

SCHOOLS FORUM

Notional SEN

21 November 2023

Content Applicable to:		School Phase:	
Maintained Primary and Secondary Schools	X	Pre School	
Academies	X	Foundation Stage	X
PVI Settings		Primary	X
Special Schools / Academies		Secondary	X
Local Authority		Post 16	
		High Needs	

Purpose of Report:

Content Requires:		By:	
Noting	X	Maintained Primary School Members	
Decision		Maintained Special School Members	
		Academy Members	
		All Schools Forum	X

1. This report sets out the local authority's approach and analysis of the methodology for calculating the Notional SEN Budget and to additional funding for schools with disproportionate levels of SEN.

Recommendations:

2. That Schools Forum note and comment on the approach to the Notional SEN Budget.

Background:

3. The requirement to identify a Notional SEN budget for maintained schools and academies is set out in regulation 11(3) of the School and Early Years Finance (England) Regulations 2023. Additional Guidance is published by the DfE in 'The Notional SEN Budget for Mainstream Schools: Operational Guide 2024 to 2025'

4. The notional SEN budget is an identified element of the schools S251 or GAG funding within the overall budget allocation. The purpose of the SEN budget is to be used towards the costs of schools fulfilling their duty to use their 'best endeavours' to secure educational provision for their pupils with SEN. All local authorities are responsible for calculating the notional SEN budget with reference to their mainstream school funding formula factors. There is no national requirement on how the notional SEN budget is calculated, although it is thought this may change.
5. The notional SEN budget is intended as a guide for a school's spending decisions and should not be viewed as a target or a constraint on a school's duties to use its 'best endeavours' to secure SEN provision for its pupils. In discharging that responsibility, amongst other expectations set out in the SEN code of practice, mainstream schools are expected to:
 - meet the costs of special educational provision for pupils identified as on SEN Support in accordance with the SEND Code of Practice; and
 - contribute towards the costs of special educational provision for pupils with high needs (most of whom have Education, Health and Care Plans (EHCPs)), up to the high needs cost threshold set by the regulations (currently £6,000 per pupil per annum). This cost threshold is calculated by reference to the additional costs of provision, above the costs of the basic provision for all pupils in the school. High needs top-up funding is provided above this threshold on a per-pupil basis by the local authority that commissions or agrees the placement.
7. It is important to note that the notional SEN budget is not intended to provide £6,000 for every pupil with SEN, as most such pupils' support will cost less than that. Nor is the notional SEN budget intended to provide a specific amount per pupil for those with lower additional support costs, even though the local authority may make reasonable assumptions about what those costs might be for the purpose of ensuring that their schools' notional SEN budget calculation is realistic.

The Leicestershire Notional SEN Budget:

8. The calculation of the notional SEN budget is based on two broad allocations within the funding formula and takes a percent of the basic entitlement i.e., Age Weighted Pupil Units (AWPU) and a percent of deprivation factors correlating to the incidence of SEN within the school population i.e., Low Prior Attainment and the Index of Deprivation Affecting Children Indices (IDACI). The basis of the calculation for 2023-24 is shown below:

Funding Factor	2023-24 % to Notional SEN
Age Weighted Pupil Unit	4%
Prior Attainment	50%
IDACI	67%
Total Notional SEN Budget Contained within the Funding Formula	£36.3m`
% of School Budget	7.4%

9. The DfE published benchmarking data on local authority calculations of the notional SEN budget for 2022-23, no data is currently available for 2023-24. This shows that Leicestershire:
- is one of 30 (20%) local authorities allocating less than 7.5% of the school budget to notional SEN. The higher the percent allocated to Notional SEN the higher the expectation of local authorities of the SEN provision they should make from their school budget. The national average allocation is 10.8%.
 - uses just 3 of the 10 factors (basic entitlement, deprivation, English as an additional language, looked after children, prior attainment, mobility, lump sum, sparsity, minimum per pupil funding unit, minimum funding guarantee) attributed to the notional SEN budget across other authorities.
10. Local authorities decide, following discussion and consultation with schools and Schools Forum, how big the notional SEN budget should be by considering the pupils identified by schools in the SEN support category, recognising that these may be inconsistent as there has been no external moderation, and the number of pupils attracting top-up funding as schools are required to contribute £6,000 per pupil. It should be noted that both measures are able to be influenced by schools.
11. The DfE have recommended a check of the notional SEN budget to ensure it is calculated in accordance with current guidance. Analysis of the notional SEN budget against the proportion of EHCPs within school which indicate the required contribution to Element 2 and pupils indicated on the school census as receiving SEN support has been completed and is shown as **Appendix B**. This data is purposely anonymised as it assumes that all EHCPs are in place for the full financial year. Numbers of EHCPs are taken from June 2023 data. Deprivation is correlated nationally with the incidence of SEN so FSM and IDACI rankings are indicated. Schools with higher rankings can be expected to have higher levels of SEN. All data is pupil specific rather than school location specific, it excludes new schools who are yet to grow to full capacity and those with resource bases where the notional SEN comparison to element 2 commitments is distorted because of place funding.
12. Nationally there is no definition of an 'inclusive school'. Nor is there a definition of 'disproportionate levels of SEN' at school level. Both of which appear to be valid when judging whether schools have sufficient notional SEN. Care must therefore be taken when attempting to analyse the position, particularly given there can be expected differences in the way schools identify pupils requiring SEN support as well as in the approach that school may take to seeking an EHCP.
13. The analysis shows the following:
- 7 of 212 primary and 1 of 35 secondary schools having less notional SEN than Element 2. Under current arrangements such schools receive a notional SEN top-up payment.
 - Notional SEN not committed to EHCP's between 3% and 100% for primary schools and a range of 45% to 90% in secondary schools.
 - Notional SEN budget exceeding Element 2 contributions by £20.1m (69%).
 - There is no correlation between number on roll and proportion of pupils with SEN needs or EHCPs.
 - There is no correlation between SEN levels and deprivation ranking.

Conclusions:

14. The analysis identifies an almost random distribution of pupils with SEN Support and EHCPs with 8 (3.2%) of the schools considered within this sample identified as requiring additional targeted Notional SEN. Therefore, there is no evidence at this point to warrant any change to the calculation basis for the Notional SEN budget and the process for allocating additional top-up funding.
15. This position will be reviewed annually to take account of:
 - the actual Element 2 contributions required from schools from their Notional SEN budgets.
 - the progress of DfE's SEND and AP Improvement Plan which aims to implement National Standards. This will set clear expectations for the type of support that should be ordinarily available in mainstream schools, which the DfE expect to reduce the number of EHCPs.
 - any data that may develop because of the TSIL programme that allows an evidence-based definition for an 'Inclusive School' and 'disproportionate levels of SEN'.
 - any national approach from the DfE to the calculation and management of the Notional SEN budget.

Resource Implications:

16. None arising directly from this report.

Equal Opportunity Issues:

17. The analysis identifies that Leicestershire is making provision through the Notional SEN budget in accordance with legislation and DfE guidance.

Background Papers:

[Legislation Gov.uk | The School and Early Years Finance \(England\) Regulations 2023](#)

[Gov.uk | The Notional SEN Budget for Mainstream Schools: Operational Guidance](#)

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