

# SEND Funding Arrangements

## Consultation Report

Report Date: 21 February 2018

### Contact

Hackney Consultation Team  
on 020 8356 3343 or  
[consultation@Hackney.gov.uk](mailto:consultation@Hackney.gov.uk)



**Report prepared by:**  
Dan Beagle  
Senior Consultation Officer  
Communications and Consultation  
Hackney Council

## INTRODUCTION

This report presents the findings of the consultation on proposals to adjust the funding arrangements for Element 3 to Education, Health Care Plans (EHC Plans) for children and young people with Special Educational Needs and Disability (SEND) in Hackney.

If implemented, the proposed changes would come into effect in April 2018.

## BACKGROUND

Officers have sought to find new ways to ensure SEND children and young people receive the funding they need to support their education, while ensuring the sustainability of the SEND budget.

Local Authorities haven't seen an increase in high needs funding since 2011. Furthermore, the Children and Families Act introduced in 2014 increased the pupil population from the age range of 0-19 years to 0-25 years. In Hackney, this is a 34% increase in pupil population.

The borough's funding forecast shows a shortfall of £6m, a picture that is replicated across other London Councils. Hackney Council has used its reserves to ensure that SEND students receive the funding needed, but this approach is not sustainable. These proposals, in part, seek to address this issue.

### The Proposals

Currently, there are three ways students with SEND are funded. These are called elements.

- Element 1 is the core budget which is used to provide education and support for all pupils
- Element 2 is the notional SEND budget which is used to make special provision for all children with special educational needs and disabilities.
- Element 3 is funding for pupils with complex or exceptional needs which is allocated to a school after a statutory assessment has been carried out and the pupil given an Educational, Health and Care Plan (EHC Plan). Element 3 funding is split into five sub-funding levels.

Hackney Council is proposing to:

- Introduce a new *Additional Funding* model as an additional, early intervention option to the statutory assessment route to supersede levels 1-3; and
- Introduce a new *Exceptional Funding* model to supersede current Resource Levels 4 and 5.

## CONSULTATION METHODOLOGY

The consultation ran from 31<sup>st</sup> October until 21<sup>st</sup> December 2017. A variety of methods were used to distribute consultation materials and communicate with the target cohort.

### Target Cohort

The target cohort for consultation on the proposals were parents and/or carers of children and young people with a Statement or EHCP, as identified through the SEND service area. This totalled 1,871 families across the borough. Maintained settings also received copies of the consultation materials.

### Consultation materials

The consultation team produced a number of materials (consultation packs) to support the consultation.

These included:

- Consultation Summary document outlining the rationale for the consultation, the policy background and the proposals. The summary document also outlined the consultation period, provided information on how to respond, key contact information, and a freepost community language translation request form.
- Consultation survey and freepost envelope; and
- FAQs hosted on the dedicated Hackney Citizen Space page. The FAQ was updated to respond to queries raised by respondents.
- The consultation materials were translated in five community languages (Bengali, French, Polish, Portuguese and Turkish).

### Distribution

A number of standard and bespoke channels were used to communicate the consultation.

This included:

- Consultation packs were issued to 1,871 parents or carers of a child or young person with an EHCP. The packs contained a letter from Andrew Lee, Assistant Director of Educational Services, introducing the proposals, a summary document and a survey. Parents were also directed to the consultation website to download the FAQs;
- 10 packs each were issued to maintained primary and secondary school settings in the borough (82 in total). These packs were intended as supplementary copies for SEND parents or carers or others who wanted to respond to the consultation. Further packs were issued to schools on request. A total of four school settings requested additional copies;
- All heads of maintained primary and secondary school settings received an e-mail (30<sup>th</sup> October) introducing the proposals along with a link to the online summary, FAQs and survey to issue to their staff;
- Soft copy packs were issued to Hackney HiP, an independent forum for parents of children with additional needs in the borough, to distribute to their members and to advertise the consultation on their website; and

- Materials were made available on Hackney Citizen Space throughout the consultation period, the council's dedicated consultation page, where parents could view the summary, FAQs and fill out the online survey.

In addition to this, the consultation was published via other communication channels to allow residents of the borough to review the proposals and respond to the consultation.

- The consultation was advertised in Hackney Today, the council's bi-monthly newspaper, on 6<sup>th</sup> November (Issue 414, pg. 23) and 18<sup>th</sup> December (Issue 417, pg. 23), earmarking the opening and closing of the consultation period; and
- Publicised on the Local Offer pages, Hackney's dedicated site for education in the borough.

### **Note on translated materials**

Translation requests for the consultation materials were received towards the end of the consultation period. To allow adequate time for the materials to be translated and for parents with English as second language to respond, the consultation team extended the deadline for this cohort until 31<sup>st</sup> January 2018. The consultation team only accepted responses from those who had requested translated materials before the close of the consultation.

### **Events**

In order to discuss the proposals in more detail and test initial data trends, a series of workshops were arranged with parents of children and young people with EHCPs and educational professionals.

These included:

- Two workshops with parents (Tuesday 12<sup>th</sup> & Friday 15<sup>th</sup> December)
- A workshop with teachers/heads/Special Educational Needs Co-ordinators (SENCO) (Thursday 14<sup>th</sup> December)

See the *Workshops* section of this report for further details.

A number of meetings were also held with key groups throughout the consultation period, including Homerton Hospital and a meeting with the Hackney Special Education Crisis campaign representatives and the Mayor and Deputy Mayor.

## SUMMARY OF RESULTS

In total, 1,481 residents took part in the consultation which ran from 30<sup>th</sup> October until 21<sup>st</sup> December 2017. 94% (1,399) of responses were completed online via the Hackney Citizen Space portal and 6% (82) were completed via returned paper surveys.

- 81% of respondents were either against or strongly against introducing the Additional Funding arrangement.
- 81% of respondents were either against or strongly against introducing the Exceptional Funding arrangement.
- In total, 1,157 prose comments were received about the proposals.
- 49% of respondents rated SEND provision in the borough either good or very good.
- 37% of respondents were parents or carers of SEND children or young people.
- 30% of respondents' children had an EHC Statement or Plan.
- 76% of respondents' children go to a school in the borough.

It should be noted that due to the public campaign organised by the Hackney Special Education Crisis group, the consultation team received a large number of responses from non-SEND parents. Responses from this cohort will be fully considered in the report findings, however, this has skewed elements of the quantitative data in sections of this report such as rating of SEND provision. Where this has occurred, the author has sought to take this into consideration and provided further analysis accordingly.

Formal representations were received from schools, institutions, the local SEND campaign group and SEND related charities and bodies. Their comments are noted in the *Representations from Civic Groups* section and *Representations from School Settings* section of this report.

### Interpretation of the data

In analysing the data, all of the comments have been 'tagged', or grouped, under common themes. The report does not address every single comment, however all comments have been passed on to the Hackney Learning Trust SEND team for further consideration.

Not all participants chose to make comments in all of the comment boxes available, meaning some questions contained more qualitative data than others. Where comments have been highlighted in this report, it is because the frequency of the content or identified theme was comparatively high to other comments and themes for that given question.

In order to present the data in a more coherent manner, the order of some of the questions have been altered, however, the original numbering scheme from the consultation survey has been retained.

