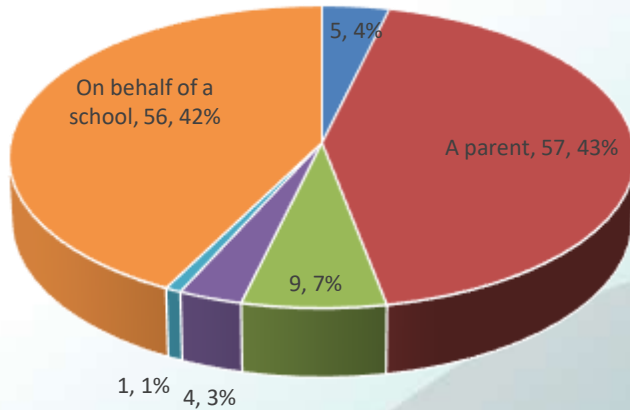
Phase	Time	Activity	Lead
Consultation/ Governance	January 2021 January 2021 January 2021 February 2021	<ul style="list-style-type: none"> • Complete analysis of data • Create briefing for Schools/SENCo's to consultation findings • Create Scrutiny Report for DTM • Create briefing for Lead Members and City Mayor 	Jabeen Layne Sophie Maltby
Delivery	March 2022 April 2022	<ul style="list-style-type: none"> • Submit report and recommendations to Lead Member • Recommendations and changes communicated to: Unions, EiP/LPP/ Schools Forum/ Schools/ Governors/ Parents & Carers 	Sophie Maltby
Closure	March 2022 September 2022 October 2022	<ul style="list-style-type: none"> • Implementation / Intention notice • Implement recommendations and changes • Lessons learnt and project closure 	Jabeen Layne

Element 3 Consultation Summary

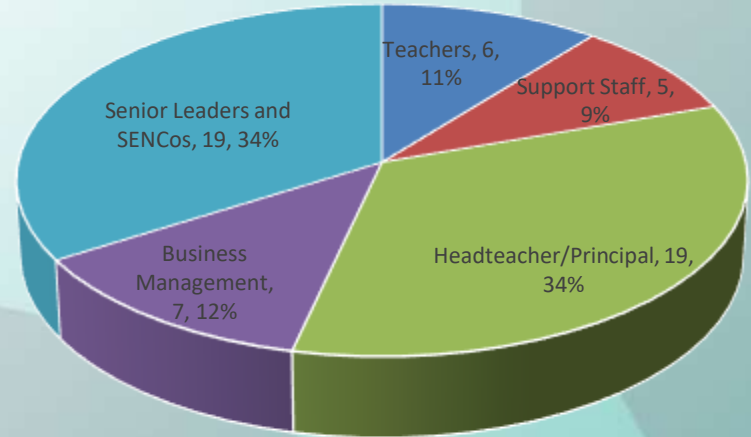
Appendix 3

Total Respondents

Total responded 132



Total on behalf of a school: 56



- A member of the public
- A parent
- A school governor
- A support service / LCC employee
- Not answered
- On behalf of a school

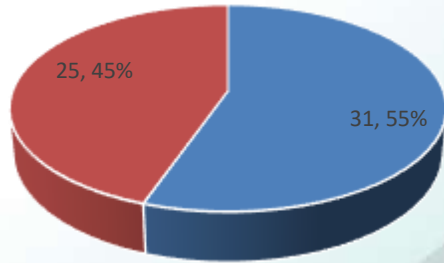
School Responses

Schools that gain felt that the new model is fairer, simpler, and transparent.

Schools that lose feel that the model is simpler and transparent but do not feel it is fair.

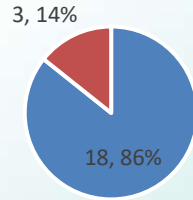
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Of the 56 schools that responded



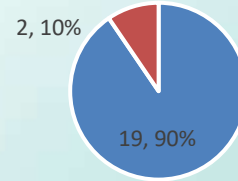
■ Reduction in funds ■ Gain in Funds

Schools who gain



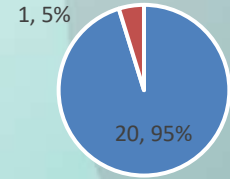
■ Fair ■ Not fair

Schools who gain



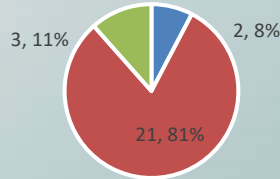
■ Simpler ■ Not simpler

Schools who gain



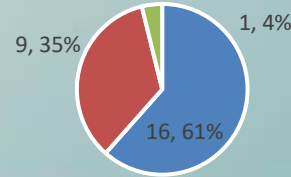
■ Transparent ■ Not transparent

Schools who lose



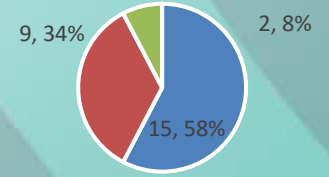
■ Fair ■ Not Fair ■ Not answered

Schools who lose



■ Simpler ■ Not simpler ■ Not answered

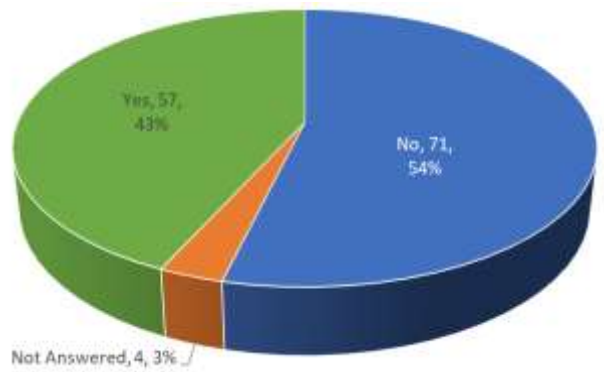
Schools who lose



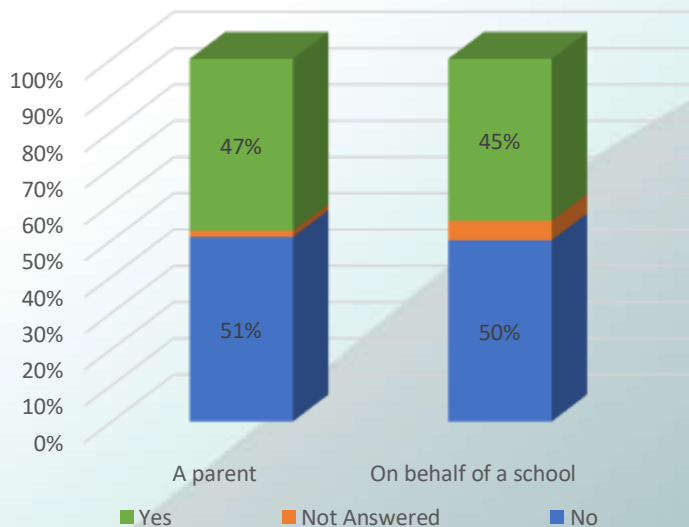
■ Transparent ■ Not transparent ■ Not answered

Is the new funding fairer?

Of all 132 respondents, 43% felt that the new funding was fairer.



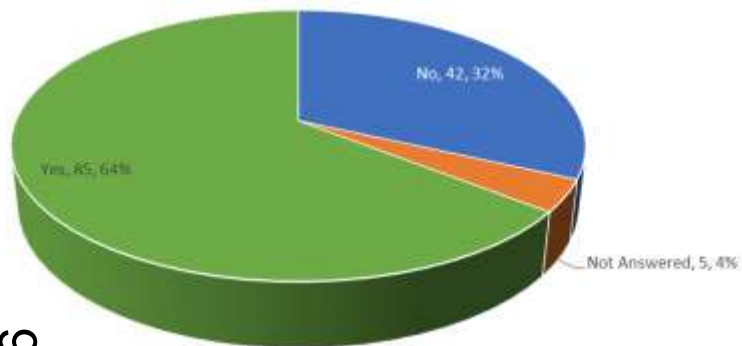
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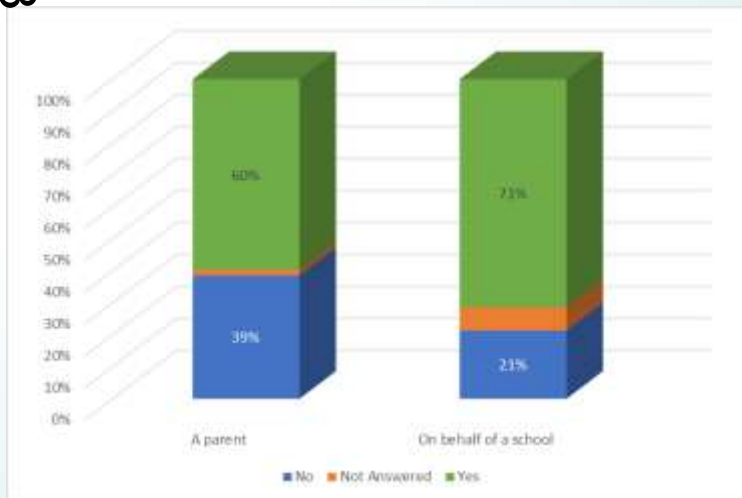
- Of all the respondents, 45% of schools and 47% of parents felt that funding was fairer.
- Schools felt that the new model:
 - Gave greater flexibility to employ appropriate staff.
 - Allowed pupils to get the correct amount of funding no matter what school they attended.
 - Enabled schools to utilise funds in a more creative way.
- Schools had the following concerns:
 - More time was needed to prepare for the change.
 - Interim relief funding should be in place.
 - Costs of a TA were not fully covered.
- Parents felt:
 - The funding was fair in the long term.
 - In the short term, children that needed the most help would be left without vital funding for a fair education.

Is the new funding simpler?

Of all 132 respondents 64% felt that the new funding model was simpler.



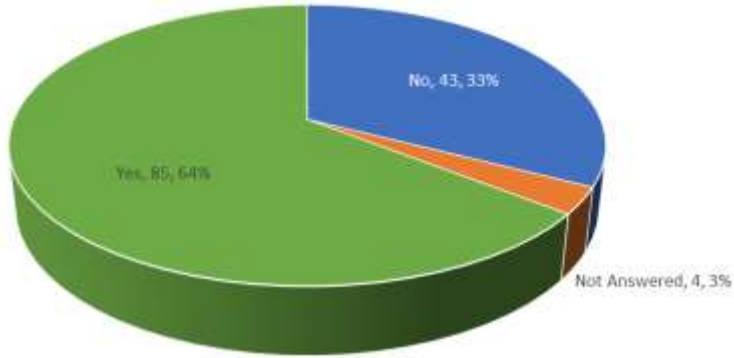
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- Of the schools that responded 71% of schools and 60% of parents felt that the new model was simpler.
- Schools felt that the new model:
 - Allowed funds to meet individual need better.
 - Allowed pupils to be supported during the whole school day.
 - Would make a positive impact on pupils.
- Schools had the following concerns:
 - The new model didn't take into account the disparity between the notional SEND budgets.
 - Funding didn't enable support for children who may not get element 3 but benefitted from the additional 40%.
- Parents felt that:
 - The proposal would reduce resources to those young people who require it most.

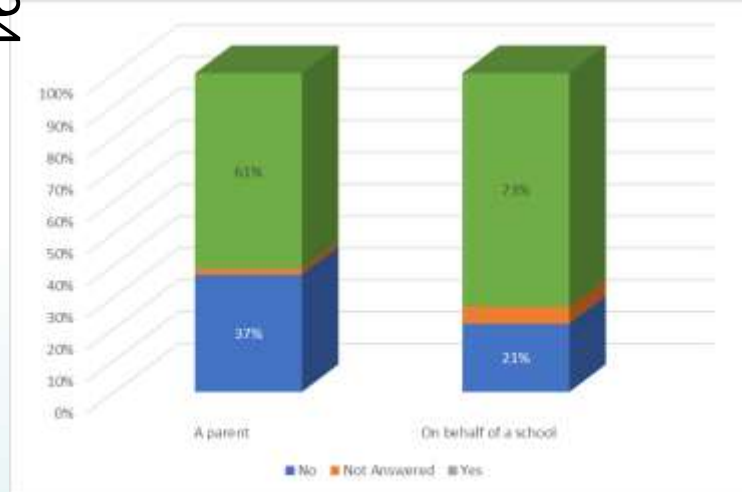
Is the new funding more transparent?

Of all 132 respondents 64% felt that the new funding was more transparent.



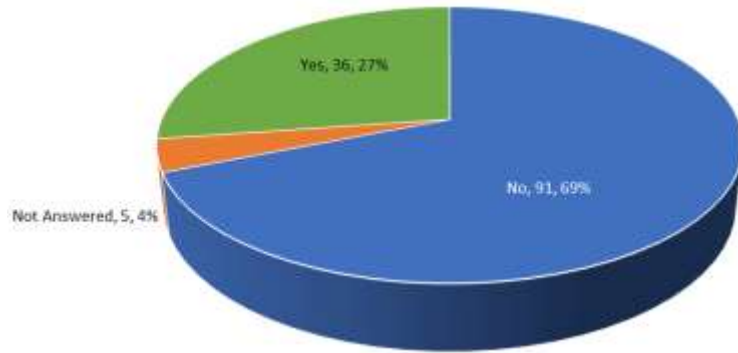
- 61% of parents and 73% of schools felt that the new funding model was transparent.
- Schools felt :
 - That the payment bands were clearer.
 - That schools would be accountable for the funds and would need to show impact of intervention.
- Schools also suggested:
 - Decision making needed to be more transparent.
 - More checks and balances need to be in place for the allocation and use of funds.
- Parents felt:
 - It was clear what the new amounts would be but not how each child qualified for them.

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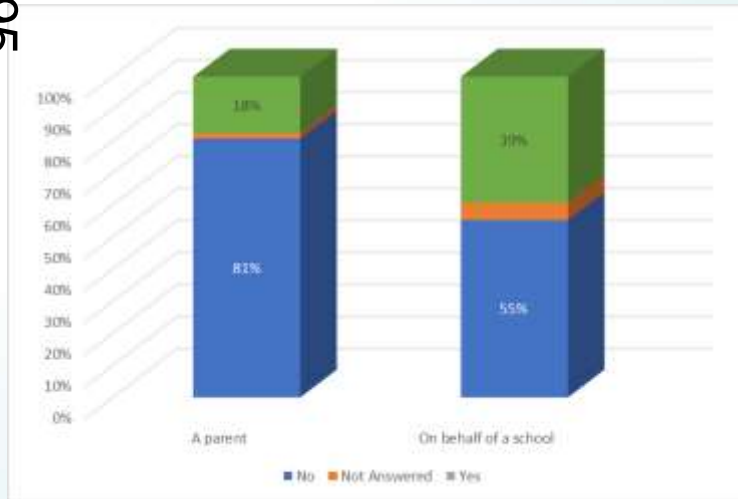
• Does the new funding support inclusion?

Of all respondents 27% felt that the new funding supported inclusion.



- 18% of parents and 39% of schools said the new model was inclusive.
- Schools felt:
 - The new model should lead to greater levels of inclusion across schools as it would allow children to join the whole class context.
 - Utilising the funding for new technology could increase accessibility to lessons more effectively than a TA.
- Schools had the following concerns:
 - Inclusion is an ethos and should not be influenced by a financial incentive.
 - Schools that are already inclusive will not be supported by the reduction to their SEND funding.
- Parents had the following concerns:
 - Children may have to withdraw from mainstream school and attend a specialist school.
 - Grouping of SEND children may create a 'special needs kids' areas in the classroom.
 - Schools may turn children away with high SEND needs.

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Suggestions from Schools and Parents

Finance

- Additional time should be given for the transition.
- Temporary relief funding should be provided.
- Schools receive a nominal amount for children on their monitoring lists.
- Additional funding should be linked to the percentage of funded pupils in a school.
- After 100% of notional is hit a £500 per child allowance is triggered.
- Each school funds up to 90% of their notional budget - Schools retrospectively invoice the LA at the end of the year for any additional notional £6,000.
- Tapering the notional SEN funding from the current 40% to 0% over a number years.

Process

- Schools that are significantly affected by the proposed funding are prioritised for places at a DSP.
- Schools that are gaining from the proposed changes should be signposted to parents as they may be able to provide a better offer for their child.
- Introduce a team of well trained SEND TAs who schools could employ on a supply basis to support children with plans or Element 3 funding.
- LCC SEND Service Team complete the assessment and application form for Element 3.

Final comments from Parents and Schools

- Schools that are gaining feel that:
 - It has been a long time coming.
 - They like the proposed model and would like training on how to complete element 3 funding requests.
 - Funds need to be accounted for and if intervention isn't having impact then things need to change.
- Schools that are losing feel that:
 - A longer transition period is required to manage the changes in budgets.
 - They will be unable to provide the level of support for some pupils who require specialist provision.
 - The whole school's attitude towards every child's needs has to be addressed.
- Parents felt:
 - Worried about what would happen to the children that are currently getting support and thriving on it.
 - Impact on those children that don't have SEND as resources are diverted to support those that do.
 - That children would have to go have to go to a specialist school.

Final comments from Others

- **Governors**
 - It is fairer to fund CYP according to need rather than as an average across all schools. This would support those schools who have/develop a reputation as being 'good with children with needs'. This may also encourage more inclusive behaviour in all schools.
 - In the long term this would appear to be a fairer system, however it is unfair to implement the proposed changes without giving schools time to prepare for such drastic cuts to school budgets.
 - This negatively impacts schools from a more affluent/higher social class area, these schools already get less funding from grants such as Pupil Premium.
 - It does not take account of needs in Early Years.
 - The impact on TAs and pressure on staff groups needs to be better understood.
- **LCC/Services**
 - The new methodology seems fair across all schools and will make stakeholders more accountable for those children with complex needs.
 - It seems more equally balanced.
 - How are we supporting schools with high levels of need but small SEN notional budgets?
- **Members of the Public**
 - In the future schools must be able to provide support to SEN children as they do now.

Next steps and timeline

- Jan – consultation analysis complete
- Jan – Element 3 Executive Report complete
- Jan – DMT
- ∞• Feb – LMB
- Feb - CMB
- March – Scrutiny
- March – Intention notice published
- April – Element 3 process training
- Sept 2022/2023 – Transition
- Sept 2023 – Full implementation

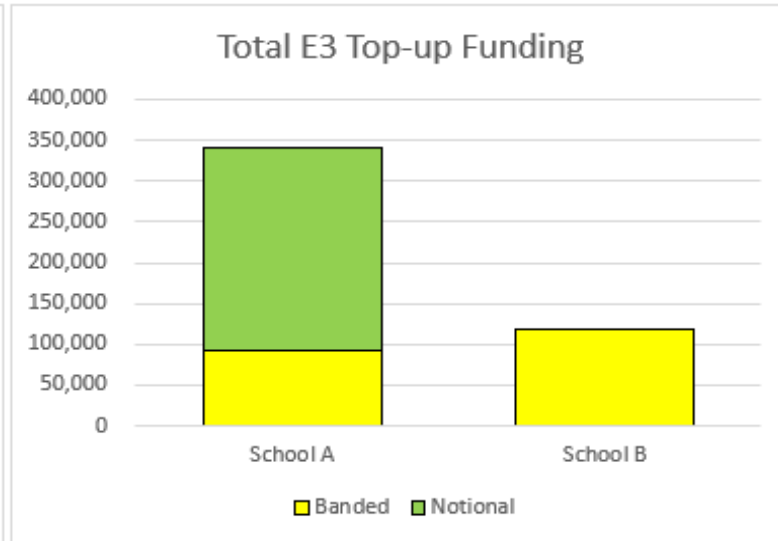
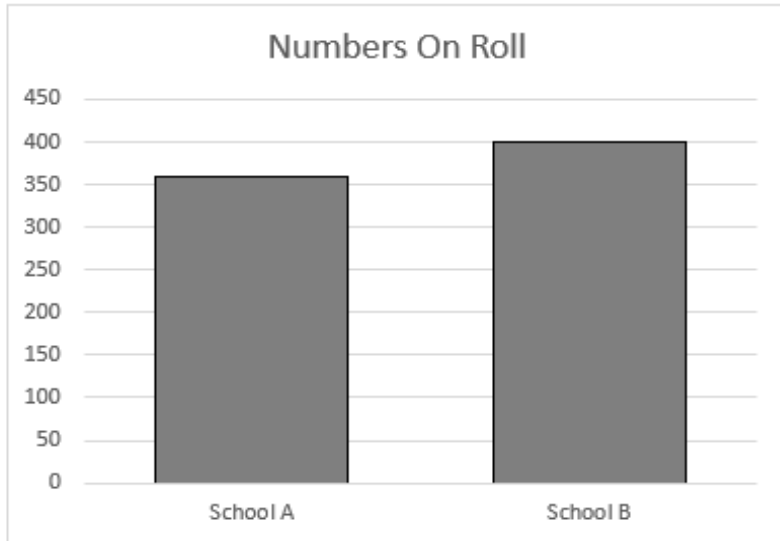
Appendix 4 Summary of High Needs Block

	Actuals 2020/21 £'000	Actuals 2019/20 £'000	Actuals 2018/19 £'000	Actuals 2017/18 £'000	Actuals 2016/17 £'000	Actuals 2015/16 £'000
High Needs Block						
Direct Placement Costs						
Special School Places and Top Ups	28,218	26,830	25,738	24,701	22,006	20,054
Mainstream Top Ups	11,785	9,870	8,249	6,177	4,965	3,792
DSP Places & Top Ups	802	351	431	536	719	851
Primary PRU	1,060	1,060	1,045			
Secondary PRU	2,300	2,195	2,199			
PRU's Combined				3,221	3,421	3,433
Independent / Non-Maintained Placements	7,093	5,991	5,620	4,453	4,782	4,992
FE Colleges	846	884	806	575	715	614
Independent Specialist Provision Post 16	1,165	885	728	570	539	436
SEND Transport (allowable charge to DSG only)	360	360	360	360	360	360
Total Direct Placement Costs	53,629	48,426	45,176	40,593	37,507	34,532
Year On Year Increase	10.7%	7.2%	11.6%	11.6%	11.6%	11.6%
Indirect Costs						
SEND Support Service	3,208	3,204	3,411	3,483	3,379	3,224
Virtual School	380	408	407	319	320	377
Non-Statutory Psychology Service	528	528	528	528	566	566
Anti-Bullying Service	26	29	30	29	29	29
Parent Partnership Advice Service	115	115	118	105		
Specialist Equipment	71	84	82	57		
Parent Partnership Advice Service & Specialist Equipment Combined					195	167
Support For Young Carers	40	40	40	30	40	40
Other	53	148	25	25	25	203
Overheads	949	965	946	925	925	925
Total Indirect Costs	5,370	5,521	5,587	5,501	5,479	5,531
Total Direct and Indirect Costs	58,999	53,947	50,763	46,094	42,986	40,063
Less Allocation	(54,065)	(47,321)	(45,808)	(44,385)	(38,491)	(38,228)
Overspend	4,934	6,626	4,955	1,709	4,495	1,835

Appendix 5 – Chart of details of current distribution of funding.

