

## **Rotherham Schools' Forum**

**Venue:** Virtual via Microsoft Teams    **Date:** Friday 19 November 2021  
**Time:** 8.30 a.m.

### **A G E N D A**

1. Welcome and Introductions.

Welcome by the Chair and introductions by all Forum Members present.

2. Apologies for Absence.

To receive apologies from any Forum Member who are unable to attend the meeting.

3. Declarations of Interest.

To invite Forum Members to declare any interests they may have on agenda items to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

4. Minutes of the Previous Meeting (Pages 3 - 13)

Recommendation:- To receive and approve the minutes of the previous meeting held on 17<sup>th</sup> September, 2021.

5. Matters Arising from Previous Minutes.

To consider and report on any matters arising from the previous minutes.

6. HNB 2021/22 Finance Update (Pages 14 - 16)

Neil Hardwick and Vera Njegic to report.

Recommendation:- To receive the update and note the contents.

7. School Funding Formula 2022/23 Consultation Outcome (Pages 17 - 25)

Neil Hardwick and Vera Njegic to report.

Recommendation:- That members of Schools' Forum note the content of the report and that votes be undertaken with the appropriate members of the Schools' Forum to agree the school and academy local funding formula for 2022/23 for submission to the ESFA by 21<sup>st</sup> January, 2022.

8. Scheme for Financing Local Authority Maintained Schools (Updated Scheme)

Vera Njegic to report.

Recommendation:- To receive the update and note the contents.

9. Household Support Fund and Free School Meals Vouchers

Nathan Heath and Neil Hardwick to report.

Recommendation:- To receive the update and note the contents.

10. DfE Consultation - Reforming How Local Authorities' School Improvement Functions Are Funded

Nathan Heath and Neil Hardwick to report.

Recommendation:- To receive the consultation.

11. Safety Valve

Nathan Heath to report.

Recommendation:- To receive and note the update on progress.

12. SEND Inspection

Nathan Heath to present.

Recommendation:- To receive the presentation and note the contents.

Link to Inspection Documentation - [SEND Joint Area Inspection – Rotherham SEND Local Offer](#)

13. Education Unions Facility Time (Pages 26 - 27)

Ian Henderson to report.

Recommendation:- To receive the report and note the contents.

14. Any Other Business

(a) For Review - Constitution and Composition of the Rotherham Schools Forum based on the School Sector Breakdown.

Recommendation:- To receive any other items of urgent business.

15. Date of Next Meeting

Recommendation:- To consider and agree the date and time of the next meeting of the Rotherham Schools' Forum.

This is scheduled to take place on Friday, 21<sup>st</sup> January, 2022 at 8.30 a.m. – venue to be confirmed, but it is suggested this is moved to Friday, 14<sup>th</sup> January, 2022 at 8.30 a.m. to support the submission of data to the ESFA by 21<sup>st</sup> January, 2022.

**ROTHERHAM SCHOOLS' FORUM  
FRIDAY 17 SEPTEMBER 2021**

In Attendance:-

Deborah Ball (Treeton Primary (Academy) (in the Chair);  
Angela Acomb – Primary Maintained Governor  
Lianne Camaish, Aspire  
John Coleman – Nexus MAT  
Kelly Crompton – AP Strategic Lead, CYPS  
Councillor Victoria Cusworth – Cabinet Member for CYPS  
Julie Day – Head of SEND, RMBC  
Pepe Di'lasio – Wales High (Academy)  
Nathan Heath – Assistant Director of Education, CYPS, RMBC  
Ian Henderson - H.R. Officer, RMBC  
Andy Krabbendam – CEO JMAT (Academy)  
Angela McComb – Primary Maintained Governor  
Lisa McCall – Wales High (Academy) (Substitute)  
David Naisbitt – Oakwood High (Academy)  
Vera Njelic - Principal Finance Officer, RMBC  
Kirsty Peart - Sitwell Infant (Maintained)  
Lynne Pepper – Herringthorpe Infant (Maintained)  
Debbie Pons – Clerk, RMBC  
Colin Price – NEU Representative  
Alan Richards – Secondary Governor  
Steve Scott – PVI Sector  
Sharon Stones – Head of Arnold Nursery and Children's Centre  
Paul Silvester – Newman Special School (Maintained)  
Nevine Towers – Diocese of Sheffield

