

# SEN Funding System

## CONSULTATION – KCC RESPONSE



This consultation was designed to seek the views of schools on the following points:

- The **principles** of a single SEN funding system for the future
- The **formula** for how Kent County Council (KCC) will calculate the funding for the Communities of schools to implement the Localities model for mainstream schools
- How funding is used to meet the needs of children who have significant needs in special schools, SRPs and mainstream schools
- How to support schools to **transition** from one model to another.

The consultation was only on **Element 3** top-up funding (not Elements 1 and 2).

The consultation period ran from 19<sup>th</sup> November 2024 to 6<sup>th</sup> December 2024 and included a series of face to face, as well as virtual meetings.

221 individual responses were received.

1 collective response from Diocese of Canterbury.

1 collective response received from Kent Association of Leaders in Education (KALE).

18 of the individual returns were responding on behalf of an Academy Trust (18 responses representing 57 schools in total), therefore the views received represent 260 individual settings in Kent.

This equates to a 44% response rate (260 settings out of a possible 593 settings<sup>1</sup>)

In the following response table, three main approaches have been taken to the majority of issues raised:

1. Where concerns or comments have been based on misconceptions or misunderstanding, these can be directly addressed and responded to, or where there are already plans in place to address these concerns.
2. Where we have taken on board feedback and need to accelerate planned work to provide further information to consultees.
3. Where we have taken on board the comments and how the model has changed or may change as a result.

Category / Question	Consultation comments / questions / concerns	KCC Response	Action Area 1 to 3
<b>Special school E3 Funding allocated by Specific Allocation</b>	Agree in principle but want to see more about financial implications and the rates being proposed	Advice from other LAs <sup>2</sup> that have introduced this type of model (payment made based on a tariff structure) is that mapping of pupils should take place before confirming the rates for each tariff. The purpose of the consultation was to agree a direction of travel for the new funding model so work on finalising the tariff values could be completed by later 2025, in-line with the budget setting	<b>2</b>

<sup>1</sup> [Facts-and-Figures-2024](#)

<sup>2</sup> Local Authority (LA)

		process	
	Queries as to the cost of large infrastructure items e.g. hydro pools	The current funding model for special school budgets, including some specific school-led factors where these support in delivering an adapted curriculum to the child this would be part of consideration in setting the tariffs for the E3 <sup>3</sup> allocation. It shows the necessity of the mapping exercise for all children in special schools as part of the implementation process	<b>2</b>
	Special school review did not specifically refer to funding so why is it being included in this?	This consultation is around proposals for E3 which applies across the continuum. Other elements specific to special schools are not included in this consultation	<b>1</b>
	Special schools have greater economies of scale compared to other schools so would not need as much E3 funding. SRPs <sup>4</sup> typically have less than 30 children so it is difficult to make a comparison	This shows the necessity of a mapping exercise for all children in special schools as part of the implementation process. This exercise will inform what consideration should be given to factors such as size or physical environment	<b>2</b>
<b>SRP E3 funding allocated by Specific Allocation</b>	Concerns that this might be a greater administrative burden for schools	The initial mapping exercise will need to involve schools alongside KCC staff, but the workload will be managed through the prioritisation of the work. Suggested prioritisation at this stage is: children and young people at phase transfer; new EHCPs <sup>5</sup> ; where change of placement has been requested and at annual review. Following the initial mapping the administrative burden should not be more than currently and ought to be less given the removal of the current High Needs funding application process for mainstream schools	<b>1</b>
<sup>3</sup> Element 3 top-up <sup>4</sup> Specialist Resource Provisions (SRPs) <sup>5</sup> Education, Health, and Care Plans (EHCPs)	If funding rates are too restrictive, is there a risk that it would discourage innovation	The E3 top-up funding exists to provide what the child needs and reflect the level of	<b>1</b>

