

Response ID ANON-G377-XXGY-R

Submitted to **Funding for SEND and those who need AP: Call for evidence**
Submitted on **2019-07-30 15:37:30**

Introduction

A Name

First name:

Ian

Last name:

Noon

B What is your email address?

Email:

ian.noon@ndcs.org.uk

C Response type

Are you responding as an individual or as part of an organisation?:

Part of an organisation

What is your role?:

Other

What is the name of your organisation?:

National Deaf Children's Society

What type of organisation is this?:

Charity

D Which local authority are you responding from?

Local Authority:

Not Applicable

E Are you happy to be contacted directly about your response?

Yes

Confidentiality

F Do you wish for your response to remain confidential?

No

If you wish for your response to remain confidential, please tell us why.:

Funding for pupils with SEN in mainstream schools

1 What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important.

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - Age-weighted pupil unit of funding:

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - Low prior attainment†:

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - IDACI†† – a measure of area deprivation:

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - Eligibility for free school meals – a measure of deprivation relating to individual children:

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - Mobility – additional funding for schools that have a high proportion of pupils who start at a school mid-year:

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - Standard lump sum – intended to reflect fixed costs of a school, however many pupils and teachers are required:

What formula factors are most important in providing schools with enough money to ensure they meet the needs of their pupils with SEN? Please rank the following factors in order of importance with 1 as the most important. - Other (please add below any other factors you think are important for ensuring that schools get an annual budget that enables them to provide appropriate SEN support):

1

Further comments:

1 – Number of disabled children. For deaf children, this can be taken from existing local authority data sets. It should not be taken from the School Census as this is known to under-estimate the number of deaf children.

Funding for SEN through the schools funding formula

2 Would allocating more funding towards lower attainers within the low prior attainment factor help to better target funding towards the schools that have to make more SEN provision for their pupils?

No

3 What positive distributional impact would this change in approach (e.g. creating tiers of low prior attainment) create for mainstream primary and secondary schools?

Comments:

We do not believe it would have a positive impact for deaf children, or for other children with low incidence needs.

4 Would such a change in approach introduce any negative impact for mainstream primary and secondary schools?

Comments:

Low attainment as a proxy indicator – nor any of the other proxy indicators shown in question 1 – are not good indicators of the prevalence of deafness as a low incidence need. As such, they create a risk that deaf children will not receive the support they need.

A focus on low attainment also goes against key principles within the Equality Act 2010, in particular the need to take proactive steps to remove disadvantage and promote equality. It should be remembered that deafness is not in itself a learning disability. There is no reason why, providing they receive high-quality ongoing support following diagnosis, that deaf children should not do as well as other children. Directing funding towards low attainment risks a situation where deaf and other disabled children only receive support once they fall behind.

A focus on these proxy indicators also fails to take account of the uneven distribution of deaf children in education. As a low incidence need, there is no formula that will accurately predict the prevalence of deaf children in particular schools. In addition:

- Some schools or areas may have a higher incidence of deaf pupils because they have developed a reputation for providing effective support
- The presence of specialist provision in some areas may attract families to those areas.

In addition, in some areas, deaf children may need additional support because of decisions made by health services and the quality of such services. For example:

- A clinical commissioning group does not invest in speech and language therapy
- An audiology service fails to diagnose hearing loss accurately or fit hearing aids properly
- Where children are born deaf or experience temporary hearing loss, there are delays in referring to audiology clinics for a diagnosis.

We believe that funding should follow the child. As deafness is a medical condition which can be objectively diagnosed, we believe that funding should be driven by numbers of deaf children living in a given area. The Children and Families Act already requires local authorities to identify children with a disability in their area. This data is already being collected by local authorities to, for example, input into surveys such as the Consortium for Research into Deaf Education (CRIDE) – see www.ndcs.org.uk/cride.

Targeted funding and support for SEN provision in schools

5 Please indicate whether you agree or disagree with the statements below, and in the comments box give the advantages and disadvantages of your preferred approach.

