

Post 16 High Needs Funding Update

Schools Forum

Date: 7th October 2014

| | |
|--------------------|--|
| Authors: | Head of Finance (Education and Innovation) |
| Wards Affected: | All |
| Locality Affected: | All |
| Parishes Affected: | All |
| Settings Affected: | <p>As the Dedicated Schools Grant is ring-fenced funding provided by the Department for Education to meet the educational needs of early years, school age and all 0 to 25 year old high needs pupils any decisions on how the grant is utilised indirectly affects all settings.</p> <p>This report specifically affects funding for High Needs post 16 students attending Further Education Colleges, Independent Specialist College Providers and other training providers.</p> |

1. Purpose and Reasons

- 1.1 The purpose of this report is to update the Schools Forum on the final outturn position for the 2013/14 academic year relating to the LA's funding of education provision for post 16 High need students (excluding school sixth forms). In July the Forum was advised of indicative 2014/15 academic year allocations based on the funding available at that time. Following EFA confirmation of an improved overall funding position this report requests Forum agreement to improved band values and revised 2014/15 funding allocations to post school providers.

2. Recommendations

- 2.1 Schools' Forum is asked to;
- Note that the final 2013/14 academic year budget position arising from the LA's new funding responsibilities for post 16 High Need students is that actual spend of **£2.902m** was **£0.611m** lower than the enhanced budget agreed by Schools Forum in July 2013.
 - Note that the 2013/14 academic year costs relating to the period April 2014 to August 2014 of **£0.595m** will need to be met from the 2014/15 financial year budget
 - Note that the LA's latest estimate is that a total of **267.8** FTE post 16 (excluding school sixth form) high needs students will need to be supported financially during the 2014/15 academic year
 - Note that the estimated annual net costs of 46.8 FTE placements at ISPs is **£0.791m** of which **£0.528m** (2/3) will be charged to the 2014/15 budget

Further information on the subject of this report can be obtained from Steve Haley, Head of Finance (Education and Innovation) on 01793 465794 (shaley@swindon.gov.uk) or Sally Burnett Commissioner (Routes to Employment) on 01793 463061 (sburnett@swindon.gov.uk)

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- Note that 24 unplanned places will require element 2 funding of **£0.144m** to be paid to providers of which **£0.096m** (2/3) will be charged to the 2014/15 budget
- Agree increased band values as shown in table 3 which will be used to allocate 2014/15 funding for FE Colleges and training providers which will result in revised 2014/15 annual allocations to FE colleges and training providers totalling **£1.205m** of which **£0.803m** (2/3) will be charged to the 2014/15 budget
- Note the overall 2014/15 financial year and 2014/15 academic year budget position as shown at table 4.

3. Background

- 3.1 Forum members may recall that the commissioning of post schools high needs places became a new responsibility for Local Authorities which transferred from the Education Funding Agency (EFA) with effect from September 2013. This area of the DSG has been particularly difficult to manage as the transfer of responsibilities coincided with the capping of learner numbers and the introduction of a national funding formula.
- 3.2 For funding purposes our 2013/14 learner numbers were capped at 270 (when demand for the year was originally estimated at 317 students) and the introduction of the national funding formula provided funding based on a national average of £12,143 per student when Swindon Colleges had historically received much higher levels of funding of approximately £17,188 per student. Furthermore each LA was required to commission places based on eligibility criteria which for Swindon appears to have been more stringent than the previous EFA approach. Schools Forum has received regular updates on this matter and since the initial budget setting exercise last July, cost projections have reduced significantly and an update on the final position for 2013/14 is provided in section 4 of this report.
- 3.3 At the July meeting Forum members were advised of the 2014/15 position regarding places and the funding envelope available. Schools Forum supported the LA's proposal to introduce band based funding for the 2014/15 academic year which would follow the methodology used to fund specialist school settings. Indicative band values, which had been calculated based on the funding available at that time, were also supported and subsequent feedback from FE colleges has been positive. Since July the LA was pleased to receive confirmation from the EFA that they would be recognising, and therefore providing element 1 and 2 funding for 20 planned places at the Uplands Educational Trust. This provides an opportunity to raise the band values payable to students in FE colleges and training providers and details of

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the new band values and resulting funding allocations are provided at section 5 of this report.