	and collaboration	adaptation required for them to be able to access the curriculum and achieve their potential, this should not restrict innovation and collaboration. For mainstream schools where they have children whose needs are at SEN <sup>6</sup> support or wider support and strategies, the funding provided to the Communities of schools can have a particular focus on collaboration and innovation. Where children attend an SRP, all settings can be creative and innovative with a clear intent to improve outcomes for children	
	Funding rates need to ensure that parents have confidence in the system and not request special school or INMSS where it is not necessary	The proposal to link E3 top-up funding rates to a tariff no matter where a child attends, should demonstrate that funding is following the child and not the provision but work to build confidence in the system with parents will be an ongoing requirement	<b>2</b>
	SRPs should be funded on the number of places they provide. Funding would need to reflect the amount of staff training required	Places will be commissioned on an annual basis as they are currently. Elements 1 and 2 funding will remain as now	<b>1</b>
<b>Specific Allocation Funding rates to be the same for mainstream, SRP, and Special schools</b>	Quality of EHCPs needs to be addressed, especially around what is written in Section F	This is already an area of work that is underway. Where EHCPs come up for review, particularly in readiness for Phase Transfer, this is being addressed. The Quality Assurance team will also engage in the mapping exercise to ensure that any learning will feedback into the system	<b>2</b>
	SEN allowances for staff would be different in different settings	The Professional Resource Groups are undertaking work around staffing and training. Staffing requirements should relate to the provision required rather than the type of education establishment. The tariff model should be able to take this into account	<b>2</b>
	Mainstream schools should have more money because SRP and special schools will	It is proposed that E3 top-up funding relates to the level of adaptation required for children	<b>1 &amp; 2</b>

<sup>6</sup> Special Educational Needs (SEN)

have greater economies of scale and have better infrastructure and environment	to access the curriculum. Similar to the response above, this shows the necessity of a mapping exercise for all children before tariff rates are set, to consider the impact of size and setting type. Elements 1 and 2 funding rates cannot change as they are fixed by DfE	
This could be an administrative burden	Following the initial mapping the administrative burden should not be more than currently and ought to be less given the removal of the current High Needs funding application process for mainstream schools	<b>1</b>
This could encourage children being placed higher than necessary to attract more funding	This is why (1) mapping will take place before funding rates are set, and (2) there will be moderation in place	<b>2</b>
More special school and SRP places are required	Kent already has a higher proportion of children and young people in special schools and SRPs than other comparable LAs. Work has been undertaken to identify primary to secondary pathway gaps that need to be addressed and geographical areas where there is no SRP provision or where capacity needs to be grown so that children can attend provision locally. This work will be underpinned by forecast data to reflect changes in the school population over the next 5 to 10 years	<b>1</b>
Proposal that schools should be allocated a proportion of the funding to provide accordingly	E3 top-up funding will be linked to the provision/level of adaptation required, whether that child attends a mainstream school, mainstream with an SRP or a special school	<b>1</b>
Request that schools need to be able to make meaningful changes to Section F	The LA is legally responsible for ensuring delivery of provision set out in Section F. A school can speak to the parents/carers and parents can request a review if required	<b>1</b>
Funding rates need to be based on staffing costs rather than provision required	This would lead to a greater variety of funding models bespoke to each school/provision. It is more	<b>1</b>