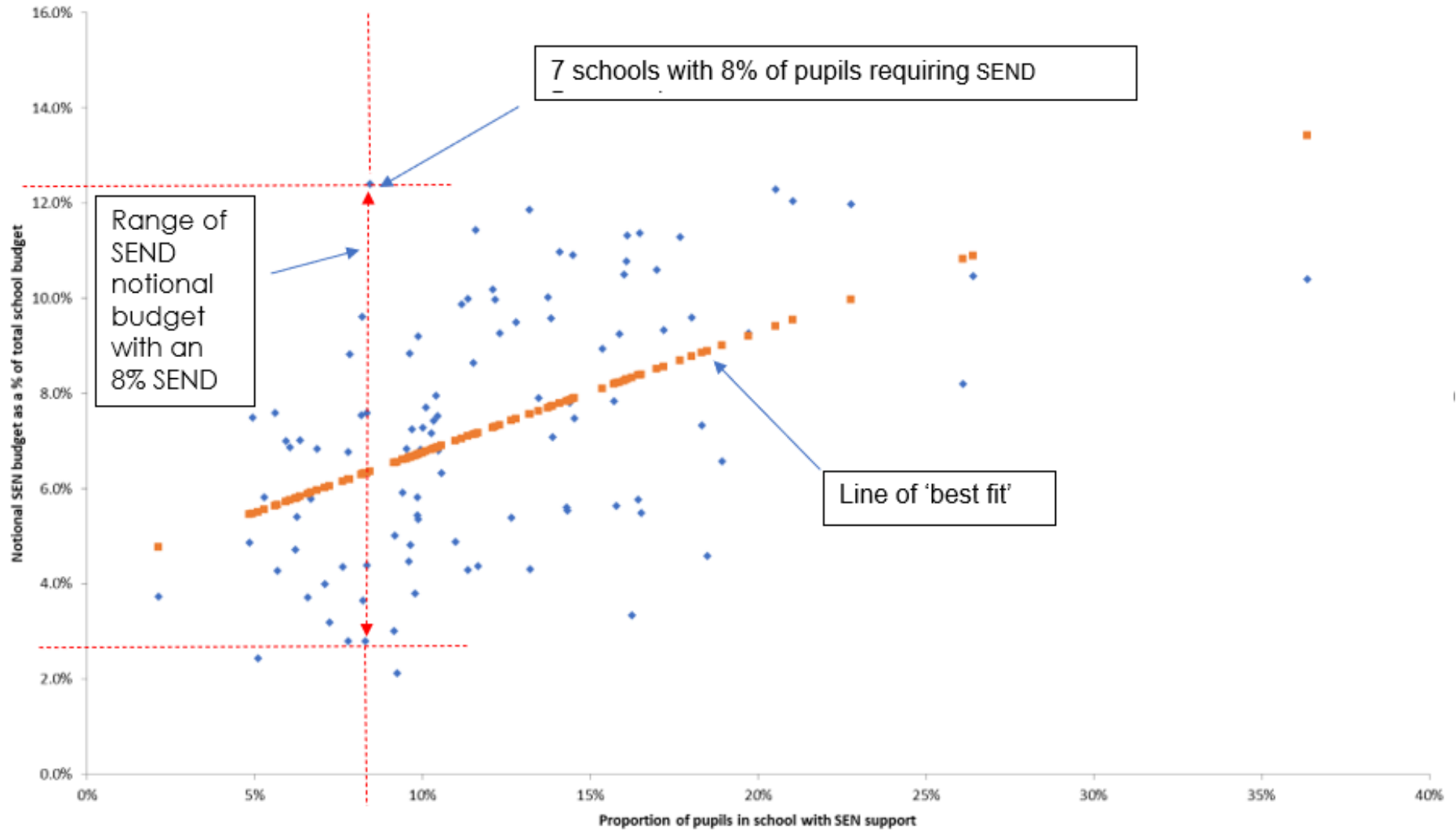
Similar size school's top-up payments in 2020/2021

School	Number on roll	Average E3 / EHCP Pupils (Apr 20 - Mar 21)	Per pupil top up	Additional SEND top up	Total Top-up Funding Paid	Average Funding Per Pupil
School A	359	20.0	92,108	249,365	341,473	17,074
School B	400	16.5	119,035	0	119,035	7,214



Appendix 6 Illustration of the correlation of notional SEND budget and children needing SEND support

Notional SEN budget % versus Proportion of pupils with SEN support by school



Appendix 7 - Comparison of other local authority mainstream SEND top up funding methodologies

Local authority	Banded rate	Use of notional SEN budget	Description
Derbyshire	Yes	No The Derbyshire Schools Forum were not in favour of using notional SEN as a proxy. A small payment is made based on number of pupils with top ups in the school in addition to the banded rate.	EHC pupils in mainstream banded support: Band 1 £1,545 Band 2 £3,835 Band 3 £6,255 Band 4 £9,425 Band 5 £13,365 Adhoc enhancements also may apply. Support is also provided to those with SEN without an EHCP for 12 months and then reviewed. These are bespoke allocations currently, looking to go to a banded system. Additional allocations where number of pupils with top ups exceeds 3% of NOR. The amount in excess of 3% is applied to the NOR and multiplied by £6,000. However, schools have to fund 1% of the excess and the amount actually paid out is rationised based on the size of the fund. The fund is only £400k in total.
Lincolnshire	Yes	No Some additional payments based on the number of pupils receiving top up compared to the NOR	Hourly rate £10.61 per support hour less £6,000. Mild 17.5 hours £3,655 Moderate 20 hours £5,034 Significant 25 hours £7,793 Profound 32.5 hours £11,932
Leicestershire	Rate per hour of additional support	Yes	Hourly rate 10.81 applied to support hours, less 6k. additional payments based on 6k x number of pupils with top ups less the notional SEN budget

Local authority	Banded rate	Use of notional SEN budget	Description
Nottingham City	Yes	No Additional fixed payments based on the number of pupils with top-up	In the middle of reviewing their current system. Current system us 3 bands: Band 1 £2,678 Band 2 £5,356 Band 3 £9,373 This covers those with high needs regardless of whether they have an EHCP Also pay an additional inclusion allowance equivalent to £4,000 per pupil who receives top up funding Nottingham are proposing to scrap the additional inclusion allowance and pool this money to support revised top up funding rates and expand the number of bands
Coventry City	Yes – In part	Yes	2 bands for high needs pupils with an EHCP: Band 1 £3,500 Band 2 £7,500 No payments for pupils who do not have an EHCP Additional payments made based on the higher of: 1. £6,000 x numbers with top ups less the SEN notional budget or 2. £6,000 per high needs pupil above 2% of NOR
Derby City	Yes	No	Agreed individual payments per pupil – no additional payments based on the notional SEN budget.

Appendix 8. The argument against using additional SEND top up funding.

A7.1 The approach of using the notional SEND budget as a basis on which to make additional SEND top up payments to schools relies upon the notional SEND budget itself being closely correlated with the incidence of SEND within a school. It was noted as early as 2015 in the Isos research report commissioned by the DfE, (Research on funding for young people with special educational needs July 2015, Isos Partnership) that 'too often notional SEND budgets appear to correlate poorly with levels of reported need in schools and vary greatly from school to school in the amount each child with SEND is 'notionally' allocated. If schools were to use the notional SEND budget as a guide to how much they should spend, it would lead to some very inconsistent spending decisions.'

A7.2 The formula used to calculate the additional SEND top up payment results in a marginal per high needs pupil additional funding rate of £15,000 once the 40% threshold has been breached. A school could receive up to £23,900 (£15,000 + £8,900) for a band 3 high needs placement for example, in addition to the £6,000 that is already being spent on additional resources. In 2019/20 the average total funding rates (banded plus notional allowance) ranged from £3,435 to £19,066 per pupil. This impact is illustrated in the example below for band 2 pupils where the notional subsidy activates when the school reaches 7 high needs pupils. The marginal funding rate increases to £20,636 (ie £15,000 +£5,636) once the threshold has been breached:

Table showing per pupil top up funding and additional SEND top up funding

							No high needs pupils	Banded	Notional	Total	Marginal funding rate per pupil	Average per pupil funding	
School A													
Total budget	£1,000,000						0	£0	£0	£0			
Notional SEN %	10%						1	£5,636	£0	£5,636	£5,636	£5,636	
Notional SEN %	£100,000						2	£11,272	£0	£11,272	£5,636	£5,636	
Band 2 rate	£5,636						3	£16,908	£0	£16,908	£5,636	£5,636	
Subsidy level	40%						4	£22,544	£0	£22,544	£5,636	£5,636	
<p style="text-align: center;">Top up funding</p> <p style="text-align: center;">£350,000 £300,000 £250,000 £200,000 £150,000 £100,000 £50,000 £0</p> <p style="text-align: center;">1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21</p> <p style="text-align: center;">No of high needs pupils</p> <p style="text-align: center;">— Banded — Notional — Total</p>							5	£28,180	£0	£28,180	£5,636	£5,636	
							6	£33,816	£0	£33,816	£5,636	£5,636	
							7	£39,452	£5,000	£44,452	£10,636	£6,350	
							8	£45,088	£20,000	£65,088	£20,636	£8,136	
							9	£50,724	£35,000	£85,724	£20,636	£9,525	
							10	£56,360	£50,000	£106,360	£20,636	£10,636	
							11	£61,996	£65,000	£126,996	£20,636	£11,545	
							12	£67,632	£80,000	£147,632	£20,636	£12,303	
							13	£73,268	£95,000	£168,268	£20,636	£12,944	
							14	£78,904	£110,000	£188,904	£20,636	£13,493	
							15	£84,540	£125,000	£209,540	£20,636	£13,969	
							16	£90,176	£140,000	£230,176	£20,636	£14,386	
							17	£95,812	£155,000	£250,812	£20,636	£14,754	
							18	£101,448	£170,000	£271,448	£20,636	£15,080	
							19	£107,084	£185,000	£292,084	£20,636	£15,373	
							20	£112,720	£200,000	£312,720	£20,636	£15,636	

A7.3 The occurrence of such a significant variation in marginal funding rates for high level SEND pupils means that schools who are more inclusive and retain more pupils with SEND but who have a relatively low notional SEND budget, are being penalised to allow for the payment of these significant additional payments.

A7.4 In City schools in 2020/21, 80% of the £4.4m notional SEND allowance budget subsidy is allocated to 26% of schools who themselves take 37% of the total number of high needs pupils. Not only do the current arrangements lead to a distorted funding distribution, the marginal funding rate of £15,000 per pupil means the whole system will become increasingly unaffordable when sufficient schools have breached the 40% threshold. The conclusion therefore is that the current system is not financially sustainable.

A7.5 It seems clear therefore that given the doubts over the accuracy of the SEND notional budget to predict the actual level of SEND within a particular school, together with the resulting inequitable variations in per pupil funding across all schools, means that the use of the additional SEND top up is inappropriate.

Appendix 9 – Revised banding methodology

- A10.1 Consideration was given to the number of bands and the means of assessing which band was applicable for each pupil. Local authorities use a variety of methods to assess need including complex matrices describing the type of need and translating this using some algorithm operating in the background to convert this to a funding amount. No matter how detailed the descriptors are in these matrices they still require translation into funding. Rather than hide this conversion process in the background it is proposed to continue with converting evidenced need into a measure of the additional teaching assistant support hours that *could* be used to satisfy that need.
- A10.2 Whilst such a process has the advantage of being easy to understand and measure, it does carry the risk of perpetuating the culture of simply opting for support hours rather than investing in some other more imaginative approach to address the need. Critics of this approach say that there is too much emphasis on simply adding support resource which can create an unsustainable dependency and moreover that there is too little emphasis on future outcomes. However, we do want to encourage an increasingly innovative range of support options that this funding can support.
- A10.3 Nevertheless, whether the criticisms outlined above have some validity, firstly we do need a practical and understandable currency of support and teaching assistant (TA) support hours is the best available common unit of measure. The associated funding can be used by the school in other ways and *not* just by deploying additional teaching assistant hours. Secondly this proposal intends to address the issue of how effective these additional resources are being deployed to improve outcomes through a quality assurance process which will include audits on a rolling basis throughout the year. The audits will assess compliance with the scheme, provide quality assurance as well as assessing the effectiveness. Reports will be presented to Schools Forum on a regular basis.
- A10.4 Increasing the number of bands or just having an hourly rate were considered. This could result in a more accurate calculation of the support required over a week. However, this approach can also introduce an incentive to inflate hours so that the maximum band or number of hours is allocated. Discussions with local authority professionals suggested that three bands would in general adequately describe the support requirements of most cases and prevent 'band inflation'.
- A10.5 Band one, the lowest level reflects 3 hours of one to one support per day (ie a half day) on average in a week; band two, 5 hours of one to one support (ie a full day) and band three 6.5 hours which is a full day plus break and lunchtime support.
- A10.6 A review of the teaching assistant grades in 2020/21 shows that nearly two thirds of the support hours are covered by level 2 teaching assistants. It is proposed to use a single hourly rate on which to base the top up funding using a level 2 TA hourly rate only, rather than different rates and therefore multiplying

the number of bands. The £6,000 threshold was calculated back in 2009 by Price Waterhouse Cooper and therefore in real terms the school contribution to the total support cost has diminished in the subsequent 10-year period. The £6,000 threshold is set by the DfE and cannot be changed. Nevertheless, the impact of this should mitigate any perceived unfairness of the LA using a single rate based on a level 2 TA.

A10.7 The calculations result in the following bands:

Band	Current	Proposed	Increase	% Change	School Contribution	Total	Equivalent TA hours Per day
Band 1	£2,272	£2,630	£358	16	£6,000	£8,630	3
Band 2	£5,636	£8,383	£2,747	49	£6,000	£14,383	5
Band 3	£8,900	£12,698	£3,798	43	£6,000	£18,698	6.5

A10.8 The banding allocation will be driven by the equivalent TA support hours and the schools will still need to demonstrate that this level of need is required.

A10.9 Based on the high needs pupils in 2020/21 this allocation method would distribute 86% of the total banded rate plus notional SEND budget subsidy that was paid out in 20/21 to mainstream city schools. £1.6m would be available for future growth and to finance the investment in the new quality assurance team.

Appendix 10 – Comparison of total high needs funding using current and proposed formula

This table shows the current funding model for 2020/2021 and the changes in funding from September 2022 to April 2024.

School	2020/21 Funding - Existing system			Transitional year 2022/23 Indicative figures for transitional year 2022/23 using 2020/21 pupil data					Full implementation 2023/24 Indicative figures for 2023/24 using 2020/21 pupil data		
	Current banded rate Apr 20 - Mar 21	Current notional Apr 20 - Mar 21	Total current funding	Current banded Rate - Apr 22 - Aug 22	New banded rate - Sep 22 - Mar 23	Notional Apr 22 - Aug 22	Total year 1 2022/23 funding	Year 1 gain / loss compared to 2020/21	Total year 2 2023/2024 funding	Year 2 gain / loss compared to 2022/23	Total gain / loss compared to 2020/21
Evington Valley Primary School	93,877	254,365	348,242	37,072	79,423	103,902	220,397	-127,845	131,303	-89,094	-216,939
Overdale Junior School	93,369	229,111	322,479	38,508	78,761	81,296	198,566	-123,914	135,019	-63,547	-187,460
St John The Baptist C of E Primary School	86,571	185,324	271,895	32,381	75,941	56,698	165,020	-106,875	122,043	-42,977	-149,852
Overdale Infant School	95,416	184,032	279,448	34,493	88,173	71,472	194,138	-85,310	137,740	-56,399	-141,708
Holy Cross Catholic Primary School	82,449	156,799	239,248	34,313	67,118	59,083	160,513	-78,735	115,730	-44,784	-123,518
Humberstone Infant School	69,682	144,484	214,166	25,748	63,405	49,264	138,417	-75,749	100,628	-37,789	-113,538
Avenue Primary School	88,598	150,606	239,204	30,937	81,865	48,169	160,971	-78,233	125,868	-35,102	-113,336
Waterbrook Primary School	67,383	135,947	203,330	27,642	56,540	61,853	146,035	-57,296	95,955	-50,080	-107,375
Granby Primary School	81,840	141,979	223,819	33,698	68,586	52,387	154,671	-69,148	116,784	-37,887	-107,035
Mayflower Primary School	44,803	122,695	167,497	20,412	33,655	56,227	110,294	-57,203	61,865	-48,429	-105,632
Braunstone Community Primary School	173,741	180,433	354,174	71,475	147,859	65,389	284,723	-69,452	251,421	-33,302	-102,753
Montrose School	119,175	156,865	276,040	51,790	97,994	70,048	219,832	-56,208	173,452	-46,380	-102,589
St Thomas More Catholic Voluntary Academy	57,444	124,841	182,286	22,526	48,953	45,976	117,454	-64,831	81,140	-36,315	-101,146
Glebelands Primary School	69,203	122,781	191,984	26,828	61,881	47,513	136,221	-55,763	100,422	-35,799	-91,562
Catherine Infant School	59,646	108,852	168,498	21,627	54,889	38,584	115,100	-53,398	86,120	-28,980	-82,379
Dovelands Primary School	48,437	98,238	146,675	17,373	44,017	36,662	98,051	-48,624	67,758	-30,293	-78,918
Merrydale Infant School	86,644	116,153	202,796	40,623	66,821	60,376	167,820	-34,976	125,807	-42,013	-76,990
Mowmacre Hill Primary School	125,945	128,557	254,502	56,770	96,907	63,878	217,555	-36,947	177,630	-39,925	-76,872
Stokes Wood Primary School	131,166	133,615	264,781	57,020	107,271	60,360	224,651	-40,130	190,108	-34,543	-74,673
Kestrels' Field Primary School	114,394	118,953	233,347	41,667	105,270	41,230	188,167	-45,181	165,479	-22,688	-67,868
Beaumont Lodge Primary School	48,142	83,227	131,369	14,090	49,706	13,844	77,640	-53,728	70,664	-6,977	-60,705
Whitehall Primary School	68,412	88,687	157,098	31,395	52,877	37,057	121,329	-35,769	98,144	-23,186	-58,954
King Richard III Infant & Nursery School	60,129	84,184	144,313	23,490	52,047	32,993	108,530	-35,782	85,478	-23,052	-58,834
Merrydale Junior School	60,002	73,125	133,127	21,507	54,256	23,698	99,460	-33,666	85,347	-14,113	-47,779
Marriott Primary School	116,829	94,302	211,131	39,300	110,094	20,022	169,416	-41,715	165,775	-3,641	-45,356
Krishna-Avanti Primary School	43,235	60,844	104,079	19,692	34,169	32,643	86,504	-17,575	62,609	-23,895	-41,470

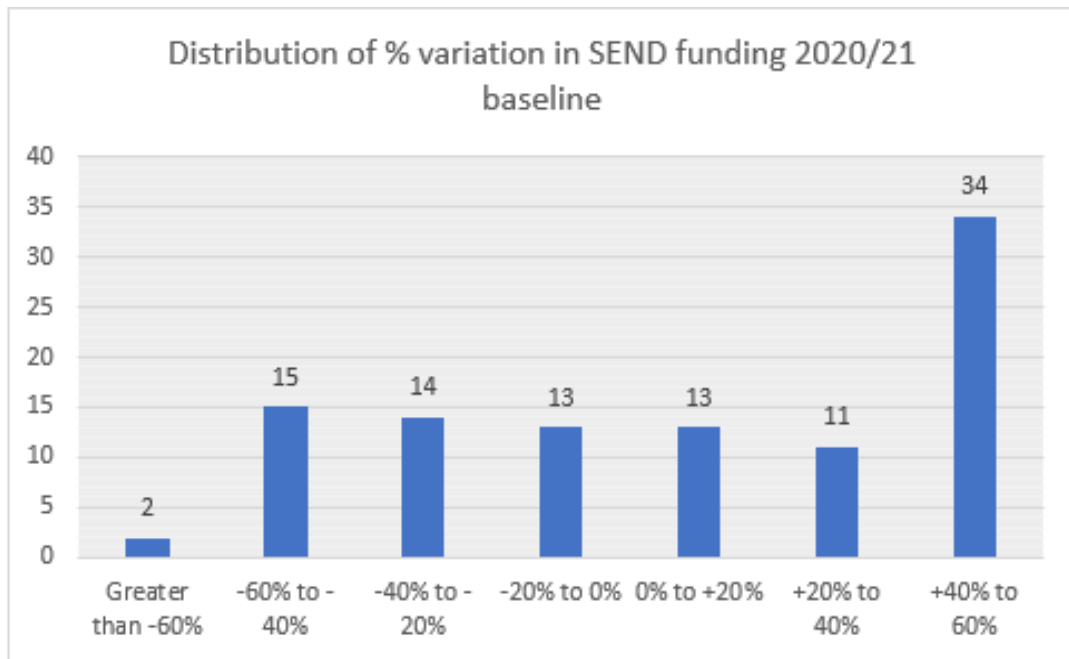
	2020/21 Funding - Existing system			Transitional year 2022/23 Indicative figures for transitional year 2022/23 using 2020/21 pupil data					Full implementation 2023/24 Indicative figures for 2023/24 using 2020/21 pupil data		
School	Current banded rate Apr 20 - Mar 21	Current notional Apr 20 - Mar 21	Total current funding	Current banded Rate - Apr 22 - Aug 22	New banded rate - Sep 22 - Mar 23	Notional Apr 22 - Aug 22	Total year 1 2022/23 funding	Year 1 gain / loss compared to 2020/21	Total year 2 2023/2024 funding	Year 2 gain / loss compared to 2022/23	Total gain / loss compared to 2020/21
Green Lane Infant School	37,085	55,393	92,479	16,768	28,780	20,997	66,546	-25,933	52,734	-13,812	-39,744
Spinney Hill Primary School & Community Centre	49,108	60,244	109,352	22,118	38,833	36,039	96,990	-12,362	69,858	-27,133	-39,494
Humberstone Junior School	62,054	61,638	123,692	30,817	44,689	36,620	112,126	-11,567	89,001	-23,125	-34,691
Wolsey House Primary School	117,234	85,917	203,151	47,732	101,517	35,591	184,839	-18,312	170,677	-14,163	-32,475
Wyvern Primary School	49,318	44,220	93,538	22,040	39,634	23,633	85,308	-8,231	71,567	-13,741	-21,971
Caldecote Community Primary School	107,203	66,292	173,495	44,907	89,293	20,330	154,530	-18,965	154,563	33	-18,932
Shenton Primary School	25,761	27,240	53,002	4,697	29,805	0	34,502	-18,500	36,791	2,289	-16,211
Knighton Fields Primary School	47,196	33,782	80,977	14,552	45,545	0	60,097	-20,880	66,240	6,143	-14,737
Christ The King Catholic Primary School	64,033	41,503	105,535	27,067	52,944	13,647	93,658	-11,878	91,366	-2,292	-14,169
Rushey Mead Primary School	62,692	39,853	102,544	24,679	53,602	12,439	90,719	-11,825	88,985	-1,735	-13,560
Fullhurst Community College	276,907	128,433	405,340	122,527	218,148	45,076	385,751	-19,589	393,877	8,126	-11,463
London Primary School	34,939	24,074	59,013	15,105	28,598	8,989	52,692	-6,321	50,433	-2,258	-8,580
Charnwood Primary School	30,768	17,368	48,136	14,007	23,281	9,031	46,319	-1,817	43,040	-3,279	-5,096
Queensmead Primary Academy	74,898	36,203	111,100	34,645	56,724	27,064	118,432	7,332	106,018	-12,414	-5,082
Alderman Richard Hallam Primary School	66,534	32,833	99,367	25,791	58,014	7,222	91,028	-8,340	94,891	3,864	-4,476
St Mary's Fields Infant and Nursery School	60,939	28,272	89,211	21,904	56,280	11,780	89,964	753	87,504	-2,460	-1,707
St Patrick's Catholic Primary School	18,983	9,453	28,436	3,295	22,328	0	25,623	-2,812	26,917	1,294	-1,519
Shaftesbury Junior School	40,349	17,881	58,231	13,102	38,521	0	51,623	-6,608	57,784	6,161	-447
Madani Girls School	1,325	0	1,325	0	1,534	0	1,534	209	1,534	0	209
Sparkenhoe Community Primary School	81,828	35,453	117,281	31,643	72,194	2,272	106,110	-11,172	117,911	11,801	629
Castle Mead Academy	5,467	0	5,467	4,655	940	0	5,595	128	7,327	1,732	1,859
Hope Hamilton C of E (Aided) Primary School	17,687	5,160	22,847	6,590	15,944	1,629	24,163	1,316	25,121	958	2,274
Slater Primary School	25,364	8,780	34,143	8,405	24,594	12	33,012	-1,132	36,871	3,859	2,728
Highfields Primary School	51,041	19,056	70,096	17,182	48,350	0	65,531	-4,565	73,006	7,474	2,910
Avanti Fields School	8,124	0	8,124	0	11,433	0	11,433	3,309	11,433	0	3,309
Sandfield Close Primary School	16,639	3,989	20,629	6,057	15,426	0	21,482	854	24,209	2,727	3,581

