



HILLINGDON  
LONDON

## **Place factor commissioning for special schools, and mainstream schools with Specialist Resource Provision (SRP), Designated Units (DU) and Assessment Centres - Standard Operating Procedure**

### Introduction

This document sets out the operational procedure within Hillingdon Council for the commissioning of the number of places within specialist provision in Hillingdon, in accordance with the High Needs Funding Operational Guidance published annually by the DfE. The process applies equally to maintained and academy special schools, mainstream schools with Specialist Resource Provision (SRP), Designated Units (DU) and Assessment Centres (referred to in this document collectively as resource provisions), sited within the geographical area covered by Hillingdon Council.

For special schools and mainstream schools with resource provisions, the process is pertinent to the numbers of pupils who have been issued with an Education, Health, and Care Plan ('EHCP'), as admission to all such schools is determined through the naming of that school in Section I of an EHCP.

Local authorities in their commissioning activity and strategic planning placements in special schools and resource provisions are required to follow the processes and procedures as set out in the [Department for Education's \('DfE'\) High Needs Funding Operational Guidance](#) which is published in September in advance of the financial year to which it pertains.

### Responsible Officers

The decisions on how many places to commission each school year in each special school and resource provision is made, in consultation with schools, by the following officers:

- SEND Lead Commissioner, SEND Service, Children's Services
- Finance Officer, School Finance Team, Children's Services
- SEND Service Manager

(together referred to hereafter as '*Designated Officers*')

The Designated Officers are required to seek approval of the planned commissioned places with:

- Director of Education and SEND, Children's Services
- Head of Finance (Children's), Finance

## Net Capacity of Special Schools

The net capacity of a Special School or specialist provision is governed by the guidance – '[Area guidelines for SEND and alternative provision](#)' which is Building Bulletin 104 - dated December 2015. This denotes the maximum number of children who can access a setting based on the size of the building and the needs of the children.

In a Special School, the assessment of capacity is dependent on the needs of the children attending that school. The focus should be on assessing the total capacity of the school, with supporting information on the capacity of each teaching space and the methodology used (ambulant/non ambulant etc). The school itself is best placed to assess the capacity and to review it on a regular basis as the pupils on roll change, although the net capacity will limit the number of children as detailed above, based on the buildings being used.

If there is any impact on the capacity available, the special school must inform the SEND Commissioning Manager of any proposed changes that may impact on the place planning decisions. This will be discussed through the consultation process for establishing the commissioned number of places for the following year. All parties will agree the number of commissioned places, and if these will be increasing or decreasing during this process.

This information will inform the number of places available, identify accommodation requirements for the future and ensure that the pupils are taught in a safe environment.

The information on capacity will then be considered within the Operational Procedure, described below.

## Operational Procedure

The following timeline will be used to determine the number of places to commissioned at education settings each year, but of course meetings and discussions will continue to take place outside these dates as requested or necessary. Meetings may be requested by education settings or by the Council.

The guidance and the actual process that needs to be followed is slightly different according to the designation of the education setting, and the following Providers are subject to the process below, where any changes must be notified to the ESFA as detailed in the DfE guidance on high needs places.

<https://www.gov.uk/government/publications/high-needs-funding-arrangements-2023-to-2024/high-needs-place-change-process-academic-year-2023-to-2024>

### **Providers in scope of the place change notification process through the ESFA**

The following providers are funded from a local authority's DSG, via ESFA, and are, therefore, within scope of the place change notification process:

- mainstream primary and secondary academies with special units, resourced provision or sixth forms
- mainstream free schools with special units, resourced provision or sixth forms

- studio schools
- university technical colleges (UTCs)
- special academies
- special free schools
- alternative provision (AP) academies
- further education (FE) colleges
- independent learning providers (ILPs)

The process should be used to notify ESFA of changes to the number of funded high needs places, hospital education places and changes to the hospital education per place funding amount at the above schools and colleges.

