

CHILDREN'S SERVICES COMMITTEE

AGENDA



Tuesday 14 March 2023

at 4.00 p.m.

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS: CHILDREN'S SERVICES COMMITTEE

Councillors Boddy, Cowie, Groves, Harrison, Lindridge, Little and Sharp.

Co-opted Members: Jo Heaton, C of E Diocese and Joanne Wilson, RC Diocese representatives.

School Heads Representatives: Mark Tilling (Secondary), David Turner (Primary), Zoe Westley (Special).

Six Young Peoples Representatives

Observer: Councillor Buchan, Chair of Adult and Community Based Services Committee

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 Minutes of the meeting held on 14 February 2023 (*previously circulated and published*).

4. BUDGET AND POLICY FRAMEWORK ITEMS

No items.

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

5. KEY DECISIONS

- 5.1 Dedicated Schools Grant – Early Years Block 2023/24 - *Director of Children's and Joint Commissioning Services*
- 5.2 High Needs Provision Capital Allocations (HNPCA) 2022-2024 - *Director of Children's and Joint Commissioning Services*
- 5.3 2023/24 Schools' Capital Works Programme - *Director of Children's and Joint Commissioning Services*
- 5.4 Dedicated Schools Grant – High Needs Block 2023/24 – *Director of Children's and Joint Commissioning Services*

6. OTHER ITEMS REQUIRING DECISION

- 6.1 Approval of Term and Holiday Dates 2024-25 – *Director of Children's and Joint Commissioning Services*
- 6.2 Amendment to the Instrument of Government of Kingsley Primary School - *Director of Children's and Joint Commissioning Services*

7. ITEMS FOR INFORMATION

- 7.1 Elective Home Education - *Director of Children's and Joint Commissioning Services*
- 7.2 Children Missing Education – Annual Report - *Director of Children's and Joint Commissioning Services*

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

Date of next meeting – To be confirmed



CHILDREN'S SERVICES COMMITTEE

14 March 2023



Report of: Director for Children's & Joint Commissioning Services

Subject: DEDICATED SCHOOLS GRANT – EARLY YEARS
BLOCK 2023/24

1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 This report contains key decisions - test (i) and (ii) apply.
- 1.2 The forward plan reference is **CJCS 131/23**.

2. PURPOSE OF REPORT

- 2.1 To present the indicative Dedicated Schools Grant (DSG) funding allocation in relation to the Early Years Funding for 2023/24 and propose the Early Years National Funding Formula (EYNFF) that sets hourly rates for providers for 2023/24.

3. BACKGROUND

- 3.1 The EYNFF sets the hourly funding rates for each local authority to deliver the universal and additional entitlements for three and four year olds, along with entitlements for 2 year olds.
- 3.2 Local authorities are required to consult providers on proposed annual changes to the local early year's funding formula, although the final decision rests with the local authority.
- 3.3 There is a key change to the EYNFF from 2023/24 onwards. Since 2019, school settings have received a separate government grant to help fund the costs of teacher pay and pension contribution increases introduced in September 2019. This separate grant has been mainstreamed into the funded hourly rate for 3 to 4 year old provision from April 2023.

4. 2022/23 EARLY YEARS BLOCK FUNDING

- 4.1 The 2023/24 funding allocation for the Early Years Block shown in the following table was announced on 16 December 2022.

Early Years Block	Rate	2023/24 Estimated Funding (£)
3/4 Year Old Funding	£5.09 per hour	5,268,123
Disability Access Fund (DAF)		51,336
Pupil Premium		178,369
Total 3/4 Funding		5,497,828
2 Year Old Funding	£5.63 per pupil	1,410,400
Total Estimated Early Years Block		6,908,228

- 4.2 The funded rate for 3 to 4 year old provision increases from £4.80 to £5.09; the funded rate for 2 year old provision increases from £5.57 to £5.63. This hourly rate from government includes the funds both to deliver the scheme and the maximum payment for providers for each eligible child.
- 4.3 The 29p increase for 3 to 4 year old provision includes 24p to fund the previously separate Teacher's Pay Grant (TPG) and Teacher's Pension Employer Contribution Grant (TPECG). Therefore, without the grant, the actual increase for 3 to 4 year old provision is 5p per hour.

5. PROPOSED HOURLY RATE STRUCTURE 2023/24 – Three to Four Year Old Provision

- 5.1 The table below shows the proposed hourly rate structure for 2023/24. The following changes are proposed:
- Apply the increase of 5p per hour, with 4p of the increase being applied to the base rate and 1p to centrally retained budgets;
 - Create a new supplement for payment of the 24p TPG / TPECG to relevant settings;
 - Remove the 2p contingency and transfer the 2p to the base rate. This will result in a total 6p per hour increase to the base rate for 3 to 4 year old provision in line with the government's 6p per hour increase for 2 year old provision. It will also assist in ensuring at least 95% of funding is passed to providers as per the regulations.

Proposed three & four year old formula	Current Hourly Rate (£)	Proposed New Hourly Rate (£)	% Allocated
DFE allocation	4.80	5.09	100.0%
Proposed Hartlepool Formula:			
Base Rate	4.50	4.56	89.5%
Mandatory Deprivation Supplement	0.01	0.01	0.2%
TPG / TPECG Supplement	0.00	0.24	4.7%
Contingency	0.02	0.00	0.0%
SEN Inclusion Fund	0.03	0.03	0.6%
Pass- through rate to providers	4.56	4.84	95.0%
Centrally retained funding	0.24	0.25	5.0%
Total	4.80	5.09	100.0%

5.2 Pass-through rate – 95%

The pass-through rate includes the base rate, the funding of the deprivation supplement, the new TPG / TPECG supplement and an allocation for the SEN inclusion fund. These elements are described in more detail below.

5.3 Base rate– 89.5%

The base rate proposed would represent an increase of 6p per hour from the existing base rate of £4.50. The base rate is payable to all providers of three to four year old provision.

5.4 Mandatory Deprivation Supplement – 0.2%

Deprivation is a mandated supplement within the early year's hourly rate. This is proposed at the same rate as 2022/23. Payments would continue to be allocated on the basis of those three to four year olds attracting pupil premium.

5.5 TPG / TPECG Supplement – 4.7%

From 2019/20, school settings received a grant to cover the significant teacher pay and pension increases effective from September 2019. Rather than continue to pay as a separate grant, DfE have increased the 3 to 4 year old provision funded hourly rate. For Hartlepool, the DfE increase is 24p. As the supplement will not affect all settings, the actual payment per hour will be greater than 24p. Section 6 of this report outlines proposals for distribution of the new supplement.

5.6 Contingency Fund – 0.0%

Historically, 2p of the hourly rate has been set aside as a contingency in case the 95% pass through rate is exceeded because of unexpected volatility in census volumes. As the contingency has not been required in recent years, and to assist with reaching the 95% pass through rate, the contingency is proposed to be removed in 2023/24. This position will be considered again ahead of setting hourly rates for 2024/25.

5.7 SEN Inclusion Fund – 0.6%

The SEN Inclusion Fund is proposed to be maintained at 0.6%. This fund can be accessed by all providers in accordance with the agreed policy.

- 5.8 The pass-through rate position will continue to be carefully monitored in-year to assess any risk and respond appropriately. This response could prompt an hourly rate change from April 2024, or if significant, consideration of an in-year change to hourly rates.
- 5.9 Centrally Retained Funding
In accordance with ESFA guidance, centrally retained funding of 5% of the EYNFF, is proposed to be retained. Schools' Forum approved that the retention of 5% be recommended to Children's Services Committee for approval.
- 5.10 Other Specific Funding
The local authority also receives specific funding for eligible three and four year olds relating to the Disability Access Fund (DAF) and Pupil Premium (EYPP); this is passported to eligible providers. The national funding rate for EYPP will increase by 2 pence, from 60p to 62p per eligible child per hour. The national funding rate for DAF will increase by £28 from £800 to £828 per eligible child per year.

6. TPG / TPECG SUPPLEMENT PROPOSALS

- 6.1 Mainstream schools and academies with an early year's setting currently receive a grant payment from DfE to help fund the cost of significant increases in teacher's pay and pension contribution rates that became effective from September 2019. The grant was established in financial year 2019/20 using a rate per pupil multiplied by the latest census numbers for the setting. This grant is being mainstreamed into the 3 to 4 year old provision hourly rate from April 2023.
- 6.2 The current total TPG / TPECG grant amount has been divided by the total funded part time equivalents for 3 to 4 year old provision by DfE to establish a funded hourly rate of 24p.
- 6.3 The grant eligibility was restricted to school settings. However, in mainstreaming the former grant into the 3 to 4 year old provision hourly rate, DfE have suggested that local authorities may wish to reconsider the basis for distributing the funding, whilst continuing to adhere to the reason and rationale for the original TPG / TPECG grant.
- 6.4 As the original grant was restricted to school settings only, one option would be to continue this practice and apply the TPG / TPECG supplement to maintained schools and academies only. This proposal would result in an hourly rate supplement of 31p as school and academy settings make up 76% of 3 to 4 year old provision funded hours. With this option, school settings would receive an amount broadly comparable to the funding received under the separate grant, although exact amounts would vary because the method of distribution differs.
- 6.5 Another option would be to extend the supplement to any settings that employ a qualified teacher. This currently affects 5 non-school settings across Hartlepool. This option would result in an hourly rate supplement of 29p as settings would make up 81% of 3 to 4 year old provision funded hours. With this option, school

settings would see a reduction in funding compared to the previous grant income, although the estimated reduction would equate to only £14k across all school settings.

- 6.6 With either option, it is not possible to predict the exact amount of TPG / TPECG supplement that will be payable as the amount is dependent on actual hours paid. Clearly, hours paid can fluctuate from funded hours which are on the basis of the two January census points.
- 6.7 Owing to the unpredictability and, in recognition of 2023/24 being the first year of operating the TPG / TPECG supplement, we may wish to consider holding back a small amount of the supplement as a contingency. As an example, one regional authority is proposing to withhold 2p (or 10%) of their supplement. However, it should be noted that the TPG / TPECG supplement is included within the 95% pass through requirement so any unallocated amounts not passed to providers will place risk on meeting the 95% obligation.

7. PROPOSED HOURLY RATE STRUCTURE 2023/24 – Two Year Old Provision

- 7.1 Members will recall previous decisions in 2020/21 and 2021/22 to withhold 16p (2 x 8p) of the 2 year old funding to support the ongoing risks associated with the funding deficit in this early years budget area. This decision reduces the two year old deficit by approximately £0.040m.
- 7.2 The Task and Finish Group met in November 2022 to review the latest position on 2 year old provision expenditure, particularly the projected underspend for 2022/23. Owing to the uncertainty, the Group supported proposals from Council Officers to continue to withhold the 16p per hour but to pass on any new hourly rate increase for 2023/24.
- 7.3 Following notification of the minimal 2 year old hourly rate increase of 6p on 16 December 2022, further review of continuing to hold back the full 16p was considered appropriate. Although there is a risk that hourly rate reductions may need to be proposed by the Task and Finish Group in future, this risk must be considered against the current financial climate and the sustainability risk for providers.

8. CONSULTATION RESPONSES

- 8.1 The consultation with providers ended on 17 January 2023. A summary of the responses is provided in the table below.

Early Years Consultation 2023/24 - Responses	Yes	No	Not Sure	Total	% Agreed
1: Do you agree that the hourly rate for 3 to 4 year old provision is distributed using the current hourly rate structure as shown in the table at section 5.1 above?)	11	0	0	11	100%
2: Do you agree that 2p of the historic 16p increase for 2 year old funding is passed to providers in 2023/24, despite the risk that the hourly rate may need to be reduced in future years?	5	2	4	11	45%
3: Do you agree that the 2023/24 hourly rate increase of 6p from government for 2 year old funding is passed to providers in 2024/24?	6	0	5	11	54%

- 8.2 Although the number of responses to the consultation was disappointing, they were from a mix of settings – 2 childminders, 3 private nurseries and 6 schools with early year's provision.
- 8.3 Schools' Forum consulted with the Head Teachers they represent and, at their meeting of 15 February 2023, Forum unanimously recommended the proposed hourly rate for three to four year old provision outlined in section 5 of this report to Children's Services Committee for approval.
- 8.4 At the same meeting, Forum considered the 4 options below regarding the new TPG / TPECG supplement.

Option 1	Restrict the TPG / TPECG supplement to school settings and do not set aside a contingency	Hourly rate of 31p
Option 2	As option 1 but set aside a contingency of 2p	Hourly rate of 29p
Option 3	Extend the TPG / TPECG supplement to all settings with a qualified teacher and do not set aside a contingency	Hourly rate of 29p
Option 4	As option 3 but set aside a contingency of 2p	Hourly rate of 27p

Schools' Forum unanimously recommended option 3 to Children's Services Committee for approval.

- 8.5 Schools' Forum discussed the reasonableness of continuing to hold back the 16p per hour for the 2 year old provision, particularly with regard to the current early year's reserve balance of £0.536m and the projected underspend for 2022/23.
- 8.6 Schools' Forum agreed unanimously to recommend an increase of 22p for the 2 year old provision hourly rate to be funded from the 6p increase from government and releasing the full 16p.

9. RISK IMPLICATIONS

- 9.1 It is possible that a funding shortfall on two year old provision may materialise in 2022/23 once the January 2023 census and spring term attendance information are available. However, should this risk materialise, there should be adequate funding in the Dedicated School Grant reserves to fund the shortfall.

- 9.2 The Task and Finish Group remain on standby to re-establish options to tackle the funding shortfall, to be implemented from April 2024, if this became necessary.

10. FINANCIAL IMPLICATIONS

- 10.1 The 2023/24 allocations are subject to adjustment following the January 2023 census. Therefore, the figures provided in the table shown at paragraph 4.1 are subject to change during 2023, although the hourly rates will not vary.
- 10.2 The proposed hourly rates for 3 to 4 year old provision reflect the continuing need within the regulations to pass through at least 95% of the NFF to providers.
- 10.3 The proposed hourly rate for 2 year old provision pass on the 21p per hour increase announced by government in October 2021, whilst continuing to retain the 16p increase from previous financial years in response to the ongoing risk of a funding shortfall.

11. OTHER CONSIDERATIONS

LEGAL	The local authority is required under the School and Early Years Finance (England) Regulations to consult providers on annual changes to their formula. This has been completed, with the outcomes reported at paragraph 8.1 above.
CONSULTATION	All providers in Hartlepool have been consulted on the hourly rate proposals for 2023/24 and the results were considered at Schools' Forum on 15 February 2023.
CHILD AND FAMILY POVERTY	There are no specific child and family poverty considerations.
EQUALITY AND DIVERSITY	There are no specific equality and diversity considerations.
STAFF	There are no specific considerations
ASSET MANAGEMENT	There are no asset management considerations.

12. CONCLUSIONS

- 12.1 Local authorities are required to consult providers on annual changes to local early year's funding formulas, although the final decision rests with the local authority to agree the EYNFF.
- 12.2. The consultation closed on 17 January 2023 and the outcome was discussed at Schools' Forum on 15 February 2023.

13. RECOMMENDATIONS

13.1 It is recommended that Committee:

- a) note the contents of this report and the outcomes from the consultation with providers and Schools' Forum;
- b) note the recommendation by Schools' Forum to centrally retain funding of 5%;
- c) approve the hourly rate funding formula for three to four year old provision for 2023/24 as shown in the table at paragraph 5.1, passing an increase of 6p on to all providers through the base rate;
- d) approve option 3 for payment of the new TPG / TPECG supplement shown at paragraph 8.4 of this report as recommended by Schools' Forum;
- e) approve the hourly rate funding formula for two year old provision for 2023/24 as outlined at paragraph 8.6, passing the increase of 22p on to providers through the hourly rate.

14. REASONS FOR RECOMMENDATIONS

- 14.1 It is a statutory requirement for local authorities to consult and agree the EYNFF annually.

15. BACKGROUND PAPERS

- 15.1 Schools' Forum Reports of 6 December 2022 and 15 February 2023 relating to Dedicated Schools Grant – Early Years Block 2023/24.

16. CONTACT OFFICERS

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Sign Off:-

Director of Resources and Development



Chief Solicitor



CHILDREN'S SERVICES COMMITTEE

14th March 2023



Report of: Director of Children's and Joint Commissioning Services

Subject: HIGH NEEDS PROVISION CAPITAL ALLOCATIONS (HNPCA) 2022-2024

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 CJCS 133/23 Key decision test (i) and (ii)

2. PURPOSE OF REPORT

2.1 For members to approve High Needs Provision Capital Allocations (HNPCA) to develop MLD (Moderate Learning Difficulties) provision

3. BACKGROUND

3.1 High Needs Provision Capital Allocations (HNPCA) is paid to local authorities to support the provision of places for children and young people with special educational needs and disabilities (SEND).

3.2 The DfE notified the council in March 2022 of its allocations (2022-2024) as below:

2022/23	2023/24	Total
£962,737	£732,295	£1,695,032

3.3 The funding is expected to increase education SEND provision or improve the quality of SEND provision.

3.4 A report was presented to committee on 21st June 2022 and members approved the following spend on the 2022-2024 allocations due to increase in costs on previously approved builds:

ASD 6 th Form	£106,937
Catcote Academy	£46,574.89
Springwell School	£55,000

This left an allocation of £1,486,520.11 which members agreed that we could explore options to develop provision for:

- MLD (Moderate Learning Difficulties) secondary additionally resourced provision
- Communication and Interaction additionally resourced provision for early years and primary age children.

- 3.5 There continues to be significant pressure on provision for children with additional needs and the development of local provision ensures that these children do not need to be educated outside of Hartlepool. Developing additionally resourced provision enables children to access mainstream provision with the added support required due to their level of need.

4. PROPOSAL

- 4.1 A commissioning process was undertaken and the following schools expressed an interest in delivering the above provision:
- St Helen's Primary – Communication and Interaction
 - High Tunstall College of Science – Moderate Learning Difficulties
- 4.2 Officers have been working with both schools to develop the additional provision and both of these projects need capital funding to develop their provision. Recently the DfE have announced that St Helen's will be part of the next round of the School Rebuilding Programme (SRP). It is therefore not intended to undertake significant capital works however some adaptations need to be made to the building in the short term.
- 4.3 It is proposed to allocate the following:

High Tunstall – development of 45 place Additionally Resourced Provision for children and young people with Moderate Learning Difficulties	£800,000 - £1,000,000 The tender process will determine the exact costs.
St Helen's Primary School – development of 6-8 place additionally resourced provision for children with communication and interaction needs	£40,000

- 4.4 The total cost for the two settings would therefore be £1,040,000 (hoping that this will be less once a competitive tender process has been undertaken). This would leave an allocation of £446,520.11 to implement further capital programmes for children with SEND dependent on emerging needs.

