

# Public Document Pack



**Nottingham  
City Council**

## **Nottingham City Council Schools Forum**

**Date:** Tuesday, 5 December 2023

**Time:** 1.45 pm

**Place:** Remote - To be held remotely via Zoom -  
<https://www.youtube.com/user/NottCityCouncil>

**Councillors are requested to attend the above meeting to transact the following business**

**Director for Legal and Governance**

**Governance Officer:** James Lavender

**Direct Dial:** 0115 8764643

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** 3 - 10  
To confirm the minutes of the meeting held on 10 October 2023
- 4 Proposed approach to DSG budget setting 2024/25 by block** 11 - 20  
Joint report of the Corporate Director for People and the Director of Education Services
- 5 Proposed high needs place changes 2024/25 academic year** 21 - 28  
Verbal update and presentation
- 6 Central Expenditure Budget 2024/25 – Historic Commitments** 29 - 52  
Joint report of the Corporate Directors for People and Finance and Resources
- 7 Central Expenditure Budget 2024/25 – On Going Commitments** 53 - 66  
Joint report of the Corporate Directors for People and Finance and Resources
- 8 Early Years Central Expenditure 2024/25** 67 - 78  
Joint report of the Corporate Director for People and the Director of Education Services

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	Joint report of the Corporate Director for People and the Director of Education Services	
<b>10</b>	<b>De-delegation request for maintained schools for school improvement and brokerage grant 2024/25</b>	93 - 100
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<b>11</b>	<b>De-delegation of funding for Trade Union time off for Senior Representatives for 2024/25</b>	101 - 108
	Joint report of the Corporate Director for Finance and Resources and the Director of HR and EDI	
<b>12</b>	<b>De-delegation of 2024/25 Health and Safety Building Inspection Funding</b>	109 - 148
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If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

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## Nottingham City Council

### Schools Forum

**Minutes of the meeting held at Remote - To be held remotely via Zoom - <https://www.youtube.com/user/NottCityCouncil> on 10 October 2023 from 1.45 pm - 3.00 pm**

#### Membership

- |                             |                                    |
|-----------------------------|------------------------------------|
| ✓ Kerrie Fox (Chair)        | - PRUs                             |
| ✓ David Tungay (Vice Chair) | - Secondary Academies              |
| ✓ Kerrie Henton             | - AP Academies and Free Schools    |
| Debbie Simon                | - Early Years PVI                  |
| ✓ Judith Kemplay            | )                                  |
| ✓ Terry Smith               | ) Maintained Primary Head Teachers |
| ✓ Alison Tones              | )                                  |
| ✓ Patricia Lewis            | - Maintained Special Schools       |
| Laura Patel                 | - The Nottingham Nursery           |
| ✓ Meeta Dave                | )                                  |
| ✓ Tim Jeffs                 | ) Primary Academies                |
| ✓ Rob Perkins               | )                                  |
| ✓ Emma Howard               | )                                  |
| ✓ Andy Smith                | ) Secondary Academies              |
| Sandra Stapleton            | )                                  |
| ✓ Phil Willott              | - Special Academies                |
| ✓ Sheena Wheatley           | - Trade Unions                     |
| ✓ Adam Beazley              | - 14-19 Education                  |

✓ indicates present at meeting

#### Colleagues, partners and others in attendance:

- |                     |  |
|---------------------|--|
| Kathryn Bouchlaghem | - Early Years Manager  |
| Collins Elechi      | - Senior Commercial Business Partner (Finance)                         |
| Julia Holmes        | - Senior Commercial Business Partner (Childrens and Education)         |
| James Lavender      | - Governance Officer   |
| Nick Lee            | - Director of Education Services                                       |
| Terry Shaw          | - Interim Strategic Finance Business Partner (Childrens and Education) |
| Janine Walker       | - Head of SEND and Vulnerable Pupils                                   |

#### 1 Membership Change

Emma Howard and Sandra Stapleton have been appointed as Secondary Academy Representatives for the Forum.

Caroline Sheard has been replaced by Adam Beazley as the 14-19 Education Representative.

## **2 Appointment of Vice Chair**

**Resolved to appoint David Tungate as Vice Chair for the academic year 2023/24.**

## **3 Apologies for Absence**

Laura Patel  
Debbie Simon

## **4 Declarations of Interest**

None.

## **5 Minutes**

The minutes of the last meeting held on 27 June 2023 were confirmed as a correct record.

## **6 Schools and High Needs funding update for 2024/25**

Julia Holmes, Senior Commercial Business Partner (Childrens and Education), presented the update into the Schools and High Needs funding for the 2024/25 academic year. The following information was highlighted:

- (a) on Friday 6 October, the Department of Education announced that they had miscalculated the Schools National Funding Formula (NFF) for the 2024/25 academic year. The number of pupils nationally had been underestimated, so the planned national increase of 2.7% in funding per pupil has been revised to 1.9%. This does not affect the Central Schools Services Block. The figures have been updated in the presentation to reflect this miscalculation;
- (b) the 2023/24 Mainstream Schools Additional Grant has been rolled into the schools NFF in 2024/25. The NFF factor values have been increased on top of the amounts that have already been added for the Mainstream Schools Additional Grant;
- (c) the Free School Meals (FSM) factor had been increased by 1.6%;
- (d) the basic entitlement, Low Prior Attainment (LPA), free school meals at any time in the last 6 years (FSM6), English as an additional language (EAL), income deprivation affecting children index (IDACI), mobility, and the lump sum factors have been increased by 1.4%;
- (e) Local Authorities (LAs) are expected to move their factor rates 10% closer to the NFF factor values. Nottingham City Council (NCC) mirrors the NFF but not all LAs do this;

- (f) the minimum funding guarantee (MFG) has been set at 0.5% per pupil;
- (g) the minimum per pupil levels (MPPL) have been increased by 1.4%. Primary schools will receive at least £4,610 per pupil and secondary schools £5,995 per pupil;
- (h) there has been no increase on the funding of premises factors except for the Private Finance Initiative (PFI) which has increased by Retail Prices Index excluding mortgage interest payments (RPIX) which is 10.4% for the year to April 2023 and split sites which has been formularised based on a national criteria;
- (i) there are new requirements for pupil growth funding. Funding is going to be allocated to LAs for falling rolls and a new criteria for allocating funding falling rolls funding has been introduced;
- (j) the Teachers' Pay Additional Grant introduced in September 2023 will continue in the financial year 2024/25. The grant will then be added into the schools NFF in the financial year 2025/26;
- (k) based on the illustrative funding allocations released by the Department of Education for 2024/25 on 6 October 2023, 37.3% of Nottingham City primary schools and 31.6% of our secondary schools will only be receiving an increase of 0.5% per pupil. This is a concern given that the proposed pay awards are likely to be higher than 0.5%;
- (l) the number of primary schools in the City of Nottingham in receipt of the Minimum Funding Guarantee (MFG) has fallen by 13 from 2023/24 to 2024/25. The number of primary schools on the Schools NFF has increased by 13 from 2023/24 to 2024/25;
- (m) the largest increases in funding per pupil from the Schools Block can be found in primary schools;
- (n) the proposed approach to setting maintained schools and academies Individual School Budgets in the financial year 2024/25 will involve the removal of the one-off funding of £85 per pupil from schools baselines for the financial year 2023/24;
- (o) a new free school (Waterside Primary Academy) will be funding through the funding formula. It is due to open in September 2024;
- (p) the Council will endeavour to set the MFG as near to 0.5% as possible as in previous financial years;
- (q) if there is a shortfall when setting the 2024/25 Schools Block, the Council may propose to use some of the funding that is earmarked within the Statutory School Reserve as underspends on pupil growth in the financial years 2020/21 to 2022/23 (See Minute 32 of the Schools Forum minutes dated 27 June 2023);

- (r) regarding the Central Schools Services Block, there is no change to how central schools services funding for ongoing commitments is calculated in 2024/25. A further cut of 20% applied to historic commitments funding in 2024/25. This brings the total reduction in historic commitments funding between 2020/21 to 2024/25 to £3.740m;
- (s) NCC will receive an increase of 1.48% per pupil for ongoing responsibilities;
- (t) the £1.768m in funding for ongoing commitments in the Central Schools Services Block is based on October 2022 pupil numbers, but it will be updated to reflect the pupils on the October 2023 school census in December 2023. It will also include £29,000 in additional funding for copyright licences due to increased cost in 2023/24. This is based on a rate of £0.67 per pupil;
- (u) all LAs receive an increase of between 3% and 5% per head of the 2-18 population for 2024/25. Nottingham will receive the ceiling 5% increase which equates to an indicative £2.835m increase;

During the discussion and in response from questions from the Forum, the following points were raised:

- (v) as a result of the revised illustrative Schools NFF allocations being released on 6 October 2023 by the Department of Education, there will be £1.892m or £50 per pupil less in funding for all schools and academies in the city than originally forecast. The Department of Education's error in the funding calculations will be communicated to all schools and academies to make them aware of the impact on their budgets for 2024/25;
- (w) the Department of Education has stated that quality assurance checks will be introduced to make sure that these miscalculations never happen again;
- (x) schools are already making redundancies and this budget reforecasting will make it worse;
- (y) the Forum to express the distress and disappointment at the DFE's miscalculations within the Schools Funding;
- (z) the mistake in the calculation of the Schools NFF for the financial year 2024/25 was identified in September;
- (aa) there will be £50,000 less in funding per secondary schools and academies;
- (bb) a national response from Multi-Academy Trusts, Schools Forums, LAs, the Local Government Association (LGA) and the trade unions is required to express their frustration and anger at the Department of Education's mistake;
- (cc) the teaching union's pay award for school support staff was not fully funded. The fallout from the Department of Education's miscalculated figures will be discussed with the union's executive. There could be potential union action resulting from this.

**Resolved to:**

- 1. note the report;**
- 2. share the School Forum's position with Councillor Cheryl Barnard as the Portfolio Holder for Children, Young People and Education and to convey the Forum's position to the Government;**
- 3. LA to communicate with schools and academies about the miscalculations of the Schools National Funding Formula.**

**7 Proposed High Needs Place Changes 2024/25 Academic Year**

Collins Elechi, Senior Commercial Business Partner (Finance), presented the update into the proposed High Needs Place Changes for the 2024/25 academic year. The following information was highlighted:

- (a) not all schools and academies have been consulted, so these figures are a rough estimate. The consultation with the Schools Forum will be followed by consultation with the institutions involved. Current published high needs places;
- (b) under the current published high needs places for 2023/24, Nethergate Special Academy receives 10 extra places. Fernwood Primary receives 2 extra places and Denewood Academy receives 8. Nottingham College receives 20 extra places. Djangoly Strelley Academy receives 6 places as it is a new school. Bulwell Academy loses three places;
- (c) the total 2024/25 place change cost is £0.330m for additional 43 places, excluding top-ups;
- (d) the place numbers are subject to change when finalised in November;
- (e) the funding increase for 2024/25 will be subject to the outcome of our Special School funding review, which is in progress and conducted on a 4-yearly cycle;
- (f) the SEND Sufficiency Strategy 2023/28 has been approved by the Council's Executive Board on 19 September 2023. In due course, a paper will be brought to School's Forum outlining the Phase 1 capital developments for high needs places;
- (g) it is unlikely that any new provision will be completed during the 24/25 financial year, but should this be the case, a paper outlining provision and costs will be taken to the Schools Forum for consultation.
- (h) looking at potentially developing some early intervention provision at hospital and home education and expanding Early years SEND team;

During the discussion and in response from questions from the Forum, the following points were raised:

- (i) a request was brought to the Schools Forum at the June meeting to provide additional funding to Denewood Academy for those 8 places for 2023/24 (see Minute 33 of the minutes of the Schools Forum meeting of 27 June 2023);
- (j) there is data available by ward of the primary school pupils who are awaiting a specialist school place or from specialist support. This data is used by the Council to get focused support for pupils, to understand the nature of that support, and to enhance the specialist provision in secondary schools and in specialist schools;
- (k) a clinical diagnosis is not needed to access this support.

**Resolved to note the update.**

## **8 Early Years Supplementary Grant and Extension of Entitlements**

Collins Elechi delivered the report into the Early Years Supplementary Grant and the extension of entitlements. The following information was highlighted:

- (a) the Government announced in the Spring Budget 2023 that an additional £204m will be made available through an Early Years Supplementary Grant (EYSG) and as part of the wider Dedicated Schools Grant;
- (b) the EYSG is to be used to increase the hourly rates paid to LAs so that they can increase the amount of funding which their early years childcare providers receive to deliver the existing entitlements from 1 September 2023 to 31 March 2024;
- (c) the funding is to be delivered to disadvantaged 2-year olds, universal entitlement for 3- and 4-year olds, additional entitlement to 3- and 4-year olds of working parents, Maintained Nursery Schools Supplementary Funding, the Early Years Pupil Premium (EYPP) and the Disability Access Fund;
- (d) the EYSG will provide an additional £669,000 in funding to NCC schools and PVI's. The hourly rate will increase for the 15 hours entitlement for disadvantaged 2-year olds from £5.66 per hour to £7.46 per hour. For all providers in receipt of funding for the universal and additional entitlements for 3- and 4-year olds, the hourly rate will increase from £4.96 to £5.01. The EYPP will increase to 66p per hour;
- (e) the Early Years Entitlements phased rollout will begin in April 2024 and carry on through to September 2025;
- (f) the supplementary grant was included in the autumn payment to NCC providers;
- (g) the Government has committed another £12m nationally to support EY Teams across the country as they prepare for the expansion of early years entitlements from April 2024. LA allocation announcements are expected in October 2023.



**Resolved to note the report.**

**9 Constitution/membership**

James Lavender, Governance Officer, updated the Forum with changes to the Constitution of the Schools Forum, notably that the constitution should be reviewed annually in September with a view to implement any changes in the following October.

**Resolved that the Schools Forum Constitution, as attached to the agenda, be approved.**

**10 Date of the next meeting**

It was noted that the next meeting will be held remotely via Zoon, and livestreamed on YouTube, at 1:45pm on Tuesday 5 December 2023.

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## Schools Forum – 5 December 2023

<b>Title of paper:</b>	Proposed approach to DSG Budget Setting 2024/25 by block
<b>Director(s)/ Corporate Director(s):</b>	Catherine Underwood, Corporate Director for People Nicholas Lee, Director of Education
<b>Report author(s) and contact details:</b>	Julia Holmes, Senior Commercial Business Partner (Schools) Collins Elechi, Interim Senior Commercial Business Partner (Schools)
<b>Other colleagues who have provided input:</b>	Carol McCrone, Senior HR Consultant (Schools) Ann Barrett, Team Leader Legal Services
<b>Summary</b>	
<p>For 2024/25, the LA proposes to continue to move away from the standard budget setting approach of balancing block budgets to the DSG income received for each specific block as it did in the financial year 2023/24. This is in response to a short-term surplus in the High Needs budget and significant pressures in Schools and Central School Services blocks.</p> <p>This paper outlines the proposal to transfer DSG funding from the High Needs Block to the Central Schools Services block, which is permitted with Schools Forum approval. This coupled with the distribution of additional funding to primary and secondary schools through the local funding formula in 2024/25.</p> <p>In the financial year 2023/24 primary and secondary schools were given an additional £85 per pupil through the basic entitlement factor. This was one-off funding. The Authority has sought guidance from the Education Funding Agency (ESFA) to see if it would be possible to give additional funding in the financial year 2024/25 using a similar approach. The LA we were advised by the ESFA that as it was stated that the additional funding in 2023/24 was a one-off it would not be approved again by the Secretary of State. The ESFA did however state that the LA could leave in the additional funding in the 2023/24 baselines. Therefore, in an effort to pass on additional funding to maintained schools and academies in the financial year 2024/25 the LA is proposing to leave in the additional funding given in 2023/24 in primary and secondary schools 2023/24 Minimum Funding Guarantee (MFG) Unit values in 2024/25. By doing this it would enable an additional £1.988m to be passed onto primary and secondary schools in 2024/25 compared to if the funding was removed from the 2023/24 MFG unit values as was originally proposed last year. In the financial year 2024/25 the LA forecasts that the provisional funding settlement for 2024/25 plus the funding that will be allocated for pupil growth will be sufficient to fund this proposal (based on pupil data taken from the October 2022 school census). If however, once the October 2023 school census data has been received in December 2023 and there is insufficient funding to cover this proposal the LA proposes to use up to £1.493m earmarked as pupil growth funding within the DSG reserve to meet any shortfall.</p>	
<b>Recommendation(s):</b>	
<b>1</b>	To give a view on the proposal to leave in mainstream primary and secondary schools 2023/24 Minimum Funding Guarantee unit values in the 2024/25 Authority Pro-forma Tool the additional funding given in the financial year 2023/24. This will be funded through the Schools Block or a combination of the Schools Block and up to £1.493m ring-fenced DSG reserve balance.

<b>2</b>	To approve a block transfer for 2024/25 from the High Needs Block to the Central Schools Services Block of £0.508m.
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## 1. Reasons for recommendations

- 1.1 It is projected that there will be a surplus of around £2.835m on high needs for 2024/25. High Needs revenue funding has been increased at an unprecedented levels over the last 6 years with Nottingham City receiving a cumulative 82% funding increase from 2019/20 to 2024/25, rising from £33.697m to £61.173m. However, ESFA are advising LA's in the safety valve programme to plan on 3% increases from 2024/25. The HN significant revenue increases have therefore been provided in advance of the significant HN capital allocations, the majority of which were only announced in March 2022. It is essential for financial long term planning that we ensure there will be HN revenue funding available to support the HN capital projects once agreed and delivered - in other words that HN place and top-up funding can be afforded for the extra places in newly built specialist provision. To manage this it is anticipated that there will be a gradually reducing surplus on HN budget from 2024/25 to 2027/28 whilst new provision is planned, built and filled.
- 1.2 The LA are concerned that a significant proportion of schools will struggle to set a balanced budget for 2024/25. This report includes a proposed approach to allocate additional funding to primary and secondary schools in the financial year 2024/25. This report is to seek Schools Forums view on the proposal and the LA will be consulting with mainstream schools to seek their view between 5-19 December 2023. In line with last years procedure the LA will analyse the responses and report to Schools Forum on the 16 January 2024.
- 1.3 The LA also has major challenges to set a balanced budget for 2024/25 and over the MTFP. Cessation of DSG funding for historic commitments places further pressures on the LA. Added to this, funding coming in through the CSSB block for ongoing commitments does not fully cover the cost of delivering statutory retained duties. In 2023/24 Schools Forum approved a HN block transfer to the CSSB of £0.458m to fully fund the cost of the Education Welfare Team. Up until the financial year 2023/24, the CSSB had supported up to £0.156m of costs of the Education Welfare Team as specified in last year's report 'Proposed approach to DSG Budget Setting by block 2023/24 – 6 December 2022 – Agenda item 4. For the financial year 2024/25 the LA is seeking approval from Schools Forum to approve a HN Block transfer to the CSSB of £0.508m. As the retained duties of this team can be met from DSG under the regulations, the LA is seeking approval for a block transfer and approval of the full team costs from DSG.
- 1.4 As the 2023/24 high needs budget is not fully allocated and is anticipated may be up to £3m under-spent, then coupled with the £2.835m additional funding for 2024/25 there will be £5.8m in high needs funding to prioritise for HN developments and pressures in 2024/25 even if the HN block transfers are approved and actioned. In the event that the HN developments and pressures are higher than expected in 2024/25 then the LA will draw from the DSG reserve balance to supplement the budget. This is to ensure that there will be no detriment to provision from the high needs block from these proposals.

## 2. Background

- 2.1 In the financial year 2023/24 primary and secondary schools were given an additional £85 per pupil through the basic entitlement factor. To enable the additional funding to be passed onto all school including maintained schools and academies on the MFG of 0.5% a disapplication request was submitted to the Secretary of State to seek approval to make a technical adjustment to ensure that schools on the MFG would receive the additional £85 per pupil. This application was approved.
- 2.2 As outlined in paragraph 1.2 the LA concerned that some schools may not be able to set a balanced budget in 2024/25 which has also been expressed by Schools Forum members regarding the uplifts applied to the schools NFF factor rates in 2024/25. Since the Schools Forum meeting on 10 October 2023 the LA has been looking into possible options to pass on additional funding to maintained schools and academies.
- 2.3 The ESFA were contacted on the 13 November 2023 to obtain clarification on legitimate options under the current regulations to allocate additional funding to schools including from DSG reserves. ESFA colleagues stated that as the LA had included on the MFG disapplication request last year when the LA gave the additional £85 per pupil through the primary, key stage 3 and key stage 4 age weighted pupil units that this would be one-off funding that the LA would not get approval to do it again. They stated that other LA's that had applied to the Secretary of State to do this a second time and had been rejected. This is due to the fact that giving additional funding, does not align to the national agenda of all schools being funding solely on the schools NFF. The ESFA also explained that if the LA wanted to take out the £85 of the MFG unit value per pupil for 2023/24 in the 2024/25 Authority Pro-forma Tool the LA would need to submit a disapplication request. The second and final window for disapplication requests closed on 17 November 2023. However, the ESFA did advise that an alternative option would be to leave in the additional funding given out last year in the MFG unit value per pupil.

Therefore, the LA has modelled the impact of leaving in the additional funding given to mainstream primary and secondary schools in 2023/24 in the 2023/24 MFG unit values in the 2024/25 Authority Pro-forma Tool **Table1**.

Table 1: Projected increases in Post MFG Budget between 2023/24 and 2024/25 after excluding and including the additional funding given in 2023/24 MFG unit value						
	Excluding the additional funding in the 2023/24 MFG unit value per pupil			Including the additional funding in the 2023/24 MFG unit value per pupil		
	Primary	Secondary	All-through	Primary	Secondary	All-through
Greater than or equal to 1.5% but less than 2.0%	1	-	-	-	-	-
Greater than or equal to 2.0% but less than 2.5%	24	-	-	-	-	-
Greater than or equal to 2.5% but less than 3.0%	20	4	-	-	-	-
Greater than or equal to 3.0% but less than 3.5%	25	3	1	7	-	-
Greater than or equal to 3.5% but less than 4.0%	4	9	-	53	5	1
Greater than or equal to 4.0% but less than 4.5%	1	1	-	14	11	-
Greater than or equal to 4.5% but less than 5.0%	-	1	-	-	2	-
Greater than or equal to 5.0% but less than 5.5%	-	-	-	1	-	-
<b>Total</b>	<b>75</b>	<b>18</b>	<b>1</b>	<b>75</b>	<b>18</b>	<b>1</b>

- 2.4 As shown in **Table 1** by adopting this approach of leaving in the additional funding in the MFG unit values for 2023/24 in 2024/25 the majority of schools (90 out of 94) would be gaining additional funding. However, there would be four schools who would not receive additional funding in 2024/25 as a result of this proposal due to the make-up of their school. This is because one primary school is due to receive increased split site funding as a result of the new national split site criteria and three secondary schools have received increases in Private Finance Initiative/Building Schools for the future funding. This projection has been based on the pupils recorded on the October 2022 school census. See **Appendix A** for a breakdown of the forecast percentage increases each school would attract between 2023/24 and 2024/25 based on excluding and including the funding given in 2023/24 in the 2023/24 MFG unit values in 2024/25. By leaving in the additional funding 90 schools out of 94 would receive additional funding.
- 2.5 The LA forecasts that based on the provisional funding the LA is due to receive through the primary and secondary units of funding, premises funding and forecast pupil growth funding in the financial year 2024/25 there should be sufficient funding in the Schools Block to fund the proposal to leave in the additional funding that was given out in 2023/24 in the 2023/24 baselines. If however, once the final October 2023 census data is received in December 2023 and the proposal is not affordable then the LA proposes the utilisation of up to £1.493m from the DSG reserve which has been earmarked as Pupil Growth underspend 2020/21 to 2022/23 in the 2022/23 Dedicated Schools Grant - Outturn report - 27 June 2023 - Agenda item 5 to fund the shortfall. The balance of £1.493m is made up of funding in the Schools Block that has either not been able to be passed onto schools through the schools NFF and been allocated to the pupil growth contingency fund to balance the Schools Block between 2020/21 and 2022/23 or underspends on the pupil growth contingency fund in the financial years 2020/21 to 2022/23.
- 2.6 A consultation with mainstream schools will be conducted between 5-19 December 2023 to seek their views on the proposed approach. The outcome of the consultation will included in the School Budget 2024/25 report that will be brought to Schools Forum on 16 January 2024.
- 2.7 Whilst the CSSB block transfer moves funding out of high needs for 2024/25, there is a high level of interdependency between the service delivery and outcomes of the Education Welfare service and the inclusion of vulnerable pupils and work of other DSG funded teams. Two clear examples of this are the relationship between AP oversight and responsibility for children EOTAS and the exclusion process and fair access admissions in year for children at risk of PEX. Similarly, children without a school place (WASP) have failed to acquire a school place through the admissions process and are case managed through Access & Inclusions yet to improve outcomes require more intensive welfare support the admission team are not resourced to provide, the intervention from Education Welfare services would improve outcomes in reducing barriers to access education, reduce vulnerability and support with provision of a school place and follow through of school attendance orders and parenting orders where required.
- 2.8 The proposed additional funding outlined in this report is for primary and secondary aged pupils and only applies to mainstream schools and not to high needs settings. Whereas mainstream schools are subject to the NFF, funding for HN settings is at the discretion of the LA. This means that the LA is able to agree top-up funding at a

level that adequately covers cost pressures. Special school funding is currently being reviewed in depth in 2023/24 as part of a 3 year cycle and will take account of cost pressures. The LA agrees top-up funding for other high needs settings at a level to cover actual costs of delivering provision when this information is made available.

2.9 In October the Board approved a range of specialist provision under the SEN Sufficiency project, and these developments which are in early design stage include:

- Expansion of Rosehill Special school - 80 places
- Enhanced resource provision at Fernwood Secondary School – 20 places
- Enhanced resource provision at Nottingham Girl’s Academy – 8/10 places
- Enhanced resource provision at Gladehill School – 8 places
- Enhanced resource provision at Milford Academy – 8 places

It is expected the financial impact for these projects will start in 2025/26, with a potential £2.883m in the first year and £4.841m and £5.600m in 2026/27 and 2027/28 when the full capacity has been utilised. A breakdown of the cost analysis is shown in **Table 2** below.

<b>Table 2: New Projects &amp; Other Start ups</b>			
<b>Establishment</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Rosehill Special school autism development (80 places)	£0.869	£1.241	£1.762
Nottingham Girls Focus Provision (8 places)	£0.095	£0.143	£0.191
Fernwood Secondary (20 places)	£0.191	£0.286	£0.476
Djanogly Strelley	£0.191	£0.191	£0.191
Milford Academy	£0.143	£0.191	£0.191
Gladehill Primary	£0.095	£0.191	£0.191
AP Free School	£1.300	£2.600	£2.600
<b>Total</b>	<b>£2.883</b>	<b>£4.841</b>	<b>£5.600</b>

Djanogly Strelley and Milford Academy may come on line in 24/25 and SF have been asked to ringfence funding for places in year.

2.1

**3. Other options considered in making recommendations**

3.1 None.

**4. Outcomes/deliverables**

4.1 N/A

**5. Consideration of Risk**

5.1 None.

**6. Finance colleague comments (including implications and value for money/VAT)**

- 6.1 This report seeks the views of Schools Forum on the proposal to leave the additional £85 per pupil allocated to mainstream schools in the financial year 2023/24 in the 2023/24 baseline funding in 2024/25. This is forecast to cost £1.988m based on the pupils recorded on the October 2022 school census.
- 6.2 Allocations will vary dependent upon the make-up of pupils in each school. On average each primary school will receive an additional £0.018m and secondary schools an additional £0.030m. This proposal is for the financial year 2024/25 only and additional funding to this scale will be of some immediate benefit but will not fundamentally change the longer-term outlook for school budgets which is dependent on the national funding settlements.
- 6.3 Based on the forecast income in the schools Block for 2024/25 it is anticipated that there will be sufficient funding from the ESFA to fund this proposal. The forecast income in the Schools Block for 2024/25 is £274.354m and the forecast expenditure is £274.259m, leaving a surplus balance of £0.095m. As stated in 2.5 if this is not affordable once the October 2023 school census data has been received in December 2023 the LA proposes to use up to £1.493m of funding earmarked in the DSG reserve to fund any shortfall.
- 6.4 This report seeks approval for a £0.508m transfer from HN to the CSSB block to fully fund the Education Welfare Service.