Mick Burns – NEU (Observer)

Apologies were received from:-

Raymund Brent – Primary Maintained Governor  
Dean Fenton - Head of Access to Education  
Neil Hardwick – Head of Finance, CYPS, RMBC  
Janet Hodgkinson – GMB Representative

**17. WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to today's virtual meeting and introductions were made.

**18. DECLARATIONS OF INTEREST**

Colin Price (representing the NEU) declared an interest in Minute No. 26 (Education Union Facilities Time) on the grounds that he was a NEU Trade Union Member. He did speak, but did not vote on the item.

**19. MINUTES OF THE PREVIOUS MEETING**

Consideration was given to the minutes from the previous meeting held on 25<sup>th</sup> June, 2021.

Agreed:- That the minutes be approved subject to noting the amendment above.

**20. MATTERS ARISING FROM PREVIOUS MINUTES**

With regards to Minute No. 2 (Declarations of Interest) it was pointed out that Pepe Di'lasio was not an NEU Trade Union Member.

In terms of Minute No. 8 (High Needs Sub-Group Update) the meeting referred to on the 12<sup>th</sup> July, 2021, had not yet taken place. Once it had been held an update would be provided to the Schools Forum in due course.

**21. DSG MID-YEAR UPDATE**

Vera Njegic introduced the report updating on the the wider Dedicated Schools Grant (DSG) position for 2021/22 including the 2020/21 outturn and DSG reserve balances.

It was noted that on closure of the 2020/21 accounts the Council had not been notified of the final Early Years adjustment for 2020/21 as a result of the January schools and Early Years census. The Council estimated that this would be a clawback of £221,660 with notification of the actual adjustment being delayed until the autumn.

The initial allocations were issued in December 2020 and the latest July 2021 allocations have now been updated as set out in detail as part of the report.

The High Needs adjustment reflected any changes either in the placement by a Local Authority of pupils in schools and colleges located in other Local Authority areas (exports), or in the funding required by schools and colleges accepting pupils and students resident in other Local Authority areas (imports).

Reference was also made to the direct funding of academies (and high needs places) which had been revised.

As at the end of August (period 5), the anticipated outturn position for Early Years was a forecasted breakeven position at year end.

High Needs DSG had a forecast overspend of £0.756m based on the DSG recovery plan and included anticipated growth on EHCs numbers and the implementation of new developments linked to the SEND

Sufficiency Strategy.

Based on this the level of DSG central reserves deficit would increase from a deficit of £21.258m (carried forward from 2020/21) to £22.014m at the end of 2021/22. This would equate to 8.07% of the overall DSG allocation.

In summary, the financial sustainability of the high needs block remained a significant cause for concern for the borough and would require the support of the Schools Forum to implement the strategies to assist in reducing the financial pressures in the High Needs Block.

Agreed:- That the current position be noted.

## **22. NEW FUNDING ANNOUNCEMENTS**

Vera Njelic introduced the report which detailed how on the 19th July, 2021 the Minister of State for School Standards made a written statement setting of the key aspects to schools, high needs and central school services national funding formula for 2022/2023.

Provisional funding allocations for 2022/2023 through the schools, high needs and central services national funding formula (NFF) have since been published.

This confirmed school funding was increasing by 3.2% overall and by 2.8% per pupil, compared with 2021 to 2022.

High needs funding was increasing by £780m or 9.6% in 2022/2023. The high needs national funding formula would ensure that every Local Authority received at least an 8% increase per head of population.

The DfE had thus made a technical change to the historic spend factor within the high needs national funding formula following consultation this year. The factor had been updated to use 50% of Local Authorities' actual spend data in 2017 to 2018 rather than their planned spend.

The DfE were also decreasing the funding lag for the "FSM6" deprivation funding factor by nine months, by moving from using the previous year's January census to the October census for measuring eligibility.

In calculating low prior attainment proportions, data from the 2019 early years foundation stage profile (EYFSP) and key stage 2 (KS2) tests was used as a proxy for the 2020 tests, following the cancellation of assessment due to the pandemic.

