Cabinet – 21 October 2020

Proposed High Needs Local Funding Formula 2021/22

Portfolio: Councillor Towe, Education and skills

Related portfolios:

Service: SEND

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

Work has continued throughout 2020/21, with the High Needs Funding Group of the Schools Forum, to review the existing local High Needs Funding Formula for Walsall and seek to develop a revised formula which provides a fair, needs led and child centred approach to allocating funding for school aged children with SEND. The outcome of this work was reported to Schools Forum at their meeting on 23 September 2020, and gained approval to progress to formal consultation. Approval is therefore sought from Cabinet to undertake formal consultation on the revised proposed model in line with School's Forum proposed decision on 23 September 2020. Following consultation a further report will be presented to Schools Forum and Cabinet to seek approval of the final model and its implementation from 1 April 2021.

2. Summary

- 2.1 This report provides an overview of the work already undertaken by the School's Forum High Needs Working Group, including:
 - Development of a new High Needs banding document
 - Audit of need for all school aged children in Walsall schools using the new High Needs banding document
 - Moderation of audit responses
- 2.2 It also provides an overview of the work undertaken, including:
 - Specifying provision for each band/area of need within the banding document
 - Financial modelling
- 2.3 Finally, a summary of future actions and implementation timetable is provided, including:
 - Consultation with schools regarding the new High Needs Funding model
 - Implementation of the new High Needs Funding model

2.4 This constitutes a key decision as a change to the High Needs funding model could potentially have an impact on all school aged children with SEND, across all wards within the borough, and incur expenditure which is in excess of £250,000. Financial modelling and projections indicate that the proposed revised model is affordable within the totality of funding that is available within the High Needs Block of the Designated Schools Grant (DSG) that is paid to the authority.

3. Recommendations

- 3.1 That Cabinet approve the principles underpinning the development of the revised local high needs funding model and the timetable for 2021/22 set out in appendix B.
- 3.2 That Cabinet approve the proposals to move to a formal consultation process on the proposed high needs funding model for 2020/21.
- 3.3 That Cabinet agree that a further report be received, containing any proposed changes to the model after consultation, to seek final Cabinet approval of that model and its implementation.

4. Report detail - know

Background

- 4.1 The high needs funding formula is the local process that is utilised to allocate the High Needs Block of the Dedicated schools Grant (DSG) funding that the Council receives, to the providers of support to children with additional needs in the Borough of Walsall.
- 4.2 A working group of the Schools Forum, comprising of representatives from all school phases and sectors has continued to meet and work on a proposed revised high needs funding methodology and model, which is child centred, needs based, transparent, equitable and affordable.
- 4.3 The methodology builds on the work undertaken in 2019 and the additional work in 2020 encompassing revised moderated SEN data from schools and academies to propose an updated model to be implemented from 1 April 2021. The model has been developed through extensive work with schools and partner services, led by the Schools Forum High Needs Funding working group.
- 4.4 The proposed basis of the high needs local funding formula for 2021/22 is set out in this report. Feedback from the recommended consultation will be used to identify any required changes to the proposed model before being presented back to Schools Forum and Cabinet for final approval of the implementation.
- 4.5 Once finalised and approved by Cabinet the new local high needs funding formula rates will be used to determine indicative budget shares for all special schools for 2021/22 and will determine the high needs top-up funding attracted by mainstream schools. As funding for PRUs and ARPs was not included in the review work undertaken to date, funding in these areas will continue to be allocated using the existing model for 2021/22, with a further review of the funding formula for these provisions then due to take place during 2021/22.

Proposed High Need Funding Formula and Model

Principles of the Review

- 4.6 The following principles have underpinned the work:
- Child centred all children and young people will receive the 'right help, in the right place at the right time, for the right amount of time' in accordance with our Walsall Right for Children vision. There needs to be a child centred approach to funding which ensures that children continue to receive the right support, regardless of placement whether mainstream or special, and regardless of transitions
- Transparency there needs to be a transparent approach to funding across all sectors (mainstream/special, primary/secondary)
- Equity there needs to be a fair approach to funding that is based on the cost of provision to meet needs a needs based approach rather than a setting based approach
- Early intervention there needs to be a graduated approach to support (and therefore funding for provision) to ensure that children can benefit from quality first teaching and early intervention with the aim of removing barriers and reducing the need for more specialist support. Provision funding also needs to be responsive, reducing delay in schools being able to fund the support that children need
- Inclusion Our aim is to ensure that the majority of children and young people with SEND, including those with an EHCP, can access the right support within their local mainstream school and local community. This is in accordance with our Walsall Right for Children vision and, also the general presumption set out in The Children and Families Act 2014, that children with SEND will access mainstream education. There needs to be an approach to funding that actively promotes and supports this and enables children to have their needs met and remain within their local mainstream school

