

Document NL Appendix 1

INFORMATION & CONSULTATION ON THE FORMULA FUNDING OF HIGH NEEDS PROVISION FOR THE 2022/23 FINANCIAL YEAR

1. Introduction & Summary

1.1 This consultation document is written to set out, and to collect views on, the formula approach that Bradford Council proposes to use to delegate Dedicated Schools Grant (DSG) High Needs Block funding to high needs providers, mainstream schools and academies and other settings in the 2022/23 financial year April 2022 to March 2023. This is known, and referred to, as our 'Place-Plus' system and has two parts: a) core (or place-element) funding and b) top-up (or plus) funding.

1.2 The DfE announced in September 2019 national reviews of the Special Educational Needs and Disabilities (SEND), Education Health and Care Plan (EHCP) and Alternative Provision (AP) systems. The DfE also conducted in summer 2019 a 'Call for Evidence' on the financial arrangements for SEND and for Alternative Provision. These national reviews are likely to combine to result in changes to the high needs funding system in the future, possibly from April 2023. At the time of writing this document, the outcomes of these reviews, and further information explaining the consultations and changes that may come from them, are to be published. Through its operational guidance for local authorities, the DfE has confirmed that the national SEND, EHCP and Alternative Provision funding systems, as are currently established, continue to be in place for the 2022/23 financial year. The value of place-element funding for special schools, special school academies and for PRUs and for Alternative Provision Academies is retained at £10,000. The positions of the other main 'levers' of the high needs place-plus funding system, including the £6,000 threshold for mainstream primary and secondary schools and academies, also remain unchanged.

1.3 We would like to remind providers that Bradford Council introduced, at April 2020, a new Banded Model for the allocation of 'top up' funding for Education Health and Care Plans (EHCPs). This model replaced our previous 'Ranges Model' and significantly uplifted the funding allocated for EHCPs across all settings. EHCP top up funding has now been uplifted in both 2020/21 and in 2021/22. The Banded Model continues to include protections, which ensure that no EHCP that was in place on 1 April 2020 has reduced in value as a result of funding model change. We also introduced at April 2020 a new Day Rate Model for the funding of alternative provision for pupils permanently excluded. Funding allocated via this Day Rate Model has also now been uplifted in both 2020/21 and in 2021/22.

1.4 It continues to be our intention to use the EHCP Banded Model and the Day Rate Model to release to schools, academies and high needs providers included within the Place-Plus system a significant proportion of the additional High Needs Block funding that will be allocated to Bradford in 2022/23. On current estimates, our High Needs Block allocation will increase by £8.75m, which represents a 9.5% increase in both cash and in per pupil terms. This uplift represents a continued (3rd year of) substantial increase in the funding available to us to meet high needs pressures. This growth in funding, as in 2021/22, will be allocated to cover three main pressures, a) growth in the cost of provision (as a result of inflation and increases in salaries costs), b) growth in the number of EHCPs and in the needs of pupils with EHCPs reflected in their placement costs, and c) continued expansion of high needs places capacity as well as expansion of central support SEND services capacity in response to increased demand. How the High Needs Block within the Dedicated Schools Grant will be allocated across these pressures will be further discussed with the Schools Forum in the autumn and early spring terms.

1.5 We do not propose to make technical changes to our high needs formula funding arrangements in 2022/23. In quick summary, we propose the following. To:

- Continue to allocate top up funding using our existing EHCP Banded Model and Day Rate Model, uplifting the values of the top up funding allocated by these two models. Please see sections 6 and 8.
- Continue the setting-led need factors that are currently applied in the funding of specialist provisions, uplifted in value where appropriate. Please see section 7.
- Continue to allocate the former Teacher Pay Grant and the former Teacher Pension Grant, separately from top up funding, using the method we used in 2021/22, uplifting the value of funding allocated per place. Please see section 9.
- Continue for an additional year the amended SEND Funding Floor mechanism that we introduced for 2021/22 in support of Element 2 funding for SEND and EHCPs in mainstream primary and secondary settings. Please see section 10. Further review, incorporating the implications of the DfE's national reviews, will determine the position of the SEND Funding Floor after 2022/23.
- Continue to define Notional SEND for mainstream schools and academies in 2022/23 in the same way as it is in 2021/22. Following the introduction of the Minimum Level of Per Pupil Funding Factor (MFLs) in the primary and secondary funding formula however, some mainstream schools and academies now receive what can be determined to be Additional Educational Needs (AEN) pupil-led funding through the MFLs, rather than through the AEN formula factors, which are used to define published notional SEND budgets. For point of clarity therefore, although the Authority does not propose to change the methodology behind the published notional SEND allocations for schools and academies, the Authority will consider MFL allocations within discussions that may be had with individual schools and academies about available delegated SEND monies.

1.6 In presenting the values of uplifts that are proposed in rates of funding, we must add the caveat that these uplifts are still subject to a final affordability check, which will take place following the closure of this consultation and prior to asking the Schools Forum to give its final formal feedback in January 2022. As such, although we set out here the rates of funding we anticipate will be used in 2022/23, subject to the responses to this consultation, providers should still view these rates at this time as indicative and subject to change.

1.7 We would like to remind providers that our high needs formula funding arrangements continue to operate in the context of recent and continuing wider changes in Bradford, including:

- The continued creation of additional specialist places.
- The development and expansion of Local Authority-led resourced provisions in mainstream primary and secondary schools and academies.
- The continued growth in the numbers of pupils with EHCPs (including in mainstream settings).
- The 'restructuring' of our PRUs and other alternative provisions.
- The re-alignment of responsibilities, between the High Needs Block and mainstream schools and academies, for the funding of alternative provision that is commissioned by mainstream schools and academies.
- Other support service delivery changes, including the amalgamation of Bradford's hospital education, Tracks and medical home tuition provisions into a single Local Authority managed service.

1.8 The deadline for responses to this consultation is **Tuesday 30 November 2021**. Please address all questions and responses to Dawn Haigh 01274 433775 dawn.haigh@bradford.gov.uk. A response form is included at Appendix 6.

2. Background - High Needs Block and National Funding Formula

2.1 All local authorities are following a direction of travel set by the Department for Education (DfE) towards National Funding Formula (NFF). Significant changes to the way high needs provision is funded were

implemented by the DfE in the 2013/14 financial year. These changes, now well established, affected activities funded by the High Needs Block (HNB), which is a specific block of monies within the Dedicated Schools Grant (the DSG) that amounts in 2022/23 to about 16% of the overall DSG resources that will be available to Bradford Council.

2.2 Unlike for mainstream primary and secondary schools and academies that are funded within the Schools Block of the DSG however, the DfE's National Funding Formula reforms have not so far introduced a provider-level national formula for High Needs Block funded providers. Local authorities continue to have full responsibilities for determining their own High Needs Block formula funding matters. Authorities are required however, to comply with Regulations and with the DSG's Conditions of Grant.

2.3 The high needs funding system supports provision for children and young people with Special Educational Needs and Disabilities (SEND), in line with the Children and Families Act 2014. High Needs Block DSG funding is also allocated to support good quality Alternative Provision for pre-16 pupils who cannot receive education in schools. The Children and Families Act 2014 extended the statutory duties local authorities hold relating to SEND across the 0 to 25 age range. Therefore, Bradford Council has a key role in determining the funding that is given to schools, academies and other providers to meet the needs of children and young people with SEND. Schools, academies and other providers also have duties under the Act, in particular a duty to co-operate with their local authorities on arrangements for children and young people with SEND.

2.4 We estimate that we will receive £101.20m of High Needs Block funding in 2022/23. 92% of this is estimated to be delegated or devolved to support the following:

- Children and young people with Education Health and Care Plans (EHCPs) educated in mainstream schools and academies.
- Maintained Special Schools and Special School Academies.
- Enhanced Specialist Provisions (resourced provisions) attached to maintained nursery schools.
- School-led resourced provisions within mainstream primary and secondary schools and academies.
- Local Authority-led resourced provisions within mainstream primary and secondary schools and academies.
- Young people aged 16 to 25 in Further Education Colleges, Sixth Form Colleges and placed with independent or other specialist learning providers.
- Pupil Referral Units (PRUs) and Alternative Provision Academies.
- Children and young people placed in independent provisions and in non-maintained special schools.

2.5 High Needs Block funding is allocated in Bradford also to support Local Authority centrally managed services relating to SEND and to Alternative Provision, as permitted by the Finance Regulations. This includes SEND teaching support services, that are accessed by schools, academies and other providers, and tuition for children and young people that are unable to attend school for medical reasons. Local authorities are permitted to separately fund additional outreach and support services that may be managed centrally or may be devolved to providers under service level agreements.

3. Continuation in 2022/23 of the Existing DfE-Led National High Needs Funding System

3.1 The existing national high needs funding system remains in place and unchanged in 2022/23. Regarding the most prominent elements of this system:

- Place-element funding for specialist provisions (special schools, special school academies, PRUs and alternative provision academies) continues to be set at £10,000.

- Element 2 funding (including the value of place-element funding for places in resourced provisions that are occupied in the October 2021 Census) continues to be set at £6,000.
- Mainstream primary and secondary schools and academies continue to have responsibility for meeting from their delegated budgets the first £6,000 of the cost the additional needs of high needs children.
- Independent and non-maintained special schools continue to remain outside the national Place-Plus system.

3.2 The substantial Teacher Pay and Teacher Pension Grants were transferred into the High Needs Block at April 2021. The Authority was required for this current financial year to continue to allocate these monies to specialist settings within our local high needs formula funding arrangements. We consulted on these arrangements this time last year. The DfE has confirmed that local authorities continue to be required to allocate these former grant monies to specialist settings in 2022/23 separately from place-element and from top up funding. Our proposed approach is discussed further in section 9.

4. Place Element (or Core) Funding

4.1 The national high needs funding approach continues to be based on the financial definition of a 'High Needs' child or young person being one whose education, incorporating all additional support, costs more than £10,000 per annum. This threshold lays the foundation of the current national 'Place Plus' framework and is the basis of the definition of the financial responsibility that schools, academies and other providers have for meeting the needs of children and young people from their already delegated formula funding based budgets.

4.2 High needs funding has two parts a) core (or place-element) funding and b) top-up (or plus) funding. The grid at Appendix 1 sets out in summary how this system operates, and how these two parts work together, for each main type of provider.

4.3 Core (or place-element) funding for Bradford's stand-alone maintained special schools and special school academies, and for PRUs and Alternative Provision (AP) academies, is set at the national annual value of £10,000 for all pre-16 aged placements. The value for post 16 placements in special schools and special school academies is slightly enhanced by the higher value of Element 1 funding in the post 16 national funding formula. Place-element funding is allocated on the agreed number of places commissioned both by Bradford Council and by other local authorities. A Bradford-located institution is allocated place-element funding by Bradford Council for its total number of high needs places, irrespective of where the pupil resides. This place-element funding is allocated to support the institution's core costs (Element 1) and also to contribute to the additional costs associated with meeting the additional needs of the child or young person (Element 2). However, it is not 'pupil specific'. Place-element funding is set before the start of the financial year and isn't withdrawn if an individual place is not occupied. It is up to the institution to decide how best to apportion their total allocated place-element funding across the actual number of places commissioned by the Local Authority. Additional place-element funding, where an institution's number on roll exceeds the number of places during the year, is allocated by Bradford Council. An end of year reconciliation is actioned however, where any additional place-element funding allocated to an institution will be removed if the institution has been allocated too much additional place-element funding when its actual annual composite occupancy is calculated based on the recorded occupancy each month.

