**Department for Education**

Schools National Funding Formula Consultation (Version 3)

**Released:** 7 March 2016

**Deadline:** 17 April 2016, 5pm

**Contact:** SchoolsNationalFundingFormula.CONSULTATION@education.gsi.gov.uk

**Introduction**

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1. **Name**

First name: **Simon**

Last name: **Pleace**

1. **Email address**

If you enter your email address you will be able to return to edit your response at any time until you submit it. You will also receive an acknowledgement email when you submit your response.

Email address: **simon.pleace@kent.gov.uk**

1. **Response type**

Please select your role from the list below: **Local authority representative**

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Please select your organisation type from the list below: **Local authority**

Organisation name: **Kent County Council**

Local authority area: **Kent**

1. **Would you like your response to be confidential?**

Yes
No

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If you want all, or any part, of a response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

**Please give your reason for confidentiality:**

**Principles for a reformed funding system**

1. **Do you agree with our proposed principles for the funding system?**

The principles are set out on pages 9 and 10 of the consultation.

Yes
No

**Please provide any further comments:**

***We fully support the introduction of a redistributive approach to funding schools so that schools of similar size and make up receive similar levels of funding.***

***We support the proposed principles for the new funding system, although until the second stage of the consultation is published, and in the absence of any published evidence base, it is not possible to see whether the proposals meet the principles. We are still frustrated by the methodology adopted by the DfE for the distribution of the additional £390m in 2015-16. We believe it was flawed as it was based solely on the Schools Block of the DSG and ignored High Needs and Early Years Blocks.***

***The definition of fair has yet to be defined and will not be transparent until the second consultation is launched. The weightings to be applied need to enable all schools to educate all pupils as well as enabling them to support pupils with additional needs so that all pupils have the opportunity to achieve their potential; neither group should be supported to the detriment of the other.***

***This means that the basic entitlement and lump sum must be based on the needs led/transparent costs of education, not on current spending averages or the amount left over when other sums have been distributed.***

***We are concerned that the key principle of fairness might not be achieved if funding is distributed to Multi Academy Trusts rather than individual academies. The concern is that MATs will operate different methods of distribution to their academies meaning academies of similar size and make up will see very diffident levels of funding depending on how MATs choose to distribute their allocation. Yet this local form of local flexibility is the exactly what the DfE is attempting to stop by excluding LAs from school funding arrangements.***

***We believe the current MFG methodology has some unfairness within it, protecting some schools/academies at artificially high levels for historic reasons. This unfairness largely stems back to the mainstream of grants some years ago and it is essential that this protection is removed at a faster pace to ensure all of the key principles are achieved.***

***We also believe the current system for funding some academies has failed to be transparent and fair with some academies receiving a financial advantage over other academies and maintained schools (for example, very high levels of MFG or funded on estimated pupil numbers rather than actual). So bringing to an end an un-level playing field, which has sloped in the favour of some academies, is long overdue.***

***We also believe that managing DSG holistically is an important principle that is missing from your proposals, as it ensures the needs of all pupils are met, without the detriment of any single group. The proposed national system appears not to offer this.***

***This is an important consultation, which is being conducted in a very tight timeframe, which includes the Easter holidays for schools. This makes full engagement with schools and schools forums extremely difficult. In the absence of further details or evidence, its very difficult for us to plan for the implementation of these proposals for 2017-18 and it is therefore essential that the release of the second stage consultation is timely to allow for full responses which can be completed prior to the summer holidays.***

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**The structure of the funding system**

**Top of Form**

1. **Do you agree with our proposal to move to a school-level national funding formula in 2019-20, removing the requirement for local authorities to set a local formula?**

Our proposal for the structure of the formula is on pages 11 and 12 of the consultation.

