

# Public Document Pack



**Meeting:** North Northamptonshire Schools Forum

**Date:** Wednesday 14th December 2022

**Time:** 1.00 pm

**Venue:** Remote Meeting via Zoom

To members of the North Northamptonshire Schools Forum

**\*Vote required**

<b>Agenda</b>			
<b>Item</b>	<b>Subject</b>	<b>Presenting Officer</b>	<b>Page no.</b>
<b>01</b>	Apologies for non-attendance, Forum membership changes and declarations of interest	Raj Sohal	--
<b>02</b>	Minutes of meeting held on 20 October 2022 and points arising/officer feedback	Chair	5 – 12
<b>03</b>	2022-23 DSG Budget Update	Sariya Bi	13 - 16
<b>04 *</b>	Consultation Feedback to Proposed Changes to Scheme for Financing Schools	Salik Khan	17 – 20
<b>05 **</b>	2023-24 Mainstream Funding Formula Consultation and Proposal	Yoke O'Brien	21 – 30
<b>06 **</b>	De-Delegation – Trade Union Facilities Time – 2022-23 Update and 2023-24 Budget Proposals	Neil Goddard/ Richard Poole	31 – 40
<b>07 **</b>	De-delegation - School Effectiveness - 2022-23 Update and 2023-24 Budget Proposals	Jo Hutchinson	41 – 46
<b>08 *</b>	2022-23 Exclusions Update and 2023-24 Exclusions Policy Proposals	Imtiaz Bhatti	47 – 52
<b>09</b>	2023-24 High Needs Update	Nichola Jones	53 – 58
<b>010</b>	2023-24 Sensory Impairment Service Proposal (to follow)	Neil Goddard	--

011	Homes for Ukraine Funding Proposal (to follow)	Neil Goddard	--
012	Schools Forum Plan	Raj Sohal	--
013	Urgent Business	All	--

Adele Wylie, Monitoring Officer  
North Northamptonshire Council



**Proper Officer**  
**9<sup>th</sup> December 2022**

This agenda has been published by Democratic Services.

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- Items 4\* will require a decision vote at this December 2022 meeting.
- A vote for a decision in principle will be taken for items 5\*\* to 8\*\* in the December 2022 meeting. A final decision vote will be required in the January 2023 Schools Forum meeting following the December 2022 settlement by the DFE.
- Items 9 to 14 Schools Forum to give a view of all consultations.

#### **Future Meeting Dates:**

- 19<sup>th</sup> January 2023
- 15<sup>th</sup> March 2023

#### **Information on voting**

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 present and voting on the issue. In the case of an equality of votes the Chair will have a second or casting vote.

School and non school members are eligible to vote on all matters requiring authorisation or approval except:

- a) de-delegation is limited to the specific primary and secondary phase of maintained schools members;
- b) amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members,
- c) amendments to the early years funding formula, for which the voting is restricted by the exclusion of non-schools members, except for PVI representatives
- d) retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members.

e) amendments to Scheme for Financing Schools – maintained school members

It is the responsibility of the forum member to declare their 'disclosable pecuniary interest'. The forum member can make a short presentation at the start of the agenda item and then not participate in the discussions or vote on the item to which their interest is relevant.

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## Minutes of a meeting of the Schools Forum

Held at 1.00 pm on Thursday 20th October 2022 as a Remote Meeting via Zoom

### Present:-

#### Members

James Birkett (Chair)  
Sandra Appleby  
Siobhan Hearne  
Nikki Lamond  
Jo Sanchez-Thompson

Paul Wheeler (Vice Chair)  
Peter French  
Lee Hughes  
Angela Prodger  
Robert Tite

#### Officers

Sariya Bi  
Ann Marie Dodds  
Neil Goddard  
Salik Khan  
Judy Matthews  
Yoke O'Brien  
Raj Sohal

Senior Finance Business Partner  
Executive Director – Children's Services  
Assistant Director - Education  
Finance Business Partner  
Early Years Strategic Advisor  
Strategic Finance Business Partner  
Democratic Services Officer

Also in attendance – Councillor Scott Edwards

### 62 **Apologies for non-attendance, Forum membership changes and declarations of interest**

Apologies for non-attendance were received from Peter Cantley (Peter French was in attendance as a substitute).

### 63 **Minutes of meeting held on 7 July 2022 and points arising/officer feedback**

#### **RESOLVED that:**

The minutes of the meeting held on the 7th July were agreed as an accurate record.

### 64 **2021-22 DSG Budget Outturn and 2022-23 DSG Budget Update**

The Forum considered a report by The Senior Finance Business Partner, which outlined North Northamptonshire Council's 2021-22 DSG outturn and provided an update regarding the 2022-23 DSG.

During discussion, the principal points were noted:

- Members queried how the high needs overspend from the previous year compared with that of the high needs balance brought forward from the legacy Northamptonshire County Council authority and whether a deficit had been carried into the current year.

- Regarding the 2022-23 DSG funding, members queried whether officers had an expenditure forecast, to predict the local authority's position against its income.

In response, The Senior Finance Business Partner clarified that:

- The high needs block deficit brought forward from the legacy authority had been repaid, therefore no deficit was carried into the new year.
- A forecast report would be brought to the December Forum meeting, to outline local authority income against expenditure.

The Chair requested officers to bring a schedule of DSG budget updates to the December meeting of the forum.

**RESOLVED that:**

The report be noted.

**65 2021-22 Maintained School Balances and Schools Facing Financial Difficulty in 2022-23**

The Forum considered a report by The Finance Business Partner, which outlined the final 2021-22 maintained school balances, as at 31st March 2022.

During discussion, the principal points were noted:

- Members queried what action could be taken by the local authority to prevent maintained schools from reporting false balances.
- One member queried whether the deficit figures listed in the report were in-year deficits or cumulative deficits.
- Members queried whether the local authority was working internally, or alongside school resource management advisors, where schools were in difficulty, to see how they could offer support and cost adjustments.
- Members queried what support was put in place to communicate with schools around the categorisation of reserve carry-forwards.
- Members queried how the local authority differentiated maintained nurseries money from other activities.

In response, The Finance Business Partner clarified that:

- Through the school balances control policy, the local authority would clawback balances regardless of whether they had been committed or not. Schools would be asked to complete a surplus balance analysis form, which would outline committed balances and conditions for them to be classified as committed, as per DfE guidance.
- The figures provided in the report were cumulative deficits.

- Schools would be asked to provide budget plans on a quarterly basis, linked with school effectiveness. The local authority had also began to request cash flow forecasts from schools, for further budget management.
- The categorisation of carry-forwards would be addressed by the surplus balance analysis form, as schools would be asked to provide evidence for any committed balances.
- Work around early years finance was underway to carry out an audit of maintained nurseries.

**RESOLVED that:**

The Forum approves the recommendations outlined in the report, not to apply a clawback policy for 2021/22 and to update the balance mechanism control policy and surplus analysis form for 2022/23.

**66 School Balances Control Policy**

The Forum considered a report by The Finance Business Partner, which outlined North Northamptonshire Council's policy on the Control of Surplus Balances in schools.

During discussion, the principal points were noted:

- Members requested that the local authority provide support to schools when submitting returns (surplus balance analysis form).
- Members queried whether clear criteria would be outlined, for schools to ensure they had submitted returns correctly.

In response, The Finance Business Partner clarified that:

- Under the policy, where the local authority would be satisfied with the returns submitted by schools, it would continue monitoring to verify that plan expenditure would eventually be realised. The local authority made a commitment to support schools and maintain clear communication around any potential clawback.
- The criteria for required evidence from schools would be clearly outlined, through guidance on the analysis form.

**RESOLVED that:**

The Forum approves the School Balances Control Policy.

**67 North Northamptonshire School's Deficit Budget Policy**

The Forum considered a report by The Finance Business Partner, which outlined North Northamptonshire Council's School Deficit Budget Policy.

During discussion, the principal points were noted:

- Members queried what would happen to school's deficits if they were to become academies.
- Members queried whether the 1% figure required for schools to agree a planned budget came from the DfE or North Northamptonshire Council.
- One member queried whether schools would be obligated to submit a deficit recovery plan immediately after falling into an in-year deficit.

In response, The Finance Business Partner clarified that:

- If schools in deficit were to convert to academy status, this deficit would follow them. However, if the academy was sponsored, the debt would remain with the local authority.
- The 1% required for a planned budget came from the local authority's Scheme for Financing Schools. Under DfE guidance, schools would not be allowed to operate under a deficit, without license.
- As soon as schools became aware of passing the 1% deficit threshold, they would apply for a license deficit. ('Schools should develop plans for deficit recovery as soon as potential deficit is identified.')

**RESOLVED that:**

The Forum approves the Deficit Budget Policy.

**68 2023-24 Provisional National Funding Formula for Schools and High Needs**

The Forum considered a report by The Strategic Finance Business Partner, which outlined details of the National Funding Formula (NFF) 2023-24 policy for schools and high needs.

During discussion, the principal points were noted:

- Members expressed concern that the minimum funding guarantee listed in the report would cause another funding gap in future, which would hinder schools from delivering best possible services. The Forum requested that officers bring further information concerning how it might work with the local authority to lobby and express the effects of such funding to central government.

**RESOLVED that:**

The report be noted.

**69 Split Site Policy and Update**

The Forum considered a report by The Interim Capital Programme Consultant, which outlined North Northamptonshire Council's proposed Split Site Policy, funded from the Schools Block of the DSG for 2023-24.

**RESOLVED that:**



The Forum approves the Split Site Policy.

## **70 Pupil Growth Fund Policy and Update**

The Forum considered a report by The Assistant Director for Education, which outlined the Pupil Growth Fund.

During discussion, the principal points were noted:

- Regarding the dispersal of funding to schools which had taken on refugee and asylum-seeking students, members queried whether the local authority could consider what support for refugee children might be provided through the pupil growth fund.
- One member queried whether it might be deemed risky to apply growth funding to schools whose budget trajectories demonstrated significant future deficits.

In response, The Assistant Director for Education clarified that:

- There had been a 600 pupil increase, in-year, since the previous academic year - of this figure, 100 places were related to the Ukrainian refugee scheme. The local authority had waited for further guidance from the DfE concerning the 'Homes for Ukraine' scheme and had, at the time of meeting, received only a quarter of committed funding. Until full funding was received from central government, the local authority would allocate this capital to schools.
- The local authority would ensure that where it would seek to put growth into schools, it would not adversely affect their budgets. For planned growth, the local authority would need to be aware of schools' financial capabilities and robustness to manage growth.

### **RESOLVED that:**

The report be noted.

## **71 Implementing the Direct National Funding Formula Consultation**

The Forum considered a report by The Assistant Director for Education, which outlined the Direct National Funding Formula Consultation by the DfE, which closed on the 9th September 2022.

### **RESOLVED that:**

The report be noted.