4.4 Place-element funding for Bradford's School-led resourced provisions, Early Years Enhanced Provisions (EYESPs), and for post 16 placements in Further Education Colleges, operates on the basis set out in paragraph 4.3 but is set at the national annual value of £6,000. The value is not £10,000 because these institutions, unlike special schools and PRUs, already receive formula funding, which allocates the first part of place-element funding (known as Element 1). To explain then, how place-element funding is split into 2 parts in the national system:

- Element 1: a basic £4,000 for children and young people aged pre-16, which is the notionally defined value of funding that all pupils attract and which has already been allocated to cover an institution's core costs, either by the Local Authority's pre-16 funding formula or by the Authority's Early Years Single Funding Formula (EYSFF). These formula allocations are derived from either the annual October Census (pre-16 formula) or from 3 termly censuses (EYSFF). For post 16 students, this Element 1 is derived from the national post 16 funding formula and typically is more than £4,000 (currently notionally defined at

£5,200). Element 1 across the post 16 sector is funded with a year's lag in pupil numbers. For example, the total allocation of Element 1 for the 2022/23 academic year will be based on the number of students recruited in 2021/22.

- Element 2: a further £6,000 for additional needs, which is not already allocated:
 1. Within the formula funding received by Bradford's mainstream schools and academies that have School-led resourced provisions where the Local Authority commissions high needs places.
 2. Within the formula funding received by Bradford's maintained nursery schools that have resourced provisions where the Local Authority commissions high needs places. £6,000 is the value for 1 FTE place. Therefore, a 15-hour place = 0.6 FTE (£3,600) and a 30-hour place = 1.2 FTE (£7,200).
 3. Within the formula funding received by Bradford's Further Education Colleges where the Local Authority commissions high needs places post 16.

4.5 The national funding system includes an additional complexity in the calculation of place-element funding for School-led resourced provisions in mainstream primary and secondary schools and academies. As explained above, the value of a place is set at £6,000, where that place was occupied at the time the October Census in the previous year was taken. Where a place is not occupied at this census however, local authorities are required to fund this place at £10,000 in the following year. This is because the school or academy will not receive Element 1 funding specifically for this place in the following financial year via its normal delegated formula funding. Following a similar principle, for maintained nursery schools, an adjustment is made to the funding allocated via the EYSFF to add Element 1 funding for the resourced places that are not occupied in the 3 termly censuses.

4.6 Place-element funding for Bradford's Local Authority-led resourced provisions operates on the same basic principles as for School-led provisions, but with a couple of technical differences relating to the fact that the Local Authority retains Element 2 funding, whereas, for School-led provisions, Element 2 funding is retained by the school or academy. These technical differences are highlighted in Appendix 1.

4.7 The physical payment by Bradford Council of place-element funding, where this is delegated and where it is the Council's responsibility to pay it (rather than the Education Skills and Funding Agency's responsibility), takes place on a monthly basis and is combined with the monthly payment of top-up funding, which is described further in sections 6, 7 and 8. Bradford Council publishes monthly funding and payment statements for providers to access on [Bradford Schools Online](#). For some institutions, such as for academies and for Further Education Colleges, place-element funding is not directly paid by Bradford Council. Instead, the Education Skills and Funding Agency (ESFA) deducts place-element funding from the Council's Dedicated Schools Grant to pay this across to these providers directly.

4.8 Outside resourced provisions established by the Local Authority, mainstream primary and secondary schools and academies do not receive additional place-element funding for children and young people on roll that have Education Health and Care Plans (EHCPs). The national high needs funding system works on the basis that mainstream primary and secondary schools and academies have sufficient funding already within their delegated formula funding allocations to enable them to meet the additional costs of the SEND needs of their pupils, up to the threshold of £6,000. Local authorities are currently required to define for each primary and secondary school and academy the value of their formula funding that is 'notionally' allocated for SEND, which is to be used to meet the first £6,000 of needs for pupils with EHCPs, as well as the needs of pupils without EHCPs. The value of each maintained school's notional SEND budget is set out in the annual S251 budget statements that are published by Bradford Council. A separate statement, showing the notional SEND allocations for all maintained primary and secondary schools, as well as for all academies, is published annually on Bradford Schools Online. Please see Appendix 3 for more technical information regarding our definition of notional SEND.

4.9 In 2021/22, we amended our separate additional 'SEND Funding Floor' mechanism, which applies to mainstream primary and secondary schools and academies, for year in trial pending review. How this Floor has operated in 2021/22 is explained in more detail in Appendix 3. The SEND Funding Floor is re-calculated on a monthly basis for changes in the numbers of Education Health and Care Plans (EHCPs) on roll. The SEND Funding Floor is aimed at ensuring that no mainstream primary or secondary school or academy will

have to manage, from their own mainstream delegated formula funding, an above phase-average cost pressure in respect of their commitment to meet the cost of Element 2 £6,000 for their EHCPs. As well as supporting provision for pupils with EHCPs, a purpose of the Floor is to help protect the funding used by schools and academies to support their wider Additional Educational Needs, SEND and Alternative Provision activities.

4.10 For providers delivering the entitlements to early education to 2, 3 and 4 year olds (maintained nursery schools, nursery classes in primary schools and academies, and Private, Voluntary and Independent providers), Bradford Council allocates Element 1 funding using our Early Years Single Funding Formula (EYSFF), which is funded by our Early Years Block within the Dedicated Schools Grant. Element 2 however, is not allocated within the EYSFF. As a consequence, all early years children that have EHCPs, that are not placed in the EYESPs within maintained nursery schools, are allocated Element 2 funding in addition to the top up funding provided by the EHCP Banded Model. Bradford Council also has in place an Early Years SEND Inclusion Fund (EYIF), funded by the Early Years Block, which enables Element 2 funding to be allocated to support children in early years settings who have low level emerging SEND and who do not have EHCPs. In addition to EYIF, all early years providers of the 3 and 4 year old entitlement are entitled to receive a one off payment for children eligible for the Disability Access Fund (DAF). Further details on the SEND Inclusion Fund (EYIF) and on the Disability Access Fund (DAF) can be found in our Early Years Technical Statement [here](#).

4.11 Place-element funding for education in hospital provision, nationally, has still to be brought into the Place-Plus methodology. Currently, local authorities are required to maintain prior-year place funding values. Bradford's hospital provisions closed as separate PRUs on 31 August 2019 and Tracks closed as a separate entity on 31 August 2020. Provision is continuing as a single Local-Authority service. Funding of this centrally managed service now operates outside the Place-Plus mechanism, working within the discrete allocation provided within our High Needs Block.

4.12 The funding of independent schools has not yet been brought into the national Place-Plus funding system. The basis of funding of placements in these settings therefore, is not 'formularised'. Placement costs will be influenced by a number of factors, including the needs of the child and the availability of places.

5. Commissioned High Needs Places in Bradford-located Settings

5.1 It is helpful to provide sight of the number of high needs places that are currently being commissioned in specialist settings by Bradford Council and that are planned to be commissioned in 2022/23. It is also helpful to show the distribution of these places across different types of settings. A schedule of places is presented in Appendix 4.

5.2 Whilst understanding that places commissioning work is still taking place, and that the numbers presented in Appendix 4 for 2022/23 are subject to change, the draft place numbers currently do include / take account of:

- The continuation and full year impact of places that have been recently created and that are planned to be created during 2022/23, including where new places are not yet assigned to individual settings.
- Additional adjustments to individual settings for changes in places capacity that are already confirmed.
- The numbers of post 16 places brought forward from the 2021/22 academic year that will be the starting point for commissioning from the Further Education Colleges for the 2022/23 academic year. The 2022/23 numbers are currently still being discussed and finalised with the Colleges themselves.
- The consolidation and expansion of provision for pupils permanently excluded in alternative provisions.
- The recent amalgamation of the hospital education and Tracks services within a single Local-Authority managed service, meaning that the places presented in Appendix 4 are now 'notional'.

6. Top-Up Funding for EHCPs 2022/23: Pupil-Led Need

6.1 Top-up funding (also known as Element 3 or 'Plus' funding) is the funding required by an institution, over and above place-element funding, to enable a child or young person with high needs to participate in education and learning. Top-up funding is expected to reflect the cost of additional support an institution incurs related to the individual needs of the child or young person. In this document this is called 'Pupil-Led Need' and this is discussed further in this section. Top-up funding can also reflect costs (and differences in costs) related to the setting that the child or young person is placed at. In this document this is called 'Setting-Led Need' and this is discussed further in section 7. How top up funding is allocated to PRUs and to Alternative Provision Academies, for provision for pupils permanently excluded rather than specifically for children and young people with EHCPs, is discussed in section 8.

6.2 Across all local authorities, most children and young people receiving high needs top up funding will have an Education Health and Care Plan (EHCP) resulting from the statutory assessment process. Local authorities do have the flexibility to allocate high needs funding outside the statutory assessment process for children and young people up to the age of 19. An example of this might be where a local authority provides funding from their High Needs Block to support schools, or clusters of schools, to commission alternative provision for pupils that remain on the schools' rolls. With Bradford's Schools Forum, Bradford Council has previously agreed for the High Needs Block in Bradford to 'step back' from supporting the cost of placements for children and young people that are placed by schools (rather than by the Local Authority) in alternative provisions. In these instances, the schools commissioning the alternative provision places (including through the Behaviour Attendance Collaborative in the secondary phase) are expected to meet the placement costs fully using their delegated formula funding allocations.

6.3 Top-up funding for children and young people with EHCPs is paid by the placing local authority. Bradford Council is responsible for paying the top-up for children and young people with EHCPs that are resident in Bradford and that we place either in Bradford-located settings or elsewhere. Institutions in Bradford should recover directly the top-up funding for their pupils with EHCPs that are placed with them by other local authorities.

6.4 As stated in section 1, we introduced at April 2020 a new Banded Model for the allocation of our top up funding for EHCPs. This model replaced our previous 'Ranges Model' and significantly uplifted the funding of EHCPs across all settings. The Model continues to include protections, which have ensured (and which will continue to ensure) that no EHCP in place on 1 April 2020 will reduce in value as a result of this funding model change.

6.5 We do not propose to makes technical changes to our EHCP Banded Model for the 2022/23 financial year. We propose simply to continue to allocate top up funding using our existing EHCP Banded Model, uplifting the values that this model allocates. How the Banded Model works and is applied currently, and how it is proposed to work and be applied in 2022/23, are set out in more detailed in Appendix 2.