	2020/21 Funding - Existing system			Transitional year 2022/23 Indicative figures for transitional year 2022/23 using 2020/21 pupil data					Full implementation 2023/24 Indicative figures for 2023/24 using 2020/21 pupil data		
School	Current banded rate Apr 20 - Mar 21	Current notional Apr 20 - Mar 21	Total current funding	Current banded Rate - Apr 22 - Aug 22	New banded rate - Sep 22 - Mar 23	Notional Apr 22 - Aug 22	Total year 1 2022/23 funding	Year 1 gain / loss compared to 2020/21	Total year 2 2023/2024 funding	Year 2 gain / loss compared to 2022/23	Total gain / loss compared to 2020/21
Willowbrook Primary School	65,719	24,751	90,469	21,093	63,261	0	84,355	-6,114	94,098	9,744	3,629
Falcons Primary School	8,900	0	8,900	3,708	7,407	0	11,115	2,215	12,698	1,582	3,798
St Barnabas C of E Primary School	19,150	3,648	22,797	8,625	14,902	1,824	25,351	2,554	27,336	1,984	4,538
Inglehurst Infant School	47,128	16,955	64,083	20,306	39,265	7,065	66,635	2,553	68,793	2,158	4,710
Belgrave St Peter's C of E Primary School	24,743	6,104	30,847	12,908	17,604	6,104	36,616	5,769	36,491	-125	5,643
Bridge Junior School	30,861	8,199	39,060	8,405	32,636	0	41,041	1,981	44,912	3,872	5,852
Herrick Primary School	14,536	0	14,536	6,057	12,297	0	18,354	3,818	21,081	2,727	6,545
Uplands Junior School	17,132	0	17,132	3,295	19,584	0	22,879	5,746	24,172	1,294	7,040
Imperial Avenue Infant School	17,285	0	17,285	6,590	15,176	0	21,766	4,480	24,353	2,587	7,068
Uplands Infant School	49,940	14,705	64,645	19,530	43,973	2,481	65,984	1,339	72,122	6,138	7,477
Wootton Bassett Community College	19,554	0	19,554	7,003	17,870	0	24,873	5,320	27,749	2,876	8,196
Inglehurst Junior School	22,992	0	22,992	8,483	19,983	0	28,467	5,474	31,352	2,886	8,360
Northfield House Primary School	73,028	24,157	97,185	24,227	70,823	0	95,049	-2,136	105,957	10,908	8,772
Thurnby Lodge Primary School & Spch & Lang Unit	24,595	1,504	26,099	11,700	18,586	684	30,969	4,870	35,451	4,482	9,352
Rowlatts Hill Primary Academy	26,740	0	26,740	11,245	20,731	0	31,976	5,236	36,295	4,319	9,555
St Joseph's Catholic Voluntary Academy	25,591	0	25,591	8,405	24,682	0	33,087	7,497	36,959	3,872	11,368
Folville Junior School	27,155	0	27,155	13,060	19,892	0	32,952	5,797	38,556	5,603	11,400
English Martyrs Catholic School	26,542	0	26,542	12,113	20,581	0	32,694	6,153	38,148	5,454	11,607
Madani Boys School	34,910	2,072	36,982	12,072	31,714	0	43,785	6,803	48,682	4,896	11,700
Hazel Community Primary School	44,423	5,882	50,305	17,245	38,298	0	55,543	5,238	62,649	7,106	12,343
Catherine Junior School	27,265	0	27,265	10,340	24,814	0	35,154	7,889	39,881	4,727	12,617
Sacred Heart Catholic Voluntary Academy	27,953	0	27,953	12,113	23,065	0	35,178	7,225	40,632	5,454	12,679
Fosse Primary School	41,510	3,894	45,404	22,122	27,939	3,894	53,954	8,550	59,590	5,637	14,187
Eyres Monsell Primary School	30,879	0	30,879	15,037	23,051	0	38,088	7,209	45,104	7,017	14,225
Woodstock Primary School	34,309	0	34,309	15,798	26,852	0	42,649	8,340	49,836	7,186	15,527
Coleman Primary School	37,419	0	37,419	15,822	30,741	0	46,563	9,144	53,599	7,037	16,181

School	2020/21 Funding - Existing system			Transitional year 2022/23 Indicative figures for transitional year 2022/23 using 2020/21 pupil data					Full implementation 2023/24 Indicative figures for 2023/24 using 2020/21 pupil data		
	Current Banded Rate (Apr 20 - Mar 21)	Current Notional (Apr 20 - Mar 21)	Total Current Funding	Current Banded Rate - Apr 22 - Aug 22	New Banded Rate - Sep 22 - Mar 23	Notional Apr 22 - Aug 22	Total Year 1 2022/23 Funding	Year 1 Gain / Loss Compared to 2020/21	Total Year 2 2023/2024 Funding	Year 2 Gain / Loss Compared To 2022/23	Total Gain / Loss Compared To 2020/21
The Lancaster School	38,001	0	38,001	18,745	27,065	0	45,810	7,808	54,409	8,599	16,407
Medway Community Primary School	36,428	0	36,428	15,450	30,638	0	46,088	9,660	53,394	7,305	16,965
St Paul's Catholic School	43,620	0	43,620	17,609	36,440	0	54,049	10,428	61,083	7,035	17,463
Scraptoft Valley Primary School	54,385	7,105	61,490	24,388	43,562	2,097	70,047	8,557	78,988	8,941	17,497
Mellor Community Primary School	43,124	0	43,124	17,182	36,774	0	53,956	10,832	61,430	7,474	18,307
Parks Primary School	46,495	0	46,495	18,823	38,751	0	57,575	11,079	65,188	7,613	18,692
New College Leicester	46,133	0	46,133	16,362	41,888	0	58,250	12,117	64,866	6,617	18,734
Buswells Lodge Primary School	49,095	0	49,095	19,776	40,398	0	60,174	11,079	67,878	7,704	18,784
Abbey Primary Community School	40,647	0	40,647	21,507	28,155	0	49,662	9,014	59,694	10,032	19,047
Forest Lodge Primary School	54,216	0	54,216	22,205	46,172	0	68,377	14,161	78,181	9,803	23,964
Repton Primary School	61,607	1,847	63,454	25,748	51,236	0	76,984	13,530	88,459	11,475	25,005
St Jonathan North Community College	57,228	0	57,228	21,465	51,344	0	72,809	15,581	82,284	9,475	25,056
The Samworth Enterprise Academy	65,000	0	65,000	29,779	49,305	0	79,084	14,084	91,349	12,265	26,348
Barley Croft Primary School	69,404	1,382	70,786	33,473	50,920	768	85,161	14,375	98,744	13,583	27,958
Babington Community College	82,001	0	82,001	35,058	66,691	0	101,749	19,749	116,688	14,938	34,687
Soar Valley College	85,727	0	85,727	29,543	78,987	0	108,530	22,803	120,918	12,388	35,191
Beaumont Leys School	81,029	0	81,029	15,450	94,784	0	110,234	29,204	117,539	7,305	36,510
Rushey Mead Academy	91,503	0	91,503	40,702	72,287	0	112,989	21,486	130,365	17,377	38,862
The City of Leicester College	93,839	0	93,839	39,508	78,241	0	117,749	23,910	135,592	17,843	41,752
Crown Hills Community College	98,532	0	98,532	35,058	90,528	0	125,586	27,054	140,524	14,938	41,992
Judgemeadow Community College	104,153	0	104,153	48,987	78,123	0	127,110	22,956	148,339	21,229	44,186
Taylor Road Primary School	112,838	0	112,838	45,156	96,612	0	141,768	28,929	161,240	19,472	48,401
Orchard Mead Academy	119,310	0	119,310	48,573	98,683	0	147,257	27,946	168,644	21,388	49,334
Braunstone Frith Primary School	119,777	0	119,777	52,760	97,162	0	149,923	30,145	173,354	23,431	53,576

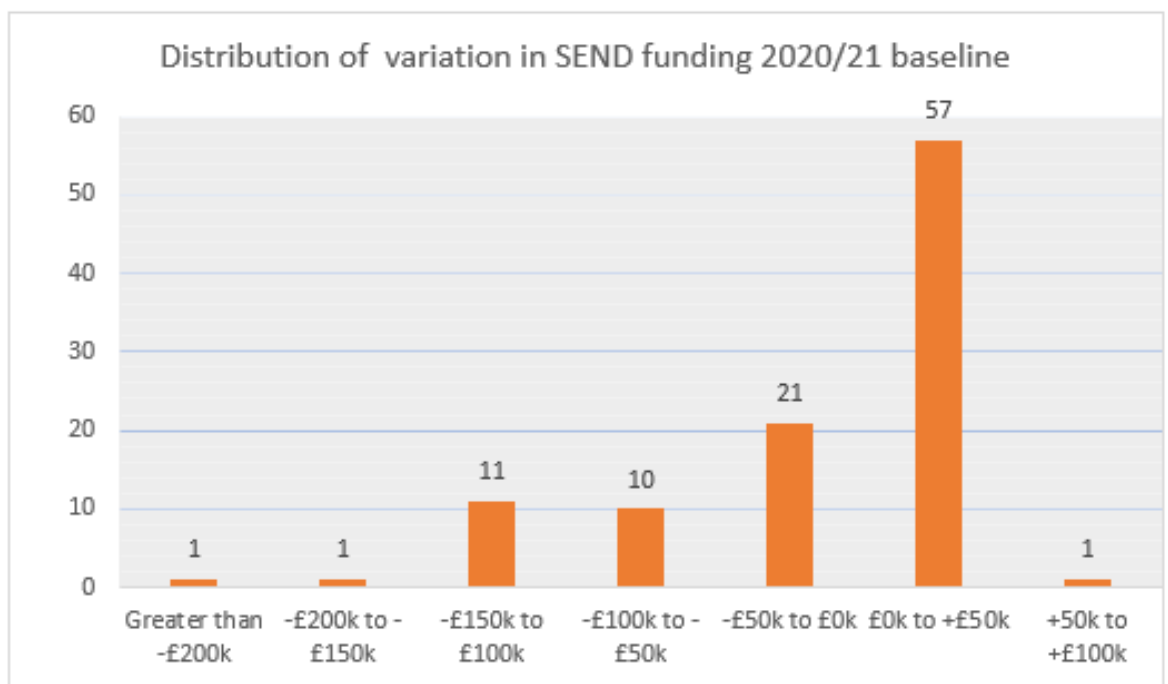
Appendix 11 – Comparison of total high needs funding using current and proposed formula (as of March 2021 – not updated to reflect the Transition)

A12.1 The funding methodology will result in a very significant change in the distribution of funding received by schools. Using the high needs pupil population from 2020/21 results in the following distribution of percentage funding changes:



A12.2 58 schools would gain under the new arrangements, 44 see reduced funding.

A12.3 The following chart shows the distribution of the *actual* change in funding:



Audit and Quality Assurance

Appendix 12

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Version 1.0

Introduction

Accountability is the obligation and responsibility placed upon schools to justify the expenditure of High Needs' Element 3 top up funding for CYP with SEND. This is in relation to the:

- Choice of intervention – what is the most appropriate targeted support to effectively meet a CYP's SEND needs?
- Quality of provision - how are schools monitoring and reviewing the delivery of targeted support?
- CYP's attainment – what impact has the targeted support had upon meeting both the academic and Preparing for Adulthood outcomes for the pupil?

Historically, whilst systems for accountability are in place regarding the attainment for all Leicester City pupils via School Improvement and Ofsted, there has never been a formal procedure for direct accountability of spend for CYP in receipt of top up funding. Under the present system, the process for requesting and securing funding does not require schools to demonstrate an impact, transparency of spend or accountability of value for money.

The High Needs spending review seeks to address this. The proposed change in funding proposes a process to hold schools to account for the stewardship of Element 3 spend.

Accountability – the Local Authority's (LA) expectation of schools

The onus is upon schools to ensure adherence to:

- Quality First Teaching and the Graduated Response.
- Leicester City's 'Delivering High Quality Inclusive Provision for SEND Pupils in Mainstream Schools: Best Endeavours and Reasonable Adjustments' (BERA Framework).

In addition to best practice pedagogy and working within legal duty's incumbent upon all schools, there is also the requirement for robust procedures for accountability to be in place.

There is an expectation that Senior Leadership Team (SLT) and Governors will have knowledge and oversight of the Element 3 top up spend and justify this with transparency and confidence within the school's procedures and documented policy.

The school's SEND Policy needs to highlight a stringent quality assurance process for SEND educational provision. This will need to take account of:

- the quality, effectiveness and utilisation of teaching assistants – recruitment and retention, training and CPD, deployment and monitoring.
- suitability of environment – opportunities for inclusion.
- interventions and/or resources selected to meet individual SEND needs.
- the requirement to demonstrate the impact of spend against CYP's outcomes and evidence value for money.

High Quality Teaching

High Quality Teaching is a personalised, inclusive pedagogy supported by the graduated approach - whole school processes for assessing, planning, implementing, monitoring and reviewing CYP's progress. As part of the graduated approach, a CYP receives quality first whole class teaching supplemented by bespoke interventions to meet their individual needs.

This is funded via Element 2 funding from the school's budget. Element 2 funding needs to be documented before an application for Element 3 top up funding is made. Schools will be expected to evidence Element 2 spend in detail. The 'assess, plan, do, review' cycle of the graduated approach for specific intervention programmes and provision, along with the accompanying outcomes, need to be submitted for an Element 3 application. If this evidence is insufficient, an application will be rejected at initial stages of request by the LA.

The LA will support schools via:

- SENDSS teachers' attendance at biannual Joint Planning Meetings hosted by the school. Advice and support will be given at both a strategic whole school and individual CYPs level. In addition to this, each school has a specialist SENDSS link teacher who will offer guidance to the SENCO.

- CPD for SENCOs. SENCOs can observe Element 3 application panels. Following an attendance, they may become part of the Element 3 panel.
- Training. Schools can access SENDSS training either by purchasing LA traded services or attending termly SENCO Network Briefing meetings.

Delivering High Quality Inclusive Provision for SEND Pupils in Mainstream Schools: Best Endeavours and Reasonable Adjustments (BERA Framework)

In addition to quality first teaching and the graduated approach Leicester City schools need to document implementation of the BERA Framework. This requires evidencing inclusive practice and policy, at both a whole school and individual CYP's level when requesting Element 3. It will ensure that schools meet their best endeavours/reasonable adjustments legal duties as part of Element 2 spend.

If an Element 3 application is rejected due to insufficient evidence of implementation of the BERA Framework, schools will be supported by the LA via generic training opportunities or bespoke advice and support.

Full details of the BERA Framework can be found on the [Local Offer](#).

Accountability – the role of the LA

The LA is responsible for ensuring that High Needs funding is spent with regularity and propriety, and for ensuring value for money is achieved. It is the responsibility of the LA to evidence value for money by making sure that they efficiently and effectively manage High Needs funding. The Inclusion and Quality Team has been created to ensure that the process of accountability is robust, and to support schools in achieving value for money spend on CYP with SEND.

The quality assurance remit of the team, whilst not exhaustive, includes:

- providing direct support to schools to achieve positive outcomes for CYP. This is available via direct support and training, either as part of the Element 3 application process or following a direct request from schools.
- the monitoring of outcomes for CYP with SEND in receipt of top up funding. This includes interim support for ensuring the success of the Element 3 spend.
- reviewing the type, quality and effectiveness of the provision. By having oversight of all Leicester schools' choice of provision and

resulting CYP's outcomes, the data can be utilized to inform wider LA best practice on inclusion.

- reporting. Quantitative and qualitative data will illustrate best practice and value for money interventions. This will improve inclusive practice and promote opportunities for quality mainstream inclusion.

Inclusive Practice and Accountability

Responding to stakeholders' comments in the Element 3 Consultation, the application process has been reviewed and amended in collaboration with SENCOs, CYP and parent/carers. An online application process has been commissioned by the LA replacing a previous paper-based application process.

For an application to progress to a multi-agency panel for consideration of an Element 3 top up award, schools will need to evidence:

- Element 2 spend of £6000.
- Whole school inclusion and meeting an individual CYP's needs - BERA.
- The voice of the CYP and parent/carer.
- Proposed provision spend and benchmarking outcomes.

Online application

Element 2

Schools will need to document Element 2 spend. Details of provision, resulting spend and impact are required.

BERA Framework

The online application process for Element 3 will introduce the implementation of the BERA Framework at two levels: whole school inclusive practice and individual CYP needs. These elements of BERA must be evidenced by the applicant at the initial stage of the application process. If this requirement is not met, the application will not proceed. It is expected that the consideration of BERA is assessed by schools as part of the Element 2 spend. Schools may make applications for Element 3 funding to support the BERA Framework.

If there are concerns that the provision for best endeavours, reasonable adjustments are not being provided by schools, the application will be rejected, and remedial action will be initiated in conjunction with the school. The remedial actions will have 3 objectives:

- To review the approach of implementing BERA both at a whole school and at an individual CYP level.
- Provide support/training to the school in the application of the BERA framework.
- To agree a monitoring framework for the successful completion of any agreed remedial action.

Both the Inclusion and Quality Team and wider SENDSS specialist teachers will support and advise schools to achieve this.

Schools will be requested to reassess their BERA implementation, and a further Element 3 application will only be considered once these parameters/ remedial actions have been successfully addressed and implemented.

CYP and Parent/Carer Voice

For an application to be processed, evidence is needed of the CYP and parent/carers awareness of the Element 3 application. As part of the Inclusion and Quality Team's Element 3 monitoring visits, interviews with the CYP will take place. As part of an annual audit, a sample of parent/carers views will be recorded.

Audit and Assurance

School visits called, monitoring audit reviews, will be carried out by members of the Inclusion and Quality Team in a sample of schools that have requested Element 3 funding. Evidence will be required to show what provision has been put in place, and an assessment will be made as to whether the expected outcomes were achieved. Thereafter, a report will conclude upon the findings of the review, along with recommendations for further action, where appropriate.

There will be a minimum of two audit review visits within the 12-month funding. The first audit review will be in the first half term, the second in the third half term, after the funding has been agreed. The final audit review will take place at the end of the funding period.

Sample schools will be selected for an audit review or end of funding report review based upon one or more the following criteria:

- total amount of funding allocated to the school.
- number of CYP on the differing bands.
- number of children with SEND.
- severity or complexity of SEND needs.
- SENDSS specialist teachers concerns over the choice and/or delivery of provision.
- concerns into SEND practice and provision raised by School Improvement Partners.
- Ofsted reports highlighting SEND practice and provision that requires improvement.

At the first audit review the Inclusion and Quality Team will:

- set up an initial meeting with the school SENCO and/or SLT to explain the audit review. Schools will be expected to evidence allocation and implementation of provision for the CYP.
- review BERA – this will include a review of whole school inclusion and the individual CYP's needs as evidenced in the application for Element 3 top up funding.
- review of the Element 2 spend as documented in the application.
- interview the CYP and/or teaching assistants to assess progress following implementation.
- work with the school/CYP to complete an appraisal report and to agree next stages where appropriate. (Appendices 18)

At the second audit review:

- the Inclusion and Quality Team or SENDSS specialist teachers will meet with schools and complete an appraisal report.
- review the provision that has been implemented and spend to date.
- benchmark interim outcomes against the proposed outcomes.
- interview the CYP and/or teaching assistants.
- discuss remedial/interim actions with the school, if required.
- agree an interim audit review before the end of the funding where appropriate.

At the end of the funding cycle, a final audit review by the Inclusion and Quality Team may take place. A minimum of 12 visits will take place in

schools. Schools will be selected at random, based upon the detail documented above or if concerns were raised at each of the audit review meetings.

This review consists of:

- requesting documents that evidence the outcomes for the CYP have been achieved.
- reviews the spend awarded in terms of accountability and value for money.
- interviewing the CYP for their view of the provision and spend.
- completing an end of funding review report.

Financial Remediation

In event of schools not being able to satisfactorily justify the failure of spend or outcomes for a CYP, remedial action will take place.

Following monitoring audit reviews and where funding has not been used for the purpose for which it was intended or outcomes not achieved, the Inclusion Quality Team will work with the school to remedy this.

This may include:

- Suggesting additional strategies/interventions.
- Signposting to other professionals.
- Extending the period that the funding can be used over; this will result in the school not receiving additional funding.

As a last resort, the Funding and Grants Manager will be contacted, and clawback of the funding allocated to the school will be initiated.

Appendix 13 Element 3 Frequently Asked Questions

No	Question	Response	Area
1.	What happens when the accountability measure is positive?	If positive: purely dependent on the child, in some cases funding may end, but will be measured on a case by case basis, if funding needs to continue, it will be assessed on reapplication. Sharing of good practice, utilise existing SEND networking structures to signpost and inform.	Process
2.	Will there be any layoffs or redundancies?	<ul style="list-style-type: none"> • The new model is a redistribution of funding, so where some schools may lose funding other schools may be in a position to employ extra staff. • TAs are often not on permanent contracts and their roles can be fluid. • Ultimately that will be the responsibility of individual schools to decide. • In the consultation schools have asked for more flexibility on the use of funding and for the funding not to be solely around the use of a TA. <p>Evidence shows that there are a variety of ways of supporting a child, the Education Endowment Foundation did a body of work highlighting that there are a variety of strategies that can be employed to support a child with SEND, a TA should supplement these strategies and not be the first or only response to include a child with SEND.</p>	Finance
3.	How do we compare with other local authorities in terms of depth of funding crisis and the changes in funding	<p>Nationally the vast majority of LAs have a deficit on their high needs block, and many of them have larger deficits than we do, all these authorities are undertaking similar exercises to bring their high needs block into balance.</p> <p>The 2019/21 s251 published data reports total local authority net in-year overspends on HNB budgets of 10.8% of the</p>	Finance

No	Question	Response	Area
		<p>funding allocations or £593m. 138 out of 152 LAs (91%) had an in year overspend.</p> <p>appendix 6 – compares LCC to 6 other LAs and ours was a favourable model, even under the new proposed funding it is still generous.</p>	
4.	How much financial modelling have we done to determine the depth of the problem and the determine the right solution	<ul style="list-style-type: none"> • We looked at the disparity of funding between schools that had similar numbers of SEND. (The current average funding model ranges from £3,511 to £19,341 per pupil) • Distribution of the number of children on the SEND register as a proportion of the whole school population. • Compared the size of the notional SEND budget as a proportion of the overall school funding to see if there was any correlation between the % of pupils with SEND and % of notional SEN budget. <p>Determined that child centric funding was a fairer method of allocating top up funding.</p>	Finance
5.	Are we redistributing the overspent pot or is it a redistribution of funding that brings that pot back into 'black') i.e., make it smaller	The redistribution of funding is about funding schools equally for the pupils they have with additional needs and stopping exponential growth. We are redistributing the existing pot, not bringing it back into the 'black', it's about future proofing and making it more stable and equitable.	Finance
6.	Will there be a transition period	<ul style="list-style-type: none"> • Yes, next financial year 22/23 will be a transition year. • Funding between April 22 and August 22 will not change • In September we will move to the new funding model, this will be better, as this coincides with the natural movement of children and staff at the end of the academic year. • Academies have a different financial year (Sept to Aug, here the transition period will be different). • Between April and the end of July, to help with the transition we will rollout training to both internal and external 	Finance

No	Question	Response	Area
		stakeholders, the training will cover the new application forms, digital transformation and the accountability process. It was noted that schools will need to be supported through the transition process, especially those schools that will face a significant reduction in budget.	
7.	Do we need a two-year transition period	If this is required, add it to the consultation.	Finance
8.	There are budget pressures – over and above the SEND funding that we need to be mindful of.	Unfortunately, there never is a good time to make changes to budgets where some schools will see a reduction.	Finance
9.	My school is one of the schools that is losing funding and I have lots of children with complex SEN, what will do?	<ol style="list-style-type: none"> 1- Currently the funding from the SEN notional budget isn't ringfenced for children with SEND, the new funding model will be child specific, so you will be able to use this funding to improve outcomes for the child. 2- There is a transition period, funding will not change between April and August 2022. 3- Support will be available from SEND SS and QIT to support and manage this transition. 4- Training will also be provided alongside best practice. After which you will need to manage these from within your overall school budget.	Finance
10.	How are TA hours/banding worked out? Is based on level 2 or SEB TA rates? How many hours equate to each band?	Band 1 – 15 hours Band 2 – 25 hours Band 3 – 32.5 hours Based on Local Government pay-scale bottom of scale for Level 2 TAs.	Finance
11.	Can we have a have a recalculation of losses and gains?	The list provided is at a set point in time and will change daily. The funding calculator that has been provided by the LA will enable schools to forecast and therefore plan their budgets.	Finance
12.	Wanted to know how we compared to other LAs and what they did.	Details of other LAs is in Appendix 6.	Finance

No	Question	Response	Area
13.	How does this affect county children?	City children in County schools will be funded using the same banded rates as City pupils.	Finance
14.	Can we get money from other 'pots' in the LA?	There are no other 'pots of money' held by the LA.	Finance
15.	What can I use the funding for?	Funding can be used in a variety of ways as long as you can clearly demonstrate this improves outcomes for a child, such as: <ul style="list-style-type: none"> • 1:1 teaching assistant. • assistive technology. • training and support. • intervention for the CYP. • buying-in specialist services. 	Funding
16.	I'm going to have a deficit – what am I going to do?	Transition arrangements will be in place for the first year, additionally support will be available from SEND Support Service and the Quality Inclusion Team to support and manage this transition. After which you will need to manage these from within your overall school budget.	Funding
17.	What are the implications on funding when there's movement of children from settings?	On transition from a nursery to a school banding 3 – 6 equate to a school band (band 3 and 4 become band 1, band 5 becomes band 2 and band 6 becomes band 3) Transition support may be available for a pupil moving from infant to junior and primary to secondary on advice from the Special Education Needs and Disability Support Service. If there is an in-year move of a city resident, funding will move with them.	Funding
18.	What are the implications on funding when there is movement of children between regions?	Only pupils living in Leicester City or Looked After to Leicester City will be funded by Leicester. County residents can apply to Leicestershire for an additional top-up funding Leicestershire SENA . New arrivals will need to apply in the usual manner.	Funding
19.	How will the change in funding affect the children with SEND in my schools?	Individual pupils will receive higher rates of funding for support, schools will be supported by the Quality Inclusion Team to use	Funding

