

SCHOOLS' FUNDING FORUM

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| SUBJECT: | School Funding Arrangements 2019-20 |
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| DATE: | 30 November 2018 |

SUMMARY OF REPORT:

This paper advises the Forum about the proposals contained within the School Funding Formula Consultation 2019-20 which occurred between 15 October and 16 November 2018.

KCC is not proposing any further changes to the Local Funding Formula (LFF) funding rates for 2019-20 that were reported to this Forum on 1 December 2017, and further published alongside the 2018-19 school budgets at the end of February 2018.

The paper focuses on the two proposals within the Consultation:

- (i) the introduction of a split site factor into the Local Funding Formula (LFF);
- (ii) a request to maintain the 0.5% transfer of the Schools Block (SB) to the High Needs Block (HNB), agreed in 2018-19 and adding a further 0.5% transfer from the SB to the HNB in 2019-20, making a total of 1%.

The paper also provides an analysis of the responses to the consultation.

| | |
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| FOR: | Consideration and Comment |
|-------------|---------------------------|

1. Introduction

- 1.1 2019-20 is the second year of the National Funding Formula (NFF) for schools, high needs and central schools' services. These blocks will sit alongside the Early Years NFF which was introduced in 2017-18.
- 1.2 The Government has allocated to Local Authorities the SB Dedicated Schools Grant (DSG) by calculating an individual notional budget for each school in the country using a NFF. The DfE have previously confirmed that each local

authority (LA) will continue to set a schools' LFF, in consultation with schools. This is known as a Soft NFF.

- 1.3 In 2019-20 the NFF will set notional allocations for each school, which will be aggregated, and used to calculate the total SB received by KCC. The DfE have advised that LAs will continue to determine local formulas in 2020-21 – this represents an extension of previous arrangements by a further year. The Government has not yet stated when the Hard NFF will be introduced.
- 1.4 The longer-term ambition of the Government is to introduce a Hard NFF which removes the need for a LFF. A Hard NFF is where the Government calculates a budget for each school in the country using one formula and one set of funding rates, and this funding is then passed from Government to individual schools with no (or very little) LA involvement.
- 1.5 As a result of the NFF reforms which commenced last year, Kent's SB DSG will increase as follows:

| Table 1 <i>figures subject to rounding</i> | Increases in funding | | | |
|---|----------------------|-------|---------------------|-------|
| | Annual increase | | Cumulative increase | |
| | £'m | % | £'m | % |
| 2018-19 | +£27.6m | +3.3% | +£27.6m | +3.3% |
| 2019-20 | +£22.3m | +2.6% | +£49.9m | +5.9% |
| Once NFF is fully implemented | +£12.2m | +1.4% | +£62.1m | +7.4% |

Note : this excludes the impact of rising pupil numbers

2. Proposed changes to the LFF in 2019-20

- 2.1 Two changes have been proposed to the LFF for 2019-20. These were consulted upon with all Kent schools via a School Funding Consultation which ran for five weeks from 15 October to 16 November 2018. The Schools' Local Funding Formula Consultation can be viewed at [Annex 1](#). The responses to the Consultation have been analysed and are set out in [Annex 2](#).
- 2.2 The Consultation focuses on two proposals:
 - The introduction of a Split Site factor into the LFF, to provide additional funding to schools and academies for unavoidable costs incurred due to a school being located on more than one site. The consultation focuses solely on the principal to introduce a split site factor and does not provide information on criteria or amount.
 - Continue to maintain the 0.5% transfer of the SB to the HNB agreed in 2018-19 and add a further 0.5% transfer from the SB to the HNB in 2019-20, making a total of 1%. This will help to meet the growing demand for High Needs Funding that supports the needs of children with profound and complex SEND.
- 2.3 In total we received 112 responses to the Consultation. Details of the responses are contained within [Annex 2](#). In relation to the two questions, we

have shown the responses in two different ways, although they are both very similar in terms of what they are telling us. The first is total responses and the second (shown in *blue italics*) is based on only one response per school. In keeping with our tradition from previous consultations, we allow more than one response per school, to accommodate differing views between Governors, Headteachers and other interested senior school leaders.

Split site factor

2.4 With regards to our proposal to introduce a Split Site factor, 39 (35%) of those who responded supported its introduction, whilst 54 (48%) were against its introduction. We had 19 (17%) who responded saying they did not know whether they supported the proposal or not.

2.5 In terms of the comments we received against this proposal;

Those in favour said;

“we support this factor if it funds genuine unavoidable costs”

“the cost challenges for split site schools are around communication and transport”

“additional staffing costs are necessary to safeguard student welfare”

“the removal of this factor in 2013-14 has had significant implications for my school and I would welcome any initiative to restore it”

“the number of split site schools are in the minority and there is a danger that their voices may not be heard”

Those not in favour said;

“inclusion of a split site factor would delay the introduction of the NFF”

“there are many local factors that affected schools that bring additional costs”

“no detail on potential costs of this proposal”

“concern about defining eligibility for this factor if introduced”

“we would only support this proposal if it resulted in an increase to the overall DSG to Kent – this cannot be guaranteed”

Transfer to the High Needs Block

2.6 In relation to the proposal to transfer 1% from the Schools Block to the High Needs Block, 74 (66%) supported the transfer, 35 (31%) did not support the transfer, and 3 (2%) indicated that they did not know.

2.7 In terms of the comments we received against this proposal;

Those in favour said;

“We will reluctantly support this transfer given the degree of need, but feel this is little more than a sticking plaster and government needs to understand the size of the problem”

“The LA will need to measure, as the funding shifts to more local provision, the impact on pupil outcomes”

“Kent must provide as much funding as possible for its most vulnerable pupils and students”

“The crisis in High Needs funding would be considerably worse without this transfer”

“I support this transfer based on the current levels of demand”

Those not in favour said;

“All available funding within the Schools Block should be allocated directly to schools until we have fully implemented the NFF”

“This is now a national crisis and we should not be put in a position locally of having to rob Peter to pay Paul – central government should provide adequate funding for pupils with SEND”

“This funding should be used to increase AEN factors within the LFF”

“Does this mean that you will want to transfer 1.5% next year?”

“To say that the transfer would not have any impact of the LFF rates for 2019-20 is disingenuous, as some schools are not funded at the Minimum Funding Level”

2.8 Views on the equality impact assessment were also sought as part of the consultation, although we only received two comments.

3. School funding rates and previous consultation

3.1 In the Autumn of 2017 a detailed consultation was held with all schools on proposals to change Kent’s LFF following the Government’s introduction of the NFF. Most Kent schools supported the direction of travel to replicate the NFF wherever possible, while taking into consideration local circumstances. The agreed local circumstances that were recognised when the LFF was approved last year, were as follows:

- a) In accordance with DfE rules, we transferred 0.5% (£4.4m) from the SB to High Needs Block (HNB) to help meet the unfunded demand pressure caused by the continued growth in the number of High Needs pupils. This was a one-off transfer and this funding has been returned to the Schools Block for 2019-20.

