

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet Member for Children and Education – Cllr Larry Culhane

Date: 11/11/2021

Subject: High Needs Academies Placement Strategy and Commissioning Process

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Responsible Director: Jacqui McShannon, Director of Children's Services

SUMMARY

Hammersmith & Fulham (H&F) is responsible for ensuring sufficient local provision for children and young people with special educational needs. This includes ensuring there is suitable provision and sufficient numbers and types of specialist placements to meet local and regional needs in H&F Special Provision.

This paper summarises the 2022/23 High Needs Placement Strategy and the Commissioning Process and outlines the number of high needs places commissioned at establishment level for academies for the 2022/23 academic year.

RECOMMENDATIONS

Cabinet Member for Children and Education:

1. Approves the Academies place commissioning numbers for 2022/23 academic year at a total cost of £4,970,000.
2. Delegates authority to the Director of Education to finalise Service Level Agreements with Academies to give effect to point 1.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Continue the delivery of outstanding education provision for H&F children and young people to enable and empower them to reach their full potential.
Creating a compassionate council	Support the sustainability of the H&F school economy to support H&F

	children and young people with a range of provision that offers the right interventions at the right time, improving the life outcomes for children, young people, and their families.
Doing things with local residents, not to them	Maintaining high quality provision to allow further co-design with schools, parents, and partners to meet aspirations and changing needs.
Being ruthlessly financially efficient	Continued delivery of a robust education offer to meet the learning needs of H&F children and young people locally.
Taking pride in H&F	Support the H&F school community to deliver a robust education pathway for H&F children and young people. Allowing schools to continue to support H&F children and young people to play and active part in their local community, achieving paid employment, independent living, good health and relationships.
Rising to the challenge of the climate and ecological emergency	Schools are a key partner for supporting H&F's climate agenda alongside partner organisations; building on their knowledge to design a robust climate curriculum for all settings in H&F.

Financial Impact

The number of commissioned places within H&F must reflect the commissioning decisions of other local authorities for places being taken up by non-resident pupils.

High Needs Block funding for Academies is deducted from the council's allocation based on commissioned numbers and paid directly to the provider by Education and Skills Funding Agency (ESFA).

An adjustment is made in the high needs funding formula allocation to compensate the higher costs that are incurred for being an authority that attracts more pupils and students with high needs who live outside the local authority area into their schools and colleges. Hammersmith & Fulham is a net importer of pupils and therefore has a higher proportion of pupils from other areas compared to the number of H&F pupils that are placed in provision outside of the borough.

Queens Manor Primary School

The proposal is to continue with the current commissioned place funding arrangements of 20 places until the SEN sufficiency review is completed.

Initial figures, from the SEN top-up model, shows that for the new academic year 2021/22 there are 7 pupils registered in the unit and 13 unused commissioned places. This is used to inform the school budget allocations in January each year. If

the number of pupils in the unit is 7 in January 2022 there will be a financial impact on the dedicated schools grant (DSG) high needs block (HNB) for the unfilled places as there will be no schools block contribution for voids. The final unit figure will be identified from the publication of the October 2021 school census data.

Each unfilled commissioned place is subject contribution of £10,000 from the DSG HNB. The impact of this in academic year 2022/23 on the HNB is shown in table 1.

HNB funding is made up of three elements:

- Element 1 and 2 are place funding and vary dependent of the type of provision and is paid by the commissioning local authority or the ESFA as appropriate
- Element 3 funding is in relation to place top-up contributions for children in special provision is paid by the placing local authority.
- Element 3 funding is in relation to place top-up contributions for children in alternative provision is paid by the commissioning local authority.

Table 1 – Academic Year 2022/23 costs of commissioned places

Core Funding	Number of places	Rate £	Schools contribution (Schools Block) DSG £	High Needs Block DSG £
A. Filled places element 1	7	4,000	28,000	
B. Filled places element 2	7	6,000		42,000
C. Unfilled places elements 1	13	4,000		52,000
D. Unfilled places element 2	13	6,000		78,000
E. Filled places element 3 top-up	7	10,985		76,895
F. Further top-up if all 20 places filled	13	10,985		142,805
Total			28,000	391,700

The SEN Sufficiency review scheduled for Spring 2022 will determine the quantity and nature of places required at the provision in future but that the current 20 commissioned places are maintained pending this review.

