

Content to inform decision on whether or not to include total allocation band on Cheshire East EHC Plans

Legal position

There is no legal requirement to include a total funding amount in an EHC Plan.

Section 42 of the Children and Families Act states that *'The local authority must secure the specified special educational provision for the child or young person'* and *"Specified", in relation to an EHC plan, means specified in the plan.'*

The SEND Code of Practice states the following regarding the content of section F of an EHC Plan:

- *Provision must be detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise, including where this support is secured through a Personal Budget*
- *Provision must be specified for each and every need specified in section B. It should be clear how the provision will support achievement of the outcomes*
- *Where health or social care provision educates or trains a child or young person, it must appear in this section*
- *There should be clarity as to how advice and information gathered has informed the provision specified. Where the local authority has departed from that advice, they should say so and give reasons for it*
- *In some cases, flexibility will be required to meet the changing needs of the child or young person including flexibility in the use of a Personal Budget*
- *The plan should specify:*
 - *any appropriate facilities and equipment, staffing arrangements and curriculum*
 - *any appropriate modifications to the application of the National Curriculum, where relevant*
 - *any appropriate exclusions from the application of the National Curriculum or the course being studied in a post-16 setting, in detail, and the provision which it is proposed to substitute for any such exclusions in order to maintain a balanced and broadly based curriculum*
 - *where residential accommodation is appropriate, that fact*
 - *where there is a Personal Budget, the outcomes to which it is intended to contribute (detail of the arrangements for a Personal Budget, including any direct payment, must be included in the plan and these should be set out in section J)*

The focus therefore should be on provision that is suitably specified in section F of the EHC Plan.

Option 1: Include total allocation band on Cheshire East EHC Plans

Pros	Cons
<ul style="list-style-type: none"> • Some schools/settings and parents/carers may find it useful as a guide to the overall support level • Maintains status quo of including total provision (however, there will still be a change going from hours to a band) 	<ul style="list-style-type: none"> • Can detract focus from individual provision listed in section F (plus sections G and H1/H2) • Band on its own doesn't have much meaning - could raise unnecessary questions or confusion

Option 2: Do not include total allocation band on Cheshire East EHC Plans (share band via letter instead with clear signposting and recording elsewhere)

Pros	Cons
<ul style="list-style-type: none"> • May 'future proof' EHC Plans and mean they require less changes at a later stage (for example, if a national banding model is implemented which uses a different naming system for bands – this would be less work for schools and the council's SEND team) • Would align with post-16 processes, which don't include a total amount in hours or a band on the EHC Plan (uses schedule 2 instead between LA and providers). Currently, post-16 colleagues have to have conversations with parents/carers around why an 'hours' amount has not been included on the EHC Plan • Has been adopted in other Local Authority areas, including our nearest neighbour (Cheshire West and Chester) • Feedback from some parents/carers has been that focus should be on provision – not on funding. Removing total from the EHC Plan would help this • Banding would still be communicated with parents/carers and schools via the letter with the final EHC Plan, and amounts published online 	<ul style="list-style-type: none"> • Will be a change for schools/settings and parents/carers not to have any indication of total allocation on individual EHC Plans and to perhaps consider provision in a different way (however, changing the model from hours to bands will still result in a change to the EHC Plan) • Would need to consider how this would work for consultations with new settings for transitions (e.g. transition from primary to secondary, where secondary school needs to consider whether they can meet need based on previously agreed provision) – however, a new template for consultations is being developed and this could be included on that form.

*Note: CEC finance colleagues don't look at the EHC Plan itself in processes to ensure funding is provided to settings; they use funding forms in Liquid Logic instead. Therefore, no impact on finance processes if band removed from EHC Plan itself.