		equitable to base funding on the level of adaptation required for children to access education	
	Funding rates need to be based on the provision required	This is the intention of what is being proposed. The level of adaptation should drive the provision	<b>2</b>
<b>Funding descriptors</b>	Too subjective and open to interpretation	This is why mapping will be carried out by KCC officers with schools and moderation based on the same principles used for exam moderation will be put in place	<b>1</b>
	Proposed that the document should not reflect need types	This would only be where particular adaptations were specific to a particularly complex or low incidence need type	<b>2</b>
	Should reflect age-appropriate development	Reflect what is being worked on in the continuum of need and provision	<b>2</b>
	The statements are not funding descriptors as there is no funding attached	Funding will be attached once the mapping against the tariffs has been completed	<b>2</b>
	Agreement in principle with the idea but concerned about how consistently the descriptors would be applied. Request that moderation is included	Moderation will be included	<b>2</b>
	Query about how the Communities of schools would determine the rate	It is not intended that the Communities of schools would determine the rate, but they would have flexibility to utilise the funding more innovatively to deliver improved outcomes at potentially lower cost	<b>1</b>
<b>Notional budget guidance</b>	Guidance is essential	Acknowledged	<b>2</b>
	Needs to be transparency in calculation	Acknowledged	<b>2</b>
	The guidance should not be treated as a shopping list for schools	Acknowledged	<b>2</b>
	Schools should not feel penalised if they cannot offer outreach	Acknowledged, schools will be at different stages at different times when it comes to capacity to offer outreach	<b>2</b>
<b>Proxy indicators for the Communities of schools Budget</b>	General agreement with the idea of a formula to ensure consistency	Acknowledged	<b>3</b>
	The suggested indicators oversimplify the issue	Whilst this is acknowledged, there is need to determine an equitable way to allocate	<b>2</b>

		individual Community of school budgets across geographical areas, whilst avoiding potential perverse incentives	
	Needs to include mobility, low prior attainment, and access to other services	Extra modelling will take place to include Low Prior Attainment in response to comments. Nationally it has been acknowledged that due to the subjective nature of SEN and practices, the national formula for allocating high needs funding is not set using SEN rates	<b>3</b>
	Should be needs led and should reflect no and % of SEN support and EHCPs	Linked to the response above. Nationally, the allocation of funding is not based on the identified number of children on SEN support or with an EHCP as the DfE <sup>7</sup> recognise these are subject to difference in local practices. The proposed formula is based around the principles used in the NFF <sup>8</sup> for the allocation of High Needs funding where 50% of the allocation is based on pupil numbers and 50% is based on deprivation type indicators. The IDACI <sup>9</sup> indicator is also used in the NFF for determine school budgets and used in the calculation for the SEN Notional Budgets in primary and secondary schools	<b>1 &amp; 2</b>
	The budget should be based on individual need in individual schools	Linked to the response above, SEN practices will differ in each school therefore this would lead to a greater variety of funding allocations not necessarily related to the individual child's need. It is more equitable for the Community budget to be based on a set of impartial indicators. Where the Community can then reflect on allocating funding according to the need, practices, and challenges within and between individual schools	<b>1 &amp; 2</b>
	Budget should include a review of SEN registers, Mainstream Core Standards, and the SEN information	Linked to responses above. Variability in the approaches to mainstream core standards, and the completion of SEN registers,	<b>1 &amp; 2</b>

<sup>7</sup> Department for Education

<sup>8</sup> National Funding Formula

<sup>9</sup> Income Deprivation Affecting Children Index (IDACI)