5. RISK IMPLICATIONS

- 5.1 There is a risk that if we do not provide the additional accommodation at High Tunstall College of Science and St Helen's Primary School we will not be able to meet the needs of our children in Hartlepool. This will mean that children and young people will have to attend provision out of Hartlepool at a significantly higher cost (independent provision costs on average £60k- £80k).
- 5.2 There is a risk with current high levels of inflation that the funding allocated does not cover the costs of the build. In order to mitigate this risk we will be requesting a contingency amount to be built into the tender costs. Ongoing review of spend will also be undertaken to ensure that we track costs to enable any review of the specification of the accommodation to cut costs.

6. CONSULTATION

- 6.1 Ongoing discussions are being held with schools about the need to ensure that all schools are offering the appropriate support for children with additional needs. Parents are also involved in these discussions as they have concerns that their children's needs cannot always be met by schools. The aim is to develop an Inclusion Strategy with all partners.
- 6.2 A High Needs Block (funding received from government to support children with SEND) review has been undertaken which is being shared with members at this committee (14th March 2023). The development of the provision set out in this report supports the review.

7. CONSIDERATIONS

FINANCIAL	As set out in the main body of the report
CHILD AND FAMILY POVERTY	No specific considerations - children and young people are supported based on their needs.
EQUALITY AND DIVERSITY	No specific considerations - children and young people are supported based on their needs.
STAFF	No staff considerations
LEGAL	SEND requirements are set out in the SEND Code of Practice which councils and partners must adhere to.
ASSET MANAGEMENT	As set out above in the main body of the report.
ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE	This will be considered in the procurement process for a building contractor.

8. RECOMMENDATIONS

- 8.1 For members to approve the allocations as set out in section 4.3

9. REASONS FOR RECOMMENDATIONS

- 9.1 To ensure that we can meet the needs of children with SEND in Hartlepool thus preventing children and young people having to attend their education out of area.

10. CONTACT OFFICER

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Sign Off:-

Director of Resources and Development ☒

Chief Solicitor ☒

CHILDREN'S SERVICES COMMITTEE

14 March 2023



Report of: Director of Children's & Joint Commissioning Services

Subject: 2023/24 SCHOOLS' CAPITAL WORKS PROGRAMME

1. TYPE OF DECISION

- 1.1 Key Decision - test (i) & (ii) apply. Forward Plan Reference Number: CJCS 129/23

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to seek approval to the 2023/24 Schools' Capital Works Programme, as detailed in **confidential APPENDIX A**, in order to progress the design and detailed costing exercise in time for the majority of projects to be carried out during the summer holiday period. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).**

3. BACKGROUND

- 3.1 Each Spring term, the Department for Education (DfE) announces capital funding allocations, these being School Condition Allocations (SCA) – formerly known as Capital Maintenance and Devolved Formula Capital (DFC), for the school estate in Hartlepool.
- 3.2 At the time of writing this report, capital funding allocations had not been communicated to the LA. The DfE have previously stated that SCA allocations for a current year would be indicative of the funding that responsible bodies will receive in future years and further stated that SCA will be revised annually to reflect any schools moving to a different responsible body e.g. converting to academy status, opening or closing. During 2022/23 (financial year), four schools that the LA is responsible for, converted to academy status and this is likely to be reflected in the funding allocation.

4. FUNDING

- 4.1 School Condition Allocation is a grant to the LA for all maintained community schools and is aimed at addressing condition needs in existing school premises, but does not include academies who receive funding from a Condition Improvement Fund, direct from the Education & Skills Funding Agency.
- 4.2 Devolved Formula Capital is a relatively limited capital allocation made directly to schools via the LA to support small scale projects and ICT development. Schools often use this allocation to fund their 10% contributions to larger capital schemes
- 4.3 This report is seeking approval for the schemes proposed in **confidential APPENDIX A** and will be funded from all available funding. Schools are also expected to contribute a minimum of 10% towards the condition schemes.
- 4.4 Detailed in Table 1 below is the total funding available for works. Table 2 details the total costs of schemes proposed, the contingency sum for 2023/24 and the total funding required. Members are asked to approve the works, contingency sum and retrospective costs totalling £924,100. The programme will be carefully managed to ensure there is no risk of overspending the funding available.

Table 1

23/24 SCA Funding*	690,000
22/23 Unallocated	111,000
22/23 Unused Contingency	70,000
10% School contributions	78,910
Total Available	949,910

*anticipated allocation

Table 2

Condition schemes	789,100
Retrospective schemes	45,000
Contingency	90,000
Total Required	924,100

5. CONTINGENCY

- 5.1 As in previous years, the overall programme recommended to Committee for approval includes a separate contingency fund which has been allocated from the SCA. This will continue to ensure that urgent but unforeseen items can be addressed, should the need arise.
- 5.2 Other than in response to an emergency situation, there will be no significant variation to the programme of works as detailed in **confidential APPENDIX A**. Details of the budget and cost for individual schemes will be report in the public report once contracts are awarded.
- 5.3 Within the 2022/23 programme there was a contingency sum of £70,000. There was no call on this and therefore it is carried forward to 2023/24.

6. PROCUREMENT

- 6.1 All works of a non-specialist nature will be offered to the in-house Construction Team. If they decline, then the works will be externally procured in accordance with the Council's Contract Procedure rules.
- 6.2 All in-house work that utilises subcontractors and suppliers or work of a specialist nature will be procured in accordance with the Council's Contract Procedure Rules

7. RISK IMPLICATIONS

- 7.1 The report is concerned with the condition, protection and development of Council assets i.e. school buildings.
- 7.2 The proposed programme of school condition works has been compiled on the basis of those areas/sections of school buildings which are showing clear signs of failure and those aspects which will prevent possible loss of school days due to emergency school closures.

8. FINANCIAL CONSIDERATIONS

- 8.1 If the schemes detailed in the attached confidential **APPENDIX A** are approved, funding can be met from the 2023/24 Schools Condition Allocation and current unallocated capital funding.

9. CONSULTATION

- 9.1 A draft list of condition priorities detailed in confidential **APPENDIX A** were noted at Schools Capital Sub Group meeting of the 26 January 2023.

10. OTHER CONSIDERATIONS

LEGAL CONSIDERATIONS	None
CHILD AND FAMILY POVERTY CONSIDERATIONS	None
EQUALITY AND DIVERSITY CONSIDERATIONS	None
STAFF CONSIDERATIONS	None

11. RECOMMENDATIONS

11.1 Members are recommended to:

- a) Approve the schedule of 2023/24 capital works programme as summarised in confidential **APPENDIX A**, subject to the LA agreeing contributions from schools towards individual schemes in line with the shared funding principles established by the Schools Forum; **These items contain exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- b) Delegate to the Director of Children's & Joint Commissioning Services, in consultation with the Chair of this Committee, dispensation and discretion to authorise works where an emergency (eg risk of school closure) or a significant health and safety risk is exposed;
- c) Delegate to the Director of Children's & Joint Commissioning Services, in consultation with the Chair of this Committee, dispensation and discretion to add or remove a project(s) as a result of an increase or decrease in the 2023/24 SCA funding allocation;

12. BACKGROUND PAPERS

12.1 None.

13. CONTACT OFFICER

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Sign Off:-

Director of Resources and Development ☒

Chief Solicitor ☒

CHILDREN'S SERVICES COMMITTEE REPORT

14 March 2023



Report of: Director of Children's and Joint Commissioning

Subject: DEDICATED SCHOOLS GRANT –
HIGH NEEDS BLOCK 2023/24

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 This report is for key decisions - test (i) and (ii) applies.

1.2 The forward plan reference is **CJCS 132/33**.

2. PURPOSE OF REPORT

2.1 The purpose of the report is to inform Members of the funding allocation for the High Needs Block in 2023/24 and to seek approval for the 2023/24 budget. The High Needs Block forms part of the Dedicated Schools Grant (DSG).

3. BACKGROUND

3.1 Updated High Needs Block funding allocations for 2023/24 were published on 16 December 2022. As with other areas of the DSG, funding for the High Needs Block is via a National Funding Formula (NFF).

3.2 Hartlepool has benefited from an 11% (£1.882m) increase in 2023/24 (11% in 2022/23). National increases ranged from 8% to 13%, with an average increase of 10%.

3.3 The 11% increase includes £0.760m Additional Grant that is subject to separate grant conditions and is to fund a mandatory payment of a 3.4% funding increase (compared to 2022/23) to special schools and Pupil Referral Units.

3.4 There has been increasing pressure on high needs funding in order to meet the needs of children in Hartlepool with additional needs. Previously, owing to these pressures, £0.500m was transferred from the Schools Block to the High Needs Block to support the budget requirement. In more recent years, this transfer has

not taken place as the authority has received increased allocations from government and used HNB reserves. Despite the funding increases from government, high needs spending for 2022/23 is projecting an overspend, with latest projections predicting a £0.906m overspend in 2022/23.

- 3.5 Schools' Forum established a High Needs Task and Finish Group and agreed the scope of a High Needs Review at their meeting of 25 March 2021. To assist with the review, the local authority engaged Peter Gray, a specialist SEND consultant.
- 3.6 On 15 February 2023, School's Forum met to consider the final outcome of the review and to consider a number of proposals to improve the current position.
- 3.7 The budget requirement proposed for 2023/24 exceeds the High Needs Block funding allocation by **£2.146m**. The changes proposed within the High Needs Block are required to meet current demand. However, it was agreed by Schools Forum that a plan was required to bring back spending in line with available funding within a three-year period. Reaching this balanced position requires a whole system change to ensure that mainstream schools consistently offer "ordinarily available" provision for pupils with SEND, thereby reducing the need for specialist support and ultimately avoiding the use of costly independent school provision where feasible.

4 HIGH NEEDS BLOCK FUNDING 2023/24

- 4.1 The High Needs Block allocation for 2023/24 is shown in the following table. Education and Skills Funding Agency (ESFA) recoup, or deduct, place funding for academies and pass the funding on direct to Trusts.

High Needs Block	2023/24 Funding £m
DSG High Needs Block Allocation (before academy place funding is deducted)	18.661
Recoupment for academy funding	(3.330)
Net High Needs Funding 2023/24	15.331

- 4.2 Members are asked to note that final allocations remain subject to change, from changes known as import/export adjustments, during 2023/24 depending on volumes of pupils accessing provision outside of their home authority. These updates take place in June 2023.

5. HIGH NEEDS BLOCK PLANNED SPEND 2023/24

- 5.1 The planned high needs budget for 2023/24 is shown in the table below. As outlined in paragraph 3.7, the budget requirement proposed for 2023/24 exceeds the High Needs Block funding allocation by **£2.146m**.

High Needs Block Budget Requirement 2023/24		£m
Place Funding - Academies		3.330
Place Funding – Maintained		0.805
Independent School Fees		4.248
Out of Authority Top-ups		0.448
Alternative Provision (including Horizon School)		0.932
Top-ups and Support		8.156
Post-16 Top-ups		2.108
High Needs Services		0.500
HNB Review – SEND Team Capacity		0.089
HNB Review – Early Year's Portage Offer		0.116
Borrowing Costs		0.075
Total Budget Requirement		20.807

- 5.2 Each budget area is outlined in more detail in the paragraphs that follow. A number of budget proposals arising from the High Needs Block review were considered by Schools' Forum at their meeting on 15 February 2023. The report from that meeting is attached to this report as **Appendix A** and can be referred to for greater detail. The minutes from the Schools' Forum meeting are attached as **Appendix B**.

5.3 Place Funding – Academies

- 5.3.1 ESFA deduct place funding for academy Additionally Resourced Provision (ARP) places and special school places from our starting High Needs Block allocation. Provision of places in academies is shown in the table below. Place funding is prescribed by ESFA at £10k per place, or £6k where the school already receives per pupil funding via the Schools Block NFF.

Provision	Places	Funding per Place £'000	Place funding Recouped 2023/24 £'000
Eskdale Primary ARP	10	10	100
Rossmere Primary ARP	6	10	60
Manor Secondary ARP	20	6	120
Catcote Special Pre-16	134	10	1,340
Catcote Special Post-16	46	10	460
Hartlepool College of FE	60	6	360
Springwell Special and ARP	88	10	880
Pre-16 Alternative Provision	1	10	10
Total academy recoupment	365		3,330

5.4 Place Funding – Maintained

- 5.4.1 Funding of places within maintained schools sits within the High Needs budget after recoupment (£15.331m for 2023/24). Provision of places in maintained schools is shown in the table below.

Provision	Places	Funding per Place £'000	Place funding (maintained) 2023/24 £'000
Kingsley Primary ARP	25	6	150
Grange Primary ARP	21	6	126
St Helen's Primary ARP	10	6	60
High Tunstall Secondary ARP (ASD)	20	6	120
High Tunstall Secondary ARP (MLD)	24	6	144
Total place funding - maintained			600

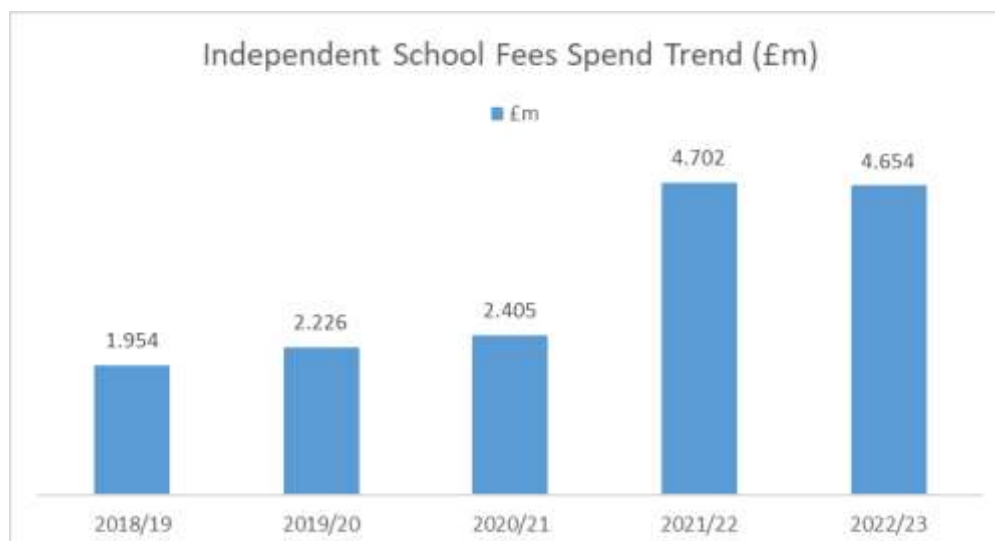
5.4.2 Schools' Forum considered proposals to increase the number of ARP places in maintained schools for 2023/24 (see section 13 in **Appendix A**). Forum recommended the following proposals affecting this budget area:

- Establish additional ARP (Primary High Need) places based on trajectories of newly identified children of which 25 children are already attending Kingsley Primary School. Place funding will be payable at £6k per place (costing £0.150m). Places are payable at £6k where the school is in receipt of NFF per pupil funding via the schools block.
- Extend existing secondary ARP places at High Tunstall College by 22 places operational from 1 January 2024 (at a cost of £0.055m).

5.4.3 The £0.600m shown in the table at paragraph 5.4.1 above, along with the two recommendations from School's Forum equate to a spend proposal of **£0.805m** for 2023/24.

5.5 Independent School Fees

5.5.1 Where it is not possible to place pupils with SEND within Hartlepool provision and where there are no places available in Out of Authority schools, a place is sought within an independent school. Independent provision is costly and the demand for provision has increased over recent years as shown in the graph below.



- 5.5.2 There are currently 73 pupils placed in independent schools at an average cost of £66k per annum. At their meeting of 15 February 2023, Schools' Forum agreed to establish a solution focused forum to review any potential placement for a child where the initial assessment suggests that needs cannot be met in a Hartlepool school. This new forum will be critical in bringing challenge to the current process and finding innovative ways to accommodate pupils in the town and thereby avoiding placements in independent schools. This strategy is needed to reduce the significant cost of independent school fees over the next three years in order to bring high needs spending back into line with available funding.
- 5.5.3 Independent school placements are expected to reduce by £1.635m in 2023/24 as pupils transfer to post-16, or choose to end their education at year 12. Growth in new placements is anticipated at a cost of circa £0.800m as there are likely to be a number of places that are not able to be accommodated in Hartlepool owing to capacity.
- 5.5.4 The planned spend for 2023/24 is based on 59 placements at an estimated average annual cost of £72k per placement. This provides a budget requirement of **£4.248m**.

5.6 Out of Authority Top-Ups

- 5.6.1 An Out of Authority placement may be sought where a child is unable to be placed in Hartlepool provision. Out of Authority placements are with either maintained schools or academies within the North East. Out of Authority placements are less expensive than independent school fees. However, demand is usually high and new placements are therefore uncommon. Most of the growth in Out of Authority provision is linked to when a family moves into Hartlepool and a child is already placed in an Out of Authority school. In these instances, the provision is usually continued at the existing school but funded from the Hartlepool high needs block.
- 5.6.2 There are currently 29 pupils placed out of Hartlepool at these type of provisions at an average cost of £15k per annum. The spend proposal for 2023/24 is based on 28 placements at an estimated average annual cost of £16k per placement. This provides a budget requirement of **£0.448m**.

5.7 Alternative Provision (including Horizon School)

- 5.7.1 Horizon School (Hartlepool's Pupil Referral Unit) currently offers 12 places for permanently excluded pupils, along with a further 10 in reach places (two places for each of the five secondary schools). In reach places are used to work with pupils at risk of permanent exclusion with the aim of retaining the pupil successfully in their home school.
- 5.7.2 There has been a rise in the number of permanent exclusions, prompting the need to consider increasing capacity at Horizon School. The table below shows the trend of permanent exclusions over recent academic years and this academic year to date.