## **72 National Funding Formula Central School Services Block 2023-24**

The Forum considered a report by The Strategic Finance Business Partner, which outlined North Northamptonshire Council's proposals for central expenditure on education functions for 2023-24.

During discussion, the principal points were noted:

- Members queried whether officers anticipated a deficit in the high needs funding block, since in the previous year, the Forum had been asked to approve a contribution transfer of 0.11 to the high needs funding block.

In response, The Strategic Finance Business Partner clarified that:

- The local authority had inherited a high needs block deficit of £1.6 from the legacy authority, which had been paid in 2021/22. There was no longer a deficit in the high needs funding block, as the legacy structural deficit had been resolved.

**RESOLVED that:**

The report be noted.

**73 Early Years Update**

The Forum considered a report by The Early Years Strategic Advisor, which provided an update regarding North Northamptonshire Council's activity around the Early Years sector.

**RESOLVED that:**

The Forum approves two additional places for wider representation of the PVI sector.

**74 Proposed Changes to Scheme for Financing Schools**

The Forum considered a report by The Finance Business Partner, which outlined proposed changes to the Scheme for Financing Schools. All maintained schools would be consulted on any amendments or additions to the scheme.

During discussion, the principal points were noted:

- One member suggested that it would be more helpful to receive updates regarding forecasts of the scheme on a termly-basis, rather than quarterly.

**RESOLVED that:**

The Forum approves the questionnaire to be included in the schools budget consultation.

**75 Schools Forum Plan**

The Democratic Services Officer introduced the item and highlighted the following:

- The next meeting of the North Northamptonshire Schools Forum would be held on the 14th December 2022.

**RESOLVED that:**

The Forum noted the report.

**76 Urgent Business**

There was none.

There being no further business the meeting closed.

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# Agenda Item 3



North  
Northamptonshire  
Council

North Northamptonshire Schools Forum: 14 December 2022

## Agenda Item 3

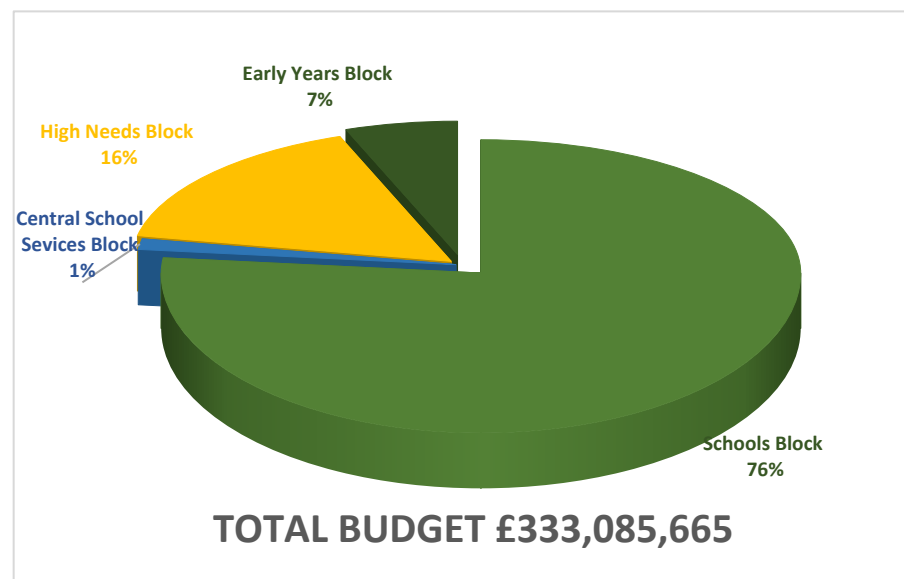
### DSG Update 2022-23

#### 1. Purpose of the Report

The purpose of the report is to ensure that the Schools Forum is informed of the current financial position of the Dedicated Schools Grant (DSG) against the budget for 2022-23.

#### 2. DSG Funding 2022-23

2.1 The 2022 to 2023 DSG allocations before academies recoupment and deductions for national non-domestic rates and for direct funding of high needs places by Education and Skills Funding Agency (ESFA) is as follows:



Block	Allocation Date 16th Dec 2021	Allocation Date 30th Mar 2022	Difference	Allocation Date 19th July 2022	Difference	Allocation Date 17th November 2022
Schools Block	£ 254,876,162	£ 254,876,162	£ -	£ 254,876,162	£ -	£ 254,876,162
Central School Services Block	£ 3,567,298	£ 3,567,298	£ -	£ 3,567,298	£ -	£ 3,567,298
High Needs Block	£ 50,115,790	£ 52,005,755	£ 1,889,965	£ 52,370,722	£ 364,967	£ 52,370,722
Early Years Block	£ 21,812,758	£ 21,812,758	£ -	£ 22,271,483	£ 458,725	£ 22,271,483
<b>Total Gross DSG Allocation</b>	<b>£ 330,372,008</b>	<b>£ 332,261,973</b>	<b>£ 1,889,965</b>	<b>£ 333,085,665</b>	<b>£ 823,692</b>	<b>£ 333,085,665</b>

2.2 The increase in DSG funding since December 2021 is due to:

- Additional High Needs Block funding as announced in December 2021 (£1.889m)
- Favourable High Needs Block Import and Export adjustments in July 2022 (£0.365m)
- Recalculation of the Early Years Block indicative funding based on January 2021 and January 2022 census (£0.459m).

2.3 There were 2022-23 DSG deductions for academies recoupment, national non-domestic rates, and direct funding of high needs places by ESFA of the following amounts:

Block	Allocation Date 16th Dec 2021	Allocation Date 30th Mar 2022	Difference	Allocation Date 19th July 2022	Difference	Allocation Date 17th November 2022	Difference
Schools Block	£ 1,720,380	£ 207,136,497	£ 205,416,117	£ 207,136,497	£ -	£ 207,797,719	£ 661,222
Central School Services Block	£ -	£ -	£ -	£ -	£ -	£ -	£ -
High Needs Block	£ 10,134,000	£ 10,464,835	£ 330,835	£ 10,440,835	£ 24,000	£ 10,440,835	£ -
Early Years Block	£ -	£ -	£ -	£ -	£ -	£ -	£ -
<b>Total Gross DSG Allocation</b>	<b>£ 11,854,380</b>	<b>£ 217,601,332</b>	<b>£ 205,746,952</b>	<b>£ 217,577,332</b>	<b>£ 24,000</b>	<b>£ 218,238,554</b>	<b>£ 661,222</b>

The recoupment is as follows:

- Academies budget share recoupment (£205.416m)
- Academies, Free Schools, and FE colleges high needs place recoupment (£0.331m)
- Adjustment for AP Free School places (-£0.024m)
- Park Junior Academy Conversion 1<sup>st</sup> Sept 2022 (£0.661m)

2.4 The following table shows the DSG that remained with North Northamptonshire for the maintained schools budget share and the delivery of central schools, high needs and early years services.

Block	Allocation Date		Difference	Allocation Date		Allocation Date	
	16th Dec 2021	30th Mar 2022		19th July 2022	17th November 2022	Difference	
Schools Block	£ 253,155,782	£ 47,739,665	-£ 205,416,117	£ 47,739,665	£ -	£ 47,078,443	-£ 661,222
Central School Services Block	£ 3,567,298	£ 3,567,298	£ -	£ 3,567,298	£ -	£ 3,567,298	£ -
High Needs Block	£ 39,981,790	£ 41,540,920	£ 1,559,130	£ 41,929,887	£ 388,967	£ 41,929,887	£ -
Early Years Block	£ 21,812,758	£ 21,812,758	£ -	£ 22,271,483	£ 458,725	£ 22,271,483	£ -
Total Gross DSG Allocation	£ 318,517,628	£ 114,660,641	-£ 203,856,987	£ 115,508,333	£ 847,692	£ 114,847,111	-£ 661,222

### 3. DSG Update 2022-23 – Year End Forecast

The latest DSG forecast position for 2022 – 23 for each block is shown below based on November 2022 allocation:

Block	2022-23 Budget		Year End Forecast		Variance
Schools Block	£ 254,876,160	£ 255,204,922	-£ 328,762		
Central School Services Block	£ 3,567,298	£ 3,567,298	£ -		
High Needs Block	£ 52,370,722	£ 50,990,415	£ 1,380,307		
Early Years Block	£ 22,271,483	£ 22,299,010	-£ 27,527		
Total Gross DSG Allocation	£ 333,085,663	£ 332,061,645	£ 1,024,018		

#### 3.1 Schools Block

The overspend on the Schools Block is due to pressure on the Pupil Growth Fund. This relates to the opening of Stanton Cross Primary Academy in Sept 2022. At the time NNC's Schools Budget using DfE's Authority Proforma Tool (APT) was set, the opening of the Stanton Cross Primary School was not confirmed by the DfE which resulted in the school being omitted from the APT template. This was recently raised by the DfE which resulted in an additional recoupment of 135k from NNC's Growth Fund. The remainder of the overspend has materialised due to classroom bulges (£194k).

#### 3.2 Central Schools Block

Forecasted to come in within budget.

#### 3.3 High Needs Block

Currently forecasting an underspend of £1.380m this is mainly due to additional funding of £1.889m announced in Dec 21 and a favourable Import and Export adjustment in July.

#### 3.4 Early Years Block

Reduction in funding on the Maintained Nursery School Supplement due to lack of participation in maintained nursery schools has given rise to a forecast overspend of £27k.

### **3.5 DSG Summary**

In summary the DSG is forecast to underspend £1.024m by 31<sup>st</sup> March 2023.

### **4. Recommendations**

Schools Forum are asked to note this report.

### **5. Financial Implications**

The figures in this report are based on forecast and will be subject to change.

### **6. Legal implications**

Schools funding is governed by The School and Early Years Finance (England) Regulations 2021. It is important to ensure decisions are made within the regulations set.

### **7. Risks**

There is the risk that an adverse financial decision may be made by Schools Forum based on the content of this report.

#### **Report Author:**

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# Agenda Item 4



## North Northamptonshire Schools Forum: 14 December 2022

### Agenda Item 4

#### Consultation Feedback to Proposed Changes to Scheme for Financing Schools

#### 1. Background

- 1.1 Local authorities have continuing responsibility for financial regularity in schools. The chief financial officer (CFO) of the local authority (LA) is responsible for making the necessary arrangements for local financial and management controls, under section 151 of the Local Government Act 1972.
- 1.2 Schools Forum members were informed at the October 2022 meeting that should the LA wish to make amendments to the Scheme for Financing Schools, all maintained schools will be consulted on the amendments or additions to the scheme.
- 1.3 This report provides the Schools Forum with an analysis of all the responses received as part of the consultation with maintained schools on changes to the Scheme for Financing Schools.

#### 2. Consultation response

- 2.1 The number of responses received were 35, out of those 6 were duplicates and 1 was inconclusive. The new total of responses is 28. 12 maintained schools did not respond.