In addition, schools' business rates would be paid by the ESFA to billing authorities directly on behalf of all state funded schools from 2022 to 2023 onwards.

It was also pointed out that Local Authorities would only be able to transfer 0.5% of their Schools Block with School Forum approval. To transfer more than this or any amount without Forum approval would result in them having to submit a request to the DfE.

Finally, Dedicated Schools Grant allocations would be released in December 2021 (following the October 2021 census).

The DfE had issued an initial consultation on how they proposed to move towards a hard national funding formula in which all mainstream schools would have their funding allocated according to a single national formula rather than individual local formulae as in the current system. The consultation was to close on the 30<sup>th</sup> September 2021.

Central schools services funding in 2022-23 would increase by 2% for the ongoing responsibilities that Local Authorities continue to have for all schools.

Agreed:- To receive the report and note the latest announcements relating to funding.

## **23. SAFETY VALVE INTERVENTION PROGRAMME (DSG RECOVERY PLAN)**

Nathan Heath provided an update on the Safety Valve Intervention Programme by way of a presentation which covered:-

### **What the high needs safety valve was:-**

- Significant pressures on high needs budgets have resulted in many local authorities accruing deficits on their Dedicated Schools Grant (DSG)
- High needs reforms and savings targets have been agreed for local authorities with the highest dedicated school grant deficits as part of Safety Valve Arrangements.
- There were two principal goals identified during the programme which were critical for the local authorities' ability to reach sustainable positions:
  - *appropriately managing demand for Education, Health and Care Plans (EHCPs), including assessment processes that are fit for purpose*
  - *use of appropriate and cost-effective provision. This includes ensuring mainstream schools are equipped and encouraged to meet needs where possible, whilst maintaining high standards for all pupils.*
- Five local authorities moved into those agreements in the last academic year - Bury, Hammersmith and Fulham, Kingston upon Thames, Richmond upon Thames, and Stoke on Trent.

- As part of the first round of safety valve agreements all five local authorities also agreed additional capital investment to support the key strategic priorities as outlined by DSG management templates.
- Learning from first round of high needs safety valves has been shared and disseminated by DFE.
- Learning shared includes key areas of focus and best practice case studies – Rotherham was included within this

### **The Safety Valve in a Rotherham Context**

- Previous updates to forum have given due note to safety valve activity in other local authorities.
- RMBC has previously met with EFSA to go through our management template and provide an overview of long term strategic planning linked to high needs budget.
- As part of the next stage of DFE Safety Valve Agreement, Rotherham have been invited to join negotiations.
- First phase of process will begin at the end of September and includes senior leaders from with RMBC.
- The DFE/EFSA negotiation teams include ex CEX of a Local Authority, Chief financial officers, DFE/EFSA colleagues.
- Work will be undertaken to look at our management plan and develop an agreement that supports a more sustainable long term funding model.

### **Key Areas of Cocus of Safety Valve Agreements**

- Early intervention focus
- Increased SEN support offer
- Review EHCP assessment processes and thresholds
- Culture change and work with school leaders
- Appropriate and thorough provision mapping, with potential development of more local provision

### **Key Areas of Cocus of Safety Valve Agreements – Next Steps**

- Schools Forum will receive regular updates and detailed plans emanating from Safety Valve discussions.
- Schools Forum High Needs Sub-Group will have a key role in driving action linked to our management plans forward.
- Engagement and co-production of future areas of development across stakeholders will be essential in maximising opportunities against Safety Valve Agreement.
- Key areas of focus for Rotherham will develop out of the initial discussions and subsequent negotiations as part of this a rigid long term plan will be developed.

The Forum in their receipt of the presentation welcomed the structural input to provide solutions to a situation that had been endemic over a number of years.



Whilst the opportunities and understandings from this process would meet the long term aspirations, it was not possible to give any timescales from the discussions to date. This was the reason for why the meeting of the High Needs Sub-Group had not taken place in July, but once further details had been provided the action led process would continue.

Agreed:- (1) That the presentation update be received and the contents noted.

(2) That a copy of the presentation be circulated to the Forum Membership after the meeting.

## **24. SEN INSPECTION UPDATE**

Nathan Heath was not yet able to share the outcome of the recent SEN Inspection. The outcome had been expected by the end of August, but as yet had not been received.

