



**NOTTINGHAM CITY COUNCIL**  
**SCHOOLS FORUM**

**Date:** Tuesday, 15 January 2019

**Time:** 1.45 pm

**Place:** LH 2.13 - Loxley House, Station Street, Nottingham, NG2 3NG

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

**Governance Officer/Clerk to the Forum: Phil Wye Direct Dial: 0115 876 4637**

**AGENDA**

**Pages**

<b>1</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the meeting held on 9 October 2018, for confirmation	3 - 12
<b>4</b>	<b>REVISED MEMBERSHIP AND CONSTITUTION FOR NOTTINGHAM CITY SCHOOLS FORUM</b> Report of the Corporate Director for Children and Adults	13 - 34
<b>5</b>	<b>EARLY YEARS SEND FUNDING</b> Report of the Director of Education Services	35 - 40
<b>6</b>	<b>PROPOSED PUPIL GROWTH ALLOCATION FOR 2019/20</b> Report of the Director of Education Services	41 - 62
<b>7</b>	<b>SCHOOLS BUDGET REPORT 2019/20</b>	To Follow
<b>8</b>	<b>WORK PROGRAMME</b>	63 - 64

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER/CLERK TO THE FORUM 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 Loxley House, Nottingham on 9 October 2018  
from 1.50 pm - 5.00 pm**

**Membership**

Present

Judith Kemplay (Chair)  
Derek Hobbs (Vice Chair)  
Caroline Caille  
Sally Coulton  
David Holdsworth  
David Hooker  
Andy Jenkins  
Kerrie Henton  
Stephen McLaren  
Janet Molyneux  
Debbie Simon (Early Years PVI)  
Terry Smith  
James Strawbridge  
Mark Trimmingham  
Sheena Wheatley

Absent

Maria Artingstoll  
David Stewart

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

Kathryn Bouchlaghem	- Early Years Manager
Kimberly Butler	- Behaviour Support Team leader
John Dexter	- Director of Education
Kenneth France	- Contracts Manager, Building Services
Sian Hampton	- Archway Learning Trust
Julia Holmes	- Senior Commercial Business Partner, Finance
Lucy Juby	- Project Manager, School Organisation Team
Gail Keen	- Employee Relations Specialist
Councillor Neghat Khan	- Portfolio Holder for Education and Skills
Nick Lee	- Head of Access and Learning
Sophie Russell	- Head of Children's Strategy and Improvement
Kathryn Stevenson	- Senior Commercial Business Partner (Schools)
Janine Walker	- Head of Inclusion and Disability
Ceri Walters	- Head of Commercial Finance
Phil Wye	- Governance Officer

**1 APPOINTMENT OF CHAIR**

**RESOLVED to appoint Judith Kemplay as Chair for the 2018/19 academic year.**

**2 APPOINTMENT OF VICE CHAIR**

**RESOLVED to appoint Derek Hobbs as Vice-Chair for the 2018/19 academic year.**

**3 MEMBERSHIP**

The following new members were welcomed onto the Forum:

- Kerrie Henton (AP Academies and Free Schools)
- Derek Hobbs (Secondary Academies)
- Mark Trimingham (Secondary Academies).

**4 APOLOGIES FOR ABSENCE**

Maria Artingstoll

**5 DECLARATIONS OF INTEREST**

None.

**6 MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 26 June 2018 were agreed as a correct record and signed by the Chair.

**7 WORK PROGRAMME**

The work programme was noted.

**8 DE-DELEGATION OF FUNDS FOR HEALTH AND SAFETY BUILDINGS INSPECTION**

Ken France, Contracts Manager, Building Services, presented the report updating Schools Forum on the statutory and legislative health and safety responsibilities of the local authority in relation to maintenance and testing of maintained school properties and de-delegated funding is used to support this.

**RESOLVED to**

**(1) note the statutory and legislative health and safety responsibilities of the local authority in relation to building maintenance of maintained primary and secondary schools and they type of costs that the requested funding will be used to fund;**

**(2) for maintained mainstream primary schools to approve the de-delegation of health and safety building inspection funding in 2019/20 and 2020/21 based**

**on a rate of £6.61 per pupil. The total estimated funding requested to be de-delegated in 2019/20 is £0.074m;**

- (3) for the maintained mainstream secondary school to approve the de-delegation of health and safety building inspection funding in 2019/20 and 2020/21 based on a rate of £6.61 per pupil. The total estimated funding requested to be de-delegated in 2019/20 is £0.009m;**
- (4) agree to the principle that maintained mainstream schools will approve in principle to de-delegate this funding in 2020/21 to ensure there are sufficient funds to cover the total estimated cost over the next four financial years.**

## **9 DE-DELEGATION OF FUNDING FOR THE BEHAVIOUR SUPPORT TEAM (BST) IN 2019/20**

Kimberly Butler, Behaviour Support Team Leader, introduced the report which informed the Forum of work undertaken by the BST which will contribute to the legal and statutory duties of maintained schools.

Total funding available for de-delegation by maintained mainstream primary schools is £0.223m. This is made up of £0.136m generated by pupils eligible for free school meals and a lump sum of £0.087m lump sum funding.

**RESOLVED for maintained mainstream primary schools to approve the de-delegation of funding for statutory services provided by the BST in 2019/20 at a rate of £55 per pupil eligible for free school meals and a lump sum of £0.003m per school**

## **10 DE-DELEGATION OF FUNDING FOR TRADE UNION TIME OFF FOR SENIOR REPRESENTATIVES**

Gail Keen, Employee Relations Specialist, introduced the report outlining the proposed funding arrangements for trade union facility time for senior trade union representatives from schools to attend negotiation and consultation meetings and to represent their members in schools in 2019/20.

**RESOLVED for**

- (1) maintained primary schools to approve the de-delegation of funding for senior trade union representatives at a rate of £1.45 per pupil and a lump sum of £1,368 per school. Total funding requested to be de-delegated by maintained mainstream primary schools is £0.056m, made up of £0.016m generated by pupil numbers and £0.040m lump sum funding;**
- (2) the maintained secondary school to approve the de-delegation of funding for senior trade union representatives at a rate of £1.45 per pupil and a lump sum of £1,368 per school. Total funding requested to be de-delegated by maintained mainstream secondary schools is £0.003m, made up of £0.002m generated by pupil numbers and £0.001m lump sum funding.**

## 11 HIGH NEEDS CONSULTATION ON PLACES

Kathryn Stevenson, Senior Commercial Business Partner (Schools), delivered a presentation and highlighted the following:

- (a) there is a legal requirement for the local authority to consult with Schools Forums over arrangements for high needs pupils, and a requirement to submit place change notifications relating to academies to the Education Funding Agency in November;
- (b) the local authority identifies where a place number change may be required, by looking at current numbers, known leavers in July 2019, anticipated new admissions and limits to physical capacity. It then agrees proposed changes with the relevant setting;
- (c) the following key proposed changes have been identified for the 2019/20 academic year:

<b>Setting</b>	<b>Place change</b>	<b>Comments</b>
Oakfield	+8	8 extra Autistic Spectrum Disorder (ASD) places were required. ASD class set up at Oakfield from September 2018.
Westbury	+4	Still to be confirmed in discussion with the school.
Bluecoat post-16	-1	Aligns place numbers to 10 foundation learning places.
Bluecoat Primary SRU	+1	Increase from 3 to 4 primary places
Bilborough College	-1	Single high needs learner has left.

- (d) there will be a further £0.215m impact in 2019/20 from the full year effect of an additional 23 pre-16 places commissioned from September 2018. The full year cost of 4 extra places at Westbury at existing top-up is £0.099m but the authority intends to discuss a phased reduction in the top-up level to reflect economies of scale;
- (e) a doubling of secondary high needs ASD pupils by 2025, based on pupils currently at primary school. The feasibility of 8 ASD places per year group at Nethergate is being explored, subject to capital funding;
- (f) a bid has been entered for a Special Free School for 48 secondary Moderate Learning Difficulties/ASD places on the Bluecoat site in conjunction with the Archway Trust;

- (g) there is no specific provision for high-functioning ASD pupils as it would need to be financially viable. However, Bulwell Academy and Nethergate have some of these pupils.

**RESOLVED to note the information provided.**

## **12 CENTRAL EXPENDITURE BUDGET 2019/20 – HISTORIC COMMITMENTS**

Ceri Walters, Head of Commercial Finance, introduced the report setting out the recommendations of the Schools Forum Sub Group (SFSG) on specific items of expenditure for inclusion in the 2019/20 budget setting process.

Members of the SFSG explained how they had undertaken a rigorous review of the historic commitments, looking at supporting evidence provided by local authority officers, and were in agreement to recommend the approval of the historic commitments proposed.

Sophie Russell and Nick Lee briefly outlined the work done through the contribution to combined budgets in the areas of Family Support, Integrated Placements, Safeguarding Training and the Virtual School.

Janine Walker delivered a presentation on SEN Transport, which is a new commitment as part of the high needs block that requires Schools Forum approval. She highlighted the following:

- (a) there are four main factors which may determine if children or young people aged 5-16 are eligible for travel assistance. These are statutory walking distances, SEND or significant mobility problems, unsafe routes and extended rights;
- (b) the spend on travel assistance to schools and post 16 settings in the 2017/18 financial year was £2.8m, providing assistance to 470 children and young people;
- (c) the local authority has introduced a dynamic purchasing system for procurement of taxis and minibuses to reduce costs. Routes are also optimised, and the independent travel training scheme has been rolled out to schools;
- (d) Nottingham City has the lowest spend per head for 5-16 travel assistance, compared with statistical neighbours, and is the fourth lowest for post 16 transport;
- (e) The provision of SEND transport significantly drives down additional costs to the schools budget by ensuring that needs are met within the city and avoiding the need to place children in costly non maintained and independent provision.