No	Question	Response	Area
		the Best Endeavours and Reasonable Adjustments Framework alongside evidence-based practice in SEND to meet children's needs. Making efficient and effective use of funding.	
20.	How will the changes in funding affect our school budget?	Transition funding will be in place in 2022/2023.	Funding
21.	What do I do if I am not happy with the changes to funding?	Please share your concerns as part of the formal consultation response.	Funding
22.	My child gets E3 now how will the changes affect his/ her funding?	See revised banding amounts which are included in the formal consultation document.	Funding
23.	Can you share how the new funding method has been calculated?	Yes, this has been included in the formal consultation document.	Funding
24.	Under the new model my child gets more funding – will this be back dated?	Changes are being planned with the start date of Sept 2022 subject to Executive approval.	Funding
25.	Top up funding works well for my school – what if I don't want anything to change?	Top-up funding is disproportionately funding those schools with low Notional SEND budgets and funding isn't being distributed equitably. The rationale for change is further explained in the formal consultation document. By responding to the formal consultation your views can be taken into account.	Funding
26.	If I am one of the schools that is affected by the new proposal, how and when will it affect the amount of funding we currently receive?	Transition funding will be in place in the financial year 2022/23 with the full effect of the funding changes implemented by financial year April 2023.	Funding
27.	If I am one of the schools affected by the change and I lose some of my funding, how will the deficit in funding be made up?	Please see response to question 2.	Funding
28.	Can funding be backdated?	If agreed funding will commence from the date the application is received.	Funding
29.	How will the LA take into account the ever-growing pressures faced by schools in relation to increasing numbers of children in mainstream schools with SEND?	Funding for individual pupils will always remain needs led. We recognise the challenges between increasing numbers of children with SEND and the finite funding received by local authorities. It	General

No	Question	Response	Area
		is this challenge that has driven this need for the consultation in order to distribute funding fairly across all the SEND population.	
30.	Post 16 providers follow the funding guidance and AOC funding training, the LA do not appear to fully understand the post 16 model?	Out of scope for this consultation. Please speak to the Fundings and Grants Manager if you have queries about post 16 funding for children with SEND.	General
31.	What are we doing to increase the funding at school at a political level?	Cllr Cutkelvin is aware of this and will continue to raise it with lead members and the City Mayor.	Political
32.	Can we implement an audit process that accounts for funding spend?	Yes, as part of the QI process (i.e., have all of the hours been used or that the AP placements etc have been paid for). You will need to be able to clearly demonstrate how the funding has impacted the outcomes for the child.	Process
33.	Can we change the application process?	We are planning to make changes to the application process based on feedback received from the engagement over the next academic year. Some changes to the form should be available as early as Autumn 2021.	Process
34.	Can we align it with SEND referrals?	We are in the process of developing our electronic application process. Which we anticipate will look very similar to the request for involvement process. It will not be the same as an EHCP referral process. It will not be possible to align the two referrals.	Process
35.	Can we have a consistent approach?	The new processes are being developed based on feedback from the engagement and will be shared on the extranet and council website. SENCOs that wish to be part of the decision-making process are encouraged to contact the Funding and Grants Manager who will arrange for them to be part these meetings. Decisions around funding are made by a panel of professionals but can only be made on the basis of the evidence provided on the referral form. The Quality Inclusion Team will provide training and support for the new application process.	Process

No	Question	Response	Area
36.	If we want to reapply for E3 can we just ask for the process to be via a signoff of SEND staff who come into school?	Impartiality is needed for a consistent approach. It needs to be based upon objectivity, not a subjective decision. Under the new process schools will need to clearly demonstrate how the existing funding has improved outcomes for the child. Therefore, a sign off process for re-application will not be possible.	Process
37.	How will the proposed changes affect the level of service I receive from SEND for existing children with E3 Funding.	SEND SS will still be involved with all CYP at school support within settings. This may be from advice to direct teaching of CYP. The level of service will not be reduced but in fact you may receive some additional support from the Quality Inclusion Team.	Process
38.	I am not aware of what financial funding arrangements are made for my son.	You will need to speak to the school SENCo to find out if additional funds are being received via Element 3 funding.	Process
39.	The lengthy application process which is often but not always a repeat of referrals already sent to agencies?	The application process is being re-developed based on feedback received in the engagement and training will be available from the Quality Inclusion Team to support this. As not all of the panel will have access to all referrals, reports and documentation on a child, you will still be required to upload this as part of your application.	Process
40.	How can schools/SENcos /LA get a better and understanding of child's need and how to utilise the funding to meet those needs?	By effective multi-agency working. Schools have regular joint planning meetings with the SENCo and SENDSS attending. Here individual CYP are reviewed, and actions are made as to how to proceed with each CYP in order to address unmet needs. How to use funding can be part of this process. Schools are encouraged to use the BERA Framework and the Assess Plan Do Review cycle to monitor progress.	Process
41.	How can we ensure that the schools have enough resources to source an external agency report, and those external agencies have enough time allocated to see the child?	Again, as above, effective multi-agency working. Schools can use Element 2 and Element 3 funding to cover any additional reports needed to supplement school's own on-going assessments of the CYP.	Process
42.	Can we ensure that there is a consistent approach in relation to how much information	Please see response to question 15.	Process

No	Question	Response	Area
	is required for each child based on their level of need?		
43.	How do parents know what money is available from funding and how it will be used to support their child?	As 23. If a CYP is at school support regular review meetings should be being held. This is where parents can ask questions. CYP will be asked their views on an E3 request.	Process
44.	How are we going to enforce accountability?	<p>Our processes are currently being developed over the next few months, but we are looking to develop an audit process to support, identify and analyse school systems and processes. We want to review what they have spent the money on and how this has impacted outcomes for the children. We will look at all the interventions that are in place and support those that are the most effective.</p> <p>Processes will be co-produced with schools and SENCOs and would like their participation in defining what this can look like.</p> <p>We are looking very closely at the application process and on the re- application form to see evidence that the money that has been spent is improving children's outcomes.</p> <p>Measures will not just be academic, positive life outcomes will also be measured. Also Preparing for Adulthood agenda.</p>	Process
45.	What are the consequences if settings fail accountability?	<p>An escalation process is currently being defined. There will be measures in place, but we want to work with schools to help improve outcomes. For example,</p> <ul style="list-style-type: none"> • In the first instance there will be additional support provided to the school to see if any small changes can be made to support the child. • Training and development on common themes. • We will work with other professionals to help support the schools, including SENCo Hubs. 	Process

No	Question	Response	Area
		<ul style="list-style-type: none"> • Share best practice – show case studies. • Funding may not be provided on reapplication unless outcomes improve. <p>Moneys may be clawed back.</p>	
46.	How are we measuring positive outcomes?	<p>Outcomes are measured at the end of the year:</p> <ul style="list-style-type: none"> • Individual targets, academic or social. • Provision check, attendance, inclusion, emotional well being. • Going into school. • SENCo co-production. • In some cases, standardised benchmarking. • Speaking to CYP <p>Tracking the progress of individuals.</p>	Process
47.	Will we need more staff to manage the new processes within schools and settings?	The process should be more streamlined, and we are not expecting more work for staff.	Process
48.	Schools' forum have requested that a member of the project team attends the school's forum until we have implemented the project.	November – SM to attend.	Process
49.	Can we have better links to the EHCP process – especially where we are completing E3 applications year on year?	There is already a process in place, we can highlight this in the training, but please ensure that you also add it to the consultation.	Process
50.	What are the differences between the application and reapplication process?	<p>Reapplication will pull in information from previous application form.</p> <p>Reapplication will be quicker.</p>	Process
51.	There is a new electronic portal for submitting EHCPs, will it be the same for E3?	No.	Process
52.	Can we provide finance training for SENCos?	Yes, we can – this was delivered between Sept and December 2021	Process

No	Question	Response	Area
53.	TA contracts are governed by the Unions – what are they doing to support this change?	Unions are aware of the changes – please liaise with your union representative for their guidance and support.	Process
54.	Could QIT go in before an application to see if the CYP qualified for it?	This is not part of the current element 3 process. We will be providing training on how to complete a good element 3 application form including completing school-based assessments and outcomes.	Process
55.	Can we talk to those schools that are impacted the most as a priority?	We will be happy to join the DGs for a Q&A session with those schools that are affected the most. However, please be aware, that we are in a consultation phase and the final solution for the funding model may and can change.	Process
56.	Can we ensure that the process is clear and consistent in terms of what evidence is needed?	Please see response to question 15.	Quality
57.	How can we provide quality assurance in terms of how funding is used?	By making schools' accountable for the spend and moderating the provision and outcomes of funding.	Quality
58.	How can we ensure that the system is more child centred, with needs of the child at the driving force for funding?	The proposed funding system ensures that all of the money allocated in this process is for an individual pupil. This is further supported by ensuring that we have a detailed picture of the child's needs and what has already been put in place/tried to address needs. The Quality Inclusion team can support this process.	Quality
59.	Can we show all new SENCOs/ do they need to be shown how to do requests, so they are of the same quality as a more experienced SENCo?	We will invite all new SENCOs to an Element 3 panel meeting as part of their induction. Also, existing SENCOs are welcome to attend. Training in the new processes for E3 will be available to all SENCOs.	Quality
60.	Will the local authority consider awarding the affected schools with interim temporary relief whilst the transition is being completed	The LA is considering implementing transition funding for schools that would see a reduction in E3 funding. This will be agreed by the Executive and Scrutiny Commission. Those that gain will still receive their additional funding.	Funding

No	Question	Response	Area
61.	How do we manage unidentified needs in early years better so that it doesn't create additional strain in F2 and Yr 1?	This can be done through early intervention via the Early Years Support Team.	Process
62.	How will schools be able to prove that they have spent £6,000 of their SEN notional budget?	Details of spend will be required on the Element 3 application form, this is likely to be TA hours.	Process
63.	What consideration is given to those schools that do not receive as much PP as others?	Pupil Premium is outside of the scope of this review. Funding is outside of the LA's control	General
64.	The criteria for decision making is inconsistent. Will this be improved and be more transparent in the new model?	The decision-making model is already transparent, schools are welcome to attend E3 panel meetings	Process
65.	How does a child qualify for each band?	Qualification is based on an assessed number of TA hours required by the Element 3 funding panel.	Process
66.	What is the justification behind setting the notional SEN budgets?	The Schools Forum agreed the IDACHI weightings used for the Notional SEN calculation (this is the Income Deprivation Affecting Children Index	Funding
67.	How will the LA take into account the disparity of the SEN notional budget in different schools?	The is a National Funding Issue and is outside of the scope of this review. Please see answer 67	Funding
68.	Schools have policies that state that all children have the right to a fair, equal and inclusive education without the extra funding. How can schools make sure all children receive this?	By ensuring that quality first teaching and the graduated approach is embedded in all schools. The BERA Framework is to support schools with inclusive mainstream practice. The QIT will be able to advise schools struggling to implement this. Schools have the wider support of SENDSS via Joint Planning Meetings and direct support and advice visits.	Quality
69.	Will children who currently receive 1:1 support continues to get it under the new model?	The increase in the banded funding rate allows for this.	Funding
70.	If my schools funding is being reduced will I have to move my child to another school?	No, your school will be funded for individual children	Funding

No	Question	Response	Area
71.	Can the changes come into effect at the start of an academic year instead of part way through one?	The agreed implementation is 01/09/2022	Funding
72.	Will those children with an EHCP be directly affected by this change? Will it reduce the amount of funding they get? Will it reduce the amount of 1:1 support they get? Will 1:1 specialist provision be withdrawn?	The banded rate for funding for EHCP and Element 3 pupils will be increased by the same amounts.	Funding
73.	As an academy when will this funding start? Will all maintained schools be funded this way from April?	The agreed implementation is 01/09/2022	Funding
74.	How will the funding keep pace with the rising number of SEND students and the rise in staff costs?	The council receive a fixed amount of money from the government for SEND pupils. Funding for pupils with SEND is needs awarded based upon need. Funding will always be awarded to a child or young person where a need has been demonstrated by the school. The banded rates will be reviewed annually.	Political
75.	Can the planned changes be delayed for a couple of years?	A Transition period is being considered and is likely to be 12 months.	Funding
76.	How are children who require medical intervention be supported in class? Many of these children depend on adult support throughout the day. Without the top up funding additional TA support will not be available to support the other children who need intervention?	E3 funding can be requested for medical needs Children with complex medical conditions may be entitled to Continuous Care and a personal budget from health. This is presently being looked at by the LA with health colleagues and Joint Commissioners.	Process
77.	How much support will schools be given to amend their budgets and reallocate support for their High Needs children?	A funding calculator has been developed by the LA and shared with all schools and settings	Funding

No	Question	Response	Area
78.	How can we continue to support the increase in rates of ASD across the city as well as increase in the number of children with trauma when our funding is being reduced?	Funding for pupils with SEND is needs awarded based upon need. Funding will always be awarded to a child or young person where a need has been demonstrated by the school.	Political
79.	Will the LA be providing additional specialist schools to take those children with SEND that it is no longer funding?	Funding for pupils with SEND is needs awarded based upon need. Funding will always be awarded to a child or young person where a need has been demonstrated by the school.	Political
80.	What is the criteria for the banded rates?	Based on an assessed need of TA hours – based on level 2 TA hours	Funding
81.	How do you know if the schools that are going to gain will allocate the funds to those children that need it?	Accountability process in place for Element applications and re-applications.	Quality

Purpose of this report

The purpose of this report is to summarise the educational outcomes and attainment of our Looked After Children during the academic year 2020/21. It considers their achievements and the support provided by the Virtual School Team to achieve the best learning outcomes for our Looked After Children.

Context

The Virtual School contribute to increasing the educational performance of our looked after children in order to:

- Raise attainment and accelerate progress for children in care across all key stages;
- Improve school attendance and reduce exclusion;
- Improve the quality of Personal Education Plans and;
- provide and support a range of opportunities to widen horizons and raise achievement.

Our aspiration is that all our looked after children and young people;

- attend a good or outstanding school and learn
- have a voice that positively impacts on the services they receive
- have accurate and timely assessments of their needs, as well as specialist support when it is needed to help them to make good progress in their learning and development, wherever they live
- where they do not attend school, they have access to 25 hours per week of good quality, registered provision appropriate to their level of ability and aspirations. They are encouraged and supported to attend the provision and there is regular review of their progress
- where they are missing from education, work with other professionals to take action to improve their attendance
- have social workers, residential staff, carers and schools who support them to enjoy what they do and to access a range of social, educational and recreational opportunities
- have access to a range of cultural opportunities
- have stability in care and education placements
- receive recognition for their achievements and have their successes celebrated
- engage with the Aim Higher Reach Further programme to encourage all to achieve their potential and for our most able to present them with opportunities to progress into higher education or another appropriate pathway
- for those who are leaving care, provide with appropriate support and guidance to ensure they can progress to further education, higher education, training or employment as appropriate to their aspirations.

Summary of Key Priorities for 2020/2021

- To narrow the achievement gap between our looked after children and their peers
- o Improve proportion of looked after children achieving a Good Level of Development in the Early Years Foundation Stage
- o Improve proportion of children achieving expected standards in all areas at KS1 and KS2
- o Continue to increase the number of year 11 students completing GCSE, with a focus on English and Maths
- o Improve outcomes at Key Stage 4
- o Improve outcomes and reduce drop-out for young people pursuing Level 3 courses in schools or Sixth Form Colleges
- o Improve attendance
- o Aim Higher Reach Further Programme to enthuse learners and accelerate their progress and raise aspirations
- Improve quality of Personal Education Plans (PEPs and PEP meetings), including student voice
- Maintain high level of PEP compliance
- Support foster carers and Designated Teachers to better support our looked after children with their learning
- Create a web presence for Leicester's Virtual School

Notable Achievements in 2020/2021

- *Authorised absence for Leicester's looked after children is lower than for all children and young people in Leicester. Unauthorised absence, which is considered absence that has not been agreed as legitimate in cause, is much lower for looked after children and young people than for all children and young people in Leicester.*
- *There have been no permanent exclusions of Leicester CLA during 2020/21*
- *Year 6 to 7 Transition Project maintains significant impact in reducing incidences of fixed term exclusions in Year 7*

Pupil Characteristics

The cohort of looked after children in the Virtual School has decreased a little this year. The table below shows the key characteristics of the cohort in terms of care status.

Characteristic	Number of children in care at any point 2015/16	Number of children in care at any point 2016/17	Number of children in care at any point 2017/18	Number of children in care at any point 2018/19	Number of children in care at any point 2019/20	Number of children in care at any point 2020/21	Number of children in care for a minimum of 12 months up to 31 st March 2016	Number of children in care for a minimum of 12 months up to 31 st March 2017	Number of children in care for a minimum of 12 months up to 31 st March 2018	Number of children in care for a minimum of 12 months up to 31 st March 2019	Number of children in care for a minimum of 12 months up to 31 st March 2020	Number of children in care for a minimum of 12 months up to 31 st March 2021
Number of school aged children and young people in the care of Leicester City Council	629	660	543	549	572	549	359	460	375	405	431	419
Children with a plan for adoption	22	39	83		49	56	14	45	53	35	38	34
Children in foster care	209	472	558	413	552	478	201	328	335	334	329	358
Children in residential settings	62	71	70	52	113	99	36	52	48	37	59	65
Children with a plan to return home	120		205	123	110	107	1		75	93	104	51
Children with disabilities	45	52	102	80	110	103	32	46	65	70	70	75
Unaccompanied Asylum seeking Children and Young People	6	14	20	0	10	6	2	3	7	18	2	4
Care leavers	116	207	218	220	283	156	88		N/A		N/A	N/A

Whilst numbers of school age children and young people looked after has decreased slightly this year, the areas of note here concern the increase in the number of young people moving into adoptive placements; numbers in other areas have decreased across the board by a small amount.

Early Years	R	1	2	3	4	5	6	7	8	9	10	11	Post 16
122	24	19	22	27	32	45	31	38	43	45	47	57	78

This shows us the spread of how many children and young people in each school year were looked after at some point during the school year. For some young people this is long term but there are others whose care journey is short. This demonstrates clearly the numbers are higher in secondary education and these are the young people whose care journeys are generally longer and more complex.

Age	Into Care	Left Care
0	18	1
1	16	14
2	6	12
3	8	22
4	5	8
School Year	Into Care	Left Care
R	10	11
Year 1	5	6
Year 2	7	4
Year 3	4	0
Year 4	8	3
Year 5	6	3
Year 6	4	6
Year 7	2	4
Year 8	7	5
Year 9	7	3
Year 10	13	9
Year 11	10	8

This information about the numbers of children and young people entering and leaving care during 2020/21 shows clearly that children up to the age of 5 are the group where care journeys are shorter.

The impact of COVID on the court system has meant that journeys to adoption may have taken longer than they did pre-pandemic, but the rate of children we have placed for adoption has remained stable.

The table below shows an increase in the number of young people with Education, Health and Care Plans this year, but it is likely this is the result of more accurate recording in Local Authority systems, particularly for those young people placed out of the area.

SEN CODE	Mar-17	Jun-17	Mar-18	Jun-18	Jul-19	Jul-20	Jul-21
N (no SEN)	48%	45%	51%	48%	51%	48%	46%
K (SEN Support)	37%	38.50%	35%	36%	34.53%	35%	31%
E (EHCP)	15%	17%	13%	17%	14.00%	17%	23%

Information correct at 28th September 2021

Number of children with SEN in each year group (Correct at 01/08/2021)

SEN Status	R	1	2	3	4	5	6	7	8	9	10	11	TOTAL number	Total % of LCC	Total % CLA
CLA in Year Group	24	19	22	27	32	45	31	38	43	45	47	57	430	1.03 %	
ALL LCC in Year Group	2785	2811	2846	2857	2981	3010	3040	4369	4369	4283	4176	4107	41634		
E All LCC	36	56	48	49	57	53	61	29	27	22	27	19	484	1.16 %	
K All LCC	252	294	332	364	359	460	421	308	263	254	219	189	3715	8.92 %	
E (CLA)	4	2	1	1	8	10	5	5	9	14	13	27	72		16.74 %
K (CLA)	3	2	8	14	11	17	15	14	15	14	14	9	127		29.53 %
TOTAL SEN (CLA)	7	4	9	15	19	27	20	19	24	28	27	36	199		

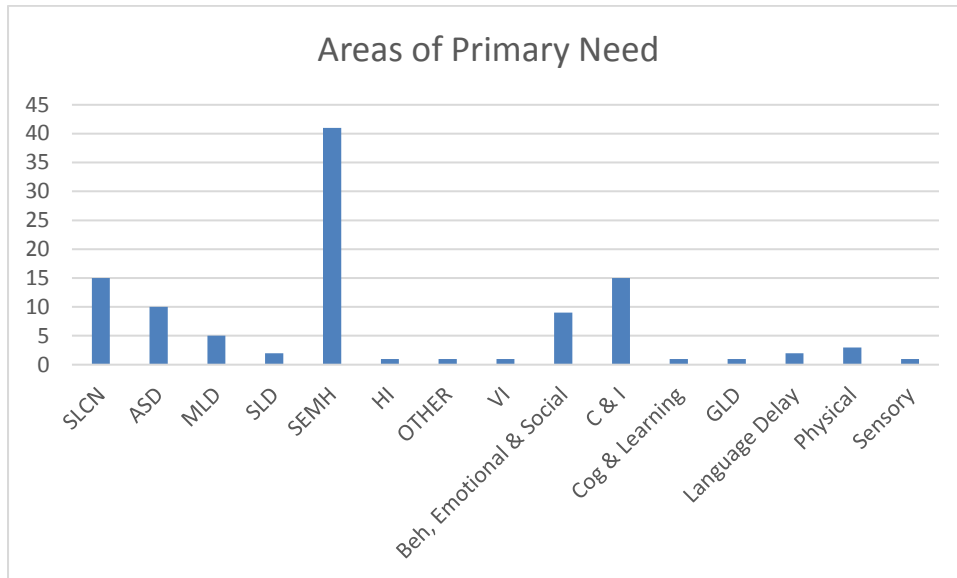
This data indicates that CLA represent 1.03% of the whole Leicester cohort. 46% of our CLA have some level of special need. This is a very high proportion compared with figures for all Leicester children with an EHCP (1.16%) and all Leicester children with a known learning need (8.92%), although in general, the prevalence of SEN in CLA is higher than for the total population.

This information appears to tell us that there has been a 5% increase in the number of our young people with an Education, Health and Care Plan. It is more likely because there has been a piece of work completed to improve the recording of young people with an EHCP, particularly those placed outside Leicester City, that has contributed to this.

It is clear from this breakdown that there is a higher concentration of young people with Education, Health and Care Plans in secondary education at present. 75% of these young people are placed in Special School settings where their needs can best be met.

37 of the young people with EHCPs are educated in City settings. Of these young people, 22 (60%) are recorded as having had an Annual review during the academic year 2020/21.

Young people categorised as 'K' receive additional support with their learning, but this is managed within the normal bounds of a mainstream school and may include some 1 to 1 support or a learning intervention to address a short term or specific issue.



It is clear that by far the greatest primary need for those CLA with EHCPs is in the area of social, emotional and mental health needs. This differs from the national trend, where from data published in 2019 the most common area of primary need was Autistic Spectrum Disorder, which is double the rate of the second place need of Speech, Language and Communication Needs with SEMH coming in third. Given the early life experiences of our CLA and the trauma they have experienced, this is not a surprise to us but does highlight why there may be a national shortage of specialist places for young people with SEMH needs.

Gender	Jun-17	Mar-18	Jun-18	Jul-19	Jul-20	Jul-21
Male	56%	56%	56%	53%	54%	54%
Female	44%	44%	44%	47%	46%	46%

This table shows us that although there has been a small change in the last 3 years, the gender balance of our CLA cohort remains more than 50% male.