Once the report had been published this would be cascaded to Forum Members via the Clerk and this would in turn be considered by the High Needs Sub-Group at its next meeting.

Julie Day detailed how the Authority was visited by Ofsted and the Care Quality Commission (CQC), during July to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014 and the SEND Code of Practice. The outcome letter was still awaited.

Julie also provided an update on the SEN Inspection process by way of a presentation which covered:-

### **Main Expectations**

The local area health, social and education services need to work together to:-

- publish a 'local offer' setting out the support and provision in the area for children and young adults with special educational needs or disabilities (or both);
- provide accessible information to children and young people, as well as parents and carers, about the services and support available in the local area;
- work with children and young people, their parents and carers, and service providers to make sure that any special needs or disabilities (or both) are identified as early as possible.

The local area health, social and education services need to work together to:-

- assess (in co-operation with children and young people and their

parents and carers) the needs of children and young people with special educational needs or disabilities (or both) who may need an education, health and social care plan (EHCP);

- produce an EHCP for all children and young people who are assessed as needing one (all relevant agencies should cooperate to do this and involve the children and young people and their parents and carers);
- provide children and young people with the support agreed in their EHCP, and regularly review their plans.

#### **Over the course of the 5-days the inspectors:-**

- **met with managers** and leaders from the area's education, health and social care services;
- looked at young people's **case files** to better understand how well the local area meets its responsibilities overall;
- visited **early years settings, schools, further education providers and specialist services**;
- spent time speaking to **children, young people** and their **parents or carers**. Many of the meetings and discussions took place virtually;
- looked for evidence of how children and young people with special educational needs or disabilities (or both) are **identified**, how their **needs are assessed and met**, and how they are supported to move on to their next stage of education, the world of work and wider **preparation for adulthood**;
- There was also an opportunity for parents and carers to express their views through a **survey**.

#### **Send Performance Dashboard – Graphical Data.**

##### **Graduated Response**

- SEND online resource
- SENCO virtual network event: dates 3.11.21, 2.03.22, 8.06.22
- Local Offer and school information reports
- Provision mapping – commissioning
- NASEN and Whole School SEND
- Accessibility Planning
- Outreach

Agreed:- (1) That the presentation update be received and the contents noted.

(2) That a copy of the presentation be circulated to the Forum Membership after the meeting.

**25. ALTERNATIVE PROVISION REVIEW AND UPDATE**

Kerry Crompton provided an update on the Alternative Provision Review by way of a presentation which covered:-

**Key principles of ISOS work**

Recap on the overview of the key findings of the ISOS work and development of a clear area wide inclusion panels, including:-

- Strengthening inclusion across borough.
- Regular communication across education system in the borough on development and opportunity.
- Strategic leadership from school leaders and LA to hold accountability across the newly developed approach.
- Clear Vision for Inclusion system across the borough.
- Shared Expectations are held across school system to drive inclusive practice.
- Pro-active approach which places early intervention as key ethos system.
- Responsibilities on all areas of Inclusion system are known and fully understood to drive inclusive practice.

**Key Updates**

- AP Strategic lead-  
[kelly.crompton@rotherham.gov.uk](mailto:kelly.crompton@rotherham.gov.uk)
- Head of SEND  
[julie.day@rotherham.gov.uk](mailto:julie.day@rotherham.gov.uk)
- Panel meeting dates have gone out to schools for gradual integration of new pathway for Autumn term.
- Processes and operational guidance have been shared with schools
- Referral form and process mapping have been standardised and developed from Inclusion Pathway Steering Group.
- Autumn review and End of year development day have been factored into forward planning.

**Operational Guidance**

- Overview of process including step by step process is outlined.
- Structure and context of process is provided include clear parameters.
- Contacts and key documents including statutory guidance
- This is a living document, it will develop over time to sit against the development of the process.
- The operational guide should be accessible to all stakeholders and sit against the process.

## Meetings

- Twice half termly meetings for each phase.
- Area wide focus and collaborative approach needed.
- Referrals will be discussed against set referral process – differentiated for primary and secondary phase.
- There will also be a focus on students returning to mainstream
- Key areas are essential including decision makers been part of the process are key.
- Schools can access advice and guidance through panel approach
- Thematic areas of discussions will also be shared with context of meetings.