Academic Year	Numbers of PEX
Sept 2017 – July 2018	14
Sept 2018 – July 2019	32
Sept 2019 – July 2020	13
Sept 2020 – July 2021	5
Sept 2021 – July 2022	19
Sept 2022 – Feb 2023	20

- 5.7.3 At their meeting on 18 November 2022, Schools' Forum agreed to fund increased capacity at Horizon School using a cost model basis in 2022/23. Agreement was given to funding of up to £0.120m pro rata.
- 5.7.4 A longer term funding model for Horizon School has been completed as part of the HNB review. The total operating cost requirement for Horizon School for 2023/24 has been calculated to determine an appropriate top-up per place. At their meeting of 15 February 2023, School's Forum recommended to increase the number of commissioned places at Horizon School by 6 places – a total of 28 places. Schools' Forum also recommended the introduction of a new funding model for Horizon School based on £10k place funding and £14k top-up, costing a total of £0.672m (this consists of 10 in reach and 18 PEX places).
- 5.7.5 ESFA announced an Additional Grant on 16 December 2022 (included in the HNB allocation shown in the table at paragraph 4.1) that would provide funding based on a 3.4% increase of total Pupil Referral Unit funding in 2022/23. For Horizon School, the grant amounts to £24k. This is a mandatory condition of grant that must be paid under the regulations. This funding is in addition to the place funding and top-up funding proposed at paragraph 5.7.4. However, the income is included in the cost model that determines the recommended £14k top-up per place.
- 5.7.6 Haven School offers 12 places to pupils who are unable to attend their usual school environment for a variety of social, emotional, mental and health reasons. Analysis of the provision shows that 12 places remains sufficient to meet this need across the town.
- 5.7.7 A longer term funding model for Haven has been completed as part of the HNB review. The total operating cost requirement for Haven for 2023/24 has been calculated to determine an appropriate top-up per place. At their meeting of 15 February 2023, School's Forum recommended to continue to commission 12 places at Haven. Schools' Forum also recommended the introduction of a new funding model for Haven based on £10k place funding and £1.6k top-up, costing a total of £0.139m.
- 5.7.8 In addition, the costs of placing permanently excluded pupils at alternative provision where their needs cannot be managed at Horizon School, or where capacity is not available is funded from this budget heading. It is proposed that the alternative provision budget remains at the same level in 2023/24 – a total cost of £0.043m.

5.7.9 Should the recommendations of Schools' Forum relating to Horizon School and Haven be approved (please refer to section 7 **Appendix A**), the planned spend for 2023/24 amounts to **£0.932m**.

5.8 Top-Ups and Support – Individual Pupil Support

5.8.1 The local authority commissioned NDTi to carry out "A review of inclusion in mainstream education for children and young people with special educational needs and disabilities (SEND)".

5.8.2 As a result of this work, one of the areas identified in the recommendations was the need to review the Individual Pupil Support (IPS) model of funding. Subsequently, Peter Gray (SEND consultant who was commissioned to carry out the review) suggested the devolving of budgets to school clusters.

5.8.3 This has been discussed at length in the HNB review sessions. The advantages of this approach are:

- Enables moderation across schools to ensure that there is a consistent approach to schools receiving additional funding (report indicated schools did not feel this was currently happening);
- Allows for more solution focused approaches with schools working together with one pot of funding to enable children's needs to be met better locally;
- School staff to support each other to increase SEND expertise across the system.

5.8.4 IPS payments are based on a set of top-up ranges through pupil assessment. The planned spend for IPS in 2023/24 is based on existing commitments in 2022/23 plus a proposed uplift of 4% to the top-up ranges.

5.8.5 The existing and proposed new top-up ranges are shown in the table below. Schools' Forum recommended the 4% uplift at their meeting of 15 February 2023. Further details can be found at sections 8 and 9 of the report at **Appendix A**).

Top-up Range	Current	Proposed
4i	£3,340	£3,470
4ii	£4,470	£4,650
5i	£6,680	£6,950
5ii	£11,150	£11,600
6i	£15,620	£16,250
6ii	£21,170	£22,020

5.8.6 If the proposal is approved, the 4% uplift will result in a total budget requirement of **£2.304m**.

5.9 Top-Ups and Support – Additionally Resourced Provision (ARPs)

- 5.9.1 This budget funds top-up payments relating to pupils placed in ARPs – these payments cover both academies and maintained schools. The places in each ARP are shown in the two tables at section 5.4 above. A further 25 primary ARP places and 22 secondary ARP places are also proposed at paragraph 5.4.2.
- 5.9.2 ARP top-up payments use the same ranges and prices as IPS. Therefore, it is proposed that ARP top-ups are also uplifted by 4% and that the top-up rates shown in paragraph 5.8.5 are implemented from April 2023.
- 5.9.3 Where ARP places are paid at £6k the school also receives funding through the schools block NFF for the particular pupil. There is currently a process in place to clawback any NFF funding from the school where the £6k plus NFF funding exceeds £10k (the total place funding amount). School's Forum have proposed that the clawback process is ceased from April 2023. Ending the clawback would cost a total of £0.150m per annum.
- 5.9.4 If the proposal is approved, the 4% uplift and ceasing of the NFF clawback from schools will result in a total budget requirement of **£1.009m**.
- 5.10 Top-Ups and Support – Special Schools
- 5.10.1 The local authority commissioned a review of top up ranges during 2017/18, by an independent SEND consultant, with changes being implemented in 2018/19. The implementation significantly reduced the top-up payments to special schools and to ensure ongoing sustainability, both Catcote Academy and Springwell Academy were provided with a Minimum Funding Guarantee (MFG). The MFG is a fixed annual amount and does not reflect the changing needs and level of need for pupils placed within each special school. As part of the HNB review, special schools asked for a different funding methodology which would provide a greater level of stability in budget planning and would reflect the profile of needs being met.
- 5.10.2 During the HNB review, proposals were considered that moved to a top-up price per pathway or team as an alternative to the current MFG arrangement. Both Catcote Academy and Springwell Academy organise their pupils in three pathways that reflect pupil needs. A number of models were produced and costed to understand options available. Further work is needed to agree an effective model for each school. It is proposed that implementation of the new funding methodology is planned for September 2023 in line with academy financial years. An interim solution will be considered by Schools' Forum for April 2023 to August 2023 until implementation. This will be presented to a future Children's Services Committee before implementation.
- 5.10.3 At their meeting of 15 February 2023, Schools' Forum agreed to recommend in principle that special schools should move away from the existing MFG arrangement and that a funding methodology based on top-up prices per pathway be implemented.

5.10.4 Although a final cost is not yet agreed, the planned spend for 2023/24 includes an estimate of special school top-ups based on the range of models produced to date. The proposed final cost model will be presented to a future Committee.

5.10.5 ESFA announced an Additional Grant on 16 December 2022 (included in the HNB allocation shown in the table at paragraph 4.1) that would provide funding based on a 3.4% increase of total special school funding in 2022/23. The grant amounts to £0.190m for special schools. This is a mandatory condition of grant that must be paid under the regulations.

5.11 Top-Ups and Support – Hearing and Visually Impaired

A service level agreement is in place with Middlesbrough Borough Council for support to hearing and visually impaired pupils. The expected cost of provision in 2023/24 is **£0.205m**.

5.12 Top-Ups and Support – Small Steps

The Small Steps Team within the Council's Education Psychology Service provides support to younger pupils with SEND. The Team plays a key role in early intervention. An increase of 7% is proposed to the service in 2023/24 to reflect the cost of the NJC pay award. The expected cost in 2023/24 is **£0.178m**.

5.13 Top-Ups and Support – Total Planned Spend

The total planned spend across Top-Ups and Support, encompassing paragraph 5.8 to 5.13 of this report, amounts to **£8.156m** as shown in the table at paragraph 5.1.

5.14 Post-16 Top-Ups

This budget area funds the cost of educating pupils with SEND who choose to continue their education after age 16. The costs for a number of post-16 pupils will transfer from the independent school fees budget in 2023/24. The planned spend in 2023/24, including these transfers is **£2.108m**.

5.15 High Needs Services

5.15.1 This budget area includes the local authority costs for providing support and management of high needs services. An uplift of 7% is proposed in 2023/24 in line with the NJC pay award.

5.15.2 At their meeting on 15 February 2023, Schools' Forum received information on the growth of Education and Health Care Plan (EHCP) volumes as shown in the table below.

2018	2019	2020	2021	2022
585	610	689	740	805

- 5.15.3 The number of SEND officers supporting this process has stayed static since 2018. This is now affecting the timeliness of undertaking EHCP assessments (SEND Code of Practice sets out a 20 weeks requirement) and the timeliness of reviews is very poor. The current capacity within the SEND team cannot continue with the front facing model, therefore, in order to improve the process, there needs to be added capacity within the team. Schools' Forum approved the creation of 2 new SEND officer posts (band 11) to increase capacity within the team at a cost of £0.089m.
- 5.15.4 In addition, over the last year there has been anecdotal evidence that the needs of early year's pupils are increasing. One view is that this is owing to children in their earliest years not having the interaction they would normally have owing to COVID. It is thought that this could lead to potential developmental delay. However, information from all partners is indicating it is more complicated than just a lack of opportunities. Information captured from the pilot Early Years Panel indicates that this is an area that needs systemic focus (please refer to section 15 of **Appendix A** for further details).
- 5.15.5 Schools' Forum, therefore, recommended the creation of an early year's offer with a focus on early intervention. The estimated cost of the offer is £0.116m.
- 5.15.6 Should the SEND Team capacity and early year's portage offer be approved, this gives a total budget requirement for high needs services of **£0.705m**.

6. RISK AND FINANCIAL IMPLICATIONS

- 6.1 At a national level for 2023/24, additional government funding of £970m has been provided towards HNB pressures, a 10.6% increase. However, at an individual authority level, demands on the service are exceeding the financial resources allocated.
- 6.2 Against this background, government have extended the "statutory override" regulations to 2025/26 which means authorities do not have to charge these deficits to their General Fund budget. This means that where authorities have a HNB deficit, this is carried on the balance sheet as a negative reserve and does not affect the Council's own reserves available to fund local priorities and commitments.
- 6.3 The government has not indicated what they do from 2025/26, although it seems inconceivable that they will require authorities to write off HNB deficits against General Fund reserves as this would either require authorities to stop using their own reserves as planned, including stopping capital schemes, or for those authorities with low reserves is likely to trigger section 151 notices.
- 6.4 Alongside these arrangements, the government operate a "safety value" system and a "delivering better value programme" whereby the Department for Education (DfE) provide "support and challenge" to authorities with significant HNB deficits. This support requires authorities to draw up a financial recovery plan to address the recurring deficit within three years. It is our understanding

that two thirds of authorities have triggered the criteria for one of these arrangements.

- 6.5 Up until 2022/23, the Council has successfully managed HNB costs within the available annual grant allocation and HNB reserves. This has been achieved despite a significant increase in demands on this service, including the impacts arising from COVID-19. As detailed early in the report, demands on the service in 2023/24 are forecast to exceed the grant allocation of £18.6m by £2.2m – a deficit of 11.8%. The increase in cost is considered necessary to invest in Hartlepool provision and so avoid placement of pupils with SEND outside the town wherever possible. In time, this approach will reduce costs for independent and out of town provision and provide an improved outcome for Hartlepool children. The Schools Forum has agreed that an action plan will be developed during 2023/24 to address this deficit over three years.
- 6.6 Based on experience from other authorities the Council will not trigger EFA intervention until the deficit is 25% of the annual grant – which for Hartlepool equates to £4.6m. On this basis, the delivery of an action plan during 2023/24 will be critical.

7. LEGAL CONSIDERATIONS

- 7.1 The local authority is required to set an annual budget for its High Needs Block.

8. CONSULTATION

- 8.1 All schools have been consulted on budget proposals for the High Needs Block for 2023/24 via Schools' Forum. Progress with the High Needs Block Review was a standing agenda item for each Forum meeting during 2022. Schools' Forum considered the outcomes of the review and associated proposals for change at their meeting on 15 February 2023.
- 8.2 Five Task and Finish Group meetings were held during September to December 2022 and a range of Head Teachers and SENDCO's were represented.

9. CHILD AND FAMILY POVERTY CONSIDERATIONS

- 9.1 There are no specific child and family poverty considerations.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

- 10.1 There are no specific equality and diversity considerations.

11. STAFF CONSIDERATIONS

11.1 There are no specific considerations.

12. ASSET MANAGEMENT CONSIDERATIONS

12.1 There are no asset management considerations.

13. CONCLUSIONS

13.1 Planned high needs spending in 2023/24 is shown at paragraph 5.1 of this report.

13.2 The budget requirement for 2023/24 exceeds available funding by £2.146m. A plan will be developed during 2023 to agree a strategy for bringing high needs spending back in line with available funding.

14. RECOMMENDATIONS

14.1 It is recommended that Members:

- a) Note the contents of the report;
- b) Approve the proposed new 25 place primary ARP from 1 April 2023 and the extension of 22 secondary ARP places with effect from 1 January 2024 at a cost of £0.205m (paragraph 5.4.2);
- c) Note the agreement from School's Forum to establish a solution focused forum, bringing challenge to the current process in order to reduce the significant cost of independent school fees (paragraph 5.5.2);
- d) Approve an increase of 6 places at Horizon School and the introduction of a new top-up rate of £14k for Horizon School and £1.6k for Haven at a total cost of £0.120m (section 5.7);
- e) Agree the proposed uplift of 4% to top-up ranges for IPS and ARPs and cease the clawback process at a total cost of £0.270m (section 5.8 and 5.9);
- f) note that once further work is complete and a cost model established for both special academies, a proposal will be presented to Members at a future Committee (paragraph 5.10.2);
- g) Approve the creation of 2 SEND Officer posts to increase capacity at a cost of £0.089m (paragraph 5.15.3);
- h) Approve the creation of an early year's offer with a focus on early intervention at a cost of £0.116m (make up of posts in the team yet to be agreed) (paragraph 5.15.5);
- i) Approve the overall budget requirement of £20.807m shown at paragraph 5.1 of the report, noting that the budget allocation is £18.661m;
- j) Note that Schools Forum have committed to draw up a plan which will look to address the deficit over a three-year period.

15. REASONS FOR RECOMMENDATIONS

- 15.1 To ensure that that we can meet the educational needs of children with Special Education Needs and Disabilities in Hartlepool.
- 15.2 To ensure the local authority establishes an appropriate budget for High Needs in 2023/24 that meets expected demand.

16. BACKGROUND PAPERS

- 16.1 Schools' Forum report of 15 February 2023 – High Needs Block Review.

17. CONTACT OFFICERS

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Sign Off:-

Director of Resources and Development



Chief Solicitor



Report to Hartlepool Schools' Forum 15 February 2023
From Danielle Swainston (Assistant Director – Joint Commissioning)

Item 3: High Needs Block Review

1. Introduction

- 1.1 The purpose of the report is to present the outcomes from the High Needs Block (HNB) review along with a set of proposals for change.

2. Background

- 2.1 High needs funding is provided to local authorities through the HNB of the Dedicated Schools Grant (DSG), enabling them to meet their statutory duties under the Children and Families Act 2014.
- 2.2 There has been increasing pressure on this funding to meet the needs of children in Hartlepool with additional needs. Previously, owing to these pressures, £0.5m was transferred from the Schools Block to the High Needs Block to support the budget requirement. In more recent years, this transfer has not taken place as the authority has received increased allocations from government.
- 2.3 Schools' Forum agreed at their meeting of 25 March 2021 that a review needed to be undertaken with the following scope:
- Horizon School funding model;
 - Inclusions Strategy;
 - Top up ranges;
 - Special Schools – increase capacity;
 - Special Schools – review of Minimum Funding Guarantee/ funding model;
 - Speech and Language Provision;
 - Additionally Resourced Provision;
 - Capacity of SEND team; and
 - Early Years.
- 2.4 Schools' Forum asked Peter Gray (SEND consultant who undertakes work with other authorities and DfE) to undertake a review. Subsequently, a High Needs Task and Finish Group met on a number of occasions to work through the findings and possible solutions. This report pulls together all those discussions.

3. National Context

- 3.1 Key points relating to the national context include:
- Significant pressures on High Needs Budgets;
 - Large number of local authorities are experiencing deficits/overspends in 2017/18;
 - Significant injection of new funding from 2018/19;
 - Some local authorities are now in surplus, although there is a continuing growth in spend;
 - Concerns about 2023/24 and beyond when increases revert to inflation;
 - A lot of focus on strengthening local specialist provision (reducing reliance on high cost placements in the Independent sector);

5.4 APPENDIX A

- Evidence suggest that this is not enough – needs stronger/more consistent mainstream offer as bedrock on which to build;
- Need to ensure specialist provision is focused on most complex/significant needs

3.2 Recent national research (LA case study research – effective management of HNB) indicates that possible reasons for growth in spend included:

- Growth in numbers of children with complex/significant needs;
- Changes in diagnostic practice;
- Impact of social media;
- Loss of parental confidence in mainstream settings;
- School accountability pressures making some schools less inclusive;
- Increased demand for special school placements;
- Increased need for higher cost placements (INMSS) where local provision is full.

3.3 Key lessons from this research (success in reducing spend) included:

- Importance of relationships and securing a ‘common agenda’: meeting needs in a way that is equitable and financially sustainable;
- Importance of having a clear strategy for improvement with capacity to implement/‘see through’ and monitor/evaluate;
- Willingness/capacity to be creative, with a problem-solving approach;
- Commitment to meeting needs wherever possible locally and in mainstream schools/settings to help remove barriers to community access.

4. Local Context

4.1 The table below shows the number of children and young people (0-25) being supported by EHC plans trend over last four years (as per SEND 2 return).

2018	2019	2020	2021	2022
585	610	689	740	805

4.2 There is a significant increase in the number of children accessing independent provision with a total of 80 children across the year groups and primary needs in the following table.

