



**Nottinghamshire
County Council**

SCHOOLS FUNDING 2019-20

CONSULTATION ON THE LOCAL FUNDING FORMULA FOR SCHOOLS

NOVEMBER 2018

**Consultation period:
5 November to 25 November 2018**

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1 Introduction

- 1.1 The purpose of this consultant exercise is to seek the views of maintained schools and academies on the formula changes the County Council and Schools Forum should consider for 2019-20.
- 1.1.1 The introduction of the national funding formula (NFF) in 2018-19 was a significant change with this determining the funding blocks within the Dedicated Schools Grant (DSG) and the funding allocations that LAs would receive in the 2018-19 and 2019-20 financial year. Although this was introduced it was still for local authorities (LAs) together with their schools forums to determine the local funding formula.
- 1.2 The principle consulted on and adopted in 2018-19 was to mirror the NFF as far as possible. This was achieved with the NFF formula factors, unit values and minimum per pupil level being adopted. However the transitional protection and gains cap commitments had to be reduced to fund the agreed transfer to the High Needs Block (HNB). Table 3 at the end of this document details the 2018-19 local funding formula.
- 1.3 In July 2018 the DfE published the LA Schools Block indicative funding allocations for 2019-20 together with other NFF policy changes some of which impact on the consultation for that year.
- 1.4 Proposed changes to the 2019-20 Early Years funding formula is the subject of a separate consultation.
- 1.5 Pupil Premium and funding from the High Needs block will continue to be distributed by the methods prescribed or agreed outside of the local funding formula (LFF).
- 1.6 The consultation on the proposals will be launched on 5 November 2018 and be open until 25 November 2018 and provides an opportunity for schools to express their views on the proposals. It is available through Citizen Space via the link: <https://consult.nottinghamshire.gov.uk/schools/496bcf18>. The responses will be considered by the Schools Forum on 6 December 2018.
- 1.7 **The financial models provided with the consultation are for illustrative purposes only and do not reflect the funding that will actually be received by a school in 2019-20. They are based on the data used to determine schools' 2018-19 budgets. The multipliers implied by the modelling cannot be guaranteed for 2019-20 at this stage.**
- 1.8 The local funding formula for 2019-20 will be finalised based on affordability of the 2019-20 Dedicated Schools Grant settlement and issued pupil data sets in late December 2018. Individual school budget allocations will be confirmed to local authority maintained schools by 28 February 2019. The ESFA will confirm academy budgets during March 2019.
- 1.9 The final formula will be submitted to the Education & Skills Funding Agency (ESFA) by 21st January 2019 and recommended to the County Council's Policy Committee for approval on 23 January 2019.

2 NFF Update

2.1 In July 2018 the DfE published its update to the NFF, including notional allocations for schools, the primary and secondary units of funding that LAs allocations will be based on for 2019-20. It also included a number of policy changes as follows:

- The funding allocation for growth will change and be allocated on a formulaic basis although it is still up to LAs how to distribute the funding. The allocation for Nottinghamshire will not be known until the final funding allocations are announced in December 2018.
- Minimum per pupil amounts introduced for middle/KS3 schools to £4,600 and for KS4 only schools £5,100.
- Reduction in the primary low prior attainment factor value from £1,050 to £1,022 to maintain the overall funding level in view of an increase in the cohort.

2.2 The government has also confirmed that local authorities will continue to determine local formula in 2020-21 due to the significant progress across the system in moving towards the NFF in its first year.

3 Nottinghamshire Schools Block Funding Allocation for 2019-20

- 3.1 The NFF funding allocation for Nottinghamshire is set out below. This is indicative because the quantum will be determined by the pupil numbers obtained from the October 18 census. The 2019-20 per pupil unit of funding for primary and secondary has increased to reflect the second year of the NFF funding commitments previously announced.