Any other Providers (i.e., maintained schools or colleges) will follow the same process to agree places set out in this document, but any changes to the number of commissioned places is managed locally, and does not need to be notified to the ESFA.

### **Stage 1 – July/ September**

SEND Commissioning Manager and Finance Officer meet to review the current commissioned places for the current academic year and the likely requirements for the next academic year, commencing in the September to follow.

The Designated Officers will consider:

1. The current number of pupils formally commissioned in the current academic year in each setting.
2. The current position of places occupied in each setting.
3. The variation of numbers between the two (in-year changes).
4. The import and export balance, i.e. those pupils living in Hillingdon but educated in specialist state-funded special and resource provisions in mainstream schools sited in the geographical areas of other Local Authorities (export) and those living in other Local Authority areas educated in a Hillingdon-sited state-funded special and resource provision in mainstream schools.
5. The projected numbers of leavers in each setting in the following July.
6. Any information available about numbers of any pre-agreed admissions for the following September.
7. The current allocation of High Needs Places from the DfE.
8. The net capacity of the school, as informed by the schools' audit.
9. Any other information on trends over time, including demographic, policy, or legal changes.

### **Stage 2**

The Designated Officers will determine from the above considerations a proposal for all settings of the number of places that the LA intends to commission for the following academic year.

### **Stage 3 - September**

Each setting is individually consulted by the SEND Commissioning Manager as to the proposed number and invited to make comments on the proposal and any considerations that have led to the proposal or might affect it.

The consultation is carried out in the form of a standardised letter, individualised for each school, that contains details of the previously commissioned numbers, the current occupancy, and the proposed number of commissioned places for the following September. The letters are sent by email direct to the Headteacher of each school and the setting will have an opportunity to respond to the proposal put forward.

### **Stage 4 - October**

The Designated Officers will meet to discuss the consultation response from the settings. If the feedback suggests that there should be a change and finalise the proposed numbers in the light of them. If there is still disagreement with the school over the commissioned numbers after their feedback has been discussed with the Designated Officers, then the schools' reasons and concerns, together with their own proposals as to the number of commissioned places, will need to be submitted alongside the LA's proposed commissioned figures for the Director of Education and SEND to review.

### **Stage 5 – by end of October**

The proposals are submitted to the Director of Education and SEND and Head of Finance (Childrens) for approval.

### **Stage 6 - November**

The approved proposals are submitted by School Finance to the Education Skills and Funding Agency ('ESFA') by their stipulated date in November for academies only.

### **Stage 7 - January – March**

In January each year the ESFA will publish the outcomes of the proposals and their approval status. A two week window follows where settings and LAs can raise any significant issues in accordance with the process as set out in the DfE High Needs Funding Operational Guidance.

The ESFA do not require the information for maintained schools as the LA has local flexibility to change their place numbers. However, the information is submitted via the Authority Proforma Tool (APT) as required under section 251 where local authorities are required to prepare and submit to the Secretary of State for Education a section 251 budget return, which is an education and children and young people's services budget statement for a prescribed period.

### **Mid to late January**

DfE responsibility is to:

- publishes the outcomes of the place change notification process
- 2-week enquiry window opens for issues relating to the published outcomes
- publishes the ILR R14 data for the relevant year
- writes to relevant local authorities confirming outcome of hospital education funding requests

Local authorities responsibility is to:

- check published outcomes are correct and raise any significant issues as detailed above

Schools and colleges responsibility is to:

- check the published outcomes are correct and raise any significant issues as detailed above

The submitted numbers are discussed and ratified by the Schools Forum and formally notified by School Finance to each setting to inform their delegated budgets for the coming financial year.