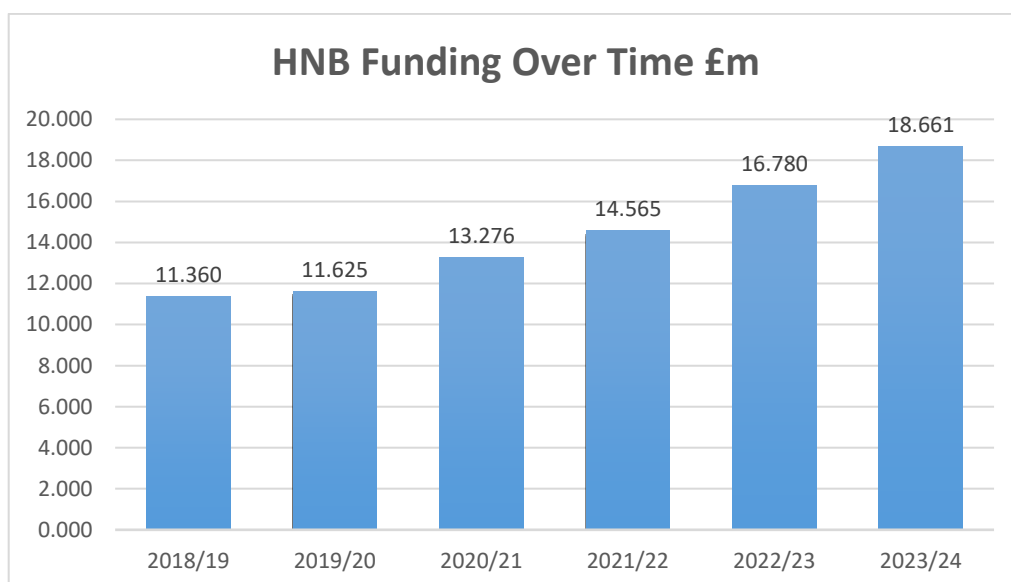
	ASD	SEMH	MLD	HI/VI	PD	PMLD
Year 6	2	3				
Year 7	2	4			1	
Year 8	1	9				
Year 9	1	15				1
Year 10	1	5				
Year 11	1	19			1	
Year 12	3	7				
Year 13		1				
Year 14	1	2				
	12	65	0	0	2	1

5. History of Funding

5.1 The table below provides the historic funding for the HNB from DfE, along with block transfers from the DSG Schools Block.

5.4 APPENDIX A

FY	DfE £m	Block Transfer £m	Total £m
2018/19	10.810	0.550	11.360
2019/20	11.004	0.621	11.625
2020/21	12.946	0.329	13.276
2021/22	14.565	0.000	14.565
2022/23	16.780	0.000	16.780
2023/24	18.661	0.000	18.661



5.2 The table below presents historic spending by category of provision, along with the latest outturn estimate for the current financial year.

Reporting Category	2018/19 FINAL £m	2019/20 FINAL £m	2020/21 FINAL £m	2021/22 FINAL £m	2022/23 ESTIMATE £m
LA Place Funding	1.441	1.426	1.366	1.317	0.882
Ind School Fees	2.582	2.226	2.405	3.553	4.684
OoA Top-ups	0.347	0.314	0.309	0.380	0.415
Top-ups & Support	4.302	4.374	4.250	5.404	6.516
Exclusions (including PRU)	0.297	0.455	0.662	0.706	0.766
Post-16 Top-ups	0.627	0.821	0.903	1.044	1.044
Support Services	0.467	0.467	0.467	0.467	0.467
Borrowing Costs	0.000	0.000	0.000	0.000	0.075
TOTAL	10.062	10.083	10.361	12.871	14.849

Overspend / (Underspend)	0.317	0.506	(0.848)	0.386	0.906
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5.3 Peter Gray (consultant who works with local authorities and DfE to review use of HNB and strategies to reduce spend) undertook a review and provided the following commentary for Hartlepool's use of HNB funding:

- Higher than average HNB for unitaries but lower than some that are demographically similar (Middlesbrough; Blackpool);
- In deficit in 2018/19 and 2019/2020 (need for Schools Block transfer);
- Significant extra funding since 2020 then from national government;
- Continuing growth in spend;
- Just about breaking even;
- Concern about impact of continuing growth when increase in income starts to 'flatten' (2023/24 and beyond);
- Need for a more 'managed' approach.

6. **Proposals**

- 6.1 There have been lengthy discussions about the increased "demand" for specialist provision. Many views were expressed about the benefits of further developing this type of provision versus the need to strengthen the mainstream offer for children with SEND. Many feel that if you "build" specialist provision that places will be filled quickly. It is important that we have this in the forefront of our minds when deciding on the best way forward and ensure that there is the right balance in the system.
- 6.2 This is also being discussed at a national level and there seems to be an agreement that HNB strategies/ plans need to have elements of both (the recent evaluation of local authorities and HNB indicate that those managing their HNB well address both of these issues).
- 6.3 The following review proposals, therefore, focus on all elements.

7. **Horizon School Funding Model**

- 7.1 Schools' Forum agreed the current funding model for Horizon School at their meeting 22 October 2020. The model is based on a total of 34 places – 12 places for Horizon School, 12 places for Haven and a further 10 inreach places (2 places for each of the 5 secondary schools). Funding per place is based on £10k place funding plus a further £10k top-up.
- 7.2 The agreement covered 2 financial years starting April 2021 and ending March 2023.
- 7.3 Schools' Forum received a report at their meeting on 18 November 2022 highlighting the rising number of permanent exclusions (PEX) and the need to increase place numbers for Horizon School.
- 7.4 The table below shows the history of exclusions by academic year.

AY	Numbers of PEX
Sept 2017 – July 2018	14
Sept 2018 – July 2019	32
Sept 2019 – July 2020	13
Sept 2020 – July 2021	5
Sept 2021 – July 2022	19
Sept 2022 – Feb 2023	20

- 7.5 Schools' Forum agreed to fund increased capacity at Horizon School using a cost model basis in 2022/23. Agreement was given to funding of up to £0.120m pro rata.

- 7.6 A longer term model for funding of Horizon has been completed as part of the HNB review. The total operating cost requirement for Horizon for 2023/24 has been calculated to determine an appropriate top-up per place. Operating costs have been assigned to either Horizon (including inreach places) or Haven to allow a separate top-up amount.

Proposal:

- *To increase the number of commissioned places at Horizon by 6 places – a total of 28 places*
- *To continue to commission 12 places at Haven*
- *To introduce the following funding model:*
 - *Haven 12 places – £10k place funding and £1.6k top-up – a total of £0.139m*
 - *Horizon 28 places – £10k place funding and £14k top-up – a total of £0.672m (this consists of 10 inreach and 18 PEX places)*
- *If numbers of PEX reduces for the year 2024/25, the type of places will be reviewed and PEX places will be converted to inreach places and explored to see if appropriate to extend to KS2 support*
- *If PEX continue to increase and the PEX places cannot be met within the allocation of 18 the inreach places will be reduced*

8. Inclusions Strategy

- 8.1 The local authority commissioned NDTi to carry out “A review of inclusion in mainstream education for children and young people with special educational needs and disabilities (SEND)”.
- 8.2 As a result of this work, one of the areas identified in the recommendations was the need to review the Individual Pupil Support (IPS) model of funding. Subsequently, Peter Gray (SEND consultant was commissioned to carry out a review). He suggested the devolving of budgets to clusters.
- 8.3 This has been discussed at length in the HNB review sessions. The advantages of this approach is:
- enables moderation across schools to ensure that there is a consistent approach to schools receiving additional funding (report indicated schools did not feel this was currently happening);
 - allows for more solution focused approaches with schools working together with one pot of funding to enable children’s needs to be met better locally;
 - school staff to support each other to increase SEND expertise across the system.
- 8.4 Within the discussions for this approach it was also agreed to establish a solution focused forum made up of schools and local authority officers. The purpose is to review any children whose needs cannot be met locally (from the initial assessment) to look for a solution to educate in Hartlepool.

Proposal:

- *To develop and implement the devolving of IPS funding to clusters*
 - *Devolve to four clusters (acknowledging this is best fit and not perfect)*

- *Establish four SEND cluster leads to work with local authority to develop model, implement model and manage funding and requests across the cluster (to be funded for two years part time via SEMH funding (separate paper on agenda)*
- *Fund 0.5 FTE Education Psychologist to support across clusters via SEMH funding (separate paper on agenda)*
- *To establish a solution focused forum to review any children that needs cannot be met in Hartlepool due to a lack of provision*
- *Develop Hartlepool “ordinarily available” document to support the allocation of additional funding (previous IPS now cluster funding)*

9. Top Up Ranges

- 9.1 Following review, there appears no evidence that top up ranges are less within Hartlepool than other areas – some lower, some higher but those that are higher have a greater HNB overspend and are in a deficit reserves position.
- 9.2 For the budget year starting 2021/22, Schools’ Forum agreed an increase back to April 2019 and subsequently introduced an annual uplift process for 2022/23.
- 9.3 An annual uplift is considered a reasonable approach. The uplift would be linked to the Council’s own commissioning process based on basket of indicators.

Proposal:

- *Uplift 2023/2024 top-up ranges by 4% at an estimated cost of £0.090m*

10. Special Schools – Increase Capacity

- 10.1 Children and Families Act 2014/ SEND COP sets out a presumption in law that all children be provided with a mainstream education as long as that is in line with parental wishes. Therefore, the focus on our SEND development across Hartlepool must be about strengthening our mainstream offer which includes ordinarily available.
- 10.2 However we know that some children need specialist provision due to the level of their needs and the tracking of children attending schools by the commissioning team has allowed us to understand projections for children potentially needing specialist provision. (Note: this is based on individual schools identifying needs without any moderation. Moderation needs to take place within and across the clusters to ensure that there is a consistent approach.)
- 10.3 There has been ongoing work to increase capacity across the system:
- Additional five places at Grange Primary ARP;
 - Starting to implement Primary ASD ARP at St Helen’s – early development however looking at approx. 6 places initially;
 - Increased capacity at Catcote to 200 places;
 - Post 16 ASD 6th Form (Cadcote) being developed to ensure that more capacity freed up at main school site on Catcote Road (phased approach);
 - Pilot MLD ARP at HT – 24 places (currently 17 with being full from Sept 2023). Review recently carried out which shows positive outcomes for these children.

5.4 APPENDIX A

Working with school to increase to 45 as permanent to allow for KS3 children to move through to KS4 and new children admitted in KS3;

- Springwell – capital build for more PMLD children. Not increased place numbers but have increased space to support more PMLD children (based on changing needs of children and more complexity);
- Free School – delays in construction mean that the new proposed opening will be 2024. This will hopefully support the current cohort of children and young people needing SEMH specialist provision and significantly reduce the need for children needing to attend independent out of area provision. Agreed with Spark of Genius to identify children that would have gone to free school Sept 2023 – approx. 8-12 will attend Stockton Spark of Genius (SoG) provision and then will transfer to Free school when ready if appropriate.

- 10.4 ASD is now an area that is of concern with an increasing number of children needing more specialist provision. We have commissioned extra places at Grange (increased number of places) and commissioned new provision at St Helen's for primary. However we are now projecting an increased need for primary specialist provision and Springwell are over capacity. It is increasingly difficult to place children in Hartlepool when there is only one primary special school. Therefore, there is a need to explore whether there is a requirement for another primary special school.

Proposal:

- *Explore opportunities to bid for specialist free school – potentially a through school from early years to KS4. Potential for multi academy trust to bid in partnership with local authority.*
- *Review place numbers at special schools for the 2024/25 commissioning year (Nov 2023 ESFA deadline) and understand impact on HNB funding as any additional places at academies are recouped with no additional funding via the HNB formula*

11. Special Schools – Review of Minimum Funding Guarantee (MFG) / Funding Model

- 11.1 As part of the HNB review, special schools asked for greater certainty and stability around their budget funding. Peter Gray proposed a move to an average cost per pupil as the basis for top-up payments and this proposal was considered in further detail within the Task and Finish Group.
- 11.2 As an equivalent to the Maintained Schools Additional Grant (MSAG) in 2023/24, ESFA have included a requirement within the regulations to provide an additional grant to special schools and Pupil Referral Units. The additional grant is to be calculated at a 3.4% increase on 2022/23 total school funding. Although important context for Schools' Forum, the additional grant is a mandatory condition so is not included as a proposal in this report. The grant is included in the HNB budget requirement for 2023/24.
- 11.3 Both Catcote and Springwell special schools manage pupils in 3 Pathways or Teams dependent on level of need and support. Option 1 starts with an average cost per pupil in each pathway / team being calculated for both Catcote and Springwell. This option encompasses the current Minimum Funding Guarantee and any top-ups payable

where the school is above number. A 4% uplift has been applied to the proposed pathway / team costs in line with the uplifts proposed for IPS and ARPs elsewhere in this report.

- 11.4 A further option was presented by Springwell School in December 2022. This option 2 continues to be based on Teams but has been calculated on the basis of estimated operating cost per Team (provided by the school) as opposed to current payments in option 1 described at paragraph 11.3. As with option 1, an uplift of 4% has been assumed. Option 2 carries an additional cost of £0.460m compared to option 1.
- 11.5 In preparation for this report, Springwell School proposed an option 3. This option is calculated on the same basis as option 2 but has nil inflationary uplift. Also, the operating cost estimated has been reduced by the new grant income outlined at paragraph 11.2 of this report. The additional cost of implementing option 3 (compared to option 1) is £0.322m.
- 11.6 All options would move away from the existing MFG arrangement and would also mean that top-up funding for special schools is no longer based on the same top-up ranges used in Individual Pupil Support and ARPs.

Proposal:

- *Implement a revised funding model for special schools based on per pathway top-up prices;*
- *Remove the existing MFG arrangement;*
- *Cost of option 1 proposal is estimated at £0.118m;*
- *Cost of option 2 proposal is estimated at £0.578m;*
- *Cost of option 3 proposal is estimated at £0.440m.*

12. Speech and Language Provision

- 12.1 Owing to the complexity of this review there has not been enough time to explore this fully, therefore, we propose to review this in 2024/25 in partnership with health colleagues.

13. Additionally Resourced Provision (ARP)

- 13.1 The table below shows current provision.

Primary

Kingsley Primary	ASD	25 places
Grange Primary	ASD/Physical/ medical	21 places
St Helen's Primary	ASD	Phased approach to development – worked on a cost model until agreement re: places
Rossmere Primary	SEMH	6 places short term placements stay on roll at home school
Springwell Primary (Special)	SEMH	4 places short term placements on roll at home school

Secondary

Manor Secondary	ASD	20 places
High Tunstall Secondary *	ASD/ Physical/ medical	20 places
High Tunstall Secondary	MLD	24 places

* Trialled a secondary SEMH ARP in 2021/2022 – was not effective and did not continue after the initial year

- 13.2 ARPs are funded with £10k place funding and top up. In 2017/18, DfE aligned place funding across the system at £10k. Maintained schools with ARPs receive £6k per occupied place, with the remaining £4k received via per pupil funding within individual school budgets (as ARP pupils are on school rolls for census). Vacant places within ARPs are paid at £10k place funding. To maintain the £10k per place across the system, a clawback is in place where an ARP receives more than £10k per ARP pupil. The clawback resets the place funded amount to a consistent £10k across the system.

Proposal:

- *Uplift 2023/2024 top-up ranges by 4% at an estimated cost of £0.030m.*
- *To establish an ARP and resource panel to ensure that provision is being allocated consistently across SEND provision.*
- *Establish additional ARP (Primary High Need) needs based on trajectories of newly identified children 25 children already attending Kingsley Primary School. Place funding will be payable at £6k per place (£0.150m) and top-up payments are estimated at £0.100m.*
- *Extend existing secondary ARP places by 22 places operational from 1 January 2024*

14. Capacity of SEND Team

- 14.1 The numbers of Education, Health and Care Plans has significantly increased over the last four years. However the number of SEND officers supporting this process has stayed static since 2018.

2018	2019	2020	2021	2022
585	610	689	740	805

- 14.2 This is now affecting the timeliness of undertaking EHC assessments (SEND COP sets out 20 weeks requirement) and the timeliness of reviews is very poor. This is not good for children and parents and needs to improve.
- 14.3 Other local authorities have taken the decision to change processes and their SEND officers do not undertake front facing meetings and use portals to manage all information. There is no legal requirement for local authorities to undertake these meetings. However, a session with schools took place recently to understand if processes were appropriate and whether there are efficiencies that can reduce workload and schools said they wanted the current model to continue.
- 14.4 The current capacity within the SEND team cannot continue with the front facing model, therefore, in order to sustain there needs to be added capacity within the team.

Proposal:

- *Increase the capacity of the SEND team recruiting two additional SEND officers (Band 11) at a cost of £0.089m.*

15. Early Years

- 15.1 Over the last year there has been anecdotal evidence that the needs at early years are increasing. One view is that this is owing to children in their earliest years not being subjected to the interaction that would be normal owing to COVID. It is thought that this would lead to potential developmental delay. However information from all partners are indicating it is more complicated than just a lack of opportunities.
- 15.2 The following information has been captured from the pilot Early Years Panel which indicates that this is an area that needs systemic focus:
- Since September 2022 there have been 43 Education, Health and Care Needs Assessments initiated. Of those 43 there were 16 for Nursery and Reception Aged Children (37%). This compares to a figure of 8 out of 41 (19.5%) for the same period last year. Almost double the requests for statutory assessment in the EYFS age group.
 - An Early Years panel has been established to trial an early intervention approach to enable need to be identified early. However it has become evident that need is at a high level. For the period March 22 – January 23 there have been 50 referrals to the Early Years Panel with the following primary needs:
 - 60% Speech Language Communication and Interaction Needs
 - 10% medical / physical needs
 - 6% Social and Emotional Needs (presenting through behaviour)
 - 4% General Learning / Delay
 - 20% unknown
 - 36% of the children that came to panel now have Early Years EP/Small Steps involvement. Despite ever increasing creativity in Small Steps Service delivery to maximise the resource there is now always a waiting list for Small Steps involvement.
 - Of the children with Social Communication needs most are non-verbal and highly sensory. Narrative evidence from both schools and settings is that a high level of adult support is required to keep these young children safe (putting small objects in mouth, etc). Reports from the Early Years EP and Small Steps is that this level of need requires a totally different curriculum based on engagement profiles not just a differentiated curriculum.
 - Increasingly the Early Years Panel hear of parents wanting specialist provision from the off (possibly reflected in the doubling of Early Years statutory assessments). We hear of schools expressing difficulties in meeting needs which obviously puts parents off and reduces confidence in the SEN System from the beginning. Panel members pick this up with schools and challenge accordingly.

- 15.3 The above information is a concern. It is clear that we need to understand the needs of these children. There is a significant risk that if we don't understand these needs that there will be a presumption they need specialist provision. The cost of this (if not appropriate) will have to be sustained for potentially 12/13 years and not be right for the child.