Please indicate whether you agree or disagree with the statements below, and in the comments box give the advantages and disadvantages of your preferred approach. - Local authorities should retain the flexibility to develop, in consultation with their schools, their own method of targeting extra SEN funding to schools that need it.:

Agree

Please indicate whether you agree or disagree with the statements below, and in the comments box give the advantages and disadvantages of your preferred approach. - Central government should provide more guidance for local authorities on how they should target extra SEN funding to schools, but local authorities should remain responsible for determining the amounts in consultation with their schools.:

Neither agree nor disagree

Please indicate whether you agree or disagree with the statements below, and in the comments box give the advantages and disadvantages of your preferred approach. - Central government should prescribe a consistent national approach to the targeting of additional funding to schools that have a higher proportion of pupils with SEN and/or those with more complex needs.:

Disagree

Comments:

We prefer a fourth option - establishing a national agency to manage the high needs budget for all children with low incidence needs. This agency could perform a similar role that the YPLA once performed for the post-16 high needs budget. It could also work in a similar way to national specialist commissioning in the NHS.

The benefits of creating a new national agency would include:

- Protecting funding for local authority specialist education services for deaf children against wider pressures in the high needs block, allowing these services to continue to do their vital early intervention work.
- Allowing for more effective commissioning at a national level of specialist provision, particularly important for children with low incidence needs
- Achieving economies of scale and deliver savings that can be reinvested into raising outcomes for deaf children
- Facilitating greater coordination with health and social care
- Ensuring a more consistent approach on the management of eligibility criteria, thresholds and levels of support
- Ensuring greater consistency in the quality of support provided by existing local authority specialist education services for deaf children
- Giving specialist education settings a single point of contact, taking away the need to negotiate with individual local authorities

At the very minimum, we believe the Department should do more to promote regional or cross-border commissioning of support for children with low incidence needs. The benefits of this has already been identified through research by ISOS, funded by the Department (Research on funding for young people with special educational needs, 2015). The Department has also funded the National Sensory Impairment Partnership to explore how this could be done. However, we do not believe that there will a shift in greater regional or cross-border commissioning of services until the Department does more to directly support and incentivise local authorities to work together in this way.

Of the three options shown in question 5, our preference is towards the first, as this gives maximum flexibility to local authorities. This flexibility is important if SEND funding is to, as much as possible, 'follow' the child.

The third approach implies a reliance on a centrally dictated formula. As set out earlier, there is no formula that would allow the government to target funding for support for deaf children and other low incidence needs. In addition, by moving funding away from local authorities and 'targeting' it at schools, it would risk undermining the viability of local authority specialist education services for deaf children.

We also believe that local authorities are in a better position to take account of the relevant factors that may impact on the level of funding required to support children with low incidence needs. This includes any specialist provision in the area and relationships with health and social care services for deaf children. Local authorities will also be better placed to pool budgets with other local authorities to ensure more effective cross-border working.

A central government approach which relies on historical data and formula also risks undermining the key basic principle that SEND funding should follow the child. Thus, for example, if there are shifts in the balance towards requiring specialist provision in an area, there needs to be a transfer of funding from the schools block to the high needs block (and vice versa). There needs to be some very careful thinking about the risk of perverse incentives in any centrally driven approach.

The national funding formula and the ring-fencing of the schools block is an example of a central approach that, in our view, has not worked well for the benefit of deaf children. 50 local authorities have had to seek permission from the Department for Education over the past 2 years to move funding from the schools block to the high needs block. We are aware of at least one example, Central Bedfordshire, where a failure by the Department for Education to allow this flexibility has now led to a situation where (according to School Forum minutes) the local authority may be forced to make cuts to support for deaf children.

More generally, we believe that a central approach has the potential to introduce perverse incentives for schools to, in the face of other pressures, try and 'shift' responsibility for meeting the needs of children with SEND to other schools or the local authority. The inflationary pressures that this can introduce is now well-recognised. For example, the ring-fencing of the schools block does not take into account high levels of exclusion or 'off-rolling' of children by schools or a trend to children being placed in specialist provision. In both cases, the local authority is not provided with any additional funding, unless agreed with the Schools Forum or special dispensation is granted by the Department for Education.

Notional SEN Budget

6 Is it helpful for local authorities to continue to calculate a notional SEN budget for each school, and for this information to be published, as now?

Somewhat helpful

7 For those responding from a school, who in your school(s) is involved in decisions about spending from the school's notional SEN budget?

Other (please comment):

8 Should the national funding formula for schools include a notional SEN budget, or a way of calculating how much of each school's funding is intended to meet the costs of special provision for pupils with SEN?

Not Sure

Do you have any further comments on the notional SEN budget?:

We do not believe that the concept of a notional SEN budget is particularly helpful unless the Department does more to provide guidance to schools on what support it expects them to provide with this funding or without introducing stronger accountability. For example, whilst schools are already expected to report on support for children with SEN through School Information Reports, there is little evidence that this is actively monitored and assessed by local authorities, regional schools commissioners or Ofsted.