6.6 The total value of top-up funding owed to an institution by Bradford Council, calculated using the EHCP Banded Model, will continue in 2022/23 to be calculated and paid as now, on a monthly basis. The calculation will be based on the institution's occupancy recorded on the 10th day of each month. Where a child or young person is admitted after the 10th, top-up funding begins from the next month. In addition:

- Retrospective adjustments will be made in the subsequent month's calculations for any inaccuracies in the data for a single month, or where the position has been estimated due to the most up to date data not being available (for example, at September, picking up all changes for the new academic year). How the Local Authority publishes EHCP information and then manages data checking, queries and inaccuracies that might be identified is explained [here](#).
- Funding for August will repeat the position recorded for July, except for Further Education placements, where August's funding is based on the new academic year's position.
- A ready reckoner will continue to be available, which will help institutions predict the impact on top-up funding of movements in pupil numbers / bands on a monthly basis.
- Bradford Council will also continue to publish on Bradford Schools Online monthly funding and payment statements for providers to access. These statements are published [here](#).

6.7 The process for placing children and young people with EHCPs into the Banded Model will continue to be led by Bradford Council via the established SEND Panel and using the application and assessment processes this Panel manages. Appeals (or disputes) will be managed by the Panel through its resolution procedure. Information, guidance and documentation on EHCP Panel processes and on SEND assessment is available on Bradford Schools Online [here](#).

6.8 It is our intention in 2022/23 to use the EHCP Banded Model to release to schools, academies and high needs providers, included within the Place-Plus system, a significant proportion of the additional High Needs Block Dedicated Schools Grant funding that will be allocated to Bradford.

6.9 The table below shows the actual top up rates that were funded in 2019/20 (under our previous Ranges Model), in 2020/21 (in the first year of our new Banded Model), and that are funded now in the current 2021/22 financial year. The table also then shows, in the right-hand column, the rates that are proposed for 2022/23, subject to warning that is given in paragraph 1.6 about final affordability check. These rates would be used from 1 April 2022, subject to the outcomes of this consultation and this final affordability check.

	£ Top Up Value 2019/20	£ Top Up Value 2020/21	£ Top Up Value 2021/22	£ Top Up Value 2022/23
Band 3L	£952	£1,670	£1,900	£2,137
Band 3M	£3,000	£3,347	£3,626	£3,915
Band 3H	£4,597	£4,974	£5,302	£5,641
Band 4L	£7,160	£7,747	£8,435	£8,989
Band 4M	£10,440	£11,296	£12,235	£12,967
Band 4H	£13,910	£15,051	£16,148	£17,017
Protected 7	£22,857	£24,732	£26,534	£27,961

6.10 The table below shows the % uplifts in values between 2020/21 and 2022/23 and, in the right-hand column, the cash uplifts between 2022/23 and 2021/22, as proposed.

	% Increase Top Up 2020/21 vs. 2019/20	% Increase Top Up 2021/22 vs. 2020/21	% Increase Top Up 2022/23 vs. 2021/22	£ Increase Top Up 2022/23 vs. 2021/22
Band 3L	+ 75.4%	+ 13.8%	+ 12.5%	+ £237
Band 3M	+ 11.6%	+ 8.4%	+ 8.0%	+ £289
Band 3H	+ 8.2%	+ 6.6%	+6.4%	+ £339
Band 4L	+ 8.2%	+ 8.9%	+6.6%	+ £554
Band 4M	+ 8.2%	+ 8.3%	+6.0%	+ £732
Band 4H	+ 8.2%	+ 7.3%	+5.4%	+ £869
Protected 7	+ 8.2%	+ 7.3%	+5.4%	+ £1,427

6.11 The table below shows the proposed % uplifts in 2022/23 values on 2021/22 values when Element 2 (£6,000) and Element 1 (£10,000) are included.

	(1) % Increase in Top Up Only	(2) % Increase in Top Up plus £6,000	(3) % Increase in Top Up plus £10,000
Band 3L	+ 12.5%	+ 3.0%	+ 2.0%
Band 3M	+ 8.0%	+ 3.0%	+ 2.1%
Band 3H	+6.4%	+ 3.0%	+ 2.2%
Band 4L	+6.6%	+ 3.8%	+ 3.0%
Band 4M	+6.0%	+ 4.0%	+ 3.3%
Band 4H	+5.4%	+ 3.9%	+ 3.3%
Protected 7	+5.4%	+ 4.4%	+ 3.9%

6.12 To explain what these tables present:

- The total value of funding that is allocated to support an individual EHCP is derived by adding Element 2 (at a fixed value of £6,000 per 1 FTE pupil) to the value of the top up that is allocated through the Banded Model.

- The total value of support for each of the three steps in Band 3 (Band 3L, 3M and 3H), when Element 2 £6,000 is added to the top up value, is proposed to be uplifted by 3.0%. This 3.0% uplift is demonstrated in column (2) in the table in paragraph 6.11. An uplift of 3.0% is proposed, based on an estimate of salaries costs increases in 2022/23. Importantly also, 3.0% is in line with the 'headline' wider National Funding Formula per pupil settlement that is being applied to mainstream primary and secondary school and academy funding in 2022/23 (with an estimated common range of per pupil increases to be allocated via mainstream formula funding of between 2% and 3%). How additional funding may be allocated to schools and academies to support the cost of the 1.25% National Insurance levy from April 2022, as well as the value of this funding, is currently unclear. The Government has stated that public sector employers will be compensated for the cost of the 1.25% levy. Following enquiry, the ESFA has advised us that further details on the approach to this compensation will be set out at the conclusion of the Spending Review on 27 October. The Band 3 uplift at 3.0%, on our estimates however, would provide flexibility to support the cost of this levy.
- The total value of support for the three steps in Band 4 (Band 4L, 4M and 4H), when Element 2 £6,000 is added to the top up value, is proposed to be uplifted between 3.8% (Band 4L) and 4.0% (Band 4H). These uplifts are demonstrated in column (2) in the table in paragraph 6.11. As with Band 3, these uplifts are proposed with reference to our estimate of salaries costs increases in 2022/23. The uplift of Band 4 values is also then guided by two additional factors.

Firstly, the desire to follow as closely as possible the existing ratio between the top up value allocated by Band 3H versus the value allocated by Band 4L, so that the transition between Band 3 and Band 4, as currently applied following the guiding calculations that our model was originally established on, is retained.

Secondly, that it is important to set the uplifts to Band 4 top up values with reference to the full £10,000 place-element value, not just to the Element 2 £6,000 value. This is so that we consider the total funding available per occupied place in specialist settings. The vast majority of children and young people with EHCPs assessed at Band 4 are placed in special schools, in special school academies and in resourced provisions. These settings receive £10,000 per occupied place. We propose to uplift the top up value at the bottom of Band 4, at Band 4L, so that, when this top up is added to the £10,000 place-element figure, the total value of funding allocated per occupied place increases by 3.0% on 2021/22. This ensures that the total value of funding that is allocated per occupied place at Band 4L increases in line with the 3.0% of the Band 3 Model and also in line with the 'headline' National Funding Formula per pupil settlement for mainstream primary and secondary schools and academies. The 3.0% uplift per occupied place at Band 4L is demonstrated in column (3) in the table in paragraph 6.11. The calculations within the model, that form the basis of the Band 4 values, then adjust from the Band 4L reference point to provide 3.3% increases at Band 4M and at Band 4H.

- As an important reference point here for considering the uplifts that are proposed for 2022/23 in wider context, especially the uplifts in Band 4, we remind that top up values were substantially uplifted in 2021/22 on the assumption that the DfE would take a further step towards implementing its early career framework teacher pay reforms at September 2021, resulting in an above inflation increase in teacher salaries costs. The national pause in the teacher pay award at September 2021 has therefore, produced headroom in the values allocated by our Banded Model in 2021/22. This headroom will continue into 2022/23.
- Although the values of uplifts proposed for 2022/23 are different from those that were applied for 2021/22, we have approached the process of uplifting these values in the same way. One of the key features of this approach is adjusting for the lack of movement in the value of Element 2, which remains at £6,000, and the value of the place-element for specialist settings, which remains at £10,000. As a consequence of this lack of movement, the values of the top ups allocated through the Banded Model must increase by greater percentages in order to achieve the total overall increases in available funding that we wish to deliver.

This is the reason why the % increases in top up, as shown in the table in paragraph 6.11 column (1), are significantly higher. This is also a primary reason why the % increases in top up in the different steps in the model are not the same; the Element 2 value of £6,000 as a proportion of the total cost of provision decreases as the steps get higher. Therefore, the extent to which the top up has to compensate for Element 2 not increasing in value also decreases as the steps get higher. Recognising this feature, it

would not be appropriate for us simply to provide a blanket % increase in top up funding across all steps. Column (2) in the table in paragraph 6.11 gives the true real position of the increase in total funding available at each step – Element 2 plus top up - to support the cost of EHCP provision. Column (3) shows the true real position of the increase in total funding per occupied place in specialist settings.

- The Banded Model retains a transitional ‘Protected 7’ step, which will continue to fund EHCPs that were graded at Range 7 under the old model in place on 1 April 2020. We have guaranteed that the value of Protected 7 will be uplifted each year by the same % that is applied to Band 4H. The tables above evidence this.

6.13 Please note that the Finance Regulations provide for a Minimum Funding Guarantee (MFG) for special schools and special school academies, which is invoked when an authority substantially amends its approach to top-up funding to the extent that this would reduce the budget of (or reduce any increase that would have otherwise been allocated to) a special school or to a special school academy. The 2022/23 Regulations require an MFG of 0%. As we propose to increase the values of all EHCPs, without amending how our Banded Model works, we are compliant with the requirements of the MFG without needing to separately adjust our model to provide for minimum values.

6.14 We have explained in this section how we propose to approach uplifting the EHCP Banded Model in 2022/23. More detail on the model itself is presented in Appendix 2. As final point, our approach to uplifting values in 2022/23 is focused on ensuring that the model keeps pace with cost increases, especially in salaries. This approach does not adjust the quantity of support that is funded by each step in the model. We have deliberately not sought to alter this as we wish the model to continue to embed alongside our published [SEND provision matrices and SEND Panel guidance](#). The model itself essentially simply provides a ‘toolbox’ for the SEND Panel to use to find the best funding fit for meeting the needs of children and young people with EHCPs. Where we continue to substantially uplift the model in future years, and where this uplift may be at a value greater than simply keeping pace with salaries increases, we may look to adjust the provision mapping assumptions on which the Banded Model is based. The DfE’s national reviews may also have implications for the workings of our Banded Model from April 2023.

Question 1 – Do you agree with the approach that is proposed for uplifting the values of the EHCP Banded Model in 2022/23? If not, please can you explain why not.

Question 2 – Do you have any comments (including technical comments) on the EHCP Banded Model you would like the Authority to consider for 2022/23?

7. Top-Up Funding for EHCPs 2022/23: Setting-Led Need in Specialist Settings

7.1 Top-up funding can be also allocated to reflect costs (and differences in costs) related to the specialist setting that a high needs child or young person with an EHCP is placed at. In this document this is called ‘Setting-Led Need’.