Table 1 Schools Block funding Allocation

	October 2017 Pupil No.'s	Unit of Funding £	2018-19 £	October 2017 Pupil No.'s	Unit of Funding £	2019-20 £	Funding Increase %
Primary	66,195	3,927	259,968,341	66,194	3,946	261,231,635	0.49
Secondary	40,526	4,985	202,020,258	40,523	5,013	203,146,701	0.57
Growth Fund, Rates, Premises and Mobility			7,129,182			7,484,523	4.98
	106,721		469,117,781	106,717		471,862,859	2,745,078

- 3.2 The 2019-20 funding allocation is calculated as a per pupil amount for primary and secondary schools. These amounts are derived after the NFF has been applied i.e. the total NFF funding allocations are calculated for primary and secondary phases and these are then divided by the number of pupils in each phase. This means that individual LAs still have different per pupil amounts.
- 3.3 The indicative allocation implies that there is £2.745m additional funding for Nottinghamshire. The financial modelling allows a contingency for an increase in school rates and to fund the planned new free school in Hucknall due to open in September 2019. The local authority is required to ensure the school is appropriately funded at the same level as all publicly funded schools.
- 3.4 The school tables provided by the DfE give notional allocations for individual school budgets for 2019-20 but these were illustrative only and do not represent the funding that a school will actually receive in that financial year.

4 Approach to the Schools Block Funding Formula Consultation for 2019-2020

- 4.1 A report was presented to the Schools Forum on 18th October to discuss the approach to be taken to the formula construction for 2019-20 and factors which need taking into consideration to inform the consultation proposals. This also had accompanying financial models to show the impact on schools of possible consultation options.
- 4.2 Based on the indicative funding allocation for Nottinghamshire there will be some additional funding available for distribution to schools through the funding formula. The discussion at the forum was with a view to distributing this in a way that was fair and equitable and continued to move schools towards the NFF whilst providing a broad benefit to most schools who were due to see a year on year increase in their funding under the NFF. It is with this aim in mind that the consultation proposals have been formulated.
- 4.3 It should be reiterated here that the funding allocation is only indicative and there are a number of factors which will influence the final allocation i.e. the amount of growth funding received under the new formula, the increase cost of rates and the actual 2019-20 DSG schools block allocation. However in the main schools will not receive less than their 2018-19 funding allocation unless their pupil numbers have reduced.

- 4.4 Now that the Nottinghamshire local funding formula (LFF) mirrors the NFF factors and unit values the key variables within the formula to vary school funding allocations are:
- The Minimum Per Pupil (MPP) amount - should this be increased?
 - What level of protection should the Minimum Funding Guarantee (MFG) provide?
 - What level of gains should be released?
 - Should the primary low prior attainment unit value be reduced to maintain the 'mirror' with the NFF.
- 4.5 The consultation proposals are not mutually exclusive and a change in one element impacts on another. The modelling reflects the inter dependencies of these elements.
- 4.6 The budget pressures continue within the High Needs block which funds the most appropriate support package for individuals with SEND in a range of settings. In order to address these pressures a 0.5% funding transfer is proposed again from the schools funding block to the High Needs block. The rationale for this is contained within paragraphs 5.1 to 5.21 below.

5 Schools Block Funding Formula Consultation Proposals

Transfer of 0.5% Funding from the Schools Block to the High Needs Block

- 5.1 The consultation for 2018-19 included a proposal to transfer 0.5% from the schools' block to the high needs' block to address significant budget pressures in 2018-19. This proposal was agreed by the Forum and £2.3 million was subsequently transferred from the 2018-19 schools block to the HNB.
- 5.2 In September 2018 a report was considered by the Schools Forum which highlighted the continuation of the significant and growing budget pressures in the High Needs block with the current financial year projecting a £2.4m overspend and for 2019-20 an overspend of £7.1m Appendix B refers.
- 5.3 The projected overspend for 2018-19 was more than originally projected when the consultation took place and further reductions had to be made to address the then £5.3m projected overspend which included:
- reduced HLN allocations.
 - combined AFN and FNF budgets with a reduced overall combined budget allocation.
 - reduced allocations to school behaviour and attendance partnerships.
 - delay to the growth of Special Schools.
 - continued reduction to the unit funding to four Special Schools in line with the minimum funding guarantee.
 - a freeze on vacancies in the Specialist Family Support Service.
- 5.4 Despite the transfer and the additional actions taken as outlined in paragraph 5.3 above, the HN block continues to experience extreme financial pressure, with current projections suggesting significant overspend.
- 5.5 These pressures have occurred despite the introduction of the NFF. The calculation of both the LA's and individual schools' budgets is a complex process with many variables determining final allocations. The simple reality is that the new funding formula, from Nottinghamshire's perspective, is not fairer than the formula which pre-dated it.