The £6,000 threshold

9 Please indicate whether or not you agree with the following statements.

Please indicate whether or not you agree with the following statements. - The level of the threshold makes little or no difference to the system for making special provision: it is the level of funding available to schools and local authorities that is crucial.:

Agree

Please indicate whether or not you agree with the following statements. - The £6,000 threshold should be lower, so that schools do not have to make as much provision for pupils with SEN from their annual budgets, before they access top-up funding from the local authority.†:

Not Sure

Please indicate whether or not you agree with the following statements. - The £6,000 threshold should be higher, so that schools have to make more provision for pupils with SEN from their annual budgets, before they access top-up funding from the local authority.††:

Disagree

Please indicate whether or not you agree with the following statements. - The operation of the £6,000 threshold should take account of particular circumstances.:

Agree

10 If you have agreed with the final statement in question 9, please indicate below which circumstances you think would be relevant for a modified threshold or different funding arrangement.

If you have agreed that the £6,000 threshold should be modified so that particular circumstances are taken into account., please indicate below which circumstances you think would be relevant for a modified threshold or different funding arrangement. - Schools that are relatively small.:

Not sure

If you have agreed that the £6,000 threshold should be modified so that particular circumstances are taken into account., please indicate below which circumstances you think would be relevant for a modified threshold or different funding arrangement. - Schools that have a disproportionate number of pupils with high needs† or EHC plans.:

Yes

If you have agreed that the £6,000 threshold should be modified so that particular circumstances are taken into account., please indicate below which circumstances you think would be relevant for a modified threshold or different funding arrangement. - When pupils with EHC plans are admitted to a school during the year, which may create unintended consequences.††:

Yes

If you have agreed that the £6,000 threshold should be modified so that particular circumstances are taken into account., please indicate below which circumstances you think would be relevant for a modified threshold or different funding arrangement. - Other (please specify below):

Yes

Comments:

We believe that the low incidence of some types of SEND should also be considered as a factor. Specifically, it is essential that any changes to SEND funding do not undermine specialist education services for deaf children. These are typically funded by local authorities through the high needs budget, employing teams of qualified Teachers of the Deaf.

Specialist education services for deaf children are at the forefront of early intervention for deaf children. They:

- Provide advice to families in the early years on language and communication, helping to ensure that there is a high-quality home learning environment for deaf children. More than 90% of deaf children are born to hearing families who have no prior experience of deafness. In addition, half of deaf children are born deaf and hence are identified in the first few weeks of life through the newborn hearing screening programme.
- Provide advice to mainstream education professionals. As deafness is a low incidence need, such professionals will only occasionally be required to teach or support a deaf child. They are unlikely to retain any knowledge they may have acquired during initial teacher training. They are also unlikely to have the same level of specialist in-depth knowledge of deafness that can be provided through specialist education services for deaf children.
- Promote joint working between education, health and social care. For example, specialist education services for deaf children work with audiology clinics to ensure that the hearing technology is working effectively in classroom settings.

The importance of these services has previously been recognised by the Department for Education and Ofsted. More recently, we note that where Ofsted refers to local authority specialist education services in its local area SEND inspections, in the majority of cases, these are highlighted as a relative strength in the area.

A shift toward funding away from local authorities to schools would put these services under threat, unless there was specific consideration of how this would be funded separately (such as a separate funding stream for these services). This is because delegated SEND funding is spread too thinly for schools to be able to purchase specialist support for children with low incidence needs. As noted by Ofsted in Inclusion: The impact of LEA support and outreach services (2005), delegation of funding for small services can result in a waste of funding as:

"the schools received too little money to buy sufficient support when they needed it. Others received funding even though they might not have any pupils who required support. The funding, though sufficient to run a small central service, when divided between many schools was inadequate to ensure pupils with the most complex needs had access to sufficient specialist advice."

Provision for pupils with SEN in mainstream schools

11 If you are responding on behalf of a school, do you have a clear understanding about what provision is "ordinarily available" to meet pupils' special educational needs in your school?

Not Answered

Comments:

12 How is this determined?

Not Answered

13 How is this offer communicated to parents?

If the offer is publicly available, please provide a web link.:

14 Does your local authority make it clear when a child or young person requires an education, health and care (EHC) plan?