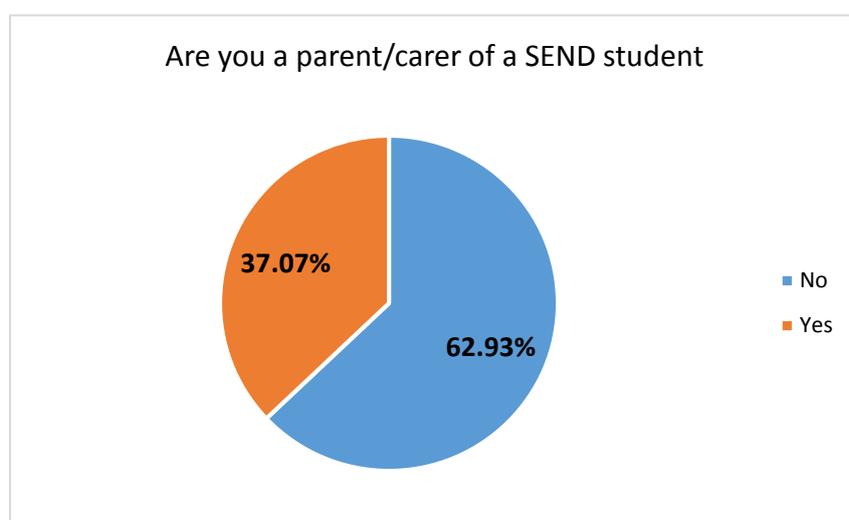
## PROFILE OF RESPONDENTS

During the consultation a public campaign was launched by parents against the proposals. While it is not within the remit of this report to comment on this, it had an impact on a number of data sets contained within this report.

94% (1,399) of respondents completed the consultation survey online via the Hackney Citizen Space portal and 6% (82) were completed via returned paper surveys.

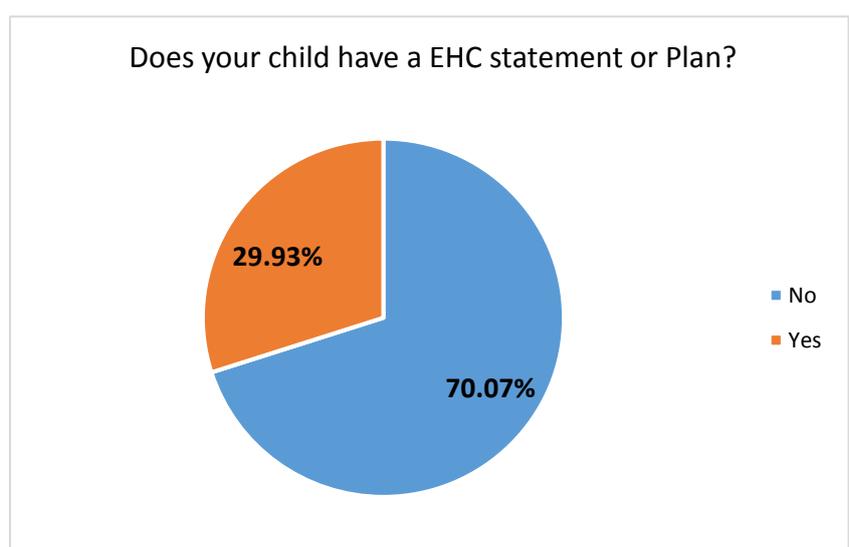
There was a large return of survey responses from those who do not have a direct connection to SEND. This data is statistically significant and will be given the same weighting as SEND parents and carers, however, it should be noted that in response to certain questions SEND provision in the borough, the author has provided cross-sectional analysis to provide more context to responses.

### Q.4 Are you a parent/carer of a SEND student?



37% (549) of respondents were parents or carers of a child with SEND while 63% (932) were not. This implies a 29% response rate from the target cohort who received printed consultation packs.

### Q.5 Does your child have an EHC Statement or Plan?

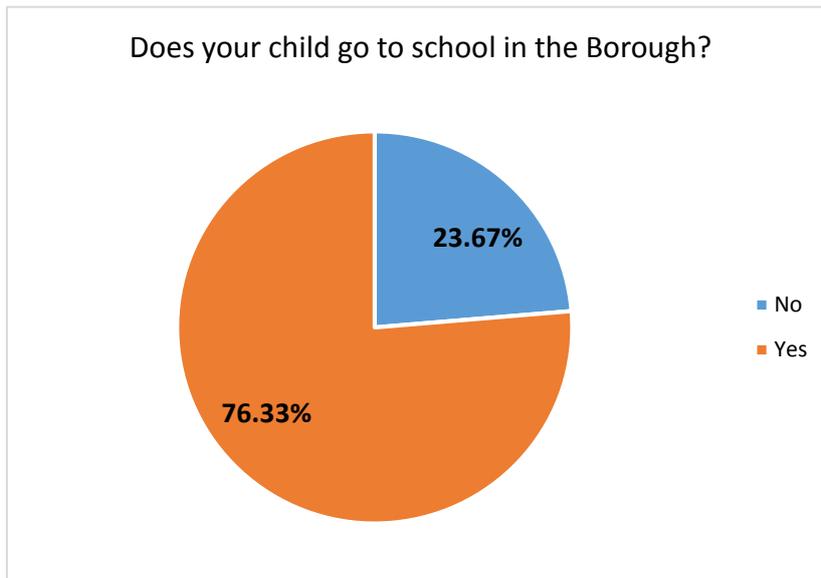


30% (425) of respondents with children with SEND had an EHC Statement or Plan, while 70% (995) did not. Primarily, this anomaly is as a result of the public campaign responses from those who were not parents or carers of children or young people with EHC Statements or Plans.

22% (123) of respondents with a child/children with SEND did not have an EHC

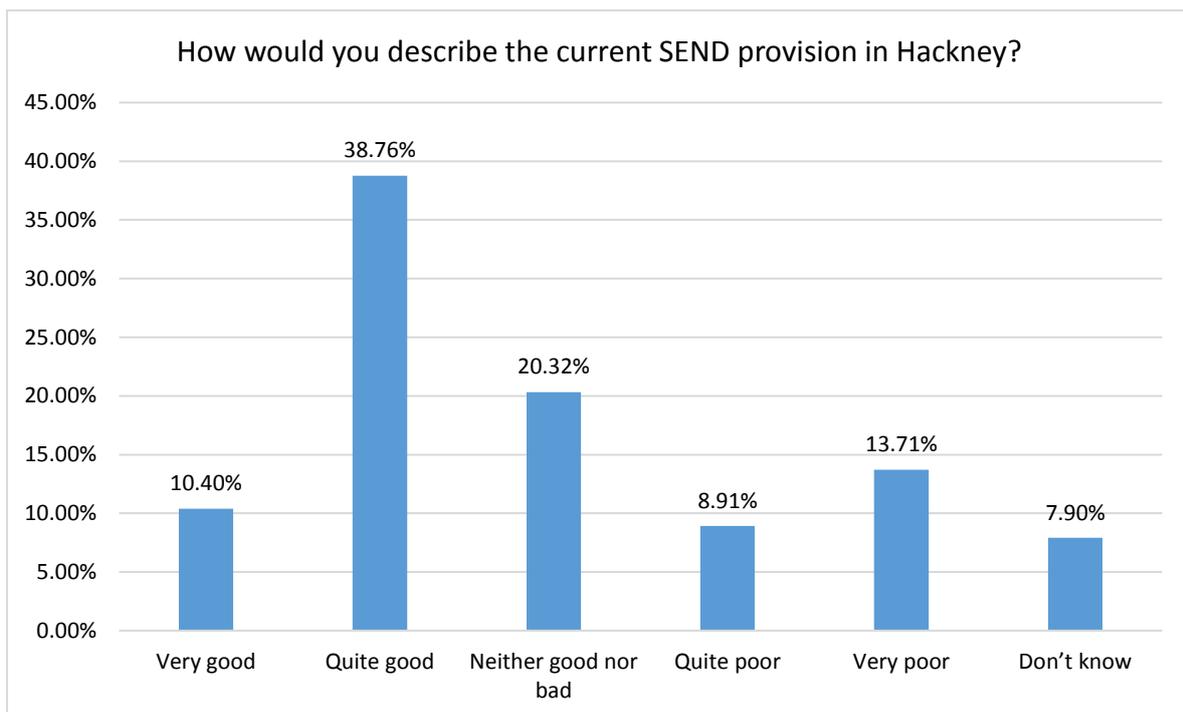
Statement or Plan.

### Q.6 Does your child go to school in the borough?



76% (1,090) of respondents' children attended a school in the borough. A number of respondents' children did not attend school in the borough, however, these were parents or carers with SEND children. 219 respondents stated the location of their child's school. These were primarily neighbouring boroughs of Islington, Tower Hamlets, and Camden school settings.