## **7. Legal colleague comments**

- 7.1 The current law in force in this area is the School and Early Years Finance (England) Regulations 2023. These Regulations make provision for local authorities' financial arrangements in relation to the funding of maintained schools and providers of funded early years provision in England, for the financial year 2023-2024 and the Council must ensure that it complies with its obligations in accordance with these Regulations. Financial advice in that respect is given above and in the main body of the report.
- 7.2 The Forum has decision making powers in relation to (amongst other things,) agreeing centrally retained budgets and funding for central early years expenditure and therefore the Recommendations appear to be within the Forum's powers.

Ann Barrett, Team Leader Legal Services - 22 November 2023

## **8. Other relevant comments**

- 8.1 There are no direct Human Resources implications as part of this report. However, if recommendations are not approved and there is an impact or shortfall in schools balancing budgets, there could be workforce implications as a direct result of this. If workforce reductions are required in schools, a genuine and meaningful consultation process should commence with Education Trade Unions and affected staff, with the correct policies and procedures being adhered to, with HR support provided. Equality, Diversity and Inclusion implications should be considered as part of this report and it is recommended an EIA is developed, demonstrating best value for the consideration to give schools additional funding by leaving the additional £85 per pupil in the given in 2023/24 in the 2023/24 minimum funding guarantee unit values in 2024/25.



9. **Crime and Disorder Implications (If Applicable)**

9.1 N/A

10. **Social value considerations (If Applicable)**

10.1 N/A

11. **Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

Yes (*will be needed for final report*)

12. **Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because:  
Not applicable

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

13. **Carbon Impact Assessment (CIA)**

13.1 Has the Carbon impact of the proposals in this report been assessed?

No

A DPIA is not required because:  
Not applicable

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

14. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1

15. **Published documents referred to in this report**

## APPENDIX A

### Comparison of increases in Post MFG budget between 23/24 and 24/25 by excluding and including additional funding given in 23/24 in the 23/24 baselines in 24/25

	23-24 Post MFG Budget	24-25 Post MFG Budget (excluding additional funding from 2023/24 MFG per pupil value)	Post MFG Budget % Change	24-25 Post MFG Budget (including additional funding from 2023/24 MFG per pupil value)	Post MFG Budget % Change	Variance between excluding and including additional funding given in 2023/24 in 2023/24 baseline funding
<b>Total</b>	<b>£263,032,831</b>	<b>£271,663,271</b>		<b>£273,651,529</b>		
Berridge Primary and Nursery School	£3,104,346.03	3,191,955.59	2.82%	3,225,931.18	3.92%	1.09%
Seely Primary School	£2,523,032.33	2,579,699.18	2.25%	2,623,009.65	3.96%	1.72%
Fernwood Primary School	£4,772,890.60	4,877,414.00	2.19%	4,939,616.82	3.49%	1.30%
Bentinck Primary and Nursery School	£1,252,529.84	1,293,229.02	3.25%	1,298,327.67	3.66%	0.41%
Cantrell Primary and Nursery School	£2,116,522.83	2,177,525.11	2.88%	2,191,329.25	3.53%	0.65%
Carrington Primary and Nursery School	£1,016,862.97	1,047,419.14	3.00%	1,054,821.52	3.73%	0.73%
Dunkirk Primary and Nursery School	£1,991,166.95	2,031,658.25	2.03%	2,060,702.75	3.49%	1.46%
Melbury Primary School	£1,141,320.57	1,181,009.18	3.48%	1,187,015.56	4.00%	0.53%
Middleton Primary and Nursery School	£2,585,456.27	2,658,930.00	2.84%	2,681,717.07	3.72%	0.88%
Heathfield Primary and Nursery School	£3,404,449.56	3,504,866.16	2.95%	3,541,926.82	4.04%	1.09%
Walter Halls Primary and Early Years School	£1,997,374.89	2,047,660.76	2.52%	2,076,570.30	3.96%	1.45%
Southwold Primary School and Early Years' Centre	£1,158,199.91	1,191,320.27	2.86%	1,197,136.71	3.36%	0.50%
Rise Park Primary and Nursery School	£2,042,550.38	2,083,155.91	1.99%	2,118,436.43	3.72%	1.73%
Crabtree Farm Primary School	£2,115,933.95	2,175,175.32	2.80%	2,195,066.43	3.74%	0.94%
Welbeck Primary School	£1,664,009.89	1,717,672.27	3.22%	1,728,653.53	3.88%	0.66%
Mellers Primary School	£2,360,399.19	2,420,497.77	2.55%	2,455,607.45	4.03%	1.49%
Haydn Primary School	£1,885,018.22	1,986,200.12	5.37%	1,986,200.12	5.37%	0.00%
Hempshill Hall Primary School	£1,980,727.57	2,040,817.42	3.03%	2,056,080.60	3.80%	0.77%
Glade Hill Primary & Nursery School	£2,068,894.38	2,143,911.35	3.63%	2,158,056.02	4.31%	0.68%
Claremont Primary and Nursery School	£1,983,550.17	2,031,419.28	2.41%	2,063,880.78	4.05%	1.64%
Snap Wood Primary and Nursery School	£934,079.75	957,054.10	2.46%	969,526.15	3.79%	1.34%
Forest Fields Primary and Nursery School	£3,111,176.94	3,203,898.55	2.98%	3,229,771.71	3.81%	0.83%
Dovecote Primary and Nursery School	£1,791,599.67	1,853,281.06	3.44%	1,863,039.54	3.99%	0.54%
Greenfields Community School	£1,207,595.41	1,233,940.36	2.18%	1,251,708.76	3.65%	1.47%
Southglade Primary and Nursery School	£2,170,225.10	2,245,507.81	3.47%	2,258,894.83	4.09%	0.62%
Westglade Primary School	£1,137,935.09	1,180,787.31	3.77%	1,186,803.93	4.29%	0.53%
Henry Whipple Primary School	£1,058,487.29	1,097,424.08	3.68%	1,102,237.25	4.13%	0.45%
Robin Hood Primary School	£2,188,976.59	2,269,889.47	3.70%	2,285,493.37	4.41%	0.71%
Rufford Primary and Nursery School	£2,114,245.46	2,164,505.36	2.38%	2,196,027.18	3.87%	1.49%
St Augustine's Catholic Primary and Nursery School, A Vol	£1,613,400.69	1,661,152.40	2.96%	1,671,531.14	3.60%	0.64%
Windmill L.E.A.D. Academy	£2,194,902.69	2,243,168.88	2.20%	2,276,997.18	3.74%	1.54%
Firbeck Academy	£937,113.86	969,777.37	3.49%	974,177.40	3.96%	0.47%
Highbank Primary and Nursery School	£1,375,026.44	1,421,913.93	3.41%	1,430,466.44	4.03%	0.62%
Glenbrook Spencer Academy	£2,074,737.11	2,125,994.63	2.47%	2,158,199.86	4.02%	1.55%
Portland Spencer Academy	£2,076,910.75	2,146,339.43	3.34%	2,159,453.35	3.97%	0.63%
Djanogly Strelley Academy	£2,102,866.08	2,155,284.76	2.49%	2,186,635.73	3.98%	1.49%
Jubilee L.E.A.D. Academy	£1,815,338.11	1,855,847.28	2.23%	1,882,585.30	3.70%	1.47%
Roslyn Park Primary and Nursery School	£3,351,332.87	3,465,229.57	3.40%	3,483,298.45	3.94%	0.54%
Brocklewood Primary and Nursery School	£2,511,807.36	2,567,843.18	2.23%	2,605,344.76	3.72%	1.49%
Springfield Academy	£1,216,861.39	1,247,991.95	2.56%	1,264,649.83	3.93%	1.37%
Victoria Primary School	£1,681,897.47	1,722,402.12	2.41%	1,747,089.94	3.88%	1.47%
Bluecoat Primary Academy	£2,154,514.74	2,224,515.81	3.25%	2,239,283.42	3.93%	0.69%
Ambleside Primary School	£3,133,650.47	3,236,435.02	3.28%	3,257,624.44	3.96%	0.68%
Djanogly Sherwood Academy	£1,659,905.96	1,707,475.96	2.87%	1,716,546.24	3.41%	0.55%
Edna G. Olds Academy	£1,178,781.92	1,204,055.88	2.14%	1,221,909.70	3.66%	1.51%
Hogarth Academy	£1,076,120.82	1,100,411.97	2.26%	1,117,753.24	3.87%	1.61%
Djanogly Northgate Academy	£1,855,612.72	1,896,521.55	2.20%	1,925,566.05	3.77%	1.57%
Burford Primary and Nursery School	£1,138,003.25	1,175,813.15	3.32%	1,182,213.28	3.88%	0.56%
Radford Primary School Academy	£1,211,646.14	1,241,893.27	2.50%	1,259,371.08	3.94%	1.44%
Robert Shaw Primary and Nursery School	£2,023,889.91	2,083,230.67	2.93%	2,098,513.42	3.69%	0.76%
William Booth Primary and Nursery School	£1,220,638.53	1,249,036.54	2.33%	1,266,463.24	3.75%	1.43%
Edale Rise Primary & Nursery School	£1,372,008.24	1,399,740.83	2.02%	1,417,423.81	3.31%	1.29%

	23-24 Post MFG Budget	24-25 Post MFG Budget (excluding additional funding from 2023/24 MFG per pupil value)	Post MFG Budget % Change	24-25 Post MFG Budget (including additional funding from 2023/24 MFG per pupil value)	Post MFG Budget % Change	Variance between excluding and including additional funding given in 2023/24 in 2023/24 baseline funding
Southwark Primary School	£3,179,343.28	3,286,527.82	3.37%	3,307,701.18	4.04%	0.67%
Whitemoor Academy (Primary and Nursery)	£2,040,969.37	2,083,072.63	2.06%	2,117,413.48	3.75%	1.68%
Old Basford School	£2,150,749.98	2,214,001.50	2.94%	2,230,362.35	3.70%	0.76%
Scotholme Primary and Nursery School	£2,158,947.72	2,223,772.22	3.00%	2,237,661.33	3.65%	0.64%
Blue Bell Hill Primary and Nursery School	£2,241,460.08	2,313,194.42	3.20%	2,326,707.97	3.80%	0.60%
Stanstead Nursery and Primary School	£946,884.27	978,027.16	3.29%	983,362.48	3.85%	0.56%
Warren Primary Academy	£926,695.35	959,014.52	3.49%	964,330.46	4.06%	0.57%
The Milford Academy	£2,026,537.88	2,088,358.92	3.05%	2,103,579.20	3.80%	0.75%
The Glapton Academy	£1,627,184.90	1,663,475.82	2.23%	1,689,528.38	3.83%	1.60%
Whitegate Primary and Nursery School	£1,857,587.18	1,922,335.44	3.49%	1,935,364.99	4.19%	0.70%
Huntingdon Academy	£2,350,343.91	2,399,970.81	2.11%	2,434,482.51	3.58%	1.47%
Bulwell St Mary's Primary and Nursery School	£1,176,035.66	1,214,294.51	3.25%	1,220,289.35	3.76%	0.51%
Sneinton St Stephen's CofE Primary School	£1,129,058.87	1,164,232.14	3.12%	1,171,187.14	3.73%	0.62%
South Wilford Endowed CofE Primary School	£1,704,036.15	1,750,413.60	2.72%	1,767,354.65	3.72%	0.99%
St Mary's Catholic Primary School	£1,123,560.42	1,158,362.20	3.10%	1,165,058.81	3.69%	0.60%
St Patrick's Catholic Primary and Nursery School	£1,043,153.49	1,076,200.46	3.17%	1,082,714.48	3.79%	0.62%
St Teresa's Catholic Primary School	£2,118,802.99	2,175,687.43	2.68%	2,191,647.45	3.44%	0.75%
Our Lady of Perpetual Succour Catholic Primary School	£1,103,156.41	1,134,233.82	2.82%	1,141,464.57	3.47%	0.66%
Blessed Robert Widmerpool Catholic Primary and Nursery	£1,093,717.12	1,126,155.42	2.97%	1,133,783.44	3.66%	0.70%
Our Lady & St Edward Primary & Nursery Catholic Volunta	£1,143,214.82	1,166,556.22	2.04%	1,184,922.60	3.65%	1.61%
St Margaret Clitherow Catholic Primary School	£1,063,125.23	1,093,520.35	2.86%	1,100,487.00	3.51%	0.66%
Sycamore Academy	£2,305,634.63	2,358,886.30	2.31%	2,393,141.73	3.80%	1.49%
St Ann's Well Academy	£1,244,192.24	1,273,238.58	2.33%	1,291,092.40	3.77%	1.43%
Nottingham Girls' Academy	£5,670,934.77	5,827,510.44	2.76%	5,896,106.71	3.97%	1.21%
Bluecoat Beechdale Academy	£7,249,515.43	7,531,547.82	3.89%	7,551,772.47	4.17%	0.28%
Nottingham University Academy of Science and Technolo	£4,383,793.49	4,521,639.05	3.14%	4,572,723.20	4.31%	1.17%
The Oakwood Academy	£6,290,397.61	6,597,056.06	4.88%	6,597,056.06	4.88%	0.00%
Park Vale Academy	£6,198,307.32	6,444,012.56	3.96%	6,458,894.27	4.20%	0.24%
Bluecoat Wollaton Academy	£5,143,242.54	5,340,234.97	3.83%	5,357,315.63	4.16%	0.33%
The Bulwell Academy	£7,694,635.22	7,996,659.60	3.93%	8,011,414.89	4.12%	0.19%
Ellis Guilford School	£9,378,990.33	9,753,575.38	3.99%	9,753,575.38	3.99%	0.00%
Farnborough Spencer Academy	£6,836,910.34	7,139,511.88	4.43%	7,139,511.88	4.43%	0.00%
The Wells Academy	£5,056,862.38	5,215,629.42	3.14%	5,252,626.34	3.87%	0.73%
Bluecoat Trent Academy	£3,892,306.80	4,026,252.42	3.44%	4,074,175.84	4.67%	1.23%
Nottingham Free School	£3,697,095.98	3,800,512.99	2.80%	3,850,158.54	4.14%	1.34%
Fernwood School	£8,006,820.97	8,237,699.66	2.88%	8,327,008.65	4.00%	1.12%
The Nottingham Emmanuel School	£6,720,011.06	6,987,044.64	3.97%	7,004,917.99	4.24%	0.27%
Bluecoat Aspley Academy	£6,432,340.32	6,663,544.74	3.59%	6,682,730.67	3.89%	0.30%
The Trinity Catholic School A Voluntary Academy	£6,175,815.03	6,343,294.58	2.71%	6,413,080.88	3.84%	1.13%
Djanogly City Academy	£7,794,352.61	8,101,508.77	3.94%	8,107,885.17	4.02%	0.08%
Nottingham University Samworth Academy	£5,666,470.00	5,885,362.32	3.86%	5,895,513.65	4.04%	0.18%
Nottingham Academy	£13,133,111.65	13,571,883.53	3.34%	13,639,378.38	3.85%	0.51%
Waterside Primary Academy		165,357.33		165,357.33		

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# Proposed High Needs Place Changes 2024/2025 Academic Year

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**5 December 2023**

Agenda Item 5



**Nottingham**  
**City Council**

# Objective

**To share with Schools Forum over final arrangements for planned high needs places for the 2024/2025 academic year**

Page 22 **Linked to:**

Requirement for the LA to consult with Schools Forum over arrangements for high needs pupils

Requirement for the LA to submit place change notifications relating to academies/FE colleges to the ESFA in November



# Approach

1. Identify where a place number change may be required taking into account current numbers, known leavers July 2024, anticipated/average new admissions and limits to physical capacity
2. Agree proposed changes with institutions wherever possible



# Current published high needs places 2023/2024

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Institution	Published places 23/24	Change for 24/25
Westbury	104	110 (+6)
Woodlands	89	97 (+8)
Nethergate	169	169
Rosehill	120	120
Oak Field	166	166
Bluecoat Primary	5	5
Bluecoat Aspley	6 pre 16 and 10 post 16	6 pre 16 10 post 16
Bulwell Academy	6	2 (-4)
NUSA	12	12

Continued below





# Current published high needs places 2023/2024

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Institution	Published places 23/24	Change for 24/25
Mellers	13	13
Fernwood	4	4
Denewood	42	50 (+8)
Unity	110	110
Nottingham College	160	160
Djanogly Strelley	0	6 (+6)
Milford Academy	0	4



- **Financial implications**

Overall additional cost in 2024-25 £0.564m

Djanogly Strelley focus provision will open in September 2024. The LA will fund the provision from the high needs block 1 term before it opens to allow for the building to be set up and staffing to be recruited and trained. The funding for the summer term 2024 this entails full year funding **£0.143m**

Milford Academy focus provision may open during the 2024/25 academic year. We are consulting Schools Forum on ringfencing funding from the high needs block to fund any in-year provision should the building works complete during this period. The expected costs are **£0.095m** (£0.071 Top Ups and £0.024m Place funding)

# Financial Implications - Contd

- 8 extra places at Denewood will cost c.**£0.080m** for a full year, in FY24-25
- **£0.161m** additional budget requirement for Westbury special schools for FY 2024/25 arising from £0.060m place number changes (AY2023/24 and AY2024/25), and £0.101m top ups.
- Place cost element of 8 places at Woodlands Special would be **£0.181m** in a full year, £0.080m Place element in FY24-25 & £0.101m top ups.
- **£0.095m** savings arising from Bulwell Academy place number changes from 6 to 2



## Longer term plans

A range of specialist provision has been agreed and is moving to early design works. These developments include:

- Expansion of Rosehill Special school - 80 places
- Enhanced resource provision at Fernwood Secondary School – 20 places
- Enhanced resource provision at Nottingham Girl's Academy – 8/10 places
- Enhanced resource provision at Gladehill School – 8 places
- Enhanced resource provision at Milford Academy – 8 places

Detailed information will be brought to Schools Forum as the build schedule develops



**Schools Forum – 5 December 2023**

<b>Title of paper:</b>	Central Expenditure Budget 2024/25 – Historic Commitments
<b>Director(s)/ Corporate Director(s):</b>	Catherine Underwood - People Ross Brown - Finance and Resources
<b>Report author(s) and contact details:</b>	Julia Holmes, Senior Commercial Business Partner julia.holmes@nottinghamcity.gov.uk
<b>Other colleagues who have provided input:</b>	Janine Walker, Head of SEND & vulnerable pupils Jasmin Howell, Virtual School Head Ann Barrett, Team Leader Legal Services Carol McCrone, Senior HR Consultant (Schools)
<b>Summary</b>	
<p>Funding for some central services provided by the Local Authority (LA) to schools are funded through the Central Schools Services Block (CSSB) within the Dedicated Schools Grant (DSG). The funding given through the CSSB is split into two streams, funding for historic commitments and for ongoing commitments.</p> <p>This report requests approval of the historic commitments within the CSSB for the financial year 2024/25.</p> <p>The central expenditure for “Ongoing Commitments” proposals are included in a separate report to Schools Forum (SF) on 5 December 2023. Approval is also being sought for the allocation of funding for SEN Transport in the financial year 2024/25. This is funded from the High Needs Block but is also classed by the Education Skills Funding Agency (ESFA) as a historic commitment, this is the reason why it has also been included in this report.</p> <p>The supporting documentation is included in Appendices A to C.</p>	
<b>Recommendation(s):</b>	
<b>1</b>	To approve the historic commitments set out in <b>Table 4</b> totalling £2.859m for the financial year 2024/25, noting the additional historical detail set out in Appendices A to C.

**1. Reasons for recommendations**

- 1.1 Under the Schools & Early Years Financial Regulations 2023 and the Schools Operational Guide issued on 11 October 2023, SF approval is required for individual central expenditure items in the Central Schools Services Block (CSSB).
- 1.2 On 17 July 2023 the ESFA released the illustrative funding allocations for the financial year 2024/25.

In keeping with the Department of Education’s (DfE) commitment to reduce historic commitment funding, Nottingham City’s historic commitments funding have been cut by a further 20% in 2024/25 which also happened in each of the financial years between 2020/21 to 2023/24. **Table 1** shows the total funding reduction to date is £3.740m.

<b>TABLE 1: MOVEMENT IN HISTORICAL COMMITMENTS FUNDING</b>		
<b>Financial Year</b>	<b>Funding allocated to LA £m</b>	<b>Movement in funding year on year £m</b>
2019/20	£5.571	
2020/21	£4.539	-£1.060
2021/22	£3.631	-£0.907
2022/23	£2.905	-£0.727
2023/24	£2.324	-£0.581
2024/25	£1.859	-£0.465
<b>TOTAL REDUCTION TO DATE</b>		<b>-£3.740</b>

The ESFA have stated that this funding will be cut year on year until LA's only have the value of the termination of employment and prudential borrowing remaining budgets, for those LA's who have commitments for these costs.

- 1.3 As a consequence of this reduction in funding the LA has reviewed the historical commitments in the CSSB and adjusted the amounts sought to be approved by Schools Forum (SF). The attached appendices A and B provide a financial overview of the service, how the funding is allocated to the service and areas of delivery.

## 2. Background (including outcomes of consultation)

- 2.1 **Table 2** shows the movement in funding allocations within the new values issued. The changes have been based on:

- 'keeping it simple' approach from the LA's accounting perspective in relation to the CSSB contributions;
- Ensuring officer time is not allocated over a number of areas and
- Reflects new business models

<b>Table 2: Comparison of 2023/24 historic commitments to proposed commitments for 2024/25</b>			
	<b>Budget 2023/24 £m</b>	<b>Budget 2024/25 £m</b>	<b>Variance £m</b>
<b>Historic commitments in the CSSB</b>			
Integrated placements	0.247	-	-0.247
Virtual School – <b>Appendix A</b>	0.241	0.196	-0.045
Termination of employment costs – costs exceed budget but unable to increase in accordance with guidance	1.609	1.609	-
Capital expenditure in revenue accounts	0.173	-	-0.173
Prudential borrowing	0.054	0.054	-
<b>Historic commitments in the CSSB Total</b>	<b>2.324</b>	<b>1.859</b>	<b>-0.465</b>
<b>Historic commitments in the High Needs Block</b>			
SEN Transport – <b>Appendix B</b>	1.000	1.000	-

<b>Total Historic Commitments</b>	<b>3.324</b>	<b>2.859</b>	<b>-0.465</b>
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In order to be able to set a balanced budget within the historic commitments funding envelope in 2024/25 the LA has removed the integrated placements contribution of £0.247m, and the capital expenditure in revenue accounts £0.173m. These costs will not disappear and this shortfall in funding presents a budget pressure for the LA to mitigate.

The Virtual School has also had its funding reduced by 19% from £0.241m to £0.196m. This shortfall is to be met by using the Pupil Premium Plus Grant to cover the costs that can legitimately be charged to the grant.

The termination of employment costs remain the same in 2024/25 at £1.609m along with the prudential borrowing payments which remain £0.054m. The prudential borrowing funding requirement will remain the same each financial year until 2052/53 when the repayments will end.

In the financial year 2024/25 the Local Authority will be applying to the ESFA to ensure that the funding cut for historic commitments in 2025/26 does not take the funding for historic commitments below the budget for the termination of employment costs and prudential borrowing of £1.663m.

2.2 The supporting information in relation to the above budgets in **Table 2** are shown in **appendices A to C**.

### 3. **Other options considered in making recommendations**

3.1 No other options are available as the recommendations align to the financial regulations issued by the DfE in relation to the allocation of DSG.

### 4. **Outcomes/deliverables**

4.1 To obtain an agreed 2024/25 Schools Budget, enabling updated schools budgets to be issued to schools within the statutory deadline of the 28 February 2024.

### 5. **Consideration of Risk**

5.1 The forecast reduction in historical commitments has been built into the LA's Medium Term Financial Plan (MTFP). If the DfE were to increase the cuts placed on LA's who are in receipt of historical commitments funding from the current 20%, the MTFP would need to be updated to reflect this change. The additional budget pressure would remain with the LA.

### 6. **Finance colleague comments (including implications and value for money/VAT)**

6.1 This report has been prepared in accordance with the Schools and Early Years (England) Financial Regulations 2023 which came into force on 14 February 2023, and the Schools operational guide 2024 to 2025 – 11 October 2023 issued by the ESFA and forms part of the DSG budget.

6.2 The Central School Services Block (CSSB) is made up of two categories of funding:

- Historic commitments and
- Ongoing commitments

Noted in **Table 3** are the budgets which are funded from the CSSB.

<b>Table 3 : Central Schools Services Block Budgets</b>		
<b>Commitment</b>	<b>Classification</b>	<b>2024/25 £m</b>
CERA	Historic commitment	-
Prudential borrowing	Historic commitment	0.054
Termination of employment costs	Historic commitment	1.609
Contribution to combined budgets	Historic commitment	0.196
Admissions	Ongoing commitment	
Copyright licences	Ongoing commitment	
Schools Forum	Ongoing commitment	
Retained Duties (Former ESG)	Ongoing commitment	

- 6.3 The items seeking approval in this report are for the historic commitments in the financial year 2024/25. **Table 3** summaries the historic commitments in the CSSB and these total £1.859m. In addition, the SEN Transport budget of £1m is also classed as a historic commitment but this has to be funded from the High Needs Block. As this budget is also classed as a historic commitment it also requires Schools Forums approval. As per **recommendation 1** of this report the Authority is seeking approval of £2.859m for historical commitments in the financial year 2024/25. The detail supporting the values are shown in **Table 4**.