In total, £130,000 of HNB will be spent on place funding for unfilled/void places in 2022/23 academic year, per lines C and D in Table 1.

Queensmill Academy

The proposed commissioned places of 246 for the academic year 2022/23 represents no change to the current commissioned places. This is in line with the forecast reported to ESFA as part of the DSG Safety Valve process.

West London College

The proposal is to increase the 251 commissioned places costing £1,506,000 by 49 to 300 for the academic year 2022/23

The full year effect of the proposal to increase places is £1,702,000 resulting in an increased cost £196,000. If the commissioned numbers remain at 300, the full year cost for financial year 2023/24 is £1,800,000 representing an increase of £294,000 on the current commissioning levels (or £6,000 per place for a post 16 special place).

H&F will be responsible for funding the increase in H&F resident learners from resources within the HNB. The places taken up by non-resident pupils will result in increased funding through a funding adjustment and is expected to partially offset the £294,000 increase in expenditure.

These increased costs were not reflected in the submitted ESFA safety valve action plan and therefore represent a pressure on the H&F HNB budget.

Element 3 top-up rates will be regularly reviewed as part of SLA review meetings with the college in light of increased places and place funding to ensure overall funding to the college is reasonable.

OAT Academy - Bridge and Courtyard

The proposal is to commission 45 alternative provision (AP) places at the Bridge Academy and eight AP places at the Courtyard Academy. This is in addition to five SEN places at the Bridge Academy and six SEN places at the Courtyard Academy for the academic year 2022/23. The commissioning of the SEN places should be considered with the AP places for the purposes of explaining the financial impact.

The School and Early Years Finance (England) Regulations 2020 state that the local authority should agree the number of AP places to be commissioned in consultation with schools in the area. Consultation may also be required with other local authorities and schools out of the area if they are likely to commission places at the provision also.

The current arrangements for the academic year 2021/22 are 72 commissioned AP places at the Bridge and 16 at the Courtyard.

The impact of the proposed 24 total place reduction from September 2022 for the 2022/23 academic year is shown in table 2.

Table 2 – Financial Impact of Proposed 2022/23 Place Numbers

Provision	2021/22 Academic Year Places to support core running of provision	2022/23 Academic Year Proposed Places	Change Places / Cost £	Change in AP top-up cost £
The Bridge – AP	72	45	(27) / (£270,000)	(324,567)
Courtyard – AP	16	8	(8) / (£80,000)	(0)
The Bridge – SEN	0	5	5/£50,000	60,105
Courtyard – SEN	0	6	6/£60,000	72,126
Total	88	64	(24) / (£240,000)	(£192,336)

This represents a total reduction of £432,336.

The revised place commissioning numbers reflects the proposed places for the 22/23 academic year. Although this represents a reduction of place funding it is recognised the top-up will need to be revised to meet the needs of the cohort for that year.

Discussions are ongoing with OAT to finalise the revised top-up following the reduction of activity. The expected ranges of the required top-up to meet the needs of the children and young people in the commissioned places is:

AP: £14,021-£14,521

EHCP: £10,000-£11,000.

The EHCP top-up for the commissioned place is paid on top of the AP Top-Up.

The net effect of these movements enables delivery of the agreed Safety Valve target of £225,000. There is a risk that agreement may not be reached on these rates which would put the safety valve saving at risk.

Legal Implications

Section 13 of the Education Act 1996 places a duty on a Local Authority to ensure sufficient primary and secondary education provision is available to meet the needs of the population in its area including pupils with additional Special Educational Needs.

The Council also has duties under the Children and Families Act 2014 to make special educational provision for children and young people whose needs cannot reasonably be met from the resources normally available to schools and post-16 institutions

Education funded by the High Needs Block of the DSG is provided to meet the Council's statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and the Council's statutory duties under the Children and Families Act 2014 to meet the needs of pupils and young people up to the age of 25 with special educational needs.

Approval of the strategy contributes to the fulfilment by the Council of these obligations.

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Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Background and context

1. Local Authorities have a duty to ensure there is sufficient provision locally for children and young people with special educational needs. This includes ensuring there is suitable provision and sufficient numbers and types of specialist placements to meet local need and that placement processes are effective.
2. Following recent work on the High Needs Block Programme, together with sufficiency planning and schools budget setting there is a need to bring the different elements together into an interim High Needs Placement Strategy.
3. The purpose of this paper is to set out the commissioning approach for children and young people in receipt of High Needs Funding and the operational arrangements with academies to ensure high quality and good value provision and sufficient places to meet need.