4. Update on 2013/14 Post 16 High Need Student Funding

- 4.1 During the course of the year, as placements and top up funding for individual students has been finalised, projected costs for the 2013/14 academic year have gradually reduced. At the start of the year the overall post 16 high needs budget was enhanced by the addition of £1m from disadvantaged 2 year old funding which with hindsight was not fully needed. It should be noted however that providers are receiving significantly lower levels of funding than they would have under the previous EFA regime.
- 4.2 Student numbers and spending projections since the start of the academic year are summarised in the table below. Figures in the "Initial position July 2013" reflect the enhanced budget starting position whilst the other columns track spending updates leading up to the "final position" at the end of the 2013/14 academic year.

| Table 1 – Summary of Projected / Actual Costs v Funding for the 2013/14 Academic Year | | | | | |
|--|---|--|--|---|---|
| | <u>Initial Position July 2013</u> | <u>Updated position Oct 2013</u> | <u>Updated position Jan 2014</u> | <u>Updated position June 2014</u> | <u>Final position July 2014</u> |
| Cirencester College | £84,000 | £84,000 | £84,000 | £84,000 | £84,000 |
| New College | £438,000 | £438,000 | £438,000 | £438,000 | £438,000 |
| Swindon College | £790,855 | £790,855 | £756,977 | £756,977 | £756,977 |
| Late applicants | | | | | |
| - Swindon College | £656,500 | £305,960 | £350,653 | £369,824 | £369,824 |
| - Training Providers | | | £99,980 | £70,312 | £70,312 |
| - Outstanding | | | £112,658 | £0 | £0 |
| Uplands post 19 | £187,000 | £116,500 | £121,500 | £121,500 | £121,500 |
| ISP's | £1,356,800 | £1,021,931 | £1,120,124 | £1,061,867 | £1,061,867 |
| Total costs | £3,513,155 | £3,107,786 | £3,083,893 | £2,902,480 | £2,902,480 |
| Underspend | | -£405,369 | -£429,262 | -£610,675 | -£610,675 |
| Learner numbers | 241 | 184.2 | 203.2 | 180.2 | 180.2 |

- 4.3 The overall position for the first academic year is unchanged since the last Schools Forum projections were reported in July. Forum Members are reminded that the initial budget of £3.5m set in July 2013 had been enhanced

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by £1m of 2 year old funding whilst actual costs of **£2.902m** were incurred resulting in an underspend of **£0.611m**.

- 4.4 The position in table 1 was partially reflected in the 2013/14 financial year outturn report presented at the last Forum meeting which included an underspend on new post 16 funding responsibilities as at 31st March 2014. The costs included in table 1 relating to term 3 of the 2013/14 academic year total £0.595m and will need to be charged to the current financial year budget.

Schools Forum is asked to note

- ***That the final 2013/14 academic year budget position arising from the LA's new funding responsibilities for post 16 High Need students is that actual spend of £2.902m was £0.611m lower than the enhanced budget agreed by Schools Forum in July 2013.***
- ***That the academic year costs relating to the period April 2014 to August 2014 of £0.595 will need to be met from the 2014/15 financial year budget***

5. Update on 2014/15 post 16 High Need Student Funding

Funding Available 2014/15

- 5.1 Forum members were advised in July that a total of **£2.022m** was available to allocate to post 16 providers (excluding school sixth forms) in the 2014/15 financial year but that it was possible that this could improve by up to £0.320m dependent on;
- The EFA accepting the UET as an accredited ISP which would result in them directly funding Element 1 and 2 costs totalling £10,977 per learner thereby reducing the UET costs chargeable to Swindon's DSG
 - The EFA recognising UET students in our High Needs DSG settlement and providing funding to meet Element 3 (Top up costs) of approximately £5,000 per learner.
- 5.2 In August the EFA confirmed that they would be recognising and directly funding the UET for element 1 and 2 costs for 20 planned places but would not be providing any additional DSG for element 3 costs. This does not therefore provide the LA with any additional funding but does reduce the cost which has to be met from Swindon's DSG by £0.220m and this saving has effectively been recycled to raise the band values payable to students in FE colleges and training providers as was agreed in principle at the July Forum.