Ethnicity	Dec-17	Mar-18	Jun-18	Jul-19	Jul-20	Jul-21	Leicester All pupils July 2021
ABAN - Bangladeshi	0.25%	0.25%	0.23%	0.00%	0.25%	0.20%	0.00%
AAF - Asian African	0.00%	0.00%	0.00%	0.00%	0.00%	0.30%	0.60%
AIND - Indian	5.90%	6.40%	6.44%	5.64%	4.42%	4.60%	32.10%
AOT – any other Asian background	3.19%	2.96%	2.76%	2.71%	3.19%	3.50%	5.60%
APKN - Pakistani	2.70%	2.71%	3.22%	2.71%	2.70%	1.70%	4.20%
Bangladeshi	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	2.60%
BAOF - other Black African	0.49%	0.49%	0.46%	0.45%	0.49%	1.50%	1.40%
BLB – Black/Black British Caribbean	1.97%	1.97%	1.61%	0.90%	1.23%	1.10%	0.80%
BLF – Black/Black British African	0.49%	0.49%	0.46%	0.45%	0.74%	0.90%	4.40%
BLG – Black/Black British Other	1.97%	1.97%	1.84%	1.58%	0.74%	0.90%	0.00%
BSOM - Somali	0.98%	0.99%	1.15%	1.35%	0.25%	0.70%	3.00%
CHE - Chinese	0.49%	0.49%	0.00%	0.00%	0.00%	0.00%	0.30%
MWBA – Mixed White/Black African	2.46%	2.46%	5.98%	1.58%	0.00%	0.50%	1.20%
MBO	0.00%	0.00%	0.00%	0.00%	0.25%	0.10%	0.00%
MOTH - any other mixed background	2.70%	2.22%	2.30%	3.39%	3.44%	4.00%	2.10%
MWAS - White/Asian	3.44%	3.45%	3.45%	4.06%	5.65%	4.60%	1.90%
MWBC - White/Black Caribbean	2.70%	6.16%	5.98%	5.64%	4.91%	5.50%	2.10%
OEO – Other Ethnic Origin	3.44%	0.49%	0.46%	0.68%	1.23%	1.10%	2.60%
NOT – Information not obtained	1.47%	0.74%	1.61%	3.84%	4.42%	5.50%	0.80%
REF – Refused	0.00%	0.00%	0.00%	0.23%	0.00%	0.30%	0.50%
WEN - White English	0.00%	0.00%	0.00%	0.00%	0.25%	0.36%	0.00%
WBRI - White British	57.74%	58.13%	58.16%	58.69%	58.23%	57.70%	23.70%
WEUR - White European	3.44%	3.45%	3.68%	2.93%	2.95%	3.50%	6.00%
WIRI - White Irish	1.47%	1.48%	1.61%	0.45%	0.49%	0.20%	0.10%
WOB - White other British	0.00%	0.00%	0.00%	0.45%	0.00%	0.30%	0.10%
WOW – White other	0.98%	0.99%	1.15%	0.23%	0.25%	0.30%	1.70%
WROM	1.23%	0.99%	0.23%	1.13%	0.98%	0.70%	0.10%

This data tells us that there have been small fluctuations in some groups, but numbers of CLA may be too small to make this significant. It is clear, however, that the CLA population is not reflective of the population for all of Leicester.

Achievements and Outcomes

Narrowing the Achievement Gap

During Summer 2021 no formal assessments of children's education were undertaken.

Normally there would be Early Years Foundation Stage Profile results for those at the end of Reception Year, Year 1 phonics, Year 2 phonics and Key Stage 1 results in Reading, Writing and Mathematics. These assessments were cancelled by the DFE. Schools did not assess children in these year groups.

Key Stage 2 tests in Reading and Mathematics were cancelled and writing teacher assessments were not collected in line with the DFE announcements. Therefore, there are no results for children who completed primary school in summer 2021. The new multiplication tables tests for Year 4 children were also cancelled.

GCSE, A level and BTEC results were based on teacher assessment and school-based testing. The results achieved by our Year 11 learners were collected by the Virtual School Team.

This means that there will be no Primary or Secondary school performance tables and Ofsted will only use 2019 and previous data to understand the performance of children. No results will be published at either a school or at a local authority level therefore any comparison or review of education outcomes cannot include 2021 results because there was no assessment.

The impact of this can be felt in secondary schools where there is no end of key stage data for schools to use for grouping learners. Most secondary schools have implemented their own assessments of these learners during the first term and will use this information for baseline judgements.

School Readiness

The Virtual School Officer with responsibility for the Early Years children attends PEPS for children from aged 2 upwards, where the child is registered in an Early Years setting or from birth if the child has significant learning needs requiring the support of a range of professionals. The impact of this work on the cohort has been very noticeable this year. We had only 1 young person who did not have a school place at the start of the school year in September 2020. The assessment of the needs of this cohort in Early Years settings has improved the transition to Reception with schools better prepared to meet the needs of those learners requiring additional support.

School readiness is discussed in PEP meetings each term, generating the following information;

School readiness activity

How many of our 17 children who are aged 3-4 years who will be starting school can do this?

	Emerging	Developing	Secure
• Settle happily when parents/carers are not there	1	2	14
• Express how they are feeling eg happy/sad.	4	9	4
• Play with others and begin to share	4	8	5
• Listen, talk, and understand	1	9	7
• Enjoy rhymes, songs, stories, and books	0	3	14
• Walk, run, climb and balance	1	1	15
• Can use a knife and fork and drink from a cup	1	5	11
• Use the toilet, wash their hands, and clean their teeth	1	3	13
• Begin to dress themselves	1	6	10

Having only done this work for one whole school year we have no comparative data so will monitor this with interest going forward. The impact of this work will be monitored as these children start their school careers through the numbers achieving their Early Learning Goals at the end of their Reception year. However, it is already clear that these children are experiencing fewer issues in the Reception year than may have been experienced by their peers in previous years when this work was not undertaken.

Example of intervention work by the Virtual School to support attainment in Early Years

Background

Pupil E (aged 4) was taken into care after witnessing Domestic Violence. There were concerns around neglect and parental mental health. Birth dad is formally diagnosed with ADHD.

Pupil E became known to me as he had already started at Primary School. I contacted the school to introduce myself which led to the Head Teacher who was also the Designated Teacher (DT) for looked after children saying please help us. Pupil E was highly dysregulated, crawling under tables, running around, hitting, and punching other children which was unmanageable within the classroom environment. At times, he was being taken out of class and taught separately in the library. The school said without help he was at risk of exclusion.

The carer felt she couldn't manage Pupil E's violent behaviour and angry outbursts. She subsequently gave notice and ended the placement.

We struggled to find a new placement and eventually found one with independent carers out of the area. New carers attended a transition PEP at the school and undertook a handover from the previous carer. It was important to establish this good match before a school place was sought closer to new placement.

Pupil E was found a place at a mainstream school and completed 21 months there.

What did Virtual School do?

- Referral to our Educational Psychologist who went to observe Pupil E in school. They also provided immediate help by giving strategies over the phone to use with Pupil E during unstructured times such as lunchtime.
- Advised school to apply for element 3 funding to pay for a 1:1 and I provided a support letter for this.
- Signposted training in ADHD Solutions to school
- Advised of strategies to try with Pupil E in the class such as having safe place in the classroom, like a curtain at the back of the class or a tablecloth so Pupil E could have a safe space.
- Liaised with the City's School Social, Emotional and Mental Health Team
- Researched schools that were a possibility for Pupil E. One school made it clear they would struggle to meet Pupil E's needs. I visited the two other schools and chose a school that were very supportive and after looking around and speaking to the Head I just knew it was the right place for Pupil E as I would send my child there.
- Arranged for carers and Pupil E to visit the school.
- Liaised with the school and carers re a start date and a transition plan.
- Offered to fund a 1:1 at the new school to avoid delay in starting.
- Arranged and chaired several PEP meetings at the school.
- Prevented exclusion by offering immediate support and by offering the Head Teacher an opportunity to 'offload'.

Outcome

Pupil E has never been excluded from school. Pupil E is now 6 years old and is back living with Mum under a placement with Parents Order. He has moved schools and attends a mainstream primary school local to where Mum resides. Although he is academically behind, he can socially manage being in a classroom and better manage relationships with peers. A Psychotherapy assessment is due to take place so they can better identify his needs and it is hoped that once some of the trauma has been addressed then he will be able to focus more on his learning.

Example of intervention work by the Virtual School to support attendance and attainment at KS2

Case Study – Pupil A

<p>Overview:</p> <p>Pupil A started tuition during the lockdown period of Covid19. She has the capacity to be a confident and able student, who has worked hard to make progress throughout Year 4. Pupil A was starting to lose confidence in her abilities and a lack of schoolwork was being completed at home. The school feared that this would lead to a negative impact on her attainment and further decrease her self-esteem and confidence. <i>‘Our fear is that, with one full term still left of learning, we don’t want the gaps to widen again’</i></p> <p>Pupil A accesses support from a mentor in school and was having academic interventions, before school closed for the lockdown period.</p>
<p>Previous attainment level: 4W</p>
<p>Current attainment level:</p> <p>‘Expected’- Year 5 level</p>
<p>Expected outcome:</p> <p>Pupil A will have enough direction and confidence to approach all work set by her class teacher. she will contribute more in class and believe in her own ability. She will continue to make progress in her learning and gaps in her learning will be plugged.</p> <p><i>‘And with one term left of learning, we can still make a big difference. If she has a bit of direction and guidance from a teacher, she will access the work and complete it’.</i></p>
<p>Challenges:</p> <p>There has been a limited amount of teacher set work completed at home through lack of confidence in own independent abilities.</p> <p>Initially Pupil A found online tuition very difficult, she didn’t speak hardly at all during our first session and even started crying during part of it. She lacked any confidence in herself and would rarely expand her answers to more than one word. Pupil A was incredibly quiet and, whilst she engaged with me, she hardly responded to any interaction at all.</p>
<p>Strategy and achievements:</p> <p>Session notes:</p> <p>To begin with, Pupil A was very quiet and needed a lot of encouragement from her carer to engage with me at all, we tried some Year 4 maths problems and Pupil A clearly lacked confidence in giving any of the answers a go. She struggled to add on a multiple of 10 to a number, and then completely shut down and started crying. We had a break, then she returned to the session with a lot happier. She engaged with me much better and was counting in 10’s from any given number, I shall plan some simple addition and subtraction lessons for next week and hope to build her confidence by basing them as quite low ability initially and then gradually increasing the difficulty.</p> <p>Half a term in, sessions with Pupil A have become much more productive. She asked me to help her with her homework, so we worked together at getting a first draft of a Space poem together. She was able to write rhyming couplets, using similes and expanded noun phrases.</p>

She seemed to enjoy the task and had some lovely, creative ideas. She said she would like us to alternate between helping her with homework and other work. Carer commented that she was very thankful for my work with Pupil A and that she had made so much progress academically and with her confidence since starting tuition :-)

Summary:

Pupil A is a delight to teach. Her progress in terms of confidence and contribution during sessions is incredible. She will now engage in general conversation and initiate it, often talking about what she has been up to or by talking about her younger brother. Pupil A's self-confidence is more evident; she is more willing to try and she realises getting things wrong is not failure but an important part of learning.

This improvement is mirrored in school-work and general demeanour at home and school. Her teacher reports that she is contributing so much more at school and is 'whizzing' through her learning across the board.

Feedback:

Students comments:

Q: How do you feel that tuition is helping with your education?

A: *'It is helpful because If I don't understand something in class, then I would get upset if I didn't know what to do. But then I learn it with you in my tuition so then I understand what to do and then I won't get upset in class.'*

Carer comments:

'I don't know what it is that you are doing...but whatever it is it works!! She is doing so well and we are so happy so thank you so much.' She explained that she is much more confident since doing tuition and that everyone is noticing how well she is doing at school and in terms of her own self-belief now.

Email from Class teacher:

She has really improved in class and is whizzing through the learning in all areas. She has even been putting her hand up more and contributing which is fantastic.

Key Stage 4

Improving KS4 Outcomes

Key Stage 4 qualifications changed in 2017 with GCSE English and Maths scored numerically from 1 (low) to 9 (high). Course content was also expanded and increased. Whilst there is no direct correlation with previous grades, a 4 is considered a 'pass' and a 5 a 'good pass'. All GCSEs are now marked on the 9 – 1 scale and revised courses have been reported as more challenging for all learners, placing increased pressure on schools and learners.

GCSE Results Analysis 2021 (based on teacher assessments, collected by the Virtual School)

GCSE Outcomes	All Leicester LAC 2018	Leicester LAC 2018 in care 12 months at 31/03/2018	Leicester City All 2018	National all LAC 2018	All Leicester LAC 2019	Leicester LAC 2018 in care 12 months at 31/03/2019	Leicester City All 2019	National all LAC 2019	All Leicester LAC 2020	Leicester LAC 2018 in care 12 months at 31/03/2020	Leicester City All 2020	National all LAC 2020	All Leicester LAC 2021	Leicester LAC 2018 in care 12 months at 31/03/2021	Leicester City All 2021	National all LAC 2021
Cohort	50	42			46	45			60	47			58	41		
English 4+	20%	24%	69.90 %	15%	35%	35%			32%	32%			33%	32%		
Maths 4+	10%	12%	60.10 %	11%	22%	22%			24%	13%			17%	17%		
5 GCSEs at 4+ (inc Eng and Ma)	6.70 %	9%		13%	13%	13%			15%	11%			14%	12%		
Basics (Eng and Ma at 4+)	8.90 %	12%	56.10 %	7%	17%	17%	55%	65%	15%	13%			16%	15%		

2021 has been another difficult year for our Key Stage 4 young people. The closure of schools in March 2020 mid way through their Year 10 learning followed by repeated episodes of school closure, bubble closure and illness have all impacted on the quality of teaching and learning and particularly on the confidence and mental health and well-being of these young people. Formal examinations were cancelled for the second year running and our learners were awarded grades based on their teacher assessments, that were informed by the way their school conducted the recommended assessments. We are very proud of these learners, their achievements and their resilience in challenging circumstances are testament to their commitment and endeavour.

The most significant feature of this Year 11 cohort is the proportion of them with Education, Health and Care Plans at 47%. 15 (26%) of the cohort did not follow a GCSE based curriculum:-

- 6 attended a Special School and would not be expected to do GCSEs or equivalent
- 3 attended a Special School and have taken Functional Skills tests in English and Maths
- 2 attended specialist settings but by reason of their physical or mental health have been unable to take any formal qualification
- 2 newly arrived UASC were not entered for any qualification

- 1 young person was subject to multiple house and school moves and was not able to access any qualifications
- 1 young person has been held back a year and will complete GCSEs in 2022

This year there has been a small reduction in the number of the young people who achieved outcomes who had been in the care of the local authority for more than 12 months at 31/03/2021. However, the proportion achieving 5 GCSEs at Grade 4 or above, including English and Maths, has risen again for all young people in care, but the number achieving a Grade 4 or higher in Maths has decreased. It is likely that this is attributable to a combination of pandemic impact on learning and learning styles but will be monitored closely in the next year.

Learners from different ethnicities did perform at different levels this year, but the numbers in those groups are too small to draw any firm conclusions about this.

As previously stated, 47% of this cohort have an Education Health and Care Plan. A further 22% of this cohort are recognised as having additional needs, but the young person's needs could be met within their mainstream school. 31% of this cohort have no identified additional learning need.

Of the young people who achieved Grade 4 or higher in both English and Maths, none have additional learning needs; 66% are identified as White British, with 11% in each of White and Asian, Indian and Other Mixed Background.

Of the young people who achieved 5 passes at grade 4 or above, 11% have EHCP. 71% identify as White British, 14% of this group identify as Other Mixed and Mixed White Asian heritage.

Example of intervention work by the Virtual School to support attainment at KS4

Student B

Overview:

Student B required tuition in maths in Year 10 as he was not engaging in lessons and was a long way behind his target attainment level. He was achieving 'ungraded' during Year 10 school maths assessments. A VST tutor started tuition once a week and began with foundation level maths, covering basic arithmetic and times tables and moving onto reasoning and exam technique.

Previous attainment level: GCSE Grade 0-2

Current attainment: GCSE Grade 3

Notes:

Student B engaged well in tuition but there were clear gaps in his learning for various reasons including his poor focus in lesson time, a lack of a consistent teacher (supply teachers had to be used in school for some time during his year 10 year due to his teacher's long term sickness) and poor relationships with teachers in school. He was behind in his learning and there were some basic skills than needed to be mastered in maths before he could progress to more complex, GCSE work.

We covered times tables and basic arithmetic including methods for performing standard calculations. He progressed well from the start. We started to go through past exam papers and he has started to cope

well even with the more challenging questions. His command of the basics has improved dramatically including his mental arithmetic. We are focusing now on more reasoning work where he will apply methods to worded questions and solve problems.

Student B now has clear aspirations and has been offered a place at Leicester College on an electrical installation course. He is keen to start his own business once qualified and now has so much more determination with this goal in mind.

Students comments:

Q: How do you feel that tuition is helping with your education?

A: Confidence, specific topics & understanding of the subject

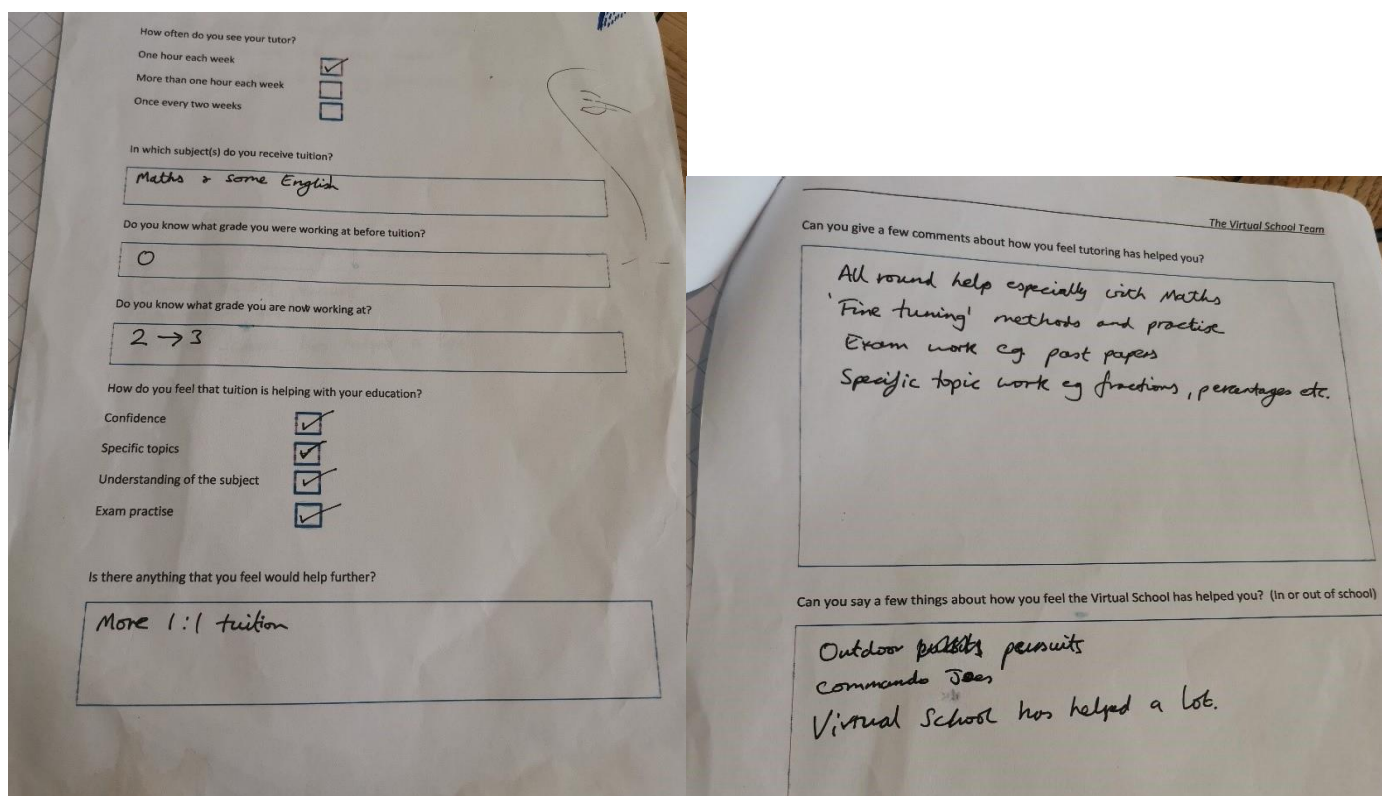
Q: Is there anything that you feel would help further?

A: More 1:1 tuition.

Q: Can you give a few comments about how you feel tutoring has helped you?

A: All round help especially with maths, 'fine tuning' methods and practice. Exam work like past papers. Specific work on topics e.g. fractions, percentages etc.

Q: Can you say a few things about how you feel the Virtual School has helped you? (In or out of school)



Expected outcome:

If Student B continues to apply effort in his tuition and in revising before assessments, he will be able to achieve a grade 3 or 4. This will allow him to access the college course or apprenticeship that he is seeking. He aspires to work in electrical engineering or mechanics.

Destinations for Post 16 young people***Improve outcomes for L3 & Reduce drop-out***

Post 16 Destinations 2020	2019 No.	2019%	2020 No.	2020%	2021 No.	2021%
Cohort size	46	46	60	60	58	58
Level 3 course	10	21.73%	8	13.33%	8	13.79%
Level 2 course	10	21.73%	17	28.33%	9	15.51%
Level 1 course	9	19.56%	11	18.33%	14	24.13%
Remain at Special School	4	8.69%	6	10%	14	24.13%
Secure/Health setting	0		4	6.66%	0	
Apprenticeship	1	2.17%	3	5%	1	1.72%
Job	1	2.17%	0		0	
Traineeship	1	2.17%	0		5	8.62%
NEET	10	21.73%	11	18.33%	7	12.06%

Information provided by Connexions, October 2021

Although this does appear to show a slight reduction in the number of young people pursuing Level 2 and Level 3 courses Post 16, it is important to remember that the Year 11 cohort in 2021/21 was unusual in the number of young people with EHCPs who have taken a different route staying in education that their peers in previous years. It is matched by a similar increase in the number of learners remaining in Specialist provision. It is also notable that there has been an increase in the number pursuing traineeships and a continuing pattern of reduction in NEET figures at this point.

Of the 7 young people NEET at this point, they break down as follows:

Young parent	2
Passive/not engaging with support	1
Awaiting SEND place out of area	4

Work Readiness

All schools have a statutory duty to provide information, advice and guidance to their students from year 7 upwards. In year 10 and 11 this should increase significantly to start to prepare their students for making well informed decisions for post-16 transition and the world of work. The framework to support schools to deliver this is based on the eight Gatesby Benchmarks. In using these benchmarks schools should address the needs of each pupil and link the curriculum learning to careers, provide encounters with employers and offer experiences of workplaces.

For those who are looked after by LCC, additional information, advice and personal guidance is provided from year 10 upwards. This recognises not all will have had the right level of support from the school at which they were on role, especially if there have been changes/unsettled placements. By the summer of term of year 11, the aim is for all to have an offer of learning for post-16. The vast majority of the CLA young people

in this cohort will have an offer to stay in full-time education, mostly in a college or a school setting but the offer may be with a training provider, and for a small number it may be a specialist placement for their SEND needs. Even if they are staying in a school 6th form or going onto a full-time college course, the activities that are done with our young people should start to increase their work readiness, for example, decision-making, independence and the understanding of a broader range of options.

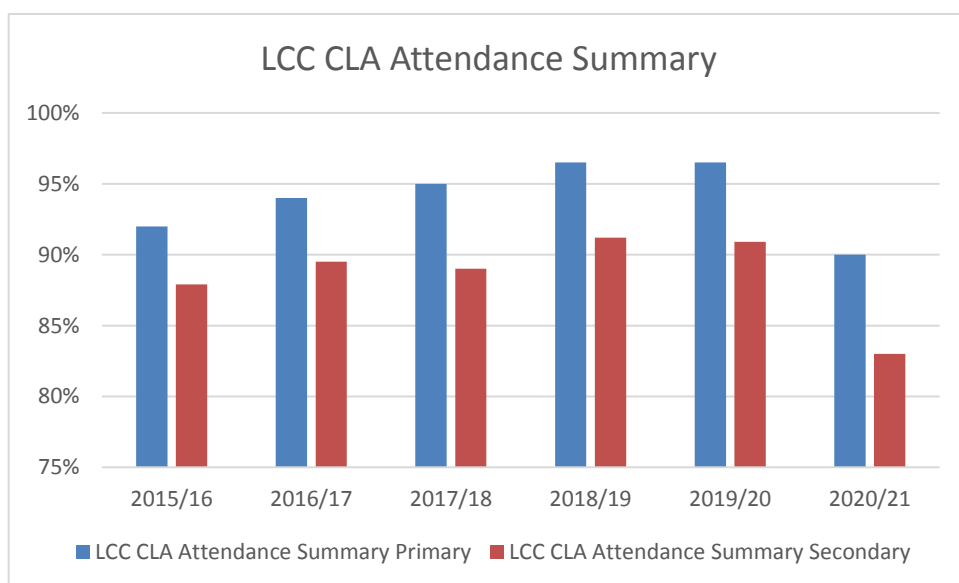
The support with IAG and preparation for work continues with our post-16 CLA cohort and intensifies for those who are NEET. PEPS will continue with this cohort and are offered even if the young person is disengaged so that the individual will know that when they are ready it will be not too late to form a career plan. As part of the planning for post-18 work and learning there is more work done around interviews, applications and the local labour market. This will include direct liaison with employers if appropriate.

As well as the additional IAG referred to above, our care leavers and CLA from year 10 were offered a chance to meet with an employer this year. This employer was either linked to an area of work they wanted to get into, or an area they wanted to find out more about. The aim of the contact was to help individuals improve their understanding of different job roles, gain knowledge of how to apply for jobs, gain a contact with an employer, improve their confidence and refine their thoughts about their future careers. Ultimately this should help to prevent some of our young people becoming NEET or act as a step towards re-engagement.

‘Get Inspired’ is a project managed by LCC, with funding from ESF. It is just underway and will provide intensive support into work or learning for those who are age 16-24 and NEET especially if from a priority group. One of the groups we are prioritising are those who are looked after or have left care. It will allow additional resource to bridge the gap around work readiness and allow activities to be done with providers and employers to help increase the chances of a sustained transition.