Proposals:

Establish an early years support/ portage offer with a focus on early intervention with potential resource as set out below:

- *Additional small steps worker*
- *Assistant Psychologist*
- *School EYs specialist teachers (seconded from schools or employed by schools)*
- *Estimated costs would include 1.0 FTE at band 9 (£0.036m), 1.0 FTE Assistant Education Psychologist (£0.040m) and £0.040m for specialist teacher support. Total cost estimate of £0.116m*

16. Funding & Conclusions

- 16.1 The current pressure on the HNB is significant and the costs set out above will add to the immediate pressure thus increasing the overspend. However all the information gathered for this review shows that if we don't make some substantial changes the funding from HNB will never be sustainable and we will need to seek to transfer funding from the Schools Block.
- 16.2 We will therefore see:
- An increasing number of children needing specialist provision;
 - An increasing number of children needing independent provision at high cost;
 - Children's needs not being met appropriately as provision is not available;
 - Parents continuing to believe that EHC assessment is the only route to their children's needs being met.
- 16.3 Current independent provision costs between £60k - £80k, therefore, in order to ensure that the HNB is sustainable (additional funding from government is expected to reduce to only inflationary uplifts – not at the level we have seen for the last two years) we will need to reduce the number of independent placements by at least 10. There are currently 80 placements, therefore, this would be a 12.5% reduction.
- 16.4 Even a 12.5% reduction in Independent School Fees would not bring spend back in line with budget as savings would be between £20k-£40k per placement. At the top end of this estimate that would only produce saving of £400k against an in year overspend of between £1.687m and £2.147m.
- 16.5 Therefore, it is suggested that the following proposals are approved based on the assumption that the proposals will in the longer term enable the HNB to be sustainable within the funding envelope provided by the Government.
- 16.6 It is intended that the proposals set out in this paper will support the following:

- Establishment of solution focused forum – will reduce the need for independent out of area places as schools will work together to develop packages of support
- IPS devolved funding – will enable schools to be more creative to look at cohort groups instead of individuals, will allow for more collaborative working, potentially jointly commissioning services that can support groups of schools, early support prevents need for a statutory response (EHC)
- Increase in capacity in special schools – reduce the need for high cost out of area provision
- Increase Additionally Resourced Provision – reduce the need for specialist provision
- Early Years support team – will enable settings to be supported with increasing needs so we understand and can meet their needs early, reduce the need for specialist provision if needs are met.

16.7 Therefore, it is felt that the only way to meet the needs of our children with SEND in the future is to invest additional funding to stop further high costs. If all the proposals within the review are accepted, alongside other areas of general budget growth, the HNB budget gap for 2023/24 is projected to be in the range of £1.687m to £2.147m (dependent upon the option approved for special schools – para 11.4).

16.8 DSG reserves currently have a balance of £1.230m. Although DSG reserves are historically earmarked to individual blocks (e.g. high needs block) for internal reporting purposes, ESFA consider DSG reserves as one overall balance in terms of accounting and reporting of deficits.

16.9 Therefore, current reserve balances earmarked to support the High Needs Block stand at £0.325m. Should the mid-case projection included in the outturn report materialise, there would be a deficit reserve of £0.581m. However, overall DSG reserves would remain positive (Early Years and Growth Fund) at £0.324m.

16.10 However, if the proposals in this report were approved the estimated balance on the DSG reserves at 31.03.2024 would be £1.363m in deficit or £1.822m in deficit, depending on the recommendations approved.

16.11 The regulations at present provide a statutory override which allows local authorities to report a DSG reserve in deficit. This override will stop in 2024/25 as by then, ESFA expect HNB spending will be equal to budget provided.

16.12 There is currently an DfE initiative where LA's with a deficit are invited to join a Safety Valve Programme. From information from a neighbouring authority our trigger point (at which we are strongly encouraged to join the programme) may be as low as a £4.6m cumulative deficit.

16.12 Clearly, approving these proposals has to be on the understanding that ALL schools adopt the approach of ensuring Hartlepool children can access Hartlepool education and reduce the number of children who have to be educated out of authority, be it in other local authority schools or in an independent schools.

17. **Recommendations**

17.1 Horizon funding model

17.1a Increase the number of commissioned places at Horizon to 28 (includes 10 inreach places)

- 17.1b Continue to commission 12 places at Haven
- 17.1c Introduce the following funding model:
 - Haven – £10k place funding and £1.6k top-up
 - Horizon – £10k place funding and £14k top-up
- 17.1d If numbers of PEX reduces for the year 2024/25 the type of places will be reviewed and PEX places will be converted to inreach places and explored to see if appropriate to extend to KS2 support.

17.2 Inclusions/ IPS

- 17.2a To develop and implement the devolving of IPS funding to four clusters (acknowledging this is best fit and not perfect).
- 17.2b Establish four SEND cluster leads to work with the local authority to develop model, implement model and manage funding and requests across the cluster (to be funded for two years via SEMH funding (separate on Agenda).
- 17.2c To establish a solution focused forum to review any children that needs cannot be met in Hartlepool due to a lack of provision.
- 17.2d Develop Hartlepool “ordinarily available” document to support the allocation of additional funding (previous IPS now cluster funding).

17.3 Top up ranges

- 17.3a Apply an annual uplift based on Council’s Commissioning Team indicators.
- 17.3b Apply a 4% uplift for 2023/24 at an estimated cost of £0.090m

17.4 Capacity of special schools

- 17.4a Explore opportunities to bid for 9 specialist free school – potentially through school from early years to KS4. Potential for multi academy trust to bid in partnership with local authority.

17.5 Special schools funding model

- 17.5a Move away from existing MFG arrangement to a per pathway / team price (using current special school payments) with a 4% uplift at an estimated cost of £0.118;
- 17.5b As option 1 for Catcote. For Springwell, move away from existing MFG arrangement to a per team price using estimated operating costs with a 4% uplift at an estimated cost of £0.578m;
- 17.5c As option 1 for Catcote. For Springwell, move away from existing MFG arrangement to a per team price using estimated operating costs with nil uplift and a reduction to reflect the new additional grant income at an estimated cost of £0.440m.

17.6 Additionally resourced provision (ARPs)

- 17.6a Uplift 2023/24 top-up ranges by 4% at an estimated cost of £0.030m;
- 17.6b To establish an ARP and resource panel to ensure that provision is being allocated consistently across SEND provision.
- 17.6c Explore additional ARP (Primary) for communication and interaction needs (based on trajectories of newly identified children) which would be for 25 additional children
- 17.6d Extend ARP (Secondary) from January 2024

17.7 Capacity of the SEND team

- 17.7a Increase the capacity of the SEND team recruiting two additional SEND officers at a cost of £0.089m

17.8 Early Years

17.8a Establish an early years support/ portage offer with potential resource as set out below:

- Additional small steps worker
- Assistant Psychologist
- School EYs specialist teachers (seconded from schools or employed by schools)
- Cost of proposal estimated at £0.116m

All recommendations with a 2023/24 cost attached are listed in the following table. The total cost of proposals amounts to £0.904m or £1.364m depending on the proposals contained at paragraph 17.5a-c relating to special schools.

Ref	Description	£m	£m	£m
17.1c	Horizon School – commission 28 places at £10k place funding and £14k top-up. Haven – commission 12 places at £10k place funding and £1.6k top-up Existing cost is £0.680m and proposal cost is £0.811m	0.131		
17.3b	IPS top-up ranges - Apply a 4% uplift for 2023/24	0.090		
17.5a-c	Special schools – move away from existing MFG arrangement to a per pathway price (option 1 or option 2 or option 3)	0.118	0.578	0.440
17.6a	ARPs – Apply a 4% uplift to top-up ranges for 2023/24	0.030		
17.6c	Explore additional ARP (Primary) for communication and interaction needs (based on trajectories of newly identified children) which would be for 25 additional children	0.250		
17.6d	Extend ARP (Secondary) from January 2024	0.080		
17.7a	Increase the capacity of the SEND team recruiting two additional SEND officers	0.089		
17.8a	Establish an early years support/ portage offer	0.116		
	TOTAL (with either option 1,2 or 3 para 17.5)	0.904	1.364	1.226

Schools' Forum Meeting

15 February 2023

Attendees:

Members

Martyn Gordon (MG) (Horizon School)
 Lisa Grieg (LG) (Academy – Special)
 John Hardy (JH) (Academy – Primary)
 Marcus Newng (NM) (Academy – Primary)
 Phil Pritchard (PP) (Academy – Primary)
 Toni Ray (TR) (Early Years)
 Linda Richardson (LR) (Early Years)
 Chris Seymour (CS) (Secondary)
 Sue Sharpe (SS) (Maintained Primary)
 Hayley Swinhoe (HS) (Diocese C of E)
 Mark Tilling (MT Chair) (Maintained Secondary)
 David Turner (DT) (Maintained Primary)
 Lee Walker (LW) (Academy – Primary)
 Zoe Westley (ZW) (Academy – Special)
 Leanne Yates (LY) (Maintained Primary)

Also Present:

Alison Darby (AD) (Maintained Primary) – non-voting, in attendance as an observer

Local Authority Officers

Jacqui Braithwaite (JB) – Integrated Services for Learning Manager

 Sandra Shears (SSh) - Children's Finance

 Danielle Swainston (DS) – Assistant Director Joint Commissioning

 Jo Stubbs (JS) – Administrator

 Penny Thompson (PT) – Head of Housing, Hardship and Welfare Services

 Jane Watt (JW) - Children's Finance

 Amanda Whitehead (AW) - Assistant Director Education

Agenda Item		Action
1	Apologies - Apologies were submitted by the following and accepted by Forum: Carole Bradley (Academy – Primary) – Marcus Newing in attendance as substitute Tracey Gibson (Secondary) – Chris Seymour in attendance as substitute Jo Heaton (Diocese C of E) – Hayley Swinhoe in attendance as substitute Chris Simmons (Academy Governors) Apologies were submitted by the following but not received in advance of the meeting Joanne Wilson (Academy – Primary)	

2	<p>Minutes of the Last Meeting – 6 December 2022 – and Matters Arising</p> <p>Minutes approved.</p> <p>Outstanding Actions Log</p> <p>DS advised that options around Horizon school funding were covered in the High Needs Block Review report</p> <p>SSh advised that annual declaration of interest forms were pending</p> <p>SSh confirmed that the Dedicated Schools Grant (Former Education Services Grant rate per pupil) disapplication request had been approved by the Secretary of State.</p>	
3	<p>High Needs Block Review</p> <p>In March 2021 Schools Forum had agreed to review the High Needs Block (HNB) in a number of areas – with a specific emphasis on funding arrangements. Peter Gray, a SEND consultant, had subsequently undertaken a review and a Task and Finish Group had met on a number of occasions to work through the findings and possible solutions. The report set out the key points and local context. It showed that Hartlepool had a higher than average HNB than other unitary authorities while being lower than demographically similar areas, Hartlepool's HNB had been in deficit during 2018-2020 requiring a Schools block transfer and leading to significant additional government funding and there was a need for a more 'managed' approach. The Chair noted that Forum's role was to make recommendations on the proposals detailed which would then be formally approved by the Children's Services Committee.</p> <p>ZW commented on the apparent lack of willingness to be creative around these issues. She noted that the high needs issues while being driven by the secondary school sector was impacting across Hartlepool and needed to be addressed before even more children with high needs come through from the primary sector. Large numbers of children were being transported out of town to access alternative provision at great cost and something needed to be done to address this. CS agreed, saying there needed to be a strategic plan to identify needs at primary level and address them before the children concerned moved on to the secondary sector where improvements might be more difficult. SS agreed with these comments, saying there needed to be more collaboration between primary and secondary schools in terms of effective strategies while LR noted the increase in children in Early Years setting showing high needs and the need to address these issues as soon as possible. JH also noted the need for the health services to become more involved, stressing the long wait times for a diagnosis and the impact all these issues were having on school staff.</p>	

	<p>Horizon School Funding Model</p> <p>DS and MG gave a brief overview of the current situation facing the Horizon school in terms of the number of young people currently accessing the service and the reintegration service it offers. JB confirmed that work was ongoing to prepare and publish a dashboard that would include the number of permanent exclusions per school in as transparent a way as possible to enable identification of any potential issues. SSh confirmed that the details around costs contained within the report took into account any clawback funding resulting from young people being permanently excluded. In terms of the proposed reduction of inreach places MG commented that while he was fully supportive of the inreach programme and it was effective the existing numbers of permanently excluded young people currently meant that they did not have the capacity to offer an inreach service at this time. MT asked about fair access and current numbers around this. In terms of reintegration, MG commented that Y10 and Y11 children tended to remain at the Horizon school until the end of their schooling as to reintegrate them was not felt appropriate. Every effort was made to ensure that children who were reintegrated into mainstream education were not permanently excluded for a second time and if this was felt to be a possibility, reintegration would be halted.</p> <p>MT queried whether 12 Haven places was sufficient. MG explained that Haven places had been reviewed and 12 places were found to be sufficient. JB stressed the urgency of this review, noting that currently 18 permanently excluded children did not have a place in alternative provision which the additional proposed places would not completely address.</p> <p>LY highlighted that there should be a review step for any Horizon pupils needing to be placed in alternative provision. DS confirmed this would be part of the emergency panel that is being established.</p> <p>Members recommended the following:</p> <ul style="list-style-type: none"> • To increase the number of commissioned places at Horizon by 6 – a total of 28 • To continue to commission 12 places at Haven • To introduce the funding model as detailed in the report • To reduce or increase the number of inreach places, converting them to or from PEX depending on the requirements at the time <p>Inclusions Strategy</p> <p>As part of the review Peter Gray had suggested that budgets for Individual Pupil Support be devolved to clusters. The advantage of this was to ensure a consistent approach across schools receiving additional funding, allow for more solution focused approaches with schools working together with 1 pot</p>	
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	<p>of funding and enable school staff to support each other to increase SEND expertise across the system. It was also suggested a part of the review discussions that a solution focused forum be set up comprising representatives from schools and the local authority in order to review any children whose needs were not being met locally and look for a Hartlepool based solution.</p> <p>JH felt it was fundamental that the review of existing school practice against expectations of “ordinarily available” should still take place and that it should be independent. DS acknowledged these comments. Forum were in favour of the principle of clusters but felt that the detail needed further consideration.</p> <p>Members recommended the following:</p> <ul style="list-style-type: none"> • To develop and implement the devolving of IPS funding to clusters (the detail of clusters and cluster leads and the potential funding of an Education Psychologist to be given further consideration, with regard to the timeline for implementation) • To establish a solution focused forum to review any children whose needs cannot be met in Hartlepool due to a lack of provision (DS to email members regards this) • To develop Hartlepool “ordinarily available” document to support the allocation of additional funding <p>Sue Sharpe in the Chair</p> <p>Top Up Ranges</p> <p>Members recommended that the 2023/24 top-up ranges be uplifted by 4%.</p> <p>Special Schools – Increase Capacity</p> <p>Members recommended the following:</p> <ul style="list-style-type: none"> • To explore opportunities to bid for a specialist free school • To review place numbers at special schools for the 2024/25 commissioning year and understand the impact on HNB funding as any additional places at academies are recouped with no additional funding via the HNB formula <p>Mark Tilling in the Chair</p> <p>Special Schools – Review of Minimum Funding Guarantee (MFG) / Funding Model</p>	
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<p>DS advised that while it was proposed that the existing MFG arrangement be removed more work would need to be done on the detail of the revised funding model. This would be brought to the next Forum meeting on 1st March. Members were happy to approve the dispatch of papers approximately 2 days before the Forum as opposed to the standard 5 school days, given the proximity of the half term holiday.</p> <p>Members recommended the implementation of a revised funding model for special schools based on per pathway top-up prices and the removal of the existing MFG arrangement. More detailed information including costings to be brought to the next Forum meeting.</p> <p>Speech and Language Provision</p> <p>Deferred for consideration in 2024/25.</p> <p>Additionally Resourced Provision (ARP)</p> <p>LY referred to the unfairness of the system in terms of ARP funding remaining static at £10K per place while AWPU funding had increased over time. It was suggested that clawback of AWPU funding cease for ARP places.</p> <p>Members recommended the following:</p> <ul style="list-style-type: none"> • 2023/24 top-up ranges be uplifted by 4% • To establish an ARP and Resource Panel to ensure that provision is being allocated consistently across SEND provision • To establish an additional primary ARP of 25 places based on trajectories of newly identified children, payable at £6K per place (total place funding £150k) with top up payments estimated at £100k • To extend the existing secondary ARP places by 22 from January 2024 • To cease clawback of AWPU funding for ARPs <p>Capacity of SEND Team</p> <p>Members recommended that 2 additional Band 11 SEND officers be recruited at a cost of £89k.</p> <p>Early Years</p> <p>Members acknowledged the increasing concern over high needs being displayed in early years settings. It was felt necessary to establish an Early Years support offer on a permanent basis. LR highlighted the advantage of</p>

early years providers having a dedicated support contact. This was available historically but is not currently in place. Members recommended the establishment of an early years support/portage offer with a focus on early intervention – specific detail of roles to be finalised at a later date. Approval was up to the value of £116k as opposed to specific posts at this stage.