Yes
No

**Please provide any further comments:**

***We believe that the system for funding schools should be based on a national funding formula, and that the rates for common factors should be the same, but LAs, with their local Schools’ Forum, should retain the ability to set a local schools formula budget and that this should include the ability to move DSG between the blocks. In reality the amounts that individual schools receive will be (and should be) different because of area costs and school/site specific costs. Schools Forums, supported by their LA are best placed to allocate funding to schools and academies to meet their needs, taking into consideration local drivers and priorities.***

***By removing local decision making from the formula, any incentives that currently exists within the system for schools to work together for the benefit of all pupils in the system, is also removed. If the amount that schools receive is automatic, there is a risk that schools will become more competitive and start to act to the detriment of the weakest and most vulnerable pupils. For example, if schools know that it makes no difference to the amount of funding they receive, they could choose to be less inclusive.***

***If the DfE disagree and decide to proceed with their proposal for a school level fairer national funding formula in 2019-20, with no local involvement, then we still see significant value in the LA retaining responsibility for pass-porting the National Funding Formula to its schools and academies alongside any High Needs and Early Years funding. It is our view that schools and academies value dealing with one funding institution rather than two, and your consultation states that LAs are retaining High Needs. Local Authorities are well placed, already having an excellent relationship locally, to provide the national funding formula to its schools and academies.***

***We have significant reservations on the additional workload transferring from LAs to the EFA, at a time when the EFA is facing budget reductions and reducing staffing levels. We are also concerned about the ability of the EFA to support 23,000 schools and academies with no local knowledge or appreciation of local circumstances and history.***

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**Building block A: per-pupil costs**

**Top of Form**

1. **Do you agree that the basic amount of funding for each pupil should be different at primary, key stage 3 and key stage 4?**

Our proposal for basic per-pupil funding is on page 18 of the consultation.

Yes
No

**Please provide any further comments. We welcome further evidence on the case for differentiating between key stages.**

***Yes we agree with this proposal, it’s what we have in our local formula.***

***We are aware that the stage 2 consultation will include details of funding rates. It is our view that it’s important that the DfE does not base the rates on current averages or what funding is available, but instead undertakes a robust zero based, needs led costing exercise to ascertain the correct AWPU funding rates.***

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**Building block B: additional needs factors**

**Top of Form**

1.
2. **Do you agree that we should include a deprivation factor?**

Our proposal for the deprivation factor is on pages 19 to 25 of the consultation.

Yes
No

1. **Which measures for the deprivation factor do you support?**

The deprivation measures are explained on pages 20 to 25 of the consultation.

Pupil-level only (current FSM and Ever6 FSM)
Area-level only (IDACI)
Pupil- and area-level

**Please provide any further comments on the deprivation factor. We welcome your comments on the measures we use to identify deprivation.**

***It is our view that it’s important that the DfE does not base the rates on current averages or what funding is available, but instead undertakes a robust zero based, needs led costing exercise to ascertain the correct funding rates for these factors.***

***We accept that no single measure is perfect and therefore believe a basket of factors is the fairest way of distributing deprivation funding to schools.***

***We believe that it is important to include a pupil level measure of deprivation as this can provide funding to schools for the costs of providing free school meals for their eligible pupils (a statutory requirement).***

***However we also believe that area level IDACI factor should be used, in addition to FSMs, as a proxy measure for recognising the additional educational needs of pupils from deprived backgrounds. We are concerned that IDACI is too blunt a measure in several areas of Kent as it does not adequately identify pockets of deprivation, for example Temple Grove Academy in Sherwood Park, Tunbridge Wells. This is because using lower super output areas are too large and we urge the department to consider alternatives which measure deprivation more precisely/accurately.***

***We do not believe Ever6FSM should be used as this is already funded through Pupil Premium, however if in future the DfE considers mainstreaming this funding into DSG then it may be appropriate to include the Ever6FSM factor into the basket of factors for distributing deprivation funding.***

1. **Do you agree we should include a low prior attainment factor?**

Our proposal for the low prior attainment factor is on pages 25 to 27 of the consultation.