	report	and SEN information report means that at this time, the use of this information would be too subjective and could lead to perverse incentives	
<b>Use of Historic Allocation for the first 2 years of the model in the Communities of schools' budget</b>	General comments that this could lead to underfunding so the length of time that historic allocation is used should be longer than two years	It is likely that the longer the transitional period, the less likely that some schools will seek to change their practices and Communities of schools will have less time to develop and deliver more innovative approaches towards improved outcomes locally. Monitoring will take place across any transition period to identify challenges that need to be dealt with. However, it is possible to accelerate this if Communities are feeling more comfortable with the process	<b>3</b>
	Suggestion that the current notional budget formula should be used	Acknowledged	<b>2</b>
<b>Mainstream E3 funding for children with the most complex needs should be paid directly to the school</b>	General agreement	Noted	<b>2</b>
	Concern raised that this could lead to a rise in EHCP numbers to attract funding	EHCPs in themselves will not attract the additional funding, it would depend on where the mapping process would place the level of adaptation required to ensure a child's access to the curriculum	<b>2</b>
<b>Cost of the chair and administrator to be paid from the Communities Budget</b>	<b>Disagreement with this proposal was qualified by the following:</b>		
	Schools should not have to bear the cost	Thoughts behind this proposal related to ensuring that Community Chairs came from a school background and understand SEN. Also, that the funding would be used to reimburse the schools where the Chairs would otherwise be working, keeping the money in the school system rather than funding central costs	<b>2</b>
	Need assurance on the quality assurance mechanism		
	Should be a centralised team in KCC		
	Diverts money away from schools		
	Chairs may not have interest in or experience in SEN		
	Not sure where else the money would come from		
	Needs central moderation	There are proposals for AMBs <sup>10</sup>	<b>2</b>
<b>Agreement with the proposal was qualified by the following:</b>			
The cost is relatively low for the importance of the role	The costs relate to a part reimbursement to the school supporting their staff member to be a Chair, rather than a payment to the Chair	<b>2</b>	
<sup>10</sup> Area Moderation Board (AMB)	Cost could be borne from savings from INMISS over time	Savings from INMISS are required to bring the SEN	<b>2</b>



		budget within the amounts allocated but within that, savings could also provide more funding to Communities of schools over an extended period of time	
	A code of conduct, conflict of interest policy and a transparent complaints procedure needs to be in place	Acknowledged	<b>2 &amp; 3</b>
	LIFT <sup>11</sup> Executive demonstrates how collaborative working can be successful and the key principles should remain	Acknowledged that where this has worked well, KCC can learn from this	<b>2</b>
<b>E3 mainstream</b>	General agreement if the money can be allocated quickly and easily and does not affect the support currently in place	Noted	<b>2</b>
	Comments that targeted support could become diluted	This should not happen, but moderation, monitoring, and review will need to be undertaken	<b>2</b>
	Drop in the birth rate is already causing problems for schools	Understood, but E3 top-up funding is not intended to underpin base budget issues	<b>1</b>
	Comments that adult support in infant schools could be affected	Close monitoring of any impact of decisions on Infant schools disproportionately to all schools will be required as part of any moderation	<b>1</b>
	Flexibility could be reduced	The aim is to increase flexibility at a Community of schools' level as the Communities become established. Impact will have to be reviewed as the Communities establish themselves	<b>2</b>
	Possible staffing decisions would have to be made and a degree of protection for 2025-2026 was requested	Protections have been included for children where the provision in Section F is outlined and is more than £6k. Modelling for individual schools could be provided, but schools will already have that information themselves. It is also possible that mainstream schools could have the same timeframes for SRPs and special schools to support this	<b>3</b>
<sup>11</sup> Local Inclusion Forum	Teams (LIFT) Suggestions of 75% protection	The principle of adding a further	<b>2 &amp; 3</b>

<b>SEN support to go into the Communities pot</b>	were proposed £6k should be paid directly to schools	protection level to historic allocations for SEN support cases and EHCPs has been acknowledged to support smoother transition to the new model. This is a decision that could be made by the communities of schools as soon as they are operational. This could be implemented quickly in line with the principles of the model	
<b>E3 SEN support greater than £6k to have a greater degree of moderation</b>	General agreement with the proposals but queries as to who was conducting the moderation	Cross-Community moderation would be required to ensure equity	<b>2</b>
	Different opinions as to whether any moderation should be carried out by KCC officers or schools	This is a new model and ultimate responsibility for SEN rests with the LA. Moderation, particularly in the early stages of development of the Communities of schools will be vital to support their development and to iron out early issues	<b>1</b>
	If KCC is assured that schools can make decisions, why is further moderation required?	Moderation will not be designed to delay decisions. Moderation will take place of decisions already made to inform future decision making if necessary. Information from other LAs state that moderation across communities is crucial for the success of the model	<b>1 &amp; 3</b>
	Would the moderation and subsequent extra scrutiny lead to a delay in allocations?	Noted. Moderation will not be designed to delay decisions	<b>2</b>
	Comments about the quality of EHCPs and the statutory duty to fund Section F.	Information on AMBs to be provided	<b>2</b>
	Questions as to what the moderation would look like.	Information on AMBs to be provided	<b>2</b>
<b>E3 mainstream EHCP funding less than £6k to be included in the Communities pot</b>	General agreement in principle	Noted	<b>2</b>
	Wanted more clarity beyond March 2026	Noted. It is intended that further clarity can be given in time for the first set of meetings of the Community of schools in April	<b>2</b>
	Request that the timelines for mainstream should be the same as that proposed for SRP and Special schools	Phasing the implementation of the Community of schools' budgets, ahead of the implementation of the tariff model allows the staggering of	<b>2</b>