**RESOLVED to**

**(1) approve the historic commitments set out below totalling £6.579m:**

<b>Service</b>	<b>2019/20 £m</b>
Contribution to combined budgets	2.887
Termination of employment costs	1.608

Prudential borrowing	0.283
Capital expenditure from revenue accounts	0.801
SEN Transport (High Needs Block)	1.000

**(2) note the additional historical detail set out in Appendix B of the report.**

### **13 CENTRAL EXPENDITURE BUDGET 2019/20 – ON GOING COMMITMENTS**

Ceri Walters, Head of Commercial Finance, introduced the report presenting the council's proposed central expenditure for ongoing commitments for 2019/20.

#### **RESOLVED to**

**(1) approve the ongoing commitments budgets set out below, totalling £1.467m:**

<b>Service</b>	<b>2019/20 £m</b>
School Admissions	0.585
Servicing of Schools Forum	0.032
Statutory retained duties	0.646
Copyright licenses (consultation only)	0.204

**(2) note that the cost of Copyright Licenses totalling £0.204m does not require approval as the licenses are managed and procured by central government;**

**(3) note that where values are based on pupil numbers, this report has used the latest October 2017 census however, once the latest census and final allocations issued from the DfE these figures will be updated and represented in the final budget report.**

### **14 EARLY YEARS BUDGET 2019 - 20**

Kathryn Stevenson, Senior Commercial Business Partner (Schools), introduced the report requesting approval of the Early Years central expenditure budget for 2019/20.

New national early years funding arrangements were implemented from April 2017 including a new national funding formula for the allocation of the early years block to local authorities and new regulations around the distribution of funding to providers. The proposed early years central expenditure figure represents 5% of the anticipated 2019/20 early years block allocation. The following points were raised in discussion with Forum members:

- (a) underspend within the early years block is not ringfenced for early years but goes into the Dedicated Schools Grant reserves as uncommitted funds. However, this can still feasibly be spent on early years;
- (b) local authorities have a requirement to provide sufficient childcare, but do not have the powers to stop new settings from opening if there is over-provision. Nationally some early years settings are closing because they rely heavily on



grants for free places, but this is not happening much in Nottingham;

(c) outcomes for children at early years settings have once again improved this year.

**RESOLVED to approve the Early Years Central Expenditure of £0.954m for 2019/20, subject to this meeting the high pass-through requirement.**

## **15 SCHOOLS BLOCK TRANSFER PROPOSALS 2019/20**

Kathryn Stevenson, Senior Commercial Business Partner (Schools) introduced the report requesting approval for a schools block transfer in 2019/20 and to agree an application to the Secretary of State to enable the block transfer to be implemented in the proposed way. Kathryn highlighted the following:

- (a) a schools block transfer is the transfer of funds between the schools block and the high needs block. The high needs block requires additional funds due to the high rate of permanent exclusions, predominantly in the secondary phase. Schools Block transfers of up to 0.5% require Schools Forum approval;
- (b) the number of permanent exclusions rose significantly between 2012/13 and 2016/17, though did reduce slightly in 2017/18. This has resulted in a doubling of PRU pupil numbers to 137 pupils to be funded from the high needs budget;
- (c) up to now that gap in the high needs budget has been covered using Dedicated Schools Grant (DSG) reserves, which will be unsustainable to continue in the longer term;
- (d) nationally, 10% of high needs funding is used for alternative provision (AP) but in Nottingham City this is nearly 20%, risking the amount of money left to use for SEND pupils;
- (e) 'hard' implementation of the national funding formula has been delayed by a year to 2021/22, allowing an extra year that a schools block transfer could be implemented;
- (f) schools were consulted on a proposal that limited the impact to the secondary phase and recognised schools that have signed up to the devolved AP model with a 35% reimbursement through devolved allocation. This would have required Secretary of State approval as it represented a higher than 5% block transfer, and also because it would sent the minimum funding guarantee at a different level for secondary compared to primary;
- (g) 23 responses were received, with only 3 schools responding in support of a proposal that would result in a reduction of funding for their school. 61% of schools supported the proposal;
- (h) the proposal has now been revised so that the estimated impact on secondary schools is a -0.75% cut in funding per pupil rather than -1.5%, and which also now falls within the 0.5% which can be agreed locally. If this were implemented a further block transfer may need to be considered for 2020/21;

- (i) after reimbursement to AP devolved schools, it is estimated that this proposal will raise around £0.8m to cover the cost of excess exclusions beyond the level in the AP model. Latest projections suggest this may cost £1.247m to the end of 2019/20 based on future exclusions at the same level as the last 12 months;
- (j) initiatives are in place to help reduce exclusions, including the launch of the Routes to Inclusion programme and dialogue is ongoing with secondary schools who have not yet signed up to the devolved AP model. In the 2017/18 academic year there has been a 20% reduction in the number of permanent exclusions compared to the previous year.

The following points were raised during the discussion which followed:

- (k) the DSG reserve is already lower than is desirable, but Nottingham City is the only core city having reserves and not setting a deficit budget;
- (l) it is hoped that the downward trend in exclusions will continue and that pupils in the PRU will continue to be reintegrated back into mainstream schools. The projected costs are based on exclusion levels remaining the same;
- (m) the main driver in the reduction of exclusions has been the devolved AP pilot, although other schools outside the pilot have also reduced their exclusions. All schools have a responsibility to reduce the number of permanent exclusions as these children are much more likely to go to prison or commit suicide;
- (n) there is an intention to invest funding into early intervention models which will identify needs at an earlier stage in order to prevent exclusions, and the costs incurred, at a later stage;
- (o) all Schools Forum members should vote on the proposal rather than just secondary schools as the high needs budget affects all schools;

Forum members expressed that they were uncomfortable voting on the schools block transfer as secondary members were clearly unhappy with the proposals. They asked to defer their decision until they have received more information and clarity on impact, or a revised proposal.

Forum members agreed to the principle of separate minimum funding guarantees for primary and secondary schools and supported the local authority's application to the Secretary of State to do this.

#### **RESOLVED to**

- (1) agree the local authority's application to the Secretary of State to set a lower minimum funding guarantee percentage for secondary schools compared to primary schools in 2019/20;**
- (2) defer the decision on the schools block transfer itself until a future meeting;**
- (3) note that the local authority wishes to work in partnership with Schools Forum on this issue and to come to an agreement regarding the proposal to**

**implement a schools block transfer in 2019/20. However, if Schools Forum approval is not gained, the Local Authority will consider the available option to pursue approval from the Secretary of State to proceed with the schools block transfer in 2019/20.**

**16 MEETING DATES FOR THE 2018-19 ACADEMIC YEAR**

**AGREED**

**(1) to meet on the following Tuesdays at 1.45pm:**

**11 December 2018**

**15 January 2019**

**26 February 2019**

**30 April 2019**

**25 June 2019**

**(2) to organise an additional meeting in November to discuss and vote on the proposed schools block transfer.**

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**SCHOOLS FORUM – 15 January 2019**

<b>Title of paper:</b>	<b>Revised Membership and Constitution for Nottingham City Schools Forum</b>
<b>Director(s)/ Corporate Director(s):</b>	Alison Michalska, Corporate Director for Children and Adults
<b>Report author(s) and contact details:</b>	Phil Wye, Clerk to the Schools Forum <a href="mailto:Phil.wye@nottinghamcity.gov.uk">Phil.wye@nottinghamcity.gov.uk</a> 0115 8764637
<b>Other colleagues who have provided input:</b>	Lucy Juby, Project manager, School Organisation Team <a href="mailto:Lucy.juby@nottinghamcity.gov.uk">Lucy.juby@nottinghamcity.gov.uk</a> 0115 8765041
<b>Summary</b>	
<p>The Schools Forum membership and constitution need to be reviewed in light of a change in the balance between academies and maintained schools in Nottingham City following the conversion to academy status of Ellis Guilford School.</p> <p>This report outlines the required changes for implementation from December 2018.</p>	
<b>Recommendation(s):</b>	
<b>1</b>	To note the new number of school representatives for maintained mainstream schools and mainstream academies and free schools in each sector.
<b>2</b>	To note the appointment of Sally Coulton from Ellis Guilford Academy, Robert White from NUAST and Cath Rowell from Bluecoat Aspley Academy as the new Secondary Academy and Free Schools representatives.
<b>3</b>	To note the appointment of Patricia Vladev from Stanstead Primary School as the new Primary Academy representative.
<b>4</b>	To note that there were no nominations for a Special Academy representative and this remains a vacancy on the Forum.
<b>5</b>	To note the reduction in the number of Maintained Primary representatives when their terms of offices are over or if a vacancy arises.

