



**NOTTINGHAM CITY COUNCIL**

**Schools Forum**

**Date:** Tuesday, 1 March 2022

**Time:** 1.45 pm

**Place:** Remotely via Zoom – <https://www.youtube.com/user/NottCityCouncil>

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

**Governance Officer/Clerk to the Forum:** Mark Leavesley

**Direct Dial:** 0115 876 4302

**Agenda**

**Pages**

- |  |                              |
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| <p><b>1 Chair</b><br/>To note the appointment of Kerrie Fox as Chair of the Forum for the remainder of the academic year 2021-22.</p> <p><b>2 Apologies for Absence</b></p> <p><b>3 Declarations of Interest</b></p> <p><b>4 Minutes</b><br/>Meetings held 07 December 2021 &amp; 25 January 2022 (for confirmation)</p> <p><b>5 School Improvement, monitoring and brokerage grant - request for approval for de-delegation</b><br/>Report of Corporate Director for People</p> <p><b>6 Dates of future meetings</b><br/>To note the remaining meeting dates for 2021-22, to be held remotely via Zoom, as follows:</p> <p>26 April<br/>19 July</p> | <p>3 - 14</p> <p>15 - 56</p> |
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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.

Attendees are reminded that this meeting will be livestreamed, recorded and available for public viewing on the Councils YouTube website.

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## **Nottingham City Council**

### **Schools Forum**

**Minutes of the meeting livestreamed at <https://www.youtube.com/user/NottCityCouncil> on 7 December 2021 from 1.45 pm - 2.51 pm**

#### **Membership**

##### **Present**

Kerrie Fox (PRUs)  
Andy Smith (Secondary Academies)  
Paul Burke (Secondary Academies) (Vice Chair)  
Meeta Dave (Primary Academies)  
Terry Smith (Maintained Primary Head Teachers)  
Tim Jeffs (Primary Academies)  
Judith Kemplay (Maintained Primary Head Teachers) (Chair)  
Sheena Wheatley (Trade Unions)

##### **Absent**

Patricia Lewis (Maintained Special Schools)  
Christine Green (Strategic Finance Business Partner)  
Janet Molyneux (Maintained Primary Governors)  
Mohammed Ramzan (Nottingham College)  
Lisa Wilson (14-19 Education)  
Patricia Lewis (Maintained Special Schools)  
James Strawbridge (Primary Academies)

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

John Dexter - Director of Education  
Julia Holmes - Senior Commercial Business Partner  
Nick Lee - Director of Education Services  
Mark Leavesley - Governance Officer  
Kathryn Stevenson - Senior Commercial Business Partner  
Kathryn Bouchlaghem - Early Years Manager  
Lucy Juby - Project Manager- Education Services

#### **10 Apologies for Absence**

Patricia Lewis (Maintained Special Schools)  
Christine Green (Strategic Finance Business Partner)  
Janet Molyneux (Maintained Primary Governors)  
Mohammed Ramzan (Nottingham College)  
Lisa Wilson (14-19 Education)  
Patricia Lewis (Maintained Special Schools)  
James Strawbridge (Primary Academies)

#### **11 Declarations of Interest**

None.

#### **12 Minutes**

The minutes of the meeting held on the 12 October 2021 were agreed as a correct record and signed by the Chair.

### **13 Central expenditure budget 2022/23: on-going commitments**

Nick Lee (Director of Education Services) elaborated on his report which was seeking approval of the Central Expenditure Budget 2022/23 – On Going Commitments. The following information was highlighted:

- a) The Forum members were being asked to approve the ongoing commitments budgets set out in Table 3 of the report totalling £1.643m, noting the additional historical detail set out in Appendix A of the report.
- b) It was noted that the estimated cost of Copyright Licences totalling £0.223m does not require approval as the licences are managed and procured by central government.
- c) Should the 2022/23 settlement for ongoing commitments be less than anticipated the Local Authority, in the Schools Budget report 2022/23, will present revised funding allocations to the Schools Forum on 18 January 2022.

#### **Resolved to**

- (1) approve the ongoing commitments budgets set out in Table 3 totalling £1.643m, noting the additional historical detail set out in Appendix A of the report;**
- (2) note that the estimated cost of Copyright Licences totalling £0.223m does not require approval as the licences are managed and procured by central government;**
- (3) note that where values are based on estimated pupil numbers, this report has used the latest October 2020 census, however, once the October 2021 census and final allocations are issued from the DfE these figures will be updated and represented in the final budget report;**
- (4) approve that should any additional funding be received above the £1.643m, that will be allocated to the LA to cover the cost of retained duties.**

### **14 Central expenditure budget 2022/23: historic commitments**

Nick Lee (Director of Education Services) elaborated on his report which was seeking approval of historic commitments set out in the report totalling £3.905m for the financial year 2022/23. The following points were highlighted:

- a) The Sub Group have looked at this in detail over the year and noted that the Government is cutting budgets year on year.
- b) In keeping with the Department of Education's (DfE) commitment to reduce historic commitment funding, Nottingham City's historic commitments funding have

been cut by a further 20% in 2022/23 which also happened in the financial years 2020/21 and 2021/22.

- c) As a Local Authority, one of the main issues faced with regards to costs is the significant reduction in the placement budget, the shortfall of which has to be managed through the Medium Term Financial Plan.
- d) In response to a question raised by the Chair, the Director of Education Services gave assurance that despite the Safeguarding training budget being removed in 2022/23 the loss of income is forecast to be met by income generated by the service and any significant changes to this will be reported back to the Schools Forum and the earliest possible date.

**Resolved to approve the historic commitments set out in Table 3 of the report totalling £3.905m for the financial year 2022/23, noting the additional historical detail set out in the appendices to the report.**

## **15 Early Years Central Expenditure 2022/23**

Kathryn Stevenson (Senior Commercial Business Partner) and Kathryn Bouchlaghem (Early Years Manager) elaborated on the report seeking approval of the Early Years Central Expenditure Budget for 2022/23. The following information has highlighted:

- a) The report was brought before the Forum annually as part of the budgeting process which was seeking approval in principle the Early Years Central Expenditure of £1.025m for 2022/23. This represents an increase of 1.69% compared to 2021/22 and allows for an uplift on pay costs of 2% (in line with the assumption in the Council's wider budget setting process), with other elements of the central expenditure budget remaining the same as 2021/22.
- b) An update will need to be provided as part of the 2022/23 Schools Budget Report as the 2022/23 Dedicated School Grant (DGS) early years funding settlement has yet to be announced.
- c) There is uncertainty over what pupil data the ESFA will use in calculating indicative allocations for 2022/23. In normal circumstances, it would be based on January 2021 data. However, this date corresponded with a national lockdown and interim funding protection arrangements are currently in place for early years DSG funding.
- d) Since publication of the report it was explained that the Early Years National Funding Formula (EYNFF) rates for funding coming into the Local Authority in 2022/23 for 2 year olds and 3 & 4 year olds had been announced and these had both been significantly increased, from 8 pence to 21pence and from 6pence to 17 pence (an hour) respectively.
- e) The Continued Professional Development (CPD) offer has been modified and there has been a shift in how the training is delivered to meet the emerging needs of the workforce and national policy. Initially uptake was low but this has since doubled and the demand for the CPD offer is high requiring additional resource.

The Chair thanked officers for the report and noted that it was the youngest people who had been most severely impacted by Covid due to the disruption in their education.

### **Resolved**

- (1) to approve Early Years Central Expenditure of £1.025m for 2022/23;**
- (2) to note that following the announcement of the DSG settlement for 2022/23, an update will be provided in the January 2022 Schools Budget Report in relation to compliance with the regulations;**
- (3) to note the LA's intention to pass the LA's full 3 & 4-year-old funding rate increase in the 2022/23 DSG settlement to schools/providers via the hourly base rate.**

### **16 Proposed pupil growth allocation for 2022/23**

Lucy Juby (Project Manager - Education Services) elaborated on the report which was seeking approval of the allocation of £1.116m to support pupil growth in 2022/23. The following points were highlighted:

- a) The Pupil Growth funds are a mechanism nationally to support expanding schools; ensuring sufficiency of school places being a statutory duty of the Local Authority (LA).
- b) The LA holds a central fund which enables them to support schools that are providing significant additional capacity to meet the basic need school places and avoids schools being at a disadvantage with a further £0.247m has been set aside to allow for contingency, to support any other schools accommodating additional pupils.
- c) 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.
- d) Despite ongoing expansions, demand for school places continued to rise with the overall capacity level being squeezed.