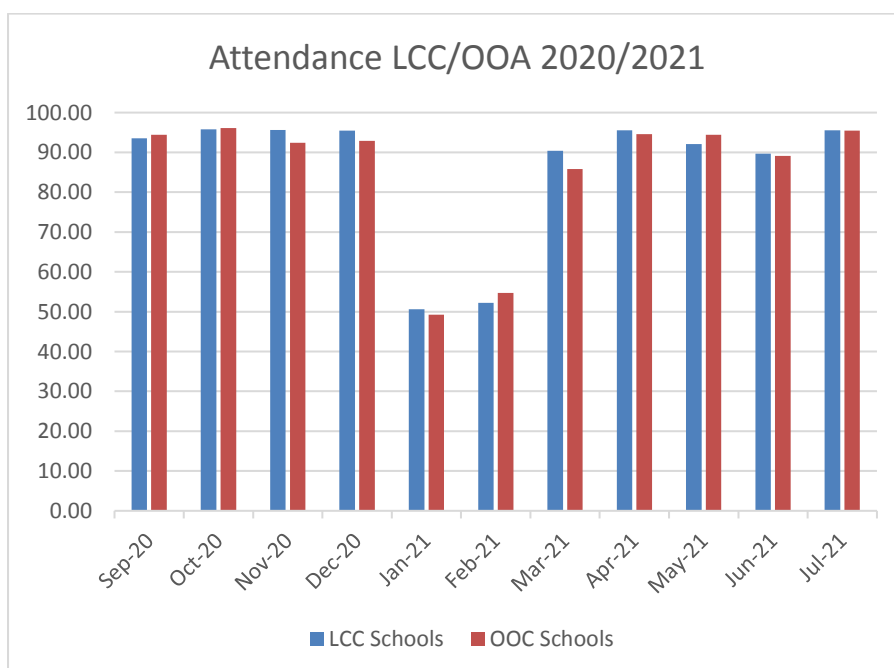
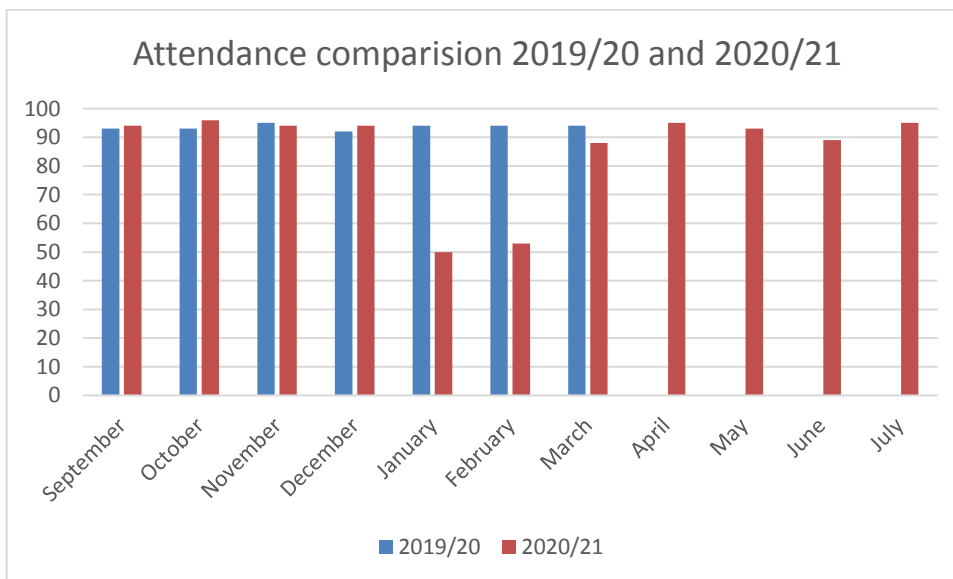
Attendance and Exclusions

Improve Attendance



It is clear that 2020/21 has been another year where the attendance of our CLA has been impacted by the pandemic. In the Spring of 2021 when schools were closed to all learners, places were made available to vulnerable children and young people, including CLA. However, where our young people chose to access blended learning virtually from home just like their non CLA peers, the DfE instructed that they were marked absent when their peers were marked present. This has caused considerable distress to a number of learners who engaged well throughout.

It is clear from these graphs that attendance in Primary schools remains better than in Secondary schools across the year. However, the impact of the COVID pandemic from March 2020 with school closures and lockdown periods has had a devastating impact on attendance. We will continue to monitor this closely going forward as schools return to patterns we saw pre-pandemic.

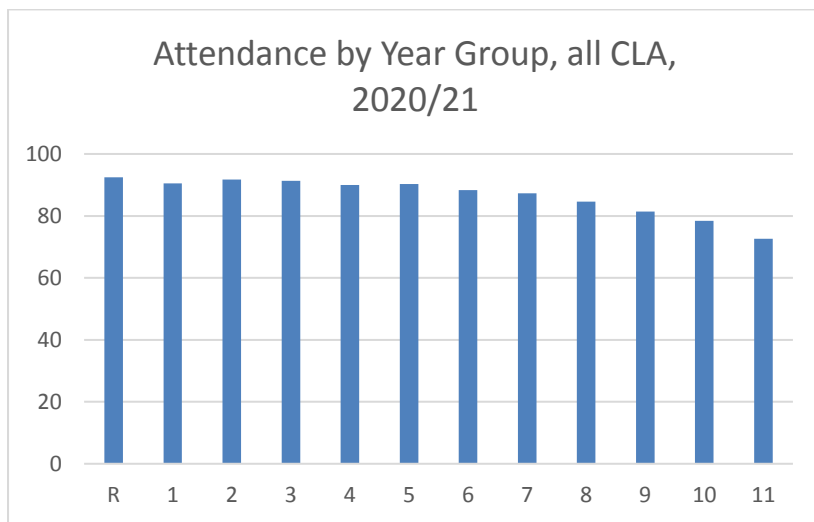


There is little difference between attendance rates in and out of area this year with all schools adversely affected by school, year group and bubble closures at different times making it impossible to draw any firm conclusions about patterns of attendance or non-attendance.

The attendance pattern over the last 6 school years was showing a rising trend in all phases. This may be attributed to increased monitoring and early response by the Virtual School Team when young people are not in school, but this has been adversely impacted by the pandemic, which has impacted on attendance for 2 academic years.

Attendance for all CLA in 2020/21 was adversely affected by the pandemic and school closures due to lockdown in early 2021. Although school places were available in most schools for vulnerable learners, many chose to learn from home like their peers, accessing the same learning they would have accessed if they went into school.

It is no surprise that the overall percentage attendance declines as young people progress through the age ranges and fits with the annual pattern of attendance.



What is the impact of coming into care on the school attendance of these children and young people?

Comparing the attendance for the year prior to coming into care and the year they came into care, the following is noted about these 63 learners who all attended schools in Leicester City:

- 5 CLA maintained their attendance at the same level
- 6 had no attendance the previous year – 2 were not of statutory school age, 1 was newly arrived and the other 3 were in schools out of area where we had no attendance information.
- 26 young people improved their attendance
- 26 had their attendance fall

Difference	Attendance rises	Attendance falls	Notes
0 – 5%	13	8	
6 – 15%	9	7	
16 – 30%	3	9	
More than 30%	1	2	2 learners whose attendance fell by more than 30% moved house twice during 2020/21

Of those whose attendance fell, 50% were Key Stage 1 and 2, 24% Key Stage 3 and 26% Key Stage 4

Of those whose attendance rose, 69% were Key Stage 1 and 2, 20% Key Stage 3 and 11% Key Stage 4

Higher overall absence leads to lower attainment at KS2 and KS4

The Department for Education (DfE) published [research](#) in 2016 which found that:

- The higher the overall absence rate across Key Stage (KS) 2 and KS4, the lower the likely level of attainment at the end of KS2 and KS4
- Pupils with **no absence** are 2.2 times more likely to achieve 5+ GCSEs A*- C or equivalent including English and mathematics than pupils that missed 15-20% of KS4 lessons

Attendance Headlines for 2020/21

31 (8.20%) young people achieved 100% attendance

165 (43.65%) were persistently absent – this figure is significantly higher than usual and likely to be impacted by the pandemic and school closures as well as COVID related absence and isolations

Average attendance for the whole cohort was 86.78% for the school year. This is lower than in previous years and is a direct result of the pandemic, related illness, school and bubble closures that left young people at home.

Attendance 2020-21

There are many reasons why our young people may miss school. We always aim for and encourage 100% attendance and in 2020/21, 35 young people achieved this.

Reason for non-attendance 2020/21	Missed CLA	% Missed ALL Leicester	ALL CLA (Days)	ALL LEICESTER (Days)	KS1&2 CLA (Days)	KS1&2 ALL LEICESTER (Days)	KS3 CLA (Days)	KS3 ALL LEICESTER (Days)	KS4 CLA (Days)	KS4 ALL LEICESTER (Days)
Holiday (days)	12 (3%)	0.15%	12	22039	5	16550	7	3969	0	1520
Authorised Absence (days)	9220	4.13%	9220	296122	3392	176527	2955	68979	2873	50617
Unauthorised absence (days)	1516.5	1.99%	1516.5	143081	431.5	72550	364.5	39886	720.5	30645
Exclusion (days)	143		143		18.5		45.5		79	
Total			10891.5		3847		3372		3672.5	

This data tells us that the most common reason for absence from school in 2020/21 was authorised absence, meaning that it was considered as absence for a legitimate reason. Authorised absence for Leicester’s looked after children is lower than for all children and young people in Leicester. Unauthorised absence, which is considered absence that has not been agreed as legitimate in cause, is much lower for looked after children and young people than for all children and young people in Leicester. Unauthorised absence in Key Stage 4 is higher than from reception to Year 9.

Absence caused by fixed term exclusions is highest at Key Stage 4. 3 Key Stage 4 students had more than one fixed term exclusion during the year. In total just 6 students were subject to more than one fixed term exclusion but in one of these cases, the young person was excluded five times.

Absence due to holidays is higher for our CLA than for all pupils in Leicester. Holidays are not usually agreed during term time by Social Care except in exceptional circumstances, whilst unauthorised holiday absences are monitored and reported through the Target 25 meeting process.

Exclusions 2020/2021

Reduce Exclusions

There have been no permanent exclusions of Leicester CLA during 2020/21.

The Virtual School Team was able to support pupils at risk of exclusion. Team members attended PEPs, worked with pupils, their carers and schools to seek solutions which avoided exclusion. These included increased support in school, managed moves and time spent in alternative provision settings to address the reasons the exclusion may have occurred.

The VST Learning Mentors provided support to pupils at risk of exclusion. They successfully worked alongside school mentors, residential staff, carers and other support staff to establish pastoral support systems and personalised programmes to enable everyone to remain on track. In some cases, Pupil Premium Plus funding was used to appoint

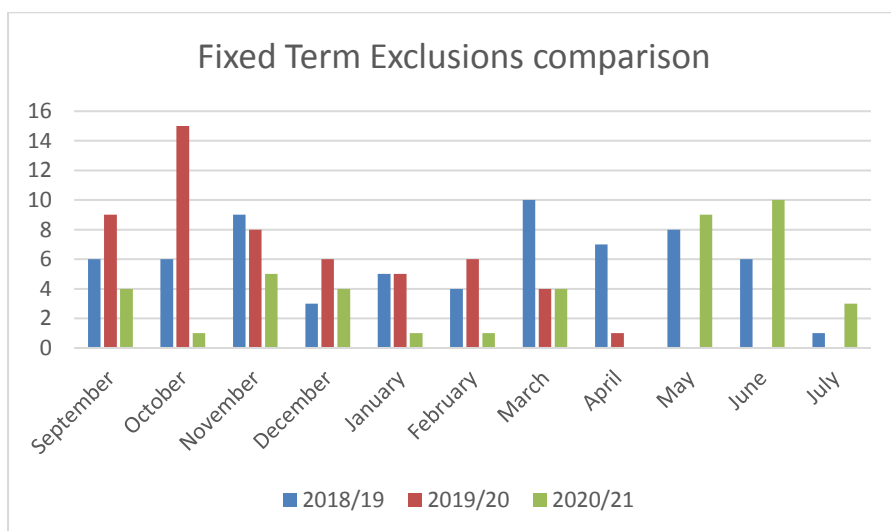
1:1 support staff to enable a young person to remain in school, settle and make progress. In schools where numbers of CLA are high, the Virtual School has funded or part-funded a mentor to work specifically with our children to ensure they have appropriate support to keep them in school and learning.

31 pupils received a fixed term exclusion during 2020/2021. Of these 31 young people, 6 of them were excluded for a fixed term on more than one occasion. 1 young person was subject to 5 separate fixed term exclusions. This young person has since moved on to a new setting better able to meet need.

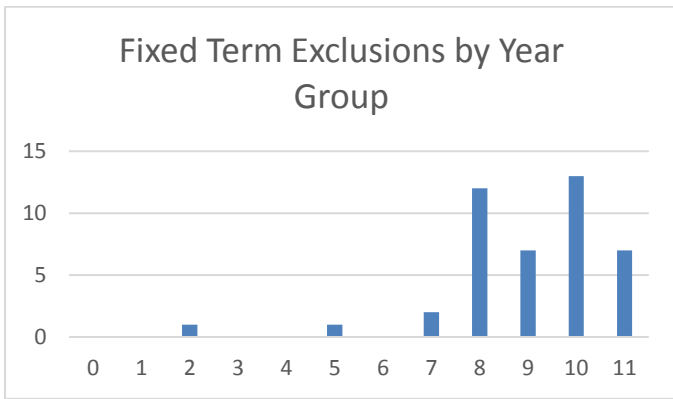
The total number of days lost to fixed term exclusion was 143. This figure represents a very small increase (1 day) from the previous year. However with a drop in the number of young people looked after, this represents a greater proportion of the whole cohort.

Year	Number of pupils excluded	Total number of pupils in cohort	%
2009/10*	52	309	16.80%
2010/11*	45	281	15.70%
2011/12*	25	248	10.10%
2012/13*	28	244	11.40%
2013/14*	27	208	13.00%
2014/15*	18	283	6.30%
2015/16*	27	403	6.70%
2016/17	46	410	11.00%
2017/18	34	446	7.60%
2018/19	44	448	9.80%
2019/20	33	464	7.00%
2020/21	31	418	7.41%

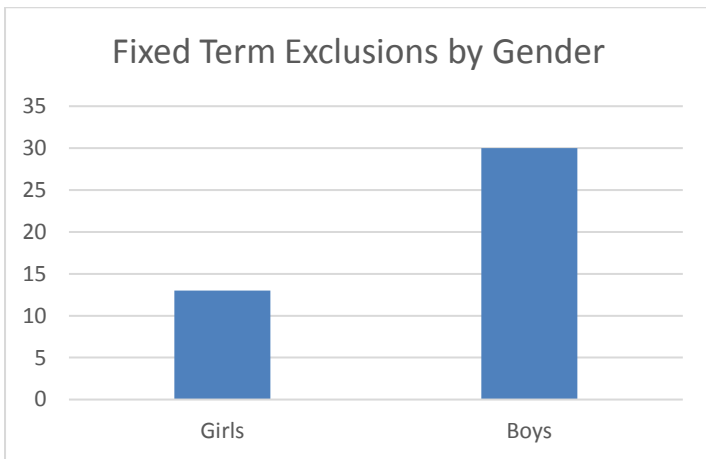
*note – these figures are for CLA in Leicester City schools only



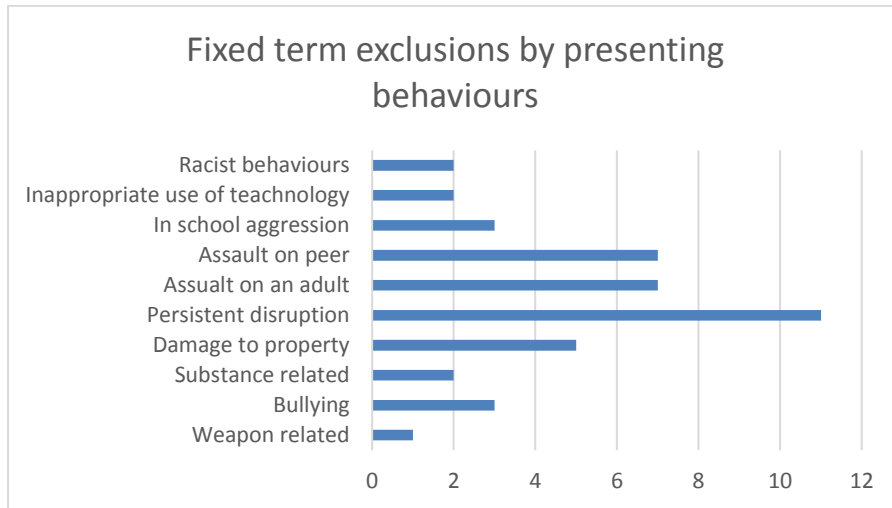
This graph shows up that fixed term exclusions were generally down in the first half of the school year compared with the previous year but then rise in the summer term as schools are returning to a more familiar way of working post pandemic. This was a challenge for some of our young people who struggled to regulate themselves back in the classroom full time.



This graph shows that there are key year groups where exclusions are higher – Years 8,9, 10 and 11 are the areas with the highest percentages of fixed term exclusions. It is not unexpected, generally, that young people in secondary education present more significant challenges than their younger peers and this results in a higher prevalence of exclusions.



This shows quite clearly that boys are more likely to be excluded than girls. The balance between the two in the overall population is almost even.



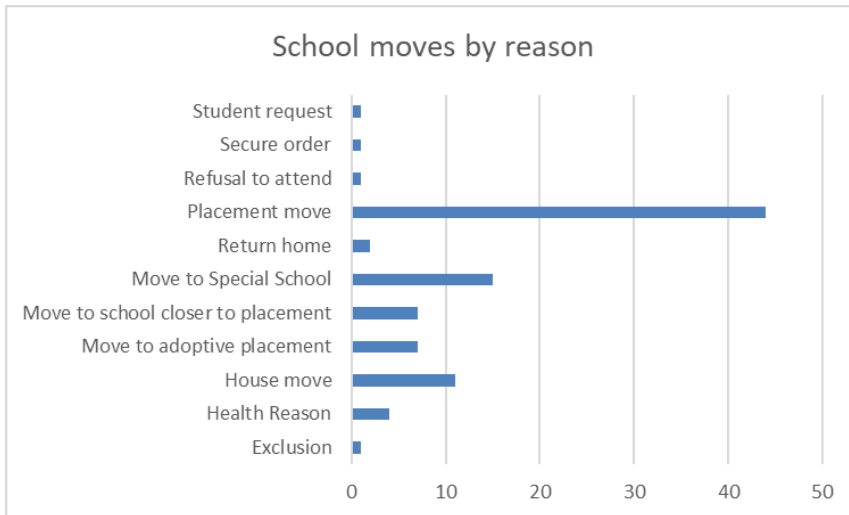
This data tells us that the most used reason for a young person to be subject to a fixed term exclusion was for persistently disruptive behaviour or refusal to follow school’s expectations resulting in disruption to the learning of others. Of the 11 young people who were excluded for this reason in 2020/21, all have received additional support to address their needs and to help them to avoid further fixed term exclusions.

The Target 25 group monitors the hours of education that pupils receive. The Target 25 group a multi-disciplinary group with knowledge and understanding of the learners and the challenges they may need to overcome. The Authority’s commissioning officer also attends. Together the group provides a holistic approach to meeting the needs of the most vulnerable looked after children.

There is a further monthly meeting chaired by Deputy Mayor Cllr Russell and attended by Senior Officers of the Local Authority, Service Managers from Education Welfare, Social Care and Special Educational Needs; this group monitor not only the young people at risk of not having a full time education, but also actions and plans around young people who may have been excluded from school or whose attendance falls below 95%, taking a solution focussed approach to resolving the barriers for each learner.

In Year School Moves

Moving to a new school during a school year should be avoided whenever possible. However, sometimes factors beyond our control mean that children or young people move to new placements or move to alternative settings that are better able to meet their needs following statutory assessment.



There were 94 school moves in total, meaning that 23% of our young people were subject to a school move during the school year. However some young people moved multiple times across the year bringing the actual percentage of young people with school moves down to 20%.

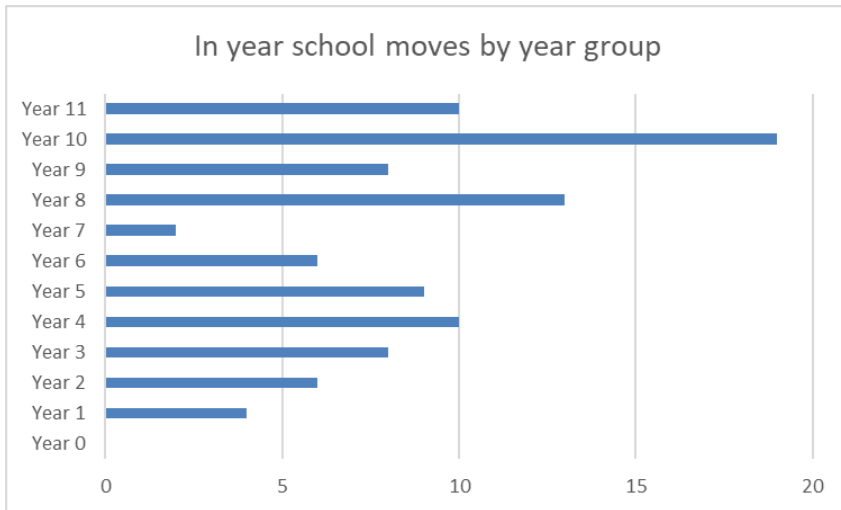
47% of all the moves were due to a change in placement. Adding in those who returned home or moved to forever homes makes this figure 56%.

20% of the moves were young people moving to a school better able to meet their needs.

Of those young people who moved schools during the school year, 9 young people moved more than once. 3 of these 9 young people moved school three times as a consequence of house moves both in and out of Leicester.

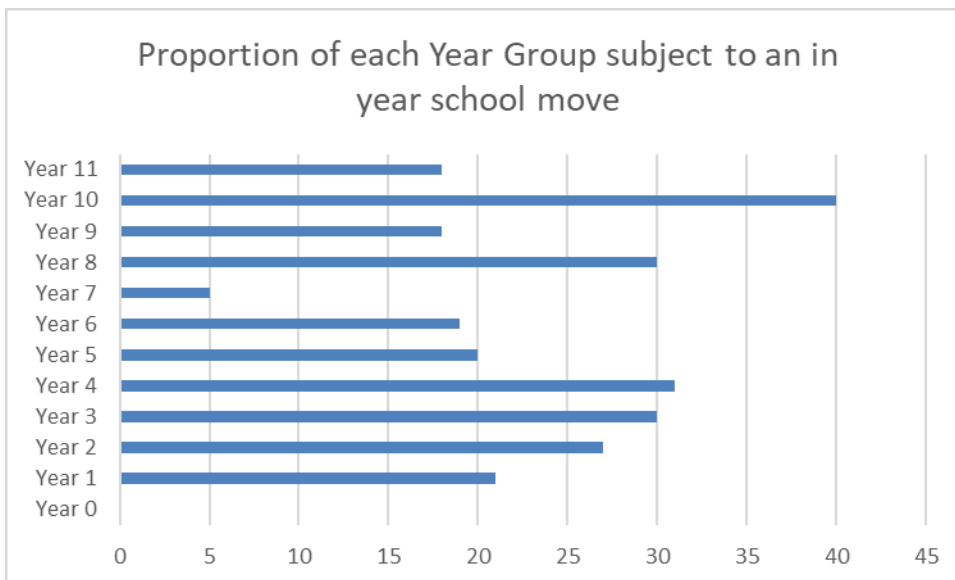
6 young people moved school twice:

- 1 moved to avoid a permanent exclusion then refused to attend the new school and subsequently moved again;
- 1 moved back into the area and later refused to attend the school they had chosen and moved to another school in Leicester.
- 1 young person moved twice as the move to a Specialist setting out of the area was to a setting shortly afterwards closed by OFSTED, requiring a further move elsewhere;
- 1 young person moved from a mainstream school to specialist provision then later moved out of the area and to a new school close to placement;
- 1 young person moved to a secure setting and following the end of that was placed at a new specialist setting;
- 1 young person has moved twice as a consequence of moving between hospital settings appropriate to need.