7.2 Place-element funding is expected to meet a specialist setting’s basic core costs. However, our current high needs funding model for specialist settings recognises that there are certain differences in a setting’s cost base that are influenced by the features of the setting. Two simple examples are that the setting is small, and requires additional funding to meet core costs of a fixed nature, and that the setting operates across a split-site and therefore, has certain duplicated and additional costs.

7.3 Appendix 3 sets out in more technical detail the setting-led need factors that are included within Bradford Council’s proposed funding approach for 2022/23, and how and where they are applied.

7.4 These factors are in summary, for:

- Maintained special schools and special school academies: split sites; post 16 Element 1 enhancement; new services delegation; small setting protection; 3% cash budget protection.
- School-Led Resourced Provisions attached to mainstream primary and secondary schools and academies: small setting protection; 3% cash budget protection.

- Early Years Enhanced Specialist Provisions attached to maintained nursery schools: small setting protection.

7.5 For 2022/23 we propose the following changes, to:

- Uplift the value of split site lump sum funding for special schools and special school academies by the mean average increase for Band 4 in the EHCP Banded Model. On this basis, the full year value of the lump sum is proposed to be uplifted to £226,740 from the 2021/22 value of £214,265.
- Uplift the value of the New Services Delegation factor for special schools and special school academies by the mean average increase for Band 4 in the EHCP Banded Model. On this basis, the value of per pupil funding is proposed to be uplifted to £449.88 from the 2021/22 value of £425.13.

7.6 The following factors will not change in 2022/23:

- As the £6,000 Element 2 and £10,000 place-element figures are unchanged from 2021/22, the values of funding per place allocated via the Small Setting Protection factor will remain unchanged in 2022/23.
- The value of the Post 16 Element 1 Enhancement factor for special schools and special school academies is retained unchanged at £1,200 to keep in line with the national Element 1 figure for post 16 provision (which is also retained at £5,200 in 2022/23).

7.7 As explained in paragraph 1.6, please note that the values proposed for 2022/23 are indicative and may be adjusted, subject to the responses received to this consultation and to a final affordability check.

7.8 Setting-Led Need top-up is calculated and re-calculated alongside Pupil-Led Need top-up on a monthly basis following the same timetable set out in paragraph 6.6.

Question 3 – Do you agree with the uplift to the setting-led need factors in 2022/23 that are proposed in paragraph 7.5? If not, please can you explain why not.

Question 4 – Do you have any comments (including technical comments) on the setting-led need factors you would like the Authority to consider for 2022/23?

8. PRUs and Alternative Provision Academies 2022/23 – Day Rate Top Up Funding Model

8.1 This section sets out the proposed approach to the continuation of the Authority's calculation of top up funding to support the cost of provision for pupils permanently excluded and placed by the Authority in Park PRU and in Bradford Alternative Provision Academy Central (BAPA). The methodology and principles set out here also extend to the Authority's funding of top up for pupils permanently excluded that may be placed in other provisions, where such extension is appropriate.

8.2 Park PRU and BAPA both receive place-element funding from the High Needs Block, at £10,000 a place, as explained in section 4. These settings then also then receive top up funding from the Authority for places occupied following the placement of pupils permanently excluded. We introduced at April 2020 a Day Rate Model for the calculation of this top up. A formulaic basis, such as this, follows the DfE's expectation that, as top up funding for alternative provision institutions is not usually related to an assessment of SEND, a standard predictable top up rate can be set, which reflects the overall budget needed by the institution. This budget should be built up with the understanding that a level of capacity is needed to be retained during the year, recognising that numbers on roll in PRUs and in alternative provision academies can fluctuate.

8.3 Using our Day Rate Model, top up funding is allocated on an agreed £value per day, multiplied by the number of days of provision expected to be delivered weekly / monthly / termly / annually. The total number of annual days is 195. The value of the day rate adjusts according to the PRU's / AP academy's overall occupancy to ensure that a minimum level of funding is allocated to enable the PRU / AP academy to meet fixed costs (largely related to the setting) and to retain sufficient staffing capacity for the Authority to use. The model is informed by annual review, which includes checking actual against expected occupancy. In situations where there are significant differences in occupancy, which are more permanent, the number of places to be commissioned by the Authority will be reviewed for the following year.

8.4 We propose to uplift the value of the day rate in 2022/23 in line with the uplifts that are proposed to the Band 4 values allocated by the EHCP Banded Model. The day rate in 2021/22 was £72.29. We propose to uplift this, subject to the warnings given in paragraph 1.6, to £76.17. This is the 2021/22 rate plus 5.37%, which uses the mean average Band 4 increase proposed for the EHCP Banded Model of 5.82%, but reduced to recognise that the small setting protection factor within the calculation is not uplifted. The calculation of the day rate is set out further in the table below. Together with the fixed £10,000 per place, a 5.37% increase in the day rate results in an overall 3.14% increase in funding per pupil for each occupied place (the total annual per pupil funding in 2022/23 will be £10,000 + (195 days x £76.17) = £24,853 compared with £10,000 + (195 days x £72.29) = £24,096 in 2021/22).

8.5 The £76.17 is made up of the following factors and values. These factors are the same as used in 2021/22. All factors but the small setting protection have been uplifted by 5.82%. The small setting protection factor is retained at the 2021/22 value, as is the case for all other parts of high needs formula funding that include a small setting protection factor, because this factor protects place-element funding and place-element funding is not uplifted in value in 2022/23.

Factor	£Day Rate Value
Main pupil-need led provision	£63.38
Small Setting Protection	£5.55
Business Rates	£1.90
New Services Delegation	£2.31
Pupil Mobility	£3.03
Total	£76.17

8.6 The equivalent annual per pupil value, based on 195 days, is as follows:

Factor	£Day Rate Value
Main pupil-need led provision *	£12,359
Small Setting Protection	£1,082
Business Rates	£371
New Services Delegation	£451
Pupil Mobility	£590
Total	£14,853

* this element is the equivalent of the top up funding allocated to EHCPs through the Banded Model. This value sits between bands 4L and 4M.

8.7 We propose to continue to apply the Day Rate Model, as we applied it in 2021/22, with the calculation of a minimum top up funding value based on each setting's agreed commissioned places number (currently indicatively 90 for Park PRU and 65 for BAPA). In this way, the funding model continues to support both Park PRU and BAPA to retain their unique capacities to deliver the number of places the Authority plans to commission.

- Where Park PRU and BAPA are close to full occupancy throughout the year, they will be funded at £76.17 per day per pupil / £14,853 per year per pupil.
- The basic day rate value of £76.17 will be adjusted however, where necessary should occupancy fluctuate, to ensure a minimum level of funding to enable capacity retention, meaning that Park PRU and BAPA will not receive an annual cash total value of top up funding lower than:
 - $(£1,082 + £371 + £451 + £590) \times \text{no. of places (for setting-based costs), plus}$
 - $88\% \text{ of } £12,359 \times \text{no. of places (for main pupil-led need provision)}$

8.8 We will continue the following two technical features in 2022/23 relating to the in-year application of the Day Rate Model:

- Although there is the option available to move to a more sensitive approach to the counting of actual occupancy, we do not propose to move away from the 10th of the month census, which is the process

followed for the re-calculation of Banded Model funding for EHCPs. We will continue to re-calculate the funding of Park PRU and BAPA on a monthly basis as now, taking the 10th of the month census as the actual occupancy for that month. We will keep this approach under review for future years, incorporating any adjustments that may be needed as a result of the DfE's national reviews.

- We will continue to calculate and profile top up funding across 12 months. Going forward, we could be more specific about the number of days delivered and funded each month, taking account of the profile of holidays. This would mean that, unlike now, for example, top up funding would not be calculated and allocated in August. We would like to do some more work to look at the extent to which the current flattened 12-month profile arrangement appropriately balances providing a secure funding base for the PRU / AP academy whilst also ensuring that the funding model most accurately responds to true occupancy as this changes during the year. This will be a more significant matter to consider if the numbers on roll in the PRU / AP academy are significantly different at different times of the year. We will keep this under review, and will also consider this alongside the outcomes of the DfE's national reviews, which may suggest changes to the alternative provision funding system.

Question 5 – Do you agree with the Day Rate mechanism that the Authority proposes to use to fund the PRU and Alternative Provision Academy in 2022/23? If not, please can you explain why not.

Question 6 – Do you have any comments (including technical comments) on the proposed Day-Rate mechanism you would like the Authority to consider for 2022/23?

9. Continued Replication of Teacher Pay Grant and Teacher Pensions Grant 2022/23

9.1 We were required at April 2021 to add into our formula funding arrangements for specialist settings the allocation of the Teacher Pay Grant (TPG) and the Teacher Pension Grant (TPECG). This change was required in response to these grants, allocated in respect of special schools, special school academies, PRUs, alternative provision academies and mainstream primary and secondary pre-16 provisions, being transferred into the Dedicated Schools Grant (DSG). We set out how we proposed to manage this transfer in our consultation document published this time last year. Please note that TPG and TPECG funding in respect of early years and post 16 continues to be allocated outside the DSG, including directly to Further Education Colleges, via separate grant.

9.2 In line with the DfE's operational guidance, and following our consultation, we have allocated TPG and TPECG monies in 2021/22, separately from both place-element and top up funding, as follows:

- To maintained special schools and special school academies, Park PRU and BAPA: a fixed value of £693 per place, with place numbers fixed at the original agreed commissioned number for the 2021/22 financial year. These commissioned numbers included the planned expansion of provisions. Where a setting was allocated in 2020/21 (the financial year immediately prior to the transfer) a per place figure greater than £693, inclusive of any supplementary funding, the setting has been allocated their 2020/21 per place value, uplifted by 5%. This protection has been applied to 4 of 10 settings. Payment of this additional grant funding has been split so that 5/12ths of the annual value was paid in a lump sum in April 2021 and 7/12ths was paid in a lump sum in September 2021.
- To school-led resourced provisions and Early Years Enhanced Specialist Provisions: based on place numbers fixed at the original agreed commissioned number for the 2021/22 financial year, a fixed value of £693 per place, where the place was not occupied in the October 2020 Census, plus either a value of £513 (primary) or £428 (secondary) where the place was occupied in the October 2020 Census. The values of £513 (primary) and £428 (secondary) were derived from the differences between the £693 and the value of TPG and TPECG monies that been transferred to be allocated already through the mainstream primary and secondary funding formula (£180 per pupil primary; £265 per pupil in secondary). All places in the EYESPs were recorded as unoccupied for the purposes of this calculation. Commissioned places numbers for all resourced provisions included planned expansion during 2021/22. Payment of this funding has been split so that 5/12ths of the annual value was paid in a lump sum in April 2021 and 7/12ths was paid in a lump sum in September 2021.