### Q.7 How do you rate SEND in the borough



48% (728) describe SEND provision in the borough positively, with 38% (574) rating it as 'quite good' and 10% (154) rating it 'good' while 20% (301) rating it 'neither good nor bad'. It should be noted that the high number of non-send parents responding to the consultation reduces the reliability of this data as it is assumed the majority do not have direct experiences with SEND provision in the borough. Looking at the parents or carers of children or young people with SEND cohort, there was largely a split response to this question. 43% (231) responded positively to this question, with 29% (155) rating it 'quite good' and 14% (76) 'very good'. 39% (205) of the same cohort rated SEND provision negatively, with 9% (46) stating 'quite poor' and 30% (159) 'very poor'.

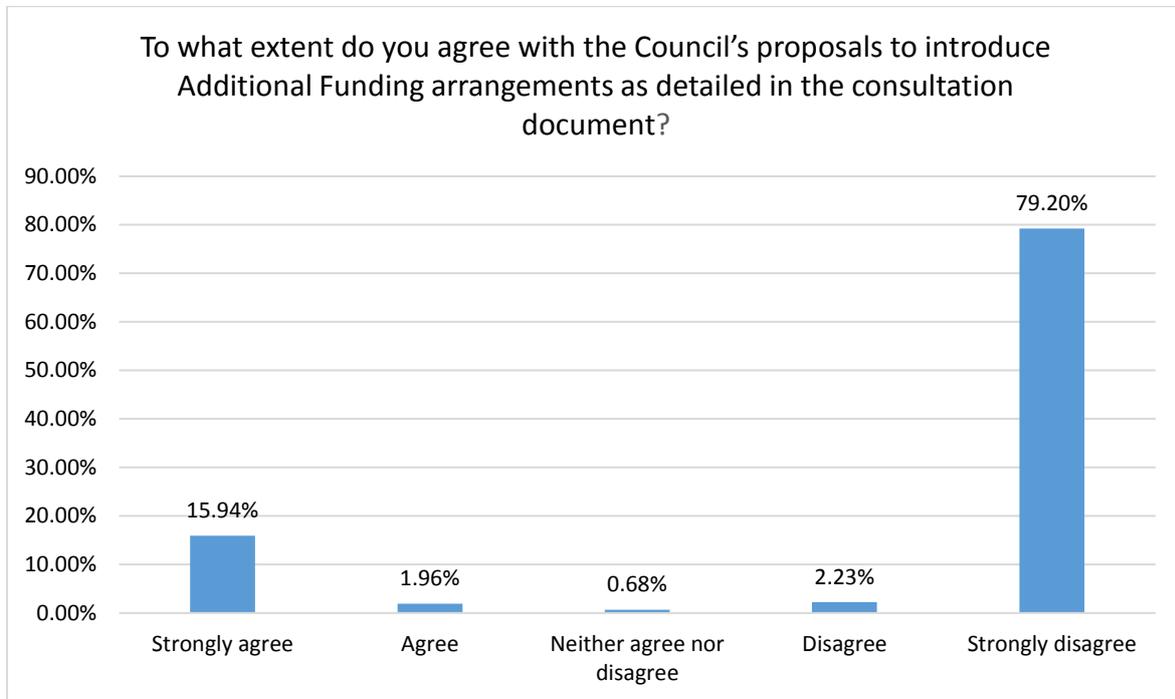
### **Q.8 Do you have any other comments on SEND in the borough?**

In total, 937 comments were received on SEND provision in the borough. 498 comments were expressed by those who considered SEND provision in the borough either 'quite good' or 'very good' and 267 from those who considered it either 'quite poor' or very poor'. Largely these comments focused on:

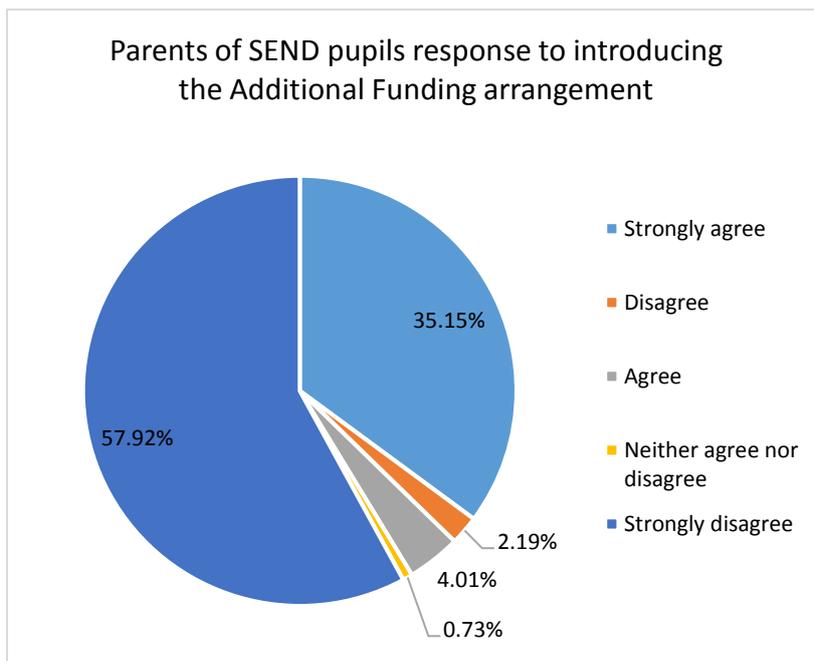
- The effects of the proposals on current provision.
- The effects of the proposed 5% cuts to the SEND budget.
- The current EHCP application process.
- The role of the SEND service.
- The legal obligations of the council to continue SEND services.
- Positive and negative aspects of the SEND provision in Hackney.

## SURVEY FINDINGS

### Q.1 To what extent do you agree with the Council’s proposals to introduce Additional Funding arrangements as detailed in the consultation document?



81% (1206) of respondents either disagreed (33) or strongly disagreed (1,173) with the proposal to introduce the Additional Funding model, whereas 18% (265) were in favour, responding ‘agreed’ (29) or ‘strongly agreed’ (236) to the proposal.

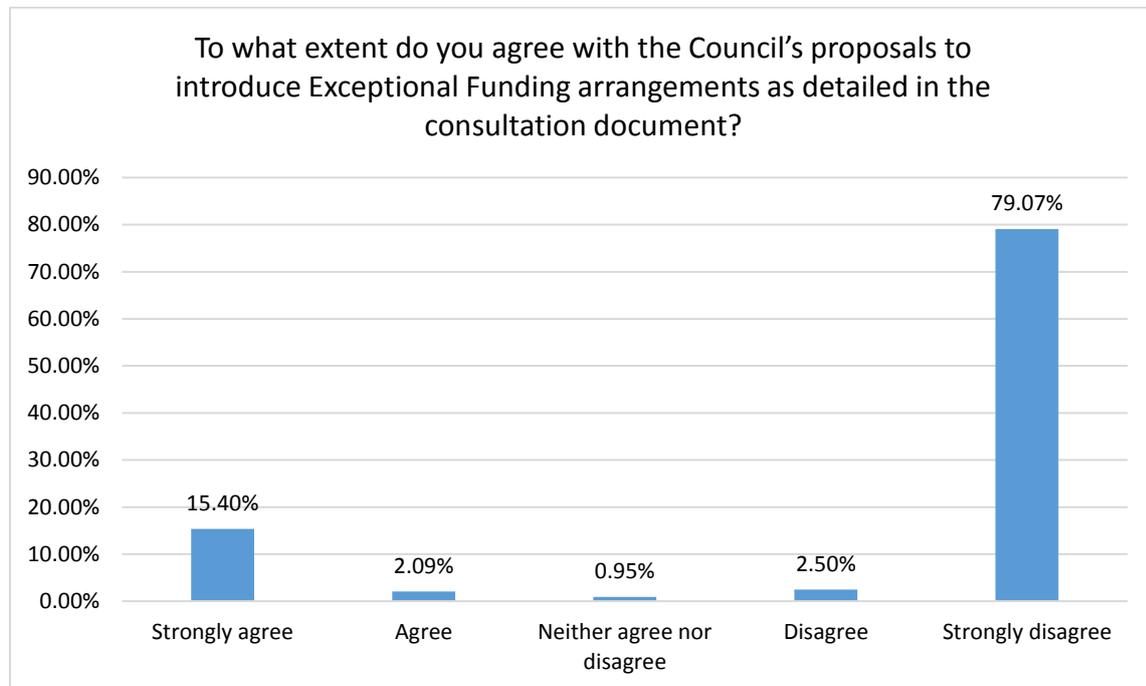


Of those who were against these proposals, 37% (549) were parents of children or young people with SEND. Within this cohort, there was strong opposition to the Additional Funding model with 60% (330) either disagreeing (12) or strongly disagreeing (318) while 39% (215) agreed (22) or strongly agreed (193).

