

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4140

Author:

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Department:

Children and Adults

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Subject:

Early Years funding for Special Educational Needs & Disability (SEND)

Total Value:

£0.218m (Type: Revenue)

Decision Being Taken:

- 1) To approve the use £0.072m Disability Access Fund (DAF) underspend from 2019/20 to provide support to settings with addressing gaps in Speech Language & Communication (SLC) Needs post-COVID.
- 2) To approve the distribution of £0.146m SEN Inclusion Fund underspend to schools and Private, Voluntary Independent (PVI) settings on a per head basis for pupils accessing the universal entitlement that qualified for High Level Needs (HLN) top-up or SEN Inclusion Fund funding in the Autumn term 2020. There were 105 pupils receiving such funding last term and this would therefore equate to approximately £1,390 per pupil.

**Reasons for the Decision(s)**

DAF was allocated to Local Authorities (LA's) for the first time in 2017/18 and funding allocations into the LA are based on Department of Work and Pensions (DWP) data on the number of 3 and 4-year olds (not in reception) receiving the Disability Living Allowance (DLA). EY's providers are responsible for identifying eligible children. Our DAF allocation for 2019/20 was £0.090m which equated to an estimated 146 pupils. However, schools & providers only claimed DAF for 30 pupils meaning £0.072m was unspent as outlined in the October 2020 SF Outturn Report. Data analysis of applications to the Early Year's SEND Fund over the past 12 months have indicated a rise in the need of SLC interventions. The pandemic has resulted in learning loss in relation to language development. It is proposed we link DAF underspend funding to the wider Nottingham City SLC strategy. This additional funding will enable larger participation of the workforce meaning more schools and settings can be involved in targeted SLC professional development programmes.

The LA consulted all settings on the SEN Inclusion Fund (SENIF) in September 2017. The SENIF budget was set at £0.170m for 2,3 & 4 year olds. At that time, it was not known how many children would qualify for allocations at this level. Numbers of 3&4 year olds with emerging needs qualifying for SENIF from the EY's block have been around 75% lower than anticipated when the SENIF was first put into place (around 25 pupils compared to 100), whilst numbers with more complex needs qualifying for HLN funding from the HN's block have been around 70% higher than estimated (85 compared to 50).

The level and eligibility criteria for the SENIF needs to be reviewed in a joined up way with the work to review HLN funding arrangements for the early years phase. This will involve a full consultation process with schools and providers.

**Briefing notes documents:**

**Other Options Considered:**

**Do nothing. This is not a viable option. The distribution of both DAF and SENIF underspend must address the specific outcomes of the original grant. The options suggested are the most suitable to achieve the required outcomes.**

**Background Papers:**

**None**

**Published Works:**

**Schools Forum Report 19 January 2021. Title of paper: Early Years funding for Special Educational Needs & Disability (SEND).**

**Affected Wards:**

**Citywide**

**Colleague / Councillor Interests:**

**None**

**Consultations:** Date: 25/01/2021  
Other City Council Bodies: Schools Forum  
Proposals noted.

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** None

**Equality:** EIA not required. Reasons: The proposals are not a significant change to policy/practice at this stage. An EIA will be completed in conjunction with the detailed consultation process if ongoing changes to the eligibility criteria and/or value of the SEN Inclusion Fund are proposed.

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 09/03/2021

**Advice Sought:** Legal, Finance

**Legal Advice:**

The EY Guidance provides that where Local Authority's might have an underspend of DAF funding from the government, they are required to use the extra funding in line with the same principles and aim of the fund. The report details why it is felt that the SLCN funding falls within the same principles and aims of the DAF to enable the funding to be used for these purposes. It must only be used in line with these purposes to comply with the requirements of spending.

The proposed distribution of SEND IF underspend from this financial year will be used to supported the additional requirements for the HLN as a short term measure. As the future review of the funding level and criteria will likely result in a different application for funding, further consultation will be required in accordance with the EY Regulations.

It is noted that the Schools Forum have been consulted on this in accordance with the EY Regulations and are in support of the proposals. Advice provided by Dionne Claire Screatton (Solicitor) on 05/02/2021.

**Finance Advice:**

**This decision relates to proposals to distribute 2019/20 underspends on two funding streams which form part of the Dedicated Schools Grant (DSG) funded Early Years budget.**

**The first element of the proposal is to use a £0.072m Disability Access Fund (DAF) underspend to support settings with addressing delays in speech, language and communication needs, which will build capacity across the early years sector to support children with special educational needs (SEN) and disability. In 2019/20 the Local Authority (LA) received £0.072m more Disability Access Funding (DAF) than it allocated on the national criteria based on claims from schools/settings with eligible children. This balance has been ring-fenced in the DSG reserve as local authorities are expected to spend any remaining funding in line with the aims and principles of the fund according to Education, Skills & Funding Agency operational guidance.**

**The second element of the proposal relates to £0.146m in SEN Inclusion funding. £0.004m relates to 2018/19 and is ring-fenced in the DSG reserve and a further £0.142m underspend relating to 2019/20 was accrued at year end with a view to this being distributed during 2020/21. The proposal is to distribute this to schools/providers on a per head basis for pupils qualifying for high level needs or SEN inclusion funding in Autumn term 2020. This will result in an allocation of approximately £1390 per pupil to help support their additional support needs. The underspend has arisen as there are less early years children with emerging low level SEN needs than were anticipated when the budget was first set, but more children are qualifying for high level needs (HLN) funding. The future level and criteria for the SEN inclusion fund will need to be reconsidered during 2021/22 in conjunction with the high level needs funding review for this sector.**

**Advice provided by Kathryn Mair Stevenson (Finance Analyst) on 01/02/2021.**

**Signatures**

<b>David Mellen (Leader/ PH Regeneration, Schools, Communications)</b>
<b>SIGNED and Dated: 27/02/2021</b>
<b>Catherine Underwood (Corporate Director for People)</b>
<b>SIGNED and Dated: 15/02/2021</b>