- b) We increased our Growth Budget by £2m to support the expansion of schools to meet the rising school population (referred to as Basic Need).
 - c) We decided to retain a higher lump sum in Kent's LFF (at £120,000 plus area cost adjustment) to offer protection to our smallest primary schools. The NFF lump sum has been set £10,000 lower. The cost of this protection is around £5.5m.
- 3.2 [Annex 3](#) (available to view online at www.kent.gov.uk/schoolfundingconsultation as Appendix 3), details Kent's LFF rates for 2018-19 and 2019-20.
- 3.3 There is one minor technical change relating to the Low Prior Attainment (LPA) factor for Primary Schools. For Primary Schools, the Early Years Foundation Stage Profile (EYFSP) is the indicator used to allocate funding for LPA. Since 2013 eligibility has been determined by a judgement 'did not achieve a good level of development', and prior to 2013 eligibility was determined by a score of either 73 or 78. Nationally, more children are annually recorded under the judgement criteria than the score, therefore each year more children are identified. Overall the same amount of funding is distributed using LPA and in order to ensure the LPA pot size is at the same level, the funding rate has to be adjusted down. The DfE have confirmed that the LPA NFF rate published in 2018-19 of £1,050 has now been reduced to £1,022. The actual LFF rate implemented will depend on the EYFS measure of the number of children not achieving a Good Level of Development in Kent schools.
- 3.4 Apart from the minor technical change detailed above, we are pleased to confirm that we are not proposing to make any further changes to what we have previously consulted upon in 2018-19. This means that we are confident that we can honour the LFF rates for 2019-20 as set out in [Annex 3](#).

4. High Needs Funding

- 4.1 One of the areas of biggest change arising from the funding reforms has been the way in which support for pupils with Special Educational Needs and Disabilities (SEND) is funded. Since the introduction of the SEND Code of Practice in September 2014, there has been a year-on-year increase in the demand placed on the HNB due to increased numbers of children and young people with Education Health and Care Plans (EHCPs) and requiring additional support. This continued increase in demand is reflected nationally and is resulting in a significant shortfall in High Needs Funding (HNF). To continue to meet the needs of children with profound and complex SEND, we are required to seek school leaders' views on a proposal to transfer 1% of the DSG SB to the HNB. The 1% is made up of the 0.5% already transferred from the SB in 2018-19 and a further 0.5% in 2019-20. In total we estimate this transfer to equate to £8.8m.
- 4.2 The number of young people who require support for their high needs is rising exponentially and funding is unable to keep pace with this demand. In 2018-19, the High Needs budget for placement costs (excluding alternative provision and statutory LA responsibilities) is £157m. We are currently overspending this budget by approximately £10m.

- 4.3 In common with many LAs, KCC is seeking to address the sufficiency of the High Needs Funding (HNF) by transferring monies from the Schools Block (SB) of the NFF to the High Needs Block (HNB). Over the last two years, Kent County Council has moved a total of £12.9m from Schools Block to High Needs Block.
- 4.4 In 2018-19, there was a transfer of 0.5% from the SB to the HNB, agreed following a consultation with schools, and further supported by the Schools' Funding Forum (SFF). We assumed that this transfer would be made permanent and that the facility to transfer another 0.5% would also exist in 2019-20, combining to make a 1% transfer of funds from the SB to the HNB. However, the DfE funding guidance for 2019-20 advised us that not only was the transfer of 0.5% in 2018-19 not made permanent, but that KCC would need to consult with schools and the SFF annually for permission to transfer funds between blocks. In addition, the Secretary of State's agreement would also be required. The consequence of this change in guidance is that the 2018-19 financial transfer of the SB in favour of the HNB, has not been baselined for calculating budgets for 2019-20.
- 4.5 In effect, this means that KCC can transfer money for only one year to fund the High Needs pressures. In order to transfer 1% in 2019-20, we are obliged to consult with schools again.
- 4.6 The block transfer proposed is within the available DSG for 2019-20 and as already stated would see **no change** to the indicative Kent LFF rates for 2019-20 which were consulted on in the Autumn 2017, agreed at the Schools' Funding Forum on 1 December 2017 and published as part of the information pack which accompanied the publication of the 2018-19 School Budgets in late February 2018.
- 4.7 In order to transfer 1% from the SB to the HNB the LA is required to:
- 1) Consult all schools.
 - 2) Seek agreement from the Schools' Funding Forum (meeting scheduled for 30 November 2018).
 - 3) Submit a disapplication to the Secretary of State (SoS) for any transfer over 0.5%.
- 4.8 The DfE requires that any proposal to transfer funding from the SB to the HNB should be presented with evidence to back up the transfer proposal and shared with schools as part of the School Funding Consultation. The case for the proposed transfer is set out in great detail in [Annex 1](#) and evidences the scale of our challenge.
- 4.9 We intend to address this challenge across a number of fronts:
- 1) We, along with many other local authorities, are lobbying Government for an improved settlement, recognising the unprecedented growth in demand.

- 2) We are seeking views on the proposal to transfer 1% to offer some immediate financial support to the High Needs budget.
- 3) We are implementing a significantly detailed SEND Action Plan to find ways to meet increasing demands and sustainably and fairly deliver better outcomes in terms of the learner, provision and cost.

4.10 Details on all three strands are contained within the consultation document attached at [Annex 1](#).

5. Conclusion

5.1 Almost half of those schools who responded to the consultation are not in favour of the introduction of a split site factor into the Kent Local Funding Formula, with only 35% in support of its introduction. Whilst the consultation was running, a sub group of the Schools' Funding Forum have been considering potential criteria for eligibility and quantifying the unavoidable costs associated with a school operating over a split site. This more detailed information is being presented to the Schools' Funding Forum on 30 November along with the consultation responses contained within this paper.

5.2 With regards to the High Needs transfer, if it proceeds, the LA is confident that it would be able to afford the LFF funding rates it has already published for 2019-20. Stability in school funding is paramount and that is why the Authority is confident that turbulence in school budgets will be avoided if this transfer is supported.

5.2 We consulted with schools about our High Needs Funding challenge – the upward pressure on provision and resources, and our proposal to transfer 1% of the SB to the HNB for 2019-20. Two thirds of those who responded to the consultation support our proposal to transfer 1% to the HNB. Over the medium term this transfer, along with management action, will place us in a stronger position so that we are more able to bridge the anticipated future High Needs funding demand within the anticipated funding levels.

5.3 Working with Special School headteachers, we have identified a further series of actions that are encapsulated in a SEND Action Plan which will be the vehicle for delivering sustained improvements over the next 18 months.

6. Recommendation

6.1 The Forum is asked to consider and comment, in order to inform the decision of the Cabinet Member for Children, Young People and Education, on the specific proposals to;

- a) introduce a split site factor ([it is suggested that this recommendation is deferred until item 6 on the agenda](#)), and
- b) to repeat the 0.5% transfer of funds from the Schools Block to the High Needs Block in 2018-19 and to transfer a further 0.5% for 2019-20. Both transfers would be from 1 April 2019.