Yes
No

**Please provide any further comments. We welcome your comments on the indicators we use to identify low prior attainment.**

***It is our view that it’s important that the DfE does not base the rates on current averages or what funding is available, but instead undertakes a robust zero based, needs led costing exercise to ascertain the correct funding rates for this factor.***

***Whilst we support the inclusion of a low prior attainment factor, we are concerned with the unintended volatility in funding caused by the changes to EYFS data over recent years. It is clear that this is an area that is in a further period of change and therefore further volatility can be expected. We would urge the department to consider appropriate protection to mitigate any significant changes in funding at individual school level through some sort of smoothing arrangement.***

***Whilst we support the continuation of funding secondary schools on KS2 results, we have serious concerns about the DfE’s proposal to move to funding primary schools by using the reception baseline assessment. Our concerns are in relation to the appropriate moderation so that there is consistency of assessments across England and the perverse incentive for schools to lower their assessment in order to receive additional funding.***

1. **Do you agree that we should include a factor for English as an additional language?**

Our proposal for the English as an additional language factor is on pages 27 and 28 of the consultation.

Yes
No

**Please provide any further comments:**

***We agree with this proposal. We believe schools incur significant additional costs when an EAL pupil first arrives in a UK school.***

***It is our view that it’s important that the DfE does not base the rates on current averages or what funding is available, but instead undertakes a robust zero based, needs led costing exercise to ascertain the correct funding rates for this factor.***

1. **Do you agree that we should use the EAL3 indicator (pupils registered at any point during the previous 3 years as having English as an additional language)?**

Yes
No

**Please provide any further comments:**

***We agree with this proposal, three years seems a reasonable period***

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**Building block C: school costs**

**Top of Form**

1. **Do you agree that we should include a lump sum factor?**

Our proposal for the lump sum factor is on pages 29 to 31 of the consultation.

Yes
No

**Please provide any further comments. We welcome evidence to inform proposals in stage 2 of our consultation about how much lump sum funding should be included in the national funding formula:**

***It is our view that it’s important that the DfE does not base the rates on current averages or what funding is available, but instead undertakes a robust zero based costing exercise to ascertain the correct funding rates for this factor.***

***We agree with the principle of including a lump sum factor in the formula to recognise the fixed costs of running a school. It is our view that the value of the lump sum should provide sufficient funding based on a small primary school of 50 pupils and a small secondary school of 600 pupils. Anything smaller is unviable. Sparsity could be used to support small necessary primary schools, but the current criteria for sparse is too complicated an unworkable.***

***The DfE should consider a model that looks to vary the lump sum based on the number of pupils, with smaller schools attracting higher lump sums to provide sufficient protection to meet their fixed costs which they cannot recoup from their AWPU funding.***

1. **Do you agree that we should include a sparsity factor?**

Our proposal for the sparsity factor is on pages 31 to 33 of the consultation.

Yes
No

**Please provide any further comments. We welcome views on how well the sparsity criteria are operating locally.**

***We don’t currently use this factor in our local formula as we think it is too complicated to administer and eligibility can change from one year to the next, which therefore makes it difficult for schools to predict the level of funding.***

***If the department supports the inclusion of a sparsity factor in the NFF then it is our view that the current criteria should be simplified so that the amount of funding a school receives is predictable from one year to the next.***

***If the department supports the inclusion of a sparsity factor in the NFF then the department should fund LA’s on a formulaic basis which includes sparsity, and that this factor should remain optional for LAs to use in their local formula for 2017-18 and 2018-19.***

**Building block C: other school costs**

Our proposals for other school cost factors are on pages 33 to 35 of the consultation.

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1. **Do you agree that we should include a business rates factor?**

Yes
No

**Please provide any further comments:**

***Schools are currently funded on the actual cost of business rates. We cannot see how this could be moved to a formulaic basis without individual schools gaining or losing funding, with changes in rateable value sometimes outside of the schools control.***

***One way around this is for the DfE to pay for all schools/academies business rates centrally, thus removing the need to include it from within the NFF. This is our preferred solution to this issue.***

1. **Do you agree that we should include a split sites factor?**

Yes
No

**Please provide any further comments:**

***Not unless you can come up with an objective way of measuring split sites for schools nationally.***

1. **Do you agree that we should include a private finance initiative factor?**

Yes
No

**Please provide any further comments:**

***We strongly support the inclusion of a PFI factor in the NFF to recognise the long-term contractual commitment LAs and schools have entered into.***

***Looking ahead to when a hard NFF is applied, we are extremely concerned that the amount each school currently receives will need to increase for annual inflation (linked to RPIx). We have over recent years increased this funding annually, with the agreement of our Schools’ Funding Forum. The requirement to continue increasing the amount distributed through this factor will continue for the life of the contract. This issue cannot be brushed under the carpet or left as a LA problem without access to the schools block DSG.***

