

Top up Funding Consultation – DRAFT Equality Impact Assessment November 2018



<b>Service area:</b>	Education Inclusion Service
<b>Budget reference:</b>	Dedicated Schools Grant and resulting schools funding 2019-20
<b>Budget proposal:</b>	Outcome of the Top-up Funding (TUF) Review
<b>Equality impact assessment owner:</b>	Wendy Packer
<b>Director sign off:</b>	Sheila Smith
<b>Review date:</b>	12 <sup>th</sup> January 2019 (after consultation closes)

<b>Service User Impact (High, medium or low)</b>	
<b>Before mitigating actions</b>	<b>After mitigating actions</b>
High	TBA

<b>Staff Impact (High, medium or low)</b>	
<b>Before mitigating actions</b>	<b>After mitigating actions</b>
Medium  Some staff in schools are funded via Top Up Funding allocated to individual children, therefore any changes may impact negatively on staffing levels. The impact will vary based on the individual needs staff are supporting and other funding available to schools	TBA

## Section 1 – The Proposal

### 1.1 Background to proposal

The Local Authority, in partnership with the Strategic Schools Forum (SSF), commissioned a review of the top-up funding arrangements in North Somerset for children and young people with high-level special educational needs and/or disabilities (SEND). The current Top Up Funding (TUF) arrangements have been in place since 2013, and there has been considerable change in the school population since that time, with many more complex needs now managed in mainstream rather than special schools. All schools will have a notional SEND budget with which to meet the needs of the broad group of students who may have some specific, additional need for support with learning. Top-up funding is provided where children have more specific needs which are considered to exceed the provisions of a school's base budget. There has been historic pressure on the TUF budget, which forms part of the high needs block within the Dedicated Schools Grant. The Local Authority and the Strategic Schools Forum want to ensure that a fair, equitable and robust system of allocating top up funding is in place which addresses the pattern of overspending while ensuring children can access the support they need. Key drivers for the consultation include:

- To improve consistency of decision-making in relation to TUF applications.
- To ensure that the TUF system is as fair, equitable and transparent as possible.
- To ensure that top-up funding supports the needs of children and young people with high level needs and is used in addition to Element 2 funding.
- To introduce arrangements to monitor the use and impact of allocated top-up funding.
- To reduce pressure on the TUF budget avoiding the historic pattern of overspending.

Any changes to the criteria associated with the different funding bands and the tariffs linked to these will have a potential impact upon the children and young people who are in receipt of Top Up Funding or for whom schools may be applying for additional resources. There will also be an impact upon the staffing required to deliver the additional support in direct correlation to the funding which will be available. It is with this awareness that the Consultation recommends including protective factors for North Somerset's special schools by block funding a fixed amount for them equivalent to their current spend. In addition, the Consultation includes proposals for a more consistent moderation process which will ensure a fair system across the Local Authority responding to individual children's needs and a way for monitoring how Top Up Funding is used once allocated. A project is also underway to ensure that appropriate contributions to Education, Health and Care Plans (EHCPs) are made by our health partners in the Clinical Commissioning Group (CCG)

## 1.2 Please detail below how this proposal may impact on any other organisation and their customers

The proposals will have a potential impact upon all organisations and people who work with or support children and young people with SEND, their families and educational professionals. Changes to the TUF criteria or levels of funding may result in other professionals needing to be involved in supporting individual circumstances. This may increase demand for health and social care services provided or commissioned by North Somerset Council or commissioned by BNSSG CCG.