7. Background Document

7.1 The Kent Schools' Local Funding Formula Consultation documents, including the LFF Funding Rates for 2019-20 and the Consultation response analysis can all be found in the link below:

<https://www.kent.gov.uk/schoolfundingconsultation>

Kent Schools' Local Funding Formula Consultation 2019-20

Consultation Document

Kent County Council

Children, Young People and Education

15 October – 16 November 2018

kent.gov.uk/schoolfundingconsultation



This publication can be made available in alternative formats and explained in other languages.

Please email alternativeformats@kent.gov.uk or call 03000 421553 (voice). For Text Relay, please use 18001 03000 421553. This number goes to an answer machine which is monitored during office hours.

Contents

| | |
|---|---------|
| Overview and how to respond to the consultation | Page 3 |
| Introduction | Page 4 |
| Funding rates and previous consultation | Page 4 |
| What this consultation is about: | |
| o Split Sites | Page 5 |
| o High Needs Funding | Page 6 |
| Detailed information behind the proposal to transfer 1% funding from the Schools Block to the High Needs Block: | |
| o Background and context | Page 7 |
| o Details of previous movement between blocks and the process for future movement | Page 8 |
| o What pressures the movements have funded | Page 9 |
| o Why these movements have not been adequate to counter the cost pressures | Page 9 |
| o Budget pressures resulting from changes in demand for specialist provision between 2015-18 | Page 10 |
| o Increases in the number of pupils | Page 11 |
| o Increases in cost per pupil | Page 11 |
| o Post-19 | Page 11 |
| o Mainstream pupils with High Needs | Page 12 |
| High Needs funding review 2017 | Page 12 |
| Plans to manage the High Needs budget | Page 13 |
| SEND action plan | Page 14 |
| Improving parental confidence through inclusive practice in mainstream schools | Page 15 |
| Emerging SEND Strategy | Page 16 |
| Developing collaborative working to secure affordable provision | Page 16 |
| Contributions from Health and Social Care partners | Page 17 |
| Supporting inclusion of children with SEND in mainstream schools | Page 17 |
| Impact of the proposed transfer on schools' budgets | Page 17 |
| Timetable and decision-making process | Page 18 |
| Appendices | Page 19 |

Overview

Who should take part in this consultation?

This consultation is for the attention of the Headteacher, Chair of Governors and Bursar

What is the consultation about?

We would like to hear your views on the following two proposals which are outlined in this document:

- Split-sites – minor change to the Local Funding Formula (LFF)
- High Needs Funding – transfer from the Schools Block

How to respond to this consultation

To submit a response to this consultation, please go to www.kent.gov.uk/schoolfundingconsultation to complete the online form.

Please respond by: Friday 16 November 2018

Contact details for further information:

schoolfunding@kent.gov.uk

Introduction

This Consultation seeks the views of Headteachers, Chairs of Governors and Bursars of all Kent schools (both maintained and academies) on proposed changes to the schools' local funding formula (LFF), and a transfer of resources from the schools block (SB) to the high needs block (HNB) in 2019-20.

2019-20 is the second year of the National Funding Formula (NFF) for schools, high needs and central schools' services. These blocks will sit alongside the Early Years NFF which was introduced in 2017-18.

The Government has allocated the Schools Block (SB) Dedicated Schools Grant (DSG) by calculating an individual budget for each school in the country using a NFF. The DfE have previously confirmed that each local authority (LA) will continue to set a schools' LFF, in consultation with schools. This is known as a Soft NFF.

In 2019-20 the NFF will set notional allocations for each school, which will be aggregated, and used to calculate the total schools block received by KCC. The DfE have advised that LAs will continue to determine local formulas in 2020-21. The Government has not yet stated when the Hard NFF will be introduced.

The longer-term aim of the Government is to introduce a Hard NFF which removes the need for a LFF. A Hard NFF is where the Government calculates a budget for each school in the country using one formula and one set of funding rates, and this funding is then passed from Government to individual schools with no (or very little) LA involvement.

As a result of the NFF reforms which commenced last year, Kent's SB DSG will increase as follows:

| Table 1 <i>figures subject to rounding</i> | Increases in funding | | | |
|---|----------------------|-------|---------------------|-------|
| | Annual increase | | Cumulative increase | |
| | £'m | % | £'m | % |
| 2018-19 | +£27.6m | +3.3% | +£27.6m | +3.3% |
| 2019-20 | +£22.3m | +2.6% | +£49.9m | +5.9% |
| Once NFF is fully implemented | +£12.2m | +1.4% | +£62.1m | +7.4% |

Note : this excludes the impact of rising pupil numbers

Funding rates and previous consultation

In the Autumn of 2017 a consultation was held with all schools on proposals to change Kent's LFF. Most schools supported the direction of travel to replicate the NFF wherever possible, while taking into consideration local circumstances. The agreed local circumstances that were recognised when we agreed the LFF for 2018-19 were as follows:

- d) In accordance with DfE rules, we transferred 0.5% (£4.4m) from the SB to High Needs Block (HNB) to help meet the unfunded demand pressure caused by the continued growth in the number of High Needs pupils. This was a one-off

transfer and this funding has been returned to the Schools Block for 2019-20.

- e) We increased our Growth Budget by £2m to support the expansion of schools to meet the rising school population (referred to as Basic Need).
- f) We decided to retain a higher lump sum in Kent's LFF (at £120,000 plus area cost adjustment) to offer protection to our smallest primary schools. The NFF lump sum has been set £10,000 lower. The cost of this protection is around £5.5m.

Appendix 3 (available to view online at www.kent.gov.uk/schoolfundingconsultation) details Kent's LFF rates for 2018-19 and 2019-20.

There is one minor technical change relating to the Low Prior Attainment (LPA) factor for Primary Schools. For Primary Schools, the Early Years Foundation Stage Profile (EYFSP) is the indicator used to allocate funding for LPA. Since 2013 eligibility has been determined by a judgement 'did not achieve a good level of development', and prior to 2013 eligibility was determined by a score of either 73 or 78. Nationally, more children are annually recorded under the judgement criteria than the score, therefore each year more children are identified. Overall the same amount of funding is distributed using LPA and in order to ensure the LPA pot size is at the same level, the funding rate has to be adjusted down. The DfE have confirmed that the LPA NFF rate published in 2018-19 of £1,050 has now been reduced to £1,022. The actual LFF rate implemented will depend on the EYFS measure of the number of children not achieving a Good Level of Development in Kent schools.

Apart from the minor technical change detailed above, we are pleased to confirm that we are not proposing to make any further changes to what we have previously consulted upon in 2018-19. This means that we are confident that we can honour the rates for 2019-20 as set out in Appendix 3.

