

SEND Q&A Series

SEND funding for mainstream schools

**CONTACT OUR AUTHOR
FOR MORE INFORMATION
AND DETAILS**



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In our previous SEND Q&A Series we looked at what constitutes school-based support for children with SEND and the typical funding that is available to schools.

We have had growing number of enquiries from schools and parents on SEND funding. We have answered some of the most complex questions below.

WHAT FUNDING DOES A SCHOOL RECEIVE TO SUPPORT A CHILD'S SEN?

Firstly, all mainstream schools receive funding for each pupil that is on the school roll, whether or not they have SEN. This is called the Age Weighted Pupil Unit (AWPU) and it is part of a school's delegated funding. The amount of AWPU varies from one local authority to another and according to the age of the pupils. A sum I have often seen is around £4000 per pupil. Academies receive the same type of funding from the Department for Education (previously from the Education and Skills Funding Agency prior to its closure in March 2025). This income is usually spent on general costs of the school. This level of funding is commonly referred to as 'Element 1' funding.

For pupils with SEN, schools should access what is commonly referred to as 'Element 2' funding. The Government guidance is that schools should provide up to £6,000 worth of SEND provision for a pupil with SEND from their budget. However, this does not mean that local authorities will provide £6000 per child with SEN attending a school. Every local authority is required to identify a notional budget for their mainstream schools to help them to comply with their duty to use their 'best endeavours' to meet the needs of SEN pupils. Although academies are funded directly by the DfE, funding allocations are determined by reference to the relevant Schools Forum and principles applying to maintained schools apply equally to academies.

HOW IS THE NOTIONAL BUDGET CALCULATED?

From central Government, local authorities are provided with a pooled fund (the Dedicated Schools Grant) which is broken down into the "Schools Block", "the "Central Services Block", the "Early Years Block" and the "High Needs Block". All schools will receive or be allocated funding from the Schools Block. As part of this, local authorities must consult with all maintained schools and academies in their area, through the Schools Forum or individually if necessary. While local authorities use local formulae to determine the notional budget, the local formulae must be based on national funding formula (NFF) factors. Approximately 75.5% of a school's NFF funding is allocated through 'pupil-led' factors, which include factors such as basic entitlement, deprivation, mobility, English as an additional language and prior attainment. Other factors that can be used are broadly referred to as 'school-led funding', 'geographic funding' and 'protection funding'. For more information on NFF factors please see DfE guidance National funding formulae for schools and high needs guidance 2025-26, Annex x (page 22) - https://assets.publishing.service.gov.uk/media/674f2609d7e2693e0e47d02a/NFF_Policy_document.pdf

As local authorities use various factors to identify the notional SEND budget, a common criticism is that there is a lack of national consistency. The DfE noted in the above guidance, that "local authorities will be required to move their local formulae factors 10% closer to the NFF values, compared to where they were in 2024 to 2025, unless they are already mirroring the NFF".

WHAT FUNDING IS AVAILABLE TO SCHOOLS IN MEETING SEND NEEDS BEYOND ELEMENT 1 AND 2?

As noted above, the Government guidance is that schools should provide up to £6,000 worth of SEND provision for a pupil with SEND from their budget. This includes mobilising a range of resources for those pupils who require access to special educational provisions. Where a pupil needs access to provisions costing more than the nationally prescribed threshold, a school can apply to the local authority for top-up funding (commonly referred to as 'Element 3'). This is sometimes called "High Needs" funding. To apply, schools should contact the SEN team at the child's home local authority directly for the precise steps and requirements. Every local authority operates slightly different levels of funding bands with local definitions and associated top-up values determined by local conditions and as agreed with schools.

HOW CAN A SCHOOL APPLY FOR HIGH NEEDS FUNDING?

The specific process for applying for high needs funding or top-up funding is set out in local authority guidelines. Schools should refer to their local authority's documentation or contact the SEN team directly for the precise steps and requirements. Another valuable resource for schools is the LA's published "Local Offer," which includes details of the support available for children with SEN and should contain information on funding and how schools can access additional resources. Local authorities are legally required to make their Local Offer available.

When making an application for high needs funding, there is no strict science but some of the important areas to cover in applications should include:

- The child's SEN status
- The child's educational background
- A reflection on professional reports available
- Health and care information
- Current SEND support in place
- Impact of interventions already made the child
- A detailed cost analysis, with a breakdown of the additional costs required to meet the child's needs beyond what is provided by the school's existing SEND budget.



If you would like further advice or information on making applications for high needs funding, please do not hesitate to contact us (contact details provided below).

For schools that have an additional resource provision (ARP) that provides for the needs of pupils that require more specialist teaching or support, these facilities are usually funded completely separately from the main school funding and the normal top-up funding arrangements.

IS IT A REQUIREMENT THAT A CHILD HAS AN EHC PLAN BEFORE AN APPLICATION CAN BE MADE FOR HIGH NEEDS FUNDING?

Most children that are accessing high needs funding will have an EHC plan; however, local authorities have flexibility to exercise discretion in exceptional cases. Please refer to paragraph 11 of the High needs funding: 2024 to 2025 operational guide which sets out:

"Although many of the pupils and students receiving high needs funding will have an associated EHC plan, local authorities have the flexibility to provide high needs funding outside the statutory assessment process for all children and young people with high needs up to the age of 19."

Furthermore, paragraph 12 states: *"While the majority of a local authority's high needs budget is spent on place and top-up funding for schools and colleges, local authorities can also use high needs funding to provide additional or targeted support for children and young people with SEND, as permitted under schedule 2 of The School and Early Years Finance (England) Regulations. This can take the form of additional funding to schools and colleges, which may be paid on the basis of a service level agreement, or access to specialist services or expertise commissioned by the local authority"*.

I would also refer to paragraph 12.1 which states: *"local authorities can provide additional funding outside the main funding formula for mainstream schools and academies on a consistent and fair basis, especially where the number*

of their pupils with SEND and/or high needs cannot be reflected adequately in the funding they receive through the local funding formula". An example provided in the guidance is of a primary school that has developed a reputation for meeting the needs of high achieving pupils with autism, or pupils with physical disabilities and it is not possible to target additional funding to the school through factors in the school funding formula. We have been made aware that some Local Authorities operate policies of only providing high needs funding to children with EHC plans. If you could like us to review these policies and advice on their lawfulness, please do not hesitate to contact us.

To speak with one of our expert solicitors about SEN funding or if you have training needs in this area, please do not hesitate to contact us on sendsupport@wslaw.co.uk or scan the QR code below.



This briefing note is not intended to be an exhaustive statement of the law and should not be relied on as legal advice to be applied to any particular set of circumstances. Instead, it is intended to act as a brief introductory view of some of the legal considerations relevant to the subject in question.