**TABLE 4: CENTRAL EXPENDITURE - APPROVALS REQUIRED**

Service Description	2024/25 £m	Narrative
<b>HISTORIC COMMITMENTS – CENTRAL SCHOOLS SERVICES BLOCK</b>		
<b>1. Contribution to combined budgets</b>	0.196	Family support  No longer applicable
		Integrated placements  No longer applicable
		Safeguarding Training  No longer applicable
		£0.196m Virtual School  See <b>Appendix A</b>
		<b>2.Termination of Employment Costs</b>

<b>3. Prudential Borrowing</b>	0.054	<table border="1"> <thead> <tr> <th><b>Scheme</b></th> <th><b>Loan Value £m</b></th> <th><b>2019/20 £m</b></th> <th><b>2020/21 £m</b></th> <th><b>2021/22 £m</b></th> <th><b>2022/23 £m</b></th> <th><b>2023/24 to 2052/53 £m</b></th> </tr> </thead> <tbody> <tr> <td>Education BSF</td> <td>0.400</td> <td>0.028</td> <td>0.027</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>BSF 06/07</td> <td>1.149</td> <td>0.086</td> <td>0.082</td> <td>0.078</td> <td>-</td> <td>-</td> </tr> <tr> <td>BSF Academies</td> <td>0.026</td> <td>0.002</td> <td>0.002</td> <td>0.002</td> <td>0.002</td> <td>-</td> </tr> <tr> <td>Southwark Primary</td> <td>0.294</td> <td>0.023</td> <td>0.022</td> <td>0.021</td> <td>0.020</td> <td>-</td> </tr> <tr> <td>BSF - In lieu of Revenue Costs Transfer</td> <td>0.900</td> <td>0.069</td> <td>0.067</td> <td>0.064</td> <td>0.061</td> <td>-</td> </tr> <tr> <td>Emanuel School</td> <td>0.265</td> <td>0.020</td> <td>0.020</td> <td>0.019</td> <td>0.018</td> <td>-</td> </tr> <tr> <td>Nottingham Academy</td> <td>1.078</td> <td>0.054</td> <td>0.054</td> <td>0.054</td> <td>0.054</td> <td>0.054</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>4.113</b></td> <td><b>0.283</b></td> <td><b>0.274</b></td> <td><b>0.238</b></td> <td><b>0.155</b></td> <td><b>0.054</b></td> </tr> </tbody> </table>	<b>Scheme</b>	<b>Loan Value £m</b>	<b>2019/20 £m</b>	<b>2020/21 £m</b>	<b>2021/22 £m</b>	<b>2022/23 £m</b>	<b>2023/24 to 2052/53 £m</b>	Education BSF	0.400	0.028	0.027	-	-	-	BSF 06/07	1.149	0.086	0.082	0.078	-	-	BSF Academies	0.026	0.002	0.002	0.002	0.002	-	Southwark Primary	0.294	0.023	0.022	0.021	0.020	-	BSF - In lieu of Revenue Costs Transfer	0.900	0.069	0.067	0.064	0.061	-	Emanuel School	0.265	0.020	0.020	0.019	0.018	-	Nottingham Academy	1.078	0.054	0.054	0.054	0.054	0.054	<b>TOTAL</b>	<b>4.113</b>	<b>0.283</b>	<b>0.274</b>	<b>0.238</b>	<b>0.155</b>	<b>0.054</b>
		<b>Scheme</b>	<b>Loan Value £m</b>	<b>2019/20 £m</b>	<b>2020/21 £m</b>	<b>2021/22 £m</b>	<b>2022/23 £m</b>	<b>2023/24 to 2052/53 £m</b>																																																									
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<p>This funding is used to meet the borrowing commitments around the initial set up costs of the Building Schools For the Future programme and Nottingham Academy. These values are fixed and cannot be amended.</p>																																																																	
<b>4. Capital Expenditure from Revenue Accounts</b>	-	<p>This expenditure supports Private Finance Initiative payments (fixed element) that have to be allocated and capital improvements ensuring that all buildings continue to meet the legal requirements.</p> <p>No longer applicable</p>																																																															
<b>SUB-TOTAL</b>	<b>1.859</b>																																																																
<b>HISTORIC COMMITMENTS – HIGH NEEDS BLOCK</b>																																																																	
<b>1. SEN Transport</b>	1.000	SEN transport where the Schools Forum agreed prior to April 2013 a contribution from the schools budget (this is treated as part of the high needs block but requires Schools Forum approval as a historic commitment.																																																															

<b>SUB-TOTAL</b>	<b>1.000</b>	
<b>GRAND TOTAL FOR HISTORIC COMMITMENTS</b>	<b>2.859</b>	

- 6.4 **Appendix C** shows the values of these items compared to previous years' budgets and actuals.
- 6.5 Any items not approved through this report will not necessarily create a full year saving in 2024/25 due to the implementation time required to initiate a service reduction (consultation/approval/notice etc).

Julia Holmes  
Senior Commercial Business Partner  
3 November 2023

## 7. **Legal colleague comments**

- 7.1 The current law in force in this area is the School and Early Years Finance (England) Regulations 2023. These Regulations make provision for local authorities' financial arrangements in relation to the funding of maintained schools and providers of funded early years provision in England, for the financial year 2023-2024 and the Council must ensure that it complies with its obligations in accordance with these Regulations. Financial advice in that respect is given above.
- 7.2 The Forum has decision making powers in relation to (amongst other things,) agreeing centrally retained budgets and funding for central early years expenditure and therefore the Recommendations appear to be within the Forum's powers decision making powers.

Ann Barrett, Team Leader Legal Services - 21 November 2023.

## 8. **Other relevant comments**

There are no direct Human Resources implications as part of this report.

However, if recommendations are not approved and there is an impact or shortfall for the local authority services delivered to schools, these will need to be fully scoped and understood from a resources perspective before a formal consultation process is instigated.

After scoping and if reductions are required resulting in impacts to the workforce, a genuine and meaningful consultation process should commence with Trade Unions and affected staff, with the correct policies and procedures being adhered to, with HR support provided. It is to be noted that there are employment termination costs factored into this report.

Carol McCrone, Senior HR Consultant (Schools) – 20 November 2023

## 9. **Crime and Disorder Implications (If Applicable)**

9.1 N/A

## 10. **Social value considerations (If Applicable)**

10.1 N/A

## 11. **Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No   
An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes   
Attached as Appendix x, and due regard will be given to any implications identified in it.

**12. Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No   
A DPIA is not required because:  
(Please explain why a DPIA is not necessary)

Yes   
Attached as Appendix x, and due regard will be given to any implications identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the Carbon impact of the proposals in this report been assessed?

No   
A DPIA is not required because:  
(Please explain why a DPIA is not necessary)

Yes   
Attached as Appendix x, and due regard will be given to any implications identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1

**15. Published documents referred to in this report**

15.1 ESFA – Schools operational guide October 2023

15.2 DfE Schools and Early Years Financial Regulations 2023

**Report to Schools Forum**  
**Nottingham City Virtual School**  
**November 2023**

1. **Context**

- 1.1. The Children and Families Act 2014 required all local authorities in England to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked after children, wherever they live or are educated. That person, the Virtual School Head (VSH) must be an officer employed by the authority or another local authority in England.
- 1.2. The Children and Social Work Act 2017 expands the remit of VSHs to include the promotion of educational achievement of adopted children in England and children subject to Special Guardianship Orders.
- 1.3. From September 2021 all Virtual School Heads received additional duties as a strategic leader for children who currently and previously had a social worker. This new duty is currently non-statutory and is in addition to the existing statutory duties of Virtual School Heads.

2. **Nottingham City Virtual School**

- 2.1. The Nottingham City Virtual School staffing consists of:

**Virtual School Head-** responsible and accountable for providing leadership, management and development for all aspects of the Virtual School. Ensuring fulfilment of the local authority's statutory duties regarding the education of children in care and previously looked after children.

**Virtual School Service Manager-** this is a new role currently being filled on a temporary acting up basis by the Virtual School Team Manager. This temporary Service Manager role was put in place to support a planned restructure of the Virtual School Team; creating additional leadership capacity to meet the extended duties of Virtual School Heads.

**Virtual School Team Manager-** this position is currently vacant as the current Team Manager is acting up as Virtual School Service Manager, which is part of a planned restructure to the Virtual School team. We aim to recruit to the Team Manager vacancy on a fixed term contract in the new year. This addition to the Virtual School leadership

structure will enable and support the Virtual School Head with their extended and additional duties in respect to previously looked after children and children with a social worker.

**Education Support Officers x 5.5 fte equivalent-** provide advice, support and training to key stakeholders in respect to the education of children care and previously looked after children. They have an allocation of children in care cases and are responsible for monitoring and tracking their educational outcomes. Education Support Officers attend and contribute to PEP meetings, re-integration meetings and exclusion meetings in respect to children in care.

**Business Support administrators x2-** responsible for all administrative tasks relating to the Virtual School, including maintenance of the virtual school information management systems and support with monitoring and reporting on attendance and attainment information and Personal Education Plans.

**Data support officer-** responsible for developing and maintaining the Virtual School's information management systems, as well as tracking and reporting on attendance, achievement and progress of the authority's children in care.

3. **DSG income and expenditure 2022-23:**

Virtual School projected income and expenditure 2022-23				
Detail	£m	£m	£m	Description
<b><u>Income</u></b>				
DSG Income		-0.301		
PLAC Grant		-0.049		Government grant for duties associated with previously looked after children
PLAC Grant 2021/22 Carry Forward		-0.049		
PPP Contribution		-0.327		Contribution from PPP grant towards costs of tuition for children and VS staffing
Extension of duties contribution		-0.015		Contribution towards staffing
School Led tutoring Grant		-0.023		
<b>Total Income</b>			<b>-0.764</b>	
<b>Staff costs</b>			<b>0.615</b>	
<b>Non-pay costs</b>				
Staff Travel, recruitment expenses, CPD and Conferences	0.001			
Office equipment, mobile phone, stationery and IT.	0.002			
Children intervention funding		0.090		
<b>Total non-pay costs</b>			<b>0.093</b>	
<b>Total expenditure</b>			<b>0.708</b>	
<b>Net Position</b>			<b>-0.056</b>	<b>Reduced draw down of the DSG grant by this amount.</b>



4. **DSG Projected income and expenditure 2023-24:**

Virtual School projected income and expenditure 2023-24				
Detail	£m	£m	£m	Description
<b><u>Income</u></b>				
DSG Income		-0.241		A reduction of 20% from the previous financial year
PLAC Grant		-0.049		
PPP Contribution		-0.364		An increase in PPP contribution to mitigate the reduction in DSG
SLTG		-0.010		
<b>Total Income</b>			<b>-0.664</b>	
<b>Staff costs</b>			<b>0.560</b>	Lower this year due to Team Manager vacancy.
<b>Non-pay costs</b>				
Staff Travel, recruitment expenses, CPD and Conferences	0.005			
Office equipment, mobile phone, stationary and IT.	0.002			
Children intervention funding		0.065		
Loxley House Rent		0.032		
<b>Total non-pay costs</b>			<b>0.104</b>	
<b>Total expenditure</b>			<b>0.664</b>	
<b>Net Position</b>			<b>-0.000</b>	

5. **DSG Projected income and expenditure 2024-25:**

Virtual School projected income and expenditure 2024-25				
Detail	£m	£m	£m	Description
<b><u>Income</u></b>				
DSG Income		-0.196		
PPP Contribution		-0.475		An increase in PPP contribution to mitigate the reduction in DSG
<b>Total Income</b>			<b>-0.671</b>	
<b>Staff costs</b>			<b>0.613</b>	An increase as it includes recruitment to ESO and Team Manager post.
<b>Non-pay costs</b>				
Staff Travel, recruitment expenses, CPD and Conferences	0.002			
Office equipment, mobile phone, stationary and IT.	0.004			Increased based on 2 additional staff.
Children intervention funding		0.020		Costs associated with children's intervention to also be funded from PPP- resulting in a reduction in PPG available to schools.
Loxley House Rent		0.032		
<b>Total non-pay costs</b>			<b>0.058</b>	
<b>Total expenditure</b>			<b>0.671</b>	
<b>Net Position</b>			<b>0.000</b>	

## 6. Pupil Premium Plus Funding

- 6.1. The Virtual School receives an allocation of £2,530 per child looked after for at least one day, as recorded in the previous March children looked-after data return.
- 6.2. The Virtual School manage the Pupil Premium Plus through the ePEP portal; schools submit requests for funding each term at the same time as reviewing and updating the children's individual Personal Education Plan (PEP).
- 6.3. The table below provides detail of the Pupil Premium Plus expenditure in the **2022-23** financial year:

<b>2022-23 financial year Pupil Premium Plus</b>	<b>Expenditure £m</b>	<b>Notes</b>
Termly PPP payments to schools	0.624	
Education provision including Alternative Provision	0.061	
Resources/support for children and young people	0.047	Books, equipment and transportation costs.
Laptops for pupils	0.036	Digital inclusion project and requests from C&YP.
Interventions for children and young people	0.068	Reward vouchers, mentoring, digital learning apps
Education Psychology	0.005	
Subscription	0.001	NAVSH
Welfare Call, SIMS	0.069	Systems and portals (ePEP)
Staff training	0.013	(Trauma, ESBA, ELSA and NASEN training, and Books)
Staff conferences	0.002	NAVSH
DSG contribution	0.327	
<b>Expenditure Total</b>	<b>1.253</b>	
<b>PPP Income</b>	<b>-1.253</b>	
<b>Net position</b>	<b>0.000</b>	

6.4. The table below provides forecasted expenditure of the Pupil Premium Plus budget for the current **2023-24** financial year:

<b>2023-24 financial year Pupil Premium Plus</b>	<b>Planned Expenditure £m</b>	<b>Notes</b>
Termly PPP payments to schools (and Additional Funding Requests)	0.658	
Resources/provision and support for children/ young people	0.083	Tuition, transportation, equipment, resources.
Laptops for pupils	0.042	Digital inclusion project and requests from C&YP.
Interventions for children and young people	0.049	Reward vouchers, mentoring, digital learning
Education Psychology	0.004	
Subscription	0.001	NAVSH
Welfare Call, SIMS	0.079	Systems and portals (ePEP)
Staff training	0.001	
DSG contribution	0.400	
<b>Expenditure Total</b>	<b>1.316</b>	
<b>PPP Income</b>	<b>-1.316</b>	
<b>Net position</b>	<b>0.000</b>	

6.5. The table below provides forecasted expenditure of the Pupil Premium Plus budget in the **2024-25** financial year:

<b>2024-25 financial year Pupil Premium Plus</b>	<b>Planned Expenditure £m</b>	<b>Notes</b>
Termly PPP payments to schools	0.620	A reduction of funding available to schools due to the reduction in DSG.
Resources/provision and support for children and young people	0.070	A reduction of funding available for tuition, transport, equipment etc due to reduced DSG.
Laptops for pupils	0.036	A reduction of funding available for laptops due to reduced DSG.
Interventions for children and young people	0.031	A reduction of funding available for interventions due to reduced DSG.
Education Psychology	0.004	
Subscription	0.001	NAVSH
Welfare Call, SIMS	0.079	Systems and portals (ePEP)
Staff training	0.001	
DSG contribution	0.475	An increase in contribution from PPPG due to the reduction in DSG
<b>Expenditure Total</b>	<b>1.316</b>	
<b>PPP Income</b>	<b>-1.315</b>	
<b>Net position</b>	<b>0.000</b>	

# Home to school travel assistance for children and young people with SEND

## Legislation

- S508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children – children of compulsory school age (5-16) in an authority's are for whom free travel arrangements will be required
- The Council has a statutory duty under Section 10 of the Education and Skills Act to exercise its functions so as to promote the effective participation in education or training of persons belonging to its area with a view to ensuring that those persons participate in appropriate full-time education or training or an apprenticeship
- The Council also has a statutory duty to publish a Post 16 Transport Policy statement every year. This statement sets out the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age

## Criteria for travel assistance

There are four main factors which may determine if children and young people are eligible for travel assistance:

- Statutory walking distance eligibility
- SEND or significant mobility difficulties eligibility
- Unsafe walking route eligibility
- Extended rights eligibility

In addition for exceptional cases the Council can consider a decision outside of it's policy e.g. child with disabilities whose family have fled domestic violence but child continues to attend the same school for a period of time.

## Nottingham City Context

- From 2018 to 2022 there has been a rise of 28% in the number of Education, Health and Care Plans in place for city children from 1,021 to 1,311.
- This has not directly translated into the equivalent level of transport demand due to the robust application of policies in Nottingham and independent travel training.
- There has been a 10.85% increase in the number of young people eligible for travel assistance for the same 4 year period with around 530 young people with SEND receiving assistance.
- In comparison the 28 London boroughs have seen a 12% increase in demand for transport over a **3** year period and are projecting a 37% increase in costs over this period.
- There is an increasing pressure on requests for Bus Passes as a result of COVID and the continued Cost of Living Crisis, where a greater number of families are displaced or made homeless and remain in temporary accommodation for extended period of time.



## **Actions being taken to drive down costs**

- From September 2023 revised routing has reduced the daily number from 125-123 routes. This has an equated saving of £504 per day, £95k per annum.
- The service continually reviews routes and co-ordinates individual transport arrangements to combine these to maximise route efficiencies.
- However, this is countered by the subsequent inflationary cost increases from the external transport providers of between 7-9% across all contracted routes.
- Service efficiencies seek to mitigate these cost increases where possible to prevent further budget pressure.
- The new Dynamic Procurement System (DPS) for council wide transport needs is planned to come online within the current financial year, which is intended to secure best value for all externally commissioned transport.
- The service is seeking agreement for direct allocation of project and data analysis resources to add capacity, in order to explore alternative operating models for commissioned transport including direct insourcing for financial efficiency.

## Value for money

National benchmarking data demonstrates that Nottingham City spend the least on SEND home to school transport in comparison to its statistical neighbours (circa £3,000,000 per annum)

The provision of SEND home to school transport significantly drives down additional costs to the high needs block through ensuring we meet the needs of young people with SEND in the City and avoids placing in costly non maintained and Independent provision. Benchmarking 21/22 data in relation to our expenditure per head of the 2-19 population on non maintained/independent provision shows:

- Nottingham spend per head at £20 is the lowest of all statistical neighbours
- Compares to a national average of £119 per head
- Compares to an average for our 10 statistical neighbours of £81 per head
- Compares very favourably with geographical neighbours – Nottinghamshire £104, Derby £155, Leicester £93 and Leicestershire £166

## **Pressures and other cost drivers**

- Shortage of drivers and escorts, and drivers leaving the sector to retrain as HGV drivers
- Companies not taking on additional work due to staffing capacity issues
- Significant increase in inflationary costs including staffing and fuel
- More young people are meeting Extended Rights Eligibility as a result of the financial impact on families since the pandemic and subsequent cost of living crisis

## APPENDIX C

### Analysis of Historic Commitments 2021/22 to 2024/25

HISTORIC COMMITMENTS	2021/22				2022/23				2023/24				2024/25
	Budget Approved by Schools Forum/Included in School Budget Report £m	Budget Latest £m	Outturn £m	Variance - Over/ (Under) budget £m	Budget Approved by Schools Forum/Included in School Budget Report £m	Budget Latest £m	Outturn £m	Variance - Over/ (Under) budget £m	Budget Approved by Schools Forum/Included in School Budget Report £m	Budget Latest £m	Forecast £m	Variance - Over/ (Under) budget £m	
Termination of Employment Costs	1.609	1.609	1.609	0.000	1.609	1.609	1.609	0.000	1.609	1.609	1.609	0.000	1.609
Capital Expenditure from Revenue Accounts	0.173	0.173	0.173	0.000	0.173	0.173	0.173	0.000	0.173	0.173	0.173	0.000	0.000
Prudential borrowing costs	0.238	0.238	0.238	0.000	0.155	0.155	0.155	0.000	0.054	0.054	0.054	0.000	0.054
Combined Services - Family Support													
Combined Services - Integrated placements	1.127	1.127	1.127	0.000	0.667	0.667	0.667	0.000	0.247	0.247	0.247	0.000	0.000
Combined Services - Serving Vulnerable Groups - Looked After Children	0.376	0.376	0.376	0.000	0.301	0.301	0.246	0.055	0.241	0.241	0.241	0.000	0.196
Combined Services - Safeguarding Training	0.109	0.109	0.109	0.000									
SEN Transport	1.000	1.000	1.000	0.000	1.000	1.000	1.000	0.000	1.000	1.000	1.000	0.000	1.000
<b>TOTAL</b>	<b>4.632</b>	<b>4.632</b>	<b>4.632</b>	<b>0.000</b>	<b>3.905</b>	<b>3.905</b>	<b>3.850</b>	<b>0.055</b>	<b>3.324</b>	<b>3.905</b>	<b>3.905</b>	<b>0.000</b>	<b>2.859</b>

**Schools Forum - 5 December 2023**

<b>Title of paper:</b>	Central Expenditure Budget 2024/25 – On Going Commitments
<b>Director(s)/ Corporate Director(s):</b>	Catherine Underwood - People Ross Brown - Finance and Resources
<b>Report author(s) and contact details:</b>	Julia Holmes, Senior Commercial Business Partner julia.holmes@nottinghamcity.gov.uk
<b>Other colleagues who have provided input:</b>	Ann Barrett, Team Leader Legal Services Carol McCrone, Senior HR Consultant (Schools)
<b>Summary</b>	
<p>Funding for some central services provided by the local authority to schools are funded through the Central Schools Services Block (CSSB) within the Dedicated Schools Grant. The funding given through the CSSB is split into two streams, funding for historic commitments and for ongoing commitments.</p> <p>This report requests approval of the ongoing commitments for the financial year 2024/25.</p> <p>The central expenditure for “Historic Commitments” proposals are included in a separate report to Schools Forum (SF) on 5 December 2023.</p> <p>Should the 2024/25 settlement for ongoing commitments be less than anticipated the LA, in the Schools Budget report 2024/25, will present revised funding allocations to SF on 16 January 2024.</p>	
<b>Recommendation(s):</b>	
<b>1</b>	Approve the ongoing commitments budgets set out in <b>Table 3</b> totalling £2.275m, noting the additional historical detail set out in <b>Appendix A</b> . To note that £0.508m of this total is subject to the approval of the High Needs to the Central Schools Services Block transfer outlined in agenda item 4 – ‘Proposed approach to DSG budget setting 2024/25 by block’ - Recommendation 4.
<b>2</b>	Note that the estimated cost of Copyright Licences totalling £0.264m does not require approval as the licences are managed and procured by central government.
<b>3</b>	Note that where values are based on estimated pupil numbers, this report has used the latest October 2022 census however; once the October 2023 census and final allocations are issued from the DfE these figures will be updated and represented in the final budget report.
<b>4</b>	Approve that should any additional funding for ongoing commitments be received from the Education & Skills Funding Agency above the £1.768m that it is allocated to the LA to cover the cost of retained duties.

## 1. Reasons for recommendations

- 1.1 Under the Schools & Early Years (England) Financial Regulations 2023 and the Schools Forum Operational Guide issued in October 2023, SF approval is required for individual central expenditure items in the Central Schools Services Block (CSSB).
- 1.2 The purpose of this paper is to gain the appropriate approvals for central expenditure – ongoing commitments in order to progress the budget process.

## 2. Background (including outcomes of consultation)

- 2.1 The CSSB is made up of two categories of funding:

- Historic commitments and
- Ongoing commitments (contained within this report)

Noted in **Table 1** are the budgets which are funded from the CSSB.

<b>Table 1 : Central Schools Services Block Budgets</b>		
<b>Commitment</b>	<b>Classification</b>	<b>2024/25 £m</b>
CERA	Historic commitment	
Prudential borrowing	Historic commitment	
Termination of employment costs	Historic commitment	
Contribution to combined budgets	Historic commitment	
Admissions	Ongoing commitment	0.585
Copyright licences	Ongoing commitment	0.264
Schools Forum	Ongoing commitment	0.039
Retained Duties (Former ESG)	Ongoing commitment	1.291
Teachers Pay and Pension Contribution for centrally retained teachers	Ongoing commitment	0.096
<b>Total ongoing commitments</b>		<b>2.275</b>

- 2.2 Since the financial year 2018/19 to the financial year 2023/24 funding for ongoing responsibilities have been allocated to local authorities using a pupil-led formula. The formula used two factors, a basic per-pupil factor, and a deprivation per-pupil factor. This formula distributed 90% of funding based on the per-pupil factor and 10% based on the deprivation factor. Both elements are then adjusted for area costs. However, in the financial year 2024/25 a third factor has been introduced, a copyright licences per pupil factor to fund the additional costs of copyright licences that local authorities faced in 2023/24.

**Table 2** shows the movement in rate for Nottingham City between 2019/20 and 2024/25.

Nationally, the total budget for ongoing responsibilities in 2024/25 is c.£304m. This includes £5.5m to cover the increased cost of copyright licences that LA's faced in 2023/24. 90% of this (c.£274m) forms the budget to be allocated to

LA's through the basic per-pupil factor (the remaining 10% (c.£30m) will be allocated through the deprivation factor.

<b>Table 2: CSSB unit rates of funding and total funding for ongoing responsibilities from 2019/20 to 2024/25</b>			
<b>Financial Year</b>	<b>CSSB unit of funding</b>	<b>Year on year movement in CSSB unit of funding</b>	<b>Allocation for ongoing commitments</b>
			<b>£m</b>
2019/20	£36.04	-£0.92	£1.480
2020/21	£35.14	-£0.90	£1.468
2021/22	£37.53*	£2.39	£1.586
2022/23	£38.85	£1.32	£1.664
2023/24	£39.62	£0.77	£1.697
2024/25	£40.88**	£1.26	£1.768***

\*In 2021/22 funding for centrally employed teachers which was previously included in the Teachers Pay and Teachers Pension Employers Contribution Grants was added to the CSSB unit rate of funding. This equated to an additional £2.28 per pupil.

\*\*Includes an additional £0.67 per pupil for increased cost copyright licences costs faced by LA's in 2023/24.

\*\*\*This is based on the pupil numbers on the October 2022 school census. This will be updated in December 2023 and will be based on the October 2023 school census. Therefore, if the number of pupils increases year on year the authority will receive additional income than is shown above. The opposite is also true if the numbers were to decrease.

2.3 The items seeking approval in this report are for ongoing commitments only for the financial year 2024/25; the detail supporting the values are shown in **Table 3**.

**Table 3: CENTRAL EXPENDITURE – ONGOING COMMITMENTS 2024/25**

	2024/25 £m	Narrative
<b>APPROVAL REQUIRED</b>		
<b>1.Schools Admissions</b>	0.585	<p>A statutory provision of coordinated admission scheme for first entry to school at primary and secondary phase.</p> <p>The team:</p> <ul style="list-style-type: none"> <li>Processes all in year admissions which totalled 14,962 applications and included 37,157 preferences in 2022/23; for all maintained schools and provide a provision of traded service (£0.146m) for own admissions authorities. This equates to £12 per capita for 2022/23.</li> <li>Provides scrutiny of application of Admissions Code and management of compliance relating to all aspects of school admissions legislation.</li> </ul> <p>The funding requested is a contribution to the cost of the Admissions Team. In addition to staffing, the cost of this service includes printing, advertising, communications and marketing, postal services and training courses on legislation and requirements of the service.</p>
<b>2.Servicing of Schools Forum</b>	0.039	<p>The servicing of schools forum; this cost relates to:</p> <ul style="list-style-type: none"> <li>The activities undertaken by Constitutional Services to ensure that Schools Forum complies with legislation in its function and membership.</li> <li>Professional advice required to enable Schools Forum to make informed decisions.</li> <li>Attendance at meetings – chairs briefings, Schools Forum, Sub Groups, fact finding meetings.</li> </ul> <p>These costs equate to 0.71 FTE on average supporting the above services.</p>
<b>3.Statutory retained duties</b>	1.291	<p>These duties were previously funded from the Education Services Grant (ESG). From 2017/18 this grant formed part of the DSG and as such now requires approval through this process. This relates to the statutory duties held by the local Authority for all pupils.</p> <p>As outlined in agenda item 4 – ‘Proposed approach to DSG budget setting 2024/25 by block’ – paragraph 1.3 this budget has been increased by £0.056m to fund meet full cost of the Education Welfare Team.</p> <p>This figure will be updated when the latest census has been issued but currently there is not enough funding to support the statutory activity. This is captured in recommendation 4.</p>



<b>ESG RETAINED ANALYSIS</b>			
		<b>Total Cost 2023/24 £m</b>	<b>Total Cost 2024/25 £m</b>
1	Director of children's services and personal staff for director	0.058	0.062
2	Planning for the education service as a whole	0.084	0.096
3	Revenue budget preparation, preparation of information on income and expenditure relating to education, and external audit relating to education	0.037	0.038
4	Administration of grants	In 6	In 6
5	Authorisation and monitoring of expenditure not met from schools' budget shares	In 6	In 6
6	Formulation and review of local authority schools funding formula	0.182	0.193
7	Internal audit and other tasks related to the authority's chief finance officer's responsibilities under Section 151 of LGA 1972 except duties specifically related to maintained schools.	0.019	0.018
8	Consultation costs relating to non-staffing issues	0.016	0.016
9	Plans involving collaboration with other LA services or public/voluntary bodies	In 1 & 6	In 1 & 6
10	Standing Advisory Committees for Religious Education (SACREs)	0.005	0.005
11	Provision of information to or at the request of the Crown other than relating specifically to maintained schools.	In 6	In 6
	<b><u>Education Welfare</u></b>		
12	Functions in relation to the exclusion of pupils from schools, excluding any provision of education to excluded pupils	0.614	0.670
13	School attendance	In 12	In 12
14	Responsibilities regarding the employment of children	In 12	In 12
	<b><u>Asset management</u></b>		
15	Management of the LA's capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions.	0.095	0.101

16	General landlord duties for all buildings owned by the local authority, including those leased to academies.	0.056	0.085
17	Services set out in the table above will also include overheads relating to these services: <ul style="list-style-type: none"> <li>• Ensuring payments are made in respect of taxation, national insurance and superannuation contributions.</li> <li>• Recruitment, training, continuing professional development, performance management and personnel management of staff.</li> <li>• Investigations of employees or potential employees, with or without remuneration.</li> <li>• Investigation and resolution of complaints.</li> <li>• Legal services related to education functions.</li> </ul>	0.081	0.074
<b>TOTAL</b>		<b>1.258</b>	<b>1.358</b>

The main reason for the movement in costs between 2023/24 and 2024/25 are:

- The funding of the Education Welfare Service as whole at an additional cost of £0.056m
- The pay award in 2023/24 being greater than anticipated. A pay award of 2% was assumed but the actual pay award ranged from 9.42% to 3.88% depending on the spine point. Assumed a pay award of £1,925 per full-time equivalent for employees on the Local Government pay scale in 2024/25 and 3.88% for employees on the SLMG pay scale.
- The introduction of the Local Authorities new pay scale from July 2023 which saw the majority of grades moving to having four increments rather than two as in the old scale. A number of colleagues who had been on point 2 moved to point 4 on their grade.
- Some employees moved up to new higher grades.