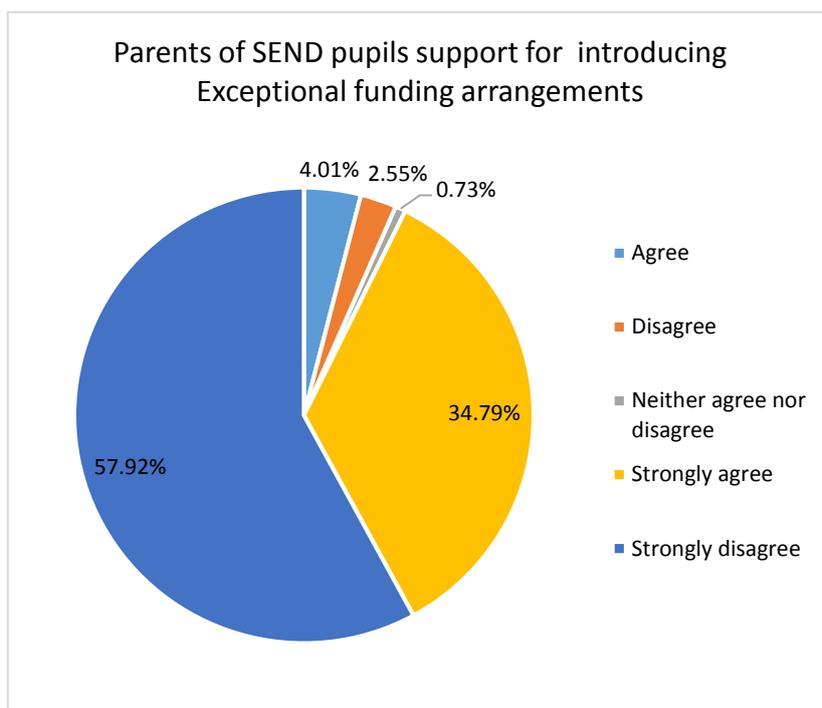
Analysis of the data indicates there was an initial trend from those who had responded in favour of the proposals had possibly not taken into full consideration the supporting materials i.e. the summary

document. As a result, the consultation team sought to test this data assumption/theory through a series of workshops. (See the *Workshop* section of the report). Despite this assumption, a number of parents or carers were in favour of the proposals, providing supporting qualitative data.

## Q.2 To what extent do you agree with the Council’s proposals to introduce Exceptional Funding arrangements as detailed in the consultation document?



81% (1,208) of respondents either ‘disagreed’ (37) or ‘strongly disagreed’ (1,171) to the proposals to introduce Exceptional Funding arrangements, compared to 17% (259) who ‘agreed’ (31) or ‘strongly agreed’ (228) with the proposals.



As with Q.1 on introducing the Additional Funding model, the parent/carer cohort of children or young people with EHCPs were largely against this proposed arrangement. 60% (332) were against the proposal, with 2% (14) disagreeing and 58% (318) strongly disagreeing compared to 4% (22) agreeing and 35% (191) strongly agreeing.

### Q3. Comments on the proposals

1,156 prose responses were received on the proposals. This qualitative data has been clustered into themes in order to analyse the volume of responses. However, in a number of instances, very personal circumstances were quoted, making it difficult for cross-sectional analysis of certain groups or clusters of responses.

Key issues raised in the qualitative include:

- Legal responsibility of the borough to support children under the Children & Families' Act 2014;
- Legal protection of the children is no longer guaranteed under the proposed Additional funding;
- Overall funding decreases to the SEND budget will have a greater impact on children;
- The perceived drop in funding for the current levels of Element 3 will cause a short fall in funding;
- Misleading language around the use of the terms 'additional' and 'exceptional' in relation to existing funding;
- Current time frames for EHCPs are not being met, and that the proposed shorter review time of the new model will also not be met;
- Cuts to other services and how this could impact vulnerable children;
- The proposals create more bureaucracy for professionals. Against the back drop of cuts and potential job losses, this could create more stress in the system;
- Having to apply each year for the funding would be difficult, especially for excluded families or specific communities;

A clear trend in the qualitative data indicates parents fear the impact of the proposals on educational attainment with a focus on capacity in the current and future system.

*“I am very concerned about the proposals and feel that they will lead to an erosion of both funding and support for pupils who do not have severe needs. The work that goes into an EHCP means that they take a significant amount of time to finalise but also that they contain important information and strategies for supporting pupils. I feel it is a huge mistake to do away with these and that children with SEND and their families will suffer as a result.”*

- Parent

“There seems to be a level of uncertainty – with schools having to reapply for funding. This adds to the workload of the schools & creates a lot of bureaucracy. In addition, how can long-term plans be made?”

- Parent

“The current provision of EHC Plans allow for a robust assessment –they also provide a clear pathway for appeal. The proposed plans do not have this guarantee.”

- Parent

However, it should be noted that the qualitative data also highlighted confusion among respondents that the proposals sought to remove the statutory rights of children’s right to an EHC assessment and that those currently with a plan would lose funding.

*“Disagree with removal of statutory assessment process for some of these children. There will be no protection of the services and support they require unless written in a statutory document by a multidisciplinary team. Schools who are good at paperwork may end up getting more funding for the children, not because of the children’s needs but because of the organisational skills of the school. The EHC process is only fairly recent, I don’t disagree with top up finding, just the removal of the statutory process and assessment for some children”*

-Parent

There were comments that the proposals were not clear and the use of the language caused confusion among some respondents. Specifically, this related to the use of the terms ‘additional’ and ‘exceptional’.

It should be noted that a number of those who supported the proposals provided prose responses recognising the complexities of the existing Level 3 system i.e. length of time to access to funding, however, this cohort expressed concern about other issues such as cuts to overall funding.

However, a number of respondents supported the funding model, but were also cautious about wider impact of cuts.