Development of the banding model

4.7 The working group reviewed approaches taken in other local authorities and used models to develop a revised Walsall high needs banding model which could be applied across mainstream and specialist provision and across all phases.

The banding model that has been developed categorises need across 8 areas:

- Cognition and learning
- Speech, language and communication
- Social, emotional, mental health
- Hearing Impairment
- Visual Impairment
- Multi-sensory Impairment
- Physical
- Medical

Each area of need is split into up to 7 bands. Bands 1, 2 and 3 fall within a school's local universal offer and provision for children in these bands will be funded at a school level from a school's notional SEN budget. Bands 4, 5, 6 and 7 will attract top up funding and it is expected moving forwards that only children in Bands 6

and 7 would require access to specialist provision in terms of a special school placement to meet their needs.

- 4.8 It is proposed that the revised model will be implemented for all Walsall children with an EHCP in Walsall schools. As the model indicates that provision for children in Bands 1, 2 and 3 can be provided within the school's notional SEN budget, it is expected that schools will make timely requests for EHCPs for children whose needs are identified as being at Band 4 or above. This will then enable them, if the request is supported, to have enhanced provision funded through high needs top up funding.
- 4.9 **Completion of the audit for all school aged children in Walsall**: Information regarding the new banding model has been shared with all Head Teachers through Primary/Secondary/Special school Head Teachers forums. All schools have been asked to complete an audit of all children identified as having SEND, to identify where each child's needs would be on the new banding document.
- 4.10 Completion of this audit was hugely valuable for the Local Authority. Not only does it support the progress with the revised equitable approach to high needs funding, but it also provides the most detailed information received to date on the nature of SEN needs in Walsall. This supports us in understanding the needs in Walsall, providing appropriate support to schools and with needs led pupil place planning.
- 4.11 **Moderation:** There was a need to complete a moderation exercise to ensure the accuracy of data submitted and to ensure that high needs funds are allocated fairly. This was relaunched, following inaccuracies and anomalies experienced with data collated in 2019, to provide a more thorough and considered process. Audit responses from schools have been analysed and a sample of schools/children were identified for moderation. The plan for moderation had to be adapted due to the impact of Covid-19 and therefore was largely completed through a remote process using the knowledge and expertise of specialist services.

Following this work final audited data was provided to finance officers on 17 July 2020 to support financial modelling.

Financial modelling:

- 4.11 The draft resourcing needs for each area of need and band were provided to finance officers, based on the Walsall Rights 4 SEND guidance document. This was informed by the high needs funding working group supported by specialist services, knowledge of provision currently provided in Walsall schools and relevant guidance to provide quantification of provision for each of the bands in each area of need for the purpose of the financial modelling work. This resourcing need then provides an assessment of the costs of meeting the needs of children in each band, which can then be compared to funding that the authority is predicted to receive in its DSG High Needs block. Further work will continue to be undertaken to identify the potential impact on individual schools/providers to plan for these changes
- 4.12 The outcome of the modelling indicates that for 2021/22 the proposed funding is estimated to be affordable within the totality of funding that is available within the High Needs Block of DSG that is paid to the authority (based on a predicted total

top-up cost for the year for the revised model of circa £16.25 million). This includes an assumption of a 7% increase in demand in that year, which has been built in to accommodate anticipated pressures.