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 The Schools Forum Operational and Good Practice Guide published by the EFA states that the structure of the Schools Forum should be regularly reviewed. Over time the number of academies, particularly in the primary sector, has increased meaning that academies have been under-represented.
- 1.2 In order to better represent the makeup of schools in Nottingham City, the schools membership of the Schools Forum has been altered to:

<b>Sector</b>	<b>Number of representatives</b>	<b>Change</b>
Maintained Primary	3	-2

Primary Academy	4	+1
Secondary Academy and Free School	5	+2

- 1.3 There was also a vacancy for a Special Academy representative due to a former member standing down. Attempts were made to recruit to this vacancy unsuccessfully in the Summer but this has now been filled.
- 1.4 The Operational and Good Practice Guide allows for increasing the size of the Schools Forum temporarily to appoint additional academy members, then deleting school member posts at the end of a term of office or when a vacancy arises. The current maintained primary members will therefore be able to retain their places unless they stand down or their term of office ends.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 With the recent conversion of Ellis Guilford School to academy status, there are no longer any maintained secondary schools within the Nottingham City area. The place held by Ellis Guilford has therefore been converted to a place for a secondary academy representative as the guidance states that a secondary schools members must stand down if their school converts to an academy.
- 2.2 The membership review was delayed pending Ellis Guilford's conversion to academy status. As all secondary schools have now converted to academies in Nottingham City there should be no further requirement for major changes to secondary academy representation for the foreseeable future.
- 2.3 The number of academy conversions of primary schools has stabilised in recent times following the establishment of the Nottingham Schools Trust. Only one more conversion is currently planned, and so the balance of primary schools should remain the same for the foreseeable future.
- 2.4 The revised constitution reflecting these changes can be found at Appendix 1 to this report. Changes have been made to include the changed membership as outlined in paragraph 1.2 above.

## **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 To continue with the current membership was disregarded as it does not properly represent the make-up of schools in the city.

## **4 OUTCOMES/DELIVERABLES**

- 4.1 The recommendations in this report aim to contribute to efficient, effective and lawful decision making by the Schools Forum.

## **5 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 5.1 There are no direct financial implications or value for money issues arising from this report.

**6 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

6.1 The risk of having a constitution and membership which is not in line with the EFA guidance is to expose the Forum to unlawful decision making.

**7 HR COLLEAGUE COMMENTS**

7.1 None.

**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 the report does not relate to new or changing policies or functions.

:

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 Schools Forum operational and good practice guide, Education Funding Agency, March 2015 (last updated 17 September 2018)  
<https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015>

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**Nottingham**  
**City Council**

# **NOTTINGHAM CITY SCHOOLS' FORUM CONSTITUTION AND RULES OF CONDUCT**

(Last amended 30 October 2018)



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

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**NOTTINGHAM CITY SCHOOLS' FORUM**  
**CONSTITUTION AND RULES OF CONDUCT**

**1. TERMS OF REFERENCE**

The Schools' Forum is both a consultative and decision-making body whose purpose is to advise the local authority in line with the Schools' Forum (England) Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence.

The Schools' Forum is to be consulted on the following local authority proposals:

- amendments to the schools funding formula (for which voting is restricted by the exclusion of non-school members except for Private, Voluntary and Independent nursery representatives);
- arrangements for the education of pupils with special educational needs;
- arrangements for the use of Pupil Referral Units and the education of children otherwise than at school;
- arrangements for Early Years provision;
- administrative arrangements for the allocation of central government grants paid to schools via the local authority;
- when a contract is being proposed for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds (consultation must take place at least one month prior to the issue of invitation to tender);

The Schools Forum must inform the governing bodies of all schools maintained by the local authority of the results of any consultations carried out in relation to the above.

Locally, it has been agreed that the Schools' Forum is to be consulted on the following local authority proposals in addition to the above:

- arrangements for insurance;
- prospective revisions to the Local Authority's scheme for the financing of schools;
- arrangements for free school meals.

From 2014/15, the Schools' Forum must be consulted on any proposals to:

- vary the Minimum Funding Guarantee (MFG);
- use exceptional factors;
- vary pupil numbers;
- allow additional categories of, or spending on, central budgets;
- amend the sparsity factor;
- vary the lump sum for amalgamating schools;
- vary the protection for special schools and special academies.

These proposals will need to be agreed by the Secretary of State.

The Schools' Forum can make decisions on the following local authority proposals:

- de-delegation from mainstream school budgets for prescribed services to be provided centrally (with separate approvals required for maintained primary and secondary phase proposals);
- creating a fund for significant pupil growth in order to support the local authority's duty for place planning and agree the criteria for maintained schools and academies to access this fund;
- creating a fund for falling rolls for good or outstanding schools if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers, and agree the criteria for maintained schools and academies to access this fund;
- agreeing other centrally retained budgets, including for local authority statutory responsibilities;
- funding for central early years expenditure (including checking eligibility of pupils for an early years place and / or free school meals);
- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which is to be carried forward from a previous funding period;
- moving up to 0.5% from the schools block to other blocks.

In all of these cases the local authority can appeal to the Department for Education if the Schools' Forum rejects its proposals.

Revisions to the regulations will automatically be incorporated into the constitution as and when prescribed by the Department for Education and the Schools' Forum will be notified. If changes to the regulations result in there being more than one option or if the changes are optional, the Schools Forum will be consulted prior to making any changes. In any event, the constitution will be reviewed annually in April with a view to implementing any changes in the following September. Changes as a result of review or proposed at any meeting of the Forum, can be agreed by a two thirds majority of members present, subject to the agreement of the local authority.

## **2. MEMBERSHIP**

Schools' Forums must have 'schools members', 'academies members' and 'non-school members'. Schools and academies members must number at least two thirds of the total membership of the Schools' Forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. The structure of the Forum will be reviewed annually, as part of the annual review of the constitution, in April to ensure that the balance is maintained.

## **2.1 School Members**

Maintained Primary Schools	3	Headteachers or Governors
Academies and Free Schools	9	Headteachers or Governors (4 primary / 5 secondary)
Special Schools	1	Headteacher or Governor
Special Academies and Free Schools	1	Headteacher or Governor
The Nottingham Nursery	1	Headteacher or Governor
Pupil Referral Unit (PRU)	1	Headteacher or Governor
AP Academies and Free Schools	1	Headteacher or Governor

## **2.2 Non-School Members**

Early Years Private, Voluntary, Independent (PVI)	1	Representative
16-19	1	Representative (from the FE colleges which serve the city)
Collective Trades Unions	1	Representative (normally from Unison, GMB, NASUWT, NUT, ATL and ASCL)

**Total Membership: 20**

**School Members: 17 (85%); Non-School Members: 3 (15%)**

## **2.3 General Membership Issues**

No individual school can have more than one representative on the Forum. Unless otherwise specified in 2.1, each school or academy will need to decide whether they intend to nominate a Headteacher or a Governor before either put themselves forward through the relevant election procedures outlined in Appendix 1 of this constitution.

Schools may only offer a representative for the relevant School Members category and no other categories.

Each member will have a single vote.

## **2.4 Membership Restrictions**

Elected members who hold an executive role in a local authority (ie a Lead Member / Portfolio Holder) cannot be either a schools member (as a Governor) or a non-schools member of the Forum.

The Corporate Director for Children and Adults and any officer in her / his directorate and who does not directly provide education to children cannot be a member of the Forum.

Any officer employed by the local authority that has a role in the strategic resource management of the authority cannot be a member of the Forum.

## **3. MEMBERSHIP PERIODS OF OFFICE**

Members of the Forum will serve for three years from the date of their full election to the Forum. The election procedures detailed in Appendix 1 will be followed if a member

vacancy occurs during the 3 year period or if the structure of the membership changes following the annual review of the constitution.

A Forum member remains in office until:

- (a) the member's term of office expires;
  - (b) the member no longer holds the office which made them eligible for election, selection and appointment to the Forum;
  - (c) the member resigns from the Forum by giving notice in writing to the authority; or
  - (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body;
- whichever comes first.

If a member misses three consecutive meetings without substitute or apology, the Forum has the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

#### **4. OBSERVERS/SPEAKERS**

Non-voting observers are entitled to attend and speak at meetings, as follows:

- the Corporate Director for Children and Adults (or their representative);
- the Chief Finance Officer (or their representative);
- the Portfolio Holder for Schools (the elected member of the authority who has primary responsibility for children's services or education in the authority);
- the Portfolio Holder for Resources and Neighbourhood Regeneration (the elected member of the authority who has primary responsibility for the resources of the authority);
- any person who is invited by the Forum to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State; and
- any person invited to present a paper or other item to the Forum that is on the meeting's agenda, with the right to speak limited to matters related to the item presented.

#### **5. SUBSTITUTES**

Positions on the Forum are held by named representatives. If a member of the Forum is unable to attend meetings, with the exception of the Secondary School substitute (see 2.1 above) any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school.

#### **6. FORUM ADMINISTRATION**

##### **6.1 Election of Chair and Vice Chair**

Before the first meeting of the new academic year, each Forum member will receive a complete list of members on the Forum via email. Members will then have until the date of the first meeting to make a nomination for Chair and/or Vice-chair of the Forum to the Clerk of the Forum.

All members, schools and non-schools (but not observers), are eligible for election to these positions, but two Headteachers, two Governors or two non-school members should not hold the positions of Chair and Vice-Chair simultaneously, unless agreed by the Forum.

The Chair and Vice-Chair must not be from the same membership category.

The Chair and Vice-Chair will be elected annually. An existing Chair or Vice-Chair can be re-elected, but an individual's term of office must not exceed 3 years.

To be elected, the person nominated must receive the majority of votes cast at the meeting. Where there are an equal number of votes cast for each candidate 'lots' will be drawn to determine the winner.