What this consultation is about:

1. Split Sites

At the Schools' Funding Forum (SFF) meeting on the 29 June 2018 a paper was presented to seek their views on the introduction of a Split Site factor into the Local Funding Formula. Members of the SFF supported its inclusion and requested that further work be carried out to determine an objective criterion that both defines a split site and the appropriate level funding.

A further paper was presented to the SFF at its meeting on the 28 September 2018, to update members on progress to date. The purpose of a Split Site factor in the LFF is to provide additional funding to schools and academies for unavoidable costs incurred due to a school being located on more than one site. We are interested in your views as to whether you support the introduction of a Split Site factor into Kent's Local Funding Formula.

Further information regarding a Split Site factor can be found in the two sets of School Funding Formula papers:

- [29 June 2018 papers](#)
- [28 September papers](#)

2. High Needs Funding

One of the areas of biggest change arising from the funding reforms has been the way in which support for pupils with Special Educational Needs and Disabilities (SEND) is funded. Since the introduction of the SEND Code of Practice in 2015, there has been a year-on-year increase in the demand placed on the HNB due to increased numbers of children and young people with Education Health and Care Plans (EHCPs) and requiring additional support. This continued increase in demand is reflected nationally and is resulting in a significant shortfall in High Needs Funding (HNF). To continue to meet the needs of children with profound and complex SEND, we are required to seek school leaders' views on a proposal to transfer 1% of the DSG SB to the HNB. The 1% is made up of the 0.5% already transferred from the SB in 2018-19 and a further 0.5% in 2019-20. In total we estimate this transfer to equate to £8.8m.

The block transfer proposed is within the available DSG for 2019-20 and as already stated would see **no change** to the indicative Kent LFF rates (see Appendix 3) for 2019-20 which were consulted on in the Autumn 2017, agreed at the Schools' Funding Forum on 1 December 2017 and published as part of the information pack which accompanied the publication of the 2018-19 School Budgets in late February 2018.

In order to transfer 1% from the SB to the HNB the LA is required to:

- 1) Consult all schools.
- 2) Seek agreement from the School Funding Forum.
- 3) Submit a disapplication to the Secretary of State (SoS).

The DfE requires that any proposal to transfer funding from the SB to the HNB should be presented with evidence to back up the transfer proposal and shared with schools as part of the School Funding Consultation. The case for the proposed transfer now follows and you will see the scale of our challenge.

We intend to address this challenge across a number of fronts:

- 4) We, along with many other local authorities, are lobbying Government for an improved settlement, recognising the unprecedented growth in demand.
- 5) We are seeking your views on the proposal to transfer 1% to offer some immediate financial support to the High Needs budget.
- 6) We are implementing a significantly detailed SEND Action Plan to find ways to meet increasing demands and sustainably and fairly deliver better outcomes in terms of the learner, provision and cost.

Details on all three strands are contained within this consultation.

Detailed Information Behind the Proposal to Transfer 1% Funding from the Schools Block to the High Needs Block

Background and context

Where children need extra support to achieve, KCC working in partnership with schools, has a vital role in supporting their development and helping them to achieve the best possible educational and other outcomes. However, with demand for SEND support rising and the Council becoming increasingly fiscally constrained, meeting need is becoming ever more challenging.

Greater numbers of statutory assessment requests for EHCPs, a greater proportion of pupils with SEND attending special and independent schools in and out of the county, the growing cost of high needs funding to support children with complex needs, requires us to review demand and available resources.

To address these issues, we are developing a SEND Strategic Action Plan to better address the relationship between learner need, outcomes, provision and cost. This plan is not about cutting the budget. It is instead designed to ensure that the whole school system is as inclusive as possible, ensuring children can access appropriate local provision and we make the most efficient use of the available resources.

KCC will also work with school leaders, the Local Government Association (LGA) and the f40 Group (the 41 lowest funded education authorities) to lobby Government to accept that the current funding settlement for High Needs is insufficient to address the needs of the most vulnerable children. Alongside the Institute for Fiscal Studies, the National Audit Office and the National Association of Headteachers (NAHT) who have all reported the significant impact of a shortfall in school funding, (estimated at up to £3 billion by 2020), KCC will work with Kent MPs to provide evidence of the impact the High Needs pressures has on the quality of education children receive, schools, other providers and the Local Authority.

KCC believes that the National Funding Formula (NFF) does not take sufficient account of the interaction between school funding and High Needs Funding. The 0.5% flexibility provided at present is only short-term and if the full 'hard' NFF is implemented in the near future as planned, this will provide significant challenges to many local authorities given the current pressures on the high need block and the under-funding position they are in. It is our view that each block should be funded sufficiently, thus removing any need to make transfers between them. KCC wants Government to recognise the clear correlation between funding and level of need, so that the future distribution of HNB funding matches our level of need.

Details of previous movement between blocks and the process for future movement

In 2018-19, the High Needs budget for placement costs (excluding alternative provision and statutory LA responsibilities) is £157m. We are currently overspending this budget by approximately £10m. Further detail is provided in the two tables attached as Appendices 1 and 2 to this document.

It can be seen from these tables that the number of young people who require support for their high needs is rising exponentially and funding is unable to keep pace with this demand. More detail on the underlying reasons for our current budget pressures is contained later in this document.

In common with many LAs, KCC is seeking to address the sufficiency of the High Needs Funding (HNF) by transferring monies from the Schools Block (SB) of the NFF to the High Needs Block (HNB). Over the last two years, Kent County Council has moved a total of £12.9m from Schools Block to High Needs Block.

In 2018-19, there was a transfer of 0.5% from the SB to the HNB, agreed following a consultation with schools, and further supported by the Schools' Funding Forum (SFF). We assumed that this transfer would be made permanent and that the facility to transfer another 0.5% would also exist in 2019-20, combining to make a 1% transfer of funds from the SB to the HNB. However, the DfE funding guidance for 2019-20 advised us that not only was the transfer of 0.5% in 2018-19 not made permanent, but that KCC would need to consult with schools and the SFF annually for permission to transfer funds between blocks. In addition, the Secretary of State's agreement would also be required. The consequence of this change in guidance is that the 2018-19 financial transfer of the SB in favour of the HNB, has not been baselined for calculating budgets for 2019-20.

In effect, this means that KCC can transfer money for only one year to fund the High Needs pressures. In order to transfer 1% in 2019-20, we are obliged to consult with schools again.

Table 1 below provides the detail of the historic movements between blocks:

| Table 1 | Specific transfer from primary notional SEN to support growth in mainstream | Transfer to support general growth across High Needs | TOTAL movement for the year |
|---------|---|--|-----------------------------|
| 2017-18 | £5.0m | £3.5m | £8.5m |
| 2018-19 | n/a | £4.4m | £4.4m |
| | | | £12.9m |

What pressures the movements have funded

The £5m transferred from primary notional SEN was a specific transfer to support the growth in mainstream high needs pupils and this transfer has been well publicised and explained through communications with schools ([Schools e-Bulletin 28 February 2017](#)).