Not Answered

15 How is this articulated?

If this is publicly available, please provide a web link.:

Funding for pupils who need alternative provision (AP) or are at risk of exclusion from school

16 Please indicate your agreement or disagreement with the following statements.

Please indicate your agreement or disagreement with the following statements. - The current funding arrangements help schools, local authorities and AP to work together and to intervene early where such action may avoid the need for permanent exclusion later:

Please indicate your agreement or disagreement with the following statements. - The current AP funding arrangements help schools and AP to reintegrate children from AP back into mainstream schooling where this is appropriate:

17 How could we encourage more collaboration between local authorities, schools and providers to plan and fund local AP and early intervention support?

Comments:

18 What changes could be made to improve the way that the AP budget is spent, to better enable local authorities, schools and providers to use the local AP budget to provide high quality AP, intervene early to support children at risk of exclusion from school, or reintegrate pupils in AP back into mainstream where appropriate?

Comments:

19 Please use the box below to share any examples of existing good practice where local authorities, schools and AP settings have worked together effectively to use the AP budget to provide high quality AP, intervene early to support children at risk of exclusion from school, or reintegrate pupils in AP back into mainstream where appropriate.

Comments:

Funding for students with SEN in further education

20 Are there aspects of the operation of the funding system that prevent young people from accessing the support they need to prepare them for adult life?

Yes

Comments:

The current post-16 funding system does not work well for deaf young people.

Currently, SEND funding for mainstream post-16 providers is provided where a young person has been commissioned a place using high needs funding. In practice, this means that, in many areas, colleges will only receive funding for young people if they have an Education, Health and Care (EHC) plan. Government figures suggest that more than 85% of deaf young people do not have an EHC plan. If SEND funding is, in practice, restricted to those with an EHC plan, this means that a large number of deaf young people are less likely to get the support they need to access the curriculum, such as a radio aid to help with additional amplification or note takers.

Research by the University of Manchester, published in 2015, already indicated concerns in this area. For example, it found that one quarter of deaf young people did not gain any qualification whilst in further education. In addition, deaf young people were twice as likely to drop out as their peers.

In addition, some of our casework has suggested that 19 to 25 year olds can face difficulties in obtaining the support they need in further education without EHC plans. Deafness is not a cognitive disability which means that deaf young people, given enough time, can achieve Level 3 qualifications. Because the majority of deaf young people do not achieve Level 3 qualifications by the age of 19, there is a need to ensure post-19 funding works well for them.

We disagree with the Department's statement in paragraph 5.9 of the call for evidence that most young people will complete their education at 19, and do not believe this is supported by the Department's own data on the number of young people aged 19 to 25 with EHC plans.

Whilst colleges receive 'disadvantage' funding which can be used to meet the needs of disabled young people without an EHC plan, it is not restricted to this purpose and nor do we believe it is set at a sufficient level.

21 Notwithstanding your views about the sufficiency of funding, please describe any other aspects of the financial and funding arrangements that you think could be amended to improve the delivery of provision for young people with SEN.**Comments:**

As set out earlier, we believe there is a need to establish a national agency to manage the high needs budget for all children and young people with low incidence needs. This agency could perform a similar role that the YPLA once performed for the post-16 high needs budget.

The benefits of creating a new national agency would include:

- Protecting funding for local authority specialist education services for deaf children against wider pressures in the high needs block, allowing these services to continue to do their vital early intervention work.
- Allowing for more effective commissioning of specialist provision and support at a national level, which is particularly important for young people with low incidence needs. In relation to support for deaf young people aged 16 to 25, this would include support to access apprenticeships, traineeships and supported internships.
- Achieving economies of scale and deliver savings that can be reinvested into raising outcomes for deaf young people
- Facilitating greater coordination with health and social care
- Ensuring a more consistent approach on the management of eligibility criteria, thresholds and levels of support
- Ensuring greater consistency in the quality of support provided by existing local authority specialist education services for deaf children and young people
- Giving colleges and other post-16 education settings a single point of contact, taking away the need to negotiate with individual local authorities

At the very minimum, we believe the Department should do more to promote regional or cross-border commissioning of support for children and young people with low incidence needs. The benefits of this has already been identified through research by ISOS, funded by the Department (Research on funding for young people with special educational needs, 2015). The Department has also funded the National Sensory Impairment Partnership to explore how this could be done. However, we do not believe that there will be a shift in greater regional or cross-border commissioning of service until the Department does more to directly support and incentivise local authorities to work together in this way.

There is also need to fundamentally review how post-16 SEND funding works, to ensure that any deaf young person, regardless of whether they have an EHC plan, have the funding they need to complete their education.