Any person nominated will retain his/her right to vote.

## **6.2 Voting Procedures**

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members eligible to vote on the issues in accordance with the following:

- only maintained primary school representatives can vote on primary school delegations;
- only maintained secondary school representatives can vote on secondary school delegations;
- all schools, academy and free school members can vote on any other matter, including consultation on the schools funding formula;
- for non-school members:
  - only the PVI representative can vote on the consultation on the funding formula; and
  - all non-school members can vote on any other matter (except de-delegation).

Apart from as detailed above, all members are entitled to vote on all matters put to a vote.

Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting. The Chair will not have a casting vote.

In the event of a tie the proposal being voted on will be deemed not agreed and the local authority can request the Secretary of State to adjudicate.<sup>1</sup>

If any member requests that their vote is recorded, the minutes of the meeting will record whether he or she voted for or against the item or abstained.

The Forum can choose to appoint working groups / sub groups to examine any matters put before it by the local authority. Any working groups / sub groups will have no decision making powers and will report back to the full Forum so a final response to the local authority can be given / decision taken at a quorate meeting.

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<sup>1</sup> As advised in the Education Funding Agency's 'Schools' Forums: operational and good practice guide for local authorities and members of Schools' Forums', October 2013

### **6.3 Quorum**

The quorum for a meeting of the Schools' Forum is two fifths of current voting members (excluding vacancies) ie 8 members when the Forum has full membership in place. Any recommendation to the local authority from a quorate meeting of the Schools' Forum will require the local authority, under the regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools' Forum may still consider items which don't require a decision. Where a decision from the Forum is required, the Forum should follow the urgency provision detailed in 6.6.

### **6.4 Declarations of Interest**

Forum members are expected to declare interests in any matter arising in accordance with the City Council's Constitution.

All agendas for meetings of the Schools' Forum will include an item inviting members and observers to indicate any interest in any matters under discussion.

### **6.5 Meetings**

#### **6.5.1 Frequency of meetings and distribution of papers**

The Nottingham Schools' Forum will meet in public normally 6 times a year and a minimum of 4 times as specified by the Schools' Forum (England) Regulations 2012.

At the first meeting of the academic year, the Forum will determine the dates and times that it will meet during that academic year.

The standard distribution method for Schools' Forum papers will be via email or an alert to notify members that the agenda is available on the Council's website and accessible via the Modern.gov iPad App. Individual members may approach the Clerk to discuss alternative methods to be used.

#### **6.5.2 Access to Information Procedure Rules (including notice of meetings and the publication / exemption of reports)**

The Schools' Forum has chosen to apply the Access to Information Procedure Rules, as set out in Nottingham City Council's Constitution. The Council will give at least 5 clear days' notice of any meeting to be held by posting details of that meeting at Loxley House, Station Street, Nottingham and at the venue for the meeting if it is elsewhere. (When calculating clear days, you do not count the day of publication, weekends, bank holidays or the meeting date).

Copies of the agenda and reports will be open to the public and available for inspection at Loxley House at least 5 clear working days before the meeting. Where reports open to the public are prepared after the agenda has been published they will be made available to the public as soon as the report is completed and sent to members.

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that



confidential information would be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or other legal provision.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Exempt information means information falling within the 7 categories (subject to the qualifications and definitions indicated) detailed in Appendix 2. All categories are subject to a Public Interest Test in that exemption is possible if, and only so long as, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

### 6.5.3 Setting the Agenda

A forward plan of all required decisions and consultations with Forum will be issued to all Forum members at the start of the academic year and will be updated throughout the year. The forward plan will be used to determine the agenda for each meeting of the Forum. The Clerk will consult with the Chair of the Forum to draw up the agenda for the next meeting.

Any Forum member can request items to be included on the agenda provided that the request is received by the Clerk by the published draft report deadline for the next meeting. Any papers to be included on the agenda must also be submitted, in the appropriate format, by the draft report deadline specified for the meeting at which it is to be considered.

### 6.5.4 Minutes

Minutes of all Forum meetings will be written by the Clerk, submitted to the next meeting of Forum for approval, and signed by the Chair as confirmation that they are a true record of the meeting.

## 6.6 Urgent Business

Urgent reports not included on the agenda will still be permitted providing that reasons for urgency are given and that the Chair of the Forum agrees both that the report is urgent and that she / he is happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.

If the local authority requires an urgent decision on a matter before the date of the next scheduled meeting the local authority will first attempt to schedule an extraordinary meeting.

Should it not be possible to schedule an extraordinary meeting the local authority will email / write to all Forum members detailing the appropriate background to the decision and options available and requesting a response. Simple majority rules will apply. The decision must then be reported to the next meeting of Forum for minuting.

## **6.7 Changing Dates / Times Of Meetings**

The Forum agrees the dates and times of its meetings at the first meeting of the academic year. The resolution regarding dates / times can, therefore, only be changed by another Forum resolution. If the Chair wishes to alter the date / time of a forum meeting the proposed revised date / time should be included on the next agenda for the Forum to agree. If the Chair wishes to alter the date / time of the next meeting, and there is no Forum meeting at which it can be agreed s/he will take the decision in consultation with the Vice-Chair and the Clerk will notify Forum members.

## **6.8 Clerking**

The Director of Family and Community Teams will arrange for governance and administrative support for the meetings of the Schools' Forum from the Constitutional Services Team within Democratic Services.

The Clerk to the Forum (Constitutional Services Officer) will be responsible for election procedures, compiling the agenda for each Forum meeting, distributing papers, ensuring that decisions are taken in accordance with this constitution and relevant legislation, and circulating minutes of the meeting, including publishing on the City Council's website.

## **6.9 Members' Expenses**

The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the Forum, in line with the Members Allowances Scheme in Part 7 of the City Council's Constitution, and charge those expenses to the schools budget.

## **6.10 Charging of Schools' Forum's Expenses**

The authority must pay the expenses of the Schools' Forum and charge those expenses to the schools budget.

## **RULES OF CONDUCT**

### **EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS' FORUM MEMBERS AND THE LOCAL AUTHORITY**

#### **Schools' Forum members will:**

1. Ensure that any interest in any item for discussion at Forum meetings is declared at the beginning of all meetings, in accordance with Nottingham City Council's Constitution.
2. Ensure that they are representative of, and present the views of, their elective / nominating group at meetings.
3. Ensure that all reports and other papers distributed are reviewed prior to each individual meeting.
4. Gather views and provide feedback to individual elective / nominate groups in advance of and after Forum meetings.
5. Be responsible to their elective groups for the feedback of items discussed at, and decisions taken, by Forum.
6. Identify any training requirements to the local authority to inform the Forum's induction and training provision.
7. Ensure, through the use of substitutes, that each elective / nominating group is represented at all meetings.
8. Within their representative group, consider nominations for the Chair and Vice-Chair prior to the elections to this position held annually at the first meeting of the Forum at the start of the academic year.

#### **The local authority will:**

1. Ensure that reports and other documents which require the Forum to make a decision are issued at least 5 clear working days in advance of meetings and minutes within 10 working days after the meeting.
2. Ensure that all Forum meetings are supported and attended by appropriate senior officers relevant to the items to be discussed at the meeting.
3. Provide a Chair's briefing meeting for the Forum Chair and Vice-Chair in advance of the meeting.
4. Publish reports, other relevant documents and minutes of meetings on the City Council's website.
5. Through the Schools' Funding team, ensure that the Forum is informed of any proposed changes in legislation that will impact upon the work of the Forum.
6. Provide appropriate training and induction to new Forum members and provide appropriate on-going training to Forum Members to ensure they are able to effectively discharge their responsibilities.

7. Present formal budget proposals for approval at one meeting in the autumn term to enable informed strategic decisions and prioritisation. Ad hoc budget proposals may be presented at other points in the year providing there is a budget contingency set by the Forum or if additional funding becomes available. It will be a condition of all specific funding allocations that the designated lead officer or organisation provides formal feedback (as determined by the Forum) on the actual use of funding to provide accountability and enable the Forum to monitor the use of funds.
8. Keep the Forum informed of strategic developments and service issues which may result in a request for additional funding where the financial impact would fall to be met from the Schools Budget.
9. Facilitate and support workshops and working groups necessary to support both the consultative and decision making responsibilities of the Forum.

## ELECTION PROCEDURES

### **1. School Members**

#### 1.1 Primary (including Nursery Schools attached to primary schools and Voluntary Controlled Schools) Headteachers

The Clerk to the Forum will write to all Headteachers of Primary Schools inviting self nominations for primary Headteacher representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Headteacher representatives to put forward specified in 2.1 of the Schools' Forum constitution.

#### 1.2 Primary (including Nursery Schools attached to primary schools and Voluntary Controlled Schools) Governors

The Clerk to the Forum will write to all Chairs of Governors of Primary Schools inviting a single nomination per governing body and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Governor representatives specified in 2.1 of the Schools' Forum constitution. It is for each governing body to determine how they select their representative to put forward. Governors should consult with their school to ensure the Headteacher is not already an elected member. Where the Headteacher election and Governor elections are taking place at the same time, decision making will be staggered so that headteachers are selected first. Any nominations from Governors from schools where the Headteacher has been selected as member of the Forum will then be excluded from the Governor selection process.

#### 1.3 Secondary Headteachers (Including Voluntary Aided or Foundation Schools)

The Clerk to the Forum will write to all Headteachers of Secondary Schools inviting self nominations for secondary Headteacher representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Headteacher representatives to put forward specified in 2.1 of the Schools' Forum constitution.