The £3.5m in 2017-18 and the £4.4m transfer in 2018-19 have been used to support the overall high needs budget rather than any specific pressure. This increase has been used to support the overall growth in the number of pupils with an EHCP, specifically those with the most profound and complex needs who typically have been placed in the most expensive specialist provision.

Why these movements have not been adequate to counter the cost pressures

The cost pressures arising from the growth in those pupils with the most profound and complex needs have far exceeded the movement in funding between the blocks. In 2017-18, the £3.5m transfer was limited to what was the maximum available after calculating individual school budgets. In 2018-19, the transfer of £4.4m was capped by Government at 0.5% (without seeking Secretary of State approval for a higher

transfer). So, had more unallocated DSG been available or no Government restriction, it is possible that the LA would have requested a higher transfer to meet the demand.

There are a number of factors that are putting pressure on the High Needs budget. The significant rise in demand for statutory assessment and the issuing of EHCPs has been a national trend since 2014 and the increase and volume are unprecedented:

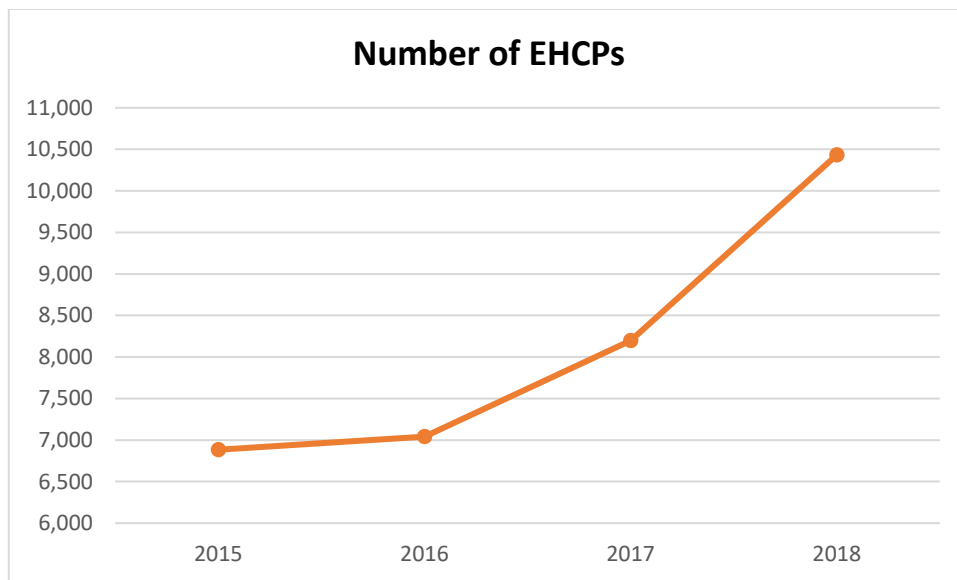
- Between 2016 and 2018 there was an increase of 33% of children and young people with EHCPs.
- Reduced parental confidence in mainstream school SEND provision, evidenced by rising demand for EHCPs and special school placements.
- The proportion of assessment requests over the last three years has grown significantly.
- A greater proportion of those with EHCPs are being educated in special schools rather than mainstream. In 2015-16, 43% of Kent pupils subject to an EHCP were receiving their education in a Special school but, by October 2017 this was 54%. During this time the number of children with an EHCP in mainstream schools has remained around 40%. The proportion of Kent pupils educated in a mainstream is below the national average of 45%. (Source: Kent school census data). In maintained schools, the first £6,000 of the school place is covered by the notional SEND budget so the cost of a special school place is much higher.
- There has been a 50% increase between 2015-16 and 2018-19 in the number of children with EHCPs attending Independent Non-Maintained Special Schools (INMSS). These additional children are placing an additional pressure on the High Needs block funding as they tend to be more expensive at meeting the most complex needs; we are currently spending over £34 million on INMSS placements.
- There has been a dramatic increase in the number of EHCPs identifying Autistic Spectrum Disorder (ASD) need; 47% of children in Kent Special schools have ASD which is far higher than the national rate of 25% (Source: Local Area SEND Report from DfE). This has resulted in increasing pressures on special school places for ASD which cannot be met and has led to the need for placement within the independent sector.
- The extension of pupils' statutory SEND from 0-25, where previously it was 5-18, was not funded by the Government and it is contributing to the pressure on HNB funding.
- The addition of young people over the age of 19 having EHCPs has put extra pressure on the High Needs block funding without sufficient additional funding.
- A significant rise in the number of appeals to SEND Tribunals.

- The percentage of pupils with EHCPs in Kent is higher than nationally with 3.1%, compared to 2.9% respectively.

This combination of factors has placed a significant pressure on the HNB budget.

Budget pressures resulting from changes in demand for specialist provision between 2015-18

The table below shows that EHCPs have increased from 6,884 in 2015 to nearly 10,500 (our latest estimate) in 2018. This represents an increase of 51% over this period, and the graph clearly demonstrates that the rate of increase in 2017 and 2018 is much greater. The number of requests for statutory assessment has increased by 81% during the last 18 months. These assessments are costly and time consuming to complete, but the on-going costs to the HNB are the reason the budget is under such pressure. The growth is almost entirely accounted for by parental referrals which have grown to three out of every four referrals received.



Increases in the number of pupils (see Appendix 1 for more detail)

| | 2015 | 2018 | Increase | |
|--|-------------|-------------|-----------------|-----|
| Special Schools | 3,572 | 4,064 | 492 | 14% |
| Independent Non-Maintained Special Schools | 521 | 780 | 259 | 50% |
| Independent Special Schools maintained by an OLA | 87 | 133 | 46 | 53% |

Despite an increase of 298 commissioned specialist places in specialist resourced provisions (SRPs) and special schools in the last three years, we have been unable to meet the demand for places due to the unprecedented increase in the numbers of children with EHCPs. Over 40% of EHCPs in Kent are now for autistic spectrum disorders.