- 5.6 The average HNB funding per head of the 2-18 year old population is £491, compared with Nottinghamshire's funding per head which is £394. This would suggest that if Nottinghamshire was to be funded at the national average we would receive an additional £15.3 million in the HNB.
- 5.7 The local authority and publically funded schools anticipated greater gains from the NFF. However in reality the NFF has continued to build in inequity, since 50% of the budget is still based on historic expenditure and gains have been capped at 3% per year.
- 5.8 The removal of the gains cap would release a further £2.7 million to the Nottinghamshire High Needs Block. However this would still be insufficient to meet the full cost of demand, even with the 0.5% transfer from the schools budget for the 2019-20 financial year and for the foreseeable future.
- 5.9 The actions taken for 2018-19 to reduce the value of HLN allocations could have created a cost neutral budget for HLN had there been no further increase in numbers requiring this level of support. However, by March 2018 the number of pupils requiring HLN funding had increased by 13.7% (591 pupils compared with 520 in 2016/17). The full year effect of this growth is first being realised in 2018-19. Increasing demand in 2018-19 will be further felt in 2019/20. Based on the increased pressure on this budget to date it is predicted that there will be an increase in pupils accessing HLN from 591 to 648 in 2019/20.
- 5.10 The reduction in the combined AFN/FNF allocations has coincided with some families of schools removing their family SENCO role in order to target more funding at individual children. As a result, SENCOs in some schools have not had ready access to local support through the family SENCO and are consequently more reliant on external services.
- 5.11 Partnerships are reporting that they are experiencing significant difficulty in meeting the needs of all pupils at risk of exclusion, Fair Access admissions and those with social emotional and mental health needs, given the reduced partnership funding devolved in 2018-19. Partnerships have made staff redundant, closed small group provisions, and reduced the number and type of interventions available to vulnerable students, including access to personalised education packages and access to alternative education provision. The Partnership Team has reported an increase in numbers of both fixed term and permanent exclusions. There were 17 permanent exclusions in the summer term of 2016-2017 which has risen to 24 permanent exclusions in the summer term 2017-2018.
- 5.12 As well as the budget reductions discussed above, a number of improvements in relation to SEN Case Work, have been made and more are planned over the coming months in relation to the work of the Integrated Children's Disability Service (ICDS). It is accepted that the design of the new service did not sufficiently account for the volumes and complexity of work. This is no fault of the service itself. An increase in staffing, an increase in senior practitioner roles, the move towards an end-to-end casework model, digitisation of systems to support co-production and practitioner engagement and better engagement with Family SENCOs are all areas being swiftly developed to address these challenges. The revised Needs Assessment panel procedures, encouraging schools (or early years settings) and parents to jointly apply for assessments are now embedded and this has increased the percentage of assessments appropriately leading to an Education, Health and Care Plan (EHCP).
- 5.13 In addition, the local authority is taking further action in 2018-19 aimed at reducing the continued and increasing pressure on the Independent Non Maintained part of the High Needs Block. Nottinghamshire has refreshed the process by which placements in the INM / AP sector are formally approved by setting up a 'specialist provision panel, chaired by the Service Director of Commissioning and Resources. The aim is to ensure that each and

every placement is an ‘option of last resort’, that is taken only when there is both clear evidence of need and also that all other options within the graduated response process have been robustly appraised and tested out. This approach provides an appropriate degree of challenge to colleagues within both the local authority and schools. It also requires the support and buy-in of all stakeholders so that we can collectively manage the demand element of the financial pressure on this budget. The impact to date of this includes:

- increased scrutiny and accountability related to high cost placements, meaning that some placement decisions have been returned to schools to consider more cost effective provision at a school level.
 - changes to decisions on Post 16 provision, which have brought the decisions for pupils with an EHCP plan more in line with post 16 provision for all children (at lower cost)
 - more clarity about which elements should be classified as social care rather than education.
- 5.14 There is ongoing work taking place to challenge the level of claims being made by FE colleges for additional support (top up), as well as changes to planning around Post-16 placements. ICDS and the Commissioning team are challenging FE colleges to reduce requests for additional funding to meet needs. As noted in the paragraph above the impact to date of this change has been to better align post 16 provision with corresponding packages for a young person without an EHC Plan.
- 5.15 The local authority is continuing to work with providers to establish new commissioning and contracting arrangements where these indicate economic gain. It is intended that this will enable a number of block contracts to be developed for major providers, with whom the Council traditionally commissions a critical mass of places for Nottinghamshire young people. This type of contract provides the increased certainty of guaranteed income for INM settings in return for reserving a given number of school places at an attractive rate for the Council. Such arrangements are well established in the Council’s commissioning of children’s residential care placements and could be equally successful in the commissioning of specialist education placements. To date there have been initial meetings with two of our larger providers and we are aiming to have contracts in place for the next financial /academic year, subject to appropriate legal processes being in place.
- 5.16 In addition, the local authority is working on initiatives to assess the relative benefits of developing regional and / or sub-regional approaches to commissioning given that increasing unit costs are an issue facing all local authorities. A County Council officer is leading a regional project – funded by the 9 East Midlands Councils responsible for children’s services – to assess the feasibility of a regional approach to specialist education commissioning. In fact, the County Council already works collaboratively with Nottingham City Council and other neighbouring authorities in the commissioning of services, including several for children and young people. Building on this, we are also assessing the merits of establishing more formal sub-regional joint commissioning arrangements with Derbyshire and Derby City Councils which could, for example, lead to shared block contracts with key providers across the D2N2 (Derby City, Derbyshire, Nottingham City and Nottinghamshire CC) footprint.
- 5.17 The High Needs Block review, carried out by external Consultant Psychologist between January and May 2018 has made a series of recommendations to inform the local authority and schools on options for possible change to the use of this budget, in order to meet need in a more cost effective way. A summary of outcomes was presented to Schools Forum in June 2018 and the final report is included as Appendix C.

- 5.18 In spite of the actions outlined above, officers are currently predicting a £2.4 million overspend in 2018-19 and £7.1 million in 2019/20. This indicates that actions taken to resolve the pressures in the HNB are insufficient and further action needs to be taken. It is also clear that local authority actions alone will not address the escalating overspend in the INM budget. Building on the recommendations of the HNB review it is imperative that schools and the local authority work in partnership in the best interests of the children and young people with SEND to radically change the ways of working to meet needs.
- 5.19 A representative for each phase of education from the Schools Forum has been invited to join a planning group, which will plan and deliver a series of consultation meetings on options for change in November 2018 to inform the report to Schools Forum in December 2018. The feedback from the consultation events will be used to support decisions about new ways of partnership working with schools, with the aim of meeting the needs of CYP with SEND in the most appropriate educational settings and within the budget available.
- 5.20 Local authorities will be allowed to transfer up to 0.5% from their schools block with the agreement of their schools forum for 2019-20. The amount of the transfer, based on the indicative 2019-20 schools block funding, would be £2.4m. Transfers above this limit or where the schools forum have turned down the request would require Secretary of State approval. The financial models take account of this proposal.
- 5.21 This proposal is for one year only therefore only applies to funding for 2019-20.

Question 1

Do you agree with the proposal to transfer 0.5% from the total schools block funding to the high needs block? Yes/No

Reduction in the NFF Primary Low Prior Attainment (LPA) Unit Value

- 5.22 The unit value for the primary LPA has been reduced in the NFF for 2019-20 from £1,050 to £1,022. To continue with the principle to mirror the NFF as far as possible consideration will need to be given to reflect this reduction in the LFF as well. The DfE rationale for the reduction in the unit value is to balance the increase in the cohort. Those schools protected by the MFG would not see any impact on their funding. The financial models show the impact of this proposed change.

Question 2

In order to continue with the principle to mirror the NFF as far as possible the local authority would need to reduce the unit value for the primary low prior attainment factor from £1,050 - £1,022 (before the area cost adjustment).

Are you in agreement with this proposal? Yes/No

Minimum per Pupil (MPP)

- 5.23 The Minimum Per Pupil was a newly introduced optional factor as part of the 2018-19 NFF. This allowed local authorities to provide amounts up to this level for primary and secondary schools. It is calculated by adding together the pupil led allocations (AWPU/basic per pupil, deprivation, low prior attainment, English as an Additional language) to the school led allocation (lump sum and sparsity) and dividing it by the number of pupils on roll. If the resultant per pupil amount is less than the amounts in Table 2 The school's budget is increased to the minimum amount. Gains received under this factor are not subject to capping.