22 If you are able to provide any examples where local authorities and colleges have worked together effectively to plan provision to meet the needs for SEN support and high needs, please describe these below.**Comments:****Improving early intervention at each age and stage to prepare young people for adulthood sooner****23 Are the current funding or financial arrangements making early intervention and prevention more difficult to deliver, causing costs to escalate?**

Yes

Comments:

The national funding formula and the ring-fencing of the schools block is reducing the funding available to local authorities for specialist education services for deaf children. As noted earlier, 50 local authorities have had to seek permission from the Department for Education over the past 2 years to move funding from the schools block to the high needs block. Permission was not granted in all cases and we are aware of at least one case, Central Bedfordshire, where a failure by the Department for Education to allow flexibility has now led to a situation where (according to School Forum minutes) the local authority may be forced to make cuts to support for deaf children.

We also believe that any baseline budgets for the high needs block should be 'reset' to reflect any decisions made in previous years by the Schools Forum and/or the Secretary of State. It seems unlikely that any funding pressures that first compelled a local authority to seek flexibility will have disappeared by the following year.

Given that the role of specialist education services is to provide support to deaf children aged 0 to 25, reduced funding for these services risks making it harder for services to support families in the early years. This will reduce the likelihood that there will be an effective home learning environment for deaf children and that deaf children will start primary school with age-appropriate language.

Reduced funding also risks reducing the support that specialist education services can provide to mainstream education professionals. This will reduce the likelihood that mainstream schools can effectively support deaf children, hence leading to reduced outcomes. As a consequence, there may be greater demand for specialist provision.

The focus on school funding can sometimes overshadow the basic fact that mainstream schools are not always well-equipped to provide support to deaf children unless they are able to turn to specialist advice and support from services. As deafness is a low incidence need, most mainstream schools will only occasionally come across a deaf child. They are unlikely to have the knowledge of how to support a deaf child or, importantly, what specialist support to commission.

24 If you can you provide examples of invest-to-save approaches with evidence that they can provide value for money by reducing the costs of SEN support, SEN provision or other support costs (e.g. health or social care) later, please describe these below.

Comments:

As set out earlier, we believe that specialist education services for deaf children are at the forefront of early intervention. They:

- Provide advice to families in the early years on language and communication, helping to ensure that there is a high-quality home learning environment for deaf children. This helps ensure deaf children start primary school with age-appropriate language and communication.
- Provide advice to mainstream education professionals. As deafness is a low incidence need, such professionals will only occasionally be required to teach or support a deaf child. They are unlikely to retain any knowledge they may have acquired during initial teacher training. They are also unlikely to have the same level of specialist in-depth knowledge of deafness that can be provided through specialist education services for deaf children.
- Promote joint working between education, health and social care. For example, specialist education services for deaf children work with audiology clinics to ensure that the hearing technology is working effectively in classroom settings.

In recent years, there has been a trend towards fewer deaf children attending special schools or having a statement or an EHC plan. We believe that this can be attributed in part to the investment that local authorities have made in specialist education services.

For example, by investing in these services, Norfolk has reduced its out of authority placements for children with sensory impairments from 20 in 1998 to 1 in 2015. Also, by providing ongoing advice, support and training, Norfolk has been able to improve their offer to deaf children and young people attending local mainstream schools. Norfolk has also established an innovative 'virtual school' which enables it to track and identify where deaf children may be falling behind or require additional support.

The removal, reduction or neglect of these services is likely to reverse this trend and lead to increase demand for EHC plans and/or special school placements for deaf children.

25 If you think there are particular transition points at which it would be more effective to access resources, please indicate below those you believe would be most effective to focus on.

The transition from early years provision to reception class in primary school, The transition from Year 6 in primary school to Year 7 in secondary school, The transition from secondary school to further or other tertiary education

Please indicate below any other transition points that you think we should look at.:

Although it is not so much a transition point, we believe there should be a focus on early intervention in the early years and the home learning environment.

Many deaf children are identified as deaf through the newborn hearing screening programme. This means that local authority specialist education services have an important role to play in providing advice to families in the early years on language and communication, helping to ensure that there is a high-quality home learning environment for pre-school deaf children. This helps ensure deaf children start primary school with age-appropriate language and communication.

There is a risk that a focus on school funding detracts attention from the need to ensure that there is sufficient funding within the high needs block for local authorities to be able to deliver these key early intervention services.