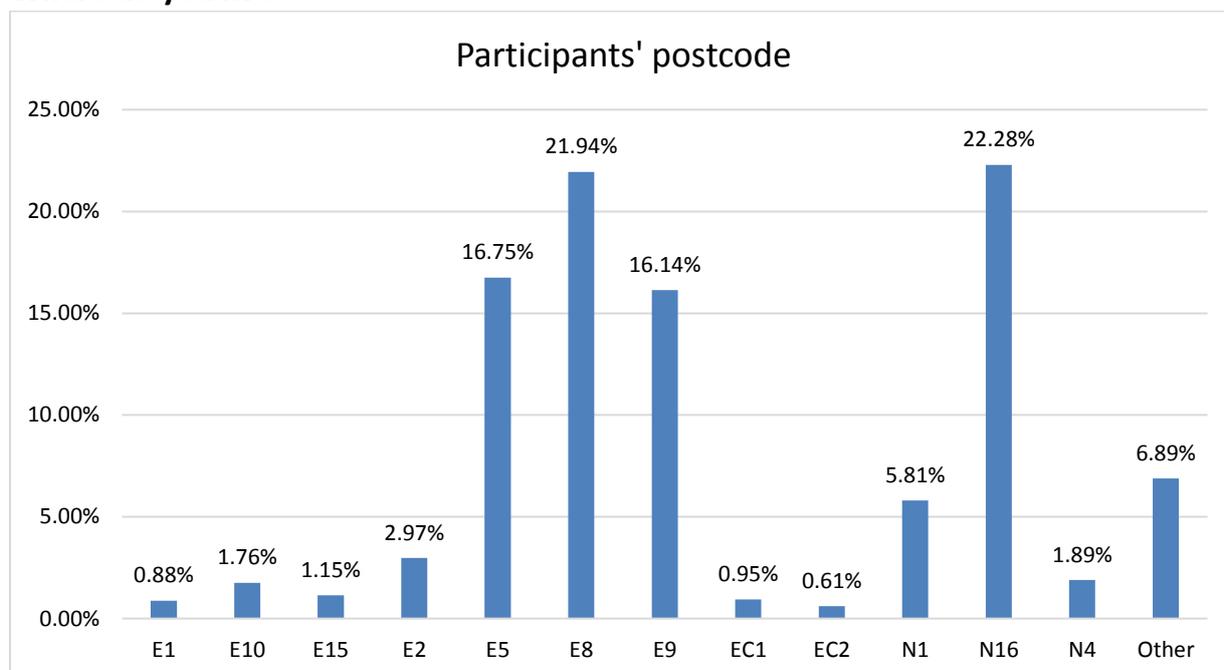
*“I do agree that quick access to funds is essential in some circumstances as well as clear planning ahead to ensure needs of students with SEND are met. I do not agree that this should be achieved through cuts at the higher end and it is not clear where this cut will be made.”*

-Parent

## DEMOGRAPHIC DATA

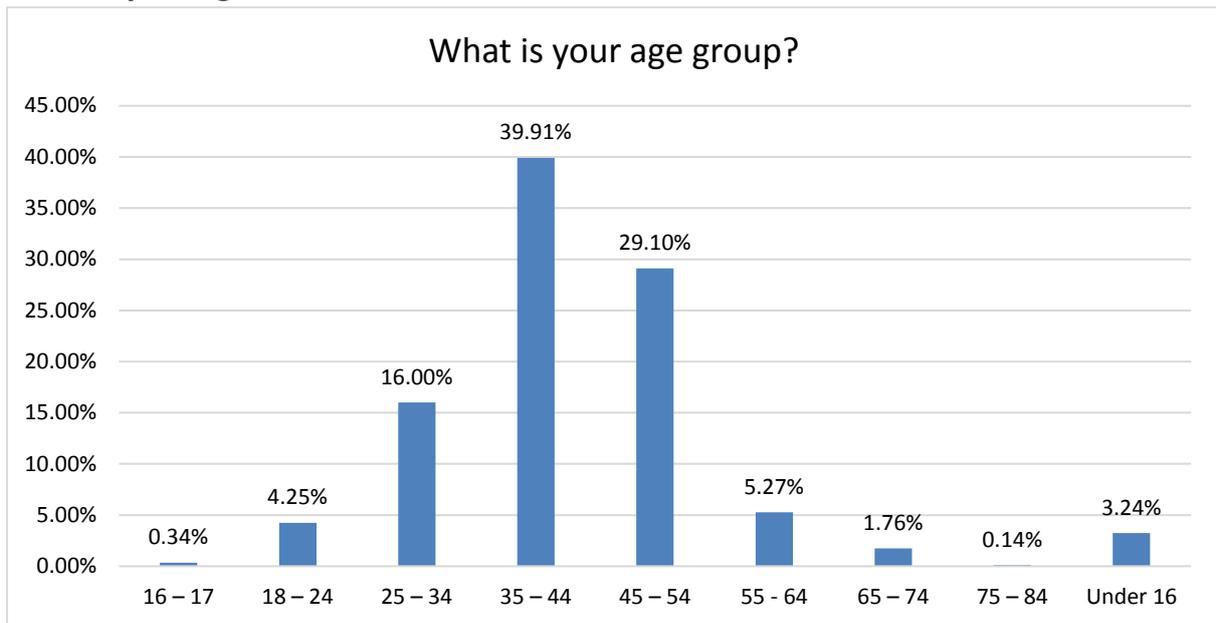
Equalities monitoring information is part of consultations at Hackney Council and helps to understand how well various groups are represented in consultation findings. This consultation report focuses on the responses by age, disability and caring responsibilities, as these are thought to be the most affected demographic groups.

### Where do you live?



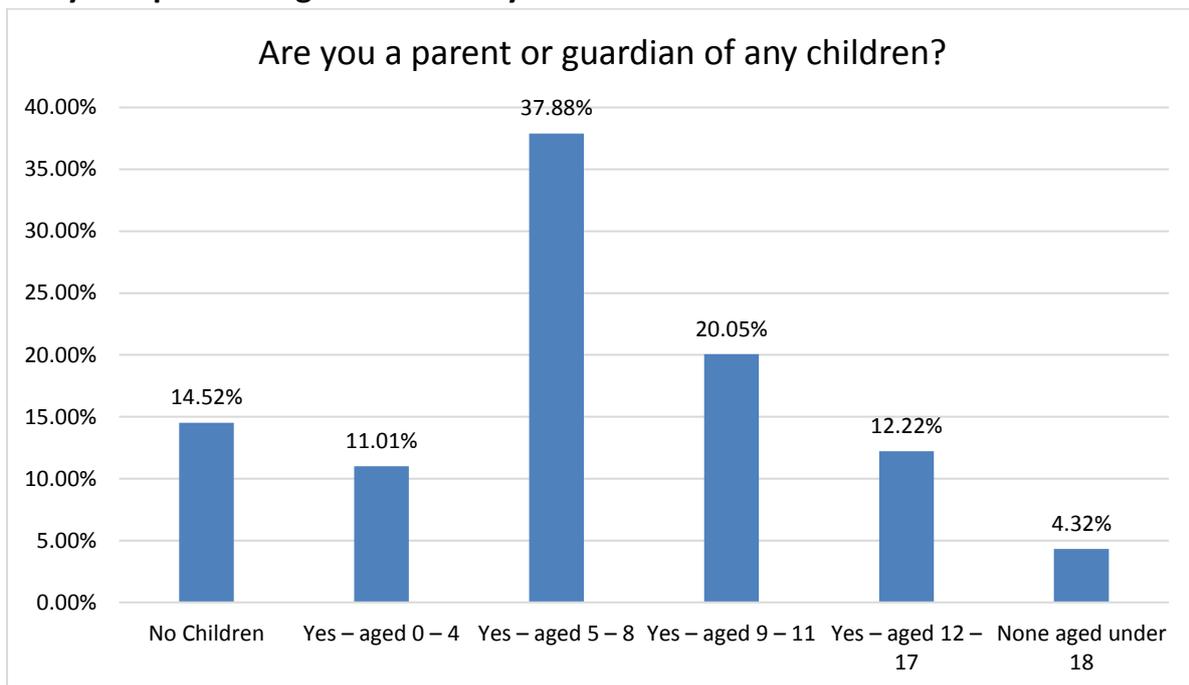
More than half (903) of respondents were from central and northern areas of the borough, primarily N16 (330), E8 (325) and E5 (248) postcodes. Another prominent area is E9 (239). All other postcodes accounted for a much smaller percentage.