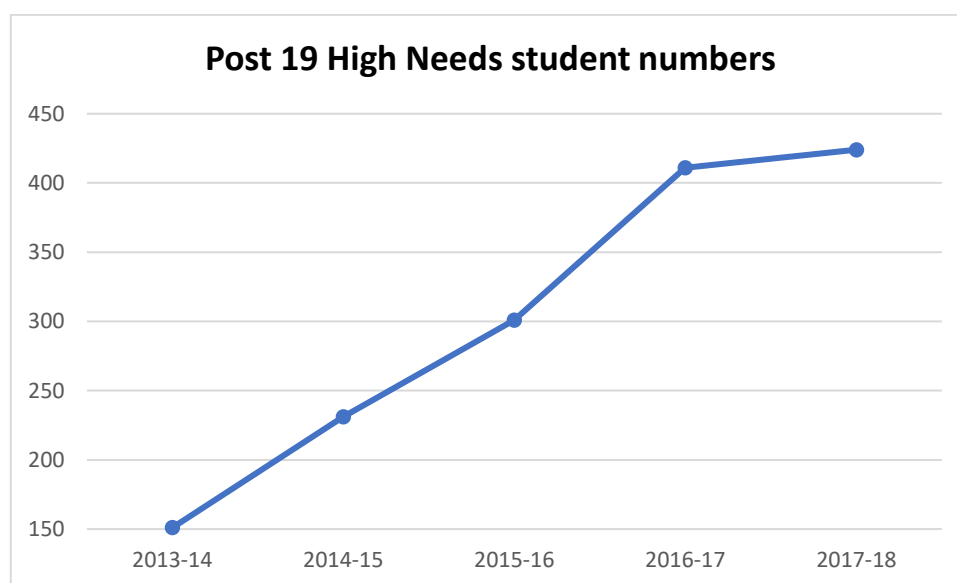
Increases in cost per pupil (see Appendix 2 for more detail)

| | 2015 | 2018 | Increase | |
|--|----------|----------|----------|-----|
| Special Schools | £68,118k | £78,689k | £10,571k | 16% |
| Independent Non-Maintained Special Schools | £22,588k | £35,800k | £13,212k | 59% |
| Independent Special Schools maintained by an OLA | £2,661k | £4,874k | £2,213k | 83% |

Post-19

The Children and Families Act 2014 and the accompanying SEND Code of Practice 2015 has enabled more young people to choose to remain in education up to the age of 25. No additional funding was allocated by Government to meet this change in eligibility or the subsequent rise in demand and consequently, costs are escalating.

The addition of young people over the age of 19 having EHCPs has put extra pressure on the High Needs block funding without sufficient additional funding.



The graph above shows that the number of young people in this category was 151 in 2013-14, but by 2017-18, this figure was 424, an increase of 180%.

Mainstream pupils with High Needs

The system we have in place for supporting High Needs pupils in mainstream school settings has been designed to support inclusion.

High Needs Funding Review 2017

In relation to changes in the provision of mainstream pupils with High Needs, we reviewed and introduced a new system in 2017. The aims of the HNF Review were:

- To ensure the high needs top up budget is more predictable and more closely linked to patterns of need.
- The budget will continue to fund the top up required by schools to support the pupils with the most profound and complex needs that may otherwise warrant statutory assessment.
- To ensure the budget is also used well in tandem with other resources such as Local Inclusion Forum Team (LIFT) and the Specialist Teaching and Learning Service (STLS) to get the best outcomes for pupils.
- To develop a new funding model to ensure HNF can be managed within the available resources.

The review of High Needs funding identified a range of best practice and also wide variations in the uses of the funding and levels of applications for similar schools.

The best practice identified in many schools is where there is a whole school approach, all teachers take responsibility for SEND and where pupils are mostly supported in the classroom with maximum access to quality first teaching or in small group settings, through differentiation and additional adult support. In some schools there was over reliance on providing one to one support with a Teaching Assistant, and an over reliance on High Needs funding to make the necessary provision.

The changes introduced included a new Needs Specific Top Up funding model from April 2018 and a more streamlined application process began in January 2018.

Although the new system for mainstream high needs has only been in place since the start of the year, we are confident that the HNF system is working well and therefore the number of High Needs pupils in mainstream schools is not contributing to our current budget pressure.

On a broader front, we need to help our mainstream schools support more high needs pupils. If Kent schools were supported to be more inclusive, the authority would avoid paying expensive independent placement costs and be able to use some of this saving to provide additional support to mainstream schools through enhanced needs specific top up rates to fund specialist interventions.

Plans to manage the High Needs budget

In response to these increasing pressures, decisive action is required. Processes and practices need to be reviewed and made as efficient and effective as possible, as well as a culture change to a more collaborative and integrated working ethos with all partners, especially families, other LA services and health partners. However, it needs to be noted that even with some actions already being put in place, it may take some time for the actions to have a marked effect on some of the pressures.

We are consulting with schools about our High Needs Funding challenge – the upward pressure on provision and resources, and our proposal to transfer 1% of the SB to the HNB for 2019-20. Over the medium term this transfer, along with management action, will place us in a stronger position so that we are more able to bridge the anticipated future High Needs funding demand within the anticipated funding levels.

In the immediate future, we plan to change the pattern of provision by decreasing the number of independent Special school placements and managing the pressures on Kent specialist provisions. Kent's mainstream schools also need to be supported to meet the needs of more children with ASD without the need for specialist provision.

A central panel of senior officers are now responsible for managing requests for independent school placements to ensure there is robust and consistent decision making. Special school Headteachers support the panel to provide specialist professional advice.

Challenge on fees and robust contract negotiations will be integral to the Independent Non-Maintained Special School placement process henceforward to ensure better value for money.

SEND Action Plan

Working with Special School headteachers, we have identified a further series of actions that are encapsulated in a SEND Action Plan which will be the vehicle for delivering sustained improvements over the next 18 months. The SEND Action Plan details the following key strands of work:

- Improving parental confidence in local provision, ensuring that parents receive consistent messages from schools and support services about the ability of local schools to support their children appropriately.
- Publicising the graduated pathways of support across Children, Young People and Education that already exist to support children with Special Educational Needs and Disabilities (without the need for an EHCP).
- Improving the quality and consistency of EHCPs.
- Building capacity and an inclusive ethos in mainstream schools to improve teaching and confidence in supporting more children with higher levels of need.
- Robustly scrutinising the decisions to place children in Independent Non-Maintained Special School (INMSS) provision and redirecting, where possible, to local maintained schools' provision. Where INMSS placements are agreed, they need to demonstrate that the net cost is lower than local provision. Tighter commissioning arrangements will be put in place to drive down the cost of INMSS placements in future.
- Increasing Education Psychology (EP) capacity to process statutory assessments.
- Increasing the number of local special school places, through the development of specialist facilities in mainstream schools, free schools or the Capital Programme.
- Developing an innovative block payment funding arrangement with FE colleges, that provides stability in High Needs funding to both parties.
- Reviewing whether there are other ways the LA can incentivise inclusive practice within limited resources.

Improving parental confidence through inclusive practice in mainstream schools

To bring about a sustainable reduction in demand we need to consider shifting the threshold for statutory assessment, whilst complying with legislation. More children need to be supported in their local mainstream school with an appropriate plan put in place early enough, to address emerging concerns without the need to progress onto an EHCP.

Improving parental confidence in our systems and processes is the key to managing demand. Plans to improve confidence include work around:

- The message that schools provide to parents about capacity to support their children;
- The overall communication with parents around the quality of local provision; and
- The wider engagement with parents and carers in shaping provision.

Communication between KCC's SEN Assessment and Placement Service and parents has not always been satisfactory. This has led to parental frustration and general dissatisfaction with parts of our system. In response to this, we intend to improve our procedures for the assessment of children and young people. This includes a revised staffing structure to strengthen our processes and provide increased capacity to spend more time building positive relationships with parents, managing expectations and delivering a timely response.