The forecast cost of statutory retained duties is £1.358 in 2024/25, however, as in previous years the budget requested for approval by SF has been adjusted to balance back to the funding envelope available for ongoing commitments for 2024/25. This is why £1.291m has been requested for approval and not £1.358m.

<b>4. Teacher s Pay and Pension costs for centrally retained staff</b>	0.096	In 2021/22 funding for centrally employed teachers which was previously included in the Teachers Pay and Teachers Pension Employers Contribution Grants was added to the CSSB unit rate of funding. This equated to an additional £2.28 per pupil.											
<b>CONSULTATION ONLY</b>													
<b>5. Copyright Licences</b>	0.264	<p>The Department for Education have been negotiating copyright licences for schools since 2013/14, prior to this; schools were responsible for purchasing their own licences. Schools Forum <u>is not</u> required to approve this. The £0.264m is the estimated cost of the licences in 2024/25. The final figure will be confirmed in December 2023 and the final schools' budget will be adjusted accordingly.</p> <table border="1" data-bbox="517 799 1301 1225"> <thead> <tr> <th data-bbox="517 799 1301 866"><b>Licences</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="517 866 1301 906">Copyright Licencing Agency (CLA)</td> </tr> <tr> <td data-bbox="517 906 1301 946">School Printed Music Licence (SPML)</td> </tr> <tr> <td data-bbox="517 946 1301 986">Newspaper Licensing Authority (NLA)</td> </tr> <tr> <td data-bbox="517 986 1301 1026">Educational Recording Agency (ERA)</td> </tr> <tr> <td data-bbox="517 1026 1301 1066">Filmbank Distributors Ltd. (for the PVSL)</td> </tr> <tr> <td data-bbox="517 1066 1301 1106">Motion Picture Licensing Company (MPLC)</td> </tr> <tr> <td data-bbox="517 1106 1301 1145">Performing Rights Society (PRS)</td> </tr> <tr> <td data-bbox="517 1145 1301 1185">Phonographic Performance Limited (PPL)</td> </tr> <tr> <td data-bbox="517 1185 1301 1225">Mechanical Copyright Protection Society (MCPS)</td> </tr> <tr> <td data-bbox="517 1225 1301 1265">Christian Copyright Licensing International (CCLI)</td> </tr> </tbody> </table>	<b>Licences</b>	Copyright Licencing Agency (CLA)	School Printed Music Licence (SPML)	Newspaper Licensing Authority (NLA)	Educational Recording Agency (ERA)	Filmbank Distributors Ltd. (for the PVSL)	Motion Picture Licensing Company (MPLC)	Performing Rights Society (PRS)	Phonographic Performance Limited (PPL)	Mechanical Copyright Protection Society (MCPS)	Christian Copyright Licensing International (CCLI)
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Mechanical Copyright Protection Society (MCPS)													
Christian Copyright Licensing International (CCLI)													
<b>TOTAL</b>	<b>2.275</b>												

### 3. Other options considered in making recommendations

- 3.1 No other options are available as the recommendations align to the financial regulations issued by the DfE in relation to the allocation of DSG.

### 4. Outcomes/deliverables

- 4.1 To obtain an agreed 2024/25 Schools Budget, enabling updated schools' budgets to be issued to schools within the statutory deadline of the 28 February 2024.

### 5. Consideration of Risk

- 5.1 See 6.5.

### 6. Finance colleague comments (including implications and value for money/VAT)

- 6.1 This report seeks approval for ongoing commitments in the financial year 2024/25 totalling £2.275m. This is proposed to be funded from the estimated allocation for ongoing commitments of £1.767m from the ESFA for the financial year 2024/25 and subject to approval from Schools Forum £0.508m from a High Needs to Central Schools Services Block transfer as outlined in agenda item 4 – 'Proposed approach to DSG budget setting 2024/25 by block' - Recommendation 4. The final Central Schools Services Block allocation is anticipated to be released on either the 15<sup>th</sup> or 22<sup>nd</sup> December 2023, therefore the allocation for on-going commitments is provisional and likely to change.
- 6.2 As stated in 2.2 the ESFA have confirmed that the rate per pupil for Nottingham City will be £40.88 per pupil for the financial year 2024/25.

LA's continue to be protected so that the maximum per-pupil year-on-year reduction in funding for ongoing responsibilities is -2.5%, while the year-on-year gains cap will be set at the highest affordable rate of 5.51%. In 2024/25 Nottingham City will receive a 3.2% increase in the CSSB unit rate.

As demonstrated in **Table 2** the rate per pupil has increased by £1.26p per pupil between 2023/24 and 2024/25 which is forecast to generate an additional £0.071m in funding in 2024/25 compared to 2023/24. This is based on the October 2022 Autumn Term census.

- 6.3 The estimated cost for statutory retained duties for 2024/25 is £1.358m however, to keep within the funding envelope of £2.275m (subject to approval from SF for the High Needs Block transfer to the Central Schools Services Block of £0.508) the LA has used the statutory retained duties budget to balance the funding available for ongoing commitments. This is why the amount requested for approval by SF is £1.291m as shown in **Table 3**.

Therefore, the LA is proposing that should the pupil numbers increase in October 2023 the additional funding the LA receives be allocated to the retained services budget. If the LA were to have the same increase in pupil numbers as in the financial year 2023/24 this would generate forecast income additional of £0.016m.

- 6.4 **Appendix A** shows the values of these items compared to previous years budgets and actuals.
- 6.5 Any items not approved through this report or on other central expenditure reports will:
- a) Create a financial issue for the DSG as the costs arise because of school business and
  - b) For those services that are being delivered by the LA, there may not be a full saving in 2024/25 due to the impact on services, the need to then consult with stakeholders and enter into a consultation process.
  - c) Impact on the delivery of statutory requirements.

For those services aligned to the statutory duty of the LA and set out in the regulations any unapproved items would require further consultation before implementation.

- 6.6 As stated in the summary of this report, approval is being sought from SF on 5 December 2023 for the historic commitments in a separate report.

Julia Holmes  
Senior Commercial Business Partner  
6 November 2023

## 7. **Legal colleague comments**

- 7.1 The current law in force in this area is the School and Early Years Finance (England) Regulations 2023. These Regulations make provision for local authorities' financial arrangements in relation to the funding of maintained schools and providers of funded early years provision in England, for the financial year 2023-2024 and the Council must ensure that it complies with its obligations in accordance with these Regulations. Financial advice in that respect is given above
- 7.2 The Forum has decision making powers in relation to (amongst other things,) agreeing centrally retained budgets and funding for central early years expenditure and therefore the Recommendations appear to be within the Forum's powers decision making powers.

Ann Barrett, Team Leader Legal Services - 21 November 2023.

## 8. **Other relevant comments**

- 8.1 There are no direct Human Resources implications as part of this report.

However, if recommendations are not approved and there is an impact or shortfall for the local authority services delivered to schools, these will need to be fully scoped and understood from a resources perspective before a formal consultation process is instigated.

After the scoping exercise is undertaken, and if reductions are required resulting in impacts to the workforce, a genuine and meaningful consultation process

should commence with Trade Unions and affected staff, with the correct policies and procedures being adhered to, with HR support provided.

Carol McCrone, Senior HR Consultant (Schools) – 20 November 2023

**9. Crime and Disorder Implications (If Applicable)**

9.1 N/A

**10. Social value considerations (If Applicable)**

10.1 N/A

**11. Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**12. Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because:  
(Please explain why a DPIA is not necessary)

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the Carbon impact of the proposals in this report been assessed?

No

A CIA is not required because:  
(Please explain why a CIA is not necessary)

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1

**15. Published documents referred to in this report**

15.1 ESFA – Schools Operational guide 2024/25 – Updated 11 October 2023

15.2 DfE - Schools and Early Years Financial Regulations 2023

## APPENDIX A

### Analysis of Ongoing Commitments 2022/23 to 2024/25

	2022/23				2023/24				2024/25
	Budget Approved by Schools Forum/ Included in School Budget Report £m	Budget Latest £m	Outturn £m	Variance - Over/ (Under) budget £m	Budget Approved by Schools Forum/ Included in School Budget Report £m	Budget Latest £m	Forecast £m	Variance - Over/ (Under) budget £m	Budget £m
School Admissions	0.585	0.585	0.585	0.000	0.585	0.585	0.585	0.000	0.585
Servicing of schools forums	0.037	0.037	0.037	0.000	0.038	0.038	0.052	(0.014)	0.039
Copyright Licences	0.223	0.223	0.224	(0.001)	0.232	0.232	0.232	0.000	0.264
Retained Education Services	0.702	0.723	0.723	0.000	1.204	1.204	1.204	0.000	1.291
Teachers Pay Teachers Pension Employers Contribution funding for centrally retained teachers	0.096	0.096	0.096	0.000	0.096	0.096	0.096	0.000	0.096
<b>TOTAL</b>	<b>1.643</b>	<b>1.664</b>	<b>1.665</b>	<b>(0.001)</b>	<b>2.155</b>	<b>2.155</b>	<b>2.169</b>	<b>(0.014)</b>	<b>2.275</b>



\* The forecast overspend on the Schools Forum budget in 2023/24 is mainly due to the employment of interim agency staff. Original budget costed based on the employment of permanent staff.

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**Schools Forum – 05 December 2023**

<b>Title of paper:</b>	Early Years Central Expenditure 2024/25
<b>Corporate Director/Director:</b>	Catherine Underwood, Corporate Director for People Nick Lee, Director of Education
<b>Report author and contact details:</b>	Kathryn Bouchlaghem, Head of Service, Early Years <a href="mailto:Kathryn.bouchlaghem@nottinghamcity.gov.uk">Kathryn.bouchlaghem@nottinghamcity.gov.uk</a>  Collins Elechi, Senior Commercial Business Partner <a href="mailto:Collins.elechi@nottinghamcity.gov.uk">Collins.elechi@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Louise Hobbs, HR Consultant Ann Barrett, Team Leader Legal Services
<b>Summary</b>	
<p>The national Early Years (EY) funding arrangements introduced in April 2017 include a national formula for allocating the EY block to Local Authorities and regulations around the proportion of EY funding that can be retained for central spend. This is to ensure a high 95% pass-through of funding to providers. This pass-through is expected to increase to 97% once the new extended early years entitlements are embedded over the next 2 years. Approval is subject to compliance with this regulation when the 2024/25 Schools Budget is finalised. This paper requests approval of the Early Years Central Expenditure Budget for 2024/25.</p> <ul style="list-style-type: none"> <li><i>Base rates for 2024-25 to be confirmed by the DfE in December. However, as per the Local Authority Readiness document, which cites indicative funding rates, the indicative rate for 2 year olds for 2024-25 is £8.27 and the rate for under 2 year olds is £11.31. There are no indicative allocations for 3 and 4 year olds at this time. This document also states that “We encourage colleagues at Nottingham to examine the indicative funding rates for their area and to treat these as a likely underestimate of the actual rate available from April 2024”. We therefore expect the hourly rate to increase significantly when the rates are confirmed and certainly not decrease from the current allocation.</i></li> </ul>	
<b>Recommendations:</b>	
1	To approve Early Years Central Expenditure of £1.025m for 2024/25.

**1 Reasons for Recommendations**

- 1.1 The requested EY central expenditure of £1.025m is at the same level as that approved for 2023/24. It is projected that this level of central expenditure is sufficient to maintain the costs of the team and the activity outlined in Section 2 of this report.
- 1.2 This will allow the full increases in the 2 year old and 3 and 4 year old hourly funding rates for 2024/25 to be pass-ported on to schools and providers.
- 1.3 With this level of central expenditure, the LA should comfortably meet the 95% pass-through regulation. The final pass-through percentage to be published on

Section 251 statement outturn for 2023.24 is 95%. This was based on the same central expenditure budget of £1.025m and the same split of contributions between 2 year old and 3 and 4 year old funding streams.

## **2 Background**

2.1 The funding will enable the Early Years Team to carry out the following Local Authority duties under the Childcare Act 2006/Education Act 2014/Children and Families Act 2014:

- Ensure sufficient quality childcare and early education places which supports economic growth and stability for employment;
- Support provision of all 2, 3 and 4 year olds, including sufficiency of quality and accessible provision, measuring uptake and support with outreach message;
- Disseminate relevant National and Local Early Years policies and funding opportunities;
- Ensure that training in EYFS assessment, and support with completion of the EYFS Profile Summary, is available to all providers who need it;
- Raising awareness of the Speech, Language and Communication strategy, 0-5 years, for the City;
- Produce robust and comprehensive Continuous Professional Development (CPD) opportunities, for the early years' workforce, that reflect demand and need based on data and consultation with the workforce;
- Ensure that 100% of the Directory of Providers have a current Provider Agreement and complete the annual Early Years Census, and that payments are made in a timely manner.

### **Overview of Current Position – Key Points**

#### **❖ Early Years Foundation Stage (EYFS) Profile Data 2023**

Two years into the new Statutory EYFS Framework, which covers all aspects of teaching, learning and assessment for all of those providers working within early years, the LA (Early Years Team) has continued to provide support to practitioners and settings, across the early years sectors, to ensure that quality of provision and outcomes for children have remained a priority as this new framework has been embedded.

Communication and dissemination of information continues to be critical:

- Sessions were held each term throughout the 2022/23 academic year for Head Teachers, Senior Leaders, Leaders and Managers. Private, Voluntary and Independent (PVI) and School Practitioners enable us to continue to support effective application.
- Termly Head Teacher Briefings continued to share updates relating to trends identified through the EYFSP data.

- Working parties continued for both the PVI and School Sectors. These enabled us to hear about the changing needs within the sectors and plan appropriately for any extra support needed. The success of these working parties has led to them continue into the 2023/24 academic year.

**Agreement Trialling** has been an integral part of support for providers to raise outcomes for our youngest children. We have used this forum to address the trends identified from the EYFSP data and have provided targeted support around understanding, resourcing and moderating our weakest areas of attainment. In response to an identified need in addressing practitioner’s confidence to support the increasing number of children in settings with very unique needs as a result of the COVID-19 pandemic, our discussions have also incorporated SEND support in this area.

In the academic year 2022/23, we resumed face-to-face training, in addition to continuing with some online sessions, thus offering a blended approach.

Sessions were accessed by:

- 259 practitioners from 82 settings (16 PVI settings and 66 schools)
- Representatives from 10 of the 12 Academy Trusts within the City including LEAD, Transform, NOVA, Raleigh, Djanogly and Our Lady of Lourdes.
- Feedback was extremely positive in 100% of evaluations with requests to repeat a similar level of training and support in the next academic year. Therefore, we will continue to offer a blended delivery approach and SEND support in these sessions in 2023/24.

**Quality Assurance Support** was offered to validate schools and PVI data to ensure accuracy of data. 12 schools received telephone or email support and a quality assurance session designed specifically for PVIs with Rising Fives was attended by all 6 settings who were completing EYFSP for children in their setting.

**The LA’s statutory responsibilities remain to:**

- Collect EYFSP data, quality assure it and submit it to the DfE
- Offer training in EYFS assessment and the completion of the EYFSP summaries to all providers who need it
- Improve the outcomes for all children under 5 in accordance with the Childcare Act 2006

**Early Years Foundation Stage Profile (EYFSP) Data (Provisional)**

	Good Level of Development										
	Old Framework							No Data		New Framework	
Year	2013	2014	2015	2016	2017	2018	2019	2020*	2021*	2022	2023
Nottingham City	40%	47% (+7)	58% (+11)	63.5 (+5.5)	66.2 (+2.7)	67.6% (+1.4)	66.9% (-0.7)	N/A	N/A	60.3% (-6.6)	63.2% (+2.9)
National	52%	60%	66%	69.3 (+3.3)	70.7 (+1.4)	71.5 (+0.8)	71.8 (+0.3)	N/A	N/A	65.2% (-6.6)	67.3% (+2.1)
Difference	-12	-13	-8	-5.8	-4.5	-3.9	-4.9	N/A	N/A	-4.9	-4.1

\*No data was collected in 2020 and 2021 due to the COVID-19 Pandemic.

- 2022 was the first year of the revised Statutory Framework so we are now able to make direct comparisons against previous results, comparing 2023 data with attainment in 2022.

## Nottingham v National

Characteristic	2022	2023	Difference
GLD - Nottingham	60.3	63.2	+2.9
GLD - National	65.2	67.3	+2.1
Gap	4.9	4.1	+0.8

## Nottingham v Regional

Characteristic	2022	2023	Difference
GLD - Nottingham	60.3	63.2	+2.9
GLD - Regional	64.6	66.8	+2.2
Gap	4.3	3.6	+0.7

- Success was seen across all areas targeted during Agreement Trialling sessions, for example, reading increased by 1.2% in comprehension and 3.1% in word reading, after focusing on this area in both the Spring and Summer terms.

Biggest Gaps with National	
<b>Prime:</b>	<b>Specific:</b>
Speaking -4.7	The Natural World -7.1
Listening and Attention -2.8	Word Reading -6.8
Managing Self -2.7	Number -6.2
Fine Motor -2.7	Number Patterns -6.2

### **Ranking** *(please note these are previous figures, to be updated after the release on 30<sup>th</sup> November 2023)*

- Nottingham's ranking is 130/151 (2016 – 138/151)
- LA maximum (2017) is 78.9% (Lewisham)
- LA minimum (2017) is 59.8% (Halton)

**Statistical Neighbours:** Derby, Sandwell, Manchester, Coventry, Birmingham, Wolverhampton, City of Bristol, City of Kingston Upon Hull, Salford, Southampton

Year	Statistical Neighbours %	Nottingham City %	Difference
2014	57.2	46.5	-10.7
2015	62.6	58	-4.6
2016	65.2	63.5	-1.7
2017	67.0	66.2	-0.8
2018	68.1	67.6	-0.5
2019	68.6	66.9	-1.7
2022	xxx	xxx	xxx
2023	xxx	xxx	xxx

Following the release of this information on 30<sup>th</sup> November 2023, our goal for 2023 will be to close any gaps with our statistical neighbours.

Prior to the COVID-19 pandemic, we know that children in Nottingham City generally started school below age related expectations. Research (Coram, January 2022) has shown that areas with high deprivation were disproportionately impacted by the pandemic.

Since the pandemic, practitioners are reporting that children are entering school with greater personal, social and emotional needs, significant personal needs and poor communication and language.

Taking this into account, though some children do not reach expected levels at the end of EYFS, they do make good progress from their starting points, and progress has been identified in the vast majority of areas, resulting in Nottingham closing the regional and national gap by 0.7% and 0.8% respectively.

### **Next Steps:**

- Continue to offer Agreement Trialling, online and face-to-face, throughout 2023/2024, for all practitioners working with 3 - 5 year olds, focusing on children who are not yet on track.
- Through our free 'New to EYFSP' training and quality assurance support we will support practitioners (both schools and PVI) new to completing the profile.
- Continue to offer Summer Term support visits and set up a moderation session to support PVI settings completing the EYFSP.
- Continue to present at Head Teacher Briefings (with a focus on data outcomes for the Autumn Term)
- Hold a Leaders Briefing to present and explain the current EYFSP data to enable Senior Leaders in schools to plan effectively for their Y1 cohort using their EYFSP data to inform next steps, as well as informing development areas in Early Years.
- Continue to run termly Working Party meetings
- Complete a piece of work to further unpick the gender gap – working with schools and PVIs to establish where the gaps start and finding ways to address these gaps early.

### **❖ Early Years Entitlements Funding**

The early years entitlements funding for 2, 3 and 4 year old places in the PVI sector is summarised below, broken down by term for 2022/23 academic year;

	<b>NEF (including supplements)</b>	<b>ELP</b>	<b>EYPP</b>
<b>Autumn 2022</b>	£2,051,479.85	£941,305.87	£41,950.50
<b>Spring 2023</b>	£2,365,889.75	£808,776.48	£46,108.50
<b>Summer 2023</b>	£2,953,776.21	£801,316.71	£58,721.28

Schools have received continued support with their Early Years Headcount returns made via the portal and are continuously equipped with the necessary information around eligibility to enable children to be correctly admitting and mitigate against funding being lost. Weekly communication has been via email or phone to ensure smooth submissions ahead of the deadline.

Although steady progress has been made this year with schools in understanding these processes, the key issues mentioned in the previous report remain, particularly where there have been staff changes:

- Some schools not checking for 2 year old funding eligibility in rising 3's, meaning **some schools are 'taking the hit' financially** for eligible children who could receive funding
- Some schools not checking eligibility for Early Years Pupil Premium, meaning some schools are **losing out on funding for eligible children**
- Admitting children to a 30 hour place, without ensuring the code is in date, means children could be **accessing a place that isn't eligible for funding** in line with HMRC regulations

We will continue to offer dedicated Schools Portal training sessions each term and consider a dedicated Early Years Funding Briefing Session for Head Teachers during the 2023/24 academic year.

#### ✦ Early Years EYFS CPD Training Opportunities Programme

The demand from both the Maintained and PVI sector for EY branded courses to support them to meet their statutory duties, Ofsted requirements and EYFSP assessment remains high. To meet these needs we have continued to offer a range of online, face to face and blended learning courses, including a variety of network sessions to encourage partnership working and sharing of good practice. Attendance figures remain consistent and match closely to those of previous years.

<b>2022 - 2023 Financial Year:</b>		
<b>Sector</b>	<b>Number of courses</b>	<b>Attendance</b>
Maintained Schools and Academies specific	40	412
PVI Day Nurseries, Pre-Schools and Childminders	91	1,469
All Sector (e.g. Blended Paediatric First Aid etc.)	22	141 PVI 40 Schools
Annual Business Meeting	1	122
<b>Total: Financial Year 2022 – 2023</b>	<b>154</b>	<b>2,184</b>

<b>April 2023 – November 2023:</b>		
<b>Sector</b>	<b>Number of courses</b>	<b>Attendance</b>
Maintained Schools and Academies specific	28	238
PVI Day Nurseries, Pre-Schools and Childminders	56	689
All Sector (e.g. Blended Paediatric First Aid etc.)	13	77 PVI 22 schools
<b>Total: April – November 2023</b>	<b>97</b>	<b>1,026</b>

Ongoing sector consultation supports the planning of the CPD offer, which is continually reviewed and adapted to meet the emerging needs of the workforce and national policy, whilst ensuring that courses are accessible. Despite the current economic climate, the demand for the CPD offer is still high particularly for statutory training and new national



policy briefings. The training is also supported by making resources available via our website.

### ❖ Sufficiency Duty

Sufficient, accessible and high-quality childcare is significant in promoting school readiness; widening access to employment and study for parents; as well as maximising opportunities for families to benefit from the economic, social and health benefits of employment.

The pandemic continues to impact the childcare sector as some providers struggle to regain their pre-pandemic occupancies, in part due to shifting attitudes to employment and working arrangements (e.g. hybrid working). For families, rising costs are forcing parents to reconsider household budgets, re-prioritising essential costs, with childcare potentially being a non-essential cost. Childcare businesses are experiencing the same pressures, with the addition of increased business rates and staffing costs. Combined with a national early years staffing crisis, and proposed local reductions to council buildings (some rented by childcare providers); childcare businesses are being placed at risk. A number of providers are operating at reduced capacity, currently unable to recruit suitable early years staff.

Overall, Nottingham has seen a 3.5% decrease in the number of registered childcare providers since January 2022 which is below national average.

### Early Years Funded Entitlements

Funded age range	Sector	Number of Children	Percentage of all funded children that term	Data source
3 & 4 year old universal provision	Schools	3,188	59%	Summer Term 2023 participation data, Childcare Sufficiency Assessment
	PVI	2,201	41%	
2 year old provision	Schools	108	10%	Summer Term 2023 participation data, Childcare Sufficiency Assessment

#### **Schools: Two Year Provision (separate facility – children from the term after they turn 2 years old)**

School	Registered number of places	Average Capacity
Sycamore Primary	15 (30 sessions)	Limited vacancies
Djanogly Sherwood Rise	16 (32 Sessions)	Limited vacancies
Milford Academy	8 (16 sessions)	Limited vacancies

On average, 20 additional schools take children the term they turn three, equating to approximately 60 additional funded 2 year olds in schools

In the Spring Budget 2023 the Chancellor announced a move towards 30 hours childcare for every child over the age of 9 months with working parents. The responsibility for delivering this agenda sits with LA's.

To enable childcare providers to prepare to deliver such a major expansion, it will be rolled out in phases to ensure sufficient places and staff ready to meet increased demand.

The expansion delivery phases are:

- April 2024 – working parents of 2 year olds able to access 15 hours childcare support
- September 2024 – 15 hours childcare support extended to working parents of children from the age of 9 months to 3 year olds
- September 2025 - working parents of children under the age of 5 entitled to 30 hours of childcare per week
- By September 2026, all parents and carers of primary school-aged children who need it will be able to access term time childcare in their local area from 8am-6pm. Parents will be required to pay for this service but, support with costs will be available to eligible parents through Universal Credit childcare and Tax-Free Childcare.

This expansion will undoubtedly change both the supply of, and demand for, early years provision in the City, making the Childcare Sufficiency Assessment even more critical as we plan and monitor for these changes.

Timely, accurate information and support both to providers, internal and external colleagues, wider partners and parents are all essential in ensuring effective delivery of this agenda in Nottingham City. The Early Years Team will ensure a Communication Strategy around this expansion to support delivery and uptake.

## Ofsted Gradings

The quality of childcare remains high in Nottingham with 97% of day nurseries and pre-schools and 97% of childminders in the PVI sector graded as newly registered, met, good or outstanding by Ofsted.

### Figure 1. Nottingham City Ofsted Grades Compared to National and Regional Data

Most recent Ofsted data available up to 31/03/2023, released by Ofsted 29/06/2023

All Early Years Settings (Day Nurseries, Pre-Schools and childminders)			
Ofsted data	National	East Midlands	Nottingham City
Outstanding	14%	7%	2%
Good	82%	89%	93%
Requires Improvement	2%	2%	1%
Inadequate	1%	2%	3%

### Figure 2. Nottingham City Ofsted Grades for Day Nurseries and Pre-Schools

Day Nurseries & Pre-Schools	Current numbers	Ofsted Grade % overall	
Outstanding	2	3%	87%
Good	59	84%	
New Settings (awaiting Inspection)	7	10%	10%
Requires Improvement	0	0%	3%

Inadequate	2	3%	
Total	<b>70</b>	100	

2.2 **Table 1** shows an indicative breakdown of the central expenditure budget. The exact split of the budget will be finalised during the course of the Council's wider 2024/25 budget setting process, taking into account the calculation of detailed salary budgets for example.