### **Resolved**

- (1) to approve the allocation of £1.116m to support pupil growth in 2022/23 (noting that appendix 1 outlines the current commitments and projected requirements for pupil growth in 2022/23 based on the current PGCF criteria for primary and secondary growth);**
- (2) to note:**
  - a) the requirement to allocate funding to academies for the period April to August 2022 as guided by the ESFA (but which will be reimbursed to the LA's Dedicated Schools Grant (DSG));**

- b) that the amount to be allocated (and reimbursed) is £0.445m;**
  - c) that 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 2022/23 will be adjusted accordingly;**
- (3) to approve the allocation of any unallocated DSG funding in the Schools Block, which cannot be passed onto schools due the national funding formula guidelines in 2022/23, to the pupil growth contingency fund should there be a surplus balance.**

#### **17 De-delegation of funding for Trade Union time off for Senior Representatives for 2022/2023**

Elaine Harrison, Employee Relations Consultant, Human Resources, elaborated on her report and which outlined 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 from 1 April 2022 to 31 March 2023.

The following points were highlighted:

- a) The decision made by primary maintained schools at Schools Forum on 13 October 2020 to de-delegate from 1 April 2021 to 31 March 2022 related to that year only, so a new approval is required for de-delegation to continue from 1 April 2022 to March 2023.
- b) Schools Forum members of maintained mainstream primary schools must decide whether this service should be provided for centrally and the decision will apply to all maintained mainstream primary schools in that phase.
- c) There are 7 recognised Trade Unions, with reps getting access to facility time. The time allocated is based on member numbers which is submitted annually. The facilities time is divided between the reps which are paid for by facilities time through a pooled arrangement.
- d) Regarding value for money, Union reps spend time negotiating on all major policies affecting Education; annually reps are required to examine Pay Policy prior for it going out to consultation and once agreed, passed to all schools that have bought into the HR services. This prevents the number of disputes as a consultation has already been undertaken and an outcome reached.
- e) Without trade union facility time, individual schools would have to devise their own Pay Policy and without the pooled arrangements schools would be required to negotiate contractual policies including the most complex policies such as Pay and Disciplinarys.
- f) The Key role of the Trade Unions is to discuss, consult and negotiate; they meet regularly with Local Authorities to discuss emerging issues in a non- adversarial manner assisting and supporting schools where there are complex re-organisations and re-structures.

In response to questions asked, the following information was highlighted:

- g) The current funding method means that academies will be reimbursed for time spent away from school on TU duties.
- h) Maintained schools and academies are reimbursed the salaries of the representatives who are employed by them.
- i) It would be difficult for individual schools to negotiate their own policies and schools participating in the trade union arrangement would benefit from harmonising policies which would provide consistency, providing assistance for schools' leaders and stability.
- j) It was requested that in future, a more detailed report be provided for the forum members which would include a breakdown of costs.

### **Resolved**

- (1) that maintained mainstream primary schools approve the de-delegation of funding for senior trade union representatives at a rate of £1.55 per pupil and a lump sum of £1,571 per school (noting that these charges will generate a £0.155m projected income and were based upon 69 maintained schools and academies buying into the scheme);**
- (2) that maintained mainstream primary schools noted that the total funding requested to be de-delegated by maintained mainstream primary schools was £0.63m, made up of £0.017m generated by pupil's numbers and £0.046m lump sum funding.**

# Nottingham City Council

## Schools Forum

Minutes of the meeting livestreamed at <https://www.youtube.com/user/NottCityCouncil> on 25 January 2022 from 1.45 pm - 2.43 pm

### Membership

#### Present

Kerrie Fox (PRUs)  
Andy Smith (Secondary Academies)  
Paul Burke (Secondary Academies) (Vice Chair)  
David Tungate (Secondary Academies)  
Meeta Dave (Primary Academies)  
Terry Smith (Maintained Primary Head Teachers)  
Kerrie Henton (AP Academies and Free Schools)  
Tim Jeffs (Primary Academies)  
Patricia Lewis (maintained Special Schools)  
Judith Kemplay (Maintained Primary Head Teachers) (Chair)  
Bob White (Secondary Academies)  
Laura Patel (The Nottingham Nursery)  
Alison Tones (Maintained Primary Head Teachers)  
Caroline Sheard (14-19 Education) – substitute for Lisa Wilson

#### Absent

Lisa Wilson (14-19 Education)  
Rob Perkins (Primary Academies)  
Lee Morgan (Special Academies)

### Colleagues, partners and others in attendance:

Nick Lee	- Director of Education Services
Mark Leavesley	- Governance Officer
Kathryn Stevenson	- Senior Commercial Business Partner (School Funding)
Julia Holmes	- Senior Commercial Business Partner
Janine Walker	- Head of SEND and Vulnerable Pupils

## 18 Appointment of Chair

This item was deferred for nominations and, to allow for a Chair to be in place prior to the next meeting on 1 March 2022, it was agreed that elections for the position would be done via an email ballot administered by the Clerk to the Forum.

As such, Paul Burke, Vice-Chair, assumed the Chair for this meeting.

## 19 Apologies for Absence

Lisa Wilson (14-19 Education) – substituted by Caroline Sheard  
Lee Morgan (Special Academies)  
Rob Perkins (Primary Academies)

## **20 Declarations of Interests**

None.

## **21 Constitution / membership**

### Constitution

Mark Leavesley (Clerk to the Forum) explained that the Constitution of the Schools Forum should be reviewed annually but due to the Covid pandemic this had not been done.

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

### Membership

Nick Lee, Director of Education Services reported that he had explored training sessions for forum members and wanted to consider the role of the forum within the City Council's governance structure, working with finance colleagues who would offer support in establishing an overview of the budget and various strands of the forum.

Mark Leavesley updated the membership as follows, and the Forum

#### **(1) noted:**

- (a) the replacement of Stephen McLaren by Laura Patel (The Nottingham Nursery School);**
- (b) the resignation of James Strawbridge (Primary Academies);**
- (b) that having reached the end of their 3-year term of office, the following 4 members had agreed to stand again:**
  - i) Bob White (Secondary Academies);**
  - ii) Terry Smith (Primary maintained);**
  - iii) Kerrie Henton (Stone Soup);**
  - iv) Judith Kemplay (Primary maintained)**
- (c) that a Secondary Academy vacancy had arisen as Cath Rowell had not agreed to stand again at the end of her 3-year term of office;**

**(2) Resolved that Alison Tones (Maintained Primary Head Teachers) and Rob Perkins (Academy Primary Head Teachers) be appointed to the forum for a 3-year term of office.**

## **22 Early Years Special Educational Needs Inclusion Fund (SEN IF)**

Kathryn Stevenson, Senior Commercial Business Partner (School Funding) introduced the report on the Early Years Special Educational Needs Inclusion Fund. The following information was highlighted:

- a) The Special Educational Needs (SEN) Inclusion Fund budget has been underspent in previous years due to fewer children qualifying for lower level support than anticipated when the budget was first set. Underspends have been distributed in full to providers each year on a basis consulted on via Schools Forum, pending a full review of the SEN IF in conjunction with the review of high needs funding arrangements for the early year's phase.
- b) A sector wide consultation had taken place and all schools and providers were invited to respond to a consultation questionnaire between 7th and 15th December 2021 which had received a good level of engagement.
- c) The proposal was that the budget remains the same for 3 and 4 year olds; the number of children qualifying for High Level Needs (HNL) block being much higher than in previous years. Whilst it was proposed for the budget to remain the same, a further proposal was the introduction of two new strands of support to:
  - Introduce a setting level for those with the greatest number of high needs children needing support;
  - Third universal level of strand support to help all settings.
- d) The underspend would be universally distributed to all settings due to the heightened Speech, Language and Communications needs as a result of the pandemic.
- e) It was proposed that the budget for 2 year olds be reduced; a budget had been set but very few 2 year olds were qualifying as it was very difficult to distinguish low level Special Educational Needs in that age bracket.
- f) The introduction of the two strands would mitigate future underspends although there remains some unpredictability as the number of high level needs pupils are not always known coupled with a high level of young contingents.