##### Question 1:

Provision of financial information and reports - Requirement for schools to submit a Monthly Income and Expenditure Analysis and VAT reimbursement returns. If a return is missed the following month's funding will be withheld until the return is received. Do you Agree / Disagree with the above proposal.

	Count	%
Agree	9	22.5%
Disagree	19	47.5%
No Comment	12	30.0%
Grand Total	40	100%

## Question 2:

Submission of Financial Forecasts - Requirement for schools to submit budget monitoring returns quarterly. If the budget monitoring returns are not received the funding will be withheld until the budget monitoring return is received. Do you Agree / Disagree with the above proposal

	Count	%
Agree	10	25.0%
Disagree	18	45.0%
No Response	12	30.0%
Grand Total	40	100%

2.2 Out of the 19 School's that disagreed, 9 schools commented on the statement about funding being withheld. Schools asked the LA to explore a strike system in which schools are given 2 chances in an event of the return being missed before holding back future funding.

### 3. Why is the change to Scheme for Financing Schools being proposed

3.1 The Chief Finance Officer (Section 151 Officer) has responsibility for administering the financial arrangements of the North Northamptonshire Council, including the financial affairs of schools. In the management of their delegated budgets, schools must therefore abide by the Chief Finance Officer's requirements on financial control and monitoring as detailed in the Scheme for Financing Schools.

3.2 North Northamptonshire Council are moving to reporting DSG and Schools on a monthly basis to the Executive. To facilitate this, North Northamptonshire Council need to receive school information on monthly basis to enable the LA to capture schools' financial information in a timely manner on North Northamptonshire Council's ledger. This information will enable North Northamptonshire Council to have an up-to-date financial position of each school.

3.3 This financial information also enables North Northamptonshire Council to monitor and support schools in financial difficulty in a timely manner. This in turn allows the LA to take appropriate action when necessary and to update School Forum and North Northamptonshire Council's Executive of schools' financial position on a regular basis.

3.4 As outlined in the 2021/22 Maintained School Balances and Schools Facing Financial Difficulty in 2022/23 report to the October Schools Forum meeting, 13 maintained schools are anticipating setting a deficit budget of around £679k in 2023-24 rising to 24 maintained schools in 2024-25 when the deficit is estimated to total around £2.5m. This information is based on the 3 Year Budget Plans submitted by schools which are authorised by their respective Governing Bodies.

3.5 In light of 3.4 above, the local authority has a responsibility to ensure the financial information requested from schools are up to date so that information contained in reports to Schools Forum and North Northamptonshire Council's Executive are accurate.

3.6 Regular reporting will also facilitate timely intervention by the local authority in schools causing concern to prevent it reaching a point where the Chief Finance Officer and Director of Children Services may have to consider issuing a Notice of Concern.

#### 4. Financial implications

4.1 Paragraph **2.24 Notice of concern** in North Northamptonshire's Scheme for Financing Schools states:

*The LA may issue a notice of concern to the governing body of any school it maintains where, in the opinion of the NNC Chief Finance Officer and the Director responsible for Childrens Services, the school has failed to comply with any provisions of the scheme, or where actions need to be taken to safeguard the financial position of the local authority or the school.*

*Such a notice will set out the reasons and evidence for it being made and may place on the governing body restrictions, limitations, or prohibitions in relation to the management of funds delegated to it.*

#### 5. Legal implications

5.1 The Scheme has been written using the Statutory guidance given by the Secretary of State pursuant to s.48 (4) and paragraph 2A (2) of Schedule 4 to the School Standards and Framework Act 1998, School Standards and Framework Act 1998.

#### 6. Risks

6.1 There is a significant risk that more and more schools in financial difficulty could be unsupported until discovered by the local authority early intervention by the LA could help manage this situation.

6.2 The LA risk not reporting accurately and timely to Schools Forum, North Northamptonshire Council Executive and DfE should these changes not be implemented.

#### 7. Recommendations for Schools Forum

7.1 Despite the outcome of the consultation, Schools Forum are asked to support and approve the implementation of these two clauses within the Scheme of Financing Schools to ensure robust reporting and monitoring to preserve the continuity and longevity of North Northamptonshire Maintained Schools.

a. **Provision of financial information and reports** - Requirement for schools to submit a Monthly Income and Expenditure Analysis and VAT reimbursement returns. If 2 returns are missed, then following month's funding will be withheld until the return is received.

b. **Submission of Financial Forecasts** - Requirement for schools to submit budget monitoring returns quarterly. If the budget monitoring returns are not received the funding will be withheld until the budget monitoring return is received.

**Report Author:**

Officer name: Salik Khan

Officer title: Finance Business Partner – Children Services

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## North Northamptonshire Schools Forum: 14 December 2022

### Agenda Item 5

#### 2023-24 Mainstream Schools Funding Formula Consultation and Proposal

#### 1. Purpose of this report

- 1.1 This report explores the issues that Schools Forum will need to consider in the January meeting in making recommendations to Cabinet and Council about the mainstream funding formula for 2023-24.
- 1.2 It feeds back of the outcome of the consultation on the mainstream funding formula for 2023-24 with schools.

#### 2. Background

- 2.1 In July 2022, the Department for Education set out key figures and operational guidance for the Schools Block National Funding Formula for 2023-24, to allow planning by Local Authorities, Schools and Schools Forum.
- 2.2 This report sets out this information, identifying how this affects North Northamptonshire including any local issues which may need to be taken account in developing the mainstream funding formula for 2023-24 and what decisions will be needed on the way. As in recent years, the mainstream funding formula (known as the Authority Proforma Tool (APT)) must be submitted to ESFA by 20<sup>th</sup> January 2023, subject to political sign off.
- 2.3 The ESFA consulted on views on their approach to implementing the direct National Funding Formula (NFF) for mainstream schools. North Northamptonshire's response to the consultation was presented at the October Schools Forum.
- 2.4 The final arrangements for the funding formula for schools are for Cabinet and Council to determine in February 2023, but the proposals they will consider are ones which Schools Forum will have agreed at the 19<sup>th</sup> January 2023 Schools Forum meeting.
- 2.5 The DFE requires the local authority to consult with all affected schools each year the basis of the funding formula to be used if changes are proposed.
- 2.6 North Northamptonshire Council's mainstream funding formula mirrored the National Funding Formula (NFF) in 2022-23.
- 2.7 2023-24 will be DFE's first year of transition to the direct schools National Funding Formula. All local authorities will only be allowed to use NFF factors in their local formulae and must use all NFF factors. Local authorities will also be required to move

their local formulae factors 10% closer to the NFF values, compared to where they were in 2022-23, unless they are already mirroring the NFF.

2.8 North Northamptonshire is amongst the 78 local authorities (of 150 local authorities in England) deemed to mirror the NFF whose formula factor values are all within 2.5% of the NFF factor value.

### 3. 2023-24 Estimated Schools Block Funding Summary

3.1 The indicative North Northamptonshire's Schools NFF funding for 2023-24 using the most recent census data of 73% of schools and estimates for the remainder at the time of consultation with schools suggests a Schools Block DSG total of £269.55m.

3.2 Although the School Supplementary Grant has been rolled into the 2023-24 School Budgets by the DfE, North Northamptonshire schools have gained £7.87m overall.

**Table 1 - Comparison of Estimated 2023-24 Schools Block with 2022-23**

Component	Final Schools Block composition 2022-23			Expected Available Funding 2023-24			Difference		
	Pupil Nos	PUF / SUF*	Total 2022/23	Pupil Nos	PUF / SUF*	Total 2023/24	Pupil Nos	PUF / SUF*	Total Funding
			£m			£m			£m
Primary NFF	29,697.50	£4,526.11	£134.41m	29,637	£4,735.55	£140.35m	-60.5	£209.44	£5.93m
Secondary NFF	19,971.00	£5,857.68	£116.98m	20,367	£6,190.29	£126.08m	396.00	£332.61	£9.09m
Premises NFF			£1.80m			£1.82m			£0.03m
Growth Factor			£1.68m			£1.30m			-£0.38m
<b>Total Schools Block DSG</b>			<b>£254.88m</b>			<b>£269.55m</b>			£14.67m
Primary SSG	29698		£3.37m			£0.00m			-£3.37m
Secondary SSG	19971		£3.43m			£0.00m			-£3.43m
<b>Total Schools Block funding</b>			<b>£261.68m</b>			<b>£269.55m</b>			£7.87m

### 4. Consideration of issues in determining the use of the Schools Block for 2023-24

4.1 The operational guidance for school revenue funding for 2023-24 sets out the requirements for considering the use of the Schools Block funding and the timetable for decision making and reporting.

4.2 The DfE intend to settle all school National Non-Domestic Rates bills nationally but recover the costs from each school via the ESFA (for academies) and LAs (for maintained schools) for 2023-24. North Northamptonshire has already implemented this in 2022-23 so it will not be new to North Northamptonshire's schools.

4.3 The steps Schools Forum will need to consider to reach the final recommendations to make to Cabinet about the use of the Schools Block in 2023-24 will be:

- a) Should there be any transfers between the Schools Block and any other blocks?
- b) What rate should the Minimum Funding Guarantee be set at?
- c) What funds are to be set aside for Growth Fund and Falling Rolls Fund?
- d) Are there any decisions that need to be submitted to the Secretary of State for ratification?

## 5. Transfers between blocks

- 5.1 Although the schools block is ring-fenced in 2023-24, local authorities can transfer up to 0.5% of their Schools Block funding into another block, **with the approval of their schools forum.**
- 5.2 In 2022-23 there was a transfer of 0.5% (£1.274m) from Schools Block to High Needs Block due to the increasing growth in EHCP numbers locally which was creating pressure in the High Needs Block.
- 5.3 The protected funding for individual schools has the transfer of 0.5% / £1.274m to the High Needs Block built in. That means that only 99.5% of the Schools Block DSG was used for Schools Block activities and individual schools are protected at the 99.5% level, not the 100% level. If the £1.274m were not again to be transferred to the High Needs Block, this means that schools will be protected at the 100% level when the direct National Funding Formula is implemented.

## 6. 2023–24 Mainstream Schools Funding Formula - Proposals Considered

- 6.1 The LA intends to continue to mirror the National Funding Formula values for 2023-24, with only the split-site factor determined locally. All factors are pre-determined by the DfE, the funding allocated to schools is determined by the level of the Minimum Funding Guarantee, the amount held centrally for the Growth Fund and any amount transferred to other Blocks of the DSG.
- 6.2 Due to the opening of a secondary academy in September 2023 in addition to a new entry intake at Stanton Cross which is a new and growing school in North Northamptonshire in 2023-24, the isn't much funding flexibility of options open to schools except for the two options set out below:
- **Option A Set MFG at the maximum increase of 0.5%**, no transfer to the High Needs Block and retain the remaining funding in the Growth Fund to support the influx of pupils in North Northamptonshire schools thus creating the need for bulge classes.
  - **Option B Set MFG at the minimum increase of 0%**, no transfer to the High Needs Block and retain the remaining funding in the Growth Fund to support the influx of pupils in North Northamptonshire schools thus creating the need for bulge classes.