The Headteacher representative will appoint a Governor from the same school as a substitute.

#### 1.4 The Nottingham Nursery

The Clerk to the Forum will write to the Headteacher and the Chair of Governors, to invite self nomination. It will then be for the Headteacher and Chair of Governors to decide who to put forward as the representative.

#### 1.5 Special Schools

The Clerk to the Forum will write to all Headteachers and Chairs of Governors, to invite self nomination. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

#### 1.6 Pupil Referral Unit

The Clerk to the Forum will write to all Headteachers and Chairs of Governors of Pupil Referral Units (PRUs) to invite self nomination. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

## 1.7 Academy and Free Schools

### Primary Academy Schools

The Clerk to the Forum will write to all Headteachers and Governors of Primary Academy Schools inviting nominations for primary Academy representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of primary Academy representatives to put forward specified in 2.1 of the Schools' Forum constitution.

## 1.8 Secondary Academy and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of Secondary Academy Schools inviting nominations for secondary Academy representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of secondary Academy representatives to put forward specified in 2.1 of the Schools' Forum constitution.

Support will be provided to schools by the Head of Education Partnerships and / or the Education Partnerships Manager to co-ordinate nominations and selection of representative to put forward to the Forum.

A clear record of the process used by each membership category to select its representatives to put forward should be provided to the Clerk of the Forum;

## 1.9 Special Academies and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of Special Academies and Free Schools to invite self nominations. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

## 1.10 AP Academies and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of AP Academies and Free Schools to invite self nominations. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

## **2 Non-School Members**

### 2.1 Private, Voluntary and Independent Providers (PCVI)

The Head of Early Years (Children and Families) will write to all Nottingham City PVI members to invite self nominations. A ballot will be undertaken at the Early Years and Childcare briefing where the representative to put forward will be agreed.

### 2.2 Trade Unions

The Clerk to the Forum will write to all trade unions named in 2.2 of the Forum constitution to invite nominations. It is for each trade union to determine how they select their representative to put forward. It will then be for the trade unions to decide who to put forward as the representative.

### 2.3 16-19

The Clerk to the Forum will write to the Principals of all 16-19 FE (Further Education) colleges which serve the city to invite nominations. It is for each college to determine how they select their representative to put forward. It will then be for the Principals to decide who to put forward as the representative.

**EXEMPT INFORMATION CATEGORIES**

CATEGORY	QUALIFICATIONS/DEFINITIONS
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 1993</li> </ul> <p>Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>'registered' in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>'employee' means a person employed under a contract of service</p> <p>'labour relations matter' means:</p> <ul style="list-style-type: none"> <li>(a) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</li> </ul>

- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

'office-holder', in relation to the authority, means the holder of any paid office, appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6. Information which reveals that the authority proposes to give under any enactment:
  - (a) a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.



**VOTING RIGHTS**

Type of Member	A	B	C
<b>School Members</b>			
Maintained Primary Schools	✓	✓	✓
Academies	✓		✓
Special Schools	✓		✓
Special Academies and Free Schools	✓		✓
The Nottingham Nursery	✓		✓
Pupil Referral Unit (PRU)	✓		✓
AP Academies and Free Schools	✓		✓
<b>Non-School Members</b>			
Early Years Private, Voluntary, Independent (PVI)	✓		✓
16-19			✓
Collective Trades Unions			✓

**\*Vote**

A	Funding Formula
B	De-delegated decisions for Maintained Primary Schools
C	Any other Schools' Forum business

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**SCHOOLS FORUM - 15 January 2019**

<b>Title of paper:</b>	Early Years Special Educational Needs & Disability (SEND) Funding
<b>Director(s)/ Corporate Director(s):</b>	Nicholas Lee, Director of Education Services Alison Michalska, Corporate Director Children & Adults
<b>Report author(s) and contact details:</b>	Kathryn Stevenson, Senior Commercial Business Partner Kathryn Bouchlaghem, Early Years Service Manager
<b>Other colleagues who have provided input:</b>	Jon Ludford-Thomas, Senior Solicitor, Legal Services (e-mail: <a href="mailto:jon.ludford-thomas@nottinghamcity.gov.uk">jon.ludford-thomas@nottinghamcity.gov.uk</a> ; tel: 0115 87 64398)
<b>Summary</b>	
<p>This paper consists of a proposal for the distribution a Disability Access Funding (DAF) underspend from 2017/18 which the LA has been permitted by the ESFA to retain on the expectation that it is spent in line with the principles of DAF. This paper also proposes that any under-spend on the Early Years SEN Inclusion Fund (SEN IF) in 2018/19 be ring-fenced to support a similar distribution in 2019/20.</p>	
<b>Recommendation(s):</b> That Schools Forum;	
<b>1</b>	Gives a view on the proposed distribution of the £0.075m 2017/18 Early Years Disability Access Funding (DAF) under-spend, outlined in <b>paragraph 2.8</b>
<b>2</b>	Approves the proposal to ring-fence any under-spend in the SEN Inclusion Fund for 2018/19 in order to replicate this in 2019/20.

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 To meet the DfE expectation that any DAF funding not paid to providers in 2017/18 is spent on services that are in line with the principles and aims of DAF.
- 1.2 To support settings more fully with additional costs related to supporting pupils with SEND access their early years entitlement.

**2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Disability Access Funding (DAF) was allocated to Local Authorities for the first time in 2017/18 and allocations were based on Department of Work and Pensions (DWP) data on the number of 3 and 4-year olds (not in reception) receiving the Disability Living Allowance (DLA).
- 2.2 It was the DfE's original intention to use the flag of pupils for whom DAF is being claimed on the January 2018 Schools and Early Years Censuses for the final allocations. However they subsequently decided that this would underfund authorities so took the decision not to adjust the original allocations.
- 2.3 The DfE recognise that authorities are likely to have received more DAF funding than they paid out to providers and stated that they expect authorities to spend any DAF funding not paid to providers in 2017/18 on services in line with the principles and aims of DAF.

- 2.4 Our DAF allocation for 2017/18 was £0.090m which equated to an estimated 146 pupils. However, schools & providers only claimed DAF for 24 pupils meaning £0.076m was un-spent as outlined in the June 2018 Schools Forum Outturn Report.
- 2.5 Beyond DAF funding, funding for early years pupils with complex SEND receive top-up funding from the high needs block Bands A-C at the same rates as main school age pupils, pro-rata where pupils are part-time. There is now a single integrated panel process for children in schools and PVI settings.
- 2.6 The panel also awards SEN inclusion funding at the rate of £1674 for FTE pupils with lower level or emerging SEN (£865 for PTE). This is funded from the SEN inclusion fund (SEN IF) within the Early Years Block. The LA consulted all settings on the SEN IF in September 2017. We consulted on setting the SEN inclusion fund for 3 & 4 year olds at £0.100m and estimated that up to 100 pupils could qualify. We replicated this with £0.035m for 2 year olds and also budgeted an extra contingency of £0.035m in case numbers were higher than anticipated.
- 2.7 For main school age pupils, we have a local Additional Inclusion Allowance (AIA) which provides schools with an additional £4017 per HLN pupil in the previous academic year. This is intended to help support schools to ensure they have sufficient funding to support the first £6000 of additional costs for SEN pupils which are presumed (under national funding arrangements) to be included within their delegated budgets. There is currently no equivalent of the AIA for nursery aged pupils. This can result in significant financial pressure on settings, particularly those with several SEN children.
- 2.8 Proposal for distributing the 2017/18 DAF underspend
- The LA is proposing to distribute the 2017/18 DAF under-spend on a per head basis for pupils accessing the universal entitlement that qualify for HLN top-up funding in the Autumn term 2018. There are 81 early years HLN pupils and this would therefore equate to approximately £938 per pupil.
- 2.9 This funding would be for schools and PVI providers to make reasonable adjustments to their settings to enable children with SEND to access their early years entitlement. This is in line with the principles and aims of DAF.
- 2.10 The LA is taking a number of steps to help increase the take-up of DAF including developing and implementing a robust strategy of engagement with all settings. The critical date for getting pupils registered as eligible for DAF is the January 2019 so that this is reflected in the Schools and Early Years Censuses. It is anticipated that our final allocation of DAF for 2018/19 will be based on those numbers.
- 2.11 Whilst there is unlikely to be a repeat of the DAF under-spend due to this adjustment, it is anticipated there will be a significant under-spend on the SEN IF. This is because there are significantly lower numbers accessing the SEN IF compared to the estimate, but double the number accessing HLN funding at Band A-C.
- 2.12 SEN funding for EY pupils is still in a period of transition. Whilst all new allocations are being made at the integrated panel, there are still a significant number of pupils who are having HLN funding made under funding decisions awarded under the

separate processes for schools and PVCIs. It is still possible that the balance may shift between SEN IF and HLN pupils once all decisions are based on the outcome of the integrated panel.

- 2.13 Given the potential financial pressure on settings from supporting HLN children in excess of top-up funding received, the LA would ideally like to introduce an AIA equivalent for EY pupils, subject to this being affordable.

2.14 Proposal to ring-fence any 2018/19 SEN IF under-spend

The LA is proposing to ring-fence any 2018/19 SEN IF under-spend and use this in 2019/20 to make a similar additional allocation per HLN pupil.