9.3 We propose to continue to allocate these former grant monies in 2022/23 using the same approach we established in 2021/22 as explained above, on uplifted per place values, as follows:

- Funding will be calculated and fixed on the original agreed commissioned places number for each setting for the 2022/23 financial year, with these numbers incorporating the planned expansion of provisions. This funding will not be adjusted for over or under occupancy during the year.
- The basic rate of funding per place for 2022/23 is proposed at £733, subject to the final affordability check explained in paragraph 1.6. This is the 2021/22 value of £693 increased in line with the mean average increase proposed in the Band 4 EHCP Banded Model, which is 5.8%.
- The protection of 2020/21 per place funding values for individual special schools, special school academies and PRUs / Alternative Provision academies, will continue to be applied. We expect this to continue for 4 out of 10 settings. Where a setting was allocated protection in 2021/22, the setting will be allocated the greater of £733 or their 2021/22 protected per place value, uplifted by 5.8%.
- School-led resourced provisions will be allocated a fixed value of £733 per place, where the place was not occupied in the October 2021 Census, plus either a value of £548 (primary) or £460 (secondary) where the place was occupied in the October 2021 Census. The values of £548 (primary) and £460 (secondary) have been derived from the differences between the £733 and the value of TPG and TPECG monies that are now allocated already through the mainstream primary and secondary funding formula, with the 2021/22 values uplifted by 3% and rounded (£180 x 1.03 per pupil primary; £265 x 1.03 per pupil secondary).
- All places in the EYESPs will continue to be recorded as unoccupied for the purposes of the resourced provision calculation.
- Payment of this funding will be split so that 5/12ths of the annual value will be paid in a lump sum in April 2022 and 7/12ths will be paid in a lump sum in September 2022.

Question 7 – Do you agree with the methodology that the Authority proposes to use to allocate the Teacher Pay Grant and Teacher Pensions Grant in 2022/23? If not, please can you explain why not.

10. The SEND Funding Floor Mechanism for Mainstream Primary & Secondary 2022/23

10.1 The EHCP Banded Model (and the national high needs funding system) works on the basis that mainstream primary and secondary schools and academies are required to contribute £6,000 (Element 2), from their already delegated formula funding derived budgets, to the cost of support for pupils with EHCPs on their rolls. Mainstream schools and academies must also use these delegated budgets to support the wider SEND and alternative provision needs of all their pupils on roll.

10.2 In our consultation document, published this time last year, we discussed the growing pressure in mainstream school and academy delegated budgets relating to the sufficiency of their Element 2 £6,000 funding as the numbers of pupils with EHCPs that are educated in mainstream settings continues to grow. We also discussed additional targeted funding mechanisms to support this pressure, in the context the DfE's national reviews.

10.3 We have operated an 'SEND Funding Floor', which is a targeted additional SEND funding mechanism, for a number of years. In the aftermath of the movement, at April 2018, to mirror the National Funding Formula for primary and secondary school and academy formula funding, we protected SEND Funding Floor allocations and 'held off' acting on a review in anticipation that the DfE would soon either more closely restrict or may even fully prescribe an approach to additional targeted SEND funding. However, as we explained in our consultation, published this time last year for 2021/22 arrangements, whilst still waiting for the DfE to publish the outcomes of the national reviews, we felt that we could not delay any longer acting on our review of our SEND Funding Floor mechanism. Following consultation, we implemented at April 2021 an amended arrangement, for a year in trial. This arrangement is described in the Technical Annex (Appendix 3). We conclude that the amended floor has had a positive impact on the position of SEND funding in Bradford this year. In July 2021, the floor was allocating £1.64m (on an annual basis) of additional support funding across 93 schools and academies.

10.4 We still await the DfE's publication of the outcomes of the national SEND reviews. We still anticipate that these national reviews are likely to combine to result in changes to the high needs funding system in the

future, possibly from April 2023. Changes might include more closely controlling, or fully prescribing, how local authorities define Notional SEND and how targeted additional SEND funding mechanisms for mainstream schools and academies are permitted to operate. We do not know however, that there are no changes to these elements directed by the DfE for the 2022/23 financial year.

10.5. Given that the rationale for our amendment to our SEND Funding Floor mechanism for 2021/22 is still valid, and that the pressures that this mechanism is aimed to support are still present, we feel that it is appropriate to propose to extend our amended SEND Funding Floor mechanism for a further year. As such, we propose to continue to apply the same mechanism in 2022/23 as is set out in Appendix 3.

10.6 We would like to emphasise however, that the 2 elements of the 'part B' in the calculation will be updated for 2022/23 formula funding allocations and also for updated median phase spending averages. These will both be confirmed and set in February 2022.

10.7 We would also like to emphasise that:

- We will continue to protect the previous SEND Funding Floor allocations (allocations that were received in 2020/21) for the specific identified and named small primary schools and academies, as we have done for the current 2021/22 financial year.
- The SEND Funding Floor will continue not to apply to early years providers. This is because Element 2 funding is allocated in addition to top up funding for children with EHCPs in early years settings. There is therefore, no additional pressure placed on early years providers in respect specifically of having to fund £6,000 to contribute to the cost of an EHCP.
- The SEND Floor also will continue not apply to post 16 EHCPs (and Further Education high needs provision). This is because Element 2 funding is already allocated on an agreed lagged basis.
- Further review, incorporating the implications of the DfE's national reviews, will determine the position of the SEND Funding Floor after 2022/23. We are only proposing at this stage to extend our existing arrangement for a further financial year.

Question 8 – Do you agree with proposal to continue our amended SEND Funding Floor approach for a further year in 2022/23? If not, please can you explain why not.

Question 9 – Do you have any comments (including technical comments) on the SEND Funding Floor mechanism you would like the Authority to consider?

Question 10: Are there any changes that you would wish to see made to the funding models in 2022/23 that have not been proposed? Please give details.

Question 11 – Do you have any other comments on the funding model or the proposals that you have not recorded elsewhere?

11. Consultation Responses

11.1 Please use the responses form at Appendix 5 to submit your views. There is space in this form for you to comment on any aspect of the proposals. If you wish to discuss these proposals in more detail, or have any specific questions, please contact Dawn Haigh using the contact details shown in section 1. Please ensure that your response is submitted by the deadline of **Tuesday 30 November 2021**.

12. Next Steps

12.1 Following consideration of the responses to this consultation, and of the final formal view of the Schools Forum, our high needs funding approach will be agreed by Council in February 2022.

12.2 It is anticipated that the Schools Forum will give the Authority its final formal view on 2022/23 arrangements on Wednesday 12 January 2022.

12.3 Discussions on the Dedicated Schools Grant funding position, high needs funding matters for 2022/23, and the development and sufficiency of specialist places, will continue with the Schools Forum between now and January 2022. You are recommended to keep in touch with these discussions by visiting the Schools Forum webpage on the Council's Minutes site [here](#).

13. Equalities Impact Assessment

13.1 The Public Sector Equality Duty (PSED) of the Equality Act 2010 requires the Local Authority to give due regard to achieving the following objectives in exercising its functions:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.2 We assess that our high needs funding proposals for 2022/23 will have a positive impact on equalities. We have considered the impact on persons who share any of the protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. We have focused on the protected characteristics for which the potential impact is largest, and which are most closely tied to the formula funding proposals we put forward.

13.3 The arrangements that the Local Authority proposes in this consultation for the 2022/23 financial year retain a significant amount of continuity on current practice, Dedicated Schools Grant High Needs Block distribution and formula funding policy and methodology. As such, our equalities impact assessment of our guiding High Needs Block formula funding policy for 2022/23 is neutral (representing no change on current positive practice).

13.4 Through uplifting the respective high needs funding models in 2022/23, we are ensuring that the positive impact of these models is not eroded by them not keeping pace with increasing costs, especially salaries costs, to be met by schools, academies and other providers.

13.5 The Authority proposes the continued application of the EHCP Banded Model, which was first introduced at April 2020. The impact of this model, on the funding of schools, academies and other providers for all children and young people with EHCPs, is assessed to continue to be entirely positive. The Banded Model continues to improve the way schools and providers in Bradford are funded for children and young people with SEND with EHCPs. Although it cannot be evidenced at this stage that our change in funding model at April 2020 has directly advanced equality of opportunity for children and young people that share a protected characteristic, it is expected that this model will support this.

13.6 The Authority proposes to continue the amended SEND Funding Floor, which was introduced for 2021/22. As well as continuing to support provision for pupils with EHCPs, this approach will continue to protect the funding used by mainstream schools and academies to support their wider Additional Educational Needs (AEN), SEND and Alternative Provision (AP) activities. The Floor financially supports mainstream schools and academies that have higher proportions of pupils with EHCPs, in support of inclusion, combining also to support schools and academies that may have lower levels of AEN formula funding and that may be smaller in size. It supports schools and academies that may have some turbulence in formula funding as a result of in year pupil numbers changes. The impact of the Floor is assessed to continue to be entirely positive.

14. Appendices

- Appendix 1 Summary of the Place-Plus system and how this works for different providers
- Appendix 2 Banded Model for Pupil-Led Need Top Up Funding
- Appendix 3 Technical Annex (including Setting-Led Need factors)
- Appendix 4 Planned Commissioned Places 2022/23 (Bradford-located settings)
- Appendix 5 Consultation Responses Form

Appendix 1 – High level Summary of Place-Plus and how this works for different providers in Bradford

	Pre-16	Pre-16	Post-16	Post-16		
Type of Provision	Place (Core) Funding	Top-Up Funding (Pupil-Led Need)	Place Funding	Top-Up Funding (Pupil-Led Need)	Setting-Led Need Factors	Additional Support Measures
Mainstream primary & secondary (maintained schools, academies and free schools)	<p>Element 1 is included within the per-pupil funding allocated through the local school funding formula (NFF-based).</p> <p>Element 2 - the first £6,000 of additional support cost – is also already delegated with the school's formula funding allocation.</p> <p>Notional SEND defines the value of funding already allocated (see appendix 3).</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is allocated to and retained by the school.</p>	<p>Element 1 (based on the 16-19 national funding formula) plus Element 2 (£6,000) based on the number of places to be commissioned.</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is allocated to and retained by the school.</p>	None.	SEND Funding Floor supports Element 2 cost in pre-16 provisions (see section 10).
Mainstream early years (nursery schools, classes and PVI providers)	<p>Element 1 is included within the per-pupil funding allocated through the local EYSFF.</p> <p>Early Years SEND Inclusion Grant allocates Element 2 (£6,000) for eligible low level emerging</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p>	n/a	n/a	None.	<p>Early Years SEND Inclusion Grant (EYIF).</p> <p>DAF Grant.</p>

	<p>SEND (non-EHCP) as agreed by Panel.</p> <p>Element 2 is allocated to early years EHCPs in addition to top up.</p>	<p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is allocated to and retained by the school or provider.</p>				
<p>School-led Resourced Provisions (mainstream primary & secondary)</p>	<p>Elements 1 & 2 are allocated through a combination of per-pupil funding allocated through the local school's funding formula plus £6,000 per place for places occupied by pupils on roll in October in the previous year and £10,000 per place for the remainder of places agreed to be commissioned.</p> <p>Additional place-funding is allocated in real time where occupancy is exceeded, with an end of year reconciliation to ensure no overall overpayment of additional place-led funding for the actual total composite occupancy across</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is allocated to and retained by the school.</p>	<p>Element 1 (based on the 16-19 national funding formula) plus Element 2 (£6,000) based on the number of places to be commissioned.</p> <p>Both Elements 1 and 2 are retained by the school.</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is allocated to and retained by the school.</p>	<p>Small Setting Protection.</p> <p>3% Cash Budget Protection.</p> <p>See appendix 3.</p>	<p>Teacher Pay and Teacher Pensions Grants</p>