## 7. Impact of Proposals Considered

- 7.1 Consideration were given to what ways do the different funding options affect the distribution and the key points for were:
- **Under Option A** - 10 schools have a formula allocation that require a Minimum Funding Guarantee adjustment to achieve 0.5% Minimum Funding Guarantee
  - **Under Option B** - 3 schools have a formula allocation that require a Minimum Funding Guarantee adjustment to achieve 0% Minimum Funding Guarantee

- 7.2 Except for 10 schools there are no differences between options A and B.
- 7.3 The differences in the 10 schools' range between £510.67 - £7,750.41 in the school's estimated 2023-24 Post MFG Budget or £2.49 - £20.34 per estimated 2023-24 Post MFG per pupil budget. This is due to the 2023-24 MFG Adjustment.

## **8. Transfer of Schools Block to the High Needs Block**

- 8.1 For 2022-23 it was agreed to transfer 0.5% to the high needs block to support the inherited legacy deficit from Northamptonshire County Council's High Needs Block.
- 8.2 The July 2022 DfE schools funding announcement confirmed that the North Northamptonshire's High Needs (HN) DSG for 2023-24 will again see a stepped increase of 5%, albeit smaller than what was received in 2022-23. The indicative HN DSG for 2023-24 is £55.1m, £2.8m more than the current 2022-23 HN DSG of £52.3m.
- 8.3 Budget was set aside in the 2021-22 High Needs Block budget to repay the legacy deficit. The deficit was repaid in 2021-22. This enabled North Northamptonshire to start with a clean slate for High Needs Block in 2023-24 diminishing the need to transfer from Schools Block to High Needs Block in 2023-24.
- 8.4 However the LA continue to work with the ongoing pressures which are still being faced in the High Needs Block with the increase in the number of new EHCP cases as well as inflationary pressure which suggests the High Needs Block may well require a transfer of funding from Schools Block in future years.

## **9. Future years considerations to transfer to the High Needs Block**

- 9.1 North Northamptonshire Schools Forum has approved 0.5% transfer in previous years, and this continues to support the ability to increase top up rates and distribute funds to schools.
- 9.2 A High Needs Sub-Group is looking at the plans for getting the High Needs Block back to balance as well as addressing the High Needs requirements in North Northamptonshire and one of the options being considered is to transfer resource from the Schools Block to the High Needs Block.
- 9.3 Growing numbers and costs of EHCPs will either result in more funding going to mainstream schools (via high needs top-ups) or funding will shift from mainstream schools to specialist provision (as pupils are funded through the High Needs block).
- 9.4 The LA has seen that many other LAs have experienced High Needs deficits and it is important to avoid reaching a point where the deficit is so large that it becomes irrecoverable.

## **10. Growth and Falling Rolls Fund**

- 10.1 Current Growth Fund guidance allows LAs to set aside funding to meet the costs of new schools and growing schools. North Northamptonshire have seen the significantly increase in demand for Growth Fund over the past year with the opening of new and



growing schools and the unanticipated significant increase in pupil roll numbers causing bulges in North Northamptonshire schools.

10.2 Current Falling Rolls Fund guidance allows LAs to set aside a small fund for good schools with falling rolls, where local planning data shows that the surplus places will be needed within the next 3 financial years schools. North Northamptonshire currently do not have a Falling Rolls Fund.

10.3 In July 22 the DFE consulted regarding change to the operational guidance to expand the criteria of the current Growth and Falling Rolls Fund.

10.4 The proposal recognised that costs associated with school closures and amalgamations and down-sizing schools might be absorbed by the schools' own budgets or may ultimately fall on the LA or ESFA.

10.5 The proposed change is to “**permit local authorities to spend growth and falling rolls funding on the revenue costs associated with repurposing or reducing school places**”

## **11. Consideration to allow funding to be set aside for Growth and Falling Rolls Fund**

11.1 North Northamptonshire has been working with primary and secondary schools to meet the authority's duty to manage school places sufficiently and efficiently.

11.2 Currently North Northamptonshire have had significant demand in pupil places, and this will continue to grow over the next decade until the world become a safer place. These pressures, combined with falling real terms funding for schools and the impact of the pandemic, are placing a significant strain on North Northamptonshire's schools and Growth Fund budget.

11.3 The financial implications on revenue costs being met by the school may impact future amalgamations particularly with the growing number of schools in deficit.

11.4 The proposal of the Growth and Falling Rolls Fund criteria changes for 2023-24 to allow scope to fund support for repurposing of school places falls in line with North Northamptonshire's Place Planning Strategy and would also be prudent to allow for some support to enable smooth transition of change in future years.

## **12. Illustrations**

12.1 The impact of the two options A and B of the consultation based on estimated pupil numbers expected from final October 22 census were worked out.

12.2 Option A show that 92.54% of schools do not rely on MFG adjustment to fund school.

12.3 Option B show that 97.76% of schools do not rely on MFG adjustment to fund school.

12.4 **Table 1** under paragraph 3.2 estimates there will be **£269.55m** available in 2023-24 Schools Block DSG. The illustrations show that if

- **Option A: If MFG is set at the maximum increase of 0.5%** and no transfer to the High Needs Block this will distribute **£52k distributed via MFG and set aside £92k for Growth Fund.**
- **Option B: If MFG is set at the minimum increase of 0%** and no transfer to the High Needs Block this will distribute **£15k distributed via MFG and set aside £129k for Growth Fund.**

12.5 **Appendix A** is a comparison of both options using published NFF values for 2023-24, October 2022 pupil numbers with October 2021 pupil characteristics with the 2022-23 formula values using the same data.

### 13. Consultation Responses

13.1 Eighteen schools responded to the Mainstream Schools Funding Consultation 2023-24.

13.2 Their responses are as follows:

Do you agree to the proposal set 2023-24 MFG at 0.5%?	Do you agree that the LA do not transfer out of the Schools Block to the High Needs Block in 2023-24?	Are you supportive of the proposal that there should be funding set aside in Growth Fund to support the unforeseen increase in pupil number growth in North Northamptonshire schools?	Do you have any other comments about the funding arrangements outlined in this paper?	School Name	Job Title
Yes	Yes	Yes	No	South End Junior School	Business Manager
Yes	Yes	Yes	no	ST Mary's CE VA Primary Academy	Business Manager
Yes	Yes	No	It would be helpful to understand, at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response.	Mears Ashby CE Primary	Executive Headteacher
Yes	Yes	Yes	no	Danesholme Junior Academy	Executive Principal
Yes	No	Yes	n/a	Bishop Stopford School	Business Manager
Yes	Yes	Yes	No	Millbrook Junior School	School Business Manager
Yes	Yes	No	It would be helpful to understand, at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response.	Loddington CE Primary School	Headteacher
Yes	Yes	No	It would be helpful to understand at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response.	St Barnabas Church of England School	Headteacher
Yes	Yes	No	It would be helpful to understand, at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response.	Cottingham CofE	Headteacher
Yes	Yes	No	It would be helpful to understand, at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response.	Ringstead CE Primary School	Headteacher
Yes	Yes	No	It would be helpful to understand, at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response	Weldon C E Primary School	Head of School
Yes	Yes	No	It would be helpful to understand, at school level, what the proposed impact of each option is so this can be assessed prior to submitting a response.	St Andrew's C of E Primary School	Head Teacher
Yes	Yes	Yes	No	Rothwell Victoria Infant and Rothwell Junior School	Executive Headteacher
Yes	Yes	Yes	No	Wrenn School	Regional Head of Finance
Yes	Yes	Yes	No	Weavers Academy	Regional Head of Finance
Yes	Yes	Yes	No	Earls Barotn Primary School	School Business Manager
Yes	Yes	Yes	no	Hayfield Cross	SBM
Yes	Yes	Yes	No	Corby Primary Academy	Principal

## 14. Conclusions

- 14.1 North Northamptonshire has transitioned over the past few years to the National Funding Formula values. The intention is to continue this ongoing strategy to ensure that less schools are supported by MFG and operate within the funding levels available as all schools transition to the hard NFF within the next five years.
- 14.2 The outlook for future changes in the landscape of schools in North Northamptonshire continues to be unstable based on current projections of pupil numbers. There will be the need to support the sustainability of changing cohort and the strategy for place planning in future years. It would be prudent for forward planning to allow a contingency to support this in line with the change in regulations to growth fund in 2023-24.
- 14.2 Whilst the High Needs Block may have temporarily return to a balance position it is still facing continued pressures in future years with the increase in EHCPs and inflationary increases.
- 14.4 In light of the above, whilst Option B is most suitable to North Northamptonshire's circumstances and allows for future planning in and sustainability for pupil place planning strategy which will impact all schools, the LA recognise the challenging financial climate schools currently operate within therefore **Option A – to set a MFG at 0.5%** is recommended for North Northamptonshire

## 15. Recommendations for Schools Forum

- 15.1 Schools Forum are asked to approve:
- a) The adoption of the 2023-24 ACA adjusted National Funding Formula values in setting the 2023-24 mainstream funding formula for schools and academies.
  - b) The formula will continue to use the current local factors for split sites unless otherwise instructed by the DfE.
  - c) The Minimum Funding Guarantee to be set at 0.5%.
  - d) That there will be no transfer to the High Needs Block in 2023-24.
  - e) All remaining funding in Schools Block will be allocated to the Growth Fund.

## 16. Next steps

- 16.1 Once Schools Forum approval for items in this report and the de-delegation reports are agreed in this meeting, it will allow officers to construct final draft allocations of the schools' budgets based on the December 2022 DfE Funding Settlement for approval at the 19<sup>th</sup> January 2023 Schools Forum meeting.
- 16.2 The final Authority Proforma Tool (of mainstream local formula allocations) will be despatched to the ESFA on the 20<sup>th</sup> January 2023 and will be used to seek formal political approval for school budgets in line with the formal Cabinet and Council in February 2023 Council meeting.

**17. Financial implications**

17.1 The figures in this report are estimated and will change following the release of the 2023-24 Authority Proforma Tool with the October 2022 census and the 2023-24 Funding Settlement by the DFE expected on the 21<sup>st</sup> December 2022.

**18. Legal implications**

18.1 Schools funding is governed by The School and Early Years Finance (England) Regulations 2022. It is important to ensure decisions are made within the regulations set.

**19. Risks**

19.1 There is the risk that an adverse financial decision may be made by Schools Forum based on the content of this report. There is also the risk that decisions made could be ultra vires.

**Report Author:**

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Comparison of both options using published NFF values for 2023-24, October 2022 pupil numbers with October 2021 pupil characteristics with the 2022-23 formula values using the same data.