<b>TABLE 1: Breakdown of Central Expenditure Budget £m</b>			
<b>Expenditure Category</b>	<b>2023/24</b>	<b>2024/25</b>	
Staffing – including on costs	0.878	0.878	See Table 2 for funded posts
Non staffing – facilities, managerial overheads, support costs	0.147	0.147	Rent, insurance, other non-pay costs to support the activity of the Team
<b>TOTAL</b>	<b>1.025</b>	<b>1.025</b>	

2.3 Table 2 shows early years funded posts included in the staffing costs in **Table 1**:

<b>TABLE 2: Early Years Posts</b>	
<b>Role</b>	<b>FTE</b>
Head of Service, Early Years	0.8
Programme/Project Management	1.8
EYFS Support Workers	5.4
Teaching & Learning Specialists	1.6
Childcare Workforce Development/Training	1.8
2, 3 and 4 Year old funding administration	2.0
Administrator	1.12
Safeguarding post	1.0
Family Information Officers	1.8
Family Information Directory Coordinator	1.0
<b>TOTAL</b>	<b>18.3</b>

### **3 Other options considered in making recommendations**

3.1 None.

### **4 Outcomes/Deliverables**

4.1 An agreed approach to setting the 2024/25 Early Years budget, which meets the regulations, as outlined in the Early Education and Childcare Statutory Guidance for Local Authorities (April 2023).

## **5 Consideration of Risk**

5.1 N/A

## **6 Finance Colleague Comments (including implications and value for money/VAT)**

6.1 The proposed Early Years central expenditure will be funded from allocations for 2, 3 and 4 year olds. The EYNFF rates for funding coming into the Local Authority in 2024/25 for 2 year olds and 3 & 4 year olds have not yet been announced, but we anticipate to use the recent published supplementary rates for 2 and 3 & 4 year olds, however, we will report to Schools Forum in January 2024 upon receipt of 2024/25 EY settlement in December 2023.

The supplementary rate was an uplift of 1%, from £4.96 to £5.01 an increase of £0.05 for 3 & 4 year olds, and 31.8% from £5.66 to £7.46 increased by £1.80 for 2 year olds.

6.2 The proposed central expenditure budget is based on a contribution of £0.960m from the 3 and 4 year old funding and £0.065m from 2 year old funding. Based on the expected hourly funding increases quoted in paragraph 6.1, our projected 3 and 4 year old funding allocation for 2024/25 will be £16.363m and our projected 2 year old funding allocation will be £4.464m.

6.3 The pass-through calculation as set out in the regulations is based on the effective overall hourly rate planned for distribution to providers (including supplements, SEN Inclusion Fund and contingencies) as a proportion of the LA's funding rate. This additional £0.05/hour means that the 95% pass-through requirement is comfortably met despite the retained central expenditure budget being slightly over 5% (5.1%) of the projected total 3 & 4 year old funding received. In 2023/24 with the same £1.025m planned central expenditure, the calculated pass-through % as shown in January Schools Forum budget report was 95%.

6.4 There is no pass-through requirement for 2 year old funding. However, the £0.065m planned contribution to central expenditure from 2 year old funding represents only 1%.

6.5 It has been assessed that the requested early years central expenditure of £1.025m will be sufficient to fund the existing staffing structure and maintain current levels of activity.

Collins Elechi, Senior Commercial Business Partner – 08 November 2023

## **7 Legal Colleague Comments**

7.1 The School and Early Years Finance (England) Regulations 2023 make provision for local authorities' financial arrangements in relation to the funding of maintained schools and providers of funded early years provision in England for the financial year 2023-2024 and the Council must ensure that it complies with its obligations in accordance with these Regulations. Financial advice in that respect is given above and in the main body of the report.

7.2 The Forum has decision making powers in relation to (amongst other things,) agreeing centrally retained budgets and funding for central early years expenditure

and therefore the Recommendations appear to be within the Forum's decision making powers.

Ann Barrett, Team Leader Legal Services - 22 November 2023.

## **8 Other relevant comments**

### **Human Resources**

The report requests £1.025m (made up of staffing and non-staffing values) to continue the work of the Early Years Team, at an FTE value of 18.3.

There are no direct Human Resources implications as part of this report if recommendations are approved.

If recommendations are not approved, there would be workforce implications as a direct result of this, due to all employees in the Early Years Team being on permanent contracts. If workforce reductions are required, a genuine and meaningful consultation process should commence with Trade Unions and affected staff, with the correct policies and procedures being adhered to, with HR support provided. Finance colleagues would need to take into consideration any redundancy costs in relation to this.

Management have confirmed that the Safeguarding role is currently vacant which Management will need to ensure that recruitment is conducted through the appropriate processes for the newly created roles, with a CLT panel approval process in place during spending controls for all posts.

Louise Hobbs, HR Consultant – Education Strategy  
[louise.hobbs@nottinghamcity.gov.uk](mailto:louise.hobbs@nottinghamcity.gov.uk) 0115 876 3174  
Comments provided: 22 November 2023

## **9 Crime and Disorder Implications (If Applicable)**

9.1 N/A

## **10 Social value considerations (If Applicable)**

10.1 N/A

## **11 Equality Impact Assessment (EIA)**

11.1 EIA not required as report does not recommend any changes to services/provisions.

## **12 Data Protection Impact Assessment (DPIA)**

12.1 A DPIA is not required.

## **13 Carbon Impact Assessment (CIA)**

13.1 A CIA is not required.

## **14 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1 None.

**15 Published documents referred to this in this report**

- 15.1 Childcare Act 2006, Education Act 2014, Children and Families Act 2014, Early Education and Childcare Statutory Guidance for Local Authorities (April 2023).

**Schools Forum – 5 December 2023**

<b>Title of paper:</b>	Proposed pupil growth allocation for 2024/25
<b>Director:</b> <b>Corporate Director:</b>	Nick Lee, Director of Education Services Catherine Underwood, Corporate Director for People
<b>Report author and contact details:</b>	Lucy Juby, Pupil Place Planning & School Organisation Manager, Education Services <a href="mailto:lucy.juby@nottinghamcity.gov.uk">lucy.juby@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Julia Holmes, Senior Commercial Business Partner, Children & Adults <a href="mailto:julia.holmes@nottinghamcity.gov.uk">julia.holmes@nottinghamcity.gov.uk</a>  Alexa McFadyen, Senior Solicitor (Employment) <a href="mailto:alexa.mcfadyen@nottinghamcity.gov.uk">alexa.mcfadyen@nottinghamcity.gov.uk</a>
<b>Summary</b>	
<p>As part of the budget setting process for the financial year (FY) 2024/25, this report outlines the proposed requirements of the Pupil Growth Contingency Fund (PGCF) for 2024/25 and seeks Schools Forum's approval to allocate £0.909m for this purpose. The funding will be used to fund pupil growth in both maintained schools and academies.</p> <p>As part of the budget setting process for 2024/25, the School Funding team must inform the Education and Skills Funding Agency (ESFA) on 22 January 2024 on the level of funding allocated for pupil growth for academies for the period April 2024 to August 2024, from the pupil growth contingency fund.</p> <p>Growth Funds are an established mechanism nationally, to support expanding schools. The Department for Education (DfE) Schools Forums: Operational and good practice guidance document from March 2021 identifies the creation of a fund and the agreement of criteria for pupil growth as one of the functions Schools Forum's are responsible for deciding on (Page 5).</p>	
<b>Recommendation(s):</b>	
<b>1</b>	<b>To approve</b> the allocation of £0.909m to support pupil growth in 2024/25. <b>Appendix 1</b> outlines the current commitments and projected requirements for pupil growth in 2024/25 based on the current PGCF criteria – also included in Appendices 2 and 3 for primary and secondary growth.
<b>2</b>	<b>To note:</b> (a) the requirement to allocate funding to academies for the period April 2024 to August 2024 as guided by the ESFA; but which will be reimbursed to the LA's Dedicated Schools Grant (DSG). (b) the amount to be allocated (and reimbursed) is £0.302m; (c) the total amount of academies individual school budget shares will be netted off against the pupil growth given out for this period and the Authority's Dedicated Schools Grant for 2024/25 will be adjusted accordingly.

**1 Reasons for recommendations**

- 1.1 The Pupil Growth Contingency Fund is not currently required for primary growth payments, as all previous commitments have been met. However, the Fund continues to provide funding to schools and academies who have admitted additional pupils to meet the growing need for secondary school places.
- 1.2 The City's significant pupil growth started to impact on the secondary sector from 2017; therefore, an appropriate funding model was implemented to support this. In April 2018,

Schools Forum approved the criteria and methodology under which funding can be allocated to secondary schools (as detailed in **Appendix 2**). Both primary and secondary criteria are updated annually to reflect the pay increases.

- 1.3 The local authority (LA) retains a statutory duty to ensure all children within the city are able to access a suitable school place. A centrally held pupil growth fund allows the LA to manage the process of supporting schools to meet Basic Need. Collaborative and strategic coordination and cooperation between all Nottingham City learning settings continues to be required, to meet the secondary sufficiency needs.
- 1.4 Financial support for schools that are providing significant additional capacity to meet this need is essential to avoid schools being at a financial disadvantage until the increased pupil numbers are reflected in their budgets. This will encourage the efficient deployment and allocation of resources as a school grows, while protecting the growth fund against long-term, non-sustainable funding commitments.
- 1.5 For maintained schools, there is usually a funding lag period of 7 months, between September and March, if schools have to provide additional staff for an extra class of pupils, but the increased number on roll are not reflected in their budget until the following April. The PGCF is used to support schools to address this funding lag.
- 1.6 Academies' Financial Year runs from September to August, therefore, academies receive a full 12 months of PGCF. This is paid in two separate payments: 7/12ths of the annual amount is paid in September (to cover the period September – March). The other 5/12ths is paid in April (to cover the period April to August). This additional 5/12ths element for academies is then reimbursed to the LA's Dedicated School's Grant by the ESFA.
- 1.7 Funding will be allocated to schools, where they have agreed with the LA to admit an extra class (or more) to meet Basic Need in the area, either on a temporary basis or as an ongoing commitment or formal expansion. If a school is admitting more than one additional class to meet Basic Need, the funding allocation per class will be tapered on a sliding scale, as set out in the full funding criteria included at Appendix 2.
- 1.8 A new requirement of the 2024/25 Pupil Growth Funding criteria is that an extra class (i.e. between 25-30 pupils) will be funded regardless of whether it is within or outside of PAN.
- 1.9 Schools will receive funding for every year that they admit the additional class, which in the case of a permanent increase is normally 5 years for a secondary school. If a school increases their capacity by a temporary bulge year, they will receive funding for that year / or temporary period only.
- 1.10 The forecast expenditure for 2024/25 has been costed on the basis of the current and anticipated level of growth at the secondary phase. This figure includes both existing/known commitments for secondary growth, as well as an estimated contingency figure based on expected additional capacity needs for the September 2024 academic year.

## 2 Background

- 2.1 For 2024/25, the level of funding for pupil growth requested from Schools Forum is £0.909m. **Table 1** below demonstrates how the fund is projected to be allocated. A full breakdown of known and projected expenditure by school is shown in **Appendix 1** attached.

<b>Table 1: Forecast expenditure 2024/25</b>	
Agreed expansions / PAN increases / bulge classes	£0.259m
Additional funding for academies to fund full FY	£0.302m
Contingency for an additional 6 FE	£0.348m
<b>TOTAL</b>	<b>£0.909m</b>



**Table 2** below shows the level of funding approved in recent years, which has been gradually reducing:

2023/24	£0.935m
2022/23	£1.116m
2021/22	£1.282m
2020/21	£1.394m
2019/20	£1.324m

- 2.2 For 2024/25, the known requirements that are already committed or projected for the pupil growth fund total £0.259m.
- 2.3 A further sum £0.348m has been set aside to allow for contingency, to support other schools accommodating additional pupils (if it meets the funding criteria attached). This year's contingency has been calculated on the basis of an estimated 6 additional classes required in September 2024, which includes extra capacity for Year 7 entry as well as some additional capacity for in-year admissions across other year groups.
- 2.4 Ensuring that the supply of school places meets demand is, and remains, a statutory duty of Local Authorities, even though LAs are no longer able to open new schools. As commissioners of education working with a range of providers, Nottingham City is striving to meet school place needs in a way that promotes parental choice, diversity and enabling access to good or outstanding local schools.
- 2.5 To recap on the significant additional capacity we've implemented in collaboration with secondary academies since 2017, this has been through a variety of measures - permanent expansions across Trinity School, NUAST and Fernwood Academy creating an extra 8 forms of entry (FE). Additionally, the new 1200 place Bluecoat Trent Academy secondary school opened on a temporary site in September 2021, providing a further 8 FE. Additional places have also been agreed at other academies through a combination of increased PANs and temporary bulge classes.
- 2.6 Despite this significant investment, secondary capacity remains tight, with more capacity required in Year 7 and across other year groups. Significant overall capacity pressure is currently set to continue up to 2029 and as the larger cohorts move through the year groups.
- 2.7 The LA's ambition is for all pupils in Nottingham attend a good school, close to home. We aim to promote parental choice and to maximise the number of pupils securing their preferred school. For September 2023 secondary school admissions, in the face of increasing demand, 88% of pupils were offered their first or second choice secondary school. This was a 3% percent increase on the previous year, despite another rise in the number of applications received. However, with the increasing number of applications and the sustained pressure on capacity, this has reduced from 92% in 2016. The LA continues to work in collaboration with academies to maximise available capacity in existing provision, while also looking to secure further school expansions to meet demand.
- 2.8 The full breakdown and annual updates to Pupil Growth Contingency Fund spend will continue to be reported to Schools Forum.

### **3 Other options considered in making recommendations**

- 3.1 None.

#### 4 Outcomes / Deliverables

- 4.1 To address the growing need for additional capacity in the secondary sector, in line with the LAs statutory requirement to provide school places. The provision of this revenue funding in a timely manner supports schools to effectively meet the needs of pupils and to maintain standards and performance, without sustaining a significant funding shortfall.

#### 5 Finance colleague comments (including implications and value for money / VAT)

- 5.1 In the FY 2019-20, the DfE introduced a formulaic approach to allocating growth funding to local authorities to try to ensure that the funding was distributed fairly and consistently. The new growth factor is fairer because it distributes funding based on the actual growth that local authorities' experience, rather than the amount they have historically chosen to spend. In the FY 2024/25 funding will continue to be allocated using the same methodology, but will be based on the growth in pupil numbers between the October 2022 and October 2023 censuses in each middle super output area (MDSOA) boundary.

See **Appendix 4** for a summary of the revised methodology for allocating pupil growth funding to local authorities.

- 5.2 In the FY 2024/25 local authorities will continue to be responsible for managing their pupil growth funding locally and setting their pupil growth criteria's.

Additional new requirements have been introduced from the financial year 2024/25:

- For the first time local authorities will be required to provide growth funding where a school or academy has agreed with the local authority to provide an extra class to meet basic need in the area (either as a bulge class or as an ongoing commitment). Funding, either through the growth fund, or by adjusting pupil numbers in the APT, growth funding will need to be provided regardless of whether the additional class is within or outside of the PAN.
- As a minimum local authorities will have to provide funding to a level which is compliant with the following formula:

Primary and secondary growth factor value (£1,550) x number of pupils x Area Cost Adjustment ACA

Based on the values allocated in both the primary and secondary phases for a class of 30 pupils, the pupil growth criteria Nottingham City exceeds the minimum value per pupil of £1,550 per pupil.

- 5.3 In the FY 2024/25 funding will be allocated to local authorities based on:

- the increase in primary pupils in each MSOA between the October 2022 and October 2023 censuses multiplied by (£1,550 x ACA)
- the increase in secondary pupils in each MSOA between the October 2022 and October 2023 censuses multiplied by (£2,320 x ACA)

- 5.4 As per paragraph 2.1 this report seeks approval to allocate £0.909m for pupil growth for both maintained schools and academies in the city in the FY 2024/25. The estimated funding requirement for 2024/25 has been calculated based on the principles included in the Pupil Growth Contingency Fund Criteria set by Schools Forum on 24 April 2018. However, updates have been made to the rates included in the primary and secondary school criteria's. **Table 3** shows the updates to the rates for 2024/25 compared to 2023/24.

<b>Table 3: Revision to 2024/25 rates</b>		
	<b>Primary</b>	<b>Secondary</b>

Teachers Pay	Increased to reflect the estimated cost of a M6 teacher in the FY 2024/25. Applied September 2023 cost of an M6 teacher April to August 2024 and assumed a 3% pay award from September 2024.	
Teaching Assistants Pay	Increased to reflect the actual cost of a point 12 TA in 2023/24 uplifted by 3.5% estimated pay award for 2024/25.	
Midday supervisors Pay	Increased to reflect the actual cost of a point 8 MDSA in 2023/24 and uplifted by a 3.5% estimated pay award for 2024/25. The costing has been based upon 7.5 hours per week.	
Deprivation factor rates: FSM		Inflated rate to reflect the increase in funding allocated through the national funding formula in 2024/25 (1.6%).
FSM6 and IDACI rates		Inflated rates to reflect the increase in funding allocated through the national funding formula in 2024/25 (1.4%).
Classroom set up costs	Uplifted the classroom set up costs by 1.4% from £8,810 per class to £8,933. For secondary schools which are due to expand by more than one class this is figure is tapered on a sliding scale dependent on the number of classes the school is to expand by. See <b>Appendix 2</b> as to how this is tapered.	

The secondary school's deprivation ratios have also been updated to reflect the latest ratio's for secondary schools. These are now based on the pupils in the October 2022 school census rather than the October 2021 school census that were used in the FY 2023/24.

- 5.5 As stated in **Table 4** £0.259m has been allocated for maintained schools and academies pupil growth for the period September 2024 to March 2025, £0.302m for academies for the period April 2024 to August 2024, plus an additional contingency of £0.348m for any further expansions that may be required in 2024/25. If approved the funding will be included in the 2024/25 budget.

<b>Table 4: Analysis of pupil growth funding 2024/25</b>		
<b>Forecast income</b>		
2024/25 DSG Schools block allocation	-£0.607m	
Reimbursement from the ESFA for academies (April 2024 to August 2024)	-£0.302m	
<b>Total income</b>		<b>-£0.909m</b>
<b>Forecast expenditure</b>		
Planned expansions/bulge years maintained schools and academies (September 2024 to March 2025)	£0.259m	
Funding to cover academies for the full academic year (April 2024 to August 2024)	£0.302m	
Contingency	£0.348m	
<b>Total forecast expenditure</b>		<b>£0.909m</b>

<b>Variance</b>		<b>£0.000m</b>
-----------------	--	----------------

5.6 The School Organisation Team will be allocating £0.302m to academies in 2024/25 to fund the extra pupils they took in from September 2023 for the period April 2024 to August 2024. Refer to paragraphs 1.6 for an explanation as to why this is required. The 2024/25 pupil growth for academies relating to April 2024 to August 2024 will be included in the submission of the 2024/25 school budgets to the ESFA. This funding will then be reimbursed to the Local Authority in 2024/25.

5.7 As in the financial year 2023/24 the LA propose that any surplus funding in the Schools Block in the 2024/25 will be used to support the proposed additional distribution out to schools.

At present the LA cannot say how much the remaining balance will be as it is dependent on the make-up of pupils on the October 2023 school census. The primary and secondary units of funding were based on the make-up of pupils on the October 2022 school census.

5.8 An update on the financial position on the Schools Block will be provided to SF in the Schools Budget 2024/25 report which will be brought to Schools Forum on 16 January 2024.

5.9 For the first time in 2024 to 2025 the ESFA will be allocating funding based on both growth and falling rolls.

Falling rolls funding will be distributed on the basis of the reduction in pupil numbers that local authorities experience for each year. It is based on the observed differences between the primary and secondary number on roll in each local authority between the October 2022 and October 2023 school censuses. Falling rolls are measured at the MSOA within each local authority – these are areas used by the ONS based on population data, which allow us to capture falling rolls in small geographical areas within local authorities. The falling rolls allocation for each local authority will be £140,000 per MSOA which sees a 10% or greater reduction in the number of pupils on roll between the two census years. This allocation will be subject to an ACA.

The Local Authority does not anticipate that it will receive any falling rolls funding in 2024/25 as it is anticipated that the falling rolls will not meet the 10% threshold.

In 2024/25 local authorities will continue to have discretion over whether to operate a falling rolls fund. Where local authorities operate a fund, they will only be able to provide funding where school capacity data 2022 (SCAP) shows that school places will be required in the subsequent three to five years. This SCAP requirement replaces previous guidance that funding may only be used where local planning data shows that the surplus places will be needed within the next three financial years.

The requirement that schools must be Ofsted rated ‘good’ or ‘outstanding’ to be eligible for falling rolls funding will no longer apply from the 2024 to 2025 financial year.

At present the pupil forecasts are not showing that the schools places will be required in the next three to five years where schools are experiencing falls in pupil numbers so a falling rolls fund cannot be set up.

Julia Holmes  
Senior Commercial Business Partner  
16 November 2023

**6 Legal and procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)**

## 6.1 Legal Implications

6.1.1 The budgetary framework for the financing of maintained schools is contained in Chapter IV of Part II of the School Standards and Framework Act 1998 (“SSFA”). This chapter of the SSFA includes sections 45A (determination of specified budgets of a local authority) and 47A (the duty on a local authority to establish a schools forum for its area).

6.1.2 Section 45A(2) of the SSFA states that for the purposes of Part II of the SSFA, a local authority’s “schools budget” for a funding period is the amount appropriated by the authority for meeting all education expenditure by the authority in that period of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools). Section 45A(2A) of the SSFA states the amount referred to in subsection (2) includes the amount of any grant which is appropriated, for meeting the expenditure mentioned in that subsection, in accordance with a condition which

—  
*(a) is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of that Act is given) or any other enactment, and*

*(b) requires that the grant be applied as part of the authority’s schools budget for the funding period.*

6.1.3 This means that the designated schools grant (“DSG”), which is paid to local authorities under section 14 of the Education Act 2002 (“EA2002”) essentially on condition imposed by the Secretary of State under section 16 of the EA2002 that it is applied as part of an authority’s schools budget for the funding period, is part of the schools budget. Indeed, the DSG is the main source of income for the schools budget (Education and Skills Funding Agency (“ESFA”) guidance *Dedicated schools grant Conditions of grant 2023-2024* (Updated 1 September 2023) states that local authorities can add to the schools budget from local sources of income (*ibid*, paragraph 3.1). Local Authorities retain responsibility for setting the overall level of their ISB and for determining school budget shares, subject to the Schools and Early Years Finance (England) Regulations 202, SI 2023/59 (“SEYFR”).

6.1.4 The detail is prescribed by regulations.

6.1.5 Amongst other things, regulation 1 of SEYFR states the following:-

*(4) In these Regulations—*

...

*“1996 Act” means the Education Act 1996;*

...

*“2003 Act” means the Local Government Act 2003;*

...

*“2022 Regulations” means the School and Early Years Finance (England) Regulations 2022;*

...

*“capital expenditure” means expenditure of a local authority which falls to be capitalised in accordance with proper accounting practices, or expenditure treated as capital expenditure by virtue of any regulations or directions made under section 16 of the 2003 Act;*

...

*“CERA” means capital expenditure which a local authority expects to charge to a revenue account of the authority within the meaning of section 22 of the 2003 Act;*

6.1.6 Amongst other things, regulation 8 of SEYFR states the following:-

*(6) Except as provided for in paragraphs (13) and (14) [not relevant here], a local authority must not deduct the expenditure referred to in Schedule 2 (other than expenditure referred to in paragraph 8 (expenditure on licences) and Part 5 (Children and Young People With High Needs) of Schedule 2) without authorisation from its schools forum under regulation 12(1), or from the Secretary of State under regulation 12(3).*

6.1.7 Amongst other things, regulation 12 of SEYFR states the following:-

*(1) On the application of a local authority, its schools forum may authorise—*

...

*(c) the making of deductions from the authority's schools budget of expenditure under regulation 8(6);*

6.1.8 Schedule 2 to SEYFR sets out the following expenditure relevant to this report:-

**1**

*CERA incurred for purposes not falling within any other paragraph of this Schedule or Schedule 1.*

...

**3**

*Any deductions under any of paragraphs 1 and 2(a), 2(b), 2(c), 2(d) and 2(e) must not exceed the amount deducted under each of the corresponding paragraphs of Part 1 of Schedule 2 to the 2022 Regulations for the previous funding period.*

**4**

*Expenditure due to a significant growth in pupil numbers as a result of the local authority's duty under section 13(1) of the 1996 Act to secure that efficient primary education and secondary education are available to meet the needs of the population of its area, including expenditure resulting from the additional costs associated with establishing a new school.*

6.1.9 Therefore, the expenditure proposed here is potentially expenditure to be made from the schools budget for Nottingham City Council (“NCC”) and NCC’s DSG at that. This is provided if the money is to be spent in the way proposed in this report, that it is either spent as CERA as defined by SEYFR and in accordance with SEYFR, or it is spent due to a significant growth in pupil numbers as a result of NCC’s duty under section 13(1) of the 1996 Act to secure that efficient primary education and secondary education are available to meet the needs of the population of its area. That last point is particularly important where it is envisaged that any such expenditure would be made to assist the expansion of an Academy since any expenditure of NCC’s schools budget on an Academy without a clear legal duty or power enabling NCC to do so would be unlawful. The reasons for recommendations and the background sections to this report set out that a significant growth in pupil numbers means that section 13(1) of the 1996 Act is potentially engaged here and the proposed expenditure would be lawful on that basis alone.

6.1.10 Lastly as expenditure caught by Schedule 2 to SEYFR, regulation 8(6) of SEYFR requires NCC to seek the approval of Nottingham City Schools Forum under regulation 12(1)(b) of SEYFR for the expenditure referred to in this report, hence this report.

Alexa McFadyen  
Senior Solicitor (Employment)  
03/11/23

## **7 HR colleague comments**

7.1 Not required.

## **8 Equality Impact Assessment**

8.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because: this annual funding approval request does not require a change to policy or practice.  
(Please explain why an EIA is not necessary)

Yes

## **9 List of background papers other than published works or those disclosing confidential or exempt information**

9.1 None

## **10 Published documents referred to in compiling this report**

10.1 Pupil Growth Contingency Fund – criteria setting – 24 April 2018 and 15 January 2019.

10.2 ESFA - Schools operational guide 2024 to 2025 – Updated 11 October 2023

10.3 DfE - The School and Early Years Finance (England) Regulations 2023

10.4 ESFA - Schools Forum – Operational and good practice guide – 2021

10.5 Growth and falling rolls fund guidance: 2024 to 2025 – Updated 11 October 2023

**Appendix 1 – breakdown of schools due to receive funding from 2024/25 pupil growth contingency fund**

School	Amount £	Funding criteria	Funding start date	Funding end date (up to and including)
<b>Secondary expansions / PAN increases – Sept 2024 intake</b>				
NUSA - 1 FE increase over PAN	56,755	Staffing / deprivation funding	Sept 2022	Sept 2024
The Fernwood Academy - 3 FE expansion	99,120	Staffing / deprivation funding / classroom set up resources	Sept 2020	Sept 2024
Nottingham Girls Academy – 1 FE bulge year over PAN (then to be reviewed)	50,692	Staffing / deprivation funding	Sept 2024	Sept 2024
Academy TBC – 1 FE bulge year over PAN	52,871	Staffing / deprivation funding	Sept 2024	Sept 2024
<b>Secondary sub total</b>	<b>259,438</b>			
Secondary contingency Sept '24-March '25 (based on estimated up to 6 FE increase)	<b>348,114</b>	Staffing / deprivation funding / classroom set up resources	Sept 2024	Sept 2024
<b>DSG required Sept 24-March 25</b>	<b>£607,552</b>			
<b>Additional funding for secondary academies - Sept 2023 intake, to fund April – August '24 (reimbursed by ESFA)</b>				
Bulwell Academy – 1 FE increase over PAN in Sept 2023	43,885	Staffing / deprivation / classroom set up funding	April 2024	April 2024
Djanogly City Academy – 2 FE PAN increase	74,433	Staffing / deprivation funding / classroom set up	April 2020	April 2024
The Fernwood School – 3 FE expansion	77,745	Staffing / deprivation funding / classroom set up	April 2021	April 2025
Nottingham Free School – 1 FE PAN increase	29,209	Staffing / deprivation funding	April 2020	April 2024
Bluecoat Beechdale, Aspley, Wollaton Emmanuel – 1 FE increase over PAN	36,514	Staffing / deprivation funding	April 2024	April 2024
NUSA – 1 FE increase over PAN	39,725	Staffing / deprivation funding	April 2024	April 2024
<b>Subtotal to be reimbursed by ESFA</b>	<b>£301,511</b>			
<b>Total forecast expenditure for 2024/25</b>	<b>£909,063</b>			



## **Appendix 2 – new 2024/5 criteria for secondary phase pupil growth (values updated 18 October 2023)**

### **Conditions / principles of funding:**

- Funding will be allocated to schools, where they have agreed with the LA to admit an extra class (or more) to meet Basic Need in the area, either on a temporary basis or as an ongoing commitment or formal expansion.
- An additional class (i.e. between 25-30 pupils) will be funded regardless of whether it is within or beyond PAN.
- If a school is admitting more than one additional class to meet Basic Need, the funding allocation per class will be tapered on a sliding scale as detailed below.
- Period of funding – 5 years for a permanent increase, based on the school growing year on year from Years 7-11, or when the school is full, whichever is the earliest. ‘Bulge’ years – funding for the relevant year only.
- Consideration will also be given to the increase of overall Number on Roll (NOR) across the school, and whether the extra class can be covered within the existing staffing structure, i.e. accounting for the difference in NOR leaving Year 11 and joining Year 7.
- Funding will only be allocated if additional costs are incurred, i.e. for staffing a full class and classroom resources.
- All decisions on the rationale for funding will be assessed by the Council’s Place Planning Manager, on a case by case basis in accordance with the criteria agreed by Schools Forum and in consultation with the school.