In the next 18 months, to reduce demand, we will focus on building capacity in mainstream schools for inclusive practice, supported by good SEND Continuous Professional Development (CPD). This will have the effect of reducing the resource spent on EHCPs, which in turn will release money to provide bespoke non-statutory early intervention for individual pupils, helping schools to meet the needs of both current and future cohorts.

By focusing on inclusion in mainstream schools, we will:

- Reduce the upward pressure in supporting children, from mainstream schools to special;
- Increase opportunities for developing more in-school provision to support children with additional needs, working with schools to maximise resources and opportunities through partnership; and
- Create opportunities for schools to access additional support for children with SEND without the need to go through statutory assessment and increase the use of school plans to drive improvements for individual children.

The intention of the SEND Action Plan work strands is to find ways to meet increasing demands and sustainably and fairly deliver better outcomes in terms of the learner, provision and cost.

The Action Plan will be driven by a dedicated team of officers to support the implementation of the Plan, co-ordinate activity and monitor progress in relation to supporting parents, schools and services.

Emerging SEND Strategy

We also recognise that there is a need for a new overall SEND Strategy which has at its heart, managing demand better and improving parental confidence. KCC, schools and other partners recognise the SEND pressures and are ready to share ownership of the challenges these pressures present.

Schools and their partners need to give confidence to parents that their child will receive the support they need, without recourse to a statutory assessment. More children need to be supported in their local mainstream school with an appropriate plan in place to address their needs, without the need to progress on to an EHCP. By providing local school support earlier we intend to push down the chain of escalating need, supporting schools to develop an inclusive ethos and offer. This would make mainstream schools more attractive to parents and support the development of a culture of greater inclusion.

Reducing the resource spent on EHCPs, will in turn release money to invest in providing earlier support for individual pupils within mainstream school settings. This should reduce the upward pressure in supporting children moving from mainstream schools to special and increase opportunities for developing more in-school mainstream provision to support children with additional needs.

By developing this strategy and investing in inclusion rather than EHCPs, parents' confidence will incrementally grow and result in them being content to have their children educated in mainstream schools with the appropriate specialist support, rather than seeking a Statutory Assessment, securing it and requesting a place in a special school.

To move this strategy forward, we will work with schools and other providers to develop a new SEND Strategy that addresses the points detailed above.

Developing collaborative working to secure affordable provision

We are working closely with our special schools to develop additional capacity by creating satellites and increasing post 16 and 19 provision. The special schools also manage the district-based STLS as well as outreach, to build capacity and knowledge of SEN within our mainstream schools. Joint work with Social Care, Early Help and the Educational Psychology service aims to create more efficient and effective solutions for securing suitable high needs placements.

Our partners in the FE colleges are keen to work with us to ensure provision meets the demand and needs over the coming years.

The Parent Carer Forum has worked closely with KCC to ensure their views are given as part of any potential changes or developments. Kent is part of the SE19 network of authorities that regular meet to jointly improve practice.

Contributions from Health and Social Care partners

We have a Joint Resource Allocation Panel (JRAP) which jointly considers placements for pupils with multiple needs (education, health and social care). The Panel ensures appropriate contributions from health and social care are received. This is a multi-agency decision making panel whose aim is to achieve good outcomes for children and young people who have been assessed as being vulnerable and have long-term needs.

Supporting inclusion of children with SEND in mainstream schools

In Kent, our developing system for supporting High Needs pupils in mainstream schools has been devised to support schools who are inclusive. For example, we have the following processes and services in place to support our inclusive drive:

- Local Inclusion Forum Team meetings to assess children with additional needs and provide the necessary support
- Specialist Teaching and Learning Service support, providing access to specialist teachers, outreach staff and educational psychologists
- High Needs specific top up funding provided to pupils without an EHCP
- A notional SEN top up which provides additional funding to those schools who are most inclusive

To support the inclusion of children with SEND in mainstream schools, Kent has invested £7.5million in commissioning 12 district-based Specialist Teaching and Learning Services (STLS) and outreach from special schools to build capacity and knowledge of SEND within our mainstream schools. These services are accessed via the Local Inclusion Forum Teams (LIFT) meetings which provide specialist advice, interventions and training to the schools in each district.

Impact of the proposed transfer on schools' budgets

If the transfer of 1% proceeds, the LA is confident that it would be able to afford the funding rates it published for 2019-20 (please refer to Appendix 3). Stability in school funding is paramount and that is why the Authority is confident that turbulence in school budgets will be avoided if this transfer is supported.

Timetable and decision-making process

| | |
|-------------------------------|--|
| Schools consultation launched | Monday 15 October 2018 |
| Consultation closes | Friday 16 November 2018 (5 week duration) |
| | Thursday 29 November |

| | |
|---|-------------------------|
| Update presented to KCC CYPE Cabinet Committee | 2018 |
| Presentation of consultation response to the Schools' Funding Forum | Friday 30 November 2018 |
| KCC Cabinet Member for CYPE approves submission to Secretary of State, if proposal is taken forward following Schools Funding Forum | |
| Submission of disapplication to the Secretary of State (if the above action has occurred) | |

High Needs Pupil/Student Numbers

| | Based on average over the year | | | | | Snapshot |
|--|--------------------------------|--------------|--------------|--------------|--------------|--------------|
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
| Special Schools | 3,272 | 3,349 | 3,572 | 3,649 | 3,854 | 4,064 |
| Resource Provision | 804 | 810 | 874 | 884 | 890 | 958 |
| Mainstream Schools | 802 | 860 | 1,475 | 2,222 | 2,341 | 2,415 |
| Independent and Non-Maintained ISP Post 16 Colleges | 458 87 | 491 71 | 521 64 | 562 61 | 726 70 | 780 73 |
| Sub Total - Independent provision | 545 | 562 | 585 | 623 | 796 | 853 |
| OLA Maintained | 95 | 103 | 87 | 107 | 121 | 133 |
| FE Colleges | 467 | 570 | 636 | 800 | 805 | 805 |
| SPI and ILP (WIP - requires further work) | 0 | 0 | 0 | 55 | 250 | 250 |
| TOTALS | 5,985 | 6,254 | 7,229 | 8,340 | 9,057 | 9,478 |
| Year on year increase | | 269 | 975 | 1,111 | 717 | 421 |
| Year on year increase (%) | | 4.5% | 15.6% | 15.4% | 8.6% | 4.7% |

Increased by 354 since last Forum update

Key: OLA is Other Local Authority, FE is Further Education, SPI is Special Post16 Institutions and ILP is Independent Learning Provider