	<p>the year.</p> <p>Both Elements 1 and 2 are retained by the school.</p> <p>Element 1 is set at a minimum of £4,000 per agreed place.</p>					
<p>Local Authority-led Sensory Need Resourced Provisions (mainstream primary & secondary).</p>	<p>Elements 1 & 2 are allocated through a combination of per-pupil funding allocated through the local school's funding formula plus £6,000 per place for those occupied by pupils on roll in October in the previous year and £10,000 per place for the remainder of places agreed to be commissioned.</p> <p>The host school retains Element 1, set at a minimum of £4,000 per agreed place.</p> <p>Element 2 funding is retained by Bradford Council. This currently requires host schools to repay Element 2 back to the Council.</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is retained by Bradford Council.</p>	<p>Element 1 (based on the 16-19 national funding formula) plus Element 2 (£6,000) based on the number of places to be commissioned.</p> <p>The host school retains Element 1.</p> <p>Element 2 funding is retained by Bradford Council. This currently requires host schools to repay Element 2 back to the Council.</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is retained by Bradford Council.</p>	<p>Small Setting Protection.</p> <p>New Services Delegation.</p> <p>See appendix 3.</p>	<p>Teacher Pay and Teacher Pensions Grants</p>

	Additional place-funding is allocated in real time where occupancy is exceeded, with an end of year reconciliation to ensure no overall overpayment of additional place-led funding for the actual total composite occupancy across the year.					
Local Authority-led Resourced Provisions SEMH (mainstream primary & secondary).	<p>Element 1 is allocated through a combination of per-pupil funding allocated through the local school's funding formula plus £4,000 (or the higher MFL value) for places to agreed to be commissioned but not occupied by pupils on roll in October in the previous year.</p> <p>The host school retains Element 1, set at a minimum of £4,000 (or the higher MFL value) per agreed place.</p> <p>Element 2 funding is</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is retained by Bradford Council.</p>	<p>Element 1 (based on the 16-19 national funding formula) plus Element 2 (£6,000) based on the number of places to be commissioned.</p> <p>The host school retains Element 1.</p> <p>Element 2 funding is retained by Bradford Council.</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is retained by Bradford Council.</p>	<p>Small Setting Protection.</p> <p>New Services Delegation.</p> <p>See appendix 3.</p>	<p>Teacher Pay and Teacher Pensions Grants</p>

	calculated at £6,000 per commissioned place and is retained by Bradford Council.					
Early Years Enhanced Specialist Provisions (maintained nursery schools)	<p>Elements 1 & 2 are allocated through a combination of per-pupil funding allocated through the local EYSFF plus £6,000 per FTE commissioned place.</p> <p>Both Elements 1 and 2 are retained by the school.</p> <p>Additional Element 1 funding is paid using EYSFF rates for any FTE places not occupied in the EYSFF termly censuses.</p> <p>Additional place-funding is allocated in real time where occupancy is exceeded, with an end of year reconciliation to ensure no overall overpayment of additional place-led funding for the actual total composite</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2). All EYESP places funded at a minimum Band 4L (assessment places).</p> <p>The top up funding is allocated to and retained by the school.</p>	n/a	n/a	Small Setting Protection. See appendix 3.	Teacher Pay and Teacher Pensions Grants

	occupancy across the year.					
Maintained Special Schools & Special School Academies	<p>Elements 1 and 2 are combined in a fixed £10,000 per place, based on an agreed number of places to be commissioned. Additional place-funding is allocated in real time where occupancy is exceeded, with an end of year reconciliation to ensure no overall overpayment of additional place-led funding for the actual total composite occupancy across the year.</p> <p>Retained by the school.</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>The top up funding is allocated to and retained by the school.</p>	<p>£10,000 per place based on an agreed number of places.</p> <p>Additional place-funding is allocated in real time where occupancy is exceeded, with an end of year reconciliation to ensure no overall overpayment of additional place-led funding for actual total composite occupancy across the year.</p> <p>Retained by the school.</p>	Uses the Banded Model (see appendix 2).	<p>Split Sites.</p> <p>Post 16 Element 1 enhancement.</p> <p>New Services Delegation.</p> <p>Small Setting Protection.</p> <p>3% Cash Budget Protection.</p> <p>See appendix 3.</p>	Teacher Pay and Teacher Pensions Grants
PRUs & AP Academies (funding provision for pupils permanently excluded).	<p>Elements 1 and 2 are combined in a fixed £10,000 per place, based on an agreed number of places to be commissioned.</p> <p>Retained by the PRU.</p> <p>Additional place-</p>	<p>Agreed per-pupil top up paid by the commissioning local authority.</p> <p>Allocated in 'real time' during the year. Changes for starters and leavers.</p> <p>Uses the Day Rate Model (see section 8)</p>	n/a	n/a	No specific additional factors – setting-led need costs are to be covered within the calculation of the Day Rate.	Teacher Pay and Teacher Pensions Grants

	funding is allocated in real time where occupancy is exceeded, with an end of year reconciliation to ensure no overall overpayment of additional place-led funding for the actual total composite occupancy across the year.	The top up funding is allocated to and retained by the PRU.				
Hospital Education, Tracks and Medical Home Tuition.	The funding of the centrally managed services operates outside the Place-Plus mechanism, working within the discrete allocation provided for this service within our HNB. This will be subject to annual review to incorporate any changes in the DfE's funding methodology and requirements.	n/a	n/a	n/a	None.	Teacher Pay and Teacher Pensions Grants
Further Education Institutions, special institutions and ILPs (post 16)	n/a	n/a	Element 1 (based on the 16-19 national funding formula) plus Element 2 (£6,000) based on the number of places to be funded.	Agreed per-pupil top up paid by the commissioning local authority. Allocated in 'real time' during the year. Changes for	None.	None.

			<p>Additional place-funding (element 2 only) can be allocated in year where occupancy exceeds agreed places, with an end of year reconciliation to ensure no overall overpayment.</p> <p>Both Elements 1 and 2 are retained by the institution.</p>	<p>starters and leavers.</p> <p>Uses the Banded Model (see appendix 2).</p> <p>Typically values are funded at 60% for most placements. Higher cost placements (low incidence high need) are typically funded on an actual cost basis.</p>		
Independent Schools	The place funding system doesn't operate in independent schools.	Agreed per-pupil top up paid by the commissioning local authority.	The place funding system doesn't operate in independent schools.	Agreed per-pupil top up paid by the commissioning local authority.	None.	Teacher Pensions Grant (for EHCPs)

Appendix 2

The EHCP Banded Model for Funding Pupil-Led Need Top Up 2022/23

Introduction

1.1 Top-up funding (also known as Element 3 or 'Plus' funding) is the funding required by an institution, over and above place funding, to enable a child or young person with high needs to participate in education and learning. Top-up funding is expected to reflect the cost of additional support an institution incurs related to the individual needs of the child or young person.

1.2 As with many authorities, Bradford allocates top up funding using a band model. This model is used to assign Education Health and Care Plans (EHCPs) into bands of need for funding purposes. Each band has an applicable level of funding and every EHCP assigned to a band is allocated a set value of funding.

1.3 At April 2020, for the 2020/21 financial year, we introduced a new Banded Model. This model replaced our previous 'Ranges Model' and quite significantly uplifted the funding of EHCPs in all settings. This model includes protections, which have ensured, and will continue to ensure, that no EHCP in place on 1 April 2020 reduces in value as a result of funding model change. We uplifted the values allocated by the Banded Model in 2021/22, as set out in our consultation published this time last year.

1.4 A band system is more responsive to the needs of an individual child or young person than a blanket lump sum style approach but is not quite as sensitive as an approach where the cost of the needs of a child or young person is calculated on an exact basis. Blanket, band, and individually-costed systems all have pros and cons. The main positive features of band models, and of our Banded Model, are that these help promote consistency and transparency, reduce complication, support the quick assessment and release of funds, whilst also enabling the SEND Panel to find a 'close fit' for funding the needs of an individual child or young person with an EHCP.

1.5 In continuing to use our Banded Model in 2022/23, the Council's intention is still to retain a uniform framework for calculating top-up funding for EHCPs. The Council's expectation continues to be that this framework will enable a close fit to be found for the funding of the vast majority of EHCPs and will ensure consistency of approach in the funding of high needs across mainstream and specialist settings both pre and post 16. It is accepted that there will be a small number of children or young people that will sit outside this banded framework, most of whom will be placed in specialist independent provisions.

1.6 We are not proposing technical changes to our Banded Model in 2022/23. We do propose however, to uplift the rates of top up funding that this model allocates. Please see section 6 for explanation of the uplifted values that are proposed. Below is a summary of how the Banded Model operates.

The Banded Model 2022/23

2.1 The Banded Model uses at its base the [Bradford Matrix of Need](#), which outlines waves of intervention:

- Band 1 (Quality First Teaching)
- Band 2 (SEND Support)
- Band 3 (EHCP) – typically mainstream - this is the band at which Element 3 EHCP funding begins
- Band 4 (EHCP Plus) – typically specialist provision

This Matrix identifies the responsibilities of schools and providers in their use of already delegated funds in meeting the cost of support up to Band 3. It then identifies the point at which top up funding will begin in our model, which is EHCP Band 3.

2.2 The Banded Model has 6 bands and 6 funding steps, with values for 1 April 2022 proposed as set out in the table below. This table shows the proposed value of top up by band and the value of Element 2

contributions, which schools and providers will add to the top up from their budgets to produce the total value of funding available for supporting the costs of an EHCP.

In all steps within the model the school / provider, with the exception of EHCPs for 2, 3 and 4 year olds (in pre-reception) in mainstream not specialist provision, is expected to contribute Element 2 funding, currently at a value of £6,000 per 1 FTE, to the cost of the additional needs set out in the EHCP. For EHCPs for 2, 3 and 4 year olds (in pre-reception) in mainstream not specialist provision, that are only funded through the Early Years Single Funding Formula (EYSFF), because the EYSFF does not allocate Element 2 funding, Element 2 is allocated on an FTE basis in addition to the top up value for these EHCPs until these children enter reception year. This addition does not apply to early years children that are placed in special schools or in resourced provisions as these provisions are funded on a place-led basis, which includes Element 2.