**Resolved to note:**

- (1) the results of the sector wide consultation on proposals to revise the SEN IF eligibility criteria from April 2022 and the use of SEN IF underspends, as detailed in appendix A of the report;**
- (2) that the LA proposes to implement the revised SEN IF criteria, as outlined in paragraph 2.5 of the report, from April 2022;**
- (3) that the LA proposes to reduce the SEN IF budget set aside from 2-year-old funding to £0.010m from April 2022, as outlined in paragraph 2.4 of the report;**
- (4) the proposal to distribute the £0.148m SEN IF under-spend from 2020/21 to schools/settings on the basis outlined in paragraph 2.7 of the report, and to use a similar approach for the SEN IF underspend arising in 2021/22.**

Paul Burke commented that there were over 80 local authorities whose Schools Budgets were in a deficit and credited officers for getting Nottingham City Council into a positive position.

Julia Holmes, Senior Commercial Business Partner, introduced a report that presented the proposed Schools Budget for the financial year (FY) 2022/23. The following information was highlighted:

- a) The overall indicative 2022/23 Schools Budget to be spent incorporating the Schools, Central Schools Services, EY's and HN's blocks is £324.535m.
- b) Following the Autumn 2021 spending review, local authorities have also been allocated supplementary funding for 2022 to 2023 worth £1.2 billion on top of the schools NFF. This equates to £7m for Nottingham City maintained schools and academies. For early years and post-16 provision in schools, the grant is being provided in respect of the Health and Social Care Levy. For primary and secondary provision, the grant is being provided in respect of both the Health and Social Care Levy and other cost pressures.
- c) After applying the +2% minimum funding guarantee (MFG) per pupil within the local funding formula (this is the maximum MFG that can be applied within the formula in 2022/23), this has created expenditure of £246.180m in the schools block. This left a surplus balance of £0.519m unallocated; this has since been allocated to the pupils' growth contingency fund as the most equitable way of distributing the money.
- d) The early years national funding formula (EYNFF) dictates the hourly rate that each Local Authority receives for 3 & 4 year olds; the rate for 2022/23 has increased by £0.17 per hour compared to the rate for 2021/22 and an increase of £0.21 per hour for 2 year olds. This increase was significantly greater than previous years and the increase would be passed on to schools and providers.
- e) As one of the Local Authorities due to gain most significantly under the HN NFF, Nottingham City has received an 11% increase per head of 2-18 population which is the maximum allowable gain. The LA's provisional EY block allocation, as published on 16 December 2021, is £21.181m. In 2022/23 LA's can receive increases between 8% to 11% per head of population.
- f) The figures provided were provisional and would be amended as a result of the detailed calculation of indicative budgets for settings prior to the end of February and the finalisation of 2022/23 service budgets. The provisional budget figures are underpinned by the assumptions and principles which were unlikely to change.

In response to questions raised, the following information was noted:

- g) With regards the daily provision funding for AP schools it was noted that the AP was commissioned via the Pupil Referral Unit (PRU) and there was a proposed increase in the budget by the PRU to reflect potential increases in the sector who will be setting their prices accordingly to take into account the Health and Social Care Levy.

- h) The R21 rollout has previously been funded from reserves but there will be a need for managerial oversights in the long term to ensure that it is sitting best in the budget.

Nick Lee (Director of Educational services) acknowledged the work of officers in the Local Area Review of SEND and reported that a positive report had been received from Ofsted and CQC, highlighting the interventions and the value that it has given the City. There was recognition that the offer, the value for money and the City has put into both early interventions and specialist services was paying dividends for children and young people. It was further reported that the City Council had been asked by the Department of Education to work with them around good practice in high needs funding with the intention for it to be replicated nationally.

**Resolved to note:**

- (1) the overall indicative 2022/23 Schools Budget to be spent, incorporating the Schools, Central Schools Services, EY's and HN's blocks, is £324.535m;**
- (2) that the above is funded by the provisional 2022/23 DSG allocation of £322.042m, reimbursement of £0.445m funding paid to academies for pupil growth for April to August 2022, and an additional £2.048m HN's allocation;**
- (3) that the budget will be updated in-year to reflect subsequent adjustments made by the ESFA to the 2022/23 DSG allocation, as described in the report;**
- (4) that any balance remaining will be allocated to the Statutory School reserve;**
- (5) the impact to schools' budgets of the indicative allocation, as set out in Table 5 of the report;**
- (6) that total planned early years central expenditure aligns to the £1.025m approved at SF on 7 December 2021, funded based on a revised split between 2 and 3 & 4-year-old funding;**
- (7) that Pupil Premium funding will be allocated to schools in accordance with grant conditions.**

**24 Dates of future meetings**

The Forum noted the following meeting dates and agreed that, for the foreseeable future, meetings would be held remotely via Zoom;

2022

01 March

26 April

The meeting scheduled for 28 July was moved to 19 July.

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## Schools Forum – 1 March 2022

<b>Title of paper:</b>	School Improvement, monitoring and brokerage grant – request for approval for de-delegation
<b>Corporate Director/ Director:</b>	Catherine Underwood, Corporate Director for People Nick Lee, Director of Education Services
<b>Report author and contact details:</b>	Nick Lee, <a href="mailto:Nicholas.lee@nottinghamcity.gov.uk">Nicholas.lee@nottinghamcity.gov.uk</a> 0115 8764618
<b>Other colleagues who have provided input:</b>	Julia Holmes, Senior Commercial Business Partner, Finance <a href="mailto:julia.holmes@nottinghamcity.gov.uk">julia.holmes@nottinghamcity.gov.uk</a>
<p>The Department for Education confirmed in January 2022 that the grant payment to local authorities that funds the provision of school improvement services to local authority maintained schools would reduce by 50% in 2022/23 and be removed entirely in 2023/24. In Nottingham this grant forms part of the overall grant payment agreed with the Nottingham Schools Trust, who are commissioned by Nottingham City Council to deliver school improvement services to the remaining local authority maintained schools.</p> <p>To mitigate the adverse impact on the provision of school improvement services to maintained schools, the Department for Education has now approved local authorities seeking de-delegation approval, via Schools Forum decision, for the equivalent funding from maintained schools budget share. This report sets out the background, rationale for seeking the approval and financial contribution required by maintained primary schools to fund the grant reduction in the financial year 2022/23.</p>	
<b>Recommendations:</b>	
1	With respect to maintained mainstream primary schools to approve the de-delegation of funding to mitigate the reduction in the School Improvement, monitoring and brokerage grant received by Nottingham City Council at a rate of £5.21 per pupil. This will ensure that Nottingham Schools Trust can maintain the agreed level of school improvement support established though its current grant agreement.
2	To note that the total funding requested to be de-delegated by the budget for maintained mainstream primary schools is £0.058m for the financial year 2022-23.

## 1. Reasons for recommendations

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

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

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

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

2.8 The reduction of the grant to 50% of its full value in 2022/23, followed by the full removal of the grant in 2023/24 would have a significant detrimental impact on the ability of the Nottingham Schools Trust to deploy the school improvement advisory offer it currently provides to maintained schools. As a ring fenced grant it has provided security for maintained schools of access to this professional support.