Area Cost Adjustment for North Northamptonshire  
ACA 1.00329

Factor type	Factor	NFF Value Primary	NFF Value Secondary	Units Primary	Units Secondary	North Northamptonshire 2023-24 Illustration £'000
Age-Weighted Pupil Unit	Primary (Years R-6)	£3,405.17		29,707.00		£101,157
Age-Weighted Pupil Unit	Key Stage 3 (Years 7-9)	£4,800.74		12,482.00		£59,923
Age-Weighted Pupil Unit	Key Stage 4 (Years 10-11)	£5,410.74		8,025.00		£43,421
Deprivation	FSM	£481.58	£481.58	5,420.46	3,635.49	£4,361
Deprivation	FSM6	£707.32	£1,033.39	5,815.73	4,681.91	£8,952
Deprivation	IDACI Band F	£230.76	£336.10	2,045.06	1,487.43	£972
Deprivation	IDACI Band E	£280.92	£446.46	4,291.16	2,880.98	£2,492
Deprivation	IDACI Band D	£441.45	£622.04	1,697.77	1,117.98	£1,445
Deprivation	IDACI Band C	£481.58	£682.24	1,162.01	778.29	£1,091
Deprivation	IDACI Band B	£511.68	£732.40	1,389.27	932.30	£1,394
Deprivation	IDACI Band A	£672.20	£933.06	662.49	490.51	£903
English as an Additional Language	EAL 3 Primary	£581.91		2,863.72		£1,666
English as an Additional Language	EAL 3 Secondary		£1,570.15		442.33	£695
Mobility	Pupils starting school outside of normal entry dates	£948.11	£1,364.47	285.70	67.08	£362
Prior Attainment	Primary Low Attainment		£1,158.80	29.37%	8,725.96	£10,112
Prior Attainment	Secondary low attainment (year 7)	64.53%		25.81%		
Prior Attainment	Secondary low attainment (year 8)	64.53%		25.88%		
Prior Attainment	Secondary low attainment (year 9)	64.53%	£1,755.76	25.98%	5,320.03	£9,341
Prior Attainment	Secondary low attainment (year 10)	63.59%		26.25%		
Prior Attainment	Secondary low attainment (year 11)	58.05%		25.78%		
<b>Sub-total pupil driven funding</b>						<b>£248,286</b>

2022-23 Value Primary	2022-23 Value Secondary	Comparison if 2022-23 local formula values are used to distribute the same amount £'000	Difference
£3,227.58		£95,882	£5,275
£4,550.92		£56,805	£3,118
£5,128.82		£41,159	£2,262
£471.55	£471.55	£4,270	£91
£591.94	£867.85	£7,506	£1,446
£220.72	£321.05	£929	£43
£270.89	£426.40	£2,391	£101
£421.38	£596.96	£1,383	£62
£461.51	£652.14	£1,044	£47
£491.61	£702.30	£1,338	£56
£642.11	£892.93	£863	£40
£566.86		£1,623	£43
	£1,535.03	£679	£16
£928.04	£1,334.38	£355	£8
	£1,133.72	£9,893	£219
64.53%			
64.53%			
64.53%	£1,715.63	£9,127	£214
63.59%			
58.05%			
<b>£235,246</b>			<b>£13,040</b>

Premises	7) Lump Sum	£128,421.12	£128,421.12	113.00	21.00	£17,101
Premises	8) Sparsity factor	£56,485.23	£82,169.45			£682
Premises	10) Split Sites					£83
Premises	11) Rates					£1,742
Premises	12) PFI funding					£
14) Minimum Per Pupil Level Funding						£1,512

£121,699.08	£121,699.08	£16,206	£895
£55,180.95	£80,263.20	£666	£16
		£83	£
		£1,742	£
		£	£
		£2,432	(£920)

<b>Option A - Set MFG is 0.5%, include new and growing schools and £92,120.34 is kept in Growth Fund</b>			
Minimum Funding Guarantee	MFG at 0.5%	£52	£8,414 (£8,362)
Growth Fund		£92	£4,761 (£4,669)
<b>Option A Total</b>		<b>£144</b>	<b>£13,175 (£13,031)</b>
<b>OPTION A GRAND TOTAL SCHOOLS BUDGET</b>		<b>£269,551</b>	<b>£269,551</b>

<b>Option B - Set MFG is 0%, include new and growing schools and £129,019.86 is kept in Growth Fund</b>			
Minimum Funding Guarantee	MFG at 0%	£15	£7,208 (£7,193)
Growth Fund		£129	£5,967 (£5,838)
<b>Option B Total</b>		<b>£144</b>	<b>£13,175 (£13,031)</b>
<b>OPTION B GRAND TOTAL SCHOOLS BUDGET</b>		<b>£269,551</b>	<b>£269,551</b>

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## North Northamptonshire Schools Forum: 14<sup>th</sup> December 2022

### Agenda Item 6

#### 2023-24 De-delegation : Trade Union Facilities Time for Maintained Schools

#### 1 Background

- 1.1 North Northamptonshire Council (NNC) has a Recognition Agreement with trade unions and this recognition agreement automatically covers schools within the North Northamptonshire area where the local authority is the employer (*31<sup>1</sup> community, community special, voluntary controlled and local authority nursery schools*).
- 1.2 For trade unions recognised to represent employee groups based within local authority-maintained schools (*the 31 schools above, plus 9 voluntary aided and foundation schools*), time off for trade union duties and activities is determined on an annual basis. In November 2021, Schools Forum members representing maintained schools voted to de-delegate a sum of their Post MFG Budget into a pooled trade union facility time arrangement for financial year 2022/23. Academy schools were given the opportunity to buy in to the 2022/23 pool.
- 1.3 NNC schools pooled facility time arrangements for the current financial year (Apr'22 – Mar'23) are summarised in **Appendix 1**.

#### 2 Facility time – legal context

- 2.1 Employees who are union representatives of an independent trade union recognised by their employer will be permitted reasonable time off during working hours to carry out certain trade union duties. Although there is no absolute right to take time off work, an employer should not refuse a reasonable request to do so.
- 2.2 Union representatives are entitled to request time off where the duties are concerned with:
  - negotiations with the employer about matters which fall within section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and for which the union is recognised for the purposes of collective bargaining by the employer.
  - any other functions on behalf of employees of the employer which are related to matters falling within section 178(2) TULR(C)A and which the employer has agreed the union may perform.
  - the receipt of information from the employer and consultation by the employer under section 188 TULR(C)A, related to redundancy or under the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer.

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<sup>1</sup> [Search results for " - GOV.UK \(get-information-schools.service.gov.uk\)](https://www.gov.uk/get-information-schools.service.gov.uk)

- negotiations with a view to entering into an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer; or
- the performance on behalf of employees of the employer of functions related to or connected with the making of an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006.

### **3 Department for Education non-statutory guidance**

3.1 The DfE [published guidance](#) on facility time for schools and stresses the importance of ensuring spending on facility time is as efficient as possible as well as transparent and accountable.

### **4 Benefits of de-delegation of budget into a pooled arrangement**

4.1 It ensures maintained schools & the Council meet their legal obligations:

- NNC will undertake the management and operation of the statutory consultation framework on behalf of maintained schools via the Children’s Services Directorate Consultative Forum (DCF) and Health, Safety & Wellbeing Forum (HSWF).
- Consultation on school transfer to Academy status.

4.2 Representation on employee relation issues (e.g. disciplinary, grievance):

- TU members are employees and value local representation.
- Local knowledge and understanding of local context to support local members.
- Cost effective TU representation.
- Enables consistency of local practice.
- Supports fast, efficient and informal resolution.

4.3 Least disruptive to education and cost-effective means of organising facilities time; ensures no single maintained school faces a disproportionate cost.

4.4 The majority of maintained schools do not employ staff elected as TU representatives.

### **5 Impact on schools of no de-delegation for a pooled arrangement**

5.1 Each individual school would be required to:

- Consult with all recognised trade unions on all employment and health and safety matters.
- Develop their own recognition agreement with trade unions and any collective approach to reaching agreements.
- Make their own arrangements for access to trade union representatives to represent employees and to manage facility time within the school
- Experience potentially longer timeframes for resolution of employment relation issues

5.2 Benefits to schools provided from a trade union perspective are contained in **Appendix 3**.

### **6 Recommendations for Schools Forum**

6.1 Maintained School Forum members are recommended to vote to pool their facility time arrangements in 2023/24 between maintained schools falling within North Northamptonshire.



- 6.2 Maintained School Forum members are asked to vote on whether to de-delegate budgets to fund a pooled facility time arrangement between maintained schools within North Northamptonshire.
- 6.3 Maintained School Forum members are asked to vote on a per pupil rate – 4 options are provided in the table below.

As referred in **Appendix 1** the 2022/23 per-pupil rate of £2.10 has remained unchanged for a number of years and is at the lower end of the regional range.

The following elements inform the cost of a pooled facility time arrangement for maintained schools:

- TU rep salary costs – proxy salaries are used to propose a per-pupil rate; actual costs depend on the salaries of the elected TU representatives
- Number of maintained schools – may reduce due to conversions
- Number of pupils on roll – NoR from Jan 2022 Census are used, but actual NoR figures (Jan 2023 Census) will be used to charge schools under de-delegation
- What a ‘reasonable’ amount of facility time is that schools should provide trade unions across maintained schools. The Trade Union Recognition Agreement provides guidance on a ratio of TU members : number of days facility time, but membership numbers are generally not shared by trade unions (**Appendix 2**)

	Per-pupil rate	Jan’22 Census Primary NOR*	Primary Budget	Jan’22 Census Secondary NOR	Secondary Budget	Total Budget	Estimated facility time shared by 4 unions <i>Teacher: proxy £200/day</i> <i>Non-T: proxy £120/day</i>
1	£2.10	8,891	£18,671	1,121	£2,354	£21,025	<b>2.5 days</b> (1.5 teacher rep days + 1 non teacher rep day)
2	£2.95		£26,228		£3,306	£29,534	<b>3.6 days</b> (2.3 teacher rep days + 1.3 non teacher rep days)
3	£3.56		£31,651		£3,990	£35,641	<b>4 days</b> (2.5 teacher rep days + 1.5 non teacher rep days)
4	£9.76		£86,776		£10,940	£97,760	<b>11 days</b> (7 teacher rep days + 4 non-teacher rep days)

*\*from the 35 Primary & Secondary maintained schools who can de-delegate (community, voluntary controlled, voluntary aided, foundation)*

## 7 Next steps

- 7.1 If Schools Forum vote to de-delegate budget to fund shared arrangements for facility time, then time off will be allocated based on the funds made available from schools delegating budget for facility time. This will be managed by NNC in consultation with the relevant recognised trade unions.