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Planned Placements 2014/15

- 5.3 The table below shows how the LAs latest 2014/15 commissioning plan compares to the December estimates provided to the EFA;

| Table 2 – Latest 2014/15 Academic Year FTE Placements | | | | | |
|--|----------------------|-------------------------|----------------------------|---------------------|------|
| | December 2013 Places | Latest Estimated Places | Differences since December | EFA Approved Places | Note |
| Independent Specialist Providers | 19 | 28 | +9 | 19 | 3 |
| Uplands Educational Trust | 20 | 18.8 | -1.2 | 20 | 4 |
| subtotals | 39 | 46.8 | +7.8 | 39 | |
| Cirencester College | 14 | 8 | -6 | 14 | 1 |
| New College | 45 | 40 | -5 | 45 | 1 |
| Swindon College | 148 | 120 | -28 | 148 | 1 |
| Wiltshire College | 3 | 13 | +10 | 3 | 2 |
| Training Providers | 3 | 17 | +14 | 3 | 2 |
| subtotals | 213 | 198 | -15 | 213 | |
| Outstanding placements | 0 | 23 | +23 | 0 | 5 |
| Totals | 252 | 267.8 | +15.8 | 252 | |

- 5.4 The LA now expects to fund element 3 top ups for a total of 267.8 students during the 2014/15 academic year which is an increase of 15.8 over the December estimate and 6.4 above the July 2014 Schools Forum report. Of this number the EFA have agreed to recognise and provide element 1, 2 and 3 funding for 252 places. Depending on how accurate our December plans were, we will however also be required to fund some element 2 costs as follows;

- **Note 1** – So far the number of placements confirmed at these colleges are lower than the LA's December estimate. This means for example that if no further placements are made at Cirencester College they will attract surplus place funding for 6 places @ £6,000 = £36,000. Figures for New College are 5 places at £6,000 = £30,000 and for Swindon College 28 places at £6,000 = £168,000. A total of £234,000 of over funding is possible relating to 39 places which is an improvement since the July report when the number was estimated at 57. With 23 placements still outstanding but still expected, this should reduce to 16 (£96,000).
- **Note 2** – Unless Wiltshire College are undersubscribed by other LAs they are likely to expect SBC to fund element 2 costs for 10 extra places @

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£6,000 = £60,000. Similarly it is likely that SBC will need to fund element 2 costs for 14 additional places at training providers totalling £84,000. In setting its 2014/15 budget the LA will therefore need to earmark a total of **£144,000** of element 2 funding that will not be paid by the EFA. . Of this sum **£96,000** (2/3) relates to the period 1st August 2014 to 31st March 2015 and will fall in the 2014/15 financial year.

- **Note 3** – A total of 9 additional ISP placements are now expected which is above the number EFA have agreed. The majority of these learners were included in the December commissioning plan as probable FE college placements but it has subsequently been decided that ISP placements will best meet student needs.
- **Note 4** – As explained above the EFA are now recognising planned UET placements for funding purposes and SBC will only need to meet element 3 costs for 20 places. A total of 24 students are expected to attend (18.8 FTE) and SBC will therefore still need to fund element 2 and 3 costs for 4 additional places whilst the UET will receive element 1 funding for their additional pupils from the EFA on a lagged basis.
- **Note 5** – At present the LA has identified and banded a total of 23 learners (13 less than the July estimate) who have yet to confirm placements at a specific provider but are expected to do so. It would be financially advantageous for SBC (and other providers) if these learners took up pre planned places at Cirencester, Swindon or New College as surplus Element 2 funding has been allocated to them as explained in note 1 and the LA expects this to be the case for the majority of learners.

Schools Forum is asked to note that the LA's latest estimate is that a total of 267.8 FTE post 16 (excluding school sixth form) high needs students will need to be supported financially during the 2014/15 academic year

Proposed 2014/15 ISP costs

- 5.5 For placements at Independent Specialist Provider Colleges (ISPs) including the UET, annual costs are at individually negotiated rates. Pupils attend ISPs when their needs cannot be met within the mainstream or special school 6th form, or mainstream FE College provision with additional support or a bespoke package. Where appropriate placements are jointly commissioned with social care and health agreeing contributions. The Local Authority is working with a range of ISPs with a view to them using the universal banding descriptors from September 2015. Attached at **Annex A** is a schedule of all ISP placements showing the breakdown of estimated 2014/15 costs of which

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£0.791m is chargeable to the DSG. Of this sum **£0.528m** (2/3) relates to the period 1st August 2014 to 31st March 2015 and will fall in the 2014/15 financial year.