Summary of Recommendations

- a. To increase the number of commissioned places at Horizon to 28 (including 10 inreach places)
- b. To continue to commission 12 places at Haven
- c. To introduce the Haven funding model of £10k place funding and £1.6K top-up
- d. To introduce the Horizon funding model of £10K place funding and £14K top-up
- e. To convert PEX places to in-reach places should the number of PEX places reduce in 2024/25 and explore whether inreach is appropriate for KS2 support
- f. To develop and implement the devolving of IPS funding to four clusters
- g. Establish 4 SEND cluster leads to work with the local authority
- h. To establish a solution focused forum to review children whose needs could not be met in Hartlepool due to a lack of provision
- i. To develop a Hartlepool “ordinarily available” document to support the allocation of additional funding (previous IPS now cluster funding)
- j. To apply an annual uplift to top up ranges based on the Council’s Commissioning Team indicators
- k. To apply a 4% uplift to top up ranges for 2023/24 at an estimated cost of £90K
- l. To explore opportunities to bid for a specialist free school
- m. To move away from an existing MFG arrangement for Special Schools funding to a per pathway price to be discussed at Forum meeting of 1 March 2023
- n. To uplift ARP top-up ranges for 2023/24 by 4% at an estimated cost of £30K

	<ul style="list-style-type: none"> o. To establish an ARP and Resource Panel to ensure that provision is being allocated consistently across SEND provision p. To establish additional ARP (Primary) for high needs for 25 additional children q. To extend ARP (Secondary) from January 2024 r. To cease clawback of AWPU relating to ARP places from April 2023 s. To recruit 2 additional SEND officers at a cost of £89K t. To establish an Early Years support/portage offer at a proposed estimated cost of £116k. <p>DS acknowledged that these proposals would involve more funding investment than was currently available which was clearly a concern. It was appreciated that investment was necessary to effect change and achieve balance in the system. The Council's Director of Resources and Development was fully supportive of the proposals, with the expectation that spending would be brought in line with available funding within 3 years. DS stressed that achieving this position would rely on buy in from all schools. DT commented that not all schools were part of the discussion at the meeting and suggested that all heads should hear the same message and understand the vital need for support and change.</p>	
4	<p>SEMH School Funding</p> <p>DS reminded Forum that the High Needs Review Group had asked for a set of proposals for using the SEMH funding to support the High Needs Block review. Previously a Central Services Schools Block was created and it was agreed that any money not committed to a capital project from previous years approvals would be earmarked for SEMH projects. Currently there is £743k remaining and during the HNB review a request was made to use this to support the proposals detailed in the review. This would entail funding being allocated to support the implementation of IPS clusters, the funding of an Educational Psychologist post and additional funding to provide early support for children with additional needs. The need for a detailed timeline around developing clusters and implementing changes was highlighted.</p> <p>Members felt that the allocation of additional funding to provide early support for children with additional needs required extra consideration in terms of the timeline, once agreed.</p> <p>Decision</p> <ul style="list-style-type: none"> a. That the principle of using SEMH funding as requested in the report be supported 	

	<p>b. That £37,477 of the SEMH funding be allocated to support implementation of cluster working over a 1 year period</p> <p>c. Asked that a detailed timeline on this be brought back to a future meeting of the Schools Forum, at which point funding could be agreed</p>	
5	<p>High Needs Block Projected Outturn</p> <p>DS updated members on the projected outturn for high needs services for 2022/23. Based on spending to the end of December 2022 and estimated expenditure this ranged from £739k to £1,129k overspend. Reasons for this were primarily based on anticipated overspends on independent school fees, exclusions and post-16 top-up funding.</p> <p>Decision</p> <p>That the report be noted</p>	
6	<p>Dedicated Schools Grant – Early Years Block 2023/24</p> <p>Note – this item was considered prior to item 3 but is placed at item 6 on these minutes for the avoidance of confusion</p> <p>Members had previously approved the central spend element of the Early Years funding for 2023/24. Consultation had subsequently taken place on the Early Years National Funding Formula (EYNFF) for 2023/24 and funding of Providers. This EYNFF set the hourly funding rates that each local authority was paid to deliver the universal and additional entitlements for 3 and 4 year olds, along with entitlements for 2 year olds. Since 2019 school settings had received a separate government grant to help fund the costs of teacher pay and pension contribution increases. This grant had been mainstreamed into the funded hourly rate for 3 to 4 year old provision from April 2023. Outturn projections for 3 to 4 year old provision ranged from £89k overspend to £211k underspend while projections for 2 year old provision were £28k overspend to £78k underspend. It was estimated that the total funding block for Early Years in 2023/24 would be £6,908,228. This included an increase in both provisions specifically 29p per hourly rate for 3 to 4 year old provision and 6p per hourly rate for 2 year old provision.</p> <p>The following changes were proposed:</p> <p>Three to Four year old provision</p> <p>Apply the increase of 5p per hour with 4p of the increase being applied to the base rate and 1p to centrally retained budgets</p> <p>Create a new supplement for payment of the 24p TPG/TPECG to relevant settings</p>	

<p>Remove the 2p contingency and transfer the 2p to the base rate</p> <p>Two year old provision</p> <p>Increase the hourly rate by 8p per hour, including the 6p government increase</p> <p>Consultation with providers had taken place between 10th and 17th January and had shown the following:</p> <p>All respondents wished to implement the proposed changes to 3 to 4 year old provision as detailed above</p> <p>45% of respondents wished to see the 2p of the 2 year old funding increase be passed on to providers – despite the risk that this may need to be reduced in future</p> <p>54% of respondents wished to see the 6pm government increase for 2 year old funding passed on to providers</p> <p>The chair noted that any recommendations would be forwarded to Children’s Services Committee for final consideration and approval</p> <p>LR shared the great concern over sustainability of providers at the current time. She also highlighted the existing early years reserve balance and asked how much financial saving holding back the 16p per hour on 2 year old provision amounted to. JW confirmed this was circa £40k per annum. SSh clarified that DfE class all DSG reserves as one amount, although we report reserves in separate blocks for internal purposes.</p> <p>LR proposed an alternative recommendation to no longer withhold the 16p per hour and to apply this increase, along with the 6p increase from government to the 2 year old hourly rate.</p> <p>There was general support from Members around early years settings and their ongoing sustainability. Forum acknowledged the importance of early intervention, particularly linked to earlier discussions and proposals around the HNB review.</p> <p>Discussion around the eligibility for the new TPG / TPECG supplement took place. TR explained that she was a qualified teacher and this had placed financial pressure on her setting, along with other PVIs. TR proposed that the new supplement should be payable to all settings with a qualified teacher, including PVIs. There was agreement to this principle.</p> <p>Further discussion took place on whether to withhold some of the supplement hourly rate as there was uncertainty with this being year 1 of implementation. JH suggested that early years settings were in need of the funding now and that it was not appropriate to hold back funding just because of the uncertainty. Therefore, option 3 was proposed – to extend</p>

	<p>the supplement to all settings with a qualified teacher and do not set aside a contingency.</p> <p>Recommendation</p> <p>That the report and consultation responses be noted</p> <p>That the TPG/TPECG supplement be extended to all settings with a qualified teacher with no contingency set aside – MT abstained from this decision</p> <p>That the base hourly rate for the 3 and 4 year old provision be increased to £4,56 and the overall hourly rate assigned as shown in paragraph 5.1 of the report. . – MT abstained</p> <p>That the hourly rate for 2 year old provision be increased to £5.63 – CS abstained.</p>	
7	<p>Schools Block Budgets Update 2023/24</p> <p>Members were given updated information on the 2023/24 Schools Block funding issued by the Education and Skills Funding Agency (ESFA) in December 2022. At their last meeting Forum members had voted to apply the maximum possible MFG with an appropriate cap which estimates had suggested would be in the region of 3.1%. Schools Forum had also agreed to the transfer of £139k from the Central School Services Block to the Schools Block.</p> <p>The updated Hartlepool schools block allocation showed a 5.49% increase in funding for 2023/24 based on October 2022 census numbers. This formula calculation requires a cap of 3.29%, an improvement on the estimate of 3.1%. Redacted details of individual school block funding were appended to the report.</p> <p>Central School Services Block funding of £711k had been confirmed, of which £572k has been allocated as per the table in paragraph 4.2, with £139k being transferred to the schools block.</p> <p>Schools had received a separate supplementary grant in 2022/23 to fund cost pressures and this was now mainstreamed within the NFF for 2023/24. ESFA had also announced an additional Maintained Schools Grant. However this was not included in the report as it sits outside the Schools Block.</p> <p>Decision</p> <p>That the updated schools block funding for 2023/24 be noted</p>	
8	<p>Closure Process 2022/23</p>	

	<p>Members were advised that under the Accounts and Audit Regulations 2015 local authorities were required to produce their statutory accounts by 31st May each year. In order to facilitate this it was necessary that individual schools make their systems available for local authority finance staff to complete preliminary close visits during the first week in April which is during the school Easter break. This could be done in person or remotely but would necessitate a member of school staff being available for approximately 1 hour between 3rd and 6th April. Local authority finance staff would contact school administrators to organise visits and minimise disruption.</p> <p>Members noted that this would necessitate a relevant member of staff being available during the Easter leave period.</p> <p>Decision</p> <p>That the report be noted</p> <p>That head teachers of maintained schools are aware of the requirement for adequate school cover to support the closure of accounts over Easter 2023.</p>	
9	<p>Any Other Business</p> <p>MT updated members on the work of the Schools Capital Sub-Group. He advised members of the need for tree surveys to be conducted at schools in order to avoid future incidents and the associated liability. SSh indicated that officers were looking to commission external support in this area but urged anyone with specific concerns to contact HBC immediately. Post meeting note: the HBC contact is Scott Watson (scott.watson@hartlepool.gov.uk)</p> <p>MT referred to upcoming School Exclusion Appeals training and asked anyone interested in taking part to contact JS for details.</p> <p>SS requested that a Task and Finish Group be set up to look at the remit of the Growth Fund and eligibility to access it. The numbers of children joining schools as in-year transfers without funding attached to them had led to great pressures on budgets and it was hoped that the growth fund could be used to support this in the future. AD and DT both volunteered to take part, SS would contact other heads for nominations for a Chair. It was noted that members of this Task and Finish group would not need to be head teacher.</p> <p>Meeting end 4.40pm</p>	
14	Date and Time of Next Forum Meeting – 1st March 2pm at the CETL	

CHILDREN'S SERVICES COMMITTEE

14th March 2023



Report of: Director of Children's and Joint Commissioning Services

Subject: APPROVAL OF TERM AND HOLIDAY DATES 2024-25

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key.

2. PURPOSE OF REPORT

2.1 To seek agreement of the Children's Services Committee to the pattern of school term and holiday dates for the school year 2024-25 for Community Schools.

2.2 To seek agreement of the Children's Services Committee in recommending these dates to governing bodies of Aided and Foundation schools and Academies in Hartlepool.

3. BACKGROUND

3.1 As the local authority (LA), the Council has the responsibility for setting the school term and holiday dates for Community schools in Hartlepool. Voluntary Aided and Foundation schools' governing bodies and Academies are responsible for setting their own school holiday pattern within the agreed national framework of working days. Traditionally the LA and the governing bodies of all of the Voluntary Aided and Foundation schools and more recently, Academies, work together to ensure a consistent pattern across the town in respect of school term and holiday dates. Although some variation does occur in the case of Academies in some years.

3.2 Five PD days are provided for in the teachers' conditions of service and can be taken in combinations of part-day "twilight" sessions at the direction of individual schools. The pattern proposed for 2024-25 provides for an "envelope" of 195 days.

- 3.3 Local authorities for a number of years have tried with some success to agree a unified calendar of term dates across the northern region from Yorkshire to Northumberland based on guiding principles agreed by the regional group in 2012-13.

4. PROPOSALS

- 4.1 In the autumn /spring terms term 2022-23 the Tees Valley region and a number of other north east representatives consulted on a pattern for 2024-2025 based on the guiding principles as shown in **Appendix1**. The proposed pattern enables schools to begin the academic year on Monday 2nd September 2024 and end the year on Monday 21st July 2025.
- 4.2 Following discussions, arrangements were made to consult all head teachers in Hartlepool and also the relevant associations / unions on the school year pattern for 2024-2025. On the completion of local consultation in the region, the general consensus from the local authorities within the Tees Valley and other regional authorities is to adopt the model attached as **Appendix 1**.

5. OTHER CONSIDERATIONS

RISK IMPLICATIONS	
FINANCIAL CONSIDERATIONS	None
LEGAL CONSIDERATIONS	None
CHILD AND FAMILY POVERTY CONSIDERATIONS	None
EQUALITY AND DIVERSITY CONSIDERATIONS	None
STAFF CONSIDERATIONS	None
ASSET MANAGEMENT CONSIDERATIONS	None
ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS	None

6. RECOMMENDATIONS

- 7.1 To approve the scheduled term dates and holiday dates for the academic year 2024-2025 for Community schools s shown in **Appendix 1**.
- 7.2 To recommend the scheduled of term and holiday dates for 2024-2025 to governing bodies of all Voluntary Aided, Foundation Schools and Academies in Hartlepool.

8. REASONS FOR RECOMMENDATIONS

The proposals seek to achieve common term dates across Yorkshire and the north east based on guiding principles enabling continuity for parents, carers, other schools, local authority staff and other agencies.

9. BACKGROUND PAPERS

None.

10. CONTACT OFFICER

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Sign Off:-

Director of Resources and Development ☒

Chief Solicitor ☒

HARTLEPOOL LOCAL AUTHORITY TERM DATES 2024-25

APPENDIX 1

	AUGUST 2024	SEPTEMBER 2024	OCTOBER 2024	NOVEMBER 2024	DECEMBER 2024	JANUARY 2025
Monday	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23 30	6 13 20 27
Tuesday	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	3 10 17 24 31	7 14 21 28
Wednesday	7 14 21 28	4 11 18 25	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29
Thursday	1 8 15 22 29	5 12 19 26	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30
Friday	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24 31
Saturday	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25
Sunday	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26

40

35

	FEBRUARY 2025	MARCH 2025	APRIL 2025	MAY 2025	JUNE 2025	JULY 2025
Monday	3 10 17 24	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21 28
Tuesday	4 11 18 25	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29
Wednesday	5 12 19 26	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23 30
Thursday	6 13 20 27	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	3 10 17 24 31
Friday	7 14 21 28	7 14 21 28	4 11 18 25	2 9 16 23 30	6 13 20 27	4 11 18 25
Saturday	1 8 15 22	1 8 15 22 29	5 12 19 26	3 10 17 24 31	7 14 21 28	5 12 19 26
Sunday	2 9 16 23	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29	6 13 20 27

35

30

19

36

Bank Holiday	
School Holiday	
PD Days	

40
35
35
30
19
36
195

The number of term dates shown is 195 .upto 5 of these dates will be used as Professional Development days for teachers .Pupils will not attend school on these dates and the school will inform parents of the dates .

CHILDREN'S SERVICES COMMITTEE

14th March 2023



Report of: Director of Children's and Joint Commissioning Services

Subject: AMENDMENT TO THE INSTRUMENT OF GOVERNMENT OF KINGSLEY PRIMARY SCHOOL

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key decision.

2. PURPOSE OF REPORT

2.1 To seek approval of the Children's Services Committee to amendments to the Instrument of Government of Kingsley Primary School in accordance with the School Governance (Constitution) (England) Regulations 2012 as amended by the School Governance (Constitution and Federation) (England) (Amendment) Regulations 2014.

3. BACKGROUND

3.1 The school governance regulations referred to above establish the overall framework for the governance of maintained schools. In 2014 and 2015 all maintained schools in Hartlepool were re-constituted in line with changes introduced by these regulations.

3.2 Each school's constitution is set out in an Instrument of Government which establishes the size of the governing body and identifies the number of governor's in each governor category. The term of office for each category of governor is determined by the governing body for a period between one and four years, although the majority of governors are appointed for a period of four years. Governing bodies are encouraged from time to time to review their constitution to ensure that it is still fit for purpose and supports the effective governance of the school.

- 3.3 When the maintained schools reconstituted in 2014/2015, the majority decided to take the opportunity to reduce their size, in line with Department for Education (DfE) statutory guidance which stated that, governing bodies should be no bigger than necessary to secure the range of skills they need, and that smaller governing bodies are likely to be more cohesive and dynamic. At that time the governing body of Kingsley Primary School decided to retain its existing structure comprising 15 governors as they considered that this was appropriate for the school.
- 3.4 The governing body has since this time maintained stability within the membership of the governing body, however following the resignation of two Co-opted governors the governing body has taken the opportunity to review the size of the governing body.
- 3.5 As a result of this process the governing body has decided that it would be beneficial to reduce in size from its current number of 15 governors to 13 in order to create a more streamlined body. It is confident that this will enable it to retain and develop the skills required to function effectively whilst reducing the number of positions.

4. PROPOSALS

- 4.1 It is proposed to reduce the size of the governing body from the current 15 to 13 with the removal of two Co-opted Governor position, the school will be closer in terms of the number of governors to most of the remaining maintained schools. Four Parent Governor positions would be retained which meets the requirements of the governance regulations. There would still be one Local Authority Governor, one Staff Governor and the Headteacher, as required by the regulations and six Co-opted Governors. A copy of the revised Instrument of Government is attached as **Appendix 1** to this report.

5. RISK IMPLICATIONS

- 5.1 There are no specific risks identified. The governing body believes that it is able to maintain the appropriate level of expertise required to support the school.

6. LEGAL CONSIDERATIONS

- 6.1 The proposed re-constitution meets the requirements set out in the governance regulations in relation to minimum and maximum numbers within each governor category. The proposed reduction in size is in line with DfE guidance towards creating more streamlined and dynamic governing bodies.

7. CONSULTATION

- 7.1 The proposal has been agreed by Kingsley Primary School governing body.

8. OTHER CONSIDERATIONS

FINANCIAL CONSIDERATIONS	None
CHILD AND FAMILY POVERTY	None
EQUALITY AND DIVERSITY CONSIDERATIONS	None
STAFF CONSIDERATIONS	None
ASSET MANAGEMENT CONSIDERATIONS	None
ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS	None

9. RECOMMENDATIONS

- 9.1 To approve the revised Instrument of Government for Kingsley Primary School.

10. REASONS FOR RECOMMENDATIONS

- 10.1 In the interest of improving the effectiveness of the governing body.

11. BACKGROUND PAPERS

None.

12. CONTACT OFFICER

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Sign Off:-

Director of Resources and Development ☒

Chief Solicitor ☒

APPENDIX 1

KINGSLEY PRIMARY SCHOOL



1. The name of the school is: Kingsley Primary School
2. The school is a community school
3. The name of the governing body is "The governing body of Kingsley Primary School"
4. The governing body shall consist of:
 - a. 4 parent governors
 - b. 1 LA governor
 - c. 1 Staff governor
 - d. 1 Headteacher
 - e. 6 co-opted governors
5. Total number of governors 13
6. This instrument of government comes into effect on 14TH March 2023
7. This instrument was made by order of Hartlepool Local Authority on 14th March 2023
8. A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor).

CHILDREN'S SERVICES COMMITTEE

14th March 2023



Report of: Director of Children's and Joint Commissioning Services

Subject: ELECTIVE HOME EDUCATION

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information only.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to provide information in relation to Elective Home Education in Hartlepool.

3. BACKGROUND

3.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents¹ decision to provide education for their children, who are of compulsory school age², at home instead of sending them to school.

3.2 EHE is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Unit (PRUs), fulltime college courses or children's homes with education facilities.

3.3 The legal responsibility for a child's education rests with their parents.

Section 7 of the Education Act, 1996, states;

¹ The term 'parent' is used within this document to apply to both parents and carers

² Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31st December, 31st March and 31st August each year. A child continues to be of compulsory school aged until the last Friday of June in the school year that they reach the age of sixteen.

'the parent of every child of compulsory school age shall cause him to receive efficient full time education suitable to a) his age, ability and aptitude and b) any special educational needs he may have either by regular attendance at school or otherwise'.