- 4.13 The breakdown of the financial model is contained in Appendix A for both special and mainstream schools. It takes account of existing predicted funding levels and existing pupil numbers in the moderation exercise and includes an estimate of funding required to support 7% potential growth in the year
- 4.14 Implementation is recommended for existing and new EHCPs from 1 April 2021 and further moderation will also be supported through scheduled Annual Reviews for existing EHCPs from 1 April 2021 onwards, which will allow a robust level of review and challenge and supplement Annual Review and EHCP Hub training to be delivered to SENCOs in the autumn term 2020.
- 4.15 The School's Forum Working Group considered a range of funding models from other Local Authorities. The current model is proposed as it allowed for categorisation of primary need and would allow for the bandings to be used across all phases (primary and secondary) and settings (mainstream and special school).
- 4.16 Prior to 1 April 2021 the Transitional Top Up Support (TTS) scheme, approved by Schools Forum and Cabinet in February and March 2020, will continue. However this scheme will then cease from 31 March 2021 with the implementation of the new formula on 1 April 2021.

5 Council Corporate Plan priorities

This work relates to the Corporate Plan Priorities for Children (Ch2 - The gaps in educational attainment between the least and most deprived communities will be narrowed for all under achieving groups). Specifically, the allocation of High Needs Funding should ensure that children identified as having SEND have the right support at the right time to ensure they access their entitlement to a full time education and can make good academic progress and achieve their potential.

6 Risk management

- 6.1 Consideration of the results of consultation may lead to changes within the funding formula.
- 6.2 The financial modelling supports the proposed funding formula within projected resources assuming a 7% growth factor. Budget monitoring and control will need to ensure the formula's financial sustainability into the future.
- 6.3 The funding formula proposed is a needs based model based on defined principles to ensure resources are allocated on the basis of pupil need and not the school or provision children and young people attend. Changes to the model would need to be closely monitored to ensure the core principles of the review are complied with.

7 Financial implications

- 7.1 The intention of revising Walsall's High Needs Funding Formula is to ensure that there is an equitable system in place to accurately identify pupil's additional needs and provide appropriate funding in support of this to achieve the best outcome for them. However this needs to be balanced against the fact that the High Needs funding the authority receives is a cash limited grant and any spend against this to support children's needs must be contained within the totality of the High Needs funding that is available to the council.
- 7.2 The outcome of the financial modelling that has been undertaken in relation to the proposed revised funding formula indicates that for 2021/22 the proposed funding is estimated to be affordable within the totality of funding that is available within the High Needs Block of DSG that is paid to the authority (based on a predicted total top-up cost for the year for the revised model of circa £16.25 million). This includes an assumption of a 7% increase in demand in that year, which has been built in to accommodate anticipated growth.
- 7.3 The proposal may be subject to the minimum funding guarantee (MFG) for special schools, which is set by a condition of grant that applies to local authorities' DSG and protects special schools from seeing a reduction in funding from year to year, of more than 1.5% per pupil, assuming that the number and type of places remains the same between two financial years. The final MFG calculation cannot be completed until later in the financial year when it is known no further pupil changes are likely prior to April 2021.
- 7.4 As this is a major reorganisation of high needs funding for special schools, moving from a 3 banded framework based on designation of school to a funding framework based on 5 areas of pupil need across 10 bands, a like for like comparison required by the MFG is not possible. Additionally if any MFG is required the impact of applying this may result in anomalous outcomes and potentially thwart one of the main principles of the funding review ie. that a pupil with assessed needs will attract the same funding for those needs regardless of the special school they attend.
- 7.5 As such School Forum's support was also sought for the authority to submit a disapplication request to disapply the MFG for 2021/2022 for special schools to enable increased flexibility in the implementation, which is subject to the consultation process. The submission deadline for disapplication is 11 October 2021, and therefore it is not yet known whether (if the application is approved by the secretary of state) the disapplication will need to be utilised, but if required an update confirming the potential impact of not applying the MFG will be brought back to Schools Forum, for review and recommendation, and on to Cabinet for decision as part of the process to agree the final implementation of the formula.
- 7.6 With any change in the allocation of the overall High Needs funding amongst individual schools / providers, as a result of the implementation of a revised funding formula, there are likely to be some schools that see an increase in the High Needs funding that is allocated to them, and others that may see a reduction. The authority will seek to work with those schools that do see a reduction in funding to help them plan for the impact of this.

8 Legal implications

- 8.1 The DfE has prescribed the way in which schools should be financed for the 2021/22 financial year. These guidelines are set out in the Schools Revenue Funding 2021 to 2022 operational guide. The purpose of these arrangements is to help secure greater consistency in the way in which high needs funding is distributed to schools. The Council is bound to adhere to the rules issued by DfE.
- 8.2 It is essential that we achieve a fair, effective and efficient formula that meets the needs of those pupils and the schools where they are placed. Failure to do this could result in an increase in SEND tribunals and greater legal challenge from parents and carers as well as support groups within the areas of SEND.