- 5.24 This factor and unit value was adopted by the local authority as part of mirroring the NFF. The current NFF levels applicable to the Authority are:

Table 2 – Minimum Per Pupil NFF amounts

	NFF Minimum Per Pupil		
	Primary	Secondary	KS3 Only
	£	£	£
2018-19	3,300	4,600	4,600
2019-20	3,500	4,800	4,600

Note: The MPP for Middle Schools depends on the year groups in the school

- 5.25 Your views are sought on whether or not the current MPP level should be increased.
- 5.26 The financial models provided illustrate no increase (model 1 and 2), £100 increase (model 3) and £200 increase to 19-20 level per pupil (model 4) and what the MFG and gains cap might be if that MPP level was adopted.

Question 3

The current Minimum Per Pupil amount is set at £3,300 for primary and £4,600 for secondary.

Do you think this should be increased for 2019-20? Yes/No

Minimum Funding Guarantee (MFG)

- 5.28 The purpose of the MFG is to protect schools from excessive year on year changes in funding as a result of, for example a change in pupil characteristics. As the protection provided is based on per pupil funding, the MFG calculation will not include school led or premises factors.
- 5.29 In previous years this protection was set at minus 1.5% which limited funding reductions to that percentage year on year. In 2018-19, however this was changed to a positive 0.25% in order for the local authority to pass on, in part, the funding increase commitment that all schools should see an increase of at least 1% (0.5% in 2018-19 and 2019-20 respectively) against their 2017-18 baseline. Unfortunately the Authority could not pass on this increase in full due to the transfer to the HNB.
- 5.30 By setting a positive MFG this also protects schools from any reduction in per pupil funding as a result of a change in pupil characteristics or unit values (see paragraph 5.23 re the LPA).
- 5.31 The EFSA will continue to apply the MFG to academy allocations based on what they actually received in the previous financial year, so some academies will continue to receive different levels of protection outside of the LFF.
- 5.32 The consultation proposal is to either maintain the MFG at its current level i.e. positive 0.25% (models 1,3 and 4) or increase it to 0.50% (Model 2 and this is the maximum it can go). The financial models illustrate the impact of the proposal when considered with the other consultation proposals i.e. MPP and gains cap.

Question 4

The current MFG is set at positive 0.25% to allow schools to receive a minimum increase above their pupil led 2017-18 baseline. In consideration with the models provided at what level do you think the local authority should set the MFG for 2019-20?

- a) 0.25% (Models 1,3 & 4 refers)***
- b) 0.50% (Model 2 refers)***

Technical Adjustments

In order to transition to the NFF there are a number of technical adjustments that are necessary to ensure that school budgets are calculated in accordance with it. These manual adjustments will need to be made to the Education and Skills Funding Agency (ESFA) spreadsheet which LAs use to calculate school budgets (APT funding tool) and may require a disapplication request to be submitted to the Secretary of State. The local authority needs to be able to demonstrate that these adjustments have been consulted on.

The adjustments which will be needed are as follows:

- A manual adjustment to the MFG for those schools for whom a positive MFG would allocate more funding than they should be entitled to through the NFF. This relates to those schools who received all of their gain in 2018-19.
- The exclusion of exceptional premises factors from the Minimum Per Pupil (MPP) and MFG to mirror the calculation in the NFF.

Question 5

To ensure that school budgets are calculated correctly and mirror the calculations in the NFF a number of technical adjustments will need to be made to the Education & Skills Funding Agency (ESFA) funding tool (APT).

Are you in agreement with this proposal? Yes/No

Gains Cap

5.33 The local authority is required to consult on the level of the gains cap and it is proposed that this will need to be set at between 0.25% and 1.10%. The financial models illustrate four possible levels for the gains cap and the impact when considered with the other consultation proposals i.e. MPP and MFG.

Question 6

In order to make the formula affordable a gains cap will be required for 2019-20. In consideration with the models provided at what level do you think the local authority should set the gains cap for 2019-20?