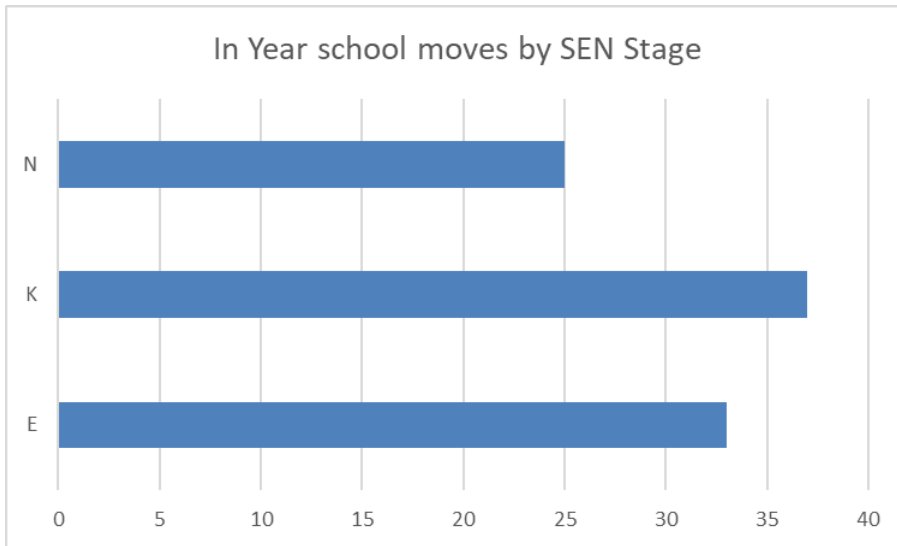
This graph shows that 30% of the school moves were for young people in either Year 10 or Year 11.

54% of the moves were for young people at Secondary School.

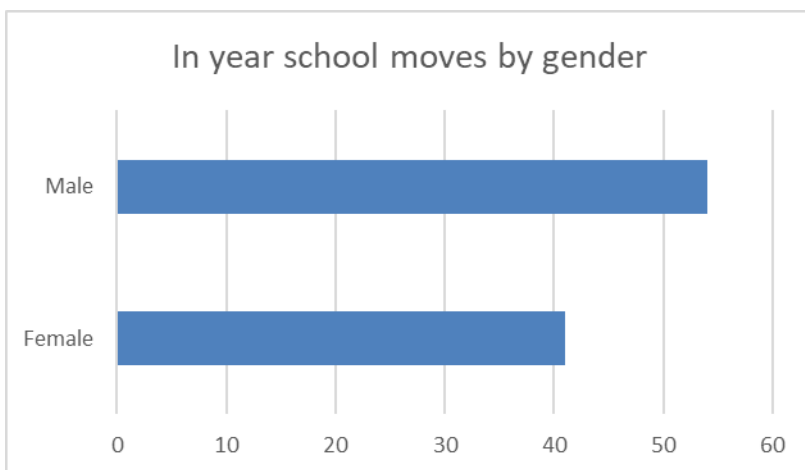


This data shows the number of young people subject to an in-year school move as a proportion of the number of LCC CLA young people in that year group during this academic year.

The figure for Year 10 reduces to 30% of the year group if we account for young people who moved more than once during the year. 42% of these moves were due to a change of placement.



Although moves are broadly similar for CLA across all SEN codes, the proportion of moves for young people with learning needs that can be met in mainstream school provision is slightly higher than the cohort proportion. Children with no identified learning needs are the group with the fewest in year moves.



More male learners were subject to school moves during the year. This is broadly similar to the overall balance of the cohort.

Children and Young People Previously Looked After

The Children Previously Looked After Officer was appointed in October 2020. The CPLA Officer is responsible for providing information, advice and guidance with regard to CPLA young people in Leicester City.

The first area to address was the lack of knowledge and understanding of the funding available to schools for CPLA. To help aid this the CPLA officer attended the Leicester City Primary Heads meeting and emailed the Headteacher of all Secondary schools within Leicester City. This led to a clear line of communication being established and through a range of discussions and sharing of good practice, a clearer understanding of the funding process has been developed to better support this vulnerable group.

Alongside this much work has been completed with the LCC Post SGO(Special Guardianship Order)/adoption support worker, to ensure that carers of adopted, SGO or CAO (Child Arrangement Order) children are fully aware of their rights. Joint meetings are now commonplace and all final PEPs are attended by the CPLA Officer to ensure carers have the most up to date information about how they are able to access educational support should they need it. This has now progressed to school meetings with CPLA carers, initially at Overdale Junior and Infant Schools to ensure that line of advice and guidance is still there once a court order has been signed and a child is adopted. This is to be extended in the future to a Trust wide carer meeting with the hope that other schools and Trusts opt into the need for developing communications with carers. To further ensure carers have up to date information the Virtual School have also redesigned their webpage making it much easier to access information.

On the wider context, Leicester City CPLA officer was a driving force in the creation of the first regional CPLA meeting. This was used to discuss national changes and the impact that could have locally as well as the shared challenges faced across the East Midlands for CPLA.

Enrichment Activities

A key area where the Virtual School aims to add value to a looked after child's education provision is through the enrichment activities we organise and run that are in addition to school provision and provide additional certification for the young people who take part. For the second year running, this plan has been impacted by the pandemic with some activities postponed once more whilst those that could do so moved online.

Aim Higher Reach Further

In the autumn of 2020, we had a positive Awards Event held virtually via Microsoft Teams, hosted once more by Ashley John Baptiste. We celebrated the successes of a wide range of young people for what they had achieved in the last year and listened as Ashley described his own experiences as a looked after child and the experience of going to Cambridge University and how he has continued to build on his experiences to make a successful career. Ashley particularly enjoyed the opportunity to chat with some of our Care Leavers and enable them to share their successes with the invited audience.

Transition Project

We have continued with our Transition project this year, following and supporting Year 6 young people as they begin their journey into secondary school but it has all been held virtually. Young people were organised into smaller groups and engaged with a range of activities from arts based sessions and cooking to an online reading group than was particularly popular.

One of the stated aims of this project was to reduce the number of and incidences of fixed term exclusion for young people in Year 7.

	2017/18	2018/19	2019/20	2020/21
No of Y7 young people excluded	9	5	2	2
No of days lost to Y7 exclusions	52	24	7	2
No of Y7 exclusions	15	11	3	2

This shows that we continue to successfully achieve that aim, with a continuation of low incidences of young people excluded in Year 7; whilst we must remember that this school year was again impacted by the pandemic and subsequent lockdown, the number of days lost to exclusion and the overall number of exclusions demonstrates real success.

Work of the Virtual School

Continued Pandemic Response

In August 2020, the Virtual Head and Principal Educational Psychologist delivered targeted training for foster carers around return to school and the recovery curriculum, preparing carers to best support our vulnerable youngsters and building confidence in schools' capacity to manage a challenging situation as the virus continued to mutate and spread. Leicester had been subject to a significantly longer period of lockdown than anywhere else in the UK and anxiety amongst carers and children was high.

As the new term began, 92% of our CLA returned to school, a higher proportion than returned nationally (87%) and we continued to monitor patterns of attendance through our usual channels. There continued to be daily updates of school and bubble closures and we were able to ensure that all of our CLA had access to appropriate learning.

In order to scaffold the return to school, we offered training to the Designated Teachers in our schools by the Anna Freud Centre on *Supporting Schools to Manage Unexpected Change*, which was very well attended and received.

As the pandemic continued to impact on schools and learning, we kept our sights firmly on our cohort of young people and their needs. We:-

- Checked all those at home and on blended learning had a laptop and access to school remote learning
- Checked all cared for children attending - 60.9% attended school in person (40% nationally)
- Attendance in January 2021 – 41% attending school, 59% blended learning
- Attendance in February 2021 - 49% attending school, 51% blended learning

As life began to resemble learning pre-COVID, we organised further training for our Designated Teachers, led by Professor Barry Carpenter on the *Recovery Curriculum*. Feedback from this session was universally positive. Feedback included:-

"Just wanted to say thank you for the training session today. It was the most thought provoking and engaging session that I have accessed in quite some time and has left a lot to think about."

"Just a massive thank you for arranging and inviting me to the training yesterday. It was superb - I could have listened to him forever and agreed with every word. A long time since I have had training like that!"

Following this session, we invited schools to bid for funding from PP+ for Recovery Curriculum Projects and continue to monitor the impact of these projects on how well our CLA have returned to school and settled back into learning.

Personal Education Plans

Maintain PEP Compliance / Develop Systems to Secure Information Sharing

Virtual School Officers, under the guidance and direction of the Team Leader and Virtual Head, aim to attend Personal Education Plan meetings (PEPs) for as many young people as possible. Each young person should have a PEP meeting each school term. As it is impossible for Officers to attend all, priority is given to meetings about young people who are new into care, those whose circumstances are judged to be complex as well as children and young people in key transition years – Year 2, Year 6, Year 9 and Year 11. However, the COVID pandemic required that all PEP meetings moved online. With Officers working from home from March 2020, they have been able to attend more PEP meetings

as they are no longer travelling between meetings and schools, which has been a positive outcome of the crisis and will be reviewed as a way of working going forward into the new normal.

Since January 2017, we have been using eGov’s, ePep, a secure online platform for our Personal Education Plans. Meetings are chaired by school, who set smart learning targets for the young people with the aim of accelerating progress. All PEPs are quality assured by either the Virtual Head or Virtual School Team Leader. Whilst we always aim for all our children to have a current PEP, our rate of compliance remains high at an average of 97.5% during the school year 2020/21.

Letterbox Club

This was provided for 135 CLA during 2020/21.

During 2020/2021 the Virtual School enrolled all its looked after children in Years Reception, 1, 3, 5 and 7 in the Letterbox Club, a national scheme run by Book Trust, a national charity. The club is managed in partnership with the University of Leicester and was first conceived and set up by Leicester City Council’s Virtual School Team.

The project explores ways of improving the educational outlook for children in care by providing them with educational materials and reading material. Each child receives a parcel once a month for six months, with an additional parcel at Christmas. Each parcel is addressed to the child at their home and includes a letter personalised with the child’s name, two reading books and stationery items such as pencils, an exercise book or drawing book, a bookmark and a maths game. Sometimes the child receives a CD to accompany one of the books. The books chosen include a mixture of fiction, poetry and non-fiction, with good levels of illustration and aimed at the “interest age” of each cohort of children. The mathematics games focus on number and arithmetic and are provided at a suitable level for the age of the children.

As well as positive feedback received from the young people and their carers about the book club, we sought the young people’s opinions on the Letterbox parcels in general.

Statement (about Letterbox parcels)	Responses (agree/disagree)
I enjoyed receiving the book parcels	100% yes
I read some of the books on my own	100% yes
I read some of the books with an adult	100% no
I liked lots of the books	100% yes
I think the books are too easy for me	100% not sure
I think the books are too difficult for me at the moment	100% no
I read more now than I did before getting the parcels	75% yes 1 child said they read loads already.
I think other children would enjoy receiving the parcels	100% yes
Is there anything else you would like to tell us? Please write it in this box. Thank you!	<i>Good because I don't really get stationery like post it notes</i> <i>More art things and stationery- eg. sketch book</i>

Emotional Wellbeing in Education Project

During this year, the EWE Project has worked with:-

- 92 schools and settings;
- 41 primary schools,
- 32 secondary schools,
- 8 special schools and
- 9 alternative settings such as Children's Homes.
- In total the project supported 118 CLA this year.

Some of our looked after children have significant difficulties with their social, emotional and mental health and this can often have a negative impact on their ability to engage positively with education and go on to achieve their potential. As a way of managing this, the Virtual School commissions work via the Education Psychology Service and Bullfrog Arts to address individual needs.

The EWE project consists of a Specialist Senior Educational Psychologist (CLA) and two full time equivalent Assistant Psychologists. Referrals to the project are received through consultation with the Virtual School Team. The children are identified as those who would benefit from additional psychology service support due to multiple risk factors i.e. multiple school moves, placement moves, exclusions, externalising or internalising behaviours.

School can be frightening places for children who struggle with building relationships, managing emotions and trusting adults. For children to focus on learning it is important that they feel safe and secure in their environment. Research shows there is limited provision in school settings for CLA that bridges the gap between the child's emotional wellbeing and their educational attainment. The EWE Project uses Theraplay[®] informed practice to support relationships between a child and key adult and with their peers. It also develops staff knowledge and understanding of trauma and loss and how it presents within the school environment.

The evidenced based project continues to promote engagement with education by providing therapeutic support for children, staff and carers.

Reading For Pleasure Project

Reading for Pleasure has been a piece of work undertaken over the last year by one of our tutors. This early part of the project has focussed on our own residential homes as follows;

Residential homes:

- VST have worked collaboratively with all residential homes this year, to enhance the provision of reading materials and thus raise the profile of reading for pleasure for our young people.
- All residential homes have received a substantial number of books, individualised according to the ever-changing needs of the young people.
- Young people have received GCSE texts and support materials to aid their revision.
- Netherhall and Barnes Heath have substantially improved their resources for their young people with SEND needs, including audio books, picture books and dual language appropriate texts.

- Many of the homes have worked on improving their 'reading areas' and creating displays to make reading more prolific and visual to the young people. Staff favourite texts have been shared and made a part of daily conversations about reading
- Residential homes have received books in dual languages for their young people with EAL.
- One home now have regular visits to the local shop, to purchase magazines based upon their young people's interests and hobbies. This was inspired by VST signing them up for a subscription to 'The Week' newspaper.

Feedback from residential home managers:

"It has been wonderful having someone to support the home and source books that are appropriate for the complex service user group we have. This includes service users with autism who are non-verbal. We even have children's books in Arabic!"

"the book you provided that I requested for one of our young people was used through her education and was a good incentive to engage her, she did worksheets that were built especially for and around that particular book."

"it was so nice just to sit and read at the dining table, we have now put book-shelves up where the young people just go in and pick a book up"

"it was nice during lock down to have something other than just Netflix to keep me occupied" (young person)

"Book-shelves have gone up around the home and the main display board promotes a different book each month. We also had quizzes on different authors and people's favourite books."

"there was a clear uptake in young people reading and using books for fact checking and quizzes."

"The books/tapes have really been enjoyed by young people on short breaks. They have especially enjoyed the story tapes and the pictorial books aimed at very young children. Most of our young people have sensory needs so the brighter and more colourful the better. As many of our young people do not always get the opportunity to hear a story, as households are busy, they get lots of enjoyment when staff read to them."

Letterbox Transition Book Club

- In the Spring and Summer terms, VST set up and delivered a book club for Year 6 children. Based upon the Letterbox parcels that they receive throughout the year- raising the profile of reading through engagement and a shared excitement for the books they receive.
- 2 teachers planned the sessions collaboratively, looking at the content of the Letterbox parcels.
- The book club worked with 6 children who are all in Year 6 (4 girls and 2 boys).
- The Book Club was very well received and thoroughly enjoyed by the children and the staff!

Book club feedback examples from children:

- I liked it because I was asked lots of questions and we did lots of fun things
- I liked everything, I really enjoyed it
- I've really liked hanging around with you guys it's been very fun
- I've liked seeing all of you. Seeing people and making new friends virtually

It was lovely to see the solidarity and shared excitement as the children chatted about the books together and discussed reading preferences and opinions on the texts and parcel contents.

World Book Day 2021

- In March 2021, VST held a World Book day competition. Entrants had to enter with a picture of themselves reading in an unusual location and also a book review or poster.
- We received 18 entrants and the standard was high 😊
- The winning entry was a child who was having a difficult time emotionally, and his DT commented that it gave him a real boost of confidence and that as he received his prize (Bluetooth headphones) in front of the whole class, he was greeted with “cheers and whoops!”

All of our CLA were sent a £10 Book Token for World Book Day to enable them to choose a book of their own to read and enjoy.

Bullfrog Arts

This year, Bullfrog Arts have worked with:-

- 110 young people
- 5 young instrumentalists
- 10 young people on the Philharmonia project
- 5 schools on the Singing Project
- 1 residential home for the Taiko Residential
- 10 young leaders
- 3 settings to develop the Taiko Tots programme

The Virtual School commissions work by Bullfrog Arts, who have been engaging the most vulnerable children and young people of Leicester City in high quality arts activities this year. Using singing and music, the work focuses on improving emotional health, well-being and self-efficacy and is unique to Leicester. All the work is carefully tailored to meet the needs of the individual and support the creative, expressive and musical ability of those they work with. Bullfrog Arts staff are skilled musicians, teachers, social workers and creative practitioners who are specialists in working with Looked After Children and supporting learners who have experienced trauma and loss in their lives. The Bullfrog approach has been proven to help children and young people regulate stress, improve self-confidence, build resilience and nurture a positive sense of self-image and worth.

Taiko drumming is a Japanese art-form that is very engaging, quick to learn and can be especially beneficial to students who have difficulty regulating their emotions or who display challenging behaviour. It is a spectacular and very accessible medium with a rich cultural legacy that has the additional benefits of engendering confidence, teamwork skills, concentration and the ability to regulate emotions amongst students.

Bullfrog Arts have worked on several strands, as agreed with the Virtual School this year. These include: -

- Bullfrog Taiko, working with individuals to develop self-regulation and emotional resilience
- Bullfrog Taiko residential, with young people and staff from Tatlow Road Residential Home
- Bullfrog Performance Group
- Rock School project
- Singing Project, working with 5 schools this year to train the adults around the children to sing with them and embed singing into routines
- Fostering Voices, an opportunity for Foster Carers to meet weekly and sing together and share experiences

- Peripatetic music teaching, delivering one to one music lessons for young people to develop emotional resilience, delivered to five young people this year
- Bullfrog Orchestra, a partnership project between Bullfrog Arts and the Philharmonia, fusing Taiko drumming with orchestral music, delivered to 10 young people this year

The year started with a mixture of virtual sessions and some face to face work, with musicians visiting schools with a mobile gazebo that was used to deliver sessions in the school grounds. This was a welcome break for many students and an opportunity to return to some level of normality with their music.

This year we have begun a new piece of work in the Early Years sector, entitled Taiko Tots. Work is at an early stage, having been delayed by the pandemic, but will continue into the new school year. Several Early Years settings have been identified and training and preparation is underway for this exciting new development.

Tall Ships

As part of the work to support the transition of our Year 11 students, we were able to run this programme again this year and took 5 young people on a 5 day sailing experience that enabled them all to develop their interpersonal skills and resilience whilst earning a Level 1 RYA Accreditation.

One of the young people was so successful on this trip and so impressed the ship's crew that he has been invited to return and train to be a Watch Leader. This is a massive achievement and we hope that he will be available to support the Year 11 group we taken on Tall Ships in 2022.

Extract from email received from carers:

Not sure what we would have done for our foster son without the invaluable help of virtual school and their dedicated, hard working, child focused staff. From opportunities like Taiko drumming where he could focus his emotions, build good friendships, build his self esteem and see he is good at something & Tall Ships where he has been able to build his confidence and learn life skills to ensure he is able to stay in school. Without their amazing support staff and tutors, I know he wouldn't be where he is today. Also their dedication, determination and support throughout lockdown especially has kept him focused and on track especially while home schooling. We are so grateful to have been able to work alongside amazing and dedicated staff. Thank you

Use of Pupil Premium Plus funding

In 2020/2021, the Pupil Premium Plus allocation was £2345 for each young person who had been in care for 12 months up to 31st August 2020.

The Virtual School continued with the practice of using up to £400 per pupil as a pooled resource to fund a range of core activities delivered by the Virtual School, including Aim Higher Reach Further, Bullfrog Arts Interventions, Educational Psychology support and one to one tuition.

Schools now request Pupil Premium Plus funding, linked to smart learning targets, in a child's Personal Education Plan. There is an expectation of this relating to issues identified in attainment data so that impact of the funding might be measurable. Sometimes, funding is for staffing or additional staffing and the impact of this might be the young person remaining in their education or avoidance of exclusion.

1:1 Tuition

Virtual School tutors worked with 52 different young people in 2020/21

Agency tutors worked with over 20 young people in 2020/21 where this was commissioned directly by the Virtual School.

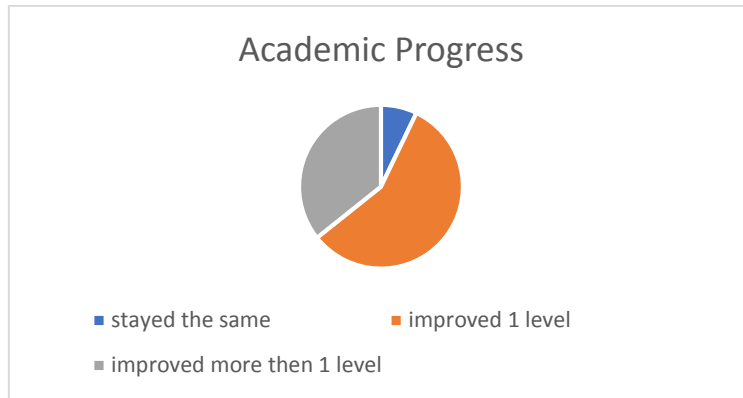
In 2020/2021, young people from all key stages benefitted from personalised 1:1 tuition. This is agreed during PEP meetings or by referral from a learner's school, with tuition usually focussed on core subjects, to support the young person achieving their target grade or to make them feel more confident in English or Maths. Tuition usually takes place at home, outside the school day. Some may have just an hour a week of tuition to develop confidence and address underachievement in one area of the curriculum, whilst others may have more intensive tuition to address gaps in their learning usually associated with their education before coming into care.

The Virtual School employs 2.6 tutors who work during term time to deliver bespoke learning support to our young people. Delivery is now a mixture of virtual and face to face, according to need. Working in this way means that these tutors can teach more pupils than when they were travelling between schools. The Virtual School still has cause to use tutors from Agencies, because need outstrips supply all the time, but the following information shows the impact of the tuition provided.

Analysis of the impact of the Virtual School tutors is very clear in recognising the difference they make to our young people.

Overall progress for those CLA tutored by Virtual School tutors generated the following impact:-

- 7.14% of pupils stayed at their previous working level
- 57.14% made 1 level of progress
- 35.72% made 2 or more levels of progress

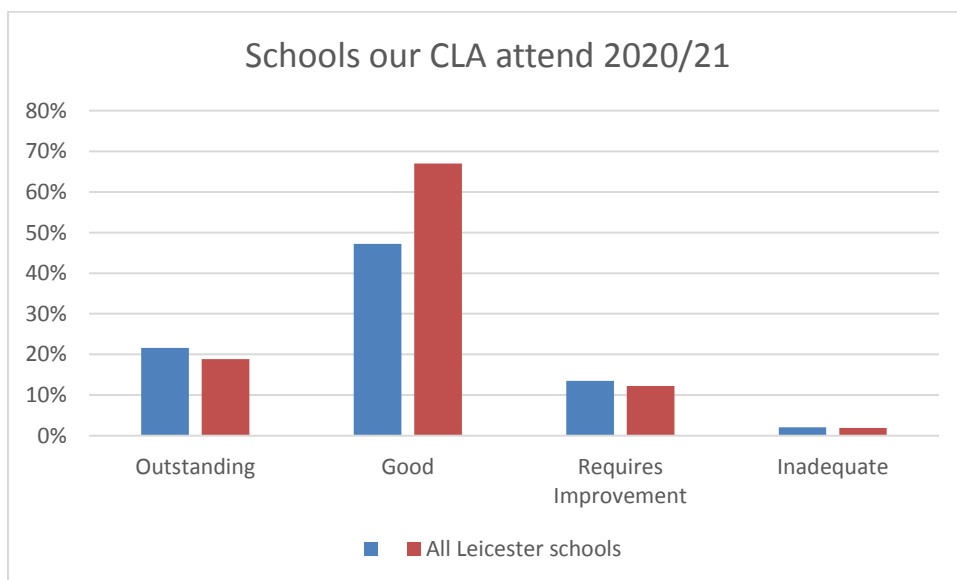


About the schools our pupils attend

Quality of provision attended

It is our aim for all our Looked After Children to attend an OFSTED registered school that is at least good. However, there are several factors that need to be considered when identifying a school, including proximity to the home address, friendship bonds and a school’s capacity to support vulnerable learners. There may also be situations where a school judged by OFSTED to be less than good is the most appropriate place for the pupil to be educated and where a young person comes into care placed at a school judged inadequate, it may be more damaging to move them to another school than to leave them where they are when that school place is the one element of stability in a child’s life.

Our young people of statutory school age attend 214 different schools and establishments.



This shows that the schools attended by our CLA are broadly in line with the proportion of schools in these categories in Leicester City. The key difference is the proportion attending a school judged as ‘good’ by OFSTED although these are much smaller disparities where CLA attend schools judged either ‘outstanding’ or ‘requires improvement’.

Alternative Provision

15 young people attended alternative provision during 2020/21. The reasons for needing this type of provision vary. It might be a short term measure whilst a young person has moved and they are waiting for the allocation of a school place; it might be a regular weekly input that enables that young person to learn some key skills and also sustain their mainstream school place; it may be a longer term arrangement where a young person is unable to sustain their place full time in a mainstream school and we are working to get them an Education Health and Care Plan or a more appropriate school setting. Settings are chosen carefully by the Virtual School, who match the offer, group size and dynamics to the needs and interests of the learner. Some Alternative Provision is commissioned by schools but is quality assured and checked to ensure it meets our expectations for that young person.

These pupils are supported by the Virtual School Team to ensure that they have access to a curriculum that is appropriate to their age and ability. Regular PEP meetings detail short term targeted support to enable them to return to mainstream or specialist provision, where appropriate.