Proposed 2014/15 FE College and Training Provider costs

- 5.6 In July, Schools Forum agreed that the LA should move towards a band based funding system as the principles had been consulted on and agreed with colleges. All students will be funded at the same levels (without any variance to reflect different SEN prime needs) and a range of supplements had been agreed. Students have been allocated against the same 6 prime need bandings used for special schools and SRP's and indicative post 16 post school funding values were calculated based on the funding envelope provided by EFA for the new responsibilities.
- 5.7 The requirement for the LA to provide academic year funding allocations to providers whilst operating within financial year grant allocations causes an added degree of complexity. This means that the 2014/15 financial year budget will need to meet term 3 costs from the 2013/14 academic year plus term 1 and 2 costs relating to the 2014/15 academic year. In light of the improved UET funding the latest overall position can be summarised as follows;
- Total funding envelope (April 2014 to March 2015)
£2.022m
 - Less term 3 costs from the 2013/14 academic year (see 4.4) -
£0.595m
 - Balance available for terms 1 & 2 of the 2014/15 academic year
£1.427m
 - Less provision for extra element 2 costs Sept to March (see 5.4) -
£0.096m
 - Less ISP costs Sept to March (see 5.5 and Annex A) -
£0.528m
 - Balance available for Banded funding Sept to March
£0.803m
- 5.8 A new local formula has therefore been devised to distribute the available funding of £0.803m across FE colleges and other training providers for terms 1 and 2 which equates to a full academic year spend of £1.205m. The resulting funding values compared to special schools values and the indicate FE values presented at the July Forum meeting are as follows;

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Table 3 – Proposed 2014/15 post 16 post school High Need Band Values & Supplements

| | <u>Special School & SRP secondary sector rates</u> | <u>Indicative FE rates</u> | <u>Proposed FE rates</u> |
|--|--|--------------------------------|------------------------------|
| <u>Universal Banding Descriptor</u> | | | |
| Band 1 – 100% | £13,300 | £6,600 | £8,975 |
| Band 2 - 90% | £12,000 | £5,940 | £8,078 |
| Band 3 - 50% | £6,700 | £3,300 | £4,488 |
| Band 4 – 37.5% | £5,000 | £2,475 | £3,366 |
| Band 5 - 30% | £4,000 | £1,980 | £2,693 |
| Band 6 – 15% | £2,000 | £990 | £1,346 |
| <u>Supplements</u> | | | |
| Medical Needs | £1,500 | £750 | £750 |
| Manual Handling | £1,500 | £500 | £500 |
| Autistic Spectrum Disorder in SRP's | £6,000 | N / A | N / A |
| Autistic Spectrum Disorder in Special Schools (Band 1 pupils only) | £1,000 | N / A | N / A |
| Access to mainstream supplement in SRP's | £2,000 | N / A | N / A |
| Speech and Language Therapy (Low/High) | £150 / £1,250 | N / A | N / A |
| Physiotherapy (Low/High) | £100 / £825 | N / A | N / A |
| Occupational Therapy (Low/High) | £100 / £825 | N / A | N / A |
| Teaching requiring British Sign Language | £16,750 | N / A | N / A |
| Transition | N / A | £250 | £250 |
| Workshop / High Risk Environment | N / A | £400 | £400 |
| Open campus | N / A | £250 | £250 |

- 5.9 Although the improved funding position has allowed FE rates to be increased it is still not possible to fund post 16 providers at the same level as schools without detrimentally affecting the level of funding paid to early year and school settings. It is relevant to note however that post 16 students in FE settings typically attend college for less than the standard 25 hours per week teaching time in schools.
- 5.10 The resulting annual funding allocations are summarised in the table below and **Annex B** provides a summary of total and average funding per learner for the three main FE College providers between 2013/14 and 2014/15. As requested at the last Forum meeting, Annex B also shows a breakdown by band of the numbers of 2014/15 students. Subject to Forum noting the various updates relating to post 16 high need funding and agreeing the new band values the overall 2014/15 financial position will be as follows;

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Table 4 – Indicative 2014/15 Academic Year Funding Allocations

| | Basis of funding | December 2013 Planned places | Latest Estimated Places 2014 | Total Indicative 2014/15 ACYR Funding | Costs falling in the 2014/15 FYR |
|----------------------------------|------------------|------------------------------|------------------------------|---------------------------------------|----------------------------------|
| Independent Specialist Providers | Negotiated | 19 | 28 | £672,540 | £448,360 |
| UET | | 20 | 18.8 | £118,887 | £79,258 |
| Sub total – ISP's | | 39 | 46.8 | £791,427 | £527,618 |
| Cirencester College | Banded | 14 | 8 | £26,079 | £17,386 |
| New College | | 45 | 40 | £198,517 | £132,344 |
| Swindon College | | 148 | 120 | £601,616 | £401,077 |
| Wiltshire College | | 3 | 13 | £99,533 | £66,355 |
| Training Providers | Banded | 3 | 17 | £113,081 | £75,387 |
| Outstanding placements | | 0 | 23 | £128,064 | £85,376 |
| Contingency | | | | £37,613 | £25,075 |
| Sub totals | | 213 | 221 | £1,204,503 | £803,000 |
| Extra element 2's | | | | £144,000 | £96,000 |
| Total | | 252 | 267.8 | £2,139,930 | £1,426,618 |