### **Stage 8 – Early February**

Local authorities:

- 2-week enquiry window closes for issues relating to the published outcomes

Schools and colleges:

- 2-week enquiry window closes for issues relating to the published outcomes

### **Stage 9 - March**

DfE:

- issues the 2023 to 2024 high needs allocations to FE colleges, free schools, academies, NMSS, SPIs (funded by ESFA in academic year 2022 to 2023) and ILPs, including those with changes requiring a deed of variation in place by 9 December 2022

Schools and colleges:

- check the 2023 to 2024 allocations are correct, inclusive of high needs place numbers (ESFA may not change place numbers if not previously notified through the place change notification process)

### **Where pupil and student numbers differ from allocated places**

The [Department for Education's \('DfE'\) High Needs Funding Operational Guidance](#) is clear that from time to time, the number of places that are occupied does not match the number of places funded. In most cases, the variance between place numbers and pupils or students is small, or only has a marginal impact on the cost of the provision.

By applying the ESFA guidance (section 9), place funding should not be withdrawn if an individual does not occupy a funded place and a local authority may not seek to recover funding for places it considers unused in the previous or current academic year.

High Needs Funding – Operational Guidance:

(part of section 9 – High Needs Place Funding)

*'If the number of pupils or students agreed as having high needs by the resident local authority exceeds the number of funded places, the school or college should approach the provider local authority. In practice, that could result in the*

*school or college incurring additional costs in making special provision not met through the top-up funding amount normally paid.*

*We expect the provider local authority to engage with the school or college to agree how the costs of the additional special provision required are to be met and these conversations should take place as early as possible. The provider local authority should not automatically be charged an additional £10,000 or £6,000 (the relevant place funding amount) per pupil or student. The amount should reflect the actual costs of making additional special provision available, which may only be marginal. Importantly, the provider local authority and the school or college should seek to agree how those costs are to be met'.*

Providers should not be charging additional set place funding of £6,000 or £10,000 per pupil attending above the commissioned places when agreeing to admit pupils with EHCPs. If a school or college has significantly exceeded the number of places commissioned by the Council, they should contact the SEND Lead Commissioner to discuss what actual costs have been incurred and provide supporting evidence. A meeting will be arranged where these costs will be discussed, and agreement will be reached between the Council and the provider on any additional payment to be made, where appropriate, to cover these costs.

The number of places to be commissioned for the following year will also be reviewed during the standard process laid out above, and any increase will be implemented as necessary if this is expected to be a long-term situation.

### **Pupils resident in other Local Authority areas and Hillingdon pupils attending special schools in other LA areas.**

This section sets out Hillingdon Council's position on the responsibility for funding high needs places (place funding only), whether agreed in advance through the Authority's annual place return or agreed as in addition to that number or otherwise.

The Council's position matches the [ESFA guidance](#) which can be found on the GOV.UK website.

In short, there remain two elements to the funding of high needs students:

- the place element, and
- the pupil element.

This is an important distinction as they are funded in different ways.

According to ESFA guidance (page 20-24), the commissioning Authority (the Authority in which the pupil resides) is not responsible for the payment of place funding for additional places at a school in another provider Authority's area (the area in which the school is located). All places are adjusted for via the "Import / Export Adjustment". This is a document released by the ESFA in June each year that summarises all the pupils from each local authority attending a particular school. It results in a net adjustment to local authority funding for that academic year. This process is carried out retrospectively and does not match financial years which creates a lag for any adjustments.

It uses Census Data and ILRs (Individual Learner Records) from January to establish which pupils are in respective settings and the local authority they are resident in. Funding for places is deducted from the commissioning authority and passed through to the provider Authority.

Therefore, a school's own host local authority, as the provider Authority, should discuss and agree with a school how much they will fund for the additional places, to avoid making payment twice by the local authority in which the child or young person is resident.

The host provider local authority should not automatically be charged an additional £6,000 or 10,000 per pupil or student (dependent on setting type). The amount should reflect the actual costs of making additional special provision available, which may only be marginal, and an agreement will be reached between Hillingdon Council and the setting on how those costs are to be met.

The commissioning local authority should therefore reject any funding requests which include funding for additional places from a school and ask that they contact the host local provider Authority to arrange payment for all commissioned places.

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