***An alternative would be to allow LAs to retain the PFI funding centrally, within the new central schools block, and to increase the amount distributed to LAs annually by RPIx. This would be beneficial as the contract is with the LA and in addition this would have the benefit of not distorting annual funding rates for PFI schools through benchmarking exercises.***

***A second alternative would be for the DfE to take over the on-going responsibility of PFI contracts from LAs and top-slicing DSG nationally to meet the on-going liability for the life of the contracts.***

1. **Do you agree that we should include an exceptional premises circumstances factor?**

Yes
No

**Please provide any further comments:**

***Whilst we support the inclusion of an exceptional premises factor we believe that decisions on eligibility for such funding should remain with the LA, in agreement with the Schools Funding Forum, with some of the current restrictions removed (i.e. rentals must be more than 1% of school budget and not affect more than 5% of schools). Landlords simply put the price up to get over the 1% threshold which is an unintended consequence of unwelcome national restrictions.***

***We believe each LA should be given an allocation for exceptional premises factors based on a set % of the NFF, on the basis that this is the fairest method of allocation.***

1. **Do you agree that we should allocate funding to local authorities in 2017-18 and 2018-19 based on historic spend for these factors?**

Business rates **No**

Split sites **No**

Private finance initiative **No**

Other exceptional circumstances **No**

**Please provide any further comments. We welcome views on how we allocate funding for these factors from 2019-20.**

**Whilst we can see that using historic costs is a simple, it is a poor method for distributing to LAs and perpetuates historic unfairness.**

***In relation to PFI we do not think that you should freeze it at the 2016-17 level as this would be unfair for LAs who have annual contractual indexation pressures. The DfE should fund LA for unavoidable contractual increases, and if this is not possible in the context of flat cash then they must give LAs the ability to increase the funding passed through this factor from within the totality of the Schools Block allocation in 2017-18 and 2018-19. The DfE needs to come up with a proposal for funding PFI if it becomes part of a NFF from 2019-20 (see our response to question 11 above).***

**Building block C: growth**

Our proposal for growth funding is on pages 36 to 37 of the consultation.

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1. **Do you agree that we should include a growth factor?**

Yes
No

**Please provide any further comments:**

***Yes as this is a significant pressure for us and other LAs but any future growth factor should take into consideration the different levels of growth experienced in each LA. LAs with greater growth should attract greater growth funding.***

***It is our view that growth funding should remain with LAs to target/allocate based on its statutory role to ensure sufficiency of places. We also believe that the current system of the Schools’ Forum approving the Growth policy each year should remain.***

***We also think that the current restrictions preventing us to fund growth in a non-basic need school or providing falling roll funding to a school not judged to be good or outstanding are unnecessary and should be removed.***

1. **Do you agree that we should allocate funding for growth to local authorities in 2017-18 and 2018-19 based on historic spend?**

Yes
No

**Please provide any further comments. We welcome in particular comments about alternatives for allocating growth funding, both for the transitional period and from 2019-20.**

***It would be wrong of the department to assume that the costs of growth in 2017-18 and 2018-19 will be the same as those of 2016-17. LAs should have the ability to increase or reduce the size of the growth budget from the totality of the schools block DSG and that this should be set, as it is now, in agreement with the Schools Forum taking into consideration local knowledge around what additional basic need capacity is required each year.***

***It would be unwise to try and apply a national funding formula to growth as this funding must be provided to schools and academies in real time and be responsive to local needs/LA statutory responsibilities and it would be too expensive to try and capture such information nationally.***

***Ideally the DfE should fund LAs for growth rather than LAs taking a top slice from schools DSG. One way the DfE could do this by using the data underpinning the LA basic need capital allocations, which includes estimates of planned growth. An alternative method would be to compare Oct census data between two years and fund LAs on that increase, although this method would be time lagged and therefore not ideal.***

**Building block D: geographic costs**

The area cost adjustment is explained on pages 37 to 39 of the consultation.