Vision

4. Hammersmith & Fulham have high aspirations for all children and young people and are committed to ensuring every child has the best possible start in life. Through effective commissioning this will ensure we can provide the right support at the right time to ensure all children reach their full potential.

High Needs Commissioning cycle

5. An interim high needs place commissioning approach has been developed in lieu of the SEN Sufficiency Strategy which is currently being commissioned.
6. The interim approach includes three key tenets as part of the commissioning cycle:
 - Efficient systems and controls through standardised place planning activity and streamlined processes
 - Clear local offer supply and demand using data to support future requirements planning and to support strategic conversations with partners
 - Quality Assurance and Monitoring Frameworks that ensure continued high-quality place commissioning with robust controls and monitoring procedures in place.



Approach per setting

Queen's Manor Primary School

7. Queens Manor operates the Pavilion, a Specialist Resource Base for children with moderate learning difficulties. Places at the Pavilion were capped to allow the use of the second classroom for a bespoke arrangement for five children with complex autism that could not have been accommodated at Queensmill School. This arrangement has now ended.
8. It is proposed to maintain the commissioned numbers for this placement at 20 places for the 2022/23 academic year to provide the Pavilion with the required core funding to maintain the viability of the Unit for the next academic year.

9. The SEN sufficiency will inform both the future designation and commissioning arrangements for the Pavilion to meet the projected medium to long-term needs.

Queensmill Academy

10. Queensmill School is a former H&F maintained special school for children and young people with a diagnosis of autism from 3 to 19 years. The school caters for children and young people with complex learning needs.
11. Cabinet approved the academy conversion of Queensmill Special School on 19 April 2021 and delegated authority to the Director of Children's Services to finalise an SLA with Queensmill.
12. On the 10 May 2021 the Director of Children's Services approved the increase of commissioned places at Queensmill Special School by 50 places to reflect the number of learners on roll and support the development of a robust ordinarily available offer at the school. This takes the total commissioned places to 246.
13. The enhanced core funding was based on several core Service Level Agreement principles including the delivery of Speech, Language and Communication Needs (SLCN) provision as well as Occupational Therapy (OT) to ensure a whole school approach to the delivery of therapies.

West London College

14. West London College (WLC) is the H&F local Further Education Provider. The college offers an inclusive approach to post-16 education and training where learners attend mainstream courses as well as bespoke provision through the inclusive learning department.
15. The college provides tuition for Supported Internships and Apprenticeships. It is the Education partner for the H&F and L'Oréal Supported Internship and provides the tuition programmes for some Inclusive Apprenticeships.
16. As the headquarters of WLC are in the borough, H&F operates as the regional commissioner and in this role has a duty to work with partner authorities to understand their future commissioning needs.
17. WLC commissioning places were increased in-year from 102 to 251 in 2019/20 to reflect regional needs and regularise arrangements. The import/export element of the High Needs Formula compensated the H&F DSG for young people from other local authorities and consequently for this increase.
18. Ongoing planning discussions with the WLC and placing local authorities have indicated the need for a further increase in commissioning numbers to reflect regional needs. It is proposed to increase WLC commissioning numbers for the 2022/23 academic year to 300 high needs places. As highlighted earlier, the import/export element of the High Needs Formula compensates the H&F DSG for young people from other local authorities.
19. In keeping with the High Needs Operational Guidance, a review will be undertaken with the college to agree any additional in-year funding. Officers will

work with WLC and other placing authorities to develop a strategic high needs plan for the college, to provide clarity and predictive modelling for future growth.