2.9 Whilst the City Council and Nottingham Schools Trust recognise that the request for de-delegation funding to maintain this offer places an additional call on school budgets, in 2022/23:

- all schools in the City in receipt of MFG protection will see an increase of 2% per pupil year on year. Maintained primary schools fully on the schools national funding formula will receive increases of between 2.2% to 5.7% per pupil.
- the DfE have announced that in 2022/23 maintained schools and academies will also receive additional funding in the form of a separate grant known as the “Schools additional supplementary grant”. This grant is provided in respect of both the Health and Social Care Levy and other cost pressures. On average maintained primary schools are estimated to receive £0.053m each on top of their individual school budget share.
- The average allocation has been calculated based upon the average number of primary pupils in maintained primary schools on the October 2021 school census and the average number of pupils in maintained primary schools eligible for free school meals in the preceding six years (FSM6) as recorded on the October 2020 school census. The estimated allocations range from £0.026m to £0.113m per school.
- The final allocations per maintained primary school will be based upon the number of primary pupils in each school multiplied by £97 per pupil recorded on the October 2021 school census, plus the number of pupils recorded at the school recorded as being eligible for free school meals in the last six years (FSM6) as at the October 2021 school census multiplied by £85 per pupil. Each school will also be allocated a lump amount of £3,680.
- The actual schools additional supplementary grant allocations will be confirmed in spring 2022. The additional national insurance costs that will be incurred when the new Health and Social Care Levy is introduced in April 2022 are estimated to be as follows for the following types of staff:

Teaching Assistant – Level 1 £67, Level 2 £94, and Level 3 £136;  
Teacher – on scale point M6 £314.

2.10 Therefore, it is anticipated that once the additional cost of the Health and Social Care Levy has been deducted from the increase in funding schools are going to receive there should be significant funding remaining to allocate to other school priorities.

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

3.1 The option to not seek the approval to de-delegate has been considered but rejected due to the detrimental impact to the deployment of school improvement advice that would result.

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

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

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

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

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

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

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

- 6.2 In the financial year 2021/22 the School improvement, monitoring and brokerage grant allocation for Nottingham City Council was £0.116m. As a result of the change outlined in 6.1 the Local Authority estimates it will lose £0.058m in funding in financial year 2022/23.
- 6.3 In line with the guidance issued by the DfE in the consultation response document, this report is seeking approval from maintained primary schools to de-delegate funding in the financial year 2022/23 at a rate of £5.21 per pupil to recoup the loss of income. This proposal would generate income of £0.058m and would ensure that the same level of funding is available for the Local Authority to pass onto the NST to enable them to undertake the responsibilities outlined in 2.7.
- 6.4 The rate per pupil has been calculated based on the number of pupils in maintained primary schools on the October 2021 school census (11,163) divided into the total income lost in 2022/23 (£0.058m). See Appendix A for the impact of this proposal on each maintained primary school.
- 6.5 The average cost of de-delegating funding to cover the loss of grant income would be £0.002m per maintained primary school, based on the 29 maintained primary schools.
- 6.6 Approval to de-delegate can only be sought on an annual basis therefore a separate report will need to be brought to Schools Forum before the start of the financial year 2023/24 to seek approval for the £0.116m that will be required in the financial year 2023/24.

- 6.7 As a result of this change made by the DfE the Local Authority as per the DfE guidance will be releasing all schools indicative budget information for the financial year 2022/23 by the 28 February 2022.

**However, maintained primary schools please note the individual school budgets will include the deduction of the funding requested in this report. After this report has been voted upon the Local Authority will contact maintained primary schools to confirm their final individual school budget by 31 March 2022.**

Julia Holmes, Senior Commercial Business Partner  
27 January 2022

## **7. Legal colleague comments**

- 7.1 The proposals in this report seek to approve the use of the Maintained Schools' Budget Share for Primary schools to support the improvement of standards in maintained schools by way of de-delegation.
- 7.2 The report details why and how the current funding provided by the DfE to the Council which covers such expenditure, is due to diminish by half this year and be removed in full by the start of the next FY.
- 7.3 As part the consultation process, the DfE indicated that it expected and supported schools seeking approval from its Schools Forums to de-delegate funding to ensure sufficient funding is allocated for school improvements. In addition, the Government has in fact reflected this change in the new Early Years Regulations (The School and Early Years Finance (England) Regulations 2022 and Local Authorities are specifically permitted to deduct expenditure from its Maintained School budget for this purpose if approved by the Schools Forum.
- 7.4 If the recommendation is approved, there will be no impact on the grant agreement in place with the NST to support the delivery of these improvement services for this financial year. Additional approval will need to be sought by the Schools Forum for future years if the funding that is provided under that agreement requires supplementing further.

Dionne Scream, Senior Solicitor, Contracts and Commercial  
7<sup>th</sup> February 2022

## **8. HR Comments Other relevant comments**

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

It should also be noted that the amounts in additional national insurance contributions are based on an average for most primary schools, but the actual figures required will be dependent on the actual make up of any individual school workforce.

Carol McCrone, HR Consultant  
7<sup>th</sup> February 2022

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

9.1 None.

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

10.1 None.

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

11.1 An EIA is not required because there are no new equality implications as the proposal seeks to maintain the current arrangements.

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

12.1 A DPIA is not required because the proposal is not seeking to change any current arrangements.

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

13.1 A DPIA is not required because the proposal relates to a funding decision that has no impact on the use of physical resources.

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

14.1 None.

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

- Reforming how local authorities' school improvement functions are funded  
Government consultation response – Department For Education January 2022

## APPENDIX A

### Proposed charges to maintained primary schools to cover the loss of School improvement, monitoring and brokerage grant 2022/23

School Name	Phase	NOR	2022/23
<b>Rate per pupil</b>			<b>£5.21</b>
<b>Total</b>		<b>11,163</b>	<b>£58,191</b>
Berridge Primary and Nursery School	Primary	589	£3,070
Seely Primary School	Primary	509	£2,653
Fernwood Primary School	Primary	1,043	£5,437
Bentinck Primary and Nursery School	Primary	204	£1,063
Cantrell Primary and Nursery School	Primary	401	£2,090
Carrington Primary and Nursery School	Primary	207	£1,079
Dunkirk Primary and Nursery School	Primary	318	£1,658
Melbury Primary School	Primary	202	£1,053
Middleton Primary and Nursery School	Primary	545	£2,841
Heathfield Primary and Nursery School	Primary	635	£3,310
Walter Halls Primary and Early Years School	Primary	396	£2,064
Southwold Primary School and Early Years' Centre	Primary	197	£1,027
Rise Park Primary and Nursery School	Primary	411	£2,142
Crabtree Farm Primary School	Primary	369	£1,924
Welbeck Primary School	Primary	309	£1,611
Mellers Primary School	Primary	412	£2,148
Haydn Primary School	Primary	417	£2,174
Hempshill Hall Primary School	Primary	400	£2,085
Glade Hill Primary & Nursery School	Primary	352	£1,835
Claremont Primary and Nursery School	Primary	386	£2,012
Snape Wood Primary and Nursery School	Primary	159	£829
Forest Fields Primary and Nursery School	Primary	554	£2,888
Dovecote Primary and Nursery School	Primary	335	£1,746
Greenfields Community School	Primary	208	£1,084
Southglade Primary and Nursery School	Primary	393	£2,049
Westglade Primary School	Primary	233	£1,215
Henry Whipple Primary School	Primary	173	£902
Robin Hood Primary School	Primary	417	£2,174
Rufford Primary and Nursery School	Primary	389	£2,028
Lowest charge			£829
Highest charge			£5,437
Average charge			£2,007

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Department  
for Education

# **Reforming how local authorities' school improvement functions are funded**

**Government consultation response**

**January 2022**

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## Introduction

In October 2021, we launched a consultation seeking views on our intention to remove the School Improvement Monitoring & Brokering grant ('the grant'), currently allocated to local authorities to support school improvement activities and make provisions within the School and Early Years Finance (England) Regulations for the financial year (FY) 2022-23 to allow local authorities to fund all of their school improvement activity via de-delegation from schools' budget shares.

The public consultation exercise sought views on making these changes and allowed respondents to express comments, views or concerns.

## Who this was for

The following stakeholders were identified and consulted on the proposed changes:

- Local authorities (LAs)
- Schools and colleges
- Any other interested organisations and individuals

## Consultation period

The consultation took place from 29 October 2021 to 26 November 2021. It was conducted online using the government's consultation software, or alternatively, respondents were able to email or send a response form.