1. **Do you agree that we should include an area cost adjustment?**

Yes
No

 **Which methodology for the area cost adjustment do you support?**

[Show more information](https://consult.education.gov.uk/)

general labour market methodology
hybrid methodology

**Please provide any further comments:**

***The hybrid methodology seems the fairest method. The general labour market methodology over funds the additional teacher costs in high cost areas (e.g. London) and is at odds with the DfE principle of fair national funding.***

**Factors not included in the formula**

1. **Do you agree that we should target support for looked-after children and those who have left care via adoption, special guardianship or a care arrangements order through the pupil premium plus, rather than include a looked-after children factor in the national funding formula?**

Our proposal for funding these children is on pages 39 to 41 of the consultation.

Yes
No

**Please provide any further comments:**

***Whilst we support the proposal to target support for looked-after children and those who have left care via adoption, special guardianship or a care arrangements order through the pupil premium plus, this is on the basis that the current amount of DSG being spent nationally on LACs is removed and transferred into the PP plus. We would not want to see any reduction in the funding provided to LACs. We also think that the removal of DSG funding from individual LAs should be based on the actual amount of LAC funding in local 2016-17 school budgets and not national averages.***

***We also have concern over the different methodologies applied by individual Virtual School Headteachers within each LA. In Kent we have a high number of OLA LACs and some schools deal with multiple OLA processes. It would be helpful if the DfE could ensure greater consistency of distribution from VSH through more specific guidance, including the possibility of a per capita allocation straight to schools rather than via an application process. The current DfE guidance appears to have been interpreted very differently by individual Local Authorities which is unhelpful to our schools.***

1. **Do you agree that we should not include a factor for mobility?**

Our proposal for mobility funding is on pages 41 and 42 of the consultation.

Yes
No

**Please provide any further comments:**

***We do not currently have a mobility factor in our local formula, so we support this proposal. However we recognise that for a limited number of schools, pupil mobility is a serious issue, particularly those who have a high proportion of service children. Whilst we acknowledge that Pupil Premium for Service Children exists, we think that it would be helpful for the DfE to undertake a needs led review as to whether the amount of funding per service child currently provided is adequate/appropriate. Such a review should also consider the time lag in funding following a large scale regiment change.***

1. Do you agree that we should remove the post-16 factor from 2017-18?

Our proposal for post-16 funding is on pages 42 and 43 of the consultation.

Yes
No

**Please provide any further comments:**

 ***We removed our post 16 funding factor many years ago so fully support this proposal***

**Transition to the reformed funding system**

Our proposals for the transition to the national funding formula are on pages 45 to 52 of the consultation.

1. **Do you agree with our proposal to require local authorities to distribute all of their schools block allocation to schools from 2017-18?**

Yes
No

**Please provide any further comments:**

***As you have acknowledged in your consultation, LAs have in recent years used any available headroom from the schools block to fund pressures in high needs (as there has been inadequate high needs growth funding). Whilst this may not be the DfE’s desired way of dealing with this issue in the future, the suggestions that you have made for containing/reducing high needs costs will take time to implement and come to fruition. It is therefore our view that it would be incredibly unfair of the Department to require LAs to distribute all of the schools block in 2017-18, leaving an unmanageable High Needs pressure on LAs without the funding option to resolve.***

***We believe that it may be appropriate at some future date to move to a 100% distribution of the schools block, once the DfE come up with a methodology for funding LAs with the appropriate level of annual High Needs growth. But to do so for 2017-18 would be potentially destabilising to LA High Needs/SEND strategies. It is vital that LAs retain the flexibility to transfer funding between the three blocks in 2017-18 and 2018-19 whilst a soft NFF applies.***

***One of the advantages of the current system is that we as a LA have ultimately control over the costs of High Needs. If schools/academies refuse to be inclusive, resulting in placements of high needs pupils in more expensive provision, we can consider reducing school budget funding rates to meet the High Needs budget pressures. Moving to a National Funding Formula for schools/academies removes this option, which may lead to less inclusion in mainstream schools/academies in the future. We think this potential unintended consequence is completely at odds with one of the DfE’s key objectives for trying to control high needs costs.***

1. **Do you believe that it would be helpful for local areas to have flexibility to set a local minimum funding guarantee?**

Yes
No

**Please provide any further comments:**

***Any local flexibility is most welcome.***

**Funding remaining with local authorities**

Our proposal for the funding that remains with local authorities is on pages 53 to 55 of the consultation.