The Bridge Academy and Courtyard Academy

20. H&F is required to provide alternative provision (AP) places for all children of statutory school age who are subject to a permanent exclusion.
21. H&F also funds places for some Fair Access Panel placements at AP and retains the option to fund managed moves to AP in exceptional circumstances.
22. Officers have undertaken a review of historic activity and determined the following requirements moving forward from 2022/23.
23. The previous commissioning arrangements were complex and employed a dual process of place numbers to support the running costs of the provision with surplus place commissioning monies being invested into an Outreach offer. In the case of Courtyard this saw commissioning intentions of 16 and agreement to fund top-up for 8 places. The recommendations in this paper seek to regularise these arrangements.
24. Following analysis of available data in relation to demand from these three cohorts over the preceding three to five years, it is suggested the H&F will need to secure a total of 45 places at Bridge Secondary AP and eight at Courtyard Primary AP. Overall total - 53 places. This does not include specialise EHCP provision which is to be determined as part of the SEN Sufficiency review.
25. The current commissioning intentions represent a one-year bridging Service Level Agreement in lieu of the SEN Sufficiency review. The AP top-up will be paid per place for the full year to reflect the nature of provision and not paid on a participation basis.
26. Discussions are ongoing with OAT in relation to the revised top-up and options have been presented to them. We will continue to work with OAT to reach an agreement that enables delivery of the Safety Valve commitment.

Reasons for Decision

27. As detailed in the High Needs Funding Operational Guidance: 2021 to 2022:
“High needs funding is provided to local authorities through the high needs block of the dedicated schools grant (DSG). Local authorities must spend that funding in line with the associated conditions of grant, and School and Early Years Finance Regulations.”
28. The high needs funding block provides local authorities with resources to support provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 25, enabling both local authorities and institutions to meet their statutory duties under the Children and Families Act 2014.

29. Local authorities determine how much to set aside in their high needs budget for place and top-up funding given to institutions and have flexibility to change funded place numbers.
30. Place funding should broadly reflect both local authorities' recent commissioning activity and strategic planning to secure suitable special educational needs and disabilities (SEND) provision and AP, in line with their statutory responsibilities and regional requirements.
31. Local authorities are required to consult with institutions in their area and discuss both current numbers of places being taken up, which will be included on the school census and special educational needs and disabilities (SEND) provision (ILR) returns, and the number of places required in future.

Equality Implications

32. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2010, by the approval of the school place commissioning arrangements set out in the recommendations.
33. Officers anticipate a neutral impact as the funding model outlined in this report is intended to provide financial stability to schools. The report does not recommend a decrease in the place funding allocation. In some cases, the report allows for an increase in the place funding allocation.
34. In addition to place funding, individual learners also attract top-up funding to deliver to the specification in their Education, Health and Care Plans.

Risk Management Implications

35. The paper sets out the Council's place commissioning intentions for the 2022/23 academic year enabling both the Local Authority and local education settings to meet their statutory responsibilities by securing sufficient provision to meet local needs through commissioning activity and strategic planning.

Implications verified by: Ray Chitty, Head of Insurance, 07739315565

Climate and Ecological Emergency Implications

36. Schools are a key partner for supporting H&F's climate agenda alongside partner organisations; continuing to raise awareness and understanding of the climate and ecological emergency, and the steps that people can take. The H&F Education Service and Climate Emergency Unit will shortly begin work to co-produce a H&F schools decarbonisation plan with our school community.

*Implications verified by: Hinesh Mehta Strategic Lead – Climate Emergency
07960 470125*

Consultation

37. Hammersmith & Fulham have the role of sub-regional commissioner for academies and Further Education provision located within the borough. As the Commissioner H&F must consult with its regional partner authorities to set the number of places to meet the needs in the local area.
38. In recent years, neighbouring authorities (Kensington and Chelsea, Westminster, Brent, Ealing, and Hounslow) have placed significant numbers of learners in H&F Special Schools and in West London College and this is likely to continue in the future. Consultation with each of these placing authorities will take place on a termly basis and include analysis of relevant parts of their Pupil Place Planning data and their forecasts for placements. Where necessary consultations can be set up for all placing authorities on strategic place planning and where feasible and desirable linked to the strategic place planning for London and through London Strategic Managers Forum and sub-regionally with the Commissioning Alliance. Consultation with authorities placing lower numbers will generally be via email correspondence with dedicated meetings set up as needed.

LIST OF APPENDICES

Appendix A – 2020/23 Academies Place Commissioning Requirements

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Appendix A – 2022/23 Academies Place Commissioning Requirements

School	AY 2022/23 Proposed Commissioned places	Place Commissioning rate £	Total £
Queens Manor Resource Unit	20	10,000	200,000
Queensmill Academy	246	10,000	2,460,000
Ealing, Hammersmith and West London FE college	300	6,000	1,800,000
Courtyard AP Academy	8	10,000	80,000
The Bridge AP Academy	45	10,000	450,000
Total	<u>619</u>		<u>4,990,000</u>