### **Criteria and funding values:**

- Staffing funding based on an M6 teacher (including on-costs).
- Deprivation funding based on each schools proportion of pupils eligible for the FSM, FSM6 and IDACI band factors.
- Classroom set up costs, up to a maximum of £8,933 per additional class / 25-30 pupils. This element is only payable in justifiable circumstances, e.g. if the school has physically expanded to create brand new additional classrooms that require furniture and equipment. It will not apply where there is already existing space / surplus capacity within the school.
- All three of the above criteria payable for each additional class (per class of 25-30 pupils) but tapered on a sliding scale as follows:
  - 1 class = 100% funding
  - 2 classes = 80% funding
  - 3 classes = 60% funding
  - 4 classes = 40% funding
  - 5 classes = 20% funding

**Table 1: SECONDARY CRITERIA AND FUNDING VALUES  
(for one additional form of entry)**

**Note** - the following funding streams are paid on a sliding scale for each additional form of entry added, as detailed in the conditions of funding stated above

<b>Funding streams</b>	<b>7/12ths (Sept 24- March 25)</b>	<b>5/12ths (April 25 – August 25)</b>	<b>Annual value</b>
Funding for a Teacher at Main Scale 6 (including on-costs)	£33,555	£23,968	£57,524
Deprivation funding based on each schools proportion of pupils eligible for the FSM, FSM6 and IDACI band factors	School specific amount, from a <u>minimum</u> of £7,745 to a <u>maximum</u> of £26,195	School specific amount, from a minimum of £5,532 to a <u>maximum</u> of £18,710	School specific amount, from a <u>minimum</u> of £13,277 to a <u>maximum</u> of £44,905
Classroom set up costs – fixtures / fittings / smart board This element is only payable in justifiable circumstances, e.g. if the school has physically expanded to create additional classrooms that require furniture and equipment. It will not apply where there is already existing space within the school.	£5,211	£3,722	Up to £8,933 per additional class (25-30 pupils)

**Growth fund is not used for:**

- Schools admitting an additional class by their own choice and not in agreement with the LA to meet Basic Need in the area.

**Appendix 3 – criteria for primary phase pupil growth (values updated 18 October 2023)**

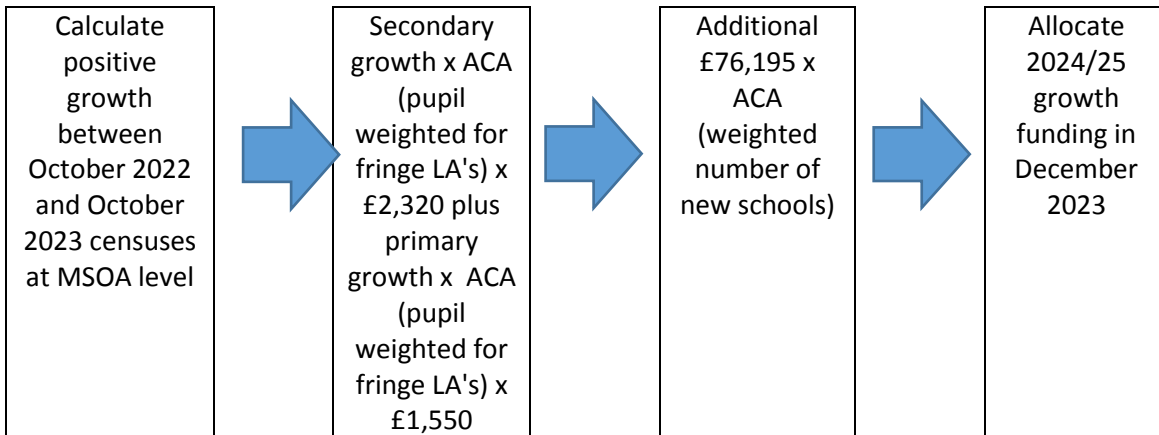
Schools Forum on 15 January 2019, agreed to alter the funding criteria for primary school pupil growth, so that teachers are funded at a salary of M6, as is the case for secondary schools.

1. For any *new* primary funding decisions from April 2018 onwards, funding for utilities costs will only be allocated based on specific need / evidence, on a case-by-case basis.
2. For 'bulge year' funding allocations in KS2, a Teaching Assistant may not be required, or can potentially be shared between more than one class. Allocations on a case-by-case basis.

<b>PRIMARY CRITERIA AND FUNDING VALUES (based on a class of 30 pupils)</b>			
<b>Funding Streams</b>	<b>5/12ths (April 24- Aug 24)</b>	<b>7/12ths (Sept 24- March 25)</b>	<b>Financial Year Value</b>
<b>Staffing</b>			
Teacher M6 (with on costs)	£23,140	£33,555	£56,695
Teaching Assistant	£14,936	£20,911	£35,847
Midday Supervisor	£2,013	£2,818	£4,830
<b>Total staffing cost package</b>	<b>£40,089</b>	<b>£57,284</b>	<b>£97,372</b>
<b>Utilities</b>			
Utilities Costs (£150 per pupil per annum)	£1,875 (based on 30 pupils)	£2,625 (based on 30 pupils)	£150 x 30 = £4,500
<b>TOTAL COST (staffing and utilities – based on additional 30 pupils)</b>	<b>£41,964</b>	<b>£59,909</b>	<b>£101,872</b>
<b>New classroom set up</b>			
Classroom set up costs - Fixtures & Fittings			Up to £6,782
Smart board kit			Up to £2,151
<b>Total classroom set up costs</b>			<b>Up to £8,933</b>

## APPENDIX 4

### Methodology for allocating pupil growth to local authorities 2024/25



## Schools Forum – 5 December 2023

<b>Title of paper:</b>	School Improvement, monitoring and brokerage grant – request for approval for de-delegation 2024/25
<b>Director(s)/ Corporate Director(s):</b>	Catherine Underwood, Corporate Director of People Nick Lee, Director of Education Services
<b>Report author(s) and contact details:</b>	Nick Lee, Director of Education Services, <a href="mailto:Nicholas.lee@nottinghamcity.gov.uk">Nicholas.lee@nottinghamcity.gov.uk</a> 0115 8764618
<b>Other colleagues who have provided input:</b>	Julia Holmes, Senior Commercial Business Partner, Finance, <a href="mailto:julia.holmes@nottinghamcity.gov.uk">julia.holmes@nottinghamcity.gov.uk</a>
<p>The Department for Education confirmed in January 2022 that the grant payment to local authorities that funds the provision of school improvement services to local authority maintained schools would reduce by 50% in 2022/23 and be removed entirely in 2023/24. In Nottingham this grant forms part of the overall grant payment agreed with the Nottingham Schools Trust, who are commissioned by Nottingham City Council to deliver school improvement services to the remaining local authority maintained schools. To mitigate the adverse impact on the provision of school improvement services to maintained schools, the Department for Education has indicated it approves local authorities seeking de-delegation approval, via Schools Forum decision, for the equivalent funding from maintained schools budget share. This report sets out the background, rationale for seeking the approval and financial contribution required by maintained primary schools to fund the grant removal in the financial year <b>2024/25</b>.</p>	
<b>Recommendation(s):</b>	
<b>1</b>	For maintained mainstream primary schools to <b>approve</b> the de-delegation of funding to mitigate the reduction in the School Improvement, monitoring and brokerage grant received by Nottingham City Council at a rate of £10.69 per pupil. This will ensure that Nottingham Schools Trust can maintain the agreed level of school improvement support established through its current grant agreement.
<b>2</b>	Maintained mainstream primary schools to <b>note</b> that the total funding requested to be de-delegated by maintained mainstream primary schools is £0.116m.

## 1. Reasons for recommendations

- 1.1 The Nottingham Schools Trust (NST) has established a strong school improvement offer based upon a combination of peer led school to school improvement, a full range of curriculum subject network groups, comprehensive CPD opportunities for all levels of staff, leadership development programmes and induction support for new leaders, and the allocation to all member schools of a highly skilled and experienced School Improvement Advisor. The outcomes for Nottingham maintained primary schools in terms of Key Stage performance metrics and Ofsted grade judgements since the establishment of the NST has fully demonstrated the positive impact of this model. Maintaining the financial security that underpins this model is of benefit to all maintained primary

schools. The removal of a significant element of the grant funding available to the NST to deliver this model would severely weaken the offer available to member schools, particularly in terms of the ability to deploy high quality school improvement advisors

## **2. Background (including outcomes of consultation)**

- 2.1 In October 2021 the Department for Education (DfE) announced a consultation on the proposal to remove the Local Authority School Improvement, Brokerage and Monitoring Grant (LAMB) over a two year timetable. Nottingham City Council and the Nottingham Schools Trust both formally responded to the consultation. In total 565 responses were received.
- 2.2 Since 2017, the LAMB has been allocated to local authorities to support them in fulfilling their statutory school improvement functions under Part 4 of the Education and Inspections Act 2006 and their additional school improvement expectations as set out in the Schools Causing Concern (SCC) guidance. In summary, these activities require councils to monitor performance of maintained schools, broker school improvement provision, and intervene as appropriate. The grant is currently ring fenced and must be spent solely on the school improvement activities for which it is provided.
- 2.3 The Department for Education note that formal use of SCC powers held by Local Authorities in relation to under performing schools is uncommon. The rationale therefore in proposing to remove the grant is that given the low level of recorded instances of formal interventions the grant is being utilised for other school improvement activity that could be either offered on a traded basis or de-delegated to Local Authorities via Schools Forum decision making.
- 2.4 In their published response to the proposals (Annex1) the Department for Education note that: “we recognise the majority of respondents, in particular those from the maintained sector (councils and local authority-maintained schools), raised concerns”
- 2.5 Despite the recognition by the DfE of the majority of respondents raising significant concerns about the impact of the proposal, the grant reduction in 2022/23 was implemented. With the full removal of this grant effective from 2023/24.
- 2.6 What many respondents (including Nottingham City Council and Nottingham Schools Trust) made clear was that the successful application of the grant enables the provision of early interventions, support and challenge that enable schools to avoid failing in such a manner that formal use of SCC powers become required. In the case of Nottingham City maintained schools this has been demonstrated as there has been no requirement to invoke any SCC warnings or measures for maintained primary schools since the inception of the LAMB, and its delivery through the Nottingham Schools Trust.
- 2.7 The grant agreement in place between Nottingham City Council and Nottingham Schools Trust incorporates the transfer of the LAMB grant to

Nottingham Schools Trust to ensure that school improvement activity, monitoring of individual school performance and brokerage of support required is delivered to maintain and improve the performance of all LA maintained schools.

- 2.8 The removal of the grant in 2024/25 would have a significant detrimental impact on the ability of the Nottingham Schools Trust to deploy the school improvement advisory offer it currently provides to maintained schools. As a ring fenced grant it has provided security for maintained schools of access to this professional support.

### 3. **Other options considered in making recommendations**

The only other option would be to not make the request but this outcome would result in the inability of the NST to provide the level of school improvement support to maintained primary schools that they have received to date

### 4. **Outcomes/deliverables**

- 4.1 The main outcome of the de-delegation proposal is to ensure the financial viability of the current arrangements in place to deliver high quality, timely school improvement support, challenge and advice to ensure Nottingham City maintained primary schools continue to offer high quality teaching and learning opportunities for their pupils.

### 5. **Consideration of Risk**

- 5.1 The key risk should the de-delegation recommendation not being approved lies with the inability of the City Council to adequately monitor and intervene in a timely fashion any schools where performance may lead to poor outcomes, including adverse Ofsted judgements. This in turn may lead to schools becoming subject to formal intervention by the Secretary of State for Education, including direction to covert to academy status against the will of local governing bodies.

### 6. **Finance colleague comments (including implications and value for money/VAT)**

- 6.1 As per the DfE “Reforming how local authorities’ school improvement functions are funded – Government consultation response – January 2022” the DfE have stated:

“As such, we will (1) reduce the grant by 50% for the FY 2022-23 and **bring it to an end in FY 2023-24** and (2) include provision in Part 7 of Schedule 2 to the School and Early Years Finance (England) Regulations for FY 2022-23 which would allow councils to de-delegate for all improvement expenditure, including all core improvement activities.”

- 6.2 In the financial year 2021/22 the School improvement, monitoring and brokerage grant allocation for Nottingham City Council was £0.116m. As a

result of the change outlined in 6.1 the Local Authority lost £0.116m in grant funding through the School improvement, monitoring and brokerage grant from the financial year 2023/24. A report was brought to Schools Forum on 17 January 2022 requesting that maintained primary schools de-delegate funding for the financial year 2023/24 to meet the loss of income from the grant which was approved.

- 6.3 In line with the guidance issued by the DfE in the consultation response document, this report is seeking approval from maintained primary schools to de-delegate funding in the financial year 2024/25 at a rate of £10.69 per pupil to recoup the loss of income. This proposal would generate income of £0.116m and would ensure that the same level of funding is available for the Local Authority to pass onto the NST to enable them to undertake the responsibilities outlined in 2.7.
- 6.4 The rate per pupil has been calculated based on the number of pupils in maintained primary schools on the October 2022 school census (10,893) divided into the total income lost in 2024/25 (£0.116m). See **Appendix A** for the impact of this proposal on each maintained primary school.
- 6.5 The average cost of de-delegating funding to cover the loss of grant income in the financial year 2024/25 would be £0.004m per maintained primary school, based on 28 maintained primary schools.
- 6.6 On 6 December 2022 maintained primary schools agreed to de-delegate £10.43 per pupil in the financial year 2023/24 to cover the loss of the School improvement, monitoring and brokerage grant. Approval to de-delegate must be sought on an annual basis, this is why this separate report is being brought to Schools Forum to seek approval from maintained primary schools for the total loss of the grant income in 2024/25 totalling £0.116m.
- 6.7 If approved, the charge attributable to each maintained primary school will be deducted from each schools 2024/25 Post Minimum Funding Guarantee (MFG) budget.

Julia Holmes, Senior Commercial Business Partner  
13 November 2023

## 7. Legal colleague comments

7.1 The proposals in this report seek to approve the use of the Maintained Schools' Budget Share for Primary schools to support the improvement of standards in maintained schools by way of de-delegation. These arrangements replicate those used last year.

7.2 The report details how the current funding provided by the DfE to the Council, which covered such expenditure, has been removed in full for 2023/24 and likely for the foreseeable future.

7.3 As part of the consultation process the DfE indicated that it expected and



supported schools seeking approval from its Schools Forums to de-delegate funding to ensure sufficient funding is allocated for school improvements. In addition, the Government has in fact reflected this change in the new Early Years Regulations (The School and Early Years Finance (England) Regulations 2022/27 and Local Authorities are specifically permitted to deduct expenditure from its Maintained School budget for this purpose if approved by the Schools Forum.

7.4 If the recommendation is approved, there will be no impact on the grant agreement in place with the NST up until the end of financial year 2024/25.

7.5 Additional approval is required annually from the Schools forum in accordance with the regulations should funding be required in future years.

Beth Brown, Head of Legal, 21 November 2023

## 8. HR Comments

8.1 If the delegation request is not approved, the sustainability of the current NST model, including the secondment of the joint CEOs is challenged, which could have redundancy implications for the Council.

Carol McCrone, HR Consultant – 16 November 2023

## 9. Crime and Disorder Implications (If Applicable)

9.1 N/A

## 10. Social value considerations (If Applicable)

10.1 N/A

## 11. Equality Impact Assessment (EIA)

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Not a change of policy or direct citizen impact

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

## 12. Data Protection Impact Assessment (DPIA)

12.1 Has the data protection impact of the proposals in this report been assessed?

No   
A DPIA is not required because:  
(Please explain why a DPIA is not necessary)  
There is no requirement for data to be shared with a third party

Yes   
Attached as Appendix x, and due regard will be given to any implications  
identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the Carbon impact of the proposals in this report been assessed?

No   
A DPIA is not required because:  
(Please explain why a DPIA is not necessary)  
No carbon impact as a result of the proposal

Yes   
Attached as Appendix x, and due regard will be given to any implications  
identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1

**15. Published documents referred to in this report**

**Appendix A - Proposed charges to maintained primary schools to cover the loss of School improvement, monitoring and brokerage grant 2024/25**

School Name	Phase	NOR	2024/25
<b>Rate per pupil</b>			<b>£10.69</b>
<b>Total</b>		<b>10,893</b>	<b>£116,446</b>
Berridge Primary and Nursery School	Primary	572	£6,115
Seely Primary School	Primary	507	£5,420
Fernwood Primary School	Primary	1,038	£11,096
Cantrell Primary and Nursery School	Primary	394	£4,212
Carrington Primary and Nursery School	Primary	204	£2,181
Dunkirk Primary and Nursery School	Primary	340	£3,635
Melbury Primary School	Primary	199	£2,127
Middleton Primary and Nursery School	Primary	569	£6,083
Heathfield Primary and Nursery School	Primary	622	£6,649
Walter Halls Primary and Early Years School	Primary	380	£4,062
Southwold Primary School and Early Years' Centre	Primary	200	£2,138
Rise Park Primary and Nursery School	Primary	413	£4,415
Crabtree Farm Primary School	Primary	352	£3,763
Welbeck Primary School	Primary	314	£3,357
Mellers Primary School	Primary	411	£4,394
Haydn Primary School	Primary	413	£4,415
Hempshill Hall Primary School	Primary	394	£4,212
Glade Hill Primary & Nursery School	Primary	393	£4,201
Claremont Primary and Nursery School	Primary	380	£4,062
Snape Wood Primary and Nursery School	Primary	146	£1,561
Forest Fields Primary and Nursery School	Primary	570	£6,093
Dovecote Primary and Nursery School	Primary	316	£3,378

Greenfields Community School	Primary	208	£2,224
Southglade Primary and Nursery School	Primary	396	£4,233
Westglade Primary School	Primary	199	£2,127
Henry Whipple Primary School	Primary	177	£1,892
Robin Hood Primary School	Primary	417	£4,458
Rufford Primary and Nursery School	Primary	369	£3,945
Lowest charge			£1,561
Highest charge			£11,096
Average charge			£4,159

## Schools Forum – 5 December 2023

<b>Title of paper:</b>	De-delegation of funding for Trade Union time off for Senior Representatives for 2024/25
<b>Director(s)/ Corporate Director(s):</b>	Lee Mann, Director of HR and EDI Ross Brown, Corporate Director of Finance and Resources
<b>Report author(s) and contact details:</b>	Sheena Yadav-Staples, HR Consultant (Employee Relations), Human Resources <a href="mailto:sheena.yadav-staples@nottinghamcity.gov.uk">sheena.yadav-staples@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Julia Holmes, Senior Commercial Business Partner, Finance <a href="mailto:Julia.holmes@nottinghamcity.gov.uk">Julia.holmes@nottinghamcity.gov.uk</a>  Alexa McFadyen, Senior Solicitor, Legal Services <a href="mailto:Alexa.mcfadyen@nottinghamcity.gov.uk">Alexa.mcfadyen@nottinghamcity.gov.uk</a>
<b>Summary</b>	
<p>The purpose of this report is to outline the proposed funding arrangements for trade union facility time for senior trade union representatives from schools to attend negotiations and consultation meetings and to represent their members in schools from 1 April 2024 to 31 March 2025.</p> <p>Under the Schools and Early Years Finance Regulations 2023, maintained schools can agree to de-delegate funding for trade union facility time for senior representatives. This has been done by maintained schools since the financial year 2013/14. To reduce the cost on maintained schools, the arrangement is also offered to academies. The income generated pays for the salaries of the senior trade union representatives whilst carrying out trade union facility time duties. Maintained schools and academies are reimbursed the salaries of the senior representatives who are employed by them. This is done so that no school loses out as a consequence of a member of their staff carrying out trade union duties.</p>	
<b>Recommendation(s):</b>	
<b>1</b>	<p>For maintained mainstream primary schools to approve the de-delegation of funding for senior trade union representatives at a rate of £1.77 per pupil and a lump sum of £1,746 per school. These charges will generate a £0.180m projected income and is based upon 72 maintained schools and academies buying into the scheme.</p> <p>The projected income from maintained primary schools, buy-back income of £0.180m and the underspend of £0.015m from the financial year 2022/23 are projected to generate sufficient income to achieve a breakeven position.</p>
<b>2</b>	Maintained mainstream primary schools to note that the total funding requested to be de-delegated by maintained mainstream primary schools is £0.068m. This is made up of £0.049m generated by pupil numbers and £0.019m lump sum funding.

## 1. Reasons for recommendations

- 1.1 Under the school funding arrangements, costs which relate to teachers and non-teaching support staff who are employed by schools and are engaged as Senior Trade Union Representatives can be centrally retained on the behalf of maintained primary schools if de-delegation is approved. Funding for facility time forms a part of the school formula.

1.2 Approval for de-delegation is required on an annual basis and the decision at Schools Forum is for the forthcoming year only. Schools Forum members of maintained mainstream primary schools must decide whether this service should be provided centrally and the decision will apply to all maintained mainstream primary schools in that phase. Funding for this service will then be removed from the individual school budgets of maintained mainstream primary schools before their school budgets are issued.

Schools Forum agreed in October 2013 that Academies could be approached to ascertain whether they would like to be part of the Local Authority's (LA) arrangements in relation to the funding of senior trade union representatives. From the financial year 2024/25, we anticipate that there will be 72 schools and academies taking part in the arrangement and this will be based on the costing decision taken at Schools forum on 5 December 2023.

1.3 **Table 1** shows the number of schools participating in the trade union arrangement from 2016/17 to 2023/24.

<b>Table 1: Number of maintained schools and academies in the trade union cover arrangement and trade union allowance for each financial year</b>								
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Maintained primary schools	39	36	30	29	29	29	29	29
Academies, maintained special schools and pupil referral units	34	20	34	36	37	40	41	43
<b>Total</b>	<b>73</b>	<b>56</b>	<b>64</b>	<b>65</b>	<b>66</b>	<b>69</b>	<b>70</b>	<b>72</b>

1.4 The allowance allocated for 2024/25 to schools Trade Unions would remain the same as the last two years at 3.7 which equates to 18.5 days per week.

**Table 2** shows the rates applied over the last six financial years to schools and academies.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Per Pupil rate	£1.52	£1.52	£1.55	£1.45	£1.52	£1.64	£1.63	£1.75
Lump sum per school	£1,587	£1,590	£1,622	£1,368	£1,538	£1,693	£1,653	£1,766

## 2. Background (including outcomes of consultation)

2.1 Time off for local workplace representatives is currently funded by the schools in which they work, but there is central funding for senior TU representatives from the main unions that represent teachers and support staff in schools namely:

- National Association of School Masters and Union of Women Teachers (**NASUWT**)

- National Association of Head Teachers (**NAHT**)
- **UNISON**
- **UNITE**
- **GMB**
- National Education Union (**NEU**) from 1 September 2017 (Previously National Union of Teachers and Association of Teachers and Lecturers)

These senior representatives meet with officers of the LA to participate in the schools collective bargaining machinery, negotiating and engaging in consultation on terms and conditions of service and HR policies and procedures as well as representing their members on a range of employment matters. If this funding were not available, senior TU representatives would be asking for time off to attend meetings with the Council and this would have to be funded, on an ad hoc basis, by the school in which they work as there is an entitlement under the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) for reasonable time off for trade union officials to represent their members.

- 2.2 Academies are in a similar position; some of their employees are senior TU reps and are asking for release to represent employees in maintained schools and other academies. The current funding method means that academies will be reimbursed for time spent away from school on TU duties.
- 2.3 There are benefits and economies of scale for maintained schools and academies from contributing to the LA's arrangements for trade union consultation. They do not have to duplicate effort when negotiating policies and procedures. Schools can then use such policies, if they buy back HR services, in the knowledge that the senior trade union representatives have been consulted and any issues resolved. Senior TU representatives are also more experienced in policies and procedures, when representing their members, which can be helpful.
- 2.4 Schools and academies that do not contribute to the TU costs will have to have their own arrangements for negotiating and consulting trade unions on terms and conditions of service and will have to release TU representatives from their own school to undertake collective bargaining and to represent their employees.

### 3. **Other options considered in making recommendations**

- 3.1 If de-delegation is not supported, the budget will be delegated and schools and academies will have to make their own arrangements for negotiating and consulting with the trade unions on changes to HR policies and procedures which will lead to duplication of effort and inconsistencies across schools.
- 3.2 Senior TU reps have a legal right to time off to participate in the collective bargaining arrangements of their employer and to represent their members. If the de-delegations are not agreed, individual schools and academies would have to bear the cost of the time off for the senior TU reps nominated by their union to participate in these discussions. TU's may also decide that they each wish to appoint reps in individual schools and, therefore, schools may also have to pay additional costs for the training and CPD of each TU rep.

#### **4. Outcomes/deliverables**

- 4.1 The money requested is based on actual salary of the senior TU representatives who have time off therefore those schools including academies who have senior TU representatives with time off will receive the actual cost of the absence of that employee. The amount of time off per union is based on the per capita membership per union and the actual cost of the senior TU reps' salaries.

#### **5. Consideration of Risk**

- 5.1 As outlined in paragraph 3.1, if delegation is not approved, schools will have to make their own arrangements for negotiating and consulting with the trade unions on changes to HR policies and procedures which will lead to duplication of effort and inconsistencies across schools in policy and practice.

#### **6. Finance colleague comments (including implications and value for money/VAT)**

- 6.1 In 2024/25 local authorities will continue to be funded based on the schools national funding formula. Included within this "soft approach" is the ability for local authorities to be able to still request approval from maintained primary and secondary school representatives on Schools Forum for de-delegated services.
- 6.2 The decision made to de-delegate in 2023 to 2024 related to that year only; new decisions are required for any service to be de-delegated in 2024 to 2025 before the start of each financial year.
- 6.3 As stated in 4.1 the cost of trade union facility time is reimbursed to their place of employment. The reimbursements will be actioned by the Local Authority at the end of each financial year (March) once the actual costs have been confirmed they have been incurred. Based on the estimated 2024/25 salary projections and forecast income from maintained schools, academies and maintained special schools, and PRU's who buy into the service plus the underspend on the budget in 2022/23 (£0.015m) (based on the current rate of £1.77 per pupil and a lump sum of £1,745.63), this would generate sufficient funding to cover the costs of the salaries in the financial year 2024/25. The calculation of the salaries assumes a pay award of 3.5% in September 2024 for teaching staff, still to be agreed. Also, an increase of £1,925 per FTE in 2023/24 for non-teaching staff and an estimated 3.5% pay award for non-teaching staff in the financial year 2024/25. One of the trade union representatives is employed by a further education college and an estimated pay award of 6.5% has been estimated for September 2023 as this has not yet been agreed and 3.5% estimated pay award for September 2024. If the underspend from 2022/23 had not been taken into account, the rates would have been £1.92 per pupil and a lump sum of £1,887.80. The underspend of £0.015m on trade union cover budget in 2022/23 was mainly due to one union not taking up all its allotted allowance.