## 8 Financial implications

- 8.1 The table in 6.3 outlines the anticipated budget generated by de-delegation based on the following budget using October 2021 (published January 2022) Census as an example. This de-delegated budget will be updated with the October 2022 (published January 2023) Census for 2023-24.

8.2 Without the Trade Union de-delegation, maintained schools will have to provide paid facility time within their school to release elected employee representatives from each of the recognised trade unions. It is likely to be more expensive and potentially disruptive to manage facility time directly than through a pooled arrangement funded through de-delegation.

## **9 Legal implications**

9.1 The legal basis of facility time as set out in section 2 of the report applies to all employers, including those responsible for maintained schools, academies and free schools. The continuation of de-delegation enables maintained schools to meet these requirements and in particular for those maintained schools where the NNC Recognition Agreement applies because NNC is the employer.

9.1 The regulations on decision making by Schools Forum are contained within the [Schools Forum Powers and Responsibilities Guide](#).

## **10 Risks**

10.1 If facility time is not organised centrally, each trade union can press for the release of a union representative at each individual school. The training requirement for these representatives could be significant, given the new role they would be expected to fulfil (e.g. employee, Health and Safety and Learning representative duties; attend training or learning activities; consultation and negotiation on employment related matters and the schools own HR policies).

10.2 There would be a risk of increased disruption in the school, for example, releasing a teacher from the classroom to accompany a member in a formal disciplinary/grievance/performance/individual consultation meeting.

## Appendix 1

### Summary of NNC pooled facility time arrangements for 1 April 2022 – 31 March 2023

- All maintained schools (Primary & Secondary phases excluding community special & maintained nursery schools), plus xx academies and xx Academy Trusts paid a £2.10 per pupil cost-to-school rate to fund 11 days/week of facility time which was requested by and shared between the following trade unions:

Union	Name	Employer	Days /week
GMB	no rep	no rep	2
Unison	Richard Poole*	Northamptonshire Children's Trust	2
NEU	Hayley Ansell	Oundle CE Primary	2
	Simon Rielly	Kettering Buccleuch Academy	2
NASUWT	Richard Kempa	NNC	1
	Mike Molloy	Havelock School	1
	Bruce Choto	Prince William School	1

\*Arrangement agreed with NCT for 2022/23 for continuity during transition

- Due to conversions, a small carry forward deficit from 21/22 and fewer academy schools contributing to the pool than anticipated and actual salary costs, the £2.10 rate (which has remained static for a number of years) proved insufficient to fully fund the 11 days/week facility time provided to trade unions (despite only 9 days/week being taken, as GMB did not put forward an employee representative for their 2 day allocation).
- Benchmarking East Midlands local authorities (2019) found per-pupil de-delegation rates between £1.51 - £6.00 (mean £3.56) .
- NNC separately funds an additional 3 days/week of facility time under the Recognition Agreement specifically to ensure Schools TU representation at the NNC corporate forums (JCNF, Schools/Education DFC's, HSWF's, etc)

## Appendix 2

### Extract from NNC's Trade Union Recognition Agreement (Section 7)

#### Trade Union Representatives - Schools

- 1.1. For trade unions recognised to represent employee groups based within local authority maintained schools, time off for trade union duties and activities is determined on an annual basis at Schools Forum, in accordance with school budget arrangements.
- 1.2. If schools vote to de-delegate budget to fund shared arrangements for facility time, then time off (in addition to core time for senior trade union representatives set out in 7.8) will be allocated based on the funds made available from schools delegating budget for facility time and relative proportion of trade union membership in the NNC schools participating in the shared arrangements:

<b>Trade union membership</b>	<b>Time-off allocation</b>
1 – 99	0.25 days per week
100 – 499	0.5 days per week
500 – 999	1 day per week
1000 – 1499	2 days per week
1500 – 1999	2.5 days per week
2000 – 2499	3 days per week
2500 – 2999	3.5 days per week
3000 – 3499	4 days per week
3500+	4.5 days per week

## Appendix 3

### Joint statement from the recognised trade unions

The Table below illustrates the value of de-delegated facilities' time and the impact if this was not in place. The consequence of not agreeing on facility time is that issues may escalate quickly and be resolved more slowly costing time and money.

With maintained schools having to outsource HR providers and Wages clerk duties, the local authority cannot monitor HR issues and may only get notified of serious cases. The facility time helps us to work more closely with HR providers and Head Teachers to resolve issues quickly and fairly.

### Impact assessment on Schools facility time

Reason for contacting the Union	Action of the Caseworker with facility time	Potential outcome	IMPACT Without facility time
General Enquiries	Able to advise members of where they stand and what fair, informal actions to take	Able to resolve the matter early before the become an issue for the schools. E.g. This may be as simple as requesting a flexible working policy	Staff anxieties are raised which may impact on performance.  Working relationships and increased absence
Sickness / absence and Ill health retirement	Liaise between the school / HR Provider to get their perspective and enquire if there is any underlying caused i.e. a dispute.	Identify the reason for absence.  Work with the school and HR provides to offer support and a plan for returning to work.  E.g. Occupation Health reports  Mediation if there are working relationship issues  Support a clear action plan to return to work  Retaining good staff and maintaining a low staff turn over	Prolonged cost of sickness absence and cover  Staff being unsupported in being referred to Occupational Health  Potential unresolved work relationship issues  Staff leaving resulting in a higher turnover of staff, increase cost of agency staff and recruitment costs

<b>Reason for contacting the Union</b>	<b>Action of the Caseworker with facility time</b>	<b>Potential outcome</b>	<b>IMPACT Without facility time</b>
Disciplinary's	<p>Support the member through the process of any investigation</p> <p>Clarify the process with the school and HR Provider</p> <p>Advise members to be open and honest and enable them to give their version of events</p> <p>Ensure a fair investigation process</p> <p>Work within the safeguarding procedures.</p> <p>Liaise with HR Provider</p>	<p>Unions are able to support the process and advise the member accordingly.</p> <p>Many schools are grateful that the staff members are supported by an independent person who can remain objective</p> <p>Any potential outcome of the disciplinary is fair and reasonable.</p> <p>Be available, usually at very short notice to pick up these cases and respond accordingly</p>	<p>More staff will go off on sick</p> <p>More staff may leave the employment before any further action is decided on.</p> <p>In cases of false accusations, this may result in good staff leaving under a cloud.</p> <p>Without the union facility time, the disciplinary process will be very much delayed with inevitably increase costs to the school</p>
Capability	<p>Support the member through the process</p> <p>Liaise with the School and HR Provider to get their perspective</p> <p>Ensure they are following the Policy and identifying the skills and behaviours expected and how the school will provide guidance and training for these.</p>	<p>Identify what the issues are and look to resolve them without going into a formal process</p> <p>Support the member through the process with outcomes of the person attaining the standard required and that the employer provides any additional support needed</p>	
Reasonable Adjustments	<p>Work with the school to identify any potential risk factors and hazards</p> <p>Identify individual risk assessments – with or without the support of occupational health</p>	<p>The school retains a valuable member of staff</p>	<p>Increased long-term sick</p> <p>Increase agency cover needed</p> <p>Increase staff turnover</p>

<b>Reason for contacting the Union</b>	<b>Action of the Caseworker with facility time</b>	<b>Potential outcome</b>	<b>IMPACT Without facility time</b>
TUPE Consultation /redundancy	<p>Be able to work with the timelines on consultation which are often very tight</p> <p>Reassure members of a fair process</p> <p>Alleviating member's anxieties and miss trust</p> <p>Look at ways in preventing compulsory redundancies</p>	<p>Ensure staffs questions are answered in both an open forum and in confidential 1:1 Consultations</p> <p>Represent member's personal circumstances in the negotiation particularly in requesting Voluntary redundancy</p>	<p>The delayed process to enable the consultation to be meaningful</p> <p>Without the facility, time union staff will be less available to attend 1:1 meetings.</p> <p>Increased chance of tribunal cases for unfair dismissal</p>

There is a definite impact of financial cost and staffing cost / resource at a time when it is difficult to retain and recruit good staff. Particularly support staff such as TA's.

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# Agenda Item 7



North  
Northamptonshire  
Council

North Northants Schools Forum: 14 December 2022

## Agenda Item 7

### 2023-24 De-delegation : School Effectiveness for Maintained Schools

#### Appendix I

#### 1 Background

- 1.1 The School Effectiveness (SE) team is funded from the Central Schools Services Block of the Dedicated Schools Grant (DSG).
- 1.2 The current team has a Head of Service.
- 1.3 An Associate Head Teacher (AHT) whose purpose is to:
  - lead and facilitate school improvement in schools causing concern and/or;
  - to provide additional support within individual settings to facilitate rapid improvement, and/or;
  - undertake the duties of the Head Teacher where a school maybe experiencing leadership issues.
- 1.4 It also consists of School Improvement Partners (SIPs) who work with Primary, Secondary and Early Years school-based settings including, Maintained Nursery Schools (MNS) and Governors.
- 1.5 School Effectiveness provide essential services enabling the school improvement partners and the Associate Head Teacher to provide direct support for maintained schools requiring specific targeted improvement including:
  - An Interim Head Teacher.
  - Head Teacher recruitment support
  - School- to-school support plans (general) approved by the Head of School Effectiveness.
  - School- to-school support for targeted outcomes or where progress is not rapid enough in target areas of phonics, reading, maths, SEND and pupil premium outcomes.
  - School-to-school support from other quality assured support.
- 1.6 This report covers
  - School Effectiveness Funding and review of Impact
  - Future Priorities
  - Recommendations for 2023-24

## 2 School Effectiveness Funding and Review of Impact

2.1 For 2022-23 School Effectiveness de-delegation was approved by North Northamptonshire Schools Forum in December 2022. Forum agreed to continue with School Effectiveness de-delegated funding of £12 per pupil from Maintained Schools to create an estimated budget for North Northamptonshire Maintained Schools in 2022-23.