	Proposed Indicative Top Up Value at April 2022	Element 2 Value FTE the school / provider adds	Total Value of Funding to support the EHCP
Band 3 Low (3L)	£2,137	£6,000	£8,137
Band 3 Medium (3M)	£3,915	£6,000	£9,915
Band 3 High (3H)	£5,641	£6,000	£11,641
Band 4 Low (4L)	£8,989	£6,000	£14,989
Band 4 Medium (4M)	£12,967	£6,000	£18,967
Band 4 High (4H)	£17,017	£6,000	£23,017
Protected 7	£27,961	£6,000	£33,961

The model is calculated on a provision-mapping approach. The additional educational needs of a child with an EHCP typically will be met through additional adult contact time. Typically, this will be delivered in a combination of individual time and time in smaller groups. The overall volume of time will increase as needs increase and the proportion of this time that is delivered on a more bespoke basis will also increase as needs increase. The values of the bands have been built up on assumptions about the proportion of additional support given to an EHCP, with this support split between bespoke time and time in smaller groups. This is a model for the SEND Panel to use to determine the volume and type of support required to then closely meet the needs of an individual EHCP.

2.3 Band 3 (EHCP) typically will support the cost of EHCPs placed in mainstream provisions. Band 4 (EHCP plus) typically will support the cost of EHCPs placed in specialist provisions. However, this is not an absolute position and the SEND Panel will use the model flexibly to closely meet need.

The Band 3 values are calculated on assumptions on additional 'support assistant' time (where bespoke means 1:1 and group time is in groups of 1:3). The cost per hour assumption within the indicative 2022/23 financial year model, on a term time only basis and incorporating assumptions about on-costs, is £16.58. This represents a 3.0% increase on the £16.10 that was used in the 2021/22 model.

The Band 4 values are calculated on assumptions on both support assistant time (where bespoke means 1:1 and group time is in groups of 1:2) and teacher time in group sizes of 1:12, 1:8 and 1:6. The cost per hour assumption for support assistant time within the indicative 2022/23 financial year model is £16.58 as in Band 3. The indicative cost per hour assumption for teacher time in the model is £47.53. This represents a 5.5% increase on the £45.03 that was used in the 2021/22 model.

2.4 Each EHCP will be funded at the band value that provides the closest fit for meeting the cost of the needs of the child or young person. In the model, the closest fit may also be found by combining ('stacking') more than one band value. The facility to combine values means that the SEND Panel can use the model in a flexible way to find a very close fit for the funding especially of children and young people with significant secondary needs as well as those that require additional functional support both within and outside of the standard taught school day where this is not already funded within a single band value.

2.5 It is helpful to continue to highlight the main differences between our current Banded Model and our previous Ranges Model that was used up to 31 March 2020:

- The Banded Model does not have a 7th step (the equivalent of the previous Range 7). It is expected that stacking will deliver a level of support higher than the single band 4H, where this is necessary. Specific transition arrangements are in place for Range 7 EHCPs that existed at 1 April 2020.
- The Panel can 'stack' values (meaning an EHCP can be allocated more than one value) in order to find a close fit.
- The Banded Model does not use primary need as a marker for the placement of an EHCP into a band. Placement is based on assessed level of need.
- Whereas the previous Ranges Model defined need in terms of 1:1 hours of support, the Banded Model uses a provision mapping approach and a combination of bespoke time and time in smaller groups.
- The values allocated by the Banded Model are significantly increased on those allocated by the Ranges Model. These increases are the result of two main adjustments; a) refreshing the assumptions about the salaries of support assistants and teachers - the Banded Model uses estimates of salaries and on-costs for 2022/23; b) allowing the top up model to compensate for the fixed £6,000 Element 2. Because the £6,000 Element 2 has not increased since the implementation of the national model in 2013/14, and has not increased in 2022/23 vs. 2021/22, the annual increase in the costs of support from increased salaries must be met solely by the top up element otherwise there is an annual erosion of funding in real terms. This is the reason why the % increases in top up funding on their own are significantly higher than inflation / pay award. However, when top up funding is added to the fixed £6,000 Element 2, or to the fixed £10,000 place-element in the case of specialist settings, the true total % increases in funding available to meet need are reduced. Please see section 6 for explanation of this.
- The Banded Model works alongside a clarified / amended approach to the sharing of the cost of specialist equipment.

2.6 To highlight how the Banded Model continues to be the same or similar to the previous Ranges Model:

- Decisions on the application of the Banded Model – which of the 6 bands an EHCP is placed in and whether an EHCP is given more than one band value - continue to be taken by Bradford Council's SEND Panel with reference to the evidence submitted through the EHCP assessment process. Appeals and disputes also continue to be resolved through the Panel process.
- In all steps within the model, the school / provider, with the exception of EHCPs for 2, 3 and 4 years olds (pre-reception) in mainstream not specialist provision, is expected to contribute Element 2 funding currently at a value of £6,000 to the cost of additional needs.
- The bottom 'threshold' for the 1st step of Band 3 (3 Low) is the same as the Ranges Model. The Banded Model itself has not changed the threshold at which EHCP funding can initiate nor has it changed the points of access to an EHCP. It simply has changed the options that are available to the SEND Panel to use to ensure that an EHCP is appropriately and accurately funded.

- For the top-up funding of post 16 high needs students with EHCPs in the Further Education sector, it has been agreed previously with the relevant providers that, as, on average, colleges deliver around 60% of the hours delivered by schools, colleges are funded for the vast majority of students at 60% of the Banded Model value for the primary need of the student. The exceptions are students with the primary need of sensory impairment (Hearing / Visual), where funding continues to be allocated on an actual cost basis. Due to the specific support needs of these students in Further Education, and the diverse nature of their curriculum choices, it is not possible to formularise this funding element. This approach is continued in the application Banded Model in 2022/23.
- The ‘technical framework’ is the same for the operation of the Banded Model during the year e.g. the monthly re-calculation of EHCP funding from the census of EHCPs on roll on 10th of each month.
- An assessment place (which was Range 4D) has become Band 4L. This funds EHCPs placed in specialist provisions until a final determination of band from the Panel is received. Funding is changed at this point if this is different from 4L. Band 4L also continues to be used to more permanently fund placements in the Early Years ESPs that are attached to maintained nursery schools.

A reminder of the transition from the previous Ranges Model

3.1 It is helpful to remind providers of how we moved from the Ranges Model to the now established Banded Model and what protections continue to be in place. All EHCPs in place at 1 April 2020 were automatically transferred on to the new Banded Model system at 1 April 2020 as follows:

Range		Band
Range 4A	became	Band 3L
Range 4B	became	Band 3M
Range 4C	became	Band 3H
Range 4D	became	Band 4L
Range 5	became	Band 4M
Range 6	became	Band 4H
Range 7	became	Protected 7

3.2 Most existing EHCPs on an on-going basis will remain within the band they were transferred to. The SEND Panel will continue to review, through the annual review process, individual EHCPs where the banding may be disputed, where there are obvious existing inaccuracies or where the needs of the child or young person have changed.

3.3 The Banded Model operates under the guarantee that, for EHCPs in place at 1 April 2020, the EHCP will not ever drop to a lower valued band unless the SEND Panel agrees that the needs of the child or young person are reduced when compared against the needs presented to the Panel in the original EHCP determination. This guarantee remains until the pupil reaches the end of year 11. This guarantee does not extend to assessment places that were funded at 1 April 2020 (as these pupils did not yet have EHCPs).

3.4 The Banded Model retains a transitional ‘Protected 7’ band, which will continue to fund EHCPs that we graded at Range 7 under the old model. These Range 7 pupils will stay funded by the Protected 7 band unless an annual review gives them a higher level of funding using the new model (via stacking), when the pupil would be transferred onto the new model at this point, or where the pupil’s needs are agreed to have reduced when compared against the needs presented to the Panel in the original EHCP Range 7 determination. This guarantee remains in place until the pupil reaches the end of year 11. The value of Protected 7 will be uplifted each year by the same % that is applied to Band 4H.

Appendix 3 – Technical Annex

This appendix contains more technical detail on the definitions and calculations of factors that are contained within Bradford Council's EHCP high needs funding model.

Notional SEND (Mainstream Schools Block Primary & Secondary)

Local authorities are required to define for each primary and secondary school and academy the value of mainstream formula funding that is 'notionally' allocated for SEND (for meeting the first £6,000 of needs both for pupils with EHCPs and the needs of pupils without EHCPs). How Bradford currently defines notional SEND in the 2021/22 financial year (the %s of funding in each formula factor that make up this budget) is shown in the table below.

Formula Factor	% Primary	% Secondary
Prior Low Attainment	100%	100%
Free School Meals Factor	23.1%	10.2%
IDACI Factor	22.4%	19.2%
Base £APP	7.5%	6.3%

In addition, 6.0% of a mainstream school's or academy's allocation from the Early Years Single Funding Formula, for mainstream primary schools and academies that have early years entitlement provision, is also defined to be available for supporting SEND in early years.

We do not propose to amend our published definition in 2022/23. Following the introduction of the Minimum Level of Per Pupil Funding Factor (MFLs) in the primary and secondary funding formula however, some mainstream schools and academies now receive what can be determined to be Additional Educational Needs (AEN) pupil-led funding through the MFLs, rather than through the AEN formula factors, which are used to define published notional SEND budgets. For point of clarity therefore, although the Authority does not propose to change the methodology behind the published notional SEND allocations for schools and academies, the Authority will consider MFL allocations within discussions that may be had with individual schools and academies about available delegated SEND monies.

SEND Funding Floor (Mainstream Primary & Secondary)

Please see section 10 for further discussion on the position of this factor for 2022/23. How the Floor works currently in 2021/22 is described below.

In 2021/22, we agreed to trial (for a year pending review) an amended Special Educational Needs and Disabilities (SEND) Funding Floor formula. As with our previous arrangement, this is re-calculated on a monthly basis for changes in the numbers of Education Health and Care Plans (EHCPs) on roll.

This formula is aimed at ensuring that no mainstream primary or secondary school or academy will have to manage from their own mainstream delegated formula funding an above phase-average cost pressure in respect of their commitment to meet the cost of Element 2 £6,000 for their EHCPs. As well as supporting provision for pupils with EHCPs, this approach helps to protect the funding used by schools and academies to support their wider Additional Educational Needs, SEND and Alternative Provision activities. It directly financially supports schools and academies that have higher proportions of pupils with EHCPs, in support of inclusion, combining also to support schools and academies that may have lower levels of maintained Additional Education Needs formula funding (because they have e.g. lower levels of deprivation) but higher numbers of EHCPs and also that may be smaller in size. It supports schools and academies that may have some turbulence in formula funding as a result of in year pupil numbers changes.

The formula for 2021/22 is as follows:

Where A is greater than B a school / academy receives a top up for the difference between A and B.

A = is the Full Time Equivalent (FTE) number of EHCPs in a school / academy (mainstream provision, excluding early years and post 16 students) multiplied by £6,000 (Element 2).