- a) 0.25% (Model 4)***
- b) 0.50% (Model 2)***
- c) 1.00% (Model 3)***
- d) 1.10% (Model 1)***

De-delegation

- 5.34 The DfE continues to require that any funding that was subject to de-delegation in 2018-19 should be re-approved by schools forum if the de-delegation is to continue in 2019-20. Maintained schools in each phase will need to agree collectively, through the Schools Forum, whether to de-delegate funding to the local authority to meet certain permitted categories of expenditure centrally. The rationale for de-delegation is to achieve economies of scale and to pool risk across schools for these costs.
- 5.35 De-delegation will be an option for maintained primary and secondary schools for the following allocations in line with 2013-14 to 2018-19 delegation. The indicative rates for de-delegation in 2019-20 are shown in the table below with the 2018-19 rates (shown in brackets) for comparison where changed.
- 5.36 It is proposed to reinstate de-delegation for Trade Union Facilities for 2019-20.
- 5.37 Since April 2018 maintained schools have had to 'opt in' to this scheme which has caused a lot of confusion with many maintained school head teachers not fully understanding the implications of not contributing to the scheme until a significant employee issue arises, sometimes at very short notice.
- 5.38 By law trade union representatives are entitled to reasonable time off from their substantive employment to undertake official trade union duties and undertake training relevant to the role. This cost effective scheme, which meets the requirements of the DfE Guidance: Trade Union Facility Time in Schools (Ref DFE-00007-2014), ensures that all schools who contribute can progress employee relations matters appropriately by providing school staff access to locally elected accredited trade union representatives who can provide their members support and representation at school based hearings, appeals, consultation meetings and other employee matters. Schools (both maintained and academy) who do not contribute must make their own arrangements for trade union consultation (on changes to policies) and representation by contacting Regional Trade Union Representatives.
- 5.39 The re-instatement of de-delegation for Trade Union Facilities will avoid future misunderstanding; ensure that all maintained schools gain immediate access to locally elected representatives to progress HR related issues when required at the start of the next financial year and enable consultation on policy developments to be conducted at local authority level. It will also ensure that all schools (including academy schools) who release their staff to undertake county-wide trade union duties receive a contribution towards staff cover costs without delay.

	Primary per pupil de-delegation	Secondary per pupil de-delegation
Free school meal eligibility assessment	£0.87	£0.91
Support to underperforming ethnic minority groups and bilingual learners	£5.03	£5.03
Contingency for crisis communications	£0.90	Nil
Trade Union Facilities	£1.51	£1.64

Question 7 (to be answered by maintained schools only)

Do you agree to the de-delegation of the following in 2019-20?

- ***Free school meals eligibility assessment?***
- ***Support to underperforming ethnic minority groups and bilingual learners?***
- ***Contingency for crisis communications?***
- ***Trade Union Facilities?***

Thank you for taking the time to complete this consultation.

TABLE 3

Nottinghamshire 2018-19 Schools Block Local Funding Formula

	Primary Unit Value £	Secondary Unit Value £
Minimum Per Pupil - new factor	3,300	4,600
Basic Entitlement - per pupil		
Primary	2,754.43	
KS3		3,873.12
KS4		4,397.70
Deprivation - per eligible pupil		
FSM Current	441.19	441.19
FSM6	541.46	787.13
IDACI Band A	576.56	812.20
IDACI Band B	421.14	601.63
IDACI Band C	391.06	561.52
IDACI Band D	360.98	516.40
IDACI Band E	240.65	391.06
IDACI Band F	200.54	290.79
Low Prior Attainment - per eligible pupil	1,052.85	1,554.20
English as an Additional Language - per eligible pupil	516.40	1,388.75
Lump Sum - per school	110,298.10	110,298.10
Sparsity - per eligible school	25,067.75	65,176.15
Pupil Mobility - per eligible pupil	476.21	476.21
Split Sites	School specific unit values	
Rental	School specific unit values	
Rates	School specific unit values	
Joint Use	School specific unit values	
Primary to Secondary Ratio		1:1.270
Minimum Funding Guarantee	0.25%	0.25%
Gains Cap	2.75%	2.75%

Note: The National Funding Formula unit values have been increased to reflect the Area Cost Adjustment for Nottinghamshire which is 1.00271.