1. **Do you agree that we should fund local authorities' ongoing responsibilities as set out in the consultation according to a per-pupil formula?**

Yes
No

**Please provide any further comments:**

***We would prefer to see a full description of on-going functions before attempting to answer this question. We are concerned that not all the responsibilities will cease to the extent that the consultation assumes they will.***

***Until all schools are academies, LAs could end up with the most vulnerable schools left and those schools wont have the funding to pay for their school improvement (for example).***

***We also think that there will be higher costs to LAs as a result of removal of soft intelligence systems. There will be a fixed element of costs that cannot be reduced until the last school is converted and LAs will still need to pay schools and account for schools monies (for example).***

***We are very concerned that the some of the departments key principles (as outlined in question 1) will not be achieved in relation to the reduction to Education Services Grant (ESG). Maintained schools will not be provided with transitional funding for the loss of ESG in the way that academies are likely to be, and this is not equitable. Sustainability is not one of your key principles so why are you offering unfair protection to some schools?***

***If the DfE insist on funding LA responsibilities according to funding formula, then the amount must be based on a fair assessment of LA costs and potentially at different amounts depending upon the costs in the system.***

1. **Do you agree that we should fund local authorities' ongoing historic commitments based on case-specific information to be collected from local authorities?**

Yes
No

**Please provide any further comments:**

***We think this detailed data collection exercise is completely unnecessary, time consuming and bureaucratic and is a result of the DfE not appreciating what this funding is used for. We disagree with the DfE’s view that these budgets will unwind over time. For example, termination of employment costs. These costs will only reduce when an ex-employee dies or their widow or widower dies. We have seen no reductions since the Forum agreed to the retention of this funding and we expect only minor annual reductions going forward. It will take many years for the costs to cease completely.***

***Schools Forums may have agreed a set of on-going local arrangements (including staff costs) which will be difficult to unwind. These decisions have been made locally and in consultation with schools, according to the regulations at that time. Why are the DfE overriding these local decisions? Costs of redundancy made as a result of the DfE’s decisions should be payable by the DfE.***

**The education services grant**

Our proposal for the education services grant is on pages 56 to 61 of the consultation.

1. **Are there other duties funded from the education services grant that could be removed from the system?**

**Please provide your comments:**

***None that we are aware of, but it’s difficult to comment further in the absence of a detailed list of functions and responsibilities. We believe strongly that any statutory responsibilities resting with the LA must be sufficiently resourced. Sufficiently resourced includes the funding for the costs of the governments policy to convert schools to academy status, and funding the costs of closing maintained schools and services associated with supporting maintained schools, including any on-going termination of employment costs that arise from this proposed change.***

***It is our assumption that some of the roles currently undertaken by the local authority staff will continue into the future to be undertaken by the EFA and there are therefore TUPE implications to consider.***

***It is assumed that in future the DfE/EFA will pick up the costs of any closing schools along with the duties associated with closing schools such as retention of school records (pupil and accounting) for the statutory periods, clearance and cost efficient disposal of furniture and equipment (protection of public monies), safeguarding processes associated with closing schools.***

1. **Do you agree with our proposal to allow local authorities to retain some of their maintained schools’ DSG centrally – in agreement with the maintained schools in the schools forum – to fund the duties they carry out for maintained schools?**

Yes
No

**Please provide any further comments:**

***We think that this proposal is unworkable. It is wholly unacceptable for the DfE to remove General ESG funding for 2017-18 whilst LAs continue to have statutory responsibilities for their maintained schools until 2022, and then ask LAs to see Forum agreement to top slice DSG when DSG has never been increased for such responsibilities. This is simply passing a saving across to DSG, at a time when the school funding is supposedly being protected (flat cash).***

**Equality analysis**

1. **Please provide any comments on the equality analysis.**

The equality analysis sets out the potential impact of our proposals on protected characteristics.

**Please provide any further comments:**

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