

## School Forum 7<sup>th</sup> March 2013

### **Protocol on Recoupment**

In 2012/13 all LAs did a termly transaction to claim funding for SEN children educated in other LA schools. For example Torbay would send Devon a bill for the costs of pupils educated in Mayfield and Combe Pafford and also the costs of supporting statemented pupils in mainstream schools. These costs were included within the DSG and school allocations. Conversely Devon would send Torbay a bill for educating Torbay children in Devon schools such as Bidwell Brook and the cost of supporting statemented pupils in mainstream schools such as KEVICs.

Alongside the changes to the 2013/14 funding formula the DfE envisage that inter authority recoupment should disappear. Special schools will be funded at £10k per commissioned place by their 'home' authority and then the individual schools claim the 'top up' funding monthly from the LA appropriate for the individual pupil if it was not the 'home' authority. In the majority of cases, but not exclusively, for Torbay schools this will be Devon. The same is envisaged for mainstream schools to claim the over £6k top up funding for statemented pupils. The under £6k is in their formula funding but the over £6k will need to be claimed, monthly from the pupils 'home' authority. Again, for the majority it will be Devon but may also involve other LAs.

Attached at appendix 1 is a draft protocol for cross border admissions and funding. It is drafted with the aim of maintaining current arrangements for 2013/14 which is going to be a transition year and will probably flush out of the woodwork a number of issues that had not been anticipated! The protocol can't be binding on either maintained schools or academies but the genesis of the protocol is that all schools will see that it has the capacity to save them some work. It is worth noting that many LAs are charging for this service although Torbay doesn't intend to do so for 2013/14.

### **Protocol on Commissioning of Places**

There is a second element to this which is the agreement for placing pupils in both special schools and mainstream schools. The Torbay Commissioning Agreement for special schools is attached at appendix 2.

### **The Proposal**

That Torbay LA continues to offer to co ordinate the SEN recoupment costs for Special schools and statemented pupils in mainstream schools in 2013/14. This has advantages for schools in that it reduces an administrative burden but has the disadvantage that recoupment will be done termly and schools may less easily see the fluctuations of monthly funding upon school income funding levels. For Special schools there would need to be some form of termly/annual statement to outline how these would have worked without this agreement.

**School Forum are asked for their view on this proposal to determine if it is taken forward to a schools offer.**

## Appendix 1

### **Draft Protocol for Cross Border working regarding Admissions and Top-Up between Devon, Plymouth and Torbay**

#### **Principles:**

- Transparent
  - Fair
  - Reduction in administration
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1. Any request for a Special School place will be made to the appropriate Local Authority's SEN Panel. Special Education Teams will not approach other LA schools direct.
  2. The cost of a Special School place to another LA will be the same as that paid to the school by its own LA. The 'band/level' will be allocated by the school's own LA SEN panel.
  3. If an enhanced level of funding is required this will be determined following a conversation between the two LAs as part of the consultation process.
  4. If a Special School is not full, another LA buying a place will pay the top-up rate determined by the school's LA.
  5. If a special school is full but could accommodate another pupil the internal policy for buying additional places used by the school's LA will be used to determine the cost of a place for another LA.
  6. Funding will be paid for the whole month if a child joins the school by the 15<sup>th</sup> of the month.
  7. Funding will start from the 1<sup>st</sup> of the next month if a child joins the school after 15<sup>th</sup> of the month.
  8. The same principle (6&7) will apply to ending funding.
  9. Inter LA funding will be paid on a termly basis.
  10. This year Post 16 charges to other LAs will reflect the place led cost as is currently the case. This will be reviewed as required.
  11. Mainstream charges will work in the same way as Special Schools. Cases will be taken to the LA SEN panel where top-up will be decided and the school's LA will then consult with the school.
  12. LAs using The Protocol will share information on their banding details and place costs.
  13. There will be an annual meeting of all the LAs using The Protocol to monitor effectiveness and make changes as required.

## **Appendix 2**

### **PROTOCOL FOR COMMISSIONING PLACES IN SPECIAL SCHOOLS**

In DfE guidance the suggestion is that the commissioning of places is reviewed every two years. However, as 2013/14 is the first year of a new funding system, it is Torbay's intention to review the commissioning of places in Torbay Special Schools annually for the first three years of the new funding arrangements.

1. Places in special schools will be monitored via the LA monthly funding returns made by the special schools.
2. The annual review of places commissioned in schools will take place in September to inform budget setting in December.
3. The commissioning meeting will review the pattern of schools' NOR over the past two years, waiting lists, referral lists, likely levels of transfer / starting school information and information from other agencies.
4. The commissioning meeting will review pupil allocations to designated SEN categories for school funding.
5. If a school has more than 5% vacancy rates over the past financial year, and there is no clear evidence from the discussion and information outlined at point 3, then the commissioned places for the next financial year will be reduced by 5%.
6. If a school has more than 10% vacancy rates over the financial year then, unless there is clear evidence arising from the discussion outlined at point 3, the places commissioned in the following financial year will be reduced by 7.5%.
7. If a special school is required to admit more pupils than places commissioned in a financial year, then the school will receive the individual pupil top up pro rata from when the pupil attended the school. If a pupil starts at a school after the 16<sup>th</sup> of the month they will be funded from the start of the following month.

If the pupil starts at the school between April – August the school will receive £10k in recognition of the commissioned place rate.

If the pupil starts at the school between September – March the school will receive £5k in recognition of the commissioned place rate.

8. Higher than commissioned numbers will form part of the annual discussion to inform the following year commissioned numbers.