2.2 The work of the School Effectiveness Team (SET) is focussed upon Maintained Schools which were judged by Ofsted to require improvement or to be inadequate. The team also work with Good and Outstanding schools that may experience any or all of the following:

- The outcome of a section 8, (or 'ungraded') inspection suggests, from the evidence gathered, that the inspection grade might not be as high if a full inspection were carried out meaning that the next inspection will therefore be a full section 5, ('graded') inspection;
- A school's provision for early reading and/or phonics is not sufficiently well developed or securely implemented.
- A school's curriculum provision requires improvement
- A school's data being below national average in one or more key measures or where data has declined significantly which may put them at risk of an adverse Ofsted inspection unless bespoke interventions were put in
- The school is at risk of an inadequate judgement or is given an inadequate judgement by Ofsted;
- The school is at risk of a Requiring Improvement (RI) judgement or is given a RI judgement for a first, second or further times by Ofsted;
- Safeguarding is not effective as judged by the Local Authority or by Ofsted;
- Leadership and Management is a cause for concern (including Governance);
- There are financial concerns
- Significant concerns with any or all of the following:
  - attendance
  - behaviour
  - exclusions

2.3 In 2022-2023 the SET was deployed as follows:

- Resourced 4 Targeted Improvement Group (TIG) processes in 4 schools actioning detailed support plans for those schools requiring intervention;
- Undertook above average visits in RI schools and in those Good schools where several improvement areas were identified;
- Secured the placement of an Associate Head Teacher (AHT) to support improvements for those schools requiring intervention where appropriate, above average SET visits, judged to be RI with a number of areas still needing to be improved or a TIG process;
- Reviews of governance and SEND;
- School-to-school reviews;
- Provide funding for the Pupil Premium focus project which will be ongoing this academic year.
- Delivering universal curriculum training
- Facilitating and leading on bespoke curriculum subject leader surgeries Spring Term

## 2.4 The **impact** has been:

- Overall the number of Good and Outstanding maintained primary schools in North Northants increased by 11% from 78% (September 2021) to 89% (July 2022).
- This is partly as a result of the work that SET Officers have undertaken, collaboratively with Head Teachers, Senior Leaders and staff, converting RI schools to Good, or maintaining the Good rating of schools which have needed higher than average levels of support.
- Of the pupils that attend maintained primary schools in North Northants, 88% of them are now attending Good/Outstanding maintained primary schools.
- As a consequence of the work that SET Officers undertook, collaboratively with Head Teachers, Senior Leaders in RI maintained primary schools last academic year, (September 2021 – July 2022), of the 6 inspected, 83% converted to Good with one school receiving a second RI.
- Overall, 63% of the North RI maintained schools have converted to Good during 2021-2022. There are 3 remaining RI maintained primary schools of which 2 are awaiting inspection this academic year.
- Therefore, in summary, inspections have all been favourable in the maintained primary schools supported by the DSG; and
- Headline data shows that Maintained Primary Schools in North Northants were:
  1. Higher than the National average, East Midlands average and the North Northants average in:
    - reading, writing and maths (RWM) combined at the expected standard in Key Stage 2 (KS2)
    - Progress for writing and progress for maths in KS2
  2. Broadly in line with the National average, East Midlands average and above the North Northants average in:
    - A Good Level of Development (GLD) for Early Years
    - Reading at the higher standard in KS2
    - Maths at the higher standard in KS2
    - Writing at the higher standard in KS2
  3. Maintained Primary Schools in North Northants were:
    - Below National and East Midlands regarding progress in Reading at KS2 but above North Northants overall in this aspect;
    - At Key Stage 1 (KS1) maintained primary schools in North Northants are broadly in line with National and East Midlands in Reading and Writing and above North Northants overall in these aspects;
    - At Key Stage 1 (KS1) maintained primary schools in North Northants are below National and East Midlands in Maths but above North Northants overall in this aspect.
- Although many improvements are evident this year, standards overall in North Northants are below national and below that of East Midlands, however data from July 2022 should be treated with caution as it is the first collection of such information since before COVID.
- Regarding all maintained schools, the SET will be working on an individual as well as a universal basis regarding the examination of data this academic year. Data will be considered as part of a wealth of other information such as inspection outcomes, the quality of leadership and management, quality of curriculum and its delivery and the quality of education overall in these schools rather than being treated in isolation and

most importantly the direction of travel over time of maintained schools will form part of that triangulation process.

## 2.5 **Future work:**

- Plan bespoke school improvement priorities together in collaboration with schools, using locality data;
- Improve outcomes in reading, writing and maths at KS2 across North Northants;
- Work together with maintained schools and MATS to improve outcomes for all pupils across North Northants, identifying good practice in locality areas;
- Continue to focus on and improve the 'quality of education' (the curriculum) so that schools maintain an ambitious curriculum that is aspirational for all pupils and groups of pupils and where pupil knowledge is securely built over time and across phases of education; and
- Reduce the achievement gap for disadvantaged pupils.

2.6 It is currently estimated School Effectiveness resources will be fully utilised in 2023-2024. In the unlikely event that School Effectiveness is not fully utilised at the end of March 2024, the underspend would be rolled forward to be used in future years for School Effectiveness.

## 3 **Proposed next steps**

3.1 The council intends to consult upon its intention to ask maintained schools' representatives to de-delegate for this purpose to £12 per pupil.

3.2 It should be noted that school improvement contributions from the DSG, known as the Local Authority Monitoring and Brokering (LAMB) Grant, will cease from April 1st 2023. This will mean less resource in this area for the Local Authority. However, due to the current pressures on school budgets, North Northamptonshire Council are not seeking to increase the de-delegation per pupil amount this financial year as a result of the cessation of this grant.

3.3 This amount will continue to help the LA to economically secure the continued provision of the services of the Associate Head Teacher (AHT) who will enable the LA to be more agile in responding to the needs of schools as well as build relationships with the sector.

3.4 Further conversion of one primary school into an academy since the 2022-23 de-delegated budget was set meant that there is currently less resource in the pot to deliver the required services going forward.

Council officers propose to include School Effectiveness de-delegation in the School Budget consultation with the following questions:

- a. Do you agree with the proposal for de-delegation to be made for maintained primary schools to create a maintained school improvement grant?

If yes:

- b. Do you agree with the proposed rate of £12 per pupil
- c. If no, what rate would you consider reasonable?

## 4 **Recommendations**

4.1 Schools forum members are asked to agree the consultation proposals and questions, or propose alternatives.

## 5 Financial implications

5.1 Should the consultation take place, Schools Forum will need to agree at its December meeting the de-delegation of £12 per pupil for maintained primary and secondary schools. This £12 per pupil will be deducted from the individual maintained schools' 2023-24 Post MFG Budget.

## 6 Legal implications

6.1 Under Schools Forum regulations, the responsible local authority has the power to propose to maintained schools de-delegate funding from maintained schools with agreement of its schools forum or any direction by the Secretary of State for Education.

Function	Local authority	Schools forum	DfE role
De-delegation for mainstream maintained schools for: <ul style="list-style-type: none"><li>contingencies</li><li>administration of free school meals</li><li>insurance</li><li>licences/subscriptions</li><li>staff costs – supply cover</li><li>support for minority ethnic pupils/underachieving groups</li><li>behaviour support services</li><li>library and museum services</li><li>School improvement</li></ul>	Proposes	Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree LA proposal

## 7.1 Risks

7.1 The risk, should schools forum not agree the de-delegation, is that the authority will not have the resources required to support and challenge schools causing concern. This is likely to result, at best, in standards failing to improve or, at worst, poorer pupil progress and achievement.

### Report Author:

Your name: Jo Hutchinson  
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# Agenda Item 8



North  
Northamptonshire  
Council

North Northamptonshire Schools Forum: 14<sup>th</sup> December 2022

## Agenda Item 8

Permanent Exclusion Clawback Policy 2022-23

### 1 Background

- 1.1 To continue with the permanent exclusion clawback policy agreed at the NNC Schools Forum on Dec 16 2021. This policy is in line with current legislation and guidance in calculating clawback
- 1.2 It is the responsibility of the LA to clawback funding from schools and academies that permanently exclude pupils
- 1.3. This paper is brought to schools consultation to ask for schools views and to raise awareness of the issue but ultimately as an LA we are constrained to follow the legislation

### 2 Main report section or sections

#### 2.1 Legislation

***Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion, DFE, 2017***

The Government have produced a summary of the legislation for permanent exclusions which is available on gov.uk the following are extracts from that document:

181. The local authority cannot require a maintained school or academy to make any additional payments following a permanent exclusion, other than the budget share deductions set out in regulations, or the payments which an academy has to make under its funding agreement.
183. A local authority may ask an academy trust to enter into an arrangement for the transfer of funding for a pupil who has been permanently excluded, on the same basis as if the academy were a maintained school. The academy trust may be obliged under its funding agreement to comply with such a request.

#### **Pupils permanently excluded from, or leaving, maintained schools**

[The School and Early Years Finance \(England\) Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

29.—(1) Where a pupil is permanently excluded from a school maintained by a local authority (other than a special school, a pupil referral unit, or a place which the authority has reserved for children with special educational needs) (“the excluding school”) the authority must redetermine the excluding school’s budget share in accordance with paragraph (2).

(2) The excluding school’s budget share must be reduced by  $A \times (B / 52) + C$  where—

(a) *A* is the amount determined by the authority in accordance with this Part that would be attributable to a pupil of the same age and personal circumstances as the pupil in question at primary or secondary schools maintained by the authority for the full funding period;

(b) *B* is either—

(i) the number of complete weeks remaining in the funding period calculated from the relevant date; or

(ii) where the permanent exclusion takes effect on or after 1st April in a school year at the end of which pupils of the same age, or age group, as the pupil in question normally leave that school before being admitted to another school with a different pupil age range, the number of complete weeks remaining in that school year calculated from the relevant date; and

(c) *C* is the amount of the adjustment made to the school's budget share under a financial adjustment order.

(3) Where a pupil has been permanently excluded from the excluding school and is admitted to another school maintained by a local authority (other than a special school, a pupil referral unit, or to a place which the authority has reserved for children with special educational needs) ("the admitting school") in the funding period, the authority must redetermine the admitting school's budget share in accordance with paragraphs (4) and (5).

(4) The admitting school's budget share must be increased by an amount which is not less than  $D \times (E / F)$  where—

(a) *D* is the amount by which the authority reduced the budget share of the excluding school, or would have reduced the budget share if that school had been maintained by the authority, except that any reduction in the excluding school's budget share made under a financial adjustment order must not be taken into account for these purposes;

(b) *E* is the number of complete weeks remaining in the funding period during which the pupil is a pupil at the admitting school; and

(c) *F* is the number of complete weeks remaining in the funding period calculated from the relevant date.

(5) In redetermining the admitting school's budget share, the authority may increase it by any amount up to the amount of the adjustment made to the excluding school's budget share under a financial adjustment order.

(6) Where a permanently excluded pupil is subsequently reinstated by the governing body of the school, the school's budget share must be increased by an amount which is no less than  $G \times (H / I)$  where—

(a) *G* is the amount by which the authority reduced the school's budget share under paragraph (2);

(b) *H* is the number of complete weeks remaining in the funding period during which the pupil is reinstated; and

(c) *I* is the number of complete weeks remaining in the funding period calculated from the relevant date.

(7) Paragraphs (1) and (2) also apply where a pupil leaves a maintained school (other than a special school, a pupil referral unit, or a place which the authority has reserved for children with special educational needs) for reasons other than permanent exclusion and is receiving education funded by a local authority other than at a school which is maintained by that authority.

(8) For the purposes of paragraph (2)(a), the amount attributable to a pupil is the sum of the amounts determined in accordance with the authority's formula, by reference to pupil numbers rather than by reference to any other factor or criterion not dependent on pupil numbers except that where a sixth form grant is payable in respect of the pupil in question, the amount attributable to that pupil in the funding period is £4,188 in respect of the period within the funding period up to and including 31st July 2022 or £4,542 in respect of the period within the funding period beginning on 1st August 2022.