As the LA was required to consult all settings on the value and allocation basis for the SEN IF when it was introduced, we will need to undertake a similar consultation exercise on this proposal, if Schools Forum agree to the ring-fencing of the under-spend. This consultation will ask for views on this both as a one-off arrangement and an ongoing one, should the demand on the SEN IF be consistently lower than was originally anticipated.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 None

### **4 OUTCOMES/DELIVERABLES**

- 4.1

### **5 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 5.1 As stated in paragraph 2.4, there was an under-spend of £0.075m of Disability Access Funding (DAF) in 2017/18. The proposal to give this out to schools and settings in 2018/19 on the basis of numbers of early years pupils qualifying for HLN top-up funding as at Autumn 2018 is designed to meet the expectation of the Department for Education that this should be spent in line with the principles and aims of DAF.
- 5.2 The SEN Inclusion Fund is funded from the Early Years Block, whereas HLN top-up funding for pupils with more complex needs is funded from the High Needs Block. It was not known at the time of setting the SEN Inclusion Fund (SEN IF) budget how many pupils would qualify for this new funding band. Currently around double the predicted number of nursery pupils are qualifying for the higher level HLN top-up funding whereas far fewer than anticipated are attracting the SEN IF. It is therefore anticipated that in 2018/19 there will be a significant underspend against the £0.170m SEN IF budget. However, a proportion of allocations in 2018/19 are still the legacy of funding agreed prior to the introduction of an integrated panel for all early years settings and the balance between pupils attracting HLN and SEN IF may change over time as the new system beds in.
- 5.3 As there is no equivalent of our local Additional Inclusion Allowance (AIA) for early years pupils, schools and settings with nursery aged HLN children can face financial pressure due to the presumption that some additional support costs are covered by

the hourly base rate funding (the equivalent to the national presumption that the first £6000 for main school age pupils is funded from delegated budgets). The second recommendation of this report would enable the LA to consult with schools and providers about providing an AIA equivalent in 2019/20 and future years, to the extent that this is affordable from the existing SEN IF budget.

## **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 It is noted that the first recommendation set out in this report is that the Schools Forum: “*Gives a view on the proposed distribution of the £0.075m 2017/18 Early Years Disability Access Funding (DAF) under-spend...*” This fits with the School and Early Years Finance (England) Regulations 2018 since the Nottingham City Schools Forum is in a consultative role in respect of this recommendation, with the decision ultimately for Nottingham City Council (“NCC”) to take.

6.1.2 It is noted that the second recommendation set out in this report is that the Schools Forum: “*Approves the proposal to ring-fence any under-spend in the SEN Inclusion Fund for 2018/19 in order to replicate this in 2019/20.*”, although as paragraph 2.14 of this report recognises this recommendation would need to be the subject of consultation if the Nottingham City Schools Forum approves it. Therefore it is advisable that if it is to be taken forwards, the proposal to ring-fence any underspend in the Special Educational Needs Inclusion Fund for 2018/2019 in order to replicate any distribution of the 2017/2018 Early Years Disability Access Fund under-spend is the subject of full public consultation and brought back to the Nottingham City Schools Forum either for noting or for any final decision as to implementation, depending on the provisions of the school finance legislation then in force.

## **7 HR COLLEAGUE COMMENTS**

7.1 The content of the report is noted and supported. The proposals in this report do not appear to have any direct impact on employees, or employment matters, and therefore there are no significant recommendation or comments from a HR perspective. However, it should be noted, that if any of the funding is used to provide additional resource through the employment of staff, that the time limited nature of the funding should be taken into account. This may mean that employment of staff may need to be on a fixed term basis, and management within schools and in the Council need to be aware of and adhere to the Fixed Term Contract Regulations, and relevant local adopted policies and procedures for fixed term contract employment. This would include making plans in relation to exit strategies, implications to the workforce and potential exit costs.

Lynn Robinson, HR Business Partner, 06/12/18

## **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 there is no significant change to policy/practice at this stage. An EIA will be completed in conjunction with the detailed consultation process if ongoing changes to the eligibility criteria and/or value of the SEN Inclusion Fund are proposed.

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 N/a

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**SCHOOLS FORUM – 15 JANUARY 2019**

<b>Title of paper:</b>	Proposed pupil growth allocation for 2019/20
<b>Director(s)/ Corporate Director(s):</b>	Nick Lee, Director of Education Services Alison Michalska, Corporate Director for Children & Adults
<b>Report author(s) and contact details:</b>	Lucy Juby, Project Manager, School Organisation <a href="mailto:lucy.juby@nottinghamcity.gov.uk">lucy.juby@nottinghamcity.gov.uk</a> 0115 8765041
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<b>Summary</b>	
<p>As part of the budget setting process for 2019/20, this report outlines the proposed requirements of the Pupil Growth Contingency Fund (PGCF) for 2019/20 and seeks Schools Forum's approval to allocate £1.265m 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 2019/20, the School Funding team must inform the Education and Skills Funding Agency (ESFA) by 21 January 2019 on the level of funding allocated for pupil growth for academies for the period April 2019 to August 2019, 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 September 2018 identifies central spend on and the criteria for pupil growth as one of the functions Forum are responsible for deciding on (Page 5).</p>	
<b>Recommendation(s):</b>	
<b>1</b>	<b>To approve</b> the allocation of £1.265m to support pupil growth in 2019/20. <b>Appendix 1</b> outlines the current commitments and projected requirements for pupil growth in 2019/20 based on the current PGCF criteria.
<b>2</b>	<b>To note:</b> (a) the requirement to allocate funding to academies for the period April 2019 to August 2019 as guided by the ESFA; but which will be reimbursed to the LA's Dedicated Schools Grant. (b) the amount to be allocated (and reimbursed) is £0.258m; (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 2019/20 will be adjusted accordingly.

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 The pupil growth contingency fund continues to provide funding to schools and academies who have admitted additional pupils to meet the growing need for school places. The level of pupil growth in Nottingham has been substantial. The Council has invested £42m in its primary school expansion programme since 2009, creating over 4000 additional school places over the period of expansion, once all year groups are full.
- 1.2 The City's significant pupil growth started to impact on the secondary sector from 2017; therefore, an appropriate funding model has been 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**). Also in April 2018, Schools Forum reviewed and approved the existing criteria for pupil growth in primary schools, subject to schools satisfying the conditions (as detailed in **Appendix 3**).
- 1.3 The local authority 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 is required to meet the secondary growth between now and 2022, when Year 7 demand is set to peak.
- 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 Sept – 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 When a school expands (if the need for additional capacity is agreed with Council and the attached criteria is met), they may receive funding for every year that they admit additional pupils, until the school is full, which is normally 7 years for a primary and 5 years for a secondary school. If a school expands by a one-off bulge year, they will receive funding for that year only.
- 1.8 The forecast expenditure for 2019/20 has been costed on the basis of existing primary growth commitments and the current and anticipated level of growth at the

secondary phase. This figure could increase further as pupil numbers also rise in neighbouring schools in the County.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 For 2019/20, the level of funding for pupil growth requested from Schools Forum is £1.265m. **Table 1** below demonstrates how the fund for 2019/20 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 2019/20</b>	
Agreed expansions / bulge years	£0.742m
Additional funding for academies to fund full financial years	£0.258m
Contingency	£0.265m
<b>TOTAL</b>	<b>£1.265m</b>

The **Table 2** below shows the level of funding approved in recent years.

<b>Table 2: Approved Funding</b>	
2018/19	£1.148m
2017/18	£1.052m
2016/17	£1.318m
2015/16	£1.047m
2014/15	£1.523m

- 2.2 For 2019/20, the known requirements that are already committed or projected for the pupil growth fund total £0.742m.
- 2.3 A further £0.265m has been set aside to allow for contingency, to support any other schools accommodating additional pupils (if it meets the funding criteria attached). This is a significantly reduced contingency from 2018/19 which was set at £0.450m.
- 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 schools close to home.
- 2.5 The growth in both birth rate and new arrivals to the city has resulted in a significant increase in demand, which is now moving from the primary to the secondary phase. Since the considerable increase in secondary demand since 2017, some additional capacity has already been negotiated and implemented, but further solutions are still required. Forecasting projections based upon the numbers of pupils currently in the city primary system suggest that there is still a need for the city to provide a minimum of 7-9 new forms of entry, in addition to the 8 additional forms of entry which are already agreed (at Trinity School, NUAST and Fernwood Academy). Year 7 demand is projected to peak in 2022, with overall capacity pressure set to peak in 2027 as the larger cohorts move through.

- 2.6 The number of additional pupils generated by the number and scale of housing developments in the city over the next five to ten years will add extra pressure on place provision. The estimated city-wide secondary pupil yield for known and anticipated developments for the period up to 2025 is up to 190 pupils per year group (6-7 forms of entry), as detailed below. However, it is not known how many of these will be existing city families or new to the city. Although we are doing all we can to maximise S106 funding from developers, the scope for investing this is often limited by insufficient funds generated to deliver additional capacity, as well as issues around the viability and size of existing sites. This also has to be balanced with the Council's plans for social housing and regeneration.
- 2.7 Another consideration when forecasting pupil growth is the potential impact of demands on capacity in academies located in the county council areas of the conurbation. The % loss of city pupils to county schools has already reduced over the last five years from 17% to 14.5%. As pressure on capacity in county schools is also mounting, it is highly probable that over the projection period, this trend will continue. Whilst this is not modelled in our projections data, unless there is an increase in capacity in these county schools the additional demand needs to be factored into to growth forecasting.
- 2.8 In terms of parental choice, we aim to maximise the number of pupils securing their preferred school. For September 2018 secondary school admissions, in the face of increasing demand, nearly 89% of pupils were offered their first or second choice secondary school. However, with the increasing pressure on capacity in existing secondaries, this has reduced from 92% in 2016. The Local Authority's ambition strives to ensure that all pupils in Nottingham attend a good school, close to home. More secondary places are required across the city to achieve this goal and the % of successful preferences, by expanding popular, high performing schools in the right locations.
- 2.9 The full breakdown and any changes or updates to Pupil Growth Contingency Fund spend will continue to be reported to Schools Forum as a regular agenda item.
- 2.10 Any unspent monies at the end of the 2019/20 financial year, will be carried forward and allocated to the Pupil Growth Contingency in 2020/21.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 None.