## What is your age?



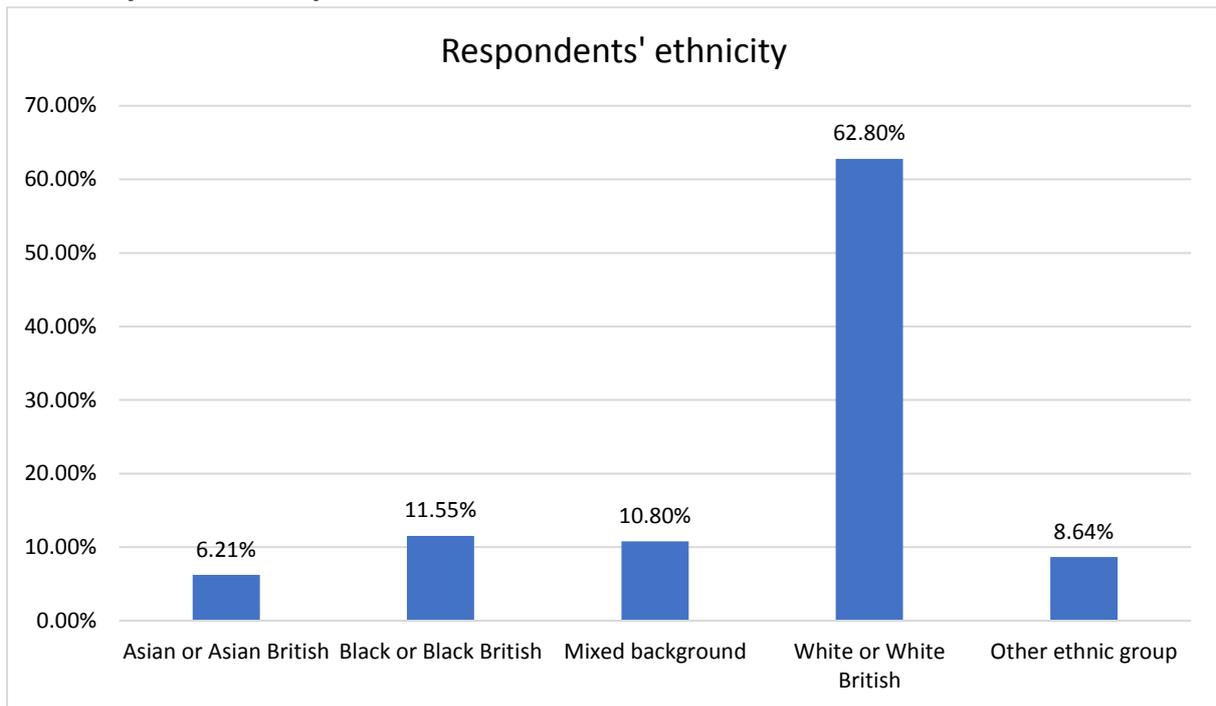
The majority of respondents fell into the 35 -44 age bracket (591) followed by 45-54 (439) and 25-34 (237). All other age groups accounted for a much smaller percentage.

## Are you a parent or guardian of any children?



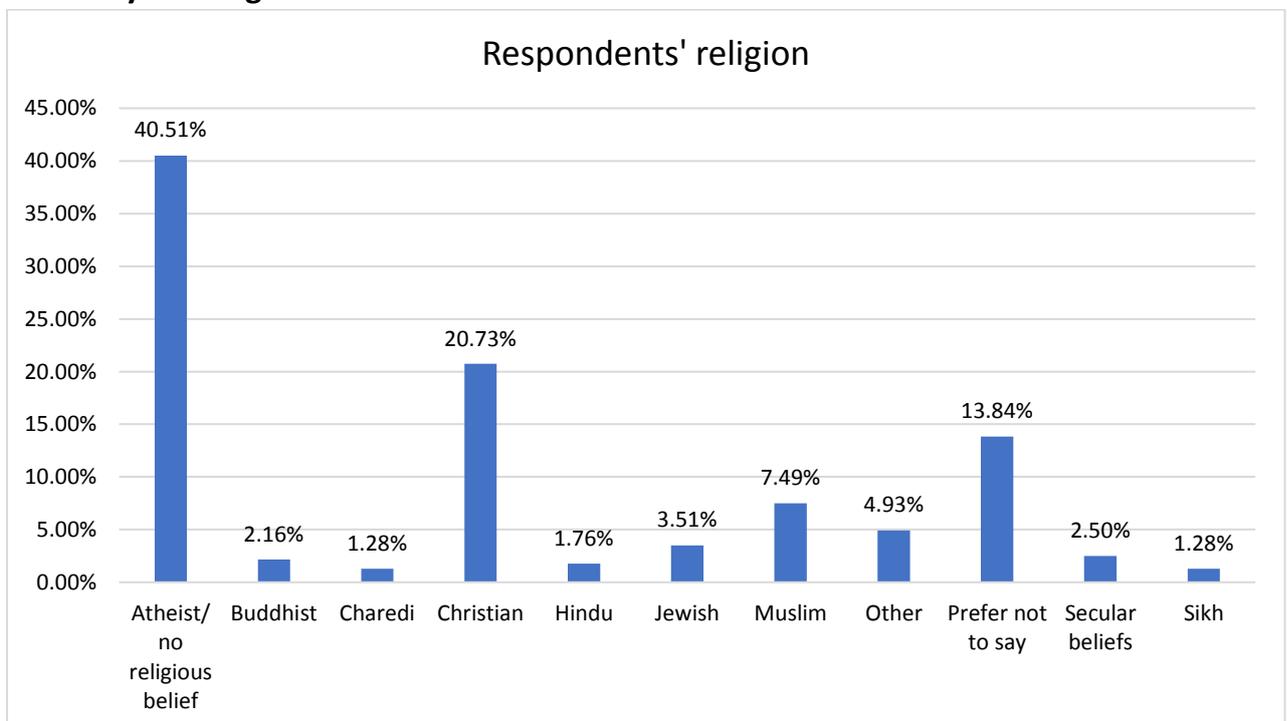
40% of respondents were parents of children aged 5-8 (561) followed by the 9-11 (297) and 12-17 (181) age groups. It has not been possible to cross-reference this against the demographic data of children with EHCPs.

## What is your ethnicity?



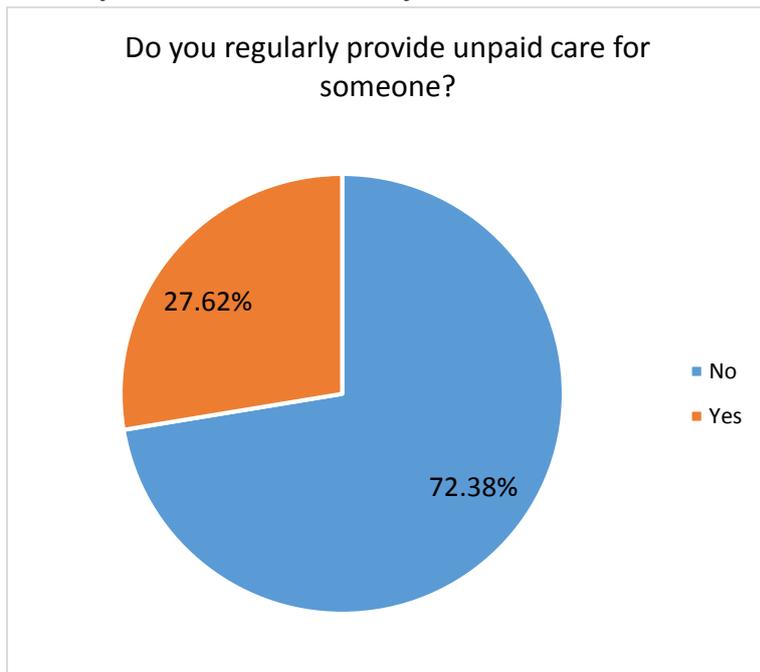
62% of respondents were white or white British. It has not been possible to cross-reference this against the demographic data of parents or carers of children with EHCPs or the borough profile.