- 3.4 An "efficient" and "suitable" education is not defined in the Education Act 1996 but has been described in case law³ as, an education that;
'achieves that which it sets out to achieve' and 'primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later life to adopt some other form of life if he wishes to do so.'
- 3.5 The DfE Guidance⁴, makes a number of points in Section 2.10, as to 'What is a Suitable Education', including:-
- *'education must be age appropriate, enable the child to make progress according to his or her level of ability and should take account of any specific aptitudes'*
 - *'even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at'*
 - *'education at home should not directly conflict with the Fundamental British Values as defined in government guidance'*
 - *'education may not be suitable (or efficient), even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it difficult to work' eg very noisy*
 - *'education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development'*
 - *'it is likely to be much easier to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to the child's ability'.*

Parental Rights and Responsibilities

- 3.6 Parents may decide to exercise their right to home educate their child from a very early age and not enrol the child at a school. They may also elect to home educate at any stage up to the end of compulsory school age and may continue post 16 in order for their child to participate in education and training until the age of 18.

³ R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust 12 Apr 1985

⁴ Elective Home Education- Departmental Guidance for Parents, Department for Education, April 2019

- 3.7 If the child is attending a school, then parents must notify the headteacher, preferably in writing, that they are withdrawing their child. They do not have to give a reason. However, as stated in the DfE Guidance⁵, it would be sensible to do so, both in order to avoid any future misunderstanding about how they plan to fulfil their parental responsibilities and also, to facilitate access to advice and support.
- 3.8 If the child attends a special school which is named in their Education, Health & Care Plan (EHCP), parents must seek approval from the local authority (LA) in writing.
- 3.9 Parents whose child is not enrolled at a school have no obligation to inform the LA that they are home educating.
- 3.10 Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards, observe schools hours, days or terms, make detailed lesson plans, give formal lessons or reproduce school type peer group socialization, they must however ensure that their child receives efficient and suitable full-time education.
- 3.11 Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so, and learning may take place in a variety of settings, not just the family home.
- 3.12 Parents who home educate assume the full financial responsibility for their child's education. This includes the costs of resources, private tuition, courses and public examinations.
- 3.13 Local Authorities do have a duty⁶ to establish whether home educated children are receiving suitable fulltime education and the DfE Guidance is clear that it would be 'sensible'⁷ for parents to respond to enquiries but does not make this engagement enforceable.

Local Authority Responsibilities

- 3.14 The Local Authority (LA) has a statutory duty under the Education Act 1996⁸ to make arrangements to enable the LA to establish (so far as it is possible) the identities of children of compulsory school age in their area who are not receiving a suitable education.

⁵ Elective Home Education- Departmental Guidance for Parents, Department for Education, April 2019

⁶ Education Act 1996

⁷ Elective Home Education- Departmental Guidance for Parents, Department for Education, April 2019

⁸ Section 436(A)

- 3.15 The Local Authority has a statutory duty under the Education Act 1996⁹ to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. It states that:

'If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.'

- 3.16 If evidence of a suitable education is not received, the Local Authority may then commence statutory action, including the issuing of a School Attendance Order (SAO), penalty notices and fines.
- 3.17 The Local Authority has a duty, to make enquiries if it not clear that a child is receiving a suitable education. However parents are under no duty to respond to such enquiries¹⁰, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the Local Authority to conclude that the child does not appear to be receiving suitable education and will take the necessary consequent steps¹¹

Hartlepool Procedures

- 3.18 On receipt of a notification of EHE, a Virtual School officer will aim to liaise with parents, to offer support and advice and to gather any relevant information to assist in reaching a properly informed view that the education is suitable. Evidence could include discussion of parent's plans via a meeting at a mutually agreeable venue, a written report, telephone conversations, the child's views, samples of the child's work, information about educational settings attended and tuition sessions. Parents can provide information in a method that is most appropriate to them, verbally or written. The Virtual School provides templates of report forms should parents wish to use them.
- 3.19 The Virtual School officer will offer a meeting at a council office building, a home visit or at a mutually agreeable venue. The aim of the visit/meeting is to ensure that the educational needs of their child are being met, that EHE is a positive choice for the child and to build a positive and constructive relationship with parents.
- 3.20 The Virtual School officers will wish to see the child so that their views can be gathered and contribute to the assessment of suitability.

⁹ Section 437 (1)

¹⁰ Elective Home Education- Departmental Guidance for Parents, Department for Education, April 2019

¹¹ Phillips v Brown [1980] Lexis Citation 1003

- 3.21 Parents are not obliged to respond to any LA enquiries, to accept a visit or to allow LA officers to meet with their child. However, as stated in the DFE Guidance¹²
- ‘...[parents] should consider carefully the reasons for not doing so, what is in the best interest of your child, and what is the most sensible approach. If you do not do enough to satisfy the local authority about the education being provided at home it may have no option but to conclude that the education does not meet the s.7 requirement’*
- 3.22 The Virtual School officer will also make enquiries, including from Social Care, the Health Authorities and any previous school/Early Years provision, to ensure that there are no concerns about the child's welfare or safeguarding.
- 3.23 In order to minimise time out of education, should EHE be deemed unsuitable, Virtual School officers will complete enquiries within 15 working days of the initial notification.
- 3.24 Parents will receive a report summarising the outcomes of discussions with the Virtual School Officer and/or other evidence taken into account in the decision about suitability of home education have opportunities to provide further information if they wish.

Education Deemed Suitable

- 3.25 Following agreement that EHE is suitable, the Virtual School officer will maintain contact with the family on a regular basis. This will be a minimum of twice a year. The Virtual School officer is available if parents have any questions or wish to discuss any educational matters or changes in circumstances.

Education Deemed Unsuitable

- 3.26 If the education is deemed unsuitable, parents will receive written notification specifying the grounds for concern and the reasons for concluding that provision is unsuitable.
- 3.27 Parents will have the opportunity to address the identified concerns and provide further evidence to the LA within 15 days, or other agreed timeframe, of the Local Authority's letter.
- If, after this, the education is still not considered suitable, the Virtual School will identify the child as 'missing education' and the Local Authority 'Child Missing Education' procedures will be followed. If parents do not provide a suitable education for their child at school or otherwise then a School Attendance Order (SAO) will be sought.

¹² Elective Home Education- Departmental Guidance for Parents, Department for Education, April 2019 [Elective home education: guide for parents \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/798412/ehed_guidance_for_parents.pdf)

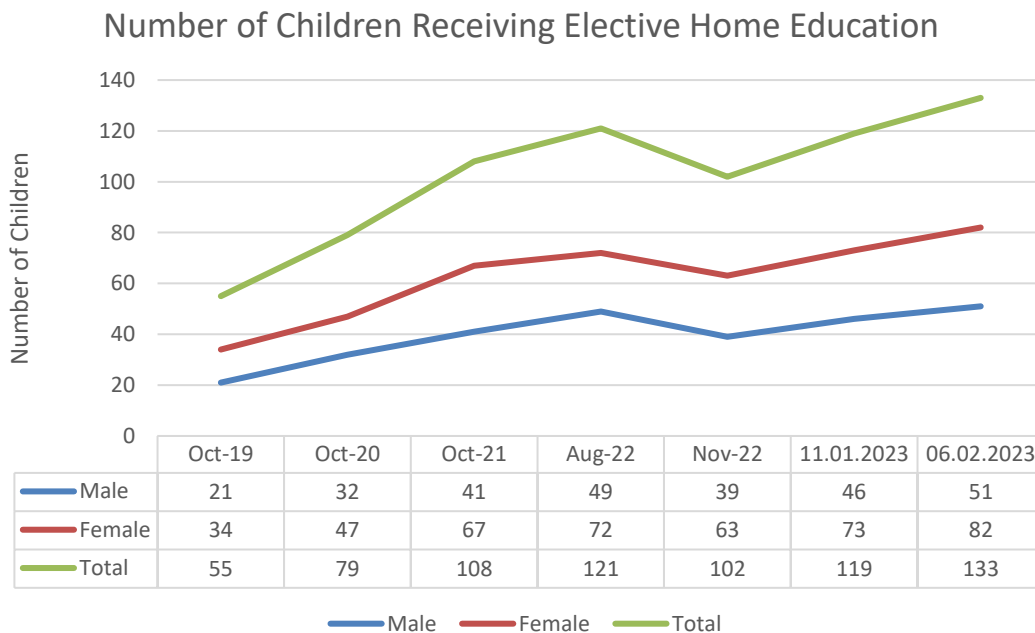
- 3.28 Following the Attendance Regulations, if the parent fails to register the child at the school which has been offered, they may receive formal notice that a SAO will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation. At any stage during the process, parents may present evidence that they are now providing suitable education and can apply to have the order revoked.

Ongoing Monitoring

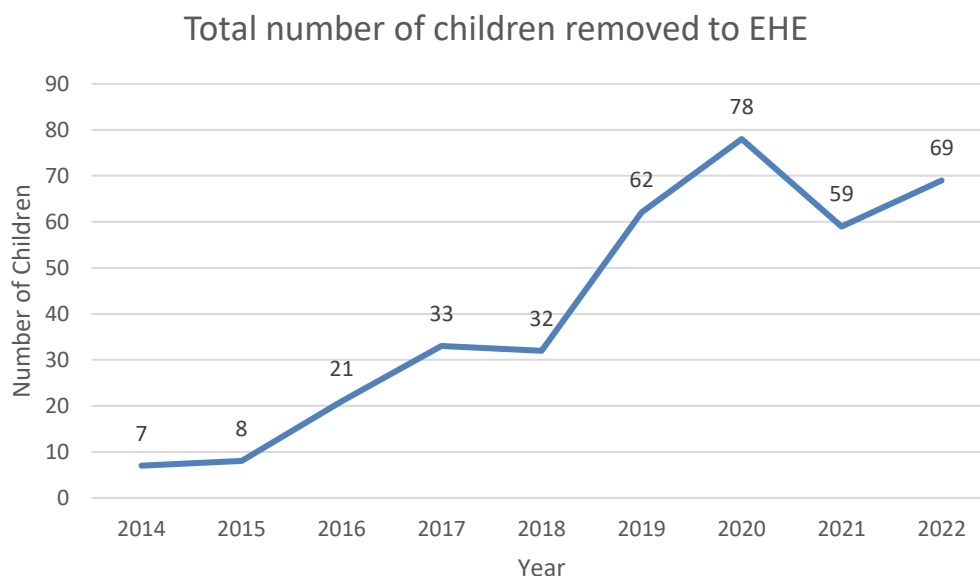
- 3.29 Multi agency meetings are held on a monthly basis to discuss EHE. These meetings include officers with responsibility for EHE from The Virtual School and representatives from social care, educational psychology and school nursing.
- 3.30 Improved links with health are being forged with the Virtual Head meeting, this term, with pediatric consultants, including the safeguarding leads from North Tees and Hartlepool NHS Foundation Trust.

Current Position

- 3.31 There are rising numbers of children being removed from school to receive elective home education. Since the start of Spring Term 2023, 5 school weeks, **18** children have been removed from schools by their parents to electively home educate.
- 3.32 The graph below show the numbers of children receiving EHE at a single point in time from 2019 to present.



- 3.33 The graph below shows the number of children across time who have been removed from school at any point during the year to be electively home educated.



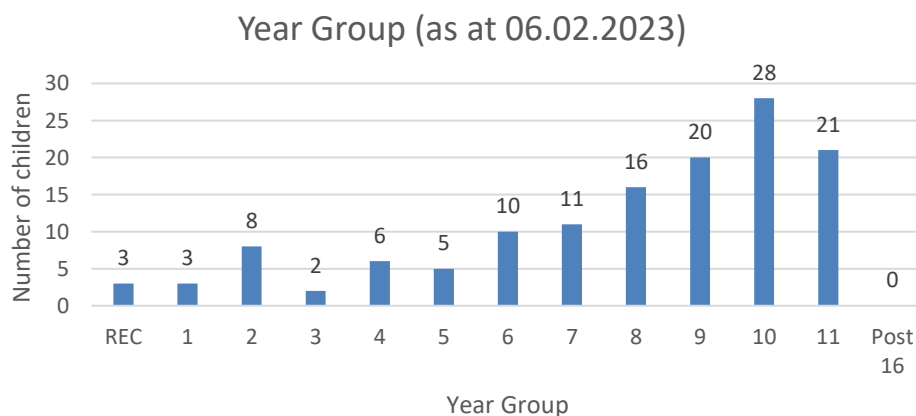
- 3.34 Between 2018 and 2019 there was a significant increase in the number of parents choosing EHE for their child. This rose again in 2020, primarily due to COVID. There were 37 parents in 2020 who cited Covid as the reason why they removed their children from school. There was a slight decrease in the number of parents who made the decision to remove their children in 2021 however it rose again in 2022. It is of concern that 18 children have been removed so far in 2023.

Details of the Cohort

- 3.35 The information below provides an overview of the current EHE cohort including their age, SEN needs, vulnerability, reasons for their removal from school and the schools attended prior to EHE

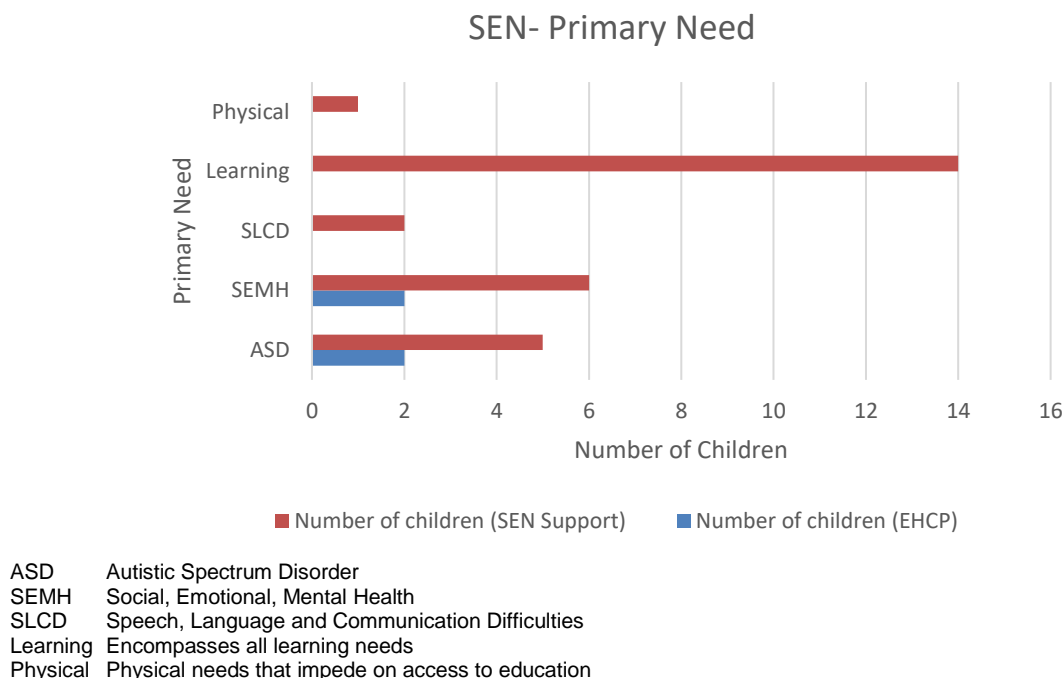
3.36 Age

The chart below shows the current cohort by year group



Special Educational Needs

- 3.37 The graph below shows the special educational needs of the children currently EHE



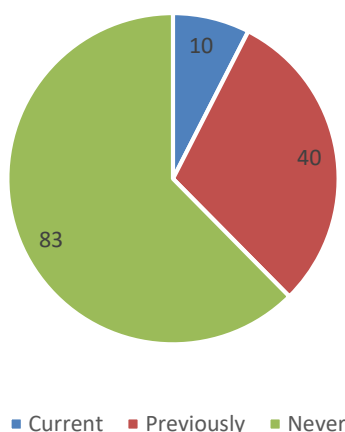
Vulnerable Children

- 3.38 The Local Authority, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the town under Section 175 (1) of the education Act 2002 and under the statutory guidance 'Working Together'¹³
- 3.39 The Virtual School Officers follow safeguarding procedures at all times and work with partner agencies to pro-actively safeguard and promote the welfare of all home educated children.
- 3.40 In the event of any concerns, in line with safeguarding procedures, Virtual School officers will discuss them with parents (provided that this does not pose an increased risk to the child) and signpost/link the family into sources of support, including the designated School Nurse and Early Help Support.
- 3.41 If the concerns present an immediate and serious risk of harm to the child, Virtual School officers will make a referral to the Children's HUB which will be followed up by Social Care.

¹³ Working Together to Safeguard Children, HM Government, July 2022 [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/working-together-to-safeguard-children)

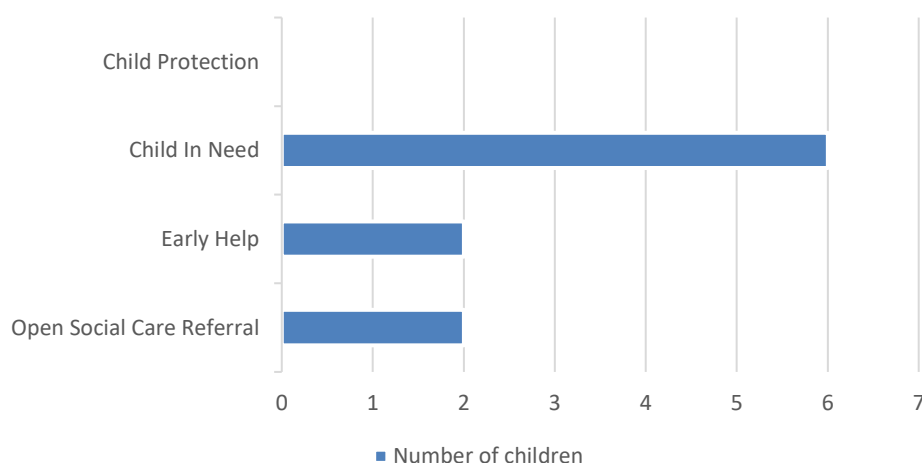
- 3.42 The diagram below shows the numbers of children currently home educated who are currently open to social care or have had previous social care involvement.

Social Care Involvement- Current EHE



- 3.43 The graph below shows the level of social care involvement of children who are currently Home Educated.

Social Care Involvement



- 3.44 For those children that are open to social care The Virtual School works closely with the child's social workers to support education. The Virtual School will complete joint visits with the social workers to discuss alternatives to home education, support with the education that the children are receiving and support with the process for the children to return to school.