# About the consultation

## Context

Since 2017, the Local Authority School Improvement Monitoring and Brokering grant ('the grant') has been allocated to local authorities (referred to here as 'councils') to support them in fulfilling their statutory school improvement functions under Part 4 of the [Education and Inspections Act 2006](#) and their additional school improvement expectations as set out in the [Schools Causing Concern \(SCC\) guidance](#) (collectively referred to as core school improvement activities). In summary, these activities require councils to monitor performance of maintained schools, broker school improvement provision, and intervene as appropriate. The grant is currently ringfenced and must be spent solely on the school improvement activities for which it is provided.

Since 2017 councils have also been permitted, with the agreement of their local schools forum, to de-delegate funding from their schools' budget shares, to fund the provision of additional school improvement services. These are activities that go above and beyond their core school improvement activities, and may include, for example, providing or funding access to school improvement support. Many councils will also provide additional school improvement and other services to schools on a traded basis, where school leaders choose to buy in services provided by the council.

The current funding arrangements presume that there is a clear distinction between core school improvement activities, for which the grant is provided, and additional activity, which councils fund through de-delegation or as a traded service. We believe this distinction no longer reflects the reality of how effective councils operate. Rather, we believe that, in practice, activity connected to their core school improvement activities forms part of a continuum of wider school improvement activity that councils may choose to undertake. In that context and taken together with the Secretary of State's responsibility to convert the poorest performing maintained schools (that Ofsted has judged 'Inadequate') into academies, it is unsurprising that whilst most councils continue to spend the full value of the grant, instances of councils exercising their intervention powers remain relatively low. This implies that the grant is predominantly used on early challenge and support in cases of potential underperformance, rather than use of formal intervention power.

## Proposals

In view of this we proposed to (1) remove the grant over the course of FY 2022-23, and (2) include provision in the School and Early Years Finance (England) Regulations for FY 2022-23 which would allow councils to de-delegate for all school improvement expenditure, including all core school improvement activities, from maintained schools' budget shares.

Subject to the outcome of the consultation, we proposed that the grant would be ended with effect from the start of FY 2023-24, phased so that it would be reduced to 50% of the current amount on a per school basis in FY 2022-23 to give councils and maintained schools time to adjust to these new arrangements.

To ensure that councils remain adequately funded to exercise their statutory intervention powers we proposed to give councils the power in the School and Early Years Finance (England) Regulations to fund all school improvement activities, including core school improvement activities, via de-delegation of funds from maintained schools' budget shares, with the agreement of their local schools forum or the Secretary of State.

We asked respondents whether they agreed that in exercising their core school improvement functions that local authorities focused on early support and challenge; whether they agreed that our proposals would allow local authorities to ensure they remained adequately funded; whether we could usefully update any of our guidance to local authorities on their school improvement responsibilities; and whether they believed any of our proposals had the potential to have an impact on specific groups compared to others, in particular those who share protected characteristics.

## Summary

In total there were 565 responses to the consultation. We have grouped the respondents by organisation type to support analysis of findings (see figure 1 below). We also discussed these proposals with several local authority and representative organisations during the consultation period.

*Figure 1 – Breakdown of consultation respondents*

Type of respondent	Total
Council	156
Local authority-maintained school	215
Academy or multi-academy trust	55
National organisation	16
Other	58
Not applicable or no response	65

A list of the organisations that responded can be found at Annex A, other than those who asked for their response to be kept confidential.

Overall, whilst many responses indicated that they understood the rationale for these proposals, we recognise the majority of respondents, in particular those from the maintained sector (councils and local authority-maintained schools), raised concerns. These centred on whether schools and councils would be able to absorb further funding pressures; what would happen if schools forums did not agree to de-delegation for core school improvement activity; and the desire for further clarity on what is considered core school improvement. Others noted the challenging implementation timescales.

We recognise the strength of feeling in the responses and have carefully considered the concerns outlined, and how they could be mitigated. Our detailed response with full analysis of the responses is set out below. Note, the total number of responses associated with each response type does not always equal 565 and the respective percentages do not always total 100, due to some respondents providing comments falling under more than one category, or not providing a response to that question.

## Question analysis and government response

This section provides a breakdown of the responses received for each consultation question following a categorisation process and provides the government's response to the issues raised.

The consultation included 13 questions, the full list of which can be found at Annex A. The first nine questions gathered basic details about the respondent such as name, organisation and role. The remaining four questions are analysed below.

### Question 10

*We believe that instances of councils exercising formal intervention powers remain relatively low, and that since its introduction, this grant has primarily supported improvement functions such as early support and challenge to improve individual school performance, which overlaps with wider (non-core) improvement provision. Do you agree that this is the case? If not, please explain*

Figure 2 – Breakdown of responses to Question 10

Response type	Number of responses	%
Agreed that this is the case	203	35.9
Disagreed that this is the case	175	30.9
<i>Of which:</i>		
- <i>Because they see no overlap in core and non-core functions</i>	22	3.9 (12.5)
- <i>Because the LA has used the grant for intervention and/or examples were provided of formal intervention</i>	36	6.3 (20.6)
- <i>Because LAs provide support before intervention becomes necessary and/or support before intervention is positive and/or the local authority has a school-led collaborative support system in place</i>	117	20.7 (66.9)
- <i>Other or no further reason given</i>	42	7.4 (24)
Not clear, or question not addressed / answered	187	33.1

\* Numbers in brackets represent the percentages of those who disagreed. Note, the percentages do not always total 100, due to some respondents providing comments falling under more than one category, or not providing a response to that question.

## Government response

Our Schools Causing Concern guidance sets out the core school improvement activities of councils, for which the local authority school improvement monitoring and brokering grant has been provided. This includes, but is not limited to, use of formal intervention powers.

The consultation set out our conclusions based on research and informal engagement with local authorities to date, which suggested that councils focus more on the non-intervention aspects of their core school improvement activities as they prefer to act before performance deteriorates to the point of requiring formal intervention, and that this overlaps with wider (non-core) school improvement provision. The largest proportion of respondents (35.9%) agreed this to be the case.

There were a substantial minority (30.9%) who disagreed. These responses have been analysed further, and it is clear only a very small minority have indicated they disagreed because they felt there was no overlap between core and non-core school improvement activity.

In contrast, the vast majority (66.9% of those who disagreed) indicated they disagreed because either their council provides early support and challenge before intervention becomes necessary; because their council has a school-led collaborative support system in place; and/or because they support councils providing support before intervention becomes necessary. While these respondents have indicated they disagreed with the question, we consider that their responses support the broader proposition that councils primarily exercise their core school improvement activities via early support and challenge rather than formal intervention.

In addition, there were a smaller number who indicated they disagreed because their council has formally intervened, in some cases providing examples of where they had done so, although not suggesting that is primarily how they have used the funding. As above, we are clear that councils' core school improvement activities are not limited to use of formal intervention powers, and we are not seeking to limit councils to only exercising their formal intervention powers.

We conclude therefore that consultation responses largely support our initial conclusions that with their considerable freedom to decide how to exercise their core school improvement activities, councils focus more on the non-intervention aspects of their core school improvement activities, and we agree that this is often the right approach to school improvement.

As the consultation noted, we are clear that councils are best placed to determine how to deliver the core school improvement responsibilities. However, the emphasis on early challenge and support also brings into focus that we do not provide a separate grant to Multi-Academy Trusts (MATs) to carry out the same sort of activity with their academies.

We instead expect MATs to fund this activity via deducting the cost of the activity from their academy budgets, and for this reason, we believe it is right to move towards removing this grant and putting school improvement funding on a more even footing

## Question 11

We are proposing to (i) remove the grant (Proposal 1), and (ii) enable councils to de-delegate funds via their schools forum to ensure they are sufficiently funded to exercise all of their improvement activities, including all core improvement activities. Do you agree that, taken together, these proposals will allow councils to continue to ensure they are adequately funded for core improvement activities; and therefore do not impose a new burden? If not, please explain.