### **4 OUTCOMES/DELIVERABLES**

- 4.1 Continued provision of required school places and maximising the number of pupils who secure their first or second preference. 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 COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 5.1 In the financial year 2018/19 pupil growth funding was distributed on the basis of what each local authority planned to spend on growth from its 2017/18 DSG allocation. For 2019-20, the DfE have introduced a formulaic approach to allocating growth funding to local authorities to try to ensure that the funding is 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. Actual growth allocations have been based upon the movement in pupils between the October 2017 and October 2018 school censuses in each middle super output area (MSOA) boundary. See **Appendix 4** for a summary of the new methodology for allocating pupil growth funding to local authorities.
- 5.2 Local authorities continue to be responsible for managing their pupil growth funding locally and setting their pupil growth criteria's.
- 5.3 The DfE have only confirmed this approach for funding local authorities in 2019/20. Guidance is yet to be released on how growth will be funded from the financial year 2020/21 onwards. Moving forward, the LA will need to manage the growth funding they receive from year-to-year and review the pupil growth contingency criteria when clear guidance is released from the DfE.
- 5.4 As per paragraph 2.1 this report seeks approval to allocate £1.265m for pupil growth for both maintained schools and academies in the city in 2019/20. The estimated funding requirement for 2019/20 has been calculated based on the Pupil Growth Contingency Fund Criteria set by Schools Forum on 24 April 2018. As stated in **Table 3** £0.742m has been allocated for maintained schools and academies pupil growth for the period September 2019 to March 2020, £0.258m for academies for the period April 2019 to August 2019, plus an additional contingency of £0.265m for any further expansions that may be required in 2019/20. If approved the funding will be included in the 2019/20 budget and will be funded as outlined in **Table 3**.

<b>Table 3: Analysis of pupil growth funding 2019/20</b>	
<b>Forecast Income</b>	
2019/20 DSG allocation	-£ 0.936
Forecast brought forward underspend from 2018/19 (forecast)	-£ 0.071
Reimbursement from the ESFA for academies (April 19 - August 19)	-£ 0.258
<b>Total Income</b>	<b>-£ 1.265</b>
<b>Forecast expenditure</b>	
Planned expansions/bulge years maintained schools and academies (September 19 to March 20)	£ 0.742
Funding to cover academies for the full academic year (April 19 to August 19)	£ 0.258
Contingency	£ 0.265
<b>Total forecast expenditure</b>	<b>£ 1.265</b>
<b>Variance</b>	<b>£ -</b>

- 5.5 **Table 3** includes a forecast brought forward balance from the financial year 2018/19, which is in line with last year's pupil growth allocation for 2018/19 report, as it was agreed that any unspent monies would be carried forward to 2019/20.

The School Organisation Team will be allocating £0.258m to academies in 2019/20 to fund the extra pupils they took in from September 2018 for the period April 2019 to August 2019. Refer to paragraphs 1.6 for an explanation as to why this is required. The 2019/20 pupil growth for academies relating to April 2019 to August 2019 will be included in the submission of the 2019/20 school budgets to the ESFA. This funding will then be reimbursed to the Local Authority in 2019/20.

- 5.6 Any unspent monies at the end of the financial year will be carried forward and allocated to the Pupil Growth Contingency in 2020/21.

## **6 LEGAL AND PROCUREMENT 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 2018 to 2019* (December 2017), paragraph 2). Local

authorities can add to the schools budget from local sources of income (*ibid*, paragraph 4).

6.1.4 The detail is prescribed by regulations. The current regulations are the School and Early Years Finance (England) Regulations 2018, SI 2018/10 (“SEYFR”).

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;*

...

*“2017 Regulations” means the School and Early Years Finance (England) Regulations 2017;*

...

*“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:-

*(5) Except as provided for in paragraphs (12) and (13) [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—*

...

*(b) the making of deductions from the authority's schools budget of expenditure under regulation 8(5);*

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 2017 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(5) 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.

## **7 HR ADVICE**

7.1 Not applicable.

## **8 EQUALITY IMPACT ASSESSMENT**

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



No

Yes

Attached as **Appendix 5**, and due regard will be given to any implications identified in it.

**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

10.2 ESFA - Schools revenue funding 2019 to 2020 – Operational guide – December 2018

10.3 DfE - The School and Early Years Finance (England) (No. 2) Regulations 2018

10.4 ESFA - Schools Forum – Operational and good practice guide – September 2018

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**Appendix 1 – breakdown of schools due to receive funding from 2019/20 pupil growth contingency fund**

<b>School</b>	<b>Amount £</b>	<b>Funding criteria</b>	<b>Funding start date</b>	<b>Funding end date (up to and including)</b>
<b>Primary expansions / bulge years</b>				
Fernwood Primary	36,841	Staffing / utilities	Sept 2015	Sept 2021
Forest Fields Primary	36,841	Staffing / utilities	Sept 2013	Sept 2019
Glade Hill Primary	36,841	Staffing / utilities	Sept 2016	Sept 2022
Huntingdon Primary	36,841	Staffing / utilities	Sept 2015	Sept 2020
Mellers Primary	36,841	Staffing / utilities	Sept 2016	Sept 2022
Middleton Primary	36,841	Staffing / utilities	Sept 2015	Sept 2021
Middleton Primary	30,555	Teacher (full year)	Sept 2017	Sept 2019
Rufford Primary	36,841	Staffing / utilities	Sept 2013	Sept 2019
South Wilford	36,841	Staffing / utilities	Sept 2015	Sept 2021
<b>Primary classroom set up</b>				
Fernwood Primary	8,000	Classroom set up x1	Sept 2015	Sept 2021
Glade Hill Primary	16,000	Classroom set up x2	Sept 2016	Sept 2022
Glenbrook Academy	8,000	Classroom set up x1	Sept 2014	Sept 2019
Heathfield Primary	16,000	Classroom set up x2	Sept 2015	Sept 2020
Huntingdon Primary	8,000	Classroom set up x1	Sept 2015	Sept 2020
Mellers Primary	8,000	Classroom set up x1	Sept 2016	Sept 2019
Middleton Primary	8,000	Classroom set up x1	Sept 2015	Sept 2021
Rufford	8,000	Classroom set up x1	Sept 2013	Sept 2019
South Wilford	8,000	Classroom set up x1	Sept 2015	Sept 2021
<b>Primary sub total</b>	<b>413,283</b>			
<b>Secondary expansions / bulge years</b>				
Trinity School (1 class)	35,882	Staffing / deprivation funding	Sept 2017	Sept 2021
Trinity School (1 class)	4,667	Classroom set up / resources	Sept 2017	Sept 2021
NUAST (4 classes)	96,062	Staffing / deprivation funding	Sept 2018	Sept 2022

Bulwell (1 class)	43,602	Staffing / deprivation funding	Sept 2018	Sept 2019 (TBC)
Emmanuel (1 class)	36,799	Staffing / deprivation funding	Sept 2018	Sept 2019
Djanogly City Academy (2 classes)	71,053	Staffing / deprivation funding	Sept 2019	Sept 2023 (TBC)
Djanogly City Academy	8,400	Classroom set up / resources	Sept 2019	Sept 2023 (TBC)
Nottingham Free School (1 class)	32,215	Staffing / deprivation funding	Sept 2019	Sept 2023 (TBC)
<b>Secondary sub total</b>	<b>328,680</b>			
<b>Contingency funding</b>				
Primary contingency (3 classes)	134,523	Staffing / utilities / set up	Sept 2019	Sept 2019
Secondary contingency (3 classes)	130,261	Staffing / deprivation funding	Sept 2019	Sept 2019
<b>Sub total</b>	<b>264,784</b>			
<b>Total DSG required (excluding funding to be reimbursed from the ESFA for academies funding)</b>	<b>1006,747</b>			
<b>Additional funding for primary academies to fund April – August '19 (refunded by ESFA)</b>				
Huntingdon	26,315	Staffing / utilities	Apr-2016	Apr-2021
Victoria	26,315	Staffing / utilities	Apr-2015	Apr-2019
South Wilford	26,315	Staffing / utilities	Apr-2016	Apr-2022
Sycamore	26,315	Staffing / utilities	Apr-2014	Apr-2019
<b>Additional funding for secondary academies to fund April – August '19 (refunded by ESFA)</b>				
Trinity School	25,264	Staffing / deprivation funding	April 2018	April 2022
Trinity School	3,333	Classroom set up / resources	April 2018	April 2022
NUAST	67,591	Staffing / deprivation funding	April 2018	April 2022
Bulwell Academy	30,778	Staffing / deprivation funding	April 2019	April 2023 (TBC)
Emmanuel School	26,285	Staffing / deprivation funding	April 2019	April 2019