- 5.11 At this stage in the year the LA is unable to confirm precise final funding allocations for individual providers but the table above reflects all known continuing learners and confirmed starters. The funding earmarked for outstanding placements is based on the value of their allocated bands as identified through the moderation process. A full year contingency budget of £37,613 has also been included. Funding will follow individual students as they are placed with providers, hopefully at one of the three colleges which currently have surplus element 2 funding, and allocations to providers will vary as and when placements are confirmed or cease.

Schools Forum is asked to

- ***Note that the estimated annual net costs of 46.8 FTE placements at ISPs is £0.791m of which £0.528m (2/3) will be charged to the 2014/15 budget***
- ***Note that 24 unplanned places will require element 2 funding of £0.144m to be paid to providers of which £0.096m (2/3) will be charged to the 2014/15 budget***

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- ***Agree increased band values as shown in table 3 which will be used to allocate 2014/15 funding for FE Colleges and training providers which will result in revised 2014/15 annual allocations to FE colleges and training providers totalling £1.205m of which £0.803m (2/3) will be charged to the 2014/15 budget***
- ***Note the overall 2014/15 financial year and 2014/15 academic year budget position as shown at table 4.***

6. Alternative Options

- 6.1 The LA has a statutory duty to manage and distribute the Dedicated Schools Grant (DSG) in accordance with prevailing grant conditions and School Finance Regulations. DfE have prescribed the options available to Local Authorities, some of which are mandatory whilst some are discretionary, but in most cases funding values are to be locally determined. The proposals in this report are aimed at containing costs within the level of funding provided by EFA to meet the LAs new responsibilities. As no elements of the DSG are ring fenced it is for individual LAs to decide how best to manage this funding via consultation with Schools Forum's. Higher or lower levels of post 16 high need funding could therefore be agreed as was the case in 2013/14 when disadvantaged 2 year old funding was diverted to meet a projected overspend but this would have consequences for funding levels in other DSG funded settings.

7. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 7.1 As this is essentially a financial report the implications are explained throughout the document. At this stage the impact of any funding changes on individual colleges and other providers cannot be precisely determined although the establishment of banding and supplement values should reduce financial uncertainty.
- 7.2 It is important to recognise that under the school finance regulations no setting is financially protected against reduced pupils or students although from 2014/15 the LA had an option to protect good and outstanding mainstream schools and academies from temporary falling rolls. .

Legal and Human Rights Implications

- 7.3 There are no legal and human rights implications arising from this report.

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All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 7.4 Although the impact on individual settings cannot be determined at this stage the school funding reform programme is causing a degree of volatility which may have implications for schools and other providers which are detrimentally affected by the redistribution of funding. In determining funding levels the LA is required to comply with the school finance regulations and providers are expected to manage their operations and spending within their available funding including brought forward balances.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 7.5 Utilisation of the DSG has a direct link to two of the Council's five priorities – "Right skills, right jobs in the right place" and "Make the best use of Swindon's resources inside and outside the Council".

Diversity Impact Assessment

- 7.6 The DfE's funding reform programme is aimed at simplifying fair funding although funding changes at individual settings is inevitable. The reform programme is clearly aimed at ensuring funding is targeted at disadvantaged pupils and at pupils with low prior attainment and/or special education needs in order to narrow the attainment gap between these and other pupils. The content of this report is focused on meeting the needs of post 16 high need students by maximising the funding available.

Risk Management

- 7.7 The key risks arising from this report are that local decisions relating to Post 16 funding could lead to an overspend on the 2014/15 DSG and/or that the EFA could deem that our funding arrangements do not comply with the school finance regulations.

8. Consultees

- 8.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer), Board Director, Commissioning (Director of Children Services) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

9. Background Papers

- 9.1 Various documents issued by the Department for Education which were summarised in previous reports to the Schools Forum

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10. Appendices

10.1 The following appendices are attached

Appendix 1 - Schedule of projected 2014/15 academic year post 16 high need non banded placement costs in Independent Specialist Providers

Appendix 2 – Summary of total and average funding per learner payable to the three main FE College providers in the 2013/14 and 2014/15 academic years

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