9 Procurement Implications/Social Value

There are no procurement/social value implications arising from the proposals in this report.

10 **Property implications**

There are no property implications arising from the proposals in this report.

11 Health and wellbeing implications

It is expected that the new model for High Needs Funding will support the Marmot objectives of:

- Give every child the best start in life
- Enable all children, young people and adults to maximise their capabilities and have control over their lives

This will be achieved by ensuring that the approach to funding ensure children have access to the right support at the right time to promote their development, educational outcomes and prepare them for adulthood.

12 Staffing implications

There are no staffing implications arising from the proposals in this report.

13 *Reducing Inequalities*

An Equality Impact Assessment is being completed.

The overall aim of the proposed model is to ensure a fair and equitable approach to the allocation of High Needs Funding. This will reduce inequalities and ensure that children with SEND have access to the provision required to meet their needs, ensure access to their entitlement to fulltime education and to address the gap in outcomes between those with SEND and those without.

14 Consultation

14.1. All Walsall schools and parents of children with SEND at those schools will be able to participate in the consultation on the revised high needs funding arrangements.

- 14.2 It is proposed that the consultation will take place for 6 weeks between 2nd November 2020 and 14th December 2020. The intention is to complete the consultation process prior to January 2020 so the outcome could be shared at the School's Forum meeting in January to consider the outcome of the consultation and the proposal for a new model to high needs funding.
- 14.3 The consultation will include the distribution of a survey to gather views as well as weekly timetabled 'drop in or video conferencing sessions' where people can ask questions and receive responses to any queries they have about the proposal.
- 14.4 Subject to approval of the principles underpinning the revised High Needs Funding model and the suggested process for consultation, the following actions will be taken:
 - Consultation with all schools, parents/carers and partner services
 - Review responses to consultation and take necessary action
 - Report to School's Forum to seek recommendation to Cabinet for the implementation of revised High Needs Funding model
 - Report to Cabinet to seek approval for the implementation of revised High Needs Funding model
 - Identification of schools that will see an increase in the High Needs funding that is allocated to them. Identify actions to support those schools that see a reduction in funding to help them plan for the impact of this.

15 Decide

The School's Forum Working Group considered a range of funding models from other Local Authorities. The current model was developed as it allowed for categorisation of primary need and would allow for the bandings to be used across all phases (primary and secondary) and settings (mainstream and special school).

16 Respond

Subject to approval of the principles underpinning the revised High Needs Funding model and the suggested process for consultation, the following actions will be taken:

- Finalisation of financial modelling
- Finalisation of model
- Consultation with all schools
- Review responses to consultation and take necessary action
- Report to School's Forum to seek approval for the implementation of revised High Needs Funding model
- Report to Cabinet to seek approval for the implementation of revised High Needs Funding model
- Identification of schools that will see an increase in the High Needs funding that is allocated to them. Identify actions to support those schools that see a reduction in funding to help them plan for the impact of this.
- 17 Review

The approach to High Needs funding will be subject to an annual review by an identified sub group of Schools Forum. The allocation of funding will be reviewed alongside an analysis of the changing need reported through the audit process and pupil place planning.

Background papers

Schools Forum report – 23.09.20 – Proposed High Needs Local Funding Formula

Walsall Rights 4 SEND guidance document

Schools Forum report – 25.11.19 – High Needs Funding Formula Review

Cabinet report 20 March 2019 – High Needs Funding Formula 2019/20

ESFA – High Needs Funding 2019 to 2020 operational guide

Authors

Andy Crabtree Interim Lead for SEND ☎ 652444 ⋈ andy.crabtree@walsall.gov.uk Emma Thornberry Principal Educational Psychologist 652860 emma.thornberry@walsall.gov.uk