### Section 2 – What Do We Know?

#### 2.1 Profile details – what data or evidence is there which tells us who is, or could be, affected?

Top-up funding is allocated on the basis of a category of primary need, along with a banding to indicate the severity or complexity of the identified need. The current categories and ranges of the bands can be summarised as follows:

- **Category A:** Cognition & Learning has 4 levels with top-ups ranging from £7,520 to £41,695 (mainstream) or £3,250 to £37,965 (special)
- **Category B:** Communication/ASD has 4 levels with top-ups ranging from £6,405 to £41,695 (mainstream) or £2,405 to £37,965 (special)
- **Category C:** Social, Emotional & Behavioural has 4 levels with top-ups ranging from £6,405 to £26,678 (mainstream) or £2,405 to £22,678 (special)
- **Category D:** Sensory has 4 levels for Vision (Category DV) and 4 levels for Hearing (Category DH) with top-ups both ranging from £2,601 to £21,055 (mainstream) or £0 to £17,055 (special)
- **Category E:** Physical/Medical has 3 levels of need with top-ups ranging from £9,159 to £30,860 (mainstream) or £5,159 to £26,860 (special)

A full breakdown of the bands and levels of funding is included at Appendix 1.

The following chart breaks down the full-time equivalent (FTE) pupils funded in each category and band, summarising pupils by their phase of education to enable a judgement of potential impacts of the proposed changes based on age, type or complexity of need. Pupils attending North Somerset Enterprise and Technical College (NSETC) have been included with the secondary age group for the purposes of this work.

## Top up Funding Consultation – DRAFT Equality Impact Assessment November 2018



Voyage Learning Campus (VLC) is the primary provider of Alternative Provision in North Somerset and may draw pupils from a range of age and need groups. As this is primarily a temporary provider of education, these figures have not been included in considerations of age etc. as the population is liable to frequent change.

As far as could be ascertained during the preparation of the Specialist and Alternative Provision Review during September-December 2017, the incidence of these conditions and impairments is broadly the same in North Somerset as in the wider UK population<sup>1</sup>.

---

<sup>1</sup> Specialist & Alternative Provision Review, North Somerset Council, January 2018  
([https://search3.openobjects.com/mediamanager/northsomerset/fsd/files/review\\_of\\_specialist\\_and\\_alternative\\_educational\\_provision\\_in\\_north\\_somerset\\_-\\_final.pdf](https://search3.openobjects.com/mediamanager/northsomerset/fsd/files/review_of_specialist_and_alternative_educational_provision_in_north_somerset_-_final.pdf))



## **2.2 What does the data or evidence tell us about the potential impact on diverse groups, and how is this supported by historic experience/data?**

Due to suggested changes in the TUF criteria, this is likely to reduce the number of students receiving the lower levels of TUF Funding. This is based upon historic referrals. The changes to criteria as a direct response to the recommendations made by the independent reviewer recommend that the special schools are protected through the means of a fixed budget based upon current finances, however, there is a recognition that the level of complexity is likely to increase, which will need further review.

Overall there are higher numbers of students receiving TUF in the lower bands of each category. Changing the criteria as proposed is likely to result in a proportion of these students having their needs met from a school's notional SEN budget rather than receiving additional TUF via the Local Authority.

### **Age and Phase of Education**

Children attending special schools are generally likely to receive top-up funding based on their more complex needs, regardless of their age or phase of education. In terms of children attending mainstream provision, primary age children (63%) are more often recipients of top-up funding than secondary age children (37%). There is potential that younger children may be more disadvantaged by any changes in TUF. However, it is notable that the majority of these students transfer to special school provision when attaining the age of secondary school transfer.

Further analysis of the age profile of the more complex, special school population indicates that numbers in any specific age group are small. However, there are notable peaks in Categories A around Year 2 and 3 (ages 6-8 years), and in Category B in Year 6 and 7 (aged 10, transitioning to secondary school). These peaks may be related to the greater ability to diagnose specific conditions or needs which occur as a child develops and are expected to broadly similar to national trends.

## **2.3 Are there any gaps in the data, for example across protected characteristics where information is limited or not available?**

### **Ethnicity**

Around 10% of children allocated top-up funding are recorded as being from an ethnic group other than White British. Around 3% of the wider population of North Somerset record their ethnicity as one of these groups, meaning that there is potential for children from more diverse ethnic backgrounds to be affected by any change to top-up funding. However, it is important to note that this represents a very small number of

individual children and families, and that as allocation of top-up funding will continue to be assessed on the basis of evidenced needs it is unlikely that the changes will have disproportionate effects on the basis of a child's ethnicity or background.