		changes	
	Quality of EHCPs is important to be secure in the decision making	Agreed. Work is ongoing to improve the quality of EHCPs	<b>2</b>
<b>New EHCPs agreed since Sept 2024 will go into the Communities pot</b>	This should be for EHCPs issued after Sept 2025 in line with other proposals	Noted. The modelling was based on the information available at the time of the consultation publication. To provide Communities with certainty of these budgets, the date would need to be set ahead of September 2025, particularly as children may already be in receipt of high needs funding whilst considered SEN Support. Further modelling can take place to understand the impact of this	<b>2</b>
	Agreement that there needed to be timelines for implementation, but date needed to change	Noted. It is possible that mainstream implementation of the tariffs could mirror the timeline for SRPs and special schools. It is also possible that some Communities of schools could operate earlier if they are more confident with the model whilst for others, a level of protection could be offered to existing allocations to support of planning	<b>2 &amp; 3</b>
	This model would not fit the individualised needs in a small mainstream school	The intention is the needs of these schools will need to be taken account of within the Community of schools they are part of	<b>1</b>
	There is a risk that children new into the system could be disadvantaged	It is expected new children may require additional support to access the curriculum would be referred to the Community of schools in the first instance. The Community of schools would be expected to consider holding a contingency to recognise new cases that may enter the system during the year. Once the proposed new system is fully implemented, children on SEN support would still be considered as part of the Communities of schools budget whilst children with an EHCP would be mapped across to the new tariff model and still have	<b>1</b>

		legal entitlement to the provision set out with Section F of their EHCP, with funding allocated either through the tariff or considered through Community of schools budget (dependent on severity of adaption required)	
	Children should be given a specific allocation regardless of when the EHCP is written	As above. Children with an EHCP would be mapped across to the new tariff model and still have legal entitlement to the provision set out with Section F of their EHCP, with funding allocated either through the tariff or considered through Community of schools' budget (dependent on severity of adaption required)	<b>1</b>
	Risk that the statutory requirements in Section F might not be funded so this should be centrally funded	High Needs Guidance from DfE states that Top-up funding is intended to contribute to the costs of special educational provision for children and young people with high needs. Top-up funding should therefore take account of other elements of funding that also contribute to meeting such costs, such as mainstream schools' and colleges' formula funding to meet the cost of additional support up to £6,000 per pupil, or special schools' and colleges' place funding. Moderation will take place to pick up any concerns	<b>1</b>
	All new EHCPs in the system should be mapped onto the tariffs immediately	Phase transfer and new EHCPs will be prioritised for mapping across onto the new tariffs once it is implemented.	<b>2</b>
	This could lead to a rise in unnecessary EHCP requests	Schools will need to have the proposed system clarified so that they understand that there will be nothing gained by a child having an EHCP who is level of adaptation is map onto a tariff at either SEN Support or Wider Support and Strategies	<b>1</b>
<b>Mainstream Specific Allocations and Communities budgets to be</b>	Transition timeline should be the same as for SRPs and Special schools which would give schools longer to prepare budgets and provision	Phasing the implementation of the Community of schools' budgets, ahead of the implementation of the tariff model allows the staggering of	<b>2 &amp; 3</b>