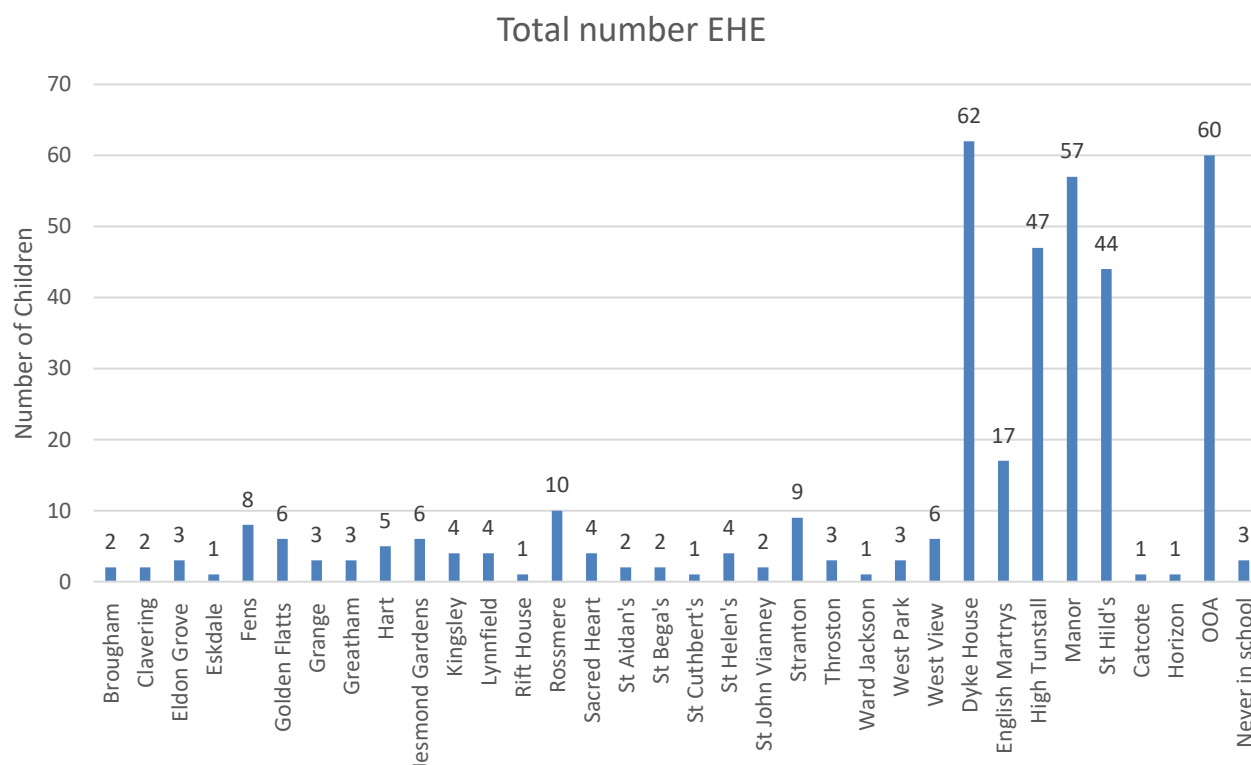
Reasons for Removal

- 3.45 The table below shows the reasons for removal from school, as reported by parents.

Reason	Number of children (as at 06.02.2023)
Alternative to exclusion	1
Attendance	3
Bullying	2
General dissatisfaction with school	29
Health/ Mental health	18
Lifestyle (including GRT)	1
Not transferring to Primary	0
Not transferring to secondary	0
Parental Choice	49
Parental Choice- Covid	8
Parental Choice- SEND	1
Relationship breakdown with school	2
Pregnancy	1
Unknown	18

Schools children ceased to attend due to removal to EHE

- 3.46 The graph below shows the cumulative number of children that have been removed from individual schools from 2014 to present day. Details of the numbers can be found in **Appendix 1**



Children not accessing suitable provision

- 3.47 There are currently **16** children (7 children in November 2022) who either The Virtual School do not have information from parents or the information we have received is not sufficient to clarify whether the children are receiving a suitable, full time, appropriate education. Hartlepool Virtual School are therefore following the School Attendance procedures which ultimately could lead to a School Attendance order being requested and the children returned to school.

Communication from Parents

- 3.48 The Virtual School seek to provide support, advice and guidance to parents whose make the decision to educate their children at home. The team seek to forge positive relationships with parents to ensure that the children are receiving a suitable education and are safeguarded. It is becoming more common for parents to refuse to engage with the team and seek to have all communication in writing. There are currently **24** children (19 children in November 2022) where parents will have no other communication with the team other than in writing.
- 3.49 Hartlepool Home Education procedures seeks to engage with parents at a minimum of a bi-annual basis. There are increasing numbers of parents stating that they will not engage with this and have requested annual contact only. All home educating parents have been written to and the policy re-iterated to them that the team will continue to contact on a bi-annual basis. If parents do not engage with this the team are able to take non-engagement as the child not receiving a suitable education and the school attendance order process will commence.

Concerns

- 3.50 The Department for Education Guidance in relation to Elective Home Education is conflicting. It gives the duty to Local Authorities to ensure that children are receiving a suitable, full time education however allows parents to not inform the local authority of their intention and also to not engage with any discussions regarding their children's education.
- 3.51 There is a concern that there are children in Hartlepool that have never been registered in a school that are receiving elective home education that we are not aware of as parents have no responsibility to inform the local authority.
- 3.52 It is also a concern that parents are not engaging in any form of contact with the team, choosing to complete any correspondence in writing. Worryingly, the number of parents choosing this method of communication is increasing meaning that there is no direct contact with the children. The legal position of the local authority means that we have no jurisdiction to request to see the child or to request detailed information.
- 3.53 The numbers of children being removed from schools to be home educated is rising. It seems that it is becoming a valid option for parents when they feel that there may be difficulties in school.

4. PROPOSALS

- 4.1 It is requested that Committee members note the contents of this report, the current position and concerns in relation to Elective Home Education.

5. RISK IMPLICATIONS

- 5.1 None.

6. FINANCIAL CONSIDERATIONS

- 6.1 None.

7. LEGAL CONSIDERATIONS

- 7.1 None.

8. CONSULTATION

- 8.1 None.

9. CHILD AND FAMILY POVERTY (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 9.1 Not applicable

10. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 10.1 Not applicable.

11. STAFF CONSIDERATIONS

- 11.1 None.

12. ASSET MANAGEMENT CONSIDERATIONS

12.1 None.

13. ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS

13.1 None.

14. RECOMMENDATIONS

14.1 It is requested that Committee members note the contents of this report, the current position and concerns in relation to Elective Home Education.

15. REASONS FOR RECOMMENDATIONS

15.1 The recommendations are such in order that children who receive elective home education receive an education that is suitable and that they kept safe.

16. BACKGROUND PAPERS

16.1 None.

17. CONTACT OFFICERS

Emma Rutherford
Virtual School Head Teacher
Email: emma.rutherford@hartlepool.gov.uk

School	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	TOTAL
Barnard Grove	0	0	0	0	0	0	0	0	0	0	0
Brougham	0	0	0	1	0	0	0	0	1	0	2
Clavering	0	0	0	0	1	0	0	1	0	0	2
Eldon Grove	0	0	0	0	0	3	0	0	0	0	3
Eskdale	0	0	1	0	0	0	0	0	0	0	1
Fens	0	2	0	0	0	1	2	2	1	0	8
Golden Flatts	0	0	0	1	0	0	4	1	0	0	6
Grange	0	0	0	0	0	1	1	0	0	1	3
Greatham	3	0	0	0	0	0	0	0	0	0	3
Hart	0	0	0	0	0	0	0	2	3	0	5
Holy Trinity	0	0	0	0	0	0	0	0	0	0	0
Jesmond Gardens	0	0	0	0	0	0	6	0	0	0	6
Kingsley	0	0	0	1	0	0	1	2	0	0	4
Lynnfield	0	1	0	0	0	0	0	3	0	0	4
Rift House	0	0	0	0	0	0	0	1	0	0	1
Rossmere	0	0	1	0	0	0	5	1	3	0	10
Sacred Heart	0	0	0	0	0	1	2	1	0	0	4
St Aidan's	0	0	0	0	0	1	1	0	0	0	2
St Bega's	0	0	1	0	0	0	1	0	0	0	2
St Cuthbert's	0	0	0	0	0	0	0	0	0	1	1
St Helen's	0	0	0	0	0	0	0	2	2	0	4
St John Vianney	0	0	0	0	1	0	0	1	0	0	2
St Joseph's	0	0	0	0	0	0	0	0	0	0	0
St Peter's Elwick	0	0	0	0	0	0	0	0	0	0	0
St Teresa's	0	0	0	0	0	0	0	0	0	0	0
Stranton	0	0	0	0	0	4	5	0	0	0	9
Throston	0	0	0	1	1	0	0	0	1	0	3
Ward Jackson	0	0	1	0	0	0	0	0	0	0	1
West Park	0	0	0	0	0	0	0	0	2	1	3
West View	0	0	0	0	0	2	4	0	0	0	6
Dyke House	0	0	2	12	6	9	12	4	12	5	62
English Martyrs	0	0	2	1	4	1	2	1	4	2	17
High Tunstall	0	0	1	5	8	12	7	8	6	0	47
Manor	1	3	2	5	7	9	7	10	10	3	57
St Hild's	0	1	2	2	1	7	5	11	13	2	44
Springwell	0	0	0	0	0	0	0	0	0	0	0
Catcote	1	0	0	0	0	0	0	0	0	0	1
Horizon	0	0	0	0	0	1	0	0	0	0	1
OOA	2	1	8	4	3	8	13	7	11	3	60
Never in school	0	0	0	0	0	2	0	1	0	0	3
TOTAL	7	8	21	33	32	62	78	59	69	18	387

CHILDREN'S SERVICES COMMITTEE

14 March 2023



Report of: Director of Children's and Joint Commissioning Services

Subject: CHILDREN MISSING EDUCATION – ANNUAL REPORT

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information only.

2. PURPOSE OF REPORT

2.1 To provide an up to date report in relation to number of children identified and tracked as a child missing education.

3. BACKGROUND

3.1 The Children Missing Education (CME) statutory guidance "Children Missing Education Statutory Guidance and places statutory functions on Local Authorities for tracking and identifying children who are missing from or not receiving a suitable education.

3.2 The statutory guidance sets out the expectations and responsibilities for local authorities and schools to work collaboratively and effectively to identify, monitor, track and trace all children who are at risk of or missing from education. Schools must notify and provide the local authority with the full details and contact information of all children who they admit to the school register. In Hartlepool, pupils on a school roll are added to the EYES system at the point they are admitted to a school. All maintained schools and academies update the details and destination of pupils and this information is imported into this database weekly. Details of pupils who are admitted to and removed from the roll of independent schools are sent directly to the attendance team. Local Authorities are required to make all "reasonable" enquiries to locate children who are missing from education.

- 3.3 In line with statutory guidance, pupils can only be removed from the school roll in specific circumstances, these are listed in Annex A (see appendix A) There are 12 sections listed in Annex A and these cover the reason a child can be legally removed from the roll of a school. Sections 6, 8 and 11 require that two criteria within that section are met in order to satisfy the ground for removal. Removal from the school roll for any reasons not listed in Annex A is illegal.
- 3.4 The explanation of Annex A has been shared with all schools in Hartlepool and is also on the reverse of the CME referral form as reminder for school staff.
- 3.5 Ofsted has placed an increasing focus on the off-rolling of pupils nationally as the off-rolling of pupils and the safeguarding implications relating to children missing education alongside its relationship to children who are home educated is a government priority.
- 3.6 Key messages around CME are disseminated to school staff and governors with an increasing focus on the link between children who are electively home educated and children missing education. Information on the legal removal from the roll of pupils is reinforced to school staff during register checks undertaken by the School Attendance Officer for schools and academy's that purchase attendance services or via an annual register check for all schools and academies without a Service Level Agreement. Advice and guidance is sought from the Attendance Team by many schools and academies when they are about to remove a child from the school roll and they are supported to ensure the removal of the child meets the criteria set out in the pupil registration regulations and they following the Children Missing Education Procedures.
- 3.7 The Attendance Team work with school attendance leads and governors to ensure schools are fully aware of their responsibilities relating to Children Missing Education by providing training, guidance and challenge where appropriate.
- 3.8 Amendments to the Keeping Children Safe in Education statutory guidance assists with the tracking of children missing education as schools should have more than one contact for children they admit on to the school roll. Schools and academies now have email addresses for the majority of families; using emails addresses to make contact with families has enhanced the tracking of some pupils, as parents and carers don't change their email addresses as frequently as they change their mobile numbers.
- 3.9 The number of children missing education referrals from Hartlepool schools and enquiries from other local authorities during this academic year increased from 121 in 2020-21 to 166 in the academic year 2021-22.
- 3.10 Once the attendance team have exhausted avenues to locate a child they are added to the agenda under the category of missing and discussed at the Missing and Child Exploitation meetings (MACE). The child and family details are shared within this multi-agency forum to seek information to locate the

child. Information can be shared from other agencies which may assist in the tracking and locating of children who are referred to the local authority as missing from education.

- 3.11 Once the child has been raised at MACE and they still cannot be located, a letter is sent to the family's last registered GP alerting them that the family are missing from education and a flag is then added to their medical notes. Should the child or family member subsequently attend A & E or register with another GP their previous registered practice will be notified and they will share the details any contact with LA Inclusion Coordinator.
- 3.12 The number of children referred as missing from education in the academic year 2021-22 and remained missing on 31st August 2022 was 11.
- 3.13 Schools and academies are required to add the child's details onto the School to School (S2S) website if they cannot be located after 4 weeks. The child can then be removed from the roll and the attendance team take responsibility for the continued tracking of the child and family.

Academic Year 2021-22

Month of Referral	Total number of Referrals	Number Traced
September	21	21
October	10	10
November	18	18
December	7	7
January	11	11
February	24	22
March	7	7
April	11	8
May	17	17
June	13	13
July	17	11
August	10	10
Total	166	155

- 3.14 Of the 166 CME referrals made in 2021/22 155 children have been successfully traced at the time of writing this report. The 11 outstanding 2021/22 CME cases continue to be investigated and procedures followed. Information is regularly requested from and shared with School Health, Housing and Benefits Departments, the Home Office and CME/Admissions Officers from other local authorities. These pupils have also been checked on the 'Keys to Success' database and raised at MACE.
- 3.15 Of the 11 outstanding cases referred in 2021/22:
- 11 are thought to have returned to Romania for an unknown duration. No onward educational destination was provided.

CME Referrals by National Curriculum Year 2021-22

NCY	Number of Referrals	Number Traced
Pre Admission	22	21
1	10	9
2	15	14
3	12	11
4	13	12
5	7	6
6	14	14
Primary Total	93	87
7	11	11
8	23	22
9	12	10
10	13	12
11	14	13
Secondary Total	73	68
Grand Total	166	155

- 3.16 73 of the 2021/22 referrals were made in respect of secondary pupils. 93 were made in respect of pupils of primary school age or pre-admission age pupils. The CME procedures are not statutory for non-compulsory school age (children become statutory school age the term following their fifth birthday). However, referrals are actioned when received for pre-school children to ensure the smooth transition to education and to ensure that there is no gap in the child's education. The Keys to Success Database will be checked the term following the child's fifth birthday.
- 3.17 With regard to those who remain missing, enquiries are ongoing, all reasonable enquiries have been made in an attempt to trace these children. The referral remains open to the attendance team and checks made with Keys to Success and MACE annually until they cease to be statutory school age.

CME 2022-23 Autumn Term Data

Month of Referral	Total number of Referrals	Number Traced
September	46	46
October	17	14
November	12	8
December	2	2
Total	77	70

CME Referrals by National Curriculum Year 22-23 (Autumn Term)

NCY	Number of Referrals	Number Traced
Pre Admission	9	8
1	8	7
2	5	5
3	8	7
4	6	5
5	5	4
6	1	1
Primary Total	42	37
7	7	6
8	7	7
9	8	8
10	3	3
11	10	9
Secondary Total	35	33
Grand Total	77	70

3.18 Of the 7 that remain untraced:

- 3 are thought to be in Romania – no forwarding details provided.
- 2 are thought to be in Poland and expected to return imminently.
- 1 is awaiting specialist provision (SEND team involved)
- 1 is awaiting a transfer from Home/Hospital Stockton to Home/Hospital Hartlepool.

3.19 Hartlepool is currently part of a task and finish group working with Cleveland Police and 3 other local authorities in Teesside. We are looking at children missing education procedures and developing a coordinated response from the police in relation to CME referrals. This policy does not replace local procedures concerning children missing education. The policy is still in draft format but outlines the expectations of schools, academies and local authorities before a referral to Cleveland Police is considered, the policy then goes on to outlines the response and expectations the local authority has following the referral to Cleveland Police.

4. PROPOSALS

4.1 The School Attendance Team continues to deliver the Local Authority statutory functions in relation to Children Missing Education.

5. RISK IMPLICATIONS

5.1 There are no risk implications.

6. FINANCIAL CONSIDERATIONS

6.1 There are no financial considerations contained in this report.

7. LEGAL CONSIDERATIONS

7.1 There are no legal considerations contained in this report.

8. CONSULTATION

8.1 No consultation was required in the production of this report.

9. CHILD AND FAMILY POVERTY

9.1 There are no child and family poverty considerations contained in this report.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

10.1 There are no equality and diversity considerations contained in this report.

11. STAFF CONSIDERATIONS

11.1 There are no staffing considerations contained in this report.

12. ASSET MANAGEMENT CONSIDERATIONS

12.1 There are no asset management consideration contained in this report.

13. RECOMMENDATIONS

13.1 That the contents of the report be noted

14. REASONS FOR RECOMMENDATIONS

14.1 The recommendation is to ensure the Local Authority is compliant with statutory duties in relation to Children Missing Education.

15. BACKGROUND PAPERS

15.1 None.

16. CONTACT OFFICERS

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Annex A: Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended

1	8(1)(a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2	8(1)(b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
3	8(1)(c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
4	8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5	8(1)(e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6	<p>8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that and -</p> <ul style="list-style-type: none"> (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.

7	8(1)(g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8	<p>8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and —</p> <p>(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);</p> <p>(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and</p> <p>(iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.</p>
9	8(1)(i) - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10	8(1)(j) - that the pupil has died.
11	<p>8(1)(k) - that the pupil will cease to be of compulsory school age before the school next meets and—</p> <p>(i) the relevant person has indicated that the pupil will cease to attend the school; or</p> <p>(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.</p>
12	8(1)(l) - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.