## What is your religion or belief?



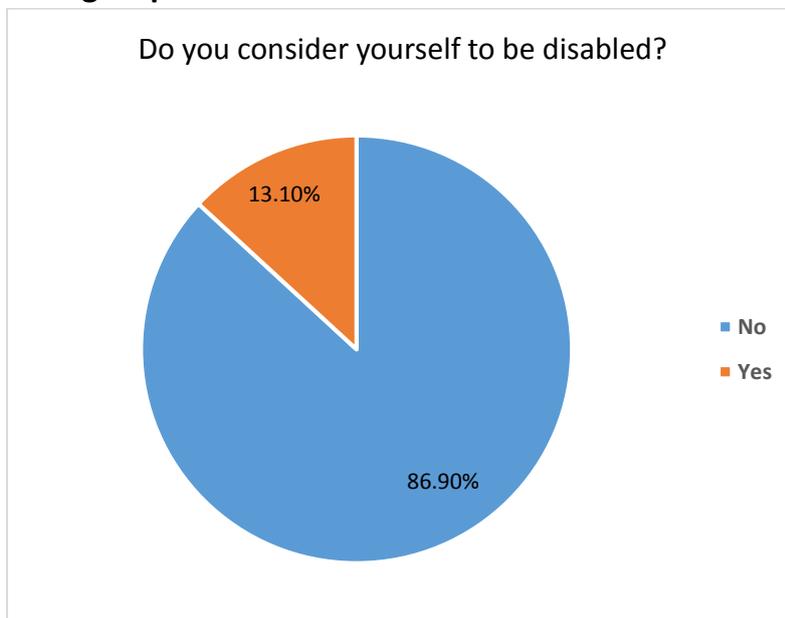
It has not been possible cross reference this against the demographic data of parents or carers of children with EHCPs or the borough profile.

### Participants with a disability:



72% (1072) of respondents did not regularly provide unpaid care for someone. Of the 26% that provide unpaid care, 14% were parents of children with SEND.

### Caring responsibilities:



86% (1287) of respondents did not consider themselves disabled. 13% (194) did not consider themselves disabled.

## **WORKSHOP EVENTS**

Three workshop events took place at Hackney Learning Trust on Tuesday 12<sup>th</sup> December from 6.30pm to 8pm and Friday 15<sup>th</sup> December from 1pm to 2.30pm for parents and Thursday 14<sup>th</sup> December from 6.30pm to 8pm for professionals. Timings of the events were chosen to maximise the opportunity for potential participants to attend.

The events were an opportunity for the SEND project team to test the trends in data from initial responses to the consultation and gather more detailed responses from parents and SEND professionals.

The events were also used as an opportunity to dispel myths and conjecture on the proposals.

Below is a summary of the feedback from the events.

### **Workshop format**

Each workshop was attended by Andrew Lee, Assistant Director of Children's Services and Toni Dawodu, Head of SEND, and was supported by SEND staff who were on hand to answer questions.

The workshop began with a presentation by either Andrew Lee or Toni Dawodu followed by a short Q+A and breakout table sessions, facilitated by a member of the consultation team.

At each session questions were posed to the groups to initiate conversation. Questions posed to the parent and professional groups varied.

#### **Parent workshop questions:**

- How could the proposals impact SEND students and their families?
- What are your key concerns about the proposals?
- Given the financial pressures facing the council, how would you alter the proposals?
- Other points/comments

#### **Professional workshop questions:**

- What do you see as the advantages and disadvantages of this approach?
- Do you see these proposals as undermining the CYP rights to a statutory entitlement? And how might this be mitigated?
- What would you need to be changed for this proposal to work?
- Is there another approach that you prefer to suggest instead?

## **Parent Workshops**

Parent attendees were identified by randomly selecting 85 individuals from the list of parents/carers with children with an EHCP. Invitations were issued via letter from Andrew Lee on 23<sup>rd</sup> November asking parents to call or e-mail [consultation@hackney.gov.uk](mailto:consultation@hackney.gov.uk) to reserve their place.

Parents who had responded to the consultation online were also invited to attend (77). In total, 162 invitations were issued via post and e-mail, asking parents to sign up to either event. HiP were also invited to the events as the representative parent body.

14 people RSVP'd to the event and 12 people attended.

Key concerns raised:

### **The Proposals:**

- Long term planning and reapplication process – inconsistent and provisional;
- Difficult for parents to deal with on an annual basis; and
- There is insufficient information about related processes such as appeals etc.

### **Legal Issues:**

- Legality of proposals – duty of care for children and young people with SEND according to the Children & Families Act 2014;
- The presented information doesn't state clearly if a school/parent can still request an ECH assessment; and
- The proposals are not inclusive of this group and will actively exclude them.

### **General Funding:**

- Transparency of funding is a key concern;
- Parents raised concerns that the Mainstream is underspent and causes frustration as to why budgets cannot be shifted. Similarly, concerns over why the independent sector is overspent but are not facing cuts (parity issue); and
- 5% funding cuts have yet to come into effect.

### **Impact on schools**

- Confidence in current system is low. There is a view that HLT would not be able to deliver the system in the allocated time;
- The proposals are a piecemeal approach, not holistic or long-term;
- The proposals would apply a lot of pressure to schools and in the face of other cuts to budgets this could have detrimental effects on SEND services; and
- Administrative heavy approach (due to annual reapplication process).

### **Impact on children and young people with SEND and families:**

- Doesn't offer parental support for the most vulnerable in the borough;
- Children not the focus of the proposals, only fund cutting; and
- Need to work with community groups to stop fragmentation.

### **The consultation**

- Language not plain enough and terminology misleading; and
- Need more time for consideration of the proposals.

## **Professional workshop**

All heads of schools (primary and secondary settings) in the borough received an invitation to nominate a representative to attend the professional workshop. In total 19 RSVP'd including heads, governors, SENCOs and teachers. 18 attended from the following settings:

- Clapton School for Girls
- De Beauvoir Primary
- Grasmere Primary School
- Grazebrook Primary School
- Jubilee Primary School
- Mossbourne Academy (Group)
- Queensbridge
- Rushmore Primary
- Shoreditch Park Primary
- St Monica's Catholic Primary
- St Thomas Abney
- The City Academy
- The Petchy Academy
- Tyssen Community School
- Urswick School

Below are key points raised by the professionals' workshop including possible resolution points for the SEND team to consider:

- Exclusion is a likely unexpected outcome of the proposals;
- Process of re-applying is not helpful;
- Quick access to finance could be beneficial to students;
- Proposed gap between the Additional and Exceptional funding is too large;
- Internal processes appear not to have been considered;
- Loss of overall funding will impact schools' ability to help children achieve;
- Staffing—EHCP team are permanent—how would the proposals affect this;
- Annual reviews are a valuable way to ascertain the current or changing needs of a child with an EHCP but new requests do require a full assessment;
- The process undermines CYP rights to a statutory entitlement; and
- Appears to be an 'opt out' of rights.

### **Issues for the SEND team to consider:**

- Training of SENCOs and other support staff—more generally;
- Provide additional funding in addition to the existing system to allow for flexibility, although acknowledgement that this would contribute to wider funding constraints;
- Modelling—create shorter 'gaps' between funding levels; and
- Create a fast stream funding model.

## REPRESENTATIONS

### REPRESENTATIONS FROM SCHOOL SETTINGS

The following settings provided formal representations on the proposals:

- Grasmere Primary School
- Jubilee Primary School
- Lauriston School
- Local Advisory Board, Morningside Primary School
- Primary Advantage Federation
- Queensbridge Primary School
- St. Thomas Abney Primary School

#### Key Points raised in the representations:

- Legality of the proposals;
- The impact of the proposals on schools ability to plan and budget;
- The impact on vulnerable children;
- SEND children in maintained settings;
- The right to appeal decisions; and
- The administrative burden on teachers, SENCOs and schools.

All representations have been passed onto the service area for review and comment.

### REPRESENTATIONS FROM CIVIC GROUPS

The consultation received a number of representations from civic groups based in Hackney and in London.

Many of the key themes raised in the correspondence are reflective of much of the themes emerging from the respondents' data. These include:

- The proposals remove a students' statutory right (under the Children's & Families Act 2014);
- Proposals are a real-terms cut to SEND services and will affect overall resource levels within schools;
- Presented the case that the proposals represent 90% cuts to funding;
- The proposals will affect the educational outcomes of SEND students;
- The proposals will disproportionately affect specific groups such as those with English as a second language, BME groups and hard to reach communities;
- Sought clarification of the impact of the proposals as identified through the Equalities Impact Assessment; and
- The proposals will affect schools' ability to plan, will cause staff redundancies and reduce expertise in SEND departments.