### **Low income**

Support for education via top-up funding is not based on any form of means test or financial assessment, therefore it is not possible to make a detailed analysis on this basis. Mapping the addresses of children and young people supported by our Special Schools and Education Inclusion Service indicates that, as expected, there are significant clusters of this population in and around the larger towns of Weston-super-Mare, Clevedon, Nailsea and Portishead. While there are some overlaps between these mapped addresses and a number of the most deprived wards in North Somerset, the number of pupils represented is extremely small and it is not possible to draw conclusions which indicate that children from families on a low income would be disproportionately affected by the proposed changes to TUF. Notably, the presence of dedicated specialist schools in Weston-super-Mare, Clevedon and Nailsea has also likely influenced the trend for families with children who are entitled to top-up funding to gravitate to these locations.

### **Other protected characteristics**

Data is not collected as part of the top-up funding process which would permit detailed analysis of the impact on particular faiths or LGBT+ communities. Given that assessment undertaken to ascertain entitlement to top-up funding is based very specifically on individual needs, it is considered unlikely that there would be any specific impacts on these groups as a result of the proposed changes.

## **2.4 How have we involved or considered the views of the people that could be affected?**

We will use all available existing forums to consult with all stakeholders in addition there will be several consultation surgeries across the area during December and January.

Professionals have been made aware of the Consultation and it has been discussed at a range of different forums. We have encouraged schools and representatives of multi-academy trusts in the primary and secondary and special school sector to gather the views of children and young people in relation to the key points.

This section will be developed further on completion of the comprehensive consultation process.

## 2.5 What has this told us?

The process for applying for, assessing need and allocation of top-up funding is, by nature, focused on delivering support based on evidence of significant or complex needs. The proposed changes to the systems, processes and levels of funding have been carefully considered to ensure this fundamental principle is protected while delivering fair levels of funding which are sustainable for the future. While some children and families may experience changes in future as a result of this proposal, the mitigation via block funding for special schools to meet existing demand should prevent any immediate change or reduction in support to those with the most complex needs.

## 2.6 Are there any gaps in our consultation, what are our plans for the future?

The proposals include mechanisms for the measurement of outcomes which will enable us to better understand the impact of top-up funding on the attainment, independence and future life-chances of children and young people who are supported via this system. We will continue to review the impact of these changes, and to ensure that they continue to support children’s achievement, independence and wellbeing.

This section will be developed further on completion of the comprehensive consultation process.

## Section 3 – Assessment of Impact

Impact Level Insert X into one box per row, for impact level and type.	Impact type				Summary of Impact			
	High	Med	Low	No	Positive	Neutral	Negative	
Disabled people	X						X	As this funding is targeted at SEN pupils, only those with the higher level of need will receive support from Top up funding. The rest will be supported by schools from the element 1 and 2 funding.
People from different ethnic groups			X				X	10% of the pupils receiving TUF are not of a white heritage background (including White Irish and Other White ethnic groups) Compared to the whole population of North Somerset where they make up just 3%. In proportion it is likely to have a bigger impact on them. However, it is important to note that this represents a very small number of individual children and families,

Top up Funding Consultation – DRAFT Equality Impact Assessment November 2018



								and that, as allocation of top-up funding will continue to be assessed on the basis of evidenced needs, it is unlikely that the changes will have disproportionate effects on the basis of a child’s ethnicity or background.
Male and Female				X		x		Not known – but expected to be negligible based on local and national patterns.
Lesbian, gay or bisexual people				X		X		Not known – but expected to be negligible based on local and national patterns.
People on a low income				X				Not known – but expected to be negligible based on local and national patterns.
People in particular age groups	X				x			Children in the school system are going to be impacted by these changes. More children will need to be supported by schools with only the higher needs children receiving Top up funding.
People in particular faith groups				x		x		Not known – but expected to be negligible based on local and national patterns.
People who are married or in a civil partnership								N/A
Transgender people				X		x		Not known – but expected to be negligible based on local and national patterns.
Women who are pregnant or whilst on maternity leave								N/A
Other specific impacts, for example: carers, parents, impact on health and wellbeing.  Please specify: Parents and carers	X						X	Parental involvement.... Concerns regarding potential reductions in current education provision. Changes in criteria for TUF may result in an increase in EHC needs assessment requests and tribunals appeals against the LA.