6.4 It is estimated that this combined approach should enable the facility time to be funded for 2024/25 to a breakeven position.

**Table 3** shows the forecast projection for 2024/25.

<b>Table 3: Forecast projection for the financial year 2024/25</b>		
Forecast income from maintained primary schools	£0.068m	
Forecast income from academies and maintained special schools, Hospital and Home Education PRU	£0.111m	
Brought forward balance from 2022/23	£0.015m	
Total Forecast income		£0.194m
Less Forecast expenditure		-£0.194m
<b>Net Surplus/(Deficit)</b>		<b>£0.000m</b>

6.5 In 2023/24 the recharge was based upon a rate of £1.56 per pupil and a lump sum of £1,576.55. The rates were lower than those quoted in **Table 2** due to the inclusion of the under-spend of £0.019m from 2021/22 being brought forward and taken into account when calculating the rate for 2023/24. This underspend was notified to Schools Forum on the Outturn Report 2021/22 on 28 June 2022. If the brought forward balance had not been taken into account, then the rate per pupil would have been £1.75 and the lump sum £1,766 per school.

Between the financial years 2023/24 and 2024/25 the rates have increased by 9.7% (£1.75 to £1.92 per pupil and £1,766 to £1,888 lump sum per school). There are various reasons for this movement, these include:

- The estimated pay increase for non-teaching staff in 2023/24 was 2.5% however, the proposed pay award is considerably more than this at £1,925 per full-time equivalent on grades B to K.
- Nottingham City Council introduced a new pay scale in July 2023 which introduced additional increments within each grade. This has meant that one trade union representatives moved up two grade increments from when the 2023/24 estimate was calculated.
- Changes in senior trade union representatives leaving and being replaced with new senior trade union representatives are more expensive.
- Teachers previously costed on the upper pay scale (UPS) point 2 now automatically move up to UPS3. There are three senior trade union representatives where this has occurred.
- In the financial year 2023/24 the underspend from 2020/21 used to reduce the rate was -£0.019m but in the financial year 2024/25 the underspend in 2021/22 used to reduce the 2024/25 rates was -£0.015m.

On average each maintained primary school will see an increase in their charge of £250 year on year if the pupil numbers at the school in October 2023 remain the

same as those in October 2022. The equates to an average increase of 11.42% year on year.

Julia Holmes  
Senior Commercial Business Partner  
16 November 2023

## 7. Legal colleague comments

7.1 The schools' forum's powers here derive from the School and Early Years Finance (England) Regulations 2023 ("SEYFR"), made by the Secretary of State for Education in exercise of powers under the School Standards and Framework Act 1998 and the Education Act 2002.

7.2 Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 6 (Items That May Be Removed From Maintained Schools' Budget Shares-Primary and Secondary Schools) of Schedule 2 [of the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(5) (SEYFR, regulation 12(1)(d)). Part 6 of Schedule 2 to the SEYFR contains paragraph 43, which states, amongst other things: -

Expenditure on making payments to, or in providing a temporary replacement for, any person who is –

- (a) carrying out trade union duties or undergoing training under sections 168 and 168A of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (b) taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992;

7.3 Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power to approve the recommendations in this report. This power should be exercised lawfully. Provided the amounts sought through use of this power have been correctly and lawfully calculated, the exercise of this power will be lawful.

7.4 Moreover, it should be noted that any decision taken by the Schools Forum here does not obviate an employer's requirement to consult with staff via their trade union representatives. As employers of their own staff, academies (and the governing bodies of voluntary aided schools) will still have substantive legal obligations to consult, even if their proposals align with those of Nottingham City Council in relation to the authority's own staff in maintained schools.

Alexa McFadyen  
Senior Solicitor (Employment)  
3 November 2023

## 8. **HR comments**

- 8.1 The relevant HR issues are included in the above report. The Trade Unions have not offered any objections to the continuing de-delegation of Trade Union facility time funding.
- 8.2 The existing 'pot' set up by the LA for academies to pay into, continues to be supported by a number of academies having previously recognised the value of the expertise provided by TU officials via effective JCNC mechanisms.
- 8.3 The stated ambition for City schools to be less atomised is supported by having organisations that 'join them up' and the TUs represent just such a body.

## 9. **Crime and Disorder Implications (If Applicable)**

- 9.1 Not applicable

## 10. **Social value considerations (If Applicable)**

- 10.1 Not applicable

## 11. **Equality Impact Assessment (EIA)**

- 11.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because these proposals have a very broad scope across many schools and academies and are focussed on financial matters. It is not possible to accurately assess how this directly impacts on individuals employed within schools.

## 12. **Data Protection Impact Assessment (DPIA)**

- 12.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because there are no data protection risks associated with this proposal.

## 13. **Carbon Impact Assessment (CIA)**

- 13.1 Has the Carbon impact of the proposals in this report been assessed?

No



The Carbon impact assessment is not required because it is not applicable.

## 14. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

- 14.1 None

## 15. **Published documents referred to in this report**

- 15.1 Schools and Early Years Finance Regulations 2022

- 15.2 The national funding formulae for schools and high needs 2023-24 Policy document – July 2022
- 15.3 Schools Forum report 6 December 2022: De-delegation of funding for Trade Union time off for senior representatives

## Schools Forum – 5 December 2023

<b>Title of paper:</b>	De-delegation of 2024/25 Health and Safety Building Inspection Funding
<b>Director(s)/ Corporate Director(s):</b>	Catherine Underwood – Corporate Director for People Nicholas Lee - Director of Education Services
<b>Report author(s) and contact details:</b>	Trevor Bone, Head of Building Services and Facilities Management Tel: 07940 306506 e-mail: trevor.bone@nottinghamcity.gov.uk
<b>Other colleagues who have provided input:</b>	Julia Holmes, Senior Commercial Business Partner, Finance David Thompson, Schools H&S Manager
<b>Summary</b>	
<p>The purpose of this report is to update Schools Forum on the statutory and legislative health and safety responsibilities of the Local Authority (LA) in relation to maintenance and testing of maintained school properties and how the funding, requested be de-delegated, is used to support this, in summary:</p> <ul style="list-style-type: none"> <li>• Schools Forum (SF) agreed at its meeting on 8 October 2019 the de-delegation of £6.61 for the financial year 2020/21 and that this funding, along with the outstanding balance on the health and safety tests and inspections reserve (£0.228m), was to be used to fund the costs of tests and inspections in the financial years 2020/21 to 2022/23.</li> <li>• When the de-delegation report for the financial year 2020/21 was brought to SF, maintained schools expressed a preference to be able to organise their health and safety tests and inspections themselves once the five-year tests and inspection cycle had come to an end. During discussion between Pat and Sarah Fielding (Nottingham Schools Trust) with Nicholas Lee (Director of Education Services) and David Thompson (Schools Health and Safety Manager) it was agreed that a report requesting the de-delegation of funding for the financial year 2023/24 would be brought to SF which was approved by maintained primary schools. This report to SF asks maintained primary schools if they would like to approve the de-delegation of funding for health and safety tests and inspections for the financial year 2024/25.</li> <li>• The LA are required to seek approval on an annual basis in accordance with the ‘Schools and Early Years (England) Finance Regulations 2023.</li> </ul>	
<b>Recommendation(s):</b>	
<b>1</b>	To note the statutory and legislative health and safety responsibilities of the LA in relation to building maintenance of maintained primary and secondary schools and the type of costs that the requested funding will be used to fund, as detailed in paragraph 1.2.
<b>2</b>	For maintained mainstream primary schools to approve the: <ul style="list-style-type: none"> <li>a) de-delegation of health and safety building inspection funding for 2024/25 based on a rate of £8.33 per pupil, with a total estimated funding requirement for mainstream maintained primary schools, maintained special schools, maintained pupil referral Unit and maintained nursery of £0.094m. This is made up of £0.091m from maintained primary schools and £0.003m from buy-back income.</li> </ul>

## 1. Reasons for recommendations

1.1 The overall responsibility for health and safety lies with the employer. The Health and Safety Executive state that in England the Local Authority (LA) is the employer in community schools. The Health and Safety at Work Etc. Act 1974 (section 4) imposes duties on an individual or body who has control of the premises. This includes those with obligations for maintenance or repairs and control of access. There can be multiple duty holders within a school context. In schools, the management of health and safety on the estate is delegated by the employer to Head Teachers and school Governing Bodies.

The Health and Safety at Work Etc. Act 1974 and subsequent legislation places a general duty on employers to ensure so far as is reasonably practicable the health, safety, and welfare at work of all their employees and non-employees. To assist meeting schools' statutory building health and safety responsibilities, Property Maintenance, situated within Corporate Landlord Services at the LA ensure that the statutory and legislative maintenance and testing regimes are undertaken within Nottingham City Council's portfolio of properties, to ensure that all property facilities with health and safety implications listed on the schedule.

1.2 The funding requested to be de-delegated in this report in 2023/24 is to be used by Property Maintenance to fund the tests and inspections in maintained primary schools. These tests and inspections include, but are not restricted to:

- Air Conditioning Units
- Asbestos surveys
- Automatic doors and gates
- Boilers
- Electrical circuit testing
- Emergency lighting
- Fire alarms
- Heat pumps
- Legionella risk assessments
- Lifts
- Lightning protection
- Pressure sets
- Stage lighting

1.3 Approval of the de-delegation of Health and Safety inspections is required for maintained mainstream primary school sites to assist the LA to deliver its statutory obligation regarding the health and safety of these sites. Maintained special schools, pupil referral units and nursery schools are not allowed to de-delegate funding, these establishments are required to buy-back services. Therefore, these schools will be invoiced for the cost of their tests and inspections based on the same rates applied to maintained mainstream primary schools.

1.4 Approvals for de-delegations are annual regardless of the statutory nature.

1.5 Schools Forum on 8 October 2019 agreed to de-delegate funding for the financial year 2020/21 at a rate of £6.61 per pupil as well as use the school's health and safety buildings maintenance reserve to fund the cost of tests and inspections for the period up to 2022/23. At the end of the financial year 2022/23 the balance on the school's health and safety buildings maintenance reserve was £0.010m. This

balance was taken into account when calculating the rate for the financial year 2023/24. Therefore, the calculation of the rate for the financial year 2024/25 has been solely based upon the forecast income from maintained primary schools, maintained special schools, Hospital and Home Education and Nottingham Nursery. Based on the October 2022 school census data a rate of £8.33 per pupil would be required to breakeven in the financial year 2024/25. See **Table 1** in 2.4 for a breakdown of the reserve between the financial years 2013/14 to 2022/23.

- 1.6 **Table 1** shows the closing balance on the school's health and safety buildings maintenance reserve at the end of the financial year 2022/23 was £0.010m.

## 2. **Background (including outcomes of consultation)**

- 2.1 In order to achieve a competent level of functionality the LA will consider the relevant legislation and documentation, which may include:

- Statutory legislation and regulation
- Industry Standards
- Approved Codes of Practice
- Manufactures Guidance and recommendations
- Best practice

A policy has been produced by the Property Maintenance Team "Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (August 2023 v1.2E)". This document confirms Nottingham City Council's responsibilities in relation to tests and inspections carried out in Nottingham City properties, in line with corporate policies. The aim of the document is to give support and advice and ensure clarifications of property related health and safety responsibilities are understood. This document can be found in the Schools Safety Manual.

Property Maintenance Team using SFG 20 industry guidance have put in place a timetable for tests and inspections, which reflect a combination of statutory guidance and appropriate practice. The LA uses internal and external contractors to carry out the tests and inspections. The timetable for tests and inspections, undertaken in-house or by contractors, range from daily to up to every five years dependent on the test or inspection.

- 2.2 Note that the funding does not include the Property Maintenance advisory service on such remedial matters, this service is available via an Education Services Nottingham contract.
- 2.3 Where tests and inspections are required as part of a health and safety management system, such as asbestos, legionella or fire safety, separate policies relating to these items are included in the appendices B, C and D of the "Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (August 2023 v1.2E)".
- 2.4 Approval to de-delegate the school's health and safety building inspection budget has been given by maintained mainstream primary school representatives at Schools Forum between the financial years 2013/14 to 2020/21. Any unspent balance at the end of the financial years 2013/14 to 2017/18 has been transferred to a Health and Safety buildings maintenance reserve. In reverse, any in-year

overspend has been drawn down from the Health and Safety Building Maintenance Reserve, this incurred in financial years 2018/19 to 2021/22. As at 31 March 2023, the balance on the Health and Safety Building Maintenance Reserve was £0.010m.

**Table 1** shows the budget and expenditure on the school's health and safety building maintenance in the last nine years since the funding was first de-delegated

<b>Table 1: Breakdown of Schools Health and Safety Building Maintenance</b>					
<b>Year</b>	<b>Budget £m</b>	<b>Outturn £m</b>	<b>Variance £m</b>	<b>Year end balance on the reserve</b>	<b>Explanation</b>
2013/14	0.273	0.231	0.042	0.042	
2014/15	0.253	0.174	0.079	0.121	
2015/16	0.208	0.174	0.034	0.155	
2016/17	0.199	0.177	0.022	0.177	The year-end under/overspend transferred to the Health and Safety tests and inspections reserve
2017/18	0.197	0.145	0.052	0.229	
2018/19	0.120	0.121	-0.001	0.228	
2019/20	0.073	0.088	-0.015	0.213	
2020/21	0.074	0.083	-0.010	0.203	
2021/22		0.091	-0.0910	0.113	
2022/23		0.103	0.103	0.010	
<b>TOTAL</b>			<b>0.0.010</b>		

### 3. Other options considered in making recommendations

- 3.1 If the health and safety inspections were undertaken by the school (i.e. the LA does not organise them on the schools' behalf) then according to health and safety legislation the LA would still retain the overall responsibility that they are undertaken. Therefore, the LA would need to monitor the schools to ensure that they are taking place. In the event that they do not take place in a timely fashion to the relevant standard, the LA has the legal responsibility to instruct the school to act and/or undertake the inspection and tests automatically and recharge the school. The LA may choose to add officer time to this recharge.



#### 4. **Outcomes/deliverables**

- 4.1 To de-delegate this funding will enable the LA to fulfil its statutory duties in relation to Health and Safety on maintained mainstream primary school sites.
- 4.2. Schools Health and Safety Team will be provided in good time the details of any services where the contractor has changed, so this information can be shared with schools.
- 4.3. Schools will be given access to the Concerto database where the schedule of tests and the most recent report will be held.

#### 5. **Consideration of Risk**

- 5.1 Predominately this report focuses on adhering to the management of the LA Health & Safety risk, but also ensures that all aspects of risk management are managed within the LA constitutional requirements.

#### 6. **Finance colleague comments (including implications and value for money/VAT)**

- 6.1 Approval to de-delegate funding must be sought on an annual basis.
- 6.2 As stated in 2.4 approval to de-delegate funding for health and safety tests and inspections was given in the financial years 2013/14 to 2020/21 and any under/overspends each financial year were netted off against the Schools health and safety buildings maintenance reserve.
- 6.3 On 8 October 2019 SF approved that the balance on the Schools health and safety buildings maintenance reserve of £0.228m and the de-delegation of £6.61 per pupil would be used to fund the health and safety tests and inspection costs for the financial years 2020/21 to 2022/23. This is why no report to de-delegate funding for the financial years 2021/22 and 2022/23 have been bought to maintained primary schools to approve.

The remaining balance on the health and safety tests and inspections reserve at the end of the financial year 2022/23 was £0.010m, see **Table 1**. This balance was taken into account when setting the rate for the financial year 2023/24. Therefore, when calculating the rate per pupil for the financial year 2024/25 the only income that has been taken into account is the forecast income from maintained schools.

- 6.4 This report is seeking maintained primary schools approval to de-delegate funding for the cost of health and safety tests and inspections in the financial year 2024/25. This service is also going to be provided to Rosehill Special School, Hospital and Home Education and Nottingham Nursery on a buy-back basis.
- 6.5 It is estimated that this combined approach should enable the health and safety tests and inspections budget for 2024/25 to achieve a breakeven position. This calculation has been based on the number of pupils on the October 2022 census and would require a rate of £8.33 per pupil to ensure a breakeven position is achieved.

**Table 2** shows the forecast projection for 2024/25.

<b>Table 2: Forecast projection for the financial year 2024/25</b>		
	<b>£m</b>	<b>£m</b>
Forecast income from maintained primary schools 2024/25	(£0.091)	
Forecast income from maintained establishments who buy back the service 2023/24	(£0.003)	
<b>Total Forecast income</b>		<b>(£0.094)</b>
Less Forecast expenditure 2024/25	0.084	
Contingency 2024/25	0.010	
<b>Total Forecast Expenditure</b>		<b>0.094</b>
<b>Net Surplus/(Deficit)</b>		<b>0.000</b>

The estimated cost of health and safety tests and inspections for the financial year 2024/25 is £0.094m. In order to be prudent, the projected costs for 2024/25 have been inflated by 11% to allow for inflation and any swing in costs.

6.6 **Table 3** shows the forecast funding that would be deducted if maintained primary schools were to agree to de-delegation in 2024/25.

<b>Table 3: Forecast range of costs to be de-delegated</b>	
<b>Pupil number ranges</b>	<b>Costs range from and to</b>
100 to 199 pupils	£1,216 to £1,658
200 to 299 pupils	£1,666 to £1,733
300 to 399 pupils	£2,616 to £3,299
400 to 499 pupils	£3,424 to £3,474
500 to 599 pupils	£4,223 to £4,765
600 to 699 pupils	£5,181 to £5,181
700 to 1100 pupils	£8,647 to £8,647

6.8 Any underspend at the end of the financial year 2024/25 will be added to the health and safety tests and inspections reserve and then netted off against the health and safety tests and inspections charges for the financial year 2026/27 if de-delegation is an option in the financial year 2026/27. However, if there were to be an overspend at the end of the financial year this would be added to the forecast charges for the financial year 2026/27 if de-delegation is an option in the financial year 2026/27. It is hoped that by including the contingency in the calculation of the rate per pupil this will reduce the risk of this occurring.

Julia Holmes  
Senior Commercial Business Partner  
8 November 2023

## 7. Legal colleague comments

### Legal Implications

- 7.1 Primary responsibility for health and safety in relation to community schools and community special schools rests with the local authority that maintains those community schools and community special schools since it owns the land and buildings of the community schools and community special schools, and employs the staff of those schools. However, it should be noted that the governing bodies of community schools and community special schools have health and safety responsibilities arising from their control and use of the school premises and their management of the school staff.
- 7.2 The Schools Forum's powers here derive from the School and Early Years Finance (England) Regulations 2017 ("SEYFR"), made by the Secretary of State in exercise of powers under the School Standards and Framework Act 1998 and the Education Act 2002. The SEYFR came into force on 16 February 2017.
- 7.3 Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the Schools Forum may authorise *the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 6 (Items That May Be Removed From Maintained Schools' Budget Shares – Primary Schools and Secondary Schools) of Schedule 2 [to the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(5) (SEYFR, regulation 12(1)(d))*. Part 6 of Schedule 2 to the SEYFR contains paragraph 45, which states:

*Expenditure on insurance in respect of liability arising in connection with schools and schools premises.*

- 7.4 Part 6 of Schedule 2 to the SEYFR contains paragraph 49, which states:-

*Expenditure on the schools' specific contingency.*

- 7.5 Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power to approve the recommendations in this report. In addition, by virtue of regulation 8 of the Schools Forums (England) Regulations 2012 only the representatives of the maintained primary schools and the maintained secondary schools have a vote on this in respect of maintained primary schools and maintained secondary schools respectively. Moreover, this power should be exercised lawfully. Provided the amounts sought through use of this power have been correctly and lawfully calculated, the exercise of this power will be lawful.

Legal comments received on Tuesday 21 November 2023.

## 8. Other relevant comments

None

**9. Crime and Disorder Implications (If Applicable)**

9.1 N/A

**10. Social value considerations (If Applicable)**

10.1 N/A

**11. Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**12. Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because:  
(Please explain why a DPIA is not necessary)

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the Carbon impact of the proposals in this report been assessed?

No

A DPIA is not required because:  
(Please explain why a DPIA is not necessary)

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1 None

## 15. **Published documents referred to in this report**

15.1 Nottingham City Council Policy: 'Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures October 2013 v 1.2b)'.

15.2 Legislation:

- The School and Early Years Finance (England) Regulations 2017;
- The Health and Safety at Work etc. Act 1974 and associated legislation;
- DfE: Good estate management for schools

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# Statutory Testing & Inspection

## Nottingham City Council

### Policy statement & Testing Procedures

August 2023 v 1.2E

Property Safety & Compliance  
Corporate Landlord Service  
- Building Services Department



# Statutory Testing & Inspection of Fixed Installations

## Policy statement & Testing Procedures

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# Statutory Testing & Inspection of Fixed Installations

## Policy statement & Testing Procedures

### Property Maintenance Team

The Property Maintenance team focus is on ensuring Statutory and Legislative Maintenance and testing regimes are undertaken within NCC portfolio of properties, ensuring all property related Health and Safety issues are addressed. The descriptive role of the team is further identified within the document with a team contact list in Part 4 of the document.

### Foreword

This document has been produced by the Corporate Landlord (CL) Property Maintenance Team to explain and confirm Nottingham City Council's responsibilities in relation to tests and inspections carried out in Nottingham City Council properties, in line with the corporate policies. The document is aimed to give support and advice and ensure clarifications of property related Health and Safety responsibilities are understood.

Where tests and inspections are required as part of a health and safety management system, such as asbestos, legionella or fire safety. Separate policies relating specifically to these items are included in the appendices B, C and D.

The requirement for this document is explained in **Part 1** 'Introduction' and 'Rationale' sections.

A list of tests and inspections is included at **Appendix A** "Scope of Inspections". This also identifies key responsibilities in undertaking these inspections.

**Part 2** of the document lists the procedures relating to each test or inspection, together with any additional requirements, which must be carried out by the Responsible Person / Duty Holder and also where the test or inspection is arranged and carried out by Property Maintenance Team or its contractor.

It should also be noted that some of the tests and inspections, as indicated, are entirely the **responsibility of the Service Provider/End User**.

This document will be updated annually or when additional tests are identified and when testing regimes are altered through changes in legislation or NCC policy. When this is necessary, updated documents or relevant pages will be available on the intranet and identifiable by the change control sheet.

Any queries regarding the document or its contents should be directed to the Service Manager, Property Maintenance Team.

## **RESPONSIBILITIES**

The general responsibilities of the various sections and individuals for arranging and carrying out the necessary tests and inspections are indicated below. Specific requirements relating to a particular test or inspection are indicated with each procedure.

### **CL Strategic Asset –**

Identifying maintenance issues or new installations requiring additional or new tests and inspections.

### **CL Property Maintenance Team -**

- Management and delivery of a rolling test and inspection regime on known assets and properties in compliance with appropriate statutory, regulatory, and corporate standards.
- Management of (Integrated Work Management System) IWMS
- Rolling Test and Inspection shall include for all known fixed wiring, pipework, plant and associated controls and accessories within the property. This **does not** include portable appliance testing (PAT), portable systems or specialist control wiring – see below
- Frequency and scope of testing shall be as indicated in SFG 20 unless alternative notification has been given to responsible person / duty holder. See also Appendix A.
- Collation of historic data, drawings, equipment, surveys, and certification
- Upload of completed certification upon completion of test
- Where Service Level Agreement identifies - action immediate remedial works which have failed certification test, to ensure any non-compliance is dealt with quickly and efficiently.
- The team will offer advice and guidance
- Amend asset schedules on managed programmes to reflect property changes when they have been made known to them by the responsible person / duty holder

## Responsible Persons / Duty Holder / Service Provider / End User

Responsibility of Premises Responsible Persons	Responsibility of Corporate Landlord
<ul style="list-style-type: none"> <li>• Raise any repair issues with Corporate Landlord and oversee the management and processing of the works</li> <li>• Responsible for making sure there are suitable risk assessments and that necessary actions and monitoring arrangements are in place including:               <ul style="list-style-type: none"> <li>○ Fire Risk Assessment</li> <li>○ Legionella Risk Assessment</li> <li>○ Asbestos Log Book</li> </ul> </li> <li>• Responsible for ensuring that any contractors on site performing works review the Asbestos Management Plan when on the premises</li> <li>• Responsible for ensuring that suitable security management arrangements are in place at your premises including that there is and up to date security risk assessment</li> <li>• Maintain a contractor log book on site, and that it is signed and dated as required</li> <li>• Responsible for ensuring that suitable first aid arrangements are in place at your premises, including suitable personnel and training and materials</li> </ul>	<ul style="list-style-type: none"> <li>• Will manage all Property related budgets to ensure best value for the Council</li> <li>• To provide a Helpdesk function for all asset queries, including repairs, compliance and associated services</li> <li>• Undertake contract management of maintenance providers including monitoring performance, including pre and post inspections of works etc.</li> <li>• Lead on the Asset-related Capital maintenance and planned works, including the programming/commissioning of these works and associated condition surveys etc.</li> <li>• Undertake regular statutory checks including weekly, fire alarm tests, emergency lighting, legionella etc.</li> <li>• Undertake/instruct delivery of statutory maintenance tests, inspections and associated remedial works</li> <li>• Record necessary Health and Safety information on Concerto</li> <li>• Responsible for ensuring a record for all necessary regular statutory checks on the premises including weekly fire alarm tests, emergency lighting, legionella etc.</li> </ul>

All portable appliance testing is the sole responsibility of the Service Provider/End User – see specific requirements for PAT testing

### H & S Responsibilities

Whilst the responsibility for health and safety, statutory compliance and property maintenance will ultimately rest at corporate or director level, that responsibility is delegated to Corporate Landlord Property Maintenance Team), or for specialist equipment to the Responsible (or Designated) person for the particular property with the results stored within the IWMS.

## DEFINITION

### **Responsible Person / Duty Holder (end user / designated person)**

All Council owned and occupied operational buildings will have an appointed, responsible person, who is responsible for enabling access within normal operating hours to enable the testing and inspection requirements within the premises and that they understand the results of the testing and any remedial works required.

The responsible person is deemed to be the senior person on site, or a named person delegated the duty by this person.

- **Within a School this is the Head Teacher.**
- **Where the site is unmanned: The responsible person is deemed as the managing agent or an appointed Management agent**
- **Where a site is operated by committee: -  
The responsible person is deemed as the committee chairperson**
- **Where a site is manned and operated by Facilities Management (FM) this shall deemed as the FM lead or Building Manager**
- **Where a site is manned, the service shall name their Building Manager (this is a requirement of occupancy)**

The responsible person must be competent and therefore completed Corporate Safety Advise training modules 1,2, and 3 which needs refreshing every 3 years.

The responsible person shall ensure all relevant documentation is held in IWMS and if necessary, a centrally located position inside the building for ease of inspection by visiting contractors and or authorised bodies.

The responsible person may delegate some of their duties to a named duty holder.

It is the responsibility of the responsible person to ensure the appointed duty holder is named and competent to undertake their duties by sending evidence to CL.

As part of Corporate Landlord role the Property Maintenance team will aid and manage the statutory and legislative testing and maintenance programme / regimes, in support of responsible person's role. This is extended to assets that have been made known to the Property Maintenance team within the relevant allocated financial budgets.

