

**Question 18: How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?**

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**SNJ's response to Question 18**

1. Provision for SEND costs what it costs - it is not the fault of the child and any move to cut costs will only harm disabled children, will limit their life chances and, ultimately, cost the taxpayer more in lifelong benefits. While many will always require some amount of state financial assistance due to their disability (including those in work) a huge number will thrive as successful working adults if they are given properly funded educational provision as children at the earliest opportunity. The Treasury must be persuaded that short-termism is a false economy.
2. The DfE must be clear that every plan and mechanism for funding SEND is **in line with statutory requirements** to meet the needs of disabled children and young people.
3. Deciding a funding structure cannot come before deciding the plan to fix the current failing system. You must realise that the root cause of the chaos that traps families is inadequate LA and NHS funding that causes

these bodies to be too protective of their budgets to the detriment of disabled children. If you want these bodies to be the “benign” support that [Baroness Warnock remembers](#), you must ensure that they have the funding streams to meet all their obligations. Without this, you will come up against the same issues that caused the failure of the 2014 reforms. Indeed, with the proper funding, most of these proposed changes will be superfluous.

4. Banding and tariffs are blunt instruments. LAs see them as a way to control costs but they do not put the child at the centre. Children’s needs to not come in neat bands. Many have multiple comorbidities and some with the same headline condition, in particular autism, have greatly differing needs. Banding, in general, is not child-centred. You must look at those LAs using bands and speak to families about whether this system has improved their children’s outcomes.
5. What about SEN Support? The delegated budget hasn’t changed since before 2009, even though costs have risen significantly. Lack of support at the lower levels of provision is one of the primary reasons that parents end up requesting an EHC Needs Assessment. If you ensure that schools have sufficient funding in general and a sufficient SEN delegated budget in particular, then children on SEN Support are (hopefully) more likely to get the help they need without needing an EHCP. This really isn't rocket science - it follows a clear thread of underfunding over two decades, coupled with a lack of understanding that children’s needs are increasing and therefore both better teacher training and increased funding are needed.
6. Following this line, any funding mechanism used must also have a method of increasing in line (at least) with inflation, otherwise, the same cycle will start again. Additionally, different areas of the country have different characteristics and money goes further in northern parts than in the south. You need to come up with a way to ensure southern counties are not left short.
7. It’s no use looking to blame anyone else but yourselves for the mess - flailing around coming up with initiative after initiative is useless unless you fix chronically-underfunded public services as well. It’s like adding extra icing to a mouldy cake - it’s never going to taste good.
8. Banding also doesn’t work well when it comes to independent/NMSS provision. Everyone agrees that there will always be a need for settings that provide high levels of holistic, wrap-around support for the most vulnerable pupils. However, it is not right that non-charitable settings

profiteer off the backs of disabled children. As their funding comes almost entirely from LAs (and therefore the DfE), there is considerable power in your hands to perhaps insist that profits are pegged to a certain percentage over cost.

9. Before making any far-reaching changes to funding regimes and mechanisms, we strongly suggest you research how much types of provision actually costs before you set arbitrary values for any bands and ensure you are comparing like with like.
  10. A system for funding accountability must also be developed to prevent LAs from deliberately setting low bands, preventing children from accessing the provision they need. Transparency should be required of all LAs so that how they are setting out their local mechanisms is clear to see. How can a parent appeal this?
  11. A note on Safety Valves and “Delivering Better Value”: The cuts required of LAs agreeing to these are completely counter to providing suitable provision for disabled children. It is cruel and underlines the real reason for these Green Paper proposals is to cut costs and not to improve provision. Preventing LAs from funding needed provision is punishing disabled children. That is all.
  12. A note on the £2.6 billion SEND capital funding investment to “deliver new places and improve existing provision for children and young people with SEND or who require alternative provision.” How much of this will be used to create accessible buildings? If you want more children in mainstream settings, you need to make it possible for them to attend in the first place. One of the biggest reasons for children needing tracheostomy care often not being allowed back in September 2020 was the lack of space. Ensuring schools have safe, accessible, well-ventilated buildings should be a condition of funding.
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## Responses from parents/SNJ readers

***NB: These views are those of parents for whom we have acted as a conduit for their response to the Green Paper. The views expressed from here are not necessarily those held by Special Needs Jungle.***



1. Funding bands and standardised EHCPs risk HUGELY that children's needs will not be adequately met. If you are reducing needs to tick boxes, unless the algorithm that will point to the funding band is carefully written, it will not allow for 'spiky profiles' where some needs are more profound than others. Instead, funding bands risk being an average 'allowable' for a child. This will mean the risk of under-resourcing increases, and the penalty for this will be felt directly by children and their families.



1. I strongly disagree with the premise of this question and with the use of funding bands and tariffs.
2. The current law says that LAs must specify the provision that the child or young person requires and then secure that provision in full, regardless of cost (s42 CAFA).
3. Your “objectives” here are to reduce costs. If current funding levels aren't meeting children's needs, reducing funding will mean that even more children end up with unmet needs.
4. The risk is of course that children's needs will not be met because their funding band is insufficient. This is not an “unintended” consequence or risk – it is an entirely predictable one.



1. Due to the range of SEND children, it is very difficult to envisage a banding system that would work. Maybe a points system would work

covering a very wide range of provision requirements. This would need to be a visible system with accountability and be correctly funded



1. A National framework for funding runs the risk of not dealing with genuine local differences and how will the DFE be accountable if the funding does not allow needs to be met? Surely LEAs are best placed to identify funding needs given that they should have an efficient and efficient strategic needs identification process to inform planning and budgets. How much will changing this system cost and how will it impact on budgets that current students have?



1. This proposal carries with it the greatest dangers for the outcomes of children with SEND if it is implemented badly or is not responsive/flexible enough over time. Setting out banding rates seems a reasonable proposal, but these are the concerns I would have:
  - a. Making sure banding rates reflect local cost structures – e.g. a London banding should be higher than most other places in the country. But there needs to be better granularity than this.
  - b. Uprating banding rates with inflation over time.
  - c. Making sure those with multiple types of SEND aren't just 'bucketed' into funding for one of those types, but have funding that reflects their more diverse needs
  - d. Making sure the transition to banding does not lead to children without a placement suitable for their needs due to lack of funding, especially in the independent/non-maintained sector.
  - e. A suitable review/appeal system to manage legitimate and warranted exceptions to banding constraints, and for this system to inform improvements to the banding framework.