<p><b>Does this proposal have any potential Human Rights implications?</b> If 'yes', please describe</p>	<p>Article 2 of the First Protocol of ECHR<sup>2</sup> provides for the right not to be denied an education and the right for parents to have their children educated in accordance with their religious and other views. It does not however guarantee any particular level of education of any particular quality or character.</p> <p>These proposals are carefully balanced to ensure that all children with complex needs in North Somerset can continue to access an appropriate level of top-up funding to support them in accessing appropriate educational provision as outlined in the ECHR.</p>
<p><b>Could this proposal have a Cumulative Impact with any other budget savings?</b> <i>This is an impact that appears when you consider services or activities together; a change or activity in one area may create an additional impact somewhere else</i></p> <p>If 'yes', please describe?</p>	<p>There are no other planned budget savings that would have a specific, material impact on schools / children with SEND. It is worth noting that that Medium Term Financial Plan is allocating budget growth of £200,000 in 2019/10 for the SEN Team to improve SEND services as a result of the recent review of services by OFSTED/CQC.</p>

<sup>2</sup> Guide on Article 2 of Protocol No.1 of the ECHR ([https://www.echr.coe.int/Documents/Guide\\_Art\\_2\\_Protocol\\_1\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf))

Top up Funding Consultation – DRAFT Equality Impact Assessment November 2018



Section 4 – Action Plan

Where you have listed that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	How will it be monitored?
Work with schools to clarify the support they are able to provide within their schools to support pupils with SEN	Working with the local Parent/Carer Forum and Independent SENDIAS service to look at the impact these changes may have on children and their families with SEN.
Protecting Special Schools by providing them with block funding based on historic spend	
A more consistent moderation process which will ensure a fair system across the Local Authority responding to individual children’s needs and a way for monitoring how Top Up Funding is used once allocated	
A project to ensure that appropriate contributions to Education, Health and Care Plans (EHCPs) are made by our health partners in the Clinical Commissioning Group (CCG)	
<b>If negative impacts remain, please provide an explanation below.</b>	
Due to the level of funding received from Central Government not matching the increase in demand for services under the High Needs Block, the Local Authority needs to look at how the money is spent to make sure it goes to the pupils with the highest level of special educational needs.	

**Appendix 1 – List of Current Top Up Categories, Bands and Funding Levels**

**North Somerset Schools TUF Universal Bands 2018/2019**

Category	Level	Schools Universal band value	Mainstream Schools	Special Schools
A - Cognition and Learning	A1	£13,520	£7,520	£3,520
	A2	£16,620	£10,620	£6,620
	A3	£27,055	£21,055	£17,055
	A4	£47,695	£41,695	£37,695
B - Communication - ASD	B1	£12,405	£6,405	£2,405
	B2	£16,620	£10,620	£6,620
	B3	£27,055	£21,055	£17,055
	B4	£47,695	£41,695	£37,695
C - Social, Emotional and Behaviour	C1	£12,405	£6,405	£2,405
	C2	£16,620	£10,620	£6,620
	C3	£26,055	£20,055	£16,055
	C4	£32,678	£26,678	£22,678
D - Sensory V=Vision, H=Hearing	DV1	£8,601	£2,601	£0
	DH1	£8,601	£2,601	£0
	DV2	£8,601	£2,601	£0
	DH2	£8,601	£2,601	£0
	DV3	£17,617	£11,617	£7,617
	DH3	£14,870	£8,870	£4,870
	DV4	£27,055	£21,055	£17,055
	DH4	£27,055	£21,055	£17,055
E - Physical / Medical	E1	£15,159	£9,159	£5,159
	E2	£18,887	£12,887	£8,887
	E3	£36,860	£30,860	£26,860