<b>Sub total</b>	<b>258,511</b>			
<b>Total expenditure for 2019/20</b>	<b>1,265,258</b>			
<b>Funded by:</b>				
<b>Dedicated Schools Grant</b>	<b>936,105</b>			
<b>Estimated balance to be brought forward from 2018/19</b>	<b>70,642</b>			
<b>Reimbursement from the ESFA for academies (April to August)</b>	<b>258,511</b>			
<b>Total funding for 2019/20</b>	<b>1,265,258</b>			

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## **Appendix 2 – proposed criteria for secondary phase pupil growth**

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

- Funding allocated to schools which are increasing their PAN or expanding beyond it, by a minimum of one full class (i.e. 25-30 pupils).
- Funding allocated where growth is at the request of / in agreement with the Council's School Organisation Team.
- Funding will only be allocated if additional costs are incurred. If a capacity increase or expansion can take place within the current teaching structure of the school and additional costs are marginal, contingency funding will not be allocated.
- Funding allocated for classroom costs based on consideration of the increase in overall actual numbers, i.e. the difference in pupils leaving Year 11 and joining Year 7, from the date of the increased capacity.
- If a school is expanding by more than one class, the funding allocation per class will be tapered on a sliding scale as detailed below.
- Period of funding – 5 years, 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.
- From April 2018, for any academy choosing to reduce their PAN against the wishes of the LA, pupil growth contingency funding will not be payable for subsequent increases / admission over PAN.
- All decisions on the necessity and level of funding will be assessed by the LA Pupil Place Planning Officer, on a case by case basis in accordance with the criteria agreed by Schools Forum and in consultation with the school. The Service Manager for Access & Inclusion will then undertake a further review and confirm that the criteria are met. Following approval, the funding will then be confirmed to 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 IDAC1 band factors.
- Classroom set up costs, up to a maximum of £8k 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- March)</b>	<b>5/12ths (April – August)</b>	<b>Annual value</b>
Funding for a Teacher at Main Scale 6 (including on-costs)	£24,962	£17,830	£42,792
Deprivation funding based on each schools proportion of pupils eligible for the FSM, FSM6 and IDACI band factors	School specific amount, to a <u>maximum</u> of £19,227	School specific amount, to a <u>maximum</u> of £13,734	School specific amount, to a <u>maximum</u> of £32,961
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 brand new additional classrooms that require furniture and equipment. It will not apply where there is already existing space within the school.	£4,667	£3,333	Up to £8,000 per additional class (25-30 pupils)

**Growth fund is not used for:**

- Schools with existing surplus capacity which are admitting additional pupils up to the PAN.
- Schools admitting over PAN or increasing their PAN at their own choice
- Schools who are directed / requested to admit additional pupils admitted through Appeals, FAP, LAC, errors etc, as these numbers will be extremely low on an individual school basis.



### Appendix 3 – criteria for primary phase pupil growth

The existing criteria for primary growth has also been reviewed and the Sub-group recommend the following:

1. That the existing primary criteria is reasonable and should continue for any new primary allocations.
2. That the funding rates for staffing costs are reasonable and should continue.
3. 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.
4. 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 as per the application process above.

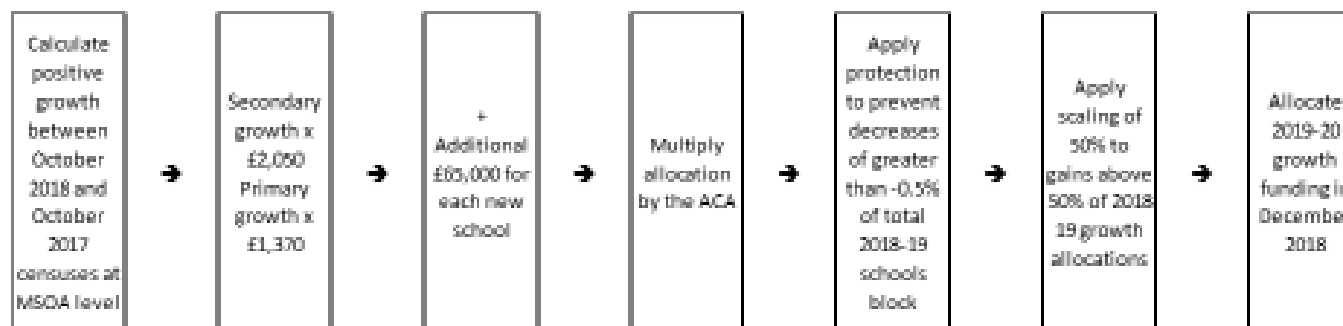
<b>Table 2: PRIMARY CRITERIA AND FUNDING VALUES (based on a class of 30 pupils)</b>			
<b>Funding Streams</b>	<b>7/12ths (Sept-March)</b>	<b>5/12ths (April-Aug)</b>	<b>Annual Value</b>
<b>Staffing</b>			
Teacher	£17,824	£12,731	£30,555
Teaching Assistant	£14,242	£10,173	£24,415
Midday Supervisor	£2,150	£1,536	£3,686
<b>Total staffing cost package</b>	<b>£34,216</b>	<b>£24,440</b>	<b>£58,656</b>
<b>Utilities</b>			
Utilities Costs (£150 per pupil per annum)	£2,625 (based on 30 pupils)	£1,875 (based on 30 pupils)	<b>£150 x 30 = £4,500</b>
<b>TOTAL COST (staffing and utilities – based on additional 30 pupils)</b>	<b>£36,841</b>	<b>£26,315</b>	
<b>New classroom set up</b>			
Classroom set up costs - Fixtures & Fittings			Up to £6,000
Smart board kit			Up to £2,000
<b>Total classroom set up costs</b>			<b>Up to £8,000</b>



## APPENDIX 4

### New methodology for allocating pupil growth funding to LA's

#### Summary of new growth methodology



#### Historical funding

Year	Budget	Actual	Variance
2017/18	Not identified separately funding included in SBUF	£1,782,426*	-
2018/19	£1,782,426	£1,668,320*	£114,106**
2019/20	£1,919,792	£1,573,426*	£346,366**

\*Contains expenditure allocated to schools through the pupil growth contingency and growth funded through varying schools pupil numbers.

\*\*The variance is used to offset expenditure allocated to schools through the local funding formula in the Schools Block.

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## Equality Impact Assessment Form (Page 1 of 2)

**Title of EIA/ DDM: Schools Forum report: Proposed budget for pupil growth 2019 /20**      **Name of Author: Lucy Juby**  
**Department: Children & Adults**      **Corporate Director: Alison Michalska**  
**Service Area: Access & Inclusion – School Organisation**      **Strategic Budget EIA: N (please underline)**  
**Author (assigned to Covalent): Nick Lee**

**Brief description of proposal / policy / service being assessed:**

As part of the budget setting process for 2019/20, the proposal outlines the proposed requirements of the pupil growth contingency for 2019/20 and seeks Schools Forum’s approval to allocate £1.265m of the Dedicated Schools Grant to fund the proposal. The funding will be used to fund pupil growth in both maintained schools and academies, to ensure the continued provision of required school places.

**Information used to analyse the effects on equality:**

Analysis of the Spring 2018 school census for all schools in Nottingham, to understand the impact of this funding on the school pupil population. This paper requests funding to support pupil growth across Nottingham, so the latest school census data was used to assess the equalities impact. 30.5% of pupils in Nottingham schools speak English as an Additional Language, 24.4% qualify for free school meals, 14.8% have special educational needs and 44.2% are BME.

Page 61	Could particularly benefit <b>X</b>	May adversely impact <b>X</b>	How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn’t possible)
People from different ethnic groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal will benefit a diverse population of young people, as it supports the funding of pupil growth across the whole City.</p> <p>There will be no negative impacts of this proposal.</p>	None required.
Men	<input type="checkbox"/>	<input type="checkbox"/>		
Women	<input type="checkbox"/>	<input type="checkbox"/>		
Trans	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>		
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>		
Older	<input type="checkbox"/>	<input type="checkbox"/>		
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations,	<input type="checkbox"/>	<input type="checkbox"/>		

vulnerable children/ adults).

***Please underline the group(s)  
/issue more adversely affected  
or which benefits.***

**Outcome(s) of equality impact assessment:**

- No major change needed  •Adjust the policy/proposal  •Adverse impact but continue
- Stop and remove the policy/proposal

**Arrangements for future monitoring of equality impact of this proposal / policy / service:**

Not required.

**Approved by (manager signature):**

Jonny Kirk, Service Manager, Access to Learning

**Date sent to equality team for publishing: 3/1/19**

**Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:**

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1. Read the guidance and good practice EIA's  
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.

**SCHOOLS FORUM WORK PROGRAMME 2018/19**

Title of report	Report or presentation
<b>26 February 2019</b>	
No reports due	
<b>30 April 2019</b>	
No reports due	
<b>25 June 2019</b>	
1. Schools Budget Outturn Report 2018/19	Report

If any Forum Member has an item that they would like adding to the agendas in February, March or June, please raise at this meeting for consideration.

**Deadlines for submission of reports**

Date of meeting	Draft reports (10.00 am)	Final reports (10.00 am)
26 February 2019	1 February 2019	14 February 2019
30 April 2019	29 March 2019	18 April 2019
25 June 2019	31 May 2019	13 June 2019

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