Figure 3 – Breakdown of responses to Question 11

Response type	Number of responses	%	Council	Local authority-maintained school	Academy / Trust
Agrees	71	12.5	6	27	30
Disagrees	399	70.6	126	154	14
<i>Of which:</i>					
- <i>Because this will put pressure on school budgets, (in particular small, rural schools)</i>	272	48.1 (68.2)			
- <i>Because schools forums may not de-delegate sufficient funds and/or may lead to schools receiving inadequate support and/or LAs may not have sufficient funds to provide support</i>	227	40.2 (57)			
- <i>Because they want Government to continue providing funding to LAs for school improvement and/or because the system works well at present</i>	129	22.8 (32.3)			
- <i>Because there is insufficient time</i>	119	21.1 (29.8)			

Response type	Number of responses	%	Council	Local authority-maintained school	Academy / Trust
- <i>Because LAs provide local intelligence support to RSCs, particularly during the pandemic response</i>	106	18.8 (26.6)			
- <i>Because LAs have responsibilities for academies</i>	88	15.6 (22.1)			
- <i>Because they felt the proposals may incentivise academisation</i>	68	12 (17)			
- <i>Other or no further reason given</i>	180	31.9 (45.1)			
Not clear or question not addressed / answered	95	16.8	24	34	11

\* Numbers in brackets represent the percentages of those who disagreed. Note, the percentages do not always total 100, due to some respondents providing comments falling under more than one category, or not providing a response to that question.

## Government response

Most respondents (70.6%) disagreed that our proposals would enable councils to ensure they are sufficiently funded to exercise all their core school improvement activities. These responses have been analysed further to understand why respondents disagreed – with the vast majority indicating they disagreed because this would put a pressure on school budgets and/or that schools forums may not de-delegate sufficient funds to councils.

We recognise the concern that this change will put an additional pressure on school budgets. However, while we are not rolling the grant into dedicated schools grant (DSG) allocations, the recent Spending Review has announced an additional £1.6bn of core schools funding in 2022-23 compared to 2021-22, which is on top of the £2.4bn year-on-year increase already announced as part of Spending Review 2019. While we recognise schools' budgets face other pressures as well, the scale of this increase significantly offsets the pressure that may be felt through the loss of this grant, forecast to be worth c.£41m next financial year. And in line with other de-delegation decisions, the Secretary of State will retain the power to approve the de-delegation contrary to the decisions of the schools forum, if satisfied that the council had demonstrated such de-delegation was necessary to ensure the council is adequately funded to exercise core school improvement activities.

Having addressed these points, our view remains that councils will therefore be able to access sufficient funding to deliver their core school improvement activities, and that this change does not impose a significant new burden on them.

In addition, we recognise that many respondents would prefer Government continuing to pay this grant – however, as set out in the consultation, we believe this change will support our drive towards a school-led improvement system through putting more decisions about school improvement provision into the hands of school leaders; will bring funding arrangements for councils’ school improvement activity closer into line with those in the academy sector; and will enable councils to better adjust over time to the Government’s longer-term ambition for all schools to become academies within a strong trust. The responses to the previous question underline that we need to put school improvement funding on a more even footing.

We note too that a number of respondents felt there would not be sufficient time for local authorities and schools forums to agree de-delegation ahead of the next financial year, with a number highlighting it would be impossible to do so by the date of 21 January for making their Authority Proforma Tool (APT) submission to the Education & Skills Funding Agency (ESFA). We recognise these timescales will be more challenging than in other years but want to clarify that whilst councils need to submit their APT by 21 January, they only need to confirm schools’ budget shares before de-delegation by 28 February, and confirm schools’ budget shares after de-delegation by 31 March. ESFA are therefore happy to talk to councils on a case-by-case basis if, as a result of these changes, flexibility is required on timings for confirming de-delegation amounts and rates following the APT submission.

- NB. In APT submissions, councils will be able to deduct funding from maintained schools’ budgets (with the consent of maintained school members of the schools forum) in much the same way as for existing de-delegated items in order to fund these services. The Education Functions worksheet should be used as it collects data on the services relating to maintained schools which local authorities can fund from the maintained school budget shares. This is a change from 2021 to 2022 arrangements where school improvement was included in general de-delegation not Education Functions.

We also note objections on the basis that through this core school improvement activity, councils are able to provide local intelligence to Regional Schools Commissioners, which in particular has supported responding to the pandemic. We recognise and value this close working, and by enabling de-delegation of budgets to cover school improvement activity, alongside continuing to pay the grant at 50% in 2022-23, we will ensure that this capacity can be protected.

We also received objections that councils have wider responsibilities, including towards academies. Whilst we recognise that councils will continue to have wider responsibilities, our guidance is clear that this grant has only ever been paid in relation to local

authorities' core school improvement activities relating to maintained schools, and further, the changes made to the conditions of grant in July 2021 formalised this position, such that this funding should not be used for wider purposes.

Finally, there was a not insignificant number who objected on the grounds that the proposals may incentivise further academisation. While we don't consider this a reason why councils would not be able to sufficiently fund themselves to exercise their core school improvement activities, we recognise there is a strength of feeling on this issue.

## Question 12

*Bearing in mind Proposals 1 and 2, are there any aspects of our guidance to councils on their role in school improvement which could usefully be clarified to aid understanding of what councils are accountable for with respect to improvement and how it should be funded?*

Figure 4 – Breakdown of responses to Question 12

Response type	Number of responses	%
Yes	197	34.9
<i>Of which:</i>		
- <i>Guidance needed on what is considered core school improvement activity that LAs can seek de-delegation for</i>	95	16.8 (48.2)
- <i>Guidance needed on what LAs are accountable for if they do not receive adequate funding to deliver core school improvement activity</i>	30	5.3 (15.2)
No further guidance required	84	14.9
Not clear or question not addressed / answered	284	50.3

\* Numbers in brackets represent the percentages of those who provided suggestions.

## Government response

Feedback showed that by far the most common theme arising in response to this question (48.2% of those who provided suggestions) was that respondents would welcome greater clarity on what is considered core school improvement activity that councils are expected to deliver. In light of this feedback, we will update the Schools Causing Concern guidance to make clear, as in the consultation, that as per page 36 of the guidance, core school improvement activity goes beyond exercising of formal intervention powers, and that councils should:

- Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;
- Work closely with the relevant RSC, diocese and other local partners to ensure schools receive the support they need to improve;
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards; and
- Encourage good and outstanding maintained schools to take responsibility for their own improvement, support other schools; and enable other schools to access the support they need to improve.

In updating the Schools Causing Concern guidance we will also make clear that these core activities only relate to maintained schools and not academies.

Beyond this, councils have considerable freedom to agree arrangements and associated funding with their schools forum, but to support such discussions, we will also clarify that the guidance does not require councils to provide or fund support themselves; and that we would normally expect the majority of activity to focus underperforming schools, rather than those rated good or outstanding.

The next most common theme was of respondents seeking guidance on what councils would be accountable for if they do not receive adequate funding to deliver core school improvement activity. As set out in the consultation, we intend to change the Schools and Early Years Finance regulations to enable local authorities to deduct funding from maintained school budgets to support this activity; and the Secretary of State would retain the power to approve the de-delegation contrary to the decisions of the schools forum, if satisfied that the local authority had demonstrated such de-delegation was necessary to ensure the local authority is adequately funded to exercise core school improvement activities.

## Question 13

*The Public Sector Equality Duty (PSED) requires that public bodies consider the potential effects of key decisions on groups with protected characteristics. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age. Please let us know, providing evidence where possible, if you believe any of the proposals set out in this consultation will have the potential to have an impact on specific groups, in particular those with relevant protected characteristics.*

Figure 5 – Breakdown of responses to Question 13

Response type	Number of responses	%
Would not expect a disproportionate impact on specific groups	50	8.8
The proposals will, or may potentially, have a disproportionate impact on specific groups	295	52.2
<i>Of which:</i>		
- <i>Because there would be reduced funding for LA support provision</i>	214	38.1 (72.5)
- <i>Because of the impact on school budgets</i>	105	18.6 (35.6)
Not clear or question not addressed / answered	220	33.6

\* Numbers in brackets represent the percentages of those who believed the proposals will, or may potentially, have a disproportionate impact on specific groups.