All settings have been quality assured by LEBC, by the commissioning school or by staff from the Virtual School Team to ensure they are able to meet the needs of our vulnerable learners. Areas covered in this quality assurance process include safeguarding, health and safety, teaching and learning, admissions guidance and support, learner entitlement and management. Many of these providers are used by other departments in the Local Authority and by schools in the City.

PROVIDER	No of learners accessing provision	Offer
New Leaf Triangle	4	Therapeutic input and core studies
Soft Touch	1	Music intervention and art work
Brolay Farm	2	Therapeutic intervention and interpersonal skills
Black Barn Farm	1	Therapeutic input and core studies
TripleSkillz	1	Physical skills designed to foster positive responses
Corner Post	1	Physical skills designed to foster positive responses
Elite	1	Range of accredited courses offered
Northampton Saints	1	Physical skills designed to foster positive responses
Positive Directions	1	Therapeutic intervention and interpersonal skills
Uneek	1	Range of accredited courses offered
Rushmere Academy	1	Range of accredited courses offered
Soft Touch	1	Arts based interventions to support engagement
Transfm	2	Range of accredited courses offered
Waterfront	1	Skills for Employment course

Leicester City Council Virtual School

Leicester's Virtual School Team is managed by the Virtual School Head, Vivien Tetley. Leicester City's Virtual School is a member of the National Association of Virtual School Heads (NAVSH).

The Virtual Head meets termly with Virtual Heads from the East Midlands region. These meetings give the opportunity to remain abreast of national developments and to be briefed by Ofsted on key messages. They also provide opportunities to share good practice and reflect on both strengths and areas for development. This information is disseminated to the virtual team, schools, carers and social workers as appropriate.

A team manager is responsible for the operational management of the team and we have a Senior Virtual School Officer who is responsible for our response with regards to young people who are previously looked after.

The rest of the team consists of five officers, one mentor, one project officer/mentor, one administration assistant (0.6) and an Information Officer (0.6) and 2.6 tutors. Virtual School officers and tutors work during term time only. VST officers are responsible for ensuring that each child has an up to date and effective Personal Education Plan, as well as providing advice, support and challenge to social workers, carers and schools in order to ensure that each child is making good progress at school. Each officer has a caseload of schools and is expected to develop a positive working relationship with each school in order to support both the school and the CLA children placed there. Each officer is responsible for tracking and monitoring the attendance, progress and attainment of children in the schools they oversee. The officer will also ensure where issues arise with a child's education these are resolved quickly and effectively. The work of the officers is overseen and supervised by the Team Manager.

APPENDIX A:

Monthly Data return Information, 2020/2021

Monthly Key Indicators	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21
Number of LAC of school age	409	397	413	418	407	414	415	416	418	416	375
No. of LAC with concerns regarding school place	107	88	66	76	288	325	204	58	81	87	67
% LAC with concerns regarding school place	26%	22%	16%	18%	71%	78%	50%	14%	19%	21%	18%
No. of LAC with Less than 85% Attendance	75	51	39	44	261	288	170	33	48	60	43
No. of LAC with Less than 85% Attendance/CITY schools	29	23	18	17	136	168	59	19	27	30	12
No. of LAC with Less than 85% Attendance/OOC Schools	46	28	21	27	125	120	111	14	21	30	31
No. of LAC with Less than 90% Attendance	94	69	54	62	277	311	188	43	67	79	60
No. of LAC with Less than 90% Attendance/CITY Schools	40	31	21	23	139	181	65	27	38	38	16
No. of LAC with Less than 90% Attendance/OOC Schools	54	38	33	39	138	131	123	16	29	41	44
No. of LAC with Less than 95% Attendance	137	112	89	93	310	337	224	77	143	125	81
No. of LAC with Less than 95% Attendance/CITY Schools	70	58	38	36	152	188	85	43	83	61	27
No. of LAC with Less than 95% Attendance/OOC Schools	67	54	51	57	158	149	139	34	60	64	54
No. of LAC with Fixed-term Exclusion/Monthly	4	1	5	4	1	1	4	0	9	10	3
No. of LAC with Fixed-term Exclusion/Cumulative	4	5	10	14	15	16	20	20	29	39	42
No. of LAC with less than 25 hours education per week	13	19	12	14	11	14	16	15	14	8	7
% of LAC reported by school via PEP on trajectory to meet target set by school	73%	72%	70%	60%	58%	59%	60%	70%	66%	66%	65%
% school age Children in Care with current Personal Education Plan (Statutory school age only) (VH info)	98%	98%	98%	97%	98%	96%	98%	97%	97%	98%	98%
% of PEPS QA'd as 'on target'	44%	47%	50%	51%	62%	65%	65%	65.00%	71%	77%	77.00%
% of PEPS QA'd as good or outstanding	16%	17%	18%	26%	22%	14%	15%	15.00%	12%	9%	9%
No. of PEPs quality assured by Virtual Head	7	49	31	47	127	205	129	129	134	125	86

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*Elective Home Education
Briefing for Children Young People and
Education Scrutiny Commission*

Date of meeting: 8 March 2022

Date of LMB:24 February 2022

Date of DMT:23 February 2022

Lead director: Sue Welford

Useful information

- Ward(s) affected: All
- Report author: Ellen Collier
- Author contact details: 454 5518 / ellen.collier@leicester.gov.uk
- Report version number plus Code No from Report Tracking Database:

1. Purpose of report

To provide a briefing on Elective Home Education (EHE) with a focus on the regulatory framework, the duties, powers and the approach of the LA to this area of work, and the duty of parents in respect of their children's right to a suitable education. Also, to provide a summary of the key data, the impact of Covid and the management of work including pressures services are under due to gradual increase in the numbers of EHE children over the last decade and the rise in numbers during the pandemic.

2. Summary

- 2.1. The local authority has a responsibility to establish which children in the area are not on roll of a school and are not in receipt of a suitable education otherwise. This report explores how the local authority endeavours to meet this responsibility.

3. Recommendations to Scrutiny

- 3.1. To note the contents of the report

4. Report:

- 3.1. Under S7 Education Act 1996, it is the duty of the parent of every child of compulsory school age to ensure that their child receives an efficient full-time education suitable—
 - (a) to their age, ability and aptitude, and
 - (b) to any special educational needs they may have, either by regular attendance at school or otherwise.
- 3.2. Under the Education (Pupil Registration) (England) Regulations 2006, as amended 8 (1)(d), a child should be removed from a school roll when they have ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
- 3.3. Children who have Education Health Care Plans naming special schools are subject to S8(2) which states that the LA must agree to the removal of the child from the school roll and this requires that the LA is satisfied that the child's needs will be met.

- 3.4. The only other circumstances under which removal of a child from their school roll by a parent can be prevented is where there is a Care Order giving the local authority (LA) parental responsibility (PR), or, where the LA has issued a School Attendance Order.
- 3.5. Under S436A, LAs must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
(a) are not registered pupils at a school, and
(b) are not receiving suitable education otherwise than at a school.
- 3.6. Where it appears to the LA that a child is not receiving a suitable education, if informal enquiries fail to resolve the concerns, the School Attendance Order (SAO) process is followed. Failure of a parent to comply with an Order requiring them to satisfy the LA that the child is receiving a suitable education otherwise and failing to register the child at the school named in the Order is an offence under S443.
- 3.7. The DfE published revised guidance for LAs and a parallel version for parents on EHE in April 2019 (see section 6). This guidance reflects the regulatory framework outlined above. The guidance is, however, not explicit about the evidence a parent should provide.
- 3.8. LAs are required to have a Policy on EHE; the LA's Policy was updated in 2020 and we have a revised January 2022 draft policy awaiting final legal approval. (The revision includes minor amendments which reflect a recent High Court ruling.)

The local authority process for children who are electively home educated is:

- i.) an Education Welfare Officer seeks to have a conversation with the parent about their decision (prior to removal from roll to confirm the reason for their decision; that there isn't an issue that might be resolved causing them to change their minds; ensuring that they are aware of the implications of EHE for example, that no tutor is provided),
 - ii.) the parent is then asked to complete a Plan setting out the arrangements they plan to make for the child's education,
 - iii.) the parent is asked for a Report at approximately the six-month point,
 - iv.) then again at the 12 month point and then
 - v.) annually thereafter. (Section 6 in the January 2022 policy.)
- 3.9. The DfE guidance includes very little detail of what constitutes a suitable education other than referencing case law which means that parents should ensure their children are able to succeed in wider society. The implication of this is that they should be educated in English and mathematics. The guidance is clear that parents do not have to follow the National Curriculum. There should be an element of supervision of the child's education by the parent.

- 3.10. In addition to the regulatory framework and the DfE guidance, there has been a recent Judicial Review resulting in a High Court Judgement in the case of *Christina Goodred - V - Portsmouth City Council and The Secretary Of State For Education*; the High Court confirmed that LAs are entitled to ask parents to provide more than a description of the education being provided to their child. This is also more than just an assertion that their child is receiving a suitable home education.
- 3.11. Our approach has been consistent with the above ruling; in September 2020 the LGO found in our favour when a parent claimed that we had acted outside of the law in asking her for evidence of her children's education. The report is available on the Local Government Ombudsman website at <https://www.lgo.org.uk/decisions/education/alternative-provision/19-014-258>
- 3.12. In common with national trends, there has been a gradual increase in the number of EHE children in Leicester over the last decade: the total number of school age children in the city who were EHE at any point during the academic year 2010/11 was 253, in 2015/16, 640 and in 2020/21, 948.
- 3.13. Prior to the pandemic, the total number of EHE children on 27th Jan 2020 was 536. On the same day in 2022, the total was 638. This represents roughly 1% of the total school age population in the city. The percentage increase between these two dates was not as high in Leicester as many other LAs experienced. Nonetheless, the turbulence is significant with high numbers of children being withdrawn by parents and then returning to school at a later point. The turbulence would most likely have been much higher still if it were not for the supportive, patient, and encouraging approach taken by the majority of the schools in the city who, at the request of the LA delayed challenging parents over their children's absence from school where there was anxiety related to the pandemic.
- 3.14. Additional data on the local picture was provided in the LA's response to the ADCS survey in October 2021, see Appendix 1
- 3.15. The majority of home educating parents undoubtedly provide their children with a suitable education. A small percentage however do not. Our process is designed to identify those children who are not receiving a suitable education, ie children who are missing from education; this is our statutory duty. There are however two key areas of challenge;
- some parents do not accept that the LA has the right to ask them to provide evidence that their children are receiving a suitable education. It sometimes takes time to assure them that we do have that right. Others are reluctant to provide sufficient information for the LA to be assured.
 - the number of children's cases that need to be followed up.
- 3.16. We have a limited resource of 1.5fte staff dedicated to supporting those who are EHE; a teacher trained EHE Adviser and an administrator.

- 3.17. During the pandemic, we were respectful of the position of home educating families – we took a less rigorous approach in asking for evidence from them, given that children on school rolls were not required to attend school for periods of time. Since schools fully reopened in March 2022, significant efforts have been made to follow our processes as closely as possible, in particular, where children have been identified as being vulnerable; we have a levelling system which identifies EHE children as potentially more vulnerable when there have been previous concerns, eg previously or currently open to social care.
- 3.18. In addition, last summer, having followed a digital transformation process, we implemented an electronic (E) system for engaging with parents. Increasing numbers of parents are responding to our E system requests although significant numbers prefer to communicate with us outside of the E system and some are reluctant to engage with us at all.
- 3.19. Data prepared for the ILACS Ofsted inspection demonstrated our approach to cases where the lack of information led us to conclude that the children appeared to be missing from education. In some instances, parents claimed they were home educating their children, but they had refused to share any information with us, or the information did not demonstrate that the children were engaging in learning. The inspectors found that our approach to using School Attendance Orders was appropriate and effective.
- 3.20. The Education Welfare Service continue to work closely with families and schools as children come off school roll. They seek to ensure that families stating that they are home educating have actively chosen that route and undue pressure has not been placed upon them to remove their child from a school roll (known as 'off-rolling').
- 3.21. An important aspect of the Education Welfare Service's work is to understand where children are attending other provision that is not a registered school. Children who are not on the roll of a registered school and who are being home educated will often access some provision with other children for part of a week. When this is more than 18 hours a week this can be considered full time provision and such provision must be registered as a school. If we suspect such provision is operating as an unregistered school, we have to report this to Ofsted who will undertake an inspection and determine whether or not it is operating illegally.
- 3.22. The outcome of a DfE consultation on EHE has recently been published. They plan to legislate for a registration process which requires parents to register their child's EHE status with the local authority by law. In addition, there will be a duty imposed on proprietors of specified settings that are providing a substantial amount of education to EHE children or children missing education within school hours to supply data to the register. There will also be a duty on local authorities to provide such support for families who educate their children at home as local authorities feel is appropriate. This could include, for example, offering advice to home educators, examination support, or support for home education groups. (Funding to LAs, under the New Burdens principles, will be required to enable

support to be provided.) DfE has yet to announce timescales for these legislative changes.

5. Financial, legal and other implications

5.1 Financial implications

5.2 Legal implications

5.3 Climate Change and Carbon Reduction implications

There are no significant climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

5. Background information and other papers:

[LCC Home Education Policy](#) on LCC website.

[DfE Elective Home Education; Guidance for LAs / Parents](#) on .Gov website

7. Summary of appendices:

Appendix 1 – Leicester City Council response the Association of Directors of Children’s Services survey on Elective Home Education

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision please explain reason

In determining whether it is a key decision you will need consider if it is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates.
- to be significant in terms of its effects on communities living or working *in two or more wards in the City*.

Expenditure or savings will be regarded as significant if:

- (a) In the case of additional recurrent revenue expenditure, it is not included in the approved revenue budget, and would cost in excess of £0.5m p.a.;
- (b) In the case of reductions in recurrent revenue expenditure, the provision is not included in the approved revenue budget, and savings of over £0.5m p.a. would be achieved;
- (c) In the case of one off or capital expenditure, spending of over £1m is to be committed on a scheme that has not been specifically authorised by Council.

In deciding whether a decision is significant you need to take into account:

- Whether the decision may incur a significant social, economic or environmental risk.
- The likely extent of the impact of the decision both within and outside of the City.
- The extent to which the decision is likely to result in substantial public interest
- The existence of significant communities of interest that cannot be defined spatially.

Appendix 1

ADCS Electively Home Educated survey 2021

The numbers of children and young people who are electively home educated are not routinely captured via a national data return.

Since 2016, ADCS has issued a survey to all LAs to understand more about this cohort of children, the support on offer to them and their families and how services are arranged. This year’s survey has a greater focus on the impact of Covid-19 during the 2020/21 academic year and the number of children and young people electively home educating.

In 2019 the DfE consulted on a register of all children and young people who are not educated in school and a duty on LAs to provide support to all EHE families who request it. We are still awaiting the outcome of that consultation, but the information gathered by this survey will help inform our ongoing conversations with the DfE. It is therefore vital that we receive as high a response rate as possible so please do complete as much of the survey as you can. The deadline for responses is Friday 12 November.

Please complete this survey using school census day (Thursday 7 October 2021) data.

Section1: Data

1. On 7 October 2021, how many children and young people were you aware of being electively home educated in your local area?

624

2. As of 7 October 2021, what percentage of your statutory school aged (5 – 16) population are electively home educated?

0.5% - 1.0%

3. How many formal notifications for elective home education were made between 1 September 2020 and 31 August 2021

397

4. How many notifications were made from mainstream schools?

266

5. How many notifications were made from special schools?

1

6. Please rank, in order from highest to lowest, the Key Stage groups with the highest number of notifications for EHE between 1 September 2020 and 31 August 2021.

1. Key Stage 1 - 57

2. Key Stage 4 – 81

3. Key Stage 2 - 116

4. Key stage 3 - 121

7. During 2020/21 academic year, how many local children were known to be electively home educated at any point across the academic year (the cumulative total)?

948

8. Please provide any further comments regarding emerging trends you are seeing, including any potential trends during the beginning of the 2021/22 academic year.

Significant numbers of new EHE cases were from independent schools (same in previous year). Many children have returned to school.

Section 2: Cohort

9. Please indicate the top 3 reasons given by parents/carers for choosing to electively home educate, as captured on 7 October 2021

Health/emotional health

Health concerns relating specifically to Covid-19

Philosophical or lifestyle choice

10. What percentage of the total number of children who are electively home educated have an education, health and care plan (EHCP) as captured on 7 October 2021?

0-5%

Section 3: Support for EHE families

11. Has your offer of support for children and families who are electively home educating changed as a result of the pandemic? If yes, please choose the most relevant option(s) below.

Telephone calls

12. Please provide any further comments you may have in relation to Question 11.

Due to pandemic and due to the number of cases, we moved to EWO contact being via telephone as first action. Then doorstep home visit if unable to contact. (Then referral to EHE Adviser as usual.

13. How many schools/education settings in your LA offer to host external candidates for exams?

0

14. How many other settings in your LA host external candidates for exams e.g. exam centres?

0

15. Is current national guidance for LAs on elective home education clear? If no, please provide comments. If yes, please leave blank.

It is clear that the guidance is not prescriptive about what constitutes a suitable education otherwise. What does assist is case law.

Section 4: Vulnerable children

16. Where an EHE child is identified as not receiving a suitable education, does your authority record this as a child missing education (CME)? If yes, how many were recorded as a CME? If no, please indicate this in your answer.

36

17. What percentage of your total elective home educating cohort are known (current) to children's social care e.g. are a child in need

0-5%

18. What percentage of your total elective home educating cohort are known (historic) to children's social care e.g. are a child in need

6-10%

19. Beyond children's social care, what percentage of electively home educating children are known (current) to wider children's services e.g. early help?

11-15%

20. Beyond children's social care, what percentage of electively home educating children are known (historic) to wider children's services e.g. early help?

11-15%

21. Are you aware of children who are electively home educated in your area attending unregistered or illegal schools? If 'yes', please indicate how many and provide any further comments.

We brought one provider to the attention of Ofsted and have worked closely with them. Latest position is that this is not an illegal provider (they reduced the hours of tuition)

Section 5: Arrangements of local services

22. What was the budget on co-ordinating and/or providing home education in the last full academic year (2020/21)?

£62,000

23. What was the actual spend on co-ordinating and/or providing home education in the last full academic year (2020/21)?

£65,000

24. How many FTE staff work in this area, co-ordinating and/or supporting home educating families?

1.5FTE

25. If the government introduced a statutory duty on LAs to provide support to EHE families, including an annual visit, how many additional FTE members of staff would you need?

3FTE

26. Please use this space to leave any additional comments you have on the national policy context or specific issues and trends in your locality, particularly in relation to the impact of Covid-19 on this area of work. Please also use this space to share details of local policies or practices you think might be of interest to others.

There were exam centres prior to the pandemic linked to independent schools but we understand that this is no longer available for EHE families.

Children, Young People and Education (CYPE) Scrutiny Commission

WORK PROGRAMME 2021 - 22

Meeting Date	Meeting Items	Actions Arising	Progress
22 June 2021	<ol style="list-style-type: none"> 1) Review of the Scope of the Commission 2) The Underachievement of 'Black Caribbean' and 'White British Working-Class' Pupils of Secondary School Age in Leicester 3) Provision of Taxi Framework for Vulnerable People 4) Review of High Needs Block – SEN Support for Pupils in Mainstream 	<ol style="list-style-type: none"> 1) Separate training sessions being arranged for Commission Members 2) Update from Working Group in Oct. 3) Further update on transport policy expected when developed/ 4) Updates to be given following the consultation 	<p>Training sessions have been organised as of 8th Sept 21.</p> <p>SEN Support updates expected in Oct 21 and Jan 22.</p>
2 September 2021	<ol style="list-style-type: none"> 1) Ofsted Reports 2) Social Care and Leadership Report on Mainstream school Funding for SEN 3) National Review of Children's Social Care 4) Update on Improvement Progress (Annual engagement meeting) 5) Joint Special Education Needs and Disabilities Commissioning Strategy 6) Update on SEND local area re-visit 7) Verbal update on COVID19 and vaccinations in Leicester Schools 	<p>Item 1 is a report following the verbal update in June.</p> <p>Remaining items were deferred from the June 2021 meeting due to time constraints.</p>	
19 October 2021	<ol style="list-style-type: none"> 1) COVID19 update and vaccinations in Leicester Schools 2) Report on government school support programme (including latest 'catch up funding') 	<p>Item 1 was requested as a standing item by Chair, with an invitation to be extended to partners from the CCGs to attend.</p>	

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Appendix G

Meeting Date	Meeting Items	Actions Arising	Progress
	3) High Needs Block Consultation Update 4) SEND and Education 3-Year Strategies 5) Verbal Update on Mental Health and Well-being Offer in Schools 6) Leicester City Children's Rights and Participation Service 2020/21 Annual Report 7) OFSTED Inspections Update – verbal		
Tuesday 7th December 2021	1) Verbal Update on the outcome of the OFSTED inspection 2) COVID19 update and vaccinations in Leicester Schools 3) Update from Working Group on The Underachievement of 'Black Caribbean' and 'White British Working-Class' Pupils of Secondary School Age in Leicester 4) Dyslexia Support in Schools 5) Autism and ADHD Support in Schools	Item 2 is a standing item.	
Tuesday 18th January 2022	1) COVID19 update and vaccinations in Leicester Schools 2) Report on Multisystemic Therapy-Child Abuse and Neglect (MST-CAN) & Functional Family Therapy (FFT) intervention programmes 3) High Needs Block Element 3 decisions 4) Special School banding moderation process 5) LAC placements – policy and placement costs 6) Draft General Fund 2022/23 Revenue Budget & Draft Capital Programme	Item 4 was mentioned at OSC. Item 5 was deferred from the previous meeting.	

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Meeting Date	Meeting Items	Actions Arising	Progress
Tuesday 8th March 2022	<ol style="list-style-type: none"> 1) COVID19 update and vaccinations in Leicester Schools 2) Report on Home Schooling in the City 3) LADO Annual Report 4) Outcome of SEND Home to School Transport Policy Consultation (Clare Nagle and Prashant Patel) 5) Mainstream school funding for SEND 6) Virtual Schools head teacher annual report 	Item 2 was requested in the previous meeting, with focus on; suitability and adequacy of home schooling, partnership work to keep track of children being home schooled (educational welfare)	

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Draft Forward Plan / Suggested Items for 2021/22

Topic	Details / Progress	Proposed Date
Performance Reporting and data monitoring, including Quarterly and Qualitative Reports	The commission to receive regular 'Quarterly Quality Assurance & Performance' Reports - (<i>'Performance Book' and 'Dashboard' is sent to members as background information</i>). <i>Note:</i> a request for the sharing of LADO reports to resume, was given in the Oct 2021 meeting by outside representatives.	STANDING ITEM
COVID19 Update and Vaccinations in Schools	This was requested as a standing item by Chair following the Oct 2021 meeting.	STANDING ITEM
Safeguarding Partnership Annual report	To receive a report for members consideration.	tbc
Participation Annual Report	Success of the Lundy model of child participation / engagement to be included in this. Mentioned in the June Scrutiny meeting as an item of consideration. Confirmed in September that this can be included in the participation report.	tbc
School Attendance Annual Report (incorporating update on Children Missing Education and Elective Home Education)	To receive a report on progress for members consideration	tbc
Report on Multisystemic Therapy-Child Abuse and Neglect (MST-CAN) & Functional Family Therapy (FFT) intervention programmes (Annual Report)	To receive a report on progress for members consideration	Oct 2021
Virtual school head teacher	A report on the impact of COVID on the service and its users (deferred from February 2021 meeting).	tbc
SCE Social Work Progression Framework	A report on the impact of COVID on the service and its users (deferred from February 2021 meeting).	tbc
Adventure playgrounds	Item carried over from the previous work programme.	tbc
CMS Management Information - system procurement for the service area	Mentioned in the June Scrutiny meeting as an item of consideration.	tbc
Connexions funding for NEETS	Mentioned in the June Scrutiny meeting as an item of consideration.	

Topic	Details / Progress	Proposed Date
Commissioning of contracts for racial literacy education in schools	Mentioned in the June Scrutiny meeting as an item of consideration; an action from the underachievement review.	
SEND and Education 3-Year Strategies		Oct 21
SEND Joint Commissioning Strategy	Completed in Sept 21 and progress update expected in 3-6 months.	Sept 21
HNB Element 3 consultation		Oct 21
HNB Element 3 decisions		Mar 22
Special School banding moderation process		Mar 22
OFSTED engagement	Commission aware of potential updates that may be given during this municipal year.	TBC
How schools have coped with national exams and pressures	further detail at a future meeting, once data relating to the pattern of grades is collated in February 2022 (requested by Cllr Cole in June's Agenda Meeting)	After March 2022
Update from Working Group on The Underachievement of 'Black Caribbean' and 'White British Working-Class' Pupils of Secondary School Age in Leicester	Update requested at June 2021 meeting	Dec 21
School Nursing Provision	Joint Item with Health and Well-being Scrutiny Commission	tbc
Local Plan		2022

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