If further advice is required to extent or inclusion within this role, please contact the Property Maintenance Service Manager.

The Responsible Persons need to ensure their operational and routine weekly and monthly tests are undertaken and recorded on site and uploaded to IWMS. The Property Maintenance team shall give technical guidance where reasonably requested.

The following is extracted from the Council's Health & Safety Guidance & Information Sheet No. 14:

*"The designated person must:*

- *Be aware of what equipment, plant and systems are on site.*
- *Know what maintenance is required.*
- *Know how it is arranged.*
- *Know who the main contacts are to enable the work to be carried out;*
- *Know what action is required locally as regards testing and checking e.g. call points and emergency lighting.*

*Organise necessary inspections and keep appropriate formal records."*

### **DUTY HOLDER**

The responsible person can only appoint the Duty holder.

The duty holder must be competent to undertake the task appointed to them.

The duty holder and responsible person can be the same person.

# PART 1

## POLICIES

### Introduction

The Health and Safety at Work Act 1974 places a general duty on employers to “ensure so far as is reasonably practicable the health, safety and welfare at work of all of their employees”. Section 3 of the Act, **General Duty to Others** requires employers to conduct their undertaking in a way that does not pose risk to the health and safety of non-employees. This section is designed to give protection to the general public and other non-employees such as children at school and contractors.

This policy has been produced to ensure that Nottingham City Council, as an employer and property owner, can comply “so far as is reasonably practicable” with appropriate statutory, regulatory and corporate standards in relation to property maintenance, which includes statutory testing and inspection of services, equipment, fixtures and fittings within the properties which the Council owns, manages and or occupies, which may be accessed by employees, tenants and members of the public.

Corporate Landlord, within the Growth and City Development Directorate, are responsible for ensuring legal compliance in matters relating to the Council’s properties using both internal maintenance staff and external contractors to carry out the required tests and inspections. Please see table below for an overview of Health & safety legislation

An overview of Health and Safety Legislation		
Drivers	Example	Comments
<b>Act: (Primary Legislation)</b>	Health and Safety at Work etc. Act 1974 (HSWA)	The Act imposes general duties on employers (and employees) to ensure that places of work are safe for people to work within, occupy or visit.
<b>Regulations: (Secondary Legislation)</b>	Management of Health and Safety at Work Regulations 1999 (MHSWR). Workplace (Health, Safety and Welfare) Regulations 1992. Electricity at Work Regulations 1989.	Regulations deliver more detailed provisions for complying with general duties imposed by the Health and Safety at Work etc. Act 1974.
<b>Approved Codes of Practice:</b>	L8 - The Control of Legionella Bacteria in Water Systems	Approved by Health and Safety Commission on consent of Secretary of State. Give guidance as to the intentions of Acts and Regulations. Non compliance with an ACOP is not an offence but, failure to observe an ACOP can be used in criminal proceedings. If ACOP’s are not followed, defendants must be able to prove how else they complied with the law. ACOP’s generally viewed as an extension of the law.
<b>HSE guidance documents:</b>	Ventilation of kitchens in catering establishments (CAIS10)	Do not carry any legal status. Reflects best practice at time of publication. Give guidance and advice on requirements within legislation and practical actions to implement in order to comply with the law.
<b>BS/EN:</b>	BS 7671, 2008	Prescribed technical standards of work/installations to aid compliance with the law.
<b>Notes:</b>		
1) Health and safety law is becoming less prescriptive and does not usually provide specific details relating to testing frequencies and regimes.		
2) There is now a greater focus on risk-based assessments to be undertaken by controlling body which take into account individual circumstances, such as: the building use, user groups, construction type, age of building, location, previous maintenance regimes etc		
3) The relevant health and safety Regulations, Codes of Practice and British Standards should be consulted for compliance related guidance		
4) Requirements for the provision of regular maintenance to systems, appliances and equipment are often contained within multiple legislative/ACOP sources.		
<b>Recommendations:</b>		
– The Authority should adopt a <b>unified approach</b> in its delivery of health and safety practices across its property portfolio		
– <b>Duty Holders</b> for all properties should be identified and collated		
– <b>Responsibilities</b> for health and safety practices should be clarified and communicated across all stakeholder groups		

### Rationale

To achieve a competent level of functionality the Council will consider the relevant legislation and documentation, which may include:

- Statutory Legislation and Regulation
- Industry Regulation

- Approved Codes of Practice
- Guidance documentation
- Equipment manufacturers' instructions and recommendations
- Best practice

When required by Statutory Legislation and Industry Regulation, this work **MUST** be carried out correctly, to the relevant and applicable standard, and in a timely manner to ensure that the Council is always within the law and compliant.

Approved Codes of Practice and Guidance documentation give advice on ways of achieving compliance and/or maintaining safe systems. **These documents are not legislation in their own right** but can be referenced and used in law to support decisions and actions taken.

Appropriate Industry Best Practice is generally an acceptable way of achieving or exceeding compliance, and any such work **SHOULD** be carried out. The Corporate Landlord will strive to achieve "best practice" to demonstrate commitment to other general legislation through their use of SFG 20.

### **Health and safety practice**

The Council is committed to creating safe and healthy working environments, and to the application of good health and safety practice regarding the maintenance of all its properties.

### **Records**

**Appendix A** contains links to generic tests and inspections and indicates those responsible for arranging them. All records of tests and inspections arranged and controlled by Property Maintenance Team will be held centrally within its IWMS; these will provide an ongoing record of outstanding works and dates when remedial action was taken.

The Property Maintenance Team has put in place a timetable for tests and inspections, which reflects a combination of statutory guidance and appropriate practice.

Some records, as indicated in the Appendix, will always be required on site and must be available to any contractors or other authorised personnel carrying out further inspections, maintenance or construction work. The Council has specific 'log books' for the management of asbestos, legionella and fire safety.

### **Policies**

Policies dealing with specific risks, and the testing and record keeping regime adopted by Nottingham City Council are included in the appendices at the end of this document. These include asbestos, fire safety and legionella management.

### **Training**

The Responsible Person will be given appropriate training in the operation of plant and equipment required for the day-to-day operation of the Council's properties, such as heating systems and fire alarms. Additional training will be given for tests

or inspections, which form part of the management of aspects of a property, which have been delegated to service provider, end user or Designated Person.

No one would be expected to carry out any tests, inspections, or other work for which they have not received appropriate training or cannot demonstrate a recognised level of competence.

## **Operation of Plant and Equipment**

All responsible persons and duty holders responsible for routine operation and tests i.e. weekly or monthly checks shall be competent in the task.

**If in doubt, ask the CL Property Maintenance Team for guidance or a member of the Corporate Safety Advisor team.**

## **Certification**

Where a programme of Statutory and Legislative testing / maintenance works is required, certification shall be obtained and held centrally on the IWMS before closure of the order.

Where on site certification is required to be held, the Property Maintenance Team shall issue copies when received, if copies are not automatically left by the service contractor.

The Responsible persons shall ensure all documentation is securely stored and available for all visitors and contractors when requested.

Where certification and documentation are held on the IWMS the responsible person shall ensure they have access to the database.

## **Logbooks**

When a service or maintenance visit has been undertaken the responsible person shall ensure the relevant contractor has completed their logbook entries before entering or leaving the property.

It is **mandatory** for all contractors to sign the asbestos logbook before undertaking any works



## Appendix A

[M:\Property Services\Safety and Compliance\Controlled Documents - LIVE\BS 024 - Building Services Statutory Compliance Best Practice Overview.xlsx](#)

[M:\Property Services\Safety and Compliance\Controlled Documents - LIVE\BS 024A - BG 80-2023 Statutory Compliance Inspection Checklist.xlsx](#)

ABOVE LINK are GENERIC TYPE FUNCTION AND FREQUENCY.

**IF IN DOUBT CONTACT PROPERTY SAFETY AND COMPLIANCE TEAM FOR GUIDANCE**

Where responsibilities of provision with Responsible Person / Duty Holder are given, Property Maintenance Team can offer assistance.

## Appendix B

### ASBESTOS MANAGEMENT POLICY STATEMENT - NOTTINGHAM CITY COUNCIL

All responsible persons and their duty holders must have undertaken the Asbestos training module as delivered by the Corporate Safety Advise Team

#### POLICY STATEMENT

Nottingham City Council is committed to providing a safe and healthy workplace

It is the law that asbestos-containing materials shall not be introduced into our properties. If existing asbestos containing materials pose a serious risk to the health of persons using our premises appropriate action shall be undertaken to ensure fibres will not be released and the materials shall be made safe, encapsulated, or removed as soon as possible.

Where asbestos containing materials are present and do not pose a serious risk, we shall take the opportunity to remove them progressively from our properties, when it is safe and cost effective to do so. Whilst asbestos containing materials remain in situ, we shall ensure they are managed in such a manner so that the risk to the health of our employees, contractors, visitors, public and other people using the premises is minimised.

All work on asbestos containing materials shall be carried out in accordance with the current legal standards (Control of Asbestos Regulations 2012) and best working practices by licensed contractors only.

---

*The following policy is in keeping / extracted from the Corporate Safety Manual, Asbestos – Managing in the Workplace (see link), which also sets out the procedures for managing asbestos in City Council premises. **The responsible person shall ensure they are fully aware of the Corporate Safety Policy & Arrangements (April 2023)***

**<http://intranet.nottinghamcity.gov.uk/media/12402/asbestos-2023.pdf>**

#### **Asbestos log book**

This needs to be kept up to date by the 'responsible person' who is identified as being in control of the building on a monthly basis detailing:

- The condition of all asbestos identified or presumed to be in the premises (see assessing the condition of asbestos materials').
- The Asbestos survey and where works have been undertaken
- The named person appointed responsible for asbestos management

## Asbestos survey

The CL will be responsible for undertaking the applicable asbestos survey and for ensuring they are uploaded to the IWMS. These records must be updated by the person appointed in control of the building, whenever asbestos is removed, encapsulated, or found and include the following details: -

- The location of asbestos.
- The form of asbestos (coating, insulation board, etc.).
- The type of asbestos (blue, white, etc.).
- Area of removal / encapsulation

The responsible person has the responsibility to ensure compliance is undertaken

## Labelling

Staff and contractors must be made aware of the location of asbestos in the areas in which they work or intend to work. Asbestos materials should be clearly labelled with either an appropriate asbestos warning sign, or some other warning system (for example colour coding) so that those who need to know about the asbestos are effectively alerted to its presence.

If as the responsible person you decide not to label asbestos, you need to make sure that those who might work on the material know that it contains asbestos **it must be documented as to why labelling is not used and control method used for identification of material to a third party.**

Labelling should not be relied upon as the only means of informing persons of the presence of asbestos and should always be supplemented by a reliable procedure.

**NOTE** The HSE strongly recommend the labelling policy to be consistent across properties, operating the same or similar service provision.

Therefore, it is advised that properties undertaking the same service delivery adopt a singular policy across the properties they operate from in keeping with their service delivery.

## Appendix C

### **FIRE SAFETY POLICY STATEMENT - NOTTINGHAM CITY COUNCIL**

Fire presents a potentially high risk to Nottingham City Council and this document sets out the Council's intentions for reducing and managing this risk.

#### **Responsible persons and their duty holders must ensure they have undertaken a Fire Risk Assessment for the premises.**

#### **Policy**

Nottingham City Council will comply with all relevant fire safety legislation and standards. Fire safety management is delegated to departmental responsible persons, senior managers, premises and facilities managers to maintain and apply the fire risk management policies and procedures within their areas of responsibility and control. Responsible Persons need to familiarise themselves with the corporate policy (link below)

<http://intranet.nottinghamcity.gov.uk/media/12515/fire-safety-management-2023.pdf>

#### **Introduction**

Overall responsibility for fire precautions and fire safety management within Nottingham City Council lies with the Chief Executive of the Council. This Fire Safety Policy Statement reflects the importance that the Council attaches to the safety of its staff, service users, members of the public and other persons who may be affected by its activities and its premises in relation to fire safety. Nottingham City Council takes all reasonable and practicable steps to achieve the objectives and measures outlined below. This policy statement will be reviewed every 3 years or at more frequent intervals if there are relevant legislative changes.

#### **Objectives**

Through risk assessment, the objective of fire risk management is to:

- Minimise the potential for fire to occur.
- Reduce fire incidences.
- Safeguard all persons on Nottingham City Council premises from death or injury in the event of a fire.

In respect of all premises, which it owns or leases, Nottingham City Council will:

- Provide appropriate and adequate means of escape in case of fire.
- Ensure that all means of escape are properly maintained, kept free from obstruction and available for safe and effective use.
- Provide the means of escape with adequate emergency lighting and maintain this in efficient working order.
- Provide and maintain in working order the alarm system or the means of giving warning in case of fire.
- Provide and maintain in working order all fire fighting appliances and devices.

- Provide appropriate instruction and/or training for all persons, including contractors and other visitors, on the actions to be taken in the event of fire.
- Provide safety plans stating the precautions to be observed and steps to be taken to protect people and property.
- Ensure that measures, which are commensurate with the risks and the significance of consequential losses, are taken to protect buildings, installations and equipment from fire.
- Work with Nottinghamshire Fire and Rescue Service to promote fire safety within the organisation

## **Managerial and Employee Responsibilities**

Individual responsibilities and legal duties in respect of fire safety for all Nottingham City Council employees are detailed within the Corporate Safety Manual, Workplace Fire Precautions (11) (April 2023), which considers fire safety management. This guidance and information also identify the responsibilities of managers, staff and others in respect of fire safety. This duty for management extends to ensuring a suitable and effective risk assessment for fire safety is in place for all Nottingham City Council premises and those it occupies.

The Corporate Safety team and CL Property Maintenance Team, in conjunction with premises managers, Nottinghamshire Fire and Rescue Service and other responsible persons will monitor and advise on the effectiveness of fire safety arrangements on behalf of Nottingham City Council to enable it to meet both its legislative and other fire safety management requirements.

**If in doubt please speak to the CL Property maintenance Team or Corporate Safety Advice.**

## Appendix D

### LEGIONELLA POLICY – NOTTINGHAM CITY COUNCIL

All responsible persons and their duty holders must have undertaken the Legionella training module, as delivered by the Corporate Safety Advise team.

All responsible persons and their duty holders shall be required to have undertaken IWMS training. Training can be delivered through the Safety and Compliance team, and or their nominated contractor / consultant.

On appointment of new staff requiring undertaking weekly and or monthly water tests and data input. The responsible person shall be required to contact the Technical Officer – Water Management to determine and arrange training needs required.

**All little / unused outlets within premises shall require a weekly flushing regime, conducted by the responsible persons and their duty holders. All flushing activities to be recorded within a site logbook with monthly acknowledgement entered on to Seram.**

*The following policy is extracted from the Corporate Safety Manual, Legionella Management (7) dated April 2023, which also sets out the procedures for managing Legionella bacteria in City Council premises.*

#### **Introduction**

Legionella presents a potentially high risk to Nottingham City Council and this document sets out the Council's intentions for reducing and managing this risk.

#### **Legal Requirements**

The Health & Safety at Work Act 1974 places duties on employers to ensure the health, safety and welfare of their employees at work and anyone else who may be affected. This duty extends to any risks from legionella bacteria, which may arise from work activities.

##### **HEALTH AND SAFETY**

The Management of Health & Safety at Work Regulations 1999 provide a broad framework for controlling health & safety at work which includes the legal requirement for employers to carry out risk assessments.

The Control of Substances Hazardous to Health Regulations 2002 also places duties on employers and occupiers of premises to carry out risk assessments, which includes the control of release of micro-organisms and microbiological agents.

In addition, the Approved Code of Practice & Guidance "Control of Legionella Bacteria in Water Systems (L8)" gives practical advice on how to comply with the law.

Nottingham City Council is committed to meeting its legal obligations to its employees and others (e.g. service users, contractors, pupils, etc.) who may be affected by its undertaking by ensuring an ongoing prioritised programme of controls is in place and implemented as follows:

- Identification, assessment and regular review of risks
- Preparation of a scheme of works for the prevention and control of identified risks
- Implementation and management of the scheme by appointing persons to be managerially responsible
- Maintenance of records and monitoring of controls
- Provision of appropriate training

## PART 2

### PROCEDURES

The following procedures cover the various tests and inspections carried out by Property Maintenance Team on behalf of the City Council, together with those which are the responsibility of the Responsible person / Duty Holder of a property, and which should form part of the normal management regime in the property. The statutory or other reason for carrying out the test or inspection is also shown, together with the frequency and any other specific requirements, which need to be carried out.

As indicated in the chart in **Appendix A** the procedures have been split into groups related to the various types of building installation, together with a miscellaneous category of individual tests and inspections. Any requirement to keep records on site is also indicated, and these must be made available to contractors or other authorised persons who may need information prior to carrying out any maintenance or alteration work.

## PART 3

### CONTACT LIST

Property Maintenance & Mechanical and Electrical Team		
Kelly Crossland	Property Maintenance Manager	07519 604485
Steve Bacon	Legionella Management Officer	07944 596987
Craig Nathan	Mechanical Team Leader	07815025380
Robert Jordan	Electrical Team Leader	07950336471
Roy Hall	Technical Officer - Asbestos	07886636581
David Prowett	Senior Structural Engineer	07949250061
Harry Morris	Technical Officer - Fire Safety	07939 979403
James Mitchell	Performance Manager (Concerto)	07711 920187
Neil Brennan	Mechanical & Electrical - Service Manager	07719419277
Zaheer Rahman	Asset and Lifecycle Manager	07519 293000



**PART 4**

**VERSION CONTROL**

<b>VERSION No</b>	<b>AMENDMENTS</b>		
<b>V1.1</b>	<b>DRAFT VERSION</b>	<b>ISSUED FOR COMMENTS</b>	<b>MARCH 2013</b>
<b>V1.2A</b>	<b>FINAL DRAFT</b>	<b>ISSUE FOR UNION COMMENTS</b>	<b>JULY 2013</b>
<b>V1.2B</b>	<b>ISSUE</b>		
<b>V1.2C</b>	PAGE 6	RESPONSIBLE PERSON DEFINITION HIGHLIGHTED BOLD	OCTOBER 2014
	PAGE 11 & 12	APPENDIX A CHANGED A3 VENTILATION REMOVED NOW FOR FUTURE USE W4 WATER TREATMENT (COOLING TOWERS REMOVED NOW FOR FUTURE USE	OCTOBER 2014
	PAGE 21	REMOVED AS DUPLICATED WITH AIR HANDLING & VENTILATION REF A1	OCTOBER 2014
	PAGE 22	TITLE CHANGED TO FAN CLEANING - KITCHENS	OCTOBER 2014
	PAGE 24	E6 HIGH VOLTAGE FREQUENCY ANNUAL INSPECTION	OCTOBER 2014
	PAGE 25	E8 STREET LIGHTING (NON – ADOPTED ROADS) INSPECTION FREQUENCY SPECIFIED.	OCTOBER 2014
	PAGE 34	M9 SMOKE VENTS REVIEW COMPLETED – SPECIFICATION UPDATED	OCTOBER 2014
	PAGE 37	GUIDANCE DOCUMENT REF INSERTED	OCTOBER 2014
<b>V1.2D</b>	DOCUMENT REVIEWED	ISSUE FOR UNION COMMENTS	JANUARY 2022
<b>V1.2E</b>	DOCUMENT REVIEWED	<b>PREPARATION FOR CORP LANDLORD</b>	<b>AUGUST 2023</b>

**DOCUMENT OWNER – PROPERTY MAINTENANCE MANAGER**

## PART 3 Contractors Site Induction

*All others to be completed by the FM/Building Responsible Person*

**Known site hazards:** (tick as appropriate)

Inform the contractor of specific site hazards they need to be aware of (either local to the work or site-wide hazards) such as those indicated on the list below, and any other site-specific hazards.

Asbestos – <b>See over</b>	<input type="checkbox"/>	Process hazards	<input type="checkbox"/>
Fragile materials	<input type="checkbox"/>	Restricted areas	<input type="checkbox"/>
Live electrics	<input type="checkbox"/>	Confined spaces	<input type="checkbox"/>
Specialist plant or equipment	<input type="checkbox"/>	Service isolation points	<input type="checkbox"/>
Hazardous areas (roof/plant rooms)	<input type="checkbox"/>	Other – please specify	<input type="checkbox"/>

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**Site Rules:** (tick as appropriate)

Include items which are required for the day-to-day management of the property which will not affect the work being carried out, but which the contractor will be required to follow.

Non-smoking site	<input type="checkbox"/>	Waste disposal	<input type="checkbox"/>
Security; signing in/out	<input type="checkbox"/>	Permit to work	<input type="checkbox"/>
Welfare facilities	<input type="checkbox"/>	Authorised areas confirmed *	<input type="checkbox"/>
Car parking; loading/unloading	<input type="checkbox"/>	Other – please specify	<input type="checkbox"/>

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**Emergency Procedures:** (tick as appropriate)

Describe briefly the property emergency procedures, particularly those relating to fire, but including others as necessary

Sound of fire alarm	<input type="checkbox"/>
Fire assembly point	<input type="checkbox"/>
Fire evacuation procedure	<input type="checkbox"/>

**\* Identify restricted areas or areas requiring  
Authorised person accompaniment.**

Details of fire site plan provided	<input type="checkbox"/>
Other – please specify	<input type="checkbox"/>

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## Equality Impact Assessment (EIA) Tool

### Document Control

<b>Control Details:</b>	
Title of EIA/ Decision (DDM):	De-delegation of 2024/25 Health and Safety Building Inspection Funding
Budget booklet code (if applicable):	N/A
<b>If this is a budget EIA please ensure the title and budget booklet code is the same as the title used within the budget booklet</b>	
Name of author (Assigned to Pentana):	Trevor Bone
Department:	Corporate Landlord Services
Director:	Nicki Jenkins
Division:	Growth & City Development
Contact details:	trevor.bone@nottinghamcity.gov.uk
Strategic Budget EIA:	No
<a href="#">Exempt from publication:</a>	No
Date decision due to be taken:	5 <sup>th</sup> December 2023

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### Document Amendment Record

Version	Author	Date

### Contributors/Reviewers (Anyone who has contributed to this document to be named)

Name	Title role	Date
Trevor Bone	Head of Building Services and Facilities Mgt	6/11/2023
Rosey Donovan	Equality and Employability Consultant	13/11/2023

### Glossary of Terms

Term	Description
SF	Schools Forum
LA	Local Authority
CAFM	Computer Aided Facility Management

**Section 1 – Equality Impact (NCC staff/ Service users/ Citizen/ Community impact)**

**1. a. Brief description of proposal/ policy/ service to be assessed**

The purpose of this report is to update Schools Forum on the statutory and legislative health and safety responsibilities of the Local Authority (LA) in relation to maintenance and testing of maintained school properties and how the funding, requested be de-delegated, is used to support this.

In summary:

- Schools Forum (SF) previously agreed on 8 October 2019 the approval of de-delegation of £6.61 for the financial year 2020/21 and that this funding along with the outstanding balance on the health and safety tests and inspections reserve £0.228m was to be used to fund the costs of tests and inspections in the financial years 2020/21 to 2022/23.
- When the last report was brought to SF maintained schools had expressed a preference to be able to organize their health and safety tests and inspections for themselves once the five-year tests and inspection cycle had come to an end. Upon discussion with Pat and Sarah Fielding at the Nottingham Schools Trust with Nicholas Lee the Director of Education and David Thompson the Schools Health and Safety Manager it was agreed that a report requesting the de-delegation of funding for the financial year 2024/25 would be brought to SF.

- Therefore the LA is bringing this report to SF to ask maintained primary schools if they would like to approve the de-delegation of funding for health and safety tests and inspections for the financial year 2024/25.

### **1. b. Information used to analyse the equalities implications**

No consultation exercise nor duty to consult is required due to the type of maintenance being a statutory requirement for schools to undertake. If not undertaken, then schools would have to close as they couldn't prove they were safe to use. Without statutory maintenance it's envisaged that all citizens of Nottingham would be impacted upon as the LA education portfolio would not be compliant with statutory, legislative and insurance requirements and therefore assets would have to close or if they decided to remain open they would be in breach of legislation and would potentially become a risk to all citizens and colleagues using them.

**1. c. Who will be affected and how?**

Impact type (NCC staff/ Service users/ Citizens/ Community)	Equality group/ individual	Positive	Negative	None	(Including evidence)	Details of mitigation/ actions taken to advance equality	Details of any arrangements for future monitoring of equality impact  (Including any action plans)
Page 144	People from different ethnic groups			X	The Local Authority (LA) has a statutory duty regarding Health and Safety of maintained school sites. To ensure that the LA is able to carry out its statutory duty it has to on an annual basis request Schools Forum to approve the de-delegation of this funding.	By implementing this proposal, it will stop the likelihood of schools incurring unnecessary budget pressures caused by having to fund health and safety maintenance costs in relation to their sites. If schools had to fund this and the costs were higher than they had budgeted it may require them to move resources from the education of their pupils to cover health and safety	There is no specific monitoring arrangement required as this EIA and report are annual to release education funds for Building Services to undertake their Statutory maintenance.



Page 145						<p>maintenance costs of the site.</p> <p>By retaining this funding centrally, it will enable a consistent approach as to how money is spent pupils by resources not being taken away from the education of pupils in some schools and not in others.</p> <p>There are no staffing issues generated by this decision</p> <p>Fully managed statutory compliance testing through a CAFM system</p>	
	<b>Men</b>			X	As above	As above	As above
	<b>Women</b>			X	As above	As above	As above
	<b>Trans</b>			X	As above	As above	As above

	<b>Disabled people/ carers</b>			X	As above	As above	As above
	<b>Pregnancy and maternity</b>			X	As above	As above	As above
	<b>Marriage/Civil Partnership</b>			X	As above	As above	As above
	<b>People of different faiths/ beliefs and those with none</b>			X	As above	As above	As above
	<b>Lesbian/ Gay/ Bisexual people</b>			X	As above	As above	As above
Page	<b>Older</b>			X	As above	As above	As above
146	<b>Younger</b>			X	As above	As above	As above
	<b>Other</b> (e.g. <u>looked after children</u> , cohesion/ good relations, vulnerable children/ adults), socio-economic background.  <b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b>			x	As above	As above	As above

**1. d. Summary of any other potential impact** (including cumulative impact/ human rights implications):

The LA are recommending this delegation proposal to reduce the likelihood of a negative impact on the pupils of maintained primary schools.

## Section 2 – Equality outcome

**Please include summary of the actions identified to reduce disproportionate negative impact, advance equality of opportunity and foster good relations. Please pull out all of the mitigations you have identified and summarise them in this action plan**

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Equality Outcome	Adjustments to proposal and/or mitigating SMART actions	Lead Officer	Date for Review/ Completion	Update/ complete
Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.	Not applicable as this EIA is an annual task to ensure Education can release funds to Building Service to undertake statutory maintenance.			
Advance equality of opportunity between those who share a protected characteristic and those who don't	As above			
Foster good relations between those who share a protected characteristic and those who don't	As above			

(Please add other equality outcomes as required – e.g. mitigate adverse impact identified for people with a disability)	As above			

**Please note: All actions will need to be uploaded onto Pentana**

### Section 3 – Approval and publishing

<p><b>The assessment must be approved by the manager responsible for the service /proposal.</b></p> <p><b>Approving Manager details</b> (name, role, contact details):</p> <p>Trevor Bone - Head of Building Services and Facilities Management –  trevor.bone@nottinghamcity.gov.uk</p>	<p><b>Date sent for advice:</b></p> <p>6/11/2023</p>
<p><b>Approving Manager Signature:</b></p>	<p><b>Date of final approval:</b></p>

For further information and guidance, please visit the [Equality Impact Assessment Intranet Pages](#)  
Alternatively, you can contact the Equality and Employability Team by telephone on 0115 876 2747

Send document or link for advice and/ or publishing to: [edi@nottinghamcity.gov.uk](mailto:edi@nottinghamcity.gov.uk)