Separately, it is also important to ensure there is effective support in place for deaf young people moving from tertiary education into employment. This is an area which often appears to be overlooked, even though it is an area in which many deaf young people require advice and support.

Effective partnership working to support children and young people with complex needs

26 Please describe as briefly as possible below changes that you think could be made to the funding system nationally and/or locally that would foster more effective collaborative approaches and partnership arrangements.

Comments:

We believe that serious consideration should be given to establishing a national agency to manage the high needs budget for all children with low incidence needs. This agency could perform a similar role that the YPLA once performed for the post-16 high needs budget. It could also work in a similar way to national

specialist commissioning in the NHS.

The benefits of creating a new national agency would include:

- Protecting funding for local authority specialist education services for deaf children against wider pressures in the high needs block, allowing these services to continue to do their vital early intervention work.
- Allowing for more effective commissioning of specialist provision at a national level, particularly important for children with low incidence needs
- Achieving economies of scale and deliver savings that can be reinvested into raising outcomes for deaf children
- Allowing for greater coordination with health and social care
- Ensuring a more consistent approach on the management of eligibility criteria, thresholds and levels of support
- Ensuring greater consistency in the quality of support provided by existing local authority specialist education services for deaf children
- Giving education settings a single point of contact, taking away the need to negotiate with individual local authorities.

At the very minimum, we believe there needs to be a review of how easy/difficult it is for local authorities to pool funding to allow for cross-border or regional commissioning of specialist education services for deaf children. As already mentioned, given that deafness is a low incidence disability, we feel it would be more effective for smaller services to work together to meet the diverse needs of deaf children in their area. As well as leading to economies of scale and more effective commissioning of special school placements, it would also lead to better continuity of support in areas (such as London) where deaf children are more likely to be educated outside of their home authority.

We understand that there are just nine consortia delivering education support services for deaf children in England – the largest being Berkshire.

The benefits of regional commissioning has already been identified through research by ISOS, funded by the Department (Research on funding for young people with special educational needs, 2015). The Department has also funded the National Sensory Impairment Partnership to explore how this could be done.

In addition, paragraph 3.68 of the SEND Code of Practice states that “partners should consider strategic planning and commissioning of services or placements for children and young people with high levels of need across groups of authorities, or at a regional level”. Operational guidance for the high needs budget also extols the benefits of regional commissioning. However, since these documents were published, there has been no noticeable increase in the extent to which services and provision for deaf children are regionally commissioned. Indeed, some existing examples of regional consortia appear to be increasingly under threat due to cuts and service reviews.

This suggests to us that the Department for Education should do more to directly broker and incentivise local authorities to work together in this way. As well as addressing issues around funding, we also feel that the Department should create a new legal duty on local authorities to regionally commission services and provision for children with low incidence needs.

Other aspects of the funding and financial arrangements

27 Are there any aspects of the funding and financial arrangements, not covered in your previous responses, that are creating perverse incentives?

Comments:

As set out earlier, we believe that the national funding formula and the ring-fencing of the schools budget is reducing the flexibility available to local authorities to move funding to ‘follow’ the child. We would like to see this ring-fence removed. At the very minimum, we believe there needs to be a review of how Schools Forums work. As they now need to be consulted on any proposals to move funding from the schools block to the high needs block, we believe there is a need to look at the adequacy of any representation for low incidence SEND (in particular, sensory impairment) in these forums and how they can become more accountable and transparent.

We also believe that any baseline budgets for the high needs block should be ‘reset’ to reflect any decisions made in previous years by the Schools Forum and/or the Secretary of State. It seems unlikely that any funding pressures that first compelled a local authority to seek flexibility will have disappeared by the following year.

28 What aspects of the funding and financial arrangements are helping the right decisions to be made, both in securing good provision for children and young people with additional needs, and in providing good value for money?

Comments:

As set out earlier, local authority funding of specialist education services for deaf children help to ensure deaf children can achieve good outcomes. They should be seen as being at the forefront of early intervention for deaf children and funded as such.

We also feel it is important to consider the accountability framework when making any decisions on SEND funding. The Ofsted local area SEND inspections provide useful information on whether the funding system is working well in a way that allows local areas to effectively identify and meet the needs of children with SEND. It is important that the Department fund the continuation of these inspections beyond the existing five-year cycle. We also believe that the Department and Ofsted should consider how the existing local area inspection framework can be strengthened so that, for example, it provides more information on the quality of specialist education services for children with low incidence needs.