FLARME

Sally Rowe Executive Director Children's Services

October 2020

22

Councillor Towe Portfolio holder Education and Skills

October 2020

SEND Band	Proposed Special schools High Needs Top-Up Rates 2021-22	Proposed Mainstream High Needs Top-Up Rates 2021-22	
SEMH Band 1,2 & 3 - funded by school budget	Na	na	
SEMH Band 4	Na	4,267	
SEMH Band 5	Na	6,955	
SEMH Band 6	16,612	10,530	
SEMH Band 7	21,626	17,267	
C&L Band 1,2 & 3 – funded by school budget	Na	na	
C&L Band 4	na	3,173	
C&L Band 5	na	4,702	
C&L Band 6	9,705	8,892	
C&L Band 7	14,467	15,490	
SLCN Band 1,2 & 3 – funded by school budget	Na	na	
SLCN Band 4	na	3,405	
SLCN Band 5	na	7,000	
HI Band 1,2 & 3 – funded by school budget	na	Na	
HI Band 4	na	4,702	
HI Band 5	na	6,955	
HI Band 6	10,125	10,056	
HI Band 7	14,467	14,642	
VI Band 1, 2 & 3 – funded by school budget	na	Na	
VI Band 4	na	5,469	
VI Band 5	na	8,527	
VI Band 6	na	15,196	
VI Band 7	na	17,642	
MSI Band 1,2, & 3 – funded by school budget	Na	na	
MSI Band 4	na	6,317	
MSI Band 5	Na	10,903	
MSI Band 6	21,146	16,847	
MSI Band 7	36,192	18,376	
Physical Band 1,2 & 3 – funded by school budget	na	Na	
Physical Band 4	na	3,871	
Physical Band 5	na	6,848	
Physical Band 6	19,950	13,881	
Physical Band 7	23,515	18,634	
Medical Band 1,2 & 3 – funded by school budget	na	na	
Medical Band 4	na	4,917	
Medical Band 5	na	8,280	
Medical Band 6	14,970	13,961	
Medical Band 7	18,534	17,267	

High Needs Funding Formula Review – Outline Timetable

Area	Deadline	Lead	Other Officers
		Officer(s)	/ Input required
Letter sent to all Heads with update on High Needs Funding Review and revised timetable	17 th Jan 2020	Max Vlahakis	School Forum Working Group
Update provided to Heads forums (primary, secondary, special)	End of Jan 2020	Schools Forum Working Group reps (MV/CD, RB, KB)	
Banding document finalised	29 th February 2020	Emma Thornberry / Head of SEND	School Forum Working Group
Update and banding document shared with Heads forums (primary, secondary, special)	March 2020	School Forum Working Group	
Locality drop in events to provide training on new banding model and completing audit	April 2020	School Forum Working Group	
Live team meeting to introduce new banding model to sencos	20 th & 21st April 2020	Emma Thornbery	
All Audits completed and returned from schools (primary, secondary and special)	22 nd May 2020	School Forum Working Group	
Provision specification provided for bands for financial modelling	April – May 2020	Head of SEND / Schools forum working group	Emma Thornbery
Analyse data and plan moderation	22 nd May – 5 th June	Head of SEND / Schools Forum working group	Emma Thornberry
Data based moderation with partners	8 th June – 19 th 2020	Schools forum	Head of SEND / Emma Thornberry

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22 nd lune – 17 th		Emma
		Thornbery/Andy
July		Crabtree
5		Lloyd Haynes /
		Dawn Morris
lulv – August 2020		EHCP
		Manager/
		Working Group
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	Dawn Morris/	
	Head of	
	SEND	
September 2020	Head of	School's Forum
	SEND	Working Group
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	September 2020 September 2020 September 2020 23 rd September	Julymoderator group17th July 2020Head of SENDJuly – August 2020Schools Forum working group / Lloyd Haynes / Dawn Morris/ Head of SENDSeptember 2020Head of

Drafting of reports for	January 2021	Head of	School Forum
Schools Forum and Cabinet (and reporting to DMT / CMT) – Final Outcome Post Consultation		SEND	working group
Draft Approved by ED	January 2021		
Reports Dispatched for CMT	January 2021		
Release of Schools Forum Report	January 2021	Head of SEND	Lloyd Haynes / Dawn Morris
Consultation with / report to Schools Forum on recommendations	January 2021	Head of SEND / Lloyd Haynes	Dawn Morris / Working Group
Release of Cabinet Report	February 2021	Head of SEND	Lloyd Haynes/ Dawn Morris
Report to Cabinet to seek agreement on new funding formula	February 2021	Head of SEND	Lloyd Haynes
Implementation of revised funding formula	1 April 2021	Head of SEND Lloyd Haynes / Schools (for budget setting)	Dawn Morris
Ongoing review / reporting arrangements	Beginning in April 2021	Head of SEND	Dawn Morris

