

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

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		<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	<p>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.</p>	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

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		<p>stakeholders, the training will cover the new application forms, digital transformation and the accountability process.</p> <p>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.</p>	
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. <p>After which you will need to manage these from within your overall school budget.</p>	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?	<p>Band 1 – 15 hours Band 2 – 25 hours Band 3 – 32.5 hours</p> <p>Based on Local Government pay-scale bottom of scale for Level 2 TAs.</p>	Finance
11.	Can we have a have a recalculation of losses and gains?	<p>The list provided is at a set point in time and will change daily.</p> <p>The funding calculator that has been provided by the LA will enable schools to forecast and therefore plan their budgets.</p>	Finance
12.	Wanted to know how we compared to other LAs and what they did.	Details of other LAs is in Appendix 6.	Finance

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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

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		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

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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

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	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

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		<ul style="list-style-type: none"> • Share best practice – show case studies. • Funding may not be provided on reapplication unless outcomes improve. Moneys may be clawed back.	
46.	How are we measuring positive outcomes?	Outcomes are measured at the end of the year: <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 Tracking the progress of individuals.	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?	Reapplication will pull in information from previous application form. Reapplication will be quicker.	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

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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

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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 continue 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

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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

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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