## **Alliance for Inclusive Education (ALLFIE)**

Key points raised:

- Hackney's proposed SEND education funding policy has an inbuilt bias towards segregated education provision;
- A suggested maximum cap of approximately £15,000 (plus £10K for school funding elements 1 and 2) per pupil with SEND accessing mainstream education. No similar cap is proposed for individual pupils placed in special schools;
- There are no parallel 'cuts' to funding proposed for special schools;
- The proposed cuts will mainly affect disabled and SEN children in mainstream schools and those disabled pupils planning to attend mainstream schools. Pupils attending Hackney special schools will be unaffected because the funding comes from a separate budget;
- Any additional cuts to SEND funding on top of the Dedicated School Funding formulae will result in mainstream schools feeling less able to admit disabled and SEN pupils;
- A reduction in funding available for mainstream schools will mean they will have fewer resources to make any reasonable adjustments for their pupils required under the Equality Act 2010; and
- Reductions in SEN funding will mean less SEN expertise and increased staff redundancies that will affect disabled and SEN pupils in mainstream education.

ALLFIE also commented that the SEND funding was being cut by 11% and 90% (with no parallel cut to special schools), however it should be borne in mind that this figure is disputed by the Council on a point of technicality.

## **Hackney Independent Forum for Parents (HIP)**

Key points raised:

- Noted there had been substantial cuts to services which were already impacting on the SEND service. Hackney schools are already struggling with £26million cuts to their budgets and since May have removed more than 70 school support staff posts. The council also intends to cut 5% from its SEND budget;
- The model will lead to much poorer outcomes for pupils with SEND including their attainment at all key stages;
- The proposal will result in a significant reduction in funding, support and legal protection for SEND children at school;
- Hackney Council's proposed model will substantially reduce funding and support for all children with SEND in Hackney from April 2018 (for some pupils by as much as 90%) which is unlawful;
- Funding available to schools to support SEND pupils under the 'non plan model' will be significantly reduced and not guaranteed year-on-year. This will de-stabilise long-term support planning and pupils' access to important therapies and specialist teaching;
- HiP believes the proposals will deny parents any mechanism to ensure their children's needs are met by schools. Pupils switched from EHCPs to 'Targeted Funding', or denied access to an EHCP assessment will be stripped of protection or guarantees of support from year to year;
- The proposals will disproportionately disadvantage children from Black and Minority Ethnic communities.
- The consultation did not consult the public at a 'formative stage' and considers the time frames and information provided during the consultation insufficient;

- None of the information was shared with the SEND partnership board prior to the consultation;
- Concerns of the consultation reach and impact on BME communities; and
- HiP believed that hard copies of the consultation information were sent to some, but not all, parent-carers affected and the consultation notification they received lacked key information. There was no attempt to promote the consultation to harder to reach groups or disabled young people.

The submission included legal advice received by HIP as an appendix.

### **Hackney Health Watch**

Key points raised:

- HHW believe the model will make it much harder for families to exercise their rights to an assessment. In particular those where English is a Second Language;
- The proposals will reduce support and increase health inequality for disabled children in Hackney;
- The proposed model for SEND funding in Hackney will increase the number of pupils with SEND excluded by Hackney schools;
- Far fewer pupils with high needs in mainstream schools will have an EHCP that clearly describes their learning, health and social care needs. This means their needs will be poorly understood by schools. We feel that pupils with Social Emotional and Mental Health Needs and Autistic pupils without an EHCP will be most at risk under the proposed new model;
- Local statutory health partners were not directly consulted, either through the SEND Partnership Board or the Hackney Health and Wellbeing Board;
- Consultation - Reliance on invitation-only consultation workshops for parents which as a result were poorly attended. Lack of timeliness in providing consultation material translated into key community languages; and
- Confusing and misleading consultation wording, making it inaccessible to many families.

### **National Deaf Children's Society (NDCS)**

Key points raised:

- NDCS opposes any proposal to reduce central funding or prevents access for specialist support services;
- The consultation paper implies that the criteria for undertaking an EHC Assessment and issuing and maintaining an EHCP will be based on levels of top up funding; and
- NDCS would support the proposal to provide top up funding prior to undertaking a statutory assessment. However, we point out the obligations on the LA set out in the statutory SEND Code of Practice (2015) with regard to: (i) the criteria for undertaking an EHC assessment (para 9.14), (ii) the criteria for issuing an EHC Plan (para 9.53-9.56) and (iii) reviewing, amending and maintaining an EHC Plan (paras 9.166-9.168; 9.193-9.198; 9.199-9.210).

## **National Education Union, Hackney (NEU)**

Key points raised:

- The proposals represent a substantial and ongoing cut in Element three funding for mainstream students/pupils which should be viewed in light of the impact of a 5% cut from September 2017 and each subsequent year;
- Recognition that funding bands may be administratively useful, but commented that the proposals 'fetter the discretion of the Hackney Learning Trust to meet individual pupils SEND provision'; and
- Welcome the flexibility in the new approach but reject the reduced levels of funding which will impact on teachers and support staff through increased workload and make it more likely for inclusive placements to break down thereby costing the Borough even more.

The NEU provided a number of recommendations to be considered by Hackney Council.

- Introduce a voluntary ring fence with schools around both notional SEND element 2 funding and a compulsory ring fence around all element 3 funding;
- In reference to the Summary of Proposals document, the NEU rejected the idea that students who need top up funding above £16,951 should be in special schools and that parents have a right to exercise a choice of mainstream schooling even if it costs more than this arbitrary level. As such, it recommended a new flexible Level 6 funding above £16,951; and
- Development of more resource provision in mainstream schools, the prioritisation of training for all staff on the methods of successful inclusion for SEND students with a regular programme of central training and persuading all schools to devote 1 training day a year to whole-school SEND training.

## **Royal National Institute of Blind People (RNIB)**

Key points raised:

- The summary document was not fully accessible as some individuals who use assistive technology would not have been able to read all aspects of the document;
- Although this group is a low incident rate, they are recognised as having complex needs and the appropriate level of resources needs to be put in place to ensure they achieve the outcomes they identify during any assessment;
- Any child or young person with a visual impairment should receive a specialist assessment undertaken by a QTVI (Qualified Teacher for the Visually Impaired);
- No evidence that an Equality Impact Assessment has been conducted regarding this change;
- RNIB questions why the proposals will only take six weeks to assess;
- Hackney should ensure any changes to funding will not have a negative impact on sensory services for children and young people in Hackney;
- Under the proposals, if someone is identified with needs of over £15,000, it is stated that they would be better suited in a special school. Would the decision be based upon meeting the child's needs, in the most appropriate setting, which should be decided by the family and professionals together;
- Sensory impairment should be considered within the exceptional funding bracket as it may not require a full EHCP; and
- The Children's and Families Act 2014, requires local authorities to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency),

working with parents, young people and providers. The Act is clear that, when considering any re-organization of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN.

## CONCLUSION

The overall view of the proposed changes SEND funding were not very well received by respondents with both proposals receiving +80% negative responses.

Respondents expressed concerns not only with the proposals but also used the consultation to draw attention to wider issues in relation to SEND provision within Hackney, notably the impact of previous and future cuts to wider education budgets.

The biggest concern among respondents was the perceived cut to existing funding levels within the EHCP, the loss of SEND children and young people's statutory rights under the Children and Families' Act 2014 and the right to appeal, the impact of the proposals on school settings ability to financial plan, and the increase in bureaucracy for new the funding.

The response rate for SEND parents or carers was relatively low (29%) if measured against the number of consultation packs issued (1,871), however, the large number of non-SEND respondents indicates a broader concern by the general public about the impact of the proposals.

The workshops with SEND parents and carers and professionals provided further information and contextual views of the proposals, and a number of the professionals indicated an appetite to assist the SEND team recast the proposals into more workable policy options.