

Hertfordshire's Exceptional Needs Funding (ENF) system

ENF is the “top up” system in place in Hertfordshire for distributing high needs funding to mainstream schools to enable them to support children with significant special educational needs and disabilities (SEND). Each Local Authority has their own arrangements in place, agreed with mainstream schools, for passing this additional “top up” funding to them and ENF is unique to Hertfordshire.

The Department of Education (DofE) states in their guidance that a child has “high needs” if their education costs more than around £10,000 per year. Funding is given to schools in three ways for children with high needs. Element 1 is the annual weighted pupil unit (AWPU) which they receive for every pupil on roll (on average approx. £4,000 pa), element 2 is in the school's notional SEN budget (from which schools are expected to meet the next £6,000 of costs for each child with high needs), element 3 in Hertfordshire is ENF. The DofE states that if the cost of providing for a pupil is more than £10,000 the local authority will allocate additional funding. It states that top up funding rates should reflect the additional support costs an institution incurs. In Hertfordshire this does not always happen because of the local ENF system.

ENF is distributed to schools through a two-stage process. It is available for children with and without an Education Health and Care Plan (EHCP). Schools must complete an application form (with the parent's consent) and submit it to a local cluster of schools. The clusters are geographical, and it is usually the SENCO (Special Education Needs Co-ordinator) who attends on behalf of each school. The cluster group considers the application against the Hertfordshire guidelines and decides whether the application will pass to the next stage. The next stage is the Exceptional Needs Funding Panels which take termly applications from nine areas across Hertfordshire. Membership of the panels includes a Head Teacher and one or two SENCO representatives from each cluster group, local authority support services (Advisory Teacher and / or Educational Psychologist), a special school representative and local authority SEN team managers. The Panels decide whether or not to award the funding and, if so, how much and for what duration. As the process for securing funding is separate to the EHCP process (the decisions are made by different groups of people) not all children with EHCPs will also have ENF. If ENF is not awarded the school will be expected to fund the full cost of the provision specified in the EHCP themselves. There is no parental representation within the ENF process.

Parents regularly report to HPCI, or to support groups which are part of the HPCI network, that schools do not routinely apply for ENF or only do so if the parent encourages them to, parents often feel responsible for challenging ENF decisions and are often not given accurate (or any) information about the applications made on behalf of their child. Schools routinely tell parents there is no point applying or that there is no budget left. Parents feel worried and concerned about the impact of lack of funding on the school's

ability to meet the needs of their child and others in the school. Lack of funding contributes to the imposition of part time timetables for a significant number of children.

The ENF process lacks clarity and transparency for parents. It can be difficult to understand why children with similar needs often get different levels of funding (or none at all). There appears to be no accountability in the process – schools do not have to justify how they spend any ENF they receive. The duration of ENF awards are often short, requiring regular resubmissions for children with enduring high needs. There is no clear complaints procedure. If schools are unsuccessful in their applications their only course of action is to reapply through the whole process.

HPCI's view is that the ENF system:

- does not enable the local authority to fulfil their legal obligations to make the provision specified in children's EHCPs (section 42(2) of the Children and Families Act 2014).
- perpetuates the myth that the responsibility for delivering provision in EHCPs is the school's rather than the local authority's (contrary to Section 42(2)).
- does not fit with the guidance from the DoF that the local authority should meet the cost of provision above £10,000 pa.
- excludes parents which is against the spirit of Section 19 of the Children and Families Act 2014.
- is overly complex and bureaucratic.
- does not have a transparent or consistent decision-making process.
- creates a barrier to inclusion of children with high needs in mainstream schools.
- has insufficient accountabilities as to how funding is spent and whether outcomes for children are improved.

A review of ENF was undertaken in 2016/17 and, although steps were taken to improve the processes involved, parents can see little progress in addressing our significant concerns about the continued use of this system.