(9) Where a pupil in respect of whom a pupil premium is payable has been permanently excluded from a school maintained by a local authority (“the excluding school”), the local authority must redetermine the excluding school’s budget share in accordance with paragraph (10).

(10) The excluding school’s budget share must be reduced by  $J \times (K / 52)$  where—

(a)  $J$  is the amount of the pupil premium allocated to the excluding school for the funding period in respect of that child; and

(b)  $K$  is either—

(i) the number of complete weeks remaining in the funding period calculated from the relevant date; or

(ii) where the permanent exclusion takes effect on or after 1st April in a school year at the end of which pupils of the same age, or age group, as the pupil in question normally leave that school before being admitted to another school with a different pupil age range, the number of complete weeks remaining in that school year calculated from the relevant date.

### 3. Future options

#### Proposed Policy

- To continue to align the LA policy with current legislation and government guidance with respect to funding clawback for pupils who are permanently excluded..

### 4. Recommendations for Schools Forum

For Schools forum to approve the policy as stated in this paper.

### 5. Next steps

- To include in schools consultation and to be considered in the schools forum in December with responses from schools.
- For schools forum to vote on the continuation of the current policy

### 6. Financial implications

**6.1 Table 1 shows the value of each formula factor that can be clawed back**

Table 1: Formula Factors that have to be included in the calculation of the clawback based on latest modelling for 2023-24 schools formula budgets (subject to change). Pupil Premium Grant gives 2022-23 rate.

	Primary	Secondary KS3	Secondary KS4
AWPU	3,405	4,801	5,410
FSM	482	482	482
FSMe6	707	1033	1033
IDACI band A	672	933	933
EAL 3	582	1570	1570
Mobility	948	1364	1364
Low Prior Attainment	1,159	1,756	1,756
Pupil Premium FSM	1,385	985	985
<b>Total</b>	<b>9,340</b>	<b>12,924</b>	<b>13,533</b>

(figures for 23-24 NNC Rates from the report that went to school forum in Oct 2022)

## **7 Legal implications**

7.1 Legal implications are discussed above as the paper is about aligning practices with the legislation for permanent exclusion budget clawbacks from schools and academies.

## **8 Risks**

8.1 If schools forum not agreed with the proposed changes to the policy LA is not adhering with legislation

### **Report Author:**

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Officer title: Assistant Director

Email address:

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## High Needs Block Funding Allocation

### Key Messages

The Forum is asked to note:

- The overall arrangements and 2023/24 budget requirements for pupils in unit and mainstream schools
- The SEN unit top up proposal
- The mainstream top up funding proposal

### 1. Background

1.1 In line with the Special Educational Needs and Disabilities (SEND) reforms introduced in September 2014, the high needs funding system is designed to support a continuum of provision for pupils and students with special educational needs (SEN), learning difficulties and disabilities from their early years up to age 5.

1.2 High needs funding is intended to support the most appropriate resource for each individual, taking account of parental and student choices. It is also intended to fund good quality provision for pupils with SEND.

1.3 There is an increase in demand for special school places and children with SEND needs. The funding provided by the Education and Skills Funding Agency (ESFA) to support these activities over the years has not kept pace with the increase in demand and there are significant pressures with spending exceeding available resources.

1.4 Pupils and students supported by high needs funding include:

- Pupils aged from birth to 19 with high levels of SEN in schools, academies or other settings.
- Those aged 19-25 with Special Educational Needs and Disabilities in further education who have an EHC plan.
- School-aged pupils placed in alternative provision.

1.5 Considerable work has been undertaken to review the current provision in North Northants, identifying gaps in provision. This is outlined in the sufficiency report which set out the following actions:

- Realigning SEND teams into localities to enhance a local schools led offer and deploying High Needs top up funding to support this
- Repurposing existing spare capacity in mainstream schools to develop specialist resource provisions
- Expanding existing special school provision

- Establishing a new early help model for pupils with SEMH and developing integrated graduated approach
- Reducing reliance on the independent/non-maintained sector for specialist provision and redeploying resources into local provision
- Developing opportunities for Alternative Curriculum Offer delivered by mainstream schools

## 2 In-borough unit provision

2.1 As part of the disaggregation of North and West Northamptonshire the North Northamptonshire local authority has undertaken significant work to ensure the appropriate sufficiency and governance arrangements are in place to meet the needs of those children with complex learning difficulties within the borough needing a mainstream unit placement as part of a graduated approach. This includes:

- the development of service level agreements to set out the provision, roles and responsibilities of local authority and schools and clarity in relation to the allocation of funding
- top -up funding formula for units have been reviewed for implementation in the new financial year
- more robust financial tracking for all pupils through regular monitoring meetings
- greater transparency for schools of their unit funding breakdown through the introduction of termly reporting
- half termly networking meetings are also improving the engagement with unit head teachers with a link professionals assigned to units to make regular contact to ensure ongoing communication. Units have welcomed this improved communication.
- liaison meetings to plan for transition for 2023 are taking place and parental preferences managed centrally to ensure alignment of pupil need and 'right' provision.

### 2.2 Total numbers and funding being committed for specialist SEND unit placements in mainstream schools for 2022/23 2023/24

Area	School	Primary Need	Current commissioned numbers	Proposed commissioned numbers 2023-24	Funding 20 22/23	Funding proposed 23/24
Corby	Beanfield	Complex learning / ASD	54	55	£287,307	£315,840
	Corby Business Academy	Complex learning/ASD	77	75	£477,454	£444,065
	Kingswood Academy	ASD	14	14	£23,100	£42,000
	Studfall Infants	ASD/Complex learning	13	18	£121,797	£100,000

	Studfall Juniors	ASD/Complex learning	19	24	£70,442	£78,000
East Northants	Denfield Park	ASD	14	14	£40,950	£46,950
Wellingborough	Croyland Primary *new provision set up September 2022	ASD	8	8	£51,112	£24,000
<b>TOTAL</b>					<b>£1,072,162</b>	<b>£936,000</b>

### 2.3 Total numbers and funding committed for specialist SEND unit placements in mainstream schools for 2022/23 2023/24

AREA	School	Primary Need	Current commissioned placements	Proposed Placements	Funding 2022/23	Proposed Funding 2023/24
Corby	Woodnewton Primary	SEMH	10	10	£100,000	£30,000
Wellingborough	Park Junior school	SEMH	10	10	£135,000	£30,000
<b>Total</b>					<b>£265,000</b>	<b>£60,000</b>

### 2.4 Proposed New Unit provision:

As part of the sufficiency review the local authority recognised the gap in mainstream specialist provision as part of the graduated approach to meeting the needs of children with SEND across the four localities. Currently, the majority of the mainstream specialist provision is based in Corby. The team are working closely with the capital team to develop unit provision in Wellingborough, Kettering and East Northants, with the expectation of reducing the current demand for special school places as more CYP access specialist provision in their local area.

Feasibility assessments are now underway, and work is also taking place to firm up agreements and establish the governance arrangements and a planned programme for the implementation of local unit provision.

Area	School	Status	No of places	Proposed funding 2024/25
Wellingborough	Stanton Cross primary	Academy	12	£36,000
	Oakway Primary	Academy	20	£60,000
	Wollaston Secondary	Academy	16	£48,000
	Weavers Secondary	Academy	25	£75,000
East Northants	Irthlingborough Primary	Academy	12	£36,000
Kettering	Montsaye Secondary	Academy	24	£72,000
<b>TOTAL</b>				<b>£327,000</b>

### 3 Early Help Locality Funding for mainstream schools

As part of the disaggregation of North and West Northamptonshire, North Northamptonshire local authority has undertaken significant work to ensure appropriate arrangements are in place to meet the needs of those children with a SEND Support Plan within a mainstream setting requiring additional resources

#### 3.1 Existing children in receipt of top up funding

The local authority undertook a review of the existing funding that was allocated to schools. Including:

- the monthly figure paid into each school's account was reviewed to accurately identify children where funding had been agreed
- liaison meetings held to cleanse inaccurate information throughout the summer and beginning of the autumn term and create a master spreadsheet.
- termly school statements have now been put in place itemising individual pupil funding with clear start and end dates enabling schools to budget and provide appropriate support for individuals.

<b>2022/23 Forecast</b>			
<b>Summer Term Paid</b>	<b>Autumn Term Paid</b>	<b>Spring Term Forecast</b>	<b>2022/23 Forecast</b>
£2,639,141	£2,160,961	£1,875,304	<b>£6,675,406</b>
<b>2023/24 Forecast</b>			
<b>Summer Term</b>	<b>Autumn Term</b>	<b>Spring Term</b>	<b>2023/24 Forecast</b>
£2,808,493	£2,239,432	£1,652,055	<b>£6,700,000</b>

The work that took place identified a significant gap in the funding that was being allocated to mainstream schools through their 'Top Up' funding than what they were entitled through the EHCP Top – Up allocation. Overall, 156 children were identified.

The expected forecast for 2022/23 is £6,675,000.

Further work will take place in the coming year to review children who have additional funding allocated through an EHCP through the newly developed decision making groups for SEMH, cognition and learning and communication and interaction.

The funding recuperated will be re-distributed through the early help model of funding for mainstream schools set out below.



### **3.2 Developing an Early Help Model for mainstream funding**

Over recent years, the government has made unprecedented levels of investment in high needs, with revenue funding increasing by more than 40% between 2019-20 and 2022-23, with spending still outstripping funding, and, like north Northants, more than two thirds of local authorities still having deficits in their dedicated schools grant (DSG) budgets

Whilst future funding in North Northants will need to take account of the increasing prevalence of children and young people with the most complex needs, the green paper recognises the high needs spend needs to be balanced with targeting spending at strengthening early intervention.

Increased numbers of requests for EHCPs and specialist provision means that children and young people often face significant delays in accessing support as they need to go through a long and bureaucratic process to access provision, where, with the right support their needs can be met locally.

The local authority are clear that in an effective and sustainable SEND system that delivers great outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive without the need for an EHCP or a specialist or alternative provision place.

To shift the dial, North Northants are working with school leaders to develop a more inclusive system, with improved mainstream provision that is built on early identification of needs, high-quality teaching, and prompt access to targeted support where it is needed.

Alongside this, the local authority are also building a strong specialist sector that has a clear purpose to support those children and young people with more complex needs in the mainstream sector.

To enhance this approach, the Early Help Locality Funding (EHLF) was introduced in the autumn of this year to enable schools to apply for support pupils without the need for an EHC plan and a 20-week process. Funding is awarded, using evidence from schools of the 'Assess, Plan, Do, Review cycles' with the involvement of locality lead professionals.

As part of this process a new funding banding system has been introduced so that funding can be allocated to meet the needs outlined in the Send support Plan.

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