## Government response

Of those suggesting there will or may be potential negative impact the vast majority (72.5%) indicated this would be because of councils reducing the support they provide because of reduced funding going to councils. As set out above and in the consultation, we intend to change the Schools and Early Years Finance regulations to enable councils to deduct funding from maintained school budgets to support this activity; and the Secretary of State would retain the power to approve the de-delegation contrary to the decisions of the schools forum, if satisfied that the council had demonstrated such de-delegation was necessary to ensure they were adequately funded to exercise core school improvement activities. This means councils need not reduce the school improvement support they provide to maintained schools because of these proposals.

On which, there were also a significant minority who indicated there will or may be a potential impact on specific groups as a result of the impact of councils deducting funding from maintained school budgets. We have explored this further, comparing the potential impact in those councils where the impact on maintained school budgets may be comparatively higher than the national average, both in proportional and absolute terms.

Overall, this indicates that:

- Pupils attending religious schools make up a slightly higher proportion of maintained school pupils (35.3%) in those 15 councils in receipt of the largest

grant allocations (as a proportion of total maintained school budgets) than they do nationally (29.6%).

- Pupils from a minority ethnic background make up a lower proportion of maintained school pupils (23.0%) in those 15 councils in receipt of the largest grant allocations (in absolute terms) than they do nationally (36.2%).

While this analysis indicates a potential disproportionate impact on pupils attending religious schools, we note that in those 15 councils in receipt of the largest grant allocations as a proportion of total maintained school budgets, the current absolute level of the grant is on average low, with many councils receiving the minimum payment of £50,000, indicating any potential disproportionate impact on these pupils is likely to also be low.

## Conclusion

We are grateful for the responses received, and for the ongoing role that councils continue to play in supporting schools and their pupils. We have carefully considered the key themes in the responses, which will shape how we implement these proposals. In particular:

- Councils and local authority-maintained schools value the early support and challenge which councils provide to maintained schools as part of their core school improvement activities and want this to continue. We will enable councils to deduct funding from maintained school budgets to ensure this can remain the case going forwards.
- There are concerns that these proposals will place a burden on maintained schools, and as a result schools forums may not de-delegate councils sufficient funds to deliver their core school improvement activities. We will reserve the right to permit de-delegation against the wishes of a schools forum in order to ensure councils are in sufficient funds to deliver their core school improvement activities, if satisfied that the local authority had demonstrated such de-delegation was necessary to ensure they were adequately funded to exercise their core school improvement activities as set out in the Schools Causing Concern guidance.
- There are concerns that there may be insufficient time for councils to arrange de-delegation in advance of financial year 2022-23. We have clarified that while councils need to submit their APT by 21 January, they only need to confirm schools' budget shares before de-delegation by 28 February and confirm budget shares after de-delegation by 31 March. ESFA are therefore happy to talk to councils on a case-by-case basis if flexibility is required on timings for confirming de-delegation amounts and rates following the APT submission.
- There were calls for greater clarity on what is considered core school improvement activity that councils are expected to deliver. We will update the Schools Causing

Concern guidance to make this clear, in particular that (i) core school improvement activity goes beyond solely exercising of formal intervention powers, and (ii) that the grant is provided to support core school improvement in maintained schools only; and does not require councils to provide or fund school improvement services themselves.

We recognise that there is significant concern, particularly from councils and the maintained sector about removing this additional source of funding. However, given one of the rationales of these proposals is to create greater parity between how school improvement is funded in the maintained and academies sector, which does not receive such additional school improvement funding, after careful consideration of the responses, the government intends to proceed with implementing the proposals.

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

## Next steps

- **Mid-January 2022:** School and Early Years Finance Regulations 2022-23 (England) due to be laid in parliament
- **21 January 2022:** APT submission
- **28 February 2022:** Councils agree maintained school budget shares
- **By April 2022:** School and Early Years Finance Regulations 2022-23 (England) come into effect, permitting de-delegation of budgets
- **By end-April 2022:** Penultimate grant payment
- **By end-October 2022:** Final grant payment

## **Annex A: List of organisations that responded to the consultation**

Achieving for Children

ADCS

ADCS - East Midlands Region

ADCS Yorkshire and the Humber

Air Balloon Hill Primary School

Albright Education Centre

All Saints'

All Saints C of E Primary School

All Saints' N20 Primary School

Area-Based Education Partnerships Association (AEPA)

Arnhem Wharf Primary School

Asby Endowed School

ASCL

Ashfield Junior School

Ashlands and Misterton Federation

Aston University Engineering Academy

Baginton Fields School

Barnet Education and Learning Service

Barnet Education and Learning Service Limited, responding on behalf of the London Borough of Barnet

Barnsley Council

Bartley Green School

Baysgarth School

BCP Council

Beacon Hill Community School

Beatrice Tate School

Beckington C of E VC First School  
Bedford Borough Council  
Bedgrove Infant School  
Bellefield C of E Primary & Nursery School  
Bellefield Primary and Nursery School  
Bellevue Place Education Trust  
Bildeston and Whatfield Federation  
Birchfield Community Primary School  
Birmingham City Council  
Birmingham Education Partnership  
Birmingham Safeguarding Children Partnership  
Birmingham Schools Forum  
Bishop's Hull Primary School  
Blackburn with Darwen Borough Council  
Black Combe Junior School  
Blackpool Council  
Bleakhouse Primary School  
Blue Gate Fields Junior School  
Bonner Primary School  
Borrowdale CE Primary School  
Bournemouth, Christchurch and Poole (BCP) SACRE  
Bow School  
Brandhall Primary School  
Brent Council  
Brent Strategic School Effectiveness Board  
Brigg Primary School  
Brighter Futures for Children (Reading)  
Brighton and Hove Local Authority

Brighton and Hove Schools Forum  
Bristol City Council  
Broadleaf Partnership Trust  
Brough Community Primary School  
Brunswick School  
Buckinghamshire Council  
Bury CE Primary  
Bury Council  
Bushy Hill Junior School  
Buxton Junior School  
Calderdale MBC  
Cambridgeshire County Council  
Camden Council  
Camden Learning  
Castlebar School  
Catholic Diocese of Northampton  
Catholic Education Service  
Central Bedfordshire Council  
Central Foundation Girls' School  
Cheshire East Council  
Cheshire West & Chester LA  
Cheshire West & Chester Schools Forum Finance Subgroup  
Chilmark school  
Chilthorne Domer Church School  
Chilton Foliat CA VA Primary School  
Christ Church CE Primary School  
City of Westminster  
City of Wolverhampton Council

City of York Council  
Cockfield Primary  
Colerne CE Primary School  
Confederation of School Trusts (CST)  
Congerstone Primary School  
Coombe Bissett School  
Cornwall Council  
Corpus Christi Catholic Primary School  
Coundon Court School  
Coventry City Council  
Coventry Extended Learning Centre  
Coventry Schools Forum  
Coventry Secondary Headteacher partnership  
Coventry Secondary Headteachers' Partnership  
Crosby Ravensworth C of E School  
Crudwell CE Primary School  
Cuddington and Dinton C of E School  
Cumbria County Council  
Delta Academies Trust  
Denbury Primary School  
Derbyshire County Council  
Devon County Council  
Diocesan Secondary School  
Diocese of Bristol  
Diocese of Ely multi academy trust  
Diocese of Peterborough  
Diocese of Worcester - Education Team  
Discovery Schools Academy Trust

Dorset Council  
Dover Grammar School for Girls  
Dudley MBC  
Dunraven Educational Trust  
Durham Johnston Comprehensive School  
Durrington CE VC Junior School  
Ealing Local Authority  
East Sussex County Council  
Eastbury Community School  
Eastern Green Junior School Coventry Local Authority  
Edgewick Community Primary School  
Education and Children's Services Group of Prospect  
EKC Group and EKC Schools Trust  
Ellingham Primary School  
Elmfield School for Deaf Children  
Enfield Council  
Essex County Council  
Essex Schools Forum  
Evolution Academy Trust  
F40 group  
Fairlop Primary School  
Farmor's School  
Ferndown Upper School  
Frederick Bird Primary  
Frederick Gough School  
Frogwell Primary School  
Fynamore Primary School  
Gateshead Council