<b>completely in operation by April 2026</b>	accordingly	changes. However, it is acknowledged the phasing of the introduction of the tariff model could be aligned to the timescales for SRPs and special schools	
	KCC's universal offer and professional support would need to be improved	It is planned to map support against Communities of schools. Communities of schools will have some ability to purchase additional resources or interventions and support from elsewhere in addition to any available from the LA	<b>2</b>
	Must ensure that the timing of the rollout does not hinder the quality of provision in schools	Noted	<b>2</b>
	More information required regarding financial situation for individual schools	Noted. This could be provided through the Communities	<b>2 &amp; 3</b>
	Needs to be regular evaluation of systems and Value for Money as the model develops	Noted	<b>2</b>
	Request that the system changes completely from Sept 2025	The number and complexity of schools and provisions across Kent means that implementation will have to be phased	<b>2</b>
	Careful planning, evaluation and implementation is required with milestones in place	Noted. The timeline for implementation and to work with Chairs is being developed	<b>2</b>
	Risk of financial strain on schools and some disruption to the services provided	Close monitoring and regular review will need to be undertaken. Staged implementation will help to identify those most at risk	<b>2</b>
	Unintended consequences are unknown	As above	<b>2</b>
<b>SRP E3 funding to be in place for Sept 2026</b>	Agreement that SRP and Special schools should have the same timescales	Noted	<b>2</b>
	The funding needs to reflect the financial challenges for each school	Place funding, set by Government, will still be in place. Close monitoring of risks and impact will be undertaken. The funding model cannot be individualised to each school's situation. Acknowledgement in responses above have indicated that when setting tariffs consideration will be given to whether these should be varied to reflect setting type or size	<b>1</b>

	Agreement with the proposals but want to see the financial implications	More modelling will be undertaken during 2025 and shared with schools	<b>2</b>
	Rates should be confirmed by Sept 2025	Tariff rates will be confirmed in line with the budget setting process for 2026-27 in line with the DfE requirements	<b>2</b>
	Not enough time for SRPs to manage the change.	Additional modelling during 2025, in response to developing the tariff rates, will help support work with schools with SRPs to manage the change. Consideration will also be given to whether a maximum “gains and losses” approach should be applied to support transition, once tariffs have been finalised	<b>2 &amp; 3</b>
	Other LAs are moving away from this model	This is misinformation. Other LAs have agreed to support KCC with the implementation	<b>2</b>
<b>Special school E3 funding to be in place for Sept 2026</b>	Quality of Annual reviews need to be considered within this	Noted	<b>2</b>
	Should be a phased approach	Noted	<b>2</b>
	Need rates confirmed by Sept 2025	In-line with the response above, tariff rates will be confirmed in-line with the school’s budget setting process for 2026-27 as set out by the DfE. Consideration will also be given to whether a maximum “gains and losses” approach should be applied to support transition, whilst tariffs are being finalised	<b>2 &amp; 3</b>
	Who would fund any potential redundancies?	Schools would need to evaluate their own provision to determine what the current offer is. Schools are responsible for their own strategic decision making	<b>1</b>
	Further engagement with stakeholders is necessary	Stakeholder engagement will continue to be part of the implementation and regular review	<b>2</b>
	How would the average funding rate be calculated	The proposal was to base the average rate on the existing cohort of children attending the school. However, this would be developed further as part of the final proposed tariff model	<b>2</b>
	Could this lead to an increase in bureaucracy?	Once established this should reduce bureaucracy and enable more decision making to take place at a local level with	<b>2</b>

		schools. Evaluation is necessary throughout the implementation phase to ensure this does not happen	
	An alternative proposal included funding rates to be agreed by Sept 2025, a 12-month transition period and financial support for redundancies	Noted. Actions which have been rated '3' will be used to review the implementation of this including the possibility of implementing a "maximum gains and losses" approach to support transition	<b>2 &amp; 3</b>