B = is the % of a school's Additional Educational Needs delegated formula funding that is required to be put to the Element 2 £6,000 cost of a school's EHCPs, before the SEND Funding Floor will provide additional financial support. There are 2 parts to the calculation, the % and what is meant by Additional Educational Needs delegated formula funding. Both these are fixed for the 2021/22 financial year, as follows

- The % is the phase median average % of Additional Educational Needs formula funding that schools / academies contribute to Element 2 £6,000 costs in respect of their EHCPs. The phase average is rounded plus 1%. Separate percentages are used for primary and for secondary phases. For 2021/22, these averages are set at 11% for the primary phase and 10% for the secondary phase.
- Additional Educational Needs delegated formula funding is calculated by taking the following funding factors within the delegated formula funding allocations received by mainstream schools / academies. For academies, this is within their General Annual Grant (GAG) funding:

100% of the English as an Additional Language factor
 100% of the Free School Meals factors
 100% of the Prior Attainment factor
 100% of the Minimum Funding Level factor
 100% of the Income Deprivation Affecting Children Index (IDACI) factor
 80% of Minimum Funding Guarantee factor

Setting-Led Needs Factors – Maintained Special Schools & Special School Academies

- New Services Delegation – an additional amount per pupil to reflect that stand alone special schools and special school academies cannot access de-delegated and centrally managed services without charge – indicatively to be set at a flat £449.88 per pupil in 2022/23. So a setting with 100 pupils receives 100 x £449.88 = £44,988 funding.
- Small Setting Protection – an additional sum, for stand-alone settings with fewer than 75 places, to ensure a minimum level of funding for fixed costs. The formula is:

A (75 x £10,000 x 20%)
 B (setting's place funding x 20%)
 = top up to the value of A where B is less than A

As all special schools and special school academies are now larger than 75, this is not a factor that is currently needed.

- Split Sites – an additional sum for special schools and special school academies that operate across split / satellite sites. The full year value of this lump sum is proposed at £226,740 in 2022/23.
- Post 16 Places – an additional sum per Post 16 place, to allocate an additional £1,200 per place. This ensures that special schools with post 16 places receive the nationally set DfE value of element 1 for post 16 pupils, which is £5,200 in 2022/23.
- 3% Cash Budget Protection – an additional total cash budget safety net protection, which ensures that at no point during 2022/23 will the total 'Place Plus' calculated budget for an individual special school be more than 3% lower than the 2021/22 total level of funding. As most special schools are / have been increasing places, together with the uplifted Banded Model funding rates, this is not a factor that was needed in 2021/22, but remains in place to ensure a safety net.

Setting-Led Needs Factors – School-Led Resourced Provisions Mainstream Primary & Secondary Schools and Academies

- Small Setting Protection – an additional sum for provisions with fewer than 24 FTE places, to ensure a minimum level of funding for fixed costs. The formula is:

- A (24 FTE x £10,000 x 20%)
- B (setting's place funding (where each place is worth £10,000) x 20%)
- = top up to the value of A where B is less than A

- 3% Cash Budget Protection – as special schools above.

Setting-Led Needs Factors – Local Authority-Led Resourced Provisions Mainstream Primary & Secondary Schools and Academies (both Sensory and SEMH)

Please note that the Local Authority retains this top up funding.

- Small Setting Protection – an additional sum for provisions with fewer than 24 FTE places, to ensure a minimum level of funding for fixed costs. The formula is:

- A (24 FTE x £10,000 x 20%)
- B (setting's place funding (where each place is worth £10,000) x 20%)
- = top up to the value of A where B is less than A

- New Services Delegation – as special schools above. This is allocated because the Authority's centrally managed services do not access services and funds otherwise funded for school-led resourced provisions through de-delegation within the Schools Block.

Setting-Led Needs Factors – Early Years Enhanced Specialist Provisions

- Small Setting Protection – as School-Led Resourced Provisions above.

Appendix 4: 2022/23 Draft Planned Commissioned Places

Setting	Type (AP or SEND)	21/22 Planned Budget Academic Year Places (FTE)	22/23 Academic Year Draft Planned Places (FTE)
Bradford Alternative Provision Academy	AP	65.0	65.0
Park PRU	AP	90.0	90.0
Other Alternative Provision	AP	10.0	10.0
Centrally Managed EinH, Tracks and Medical Home Tuition Service "notional" places	AP	49.0	49.0
Early Years Resourced Provision - Abbey Green Nursery School	SEND	6.0	6.0
Early Years Resourced Provision - Canterbury Nursery School and Children's Centre	SEND	16.8	16.8
Early Years Resourced Provision - Midland Road Nursery School	SEND	6.0	6.0
Early Years Resourced Provision - St Edmund's Nursery School and Children's Centre	SEND	19.8	19.8
Early Years Resourced Provision - Strong Close Nursery School	SEND	18.0	18.0
Early Years Resourced Provision - Balance of places (flex inc. for 30 hours provision)	SEND	11.4	11.4
Resourced Provision LA Led - Girdlington Primary School	SEND	20.0	20.0
Resourced Provision LA Led - Swain House Primary School	SEND	20.0	20.0
Resourced Provision LA Led - Grove House Primary School	SEND	12.0	12.0
Resourced Provision LA Led – Hanson School	SEND	48.0	48.0
Special – Beechcliffe School	SEND	248.0	248.0
Special – Chellow Heights School	SEND	250.8	250.8
Special – Co-op Academy Delius	SEND	171.0	171.0
Special – Beckfoot Hazelbeck Academy	SEND	144.0	144.0
Special – High Park School	SEND	130.0	130.0
Special – Beckfoot Phoenix Primary Special School	SEND	102.0	102.0
Special – Co-op Academy Southfield	SEND	320.0	360.0
Special – Oastler School	SEND	134.0	134.0
Resourced Provision School Led – Carrwood Primary School	SEND	12.0	12.0
Resourced Provision School Led – Denholme Primary School	SEND	8.0	8.0
Resourced Provision School Led – Green Lane Primary School	SEND	24.0	24.0
Resourced Provision School Led – High Craggs Primary Academy	SEND	6.0	6.0
Resourced Provision School Led – Crossflatts Primary School	SEND	16.0	16.0
Resourced Provision School Led – Beckfoot Academy	SEND	6.0	6.0
Resourced Provision School Led – Oasis Academy (Lister Park)	SEND	20.0	28.0
Resourced Provision School Led – Co-op Academy Grange	SEND	12.0	24.0
Resourced Provision School Led – Parkside School	SEND	14.0	14.0
Resourced Provision School Led – The Holy Family Catholic School	SEND	20.0	20.0
Resourced Provision School Led – Beckfoot Thornton Academy	SEND	16.0	16.0
Resourced Provision School Led – Titus Salt School	SEND	30.0	30.0
Resourced Provision School Led – Bradford Academy	SEND	27.0	27.0
Resourced Provision School Led – Bradford Forster Academy	SEND	10.0	10.0
Resourced Provision School Led – Haworth Primary Academy	SEND	12.0	12.0
Resourced Provision School Led - Crossley Hall Primary School	SEND	24.0	24.0
Resourced Provision School Led - Long Lee Primary School	SEND	16.0	16.0
Resourced Provision School Led - Worth Valley Primary Academy	SEND	8.0	8.0
Resourced Provision School Led - Parkwood Primary Academy	SEND	12.0	12.0
Resourced Provision School Led - Cottingley Village Primary School	SEND	10.0	16.0
Resourced Provision School Led - Horton Park Primary Academy	SEND	12.0	12.0
Resourced Provision School Led - Ilkley Grammar School	SEND	12.0	20.0
Resourced Provision School Led - Holybrook Primary School	SEND	16.0	16.0
Resourced Provisions LA Led - Primary Phase	SEND	86.0	86.0
Resourced Provisions LA Led - Secondary Phase	SEND	50.0	50.0
Further Education - Bradford College (Subject to Further Review)	SEND	180.0	220.0
Further Education - Shipley College (Subject to Further Review)	SEND	125.0	148.0
Further Education - Aspire I (Subject to Further Review)	SEND	36.0	36.0
SEND - Additional Places not yet allocated to a setting	SEND	120.0	105.0
Grand Totals		2,831.8	2,953.8
Sub Totals SEND		2,617.8	2,739.8
<i>Early Years Resourced Provision</i>		78.0	78.0
<i>Local Authority Led Resourced Provisions - Sensory</i>		100.0	100.0
<i>Maintained Special Schools and Special Academies</i>		1,499.8	1,539.8
<i>School Led Resourced Provisions</i>		343.0	377.0
<i>Local Authority Led Resourced Provisions</i>		136.0	136.0
<i>Further Education (Post 16)</i>		341.0	404.0
<i>Additional SEND Places not yet allocated</i>		120.0	105.0
Sub Totals Alternative Provision		214.0	214.0
<i>PRUs & Alternative Providers</i>		165.0	165.0
<i>Education in Hospital, Tracks (notional places)</i>		49.0	49.0

Appendix 5 - RESPONSES FORM

Consultation on Funding High Needs Provision 2022/23

Name _____ Setting Name _____

THE DEADLINE FOR RESPONSES TO THIS CONSULTATION IS TUESDAY 30 NOVEMBER 2021

Please send completed questionnaire responses to:

School Funding Team
City of Bradford Metropolitan District Council
1st Floor, Britannia House,
Hall Ings
Bradford
BD1 1HX

Tel: 01274 433775

Email: dawn.haigh@bradford.gov.uk

Please complete the questionnaire by marking the appropriate boxes. There is a space below each question for you to record comments.

Question 1 – Do you agree with the approach that is proposed for uplifting the values of the EHCP Banded Model in 2022/23? If not, please can you explain why not.

Strongly Agree **On Balance Agree (some reservations)** **Strongly Disagree**

If not, please provide further explanation here:

Question 2 – Do you have any comments (including technical comments) on the EHCP Banded Model you would like the Authority to consider for 2022/23?

Question 3 – Do you agree with the amendments to the setting-led need factors that are proposed in paragraph 7.5? If not, please can you explain why not.

Strongly Agree **On Balance Agree (some reservations)** **Strongly Disagree**

If not, please provide further explanation here:

Question 4 – Do you have any comments (including technical comments) on the setting-led need factors you would like the Authority to consider for 2022/23?

Question 5 – Do you agree with the Day Rate mechanism that the Authority proposes to use to fund the PRU / Alternative Provision Academy in 2022/23? If not, please can you explain why not.

Strongly Agree **On Balance Agree (some reservations)** **Strongly Disagree**

If not, please provide further explanation here:

Question 6 – Do you have any comments (including technical comments) on the proposed Day-Rate mechanism you would like the Authority to consider for 2022/23?

Question 7 – Do you agree with the methodology that the Authority proposes to use to allocate the Teacher Pay Grant and Teacher Pensions Grant in 2022/23? If not, please can you explain why not.

Strongly Agree **On Balance Agree (some reservations)** **Strongly Disagree**

If not, please provide further explanation here:

Question 8 – Do you agree with proposal to continue the amended SEND Funding Floor approach for a further year in 2022/23? If not, please can you explain why not.

Strongly Agree **On Balance Agree (some reservations)** **Strongly Disagree**

If not, please provide further explanation here:

Question 9 – Do you have any comments (including technical comments) on the SEND Funding Floor mechanism you would like the Authority to consider?

Question 10: Are there any changes that you would wish to see made to the funding models in 2022/23 that have not been proposed? Please give details.

Question 11 – Do you have any other comments on the funding models or on the proposals that you have not recorded elsewhere?