GLA

Glade Primary School

Gloucestershire County Council

Grange Primary School

Grove Vale Primary

Guildford Diocesan Board of Education

Hallfield Primary School

Halton Borough Council

Hamilton School

Hammersmith and Fulham

Hampshire County Council

Hamstead Junior School

Hardenhuish School Governing Body

Haringey Education Partnership

Harnham Junior School

Harrow Council

Hawkesbury Primary School

Heddington Primary School

Herefordshire Council

Herringthorpe Infant School

HHJS

Hilmarton Primary School

Hitherfield Primary School

Holbrook Primary School

Ibstock Junior School

Imperial Avenue Infant School

Inspire Learning Partnership

Inspiring Primaries Academy Trust

Institute of School Business Leadership  
Isle of Wight Council  
Islington Council  
Joint Coventry trade unions NEU, NASUWT and NAHT  
Kent County Council  
Killamarsh Infant and Nursery school  
Kings Lodge Community School  
King's Wood School and Nursery  
Kirk Merrington Primary School  
Kirkbampton CE Primary School  
Kirklees Education and Learning Partnership  
Kirklees Local Authority  
Kiwi School  
Knowsley Council  
Kobi Nazrul Primary School  
Lacock Primary School  
Lancashire Schools Forum  
Leeds Learning Alliance  
Leicester City Council  
Leicestershire County Council  
LGA  
Lincolnshire County Council  
Lincolnshire Learning Partnership Board  
Lincolnshire Local Authority  
London Borough of Bexley  
London Borough of Bromley  
London Borough of Croydon  
London Borough of Hackney

London Borough of Haringey  
London Borough of Havering  
London Borough of Hillingdon  
London Borough of Lewisham  
London Borough of Southwark  
London Borough of Sutton  
London Borough of Tower Hamlets  
London Coordinators of Governor Services (LCOGS)  
Lowther Primary School  
Ludgershall Castle Primary School  
Lumley Infant and Nursery School  
Luton Borough Council  
Lyneham Primary School  
Lyng Primary School  
Lytchett Minster School  
Magdalen Gates Primary School  
Magna Learning Partnership  
Manchester City Council  
Manor Fields Primary School  
Marlbrook, Little Dewchurch and St Martin's Primary Collaboration  
Marwood School  
Mayflower School  
Medway Council  
Merton Council  
Milborne Port Primary School  
Milverton Community Primary and Pre-school  
Moat Farm Junior School  
Moat House Primary School

Monkton Park Primary School  
Morland Area Primary School  
Morpeth School  
Much Wenlock Primary School  
NASUWT  
NASUWT - The Teachers' Union - Coventry Association  
National Association of Head Teachers (NAHT)  
National Education Union  
National Governors Association  
NEston Primary School  
Neston Primary School, Wiltshire  
Nether Stowey Primary School  
Newcastle Board of Education  
Newton Burgoland primary  
Newton Hall Infants' School  
Newton Tony Primary School  
Nexus MAT  
Norfolk County Council  
North Somerset Council  
North West Association of Directors of Children's Services  
North Yorkshire County Council  
Northumberland County Council  
Nottingham City Council  
Nottingham Schools Trust  
Nottinghamshire County Council  
Nova Primary School  
Oakfield Academy  
Old Oak Primary School

Old Park Primary School  
Oldham Council  
Oliver Tomkins Schools  
Osmani Primary School  
Otley and Winesham Partnership  
Our Lady of the Assumption Catholic Primary School  
Oxfordshire LA  
Parkhill Junior School  
Pennine Way Primary School  
Phoenix school  
Plymouth City Council  
Polden Bower School  
Primary School  
Prince Regent Street Trust  
public health Somerset County Council  
RCBC  
Rochdale Council  
Rochdale Pioneers Trust  
Rotherham Metropolitan Borough Council  
Royal Borough of Kensington and Chelsea  
Royal Latin School  
Saint John Wall Catholic School  
Salford City Council  
Sandwell Borough Council  
Sarum St Paul's Primary School  
Schools Alliance for Excellence  
Schools Forum  
Sefton LA

SESLIP - the South-east Sector-led Improvement Partnership

Seven Sisters Primary School

Shaftesbury Junior School

SHARE Multi-Academy Trust

Sheldon School

Shirehampton Primary School

Silverwood School

Slough Borough Council

Society of County Treasurers'

Solihull MBC

Somerset County Council

South Gloucestershire Council

South Park Primary School

South West ADCS

Southampton City Council

South-east Sector-led Improvement Partnership (SESLIP)

Southwick CE Primary School

Special Educational Consortium

Sprowston Infant School

St Edward's School

St Helens Borough Council

St James cofE Primary

St John's and St Clement's Primary

St Johns Primary School

St Joseph's Catholic School

St Joseph's Catholic Primary School

St Mary's C of E Primary School

St Nicholas School

St Nicholas School Bromham  
St Paul's C of E Combined School  
St Thomas of Canterbury Catholic Primary school  
St. Margaret's CE Primary  
St. Paul's CE Junior School  
Staffordshire County Council  
Stanley Primary School  
Stockport MBC  
Stockton Local Authority: Education Improvement Service  
Stone CE Combined School  
Surrey County Council  
Sutton Road Primary School  
Sutton Veny CofE Primary School  
Tameside Metropolitan Borough Council  
Telford and Wrekin Council  
Telford and Wrekin Local Authority  
The Arun Villages Federation  
The Church of England Education Office  
The Claxton Trust  
The Education People  
The Grange School  
The John of Gaunt School  
The MFG Academies Trust  
The Village Federation  
The Weald and Downlands Schools Federation  
Thomas Buxton Primary School  
Thomas Hickman School  
Thomas Hickman School, Aylesbury

Thornton-in-Craven CP School  
Together For Children Sunderland Children's services  
Tove Learning Trust  
Tower Hamlets Council  
Tower Hamlets Education Partnership  
Tower Hamlets LA  
Trafford Council  
Tylers Green First School  
Uckfield College  
UNISON  
Uplands Manor Primary School  
Urchfont CE Primary School  
Villa Real School  
Villa Real Special School  
Wakefield Council  
Wandsworth Council  
Warrington LA  
Warwickshire County Council  
WASSH  
Water Mill Primary School  
Wendover CE Junior School  
West Berkshire Council  
West Bromwich North Learning Community  
West Coventry Academy  
The Romero Catholic Academy  
West Midlands Education and Skills  
West Sussex County Council  
White Woods Primary Academy Trust

Whitecrest Primary School

Wigan LA

William Davis school

William Murdoch Primary School

Wiltshire Council

Winterbourne Earls Primary School

Winterton Community Academy

West Midlands Local Authorities

Woodgate Primary School

Woodmancote School

Wootton Bassett Infants School

Worcestershire County Council

Yew Tree Primary School

# Copy of all consultation questions

## Preliminary questions

1. What is your name?
2. What is your email address?
3. Are you responding as an individual or as part of an organisation?
4. What is your organisation? (if applicable)
5. What type of organisation is it?
6. What is your role? (if applicable)
7. What local authority area are you based in?
8. Are you happy to be contacted directly about your response?
9. Would you like us to keep your responses confidential?

## Consultation questions

10. We believe that instances of councils exercising formal intervention powers remain relatively low, and that since its introduction, this grant has primarily supported improvement functions such as early support and challenge to improve individual school performance, which overlaps with wider (non-core) improvement provision. Do you agree that this is the case? If not, please explain
11. We are proposing to (i) remove the grant (Proposal 1), and (ii) enable councils to de-delegate funds via their schools forum to ensure they are sufficiently funded to exercise all of their improvement activities, including all core improvement activities. Do you agree that, taken together, these proposals will allow councils to continue to ensure they are adequately funded for core improvement activities; and therefore do not impose a new burden? If not, please explain
12. Bearing in mind Proposals 1 and 2, are there any aspects of our guidance to councils on their role in school improvement which could usefully be clarified to aid understanding of what councils are accountable for with respect to improvement and how it should be funded?
13. The Public Sector Equality Duty (PSED) requires that public bodies consider the potential effects of key decisions on groups with protected characteristics. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age. -Please let us know, providing evidence where possible, if you believe any of the proposals set out in this consultation will have the potential

to have an impact on specific groups, in particular those with relevant protected characteristics.



Department  
for Education

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