High Needs Budget - By Institution Type

| | 2013-14 Actual | 2014-15 Actual | 2015-16 Actual | 2016-17 Actual | 2017-18 Actual | 2017-18 Actual adjusted | 2018-19 Forecast September |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------------------|----------------------------------|
| | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 |
| Special Schools | 67,048 | 68,543 | 68,118 | 70,460 | 74,108 | 74,108 | 78,689 |
| Resource Provision | 13,118 | 14,919 | 15,274 | 16,009 | 15,710 | 12,443 | 12,849 |
| Mainstream Schools | 8,755 | 8,899 | 14,398 | 23,797 | 22,084 | 22,084 | 19,000 |
| Independent and Non-Maintained ISP Post 16 Colleges | 17,581 | 19,840 | 22,588 | 24,384 | 29,461 | 29,461 | 35,800 |
| Sub Total - Independent provision | 6,000 | 5,359 | 4,281 | 4,561 | 5,225 | 5,225 | 5,548 |
| | 23,581 | 25,199 | 26,869 | 28,945 | 34,686 | 34,686 | 41,348 |
| OLA Maintained | 2,295 | 2,531 | 2,661 | 3,160 | 4,165 | 4,165 | 4,874 |
| FE Colleges | 4,229 | 4,980 | 6,867 | 8,081 | 8,724 | 8,724 | 9,002 |
| SPI and ILP (WIP - requires further work) | 0 | 0 | 0 | 366 | 1,728 | 1,728 | 1,818 |
| TOTALS | 119,026 | 125,071 | 134,186 | 150,817 | 161,205 | 157,938 | 167,580 |
| Increase from previous year | | 6,045 | 9,115 | 16,631 | 10,388 | | 9,642 |
| % increase from previous year | | 5.1% | 7.3% | 12.4% | 6.9% | | 6.1% |

Currently £10m overspent in this year, a small increase on last time



Annex 1 - Appendix 3

Please go online to www.kent.gov.uk/schoolfundingconsultation to view the spreadsheet on Kent Local Funding Formula Funding Rates 2017-18, 2018-19 and 2019-20.

Schools' Funding Arrangements for 2019-20 - Summary of consultation responses**Split Site factor**

Do you support the introduction of a split site factor into the Kent Local Funding Formula?

All responses

| | Count | | | | % | | | |
|---------------------------|-----------|-----------|------------|-------------|------------|------------|------------|-------------|
| | Yes | No | Don't know | Grand Total | Yes | No | Don't know | Grand Total |
| Primary | 21 | 31 | 12 | 64 | 19% | 28% | 11% | 57% |
| Secondary - Non-selective | 8 | 16 | 4 | 28 | 7% | 14% | 4% | 25% |
| Secondary - Selective | 8 | 7 | 3 | 18 | 7% | 6% | 3% | 16% |
| Special | 2 | | | 2 | 2% | 0% | 0% | 2% |
| Grand Total | 39 | 54 | 19 | 112 | 35% | 48% | 17% | 100% |

One response per school

| | Count | | | | % | | | |
|----------------------------------|------------------|------------------|------------------|------------------|-------------------|-------------------|-------------------|--------------------|
| | Yes | No | Don't know | Grand Total | Yes | No | Don't know | Grand Total |
| <i>Primary</i> | <i>18</i> | <i>30</i> | <i>10</i> | <i>58</i> | <i>19%</i> | <i>31%</i> | <i>10%</i> | <i>60%</i> |
| <i>Secondary - Non-selective</i> | <i>6</i> | <i>13</i> | <i>2</i> | <i>21</i> | <i>6%</i> | <i>14%</i> | <i>2%</i> | <i>22%</i> |
| <i>Secondary - Selective</i> | <i>7</i> | <i>5</i> | <i>3</i> | <i>15</i> | <i>7%</i> | <i>5%</i> | <i>3%</i> | <i>16%</i> |
| <i>Special</i> | <i>2</i> | | | <i>2</i> | <i>2%</i> | <i>0%</i> | <i>0%</i> | <i>2%</i> |
| <i>Grand Total</i> | <i>33</i> | <i>48</i> | <i>15</i> | <i>96</i> | <i>34%</i> | <i>50%</i> | <i>16%</i> | <i>100%</i> |

Transfer from Schools Block to High Needs Block

Do you support the proposal to move 1% from the Schools Block to the High Needs Block?

All responses

| | Count | | | | % | | | |
|---------------------------|-----------|-----------|------------|-------------|------------|------------|------------|-------------|
| | Yes | No | Don't know | Grand Total | Yes | No | Don't know | Grand Total |
| Primary | 51 | 11 | 2 | 64 | 46% | 10% | 2% | 57% |
| Secondary - Non-selective | 18 | 10 | | 28 | 16% | 9% | 0% | 25% |
| Secondary - Selective | 3 | 14 | 1 | 18 | 3% | 13% | 1% | 16% |
| Special | 2 | | | 2 | 2% | 0% | 0% | 2% |
| Grand Total | 74 | 35 | 3 | 112 | 66% | 31% | 3% | 100% |

One response per school

| | Count | | | | % | | | |
|----------------------------------|------------------|------------------|-----------------|------------------|-------------------|-------------------|------------------|--------------------|
| | Yes | No | Don't know | Grand Total | Yes | No | Don't know | Grand Total |
| <i>Primary</i> | <i>48</i> | <i>8</i> | <i>2</i> | <i>58</i> | <i>50%</i> | <i>8%</i> | <i>2%</i> | <i>60%</i> |
| <i>Secondary - Non-selective</i> | <i>13</i> | <i>8</i> | | <i>21</i> | <i>14%</i> | <i>8%</i> | <i>0%</i> | <i>22%</i> |
| <i>Secondary - Selective</i> | <i>3</i> | <i>11</i> | <i>1</i> | <i>15</i> | <i>3%</i> | <i>11%</i> | <i>1%</i> | <i>16%</i> |
| <i>Special</i> | <i>2</i> | | | <i>2</i> | <i>2%</i> | <i>0%</i> | <i>0%</i> | <i>2%</i> |
| <i>Grand Total</i> | <i>66</i> | <i>27</i> | <i>3</i> | <i>96</i> | <i>69%</i> | <i>28%</i> | <i>3%</i> | <i>100%</i> |

Other information from responses received

| | | | |
|-------------|-------------|-----------------------|---------------|
| Primary | 58% | Ashford | 5.3% |
| Secondary | 40% | Canterbury | 13.2% |
| Special | 2% | Dartford | 1.8% |
| PRU | 0% | Dover | 11.4% |
| | <u>100%</u> | Gravesham | 7.0% |
| | | Maidstone | 10.5% |
| | | Sevenoaks | 2.6% |
| Headteacher | 35% | Shepway | 1.8% |
| Governor | 31% | Swale | 14.0% |
| Bursar | 19% | Thanet | 11.4% |
| Other | 15% | Tonbridge and Malling | 7.0% |
| | <u>100%</u> | Tunbridge Wells | 14.0% |
| | | | <u>100.0%</u> |

Kent Local Funding Formula Funding Rates 2017-18, 2018-19 and 2019-20

Please go online to www.kent.gov.uk/schoolfundingconsultation to view the spreadsheet.

The link provides direct access to the funding rates table which accompanied the school funding consultation (appendix 3).