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Proposed High Needs Funding formula 2021/22		
Directorate	Childrens services		
Service	SEND		
Responsible Officer	Andy Crabtree		
Proposal planning start	1 April 2019	Proposal start date (due or actual date)	1 April 2021

	What is the purpose of	f the proposa	al?	Yes / No	New / revision
	Show which category the proposal is and whether it is new or a revision.				
	Policy				
	Procedure			Yes	
	Guidance				
	Is this a service to custo	mers/staff/pu	blic?	Yes	
	If yes, is it contracted or	commissione	ed?	Yes	
	Other - give details				
2	What is the business of				
	purpose of the service				
	The proposed revised H	ligh Needs Lo	cal funding Fo	rmula is being co	nsulted upon with
	the aim of allocating Hig	•			
	for children and young p	eople with Sp	pecial Education	onal Needs and D	isabilities (SEND).
	The resources are targe	ted equitably	on the basis c	f recoanised nee	d for children and
	young people with Educ				
	of Practice 2015.				
			•		
3	Who is the proposal li				
	People in Walsall	Yes / No	Detail Children and		
-					th Special
		Y		young people wi Needs and Disab	
	Specific group/s	Y	Educational	Needs and Disab	ilities (SEND). The
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5	Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).
	The Schools Forum on 23 September 2020, which consists of nominated representatives across the school sector, agreed to seek Cabinet's approval for permission to consult all schools and SEND Children parents and carers on the proposals contained in this report. Please see the consultation timetable in the report. Further decisions will be sought from the Schools Forum and Cabinet when the results of the consultation are known and have been considered.

	Concultation Activity			
	Consultation Activity A complete timetable is contain	ed in Appendix B to t	the Cabinet report	
	Type of		Date	
	engagement/consultation			
	Who			
	attended/participated?			
	Protected characteristics			
	of participants			
	Feedback			
6	Concise eventions of all evide	noo ongogomont o	nd concultation	
O	Concise overview of all evide	ence, engagement a	nu consultation	
	The report seeks Cabinet perm	ission to consult A c	omplete timetable is	
	contained in Appendix B to the			
		Cabinot roport		
_				
7	How may the proposal affect	-	• •	_
	The effect may be positive, no and if action is needed.	egative, neutral or r	lot known. Give reason	S
	Characteristic	Affect	Reason	Action
	Characteristic	Allect	Reason	needed
				Yes / No
	Age	The proposal targe	ets resources equitably o	1007110
	Disability		d for children and young	n the basis
	-		and Care Plans and com	
	Gender reassignment			people with
		the SEND Code of		people with
		the SEND Code of		people with
	Marriage and civil partnership	the SEND Code of		people with
	Marriage and civil	the SEND Code of		people with
	Marriage and civil partnership	the SEND Code of		people with
	Marriage and civil partnership Pregnancy and	the SEND Code of		people with
	Marriage and civil partnership Pregnancy and maternity Race	the SEND Code of		people with
	Marriage and civil partnership Pregnancy and maternity	the SEND Code of		people with

	Sexua	I orientation
	Other	(give detail)
	Furthe	er information
8		your proposal link with other proposals to have a cumulative (Delete one) on particular equality groups? If yes, give details. No
9		i justifiable action does the evidence, engagement and consultation ack suggest you take?
	A	No major change required
		Consultation is not complete yet but the formula is needs based.
	В	Adjustments needed to remove barriers or to better promote equality
	С	Continue despite possible adverse impact
	D	Stop and rethink your proposal

Action and	Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome	
1 November 2020	Wider Consultation Process begins	Andy Crabtree / Emma Thornberry	January 2021	Further reports, post consultation required to Schools Forum and Cabinet	

Update to EqIA		
Date Detail		
Use this section for updates following the commencement of your proposal.		

Contact us

Community, Equality and Cohesion Resources and Transformation

Telephone 01922 655797 Textphone 01922 654000 Email <u>equality@walsall.gov.uk</u> Inside Walsall: <u>http://int.walsall.gov.uk/Service_information/Equality_and_diversity</u>