## Next Steps on Rotherham Inclusion Pathway

- Inclusion Panels gradually implemented in Autumn term, and developed across academic year 2021-22.
- Review of initial processes – November 2021
- End of year stock take – June/July 2022
- Secondary outreach model – 2022-23
- AP quality assurance and commissioning framework – to be developed across 2021-2022.

The Forum welcomed the update and acknowledged the positive indepth work undertaken.

Agreed:- (1) That the presentation update be received and the contents noted.

(2) That a copy of the presentation be circulated to the Forum Membership after the meeting.

## 26. EDUCATION UNIONS FACILITY TIME

Ian Henderson introduced the submitted report and provided some background and how there were several pieces of legislation which provided a legal obligation on employers to provide paid time off to elected trade union representatives from their employment to enable them to carry out trade union duties.

The amount of secondment time granted to each education union in Rotherham was dependent upon the funds available from contributing Schools/Academies to the Facility Time Buyback Scheme. The funding received paid for the release of the union officials from their employing school. The amount of facility time available was reviewed and agreed each year and should the funding be reduced or increased through variations in the number of schools contributing, the amount of seconded time off was reduced or increased accordingly.

The teaching profession continued to be one of the most unionised

professions in the country and consequently the recognised education unions in Rotherham represented over 99% of teachers in the borough.

The total facility time able to be funded from the buyback budget and afforded to the education unions currently equated to 1.2 FTE (6.25 days). This amount of facility time fell short of the normal industry practice of granting 1 FTE day facility time per 1,000 members.

The NEU had 1348 members which would equate to 6.75 days facility time for that union if the above ratio was applied, half a day more than the total amount of time currently provided to the NEU, NASUWT, NAHT and ASCL combined. A total of thirteen days facility time would be required to align to current union membership figures and a ratio of 1 FTE day per 1,000 members.

Benchmarking had identified that Rotherham's per pupil charge was the lowest in the region, being less than half that of our nearest statistical comparator, Barnsley Council.

To provide a more representative facility time to the education unions, to enable them to represent their members effectively, the per pupil rate could be increased in line with statistical neighbours to provide a higher budget for the allocation.

Options for consideration, therefore, were:-

### **Option 1**

Maintain policy of increasing the per pupil charge by the rate of inflation. It was not recommended that this approach was taken as it failed to address the insufficient facility time required for schools to be adequately supported in employee relation issues in a timely manner by the unions.

### **Option 2**

Increase the per pupil charge to £4.75 from 1st April, 2022. This option would provide the budget required to increase the facility time allocation to representative levels, however schools will not have budgeted for such an increase and the pressure from the current pandemic has already put on school budgets it was not recommended that this approach was taken.

### **Option 3**

The per pupil charge could be increased incrementally over the next five years by 55p over the normal inflationary price increase from 1st April, 2022. This phased approach would allow schools to accommodate the increase into their medium to long term budget planning.

Examples of how members were affected and the highly regarded de-escalation techniques used with schools and colleagues were provided.

The favoured option recommended was that the per pupil charge for the facility time buyback be increased in line with statistical neighbours and

this be achieved by the implementation of Option 3 from 1st April, 2022.

Agreed:- That the report be received and a consultation process be undertaken with schools on the three options contained within the report.

**27. ANY OTHER BUSINESS**

There were no other items of business put forward for the agenda other than a request from Sharon Stones to join the High Needs Sub-Group which was agreed. An invitation would be made to Sharon in due course.

**28. DATE OF NEXT MEETING**

Agreed:- That the next meeting of the Schools' Forum take place on a virtual basis on Friday, 19th November, 2021 at 8.30 a.m.

<b>Schools Forum Briefing</b>
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1.	<b>Date of meeting:</b>	<b>19<sup>th</sup> NOVEMBER 2021</b>
2.	<b>Title:</b>	<b>High Needs Finance Update and DSG Sustainability</b>
3.	<b>Directorate:</b>	<b>Finance Customer Services / CYPS</b>

**1. SUBJECT: High Needs Update & DSG**

**2. PURPOSE OF REPORT**

To update all members of Schools Forum on the latest Dedicated Schools Grant position and the DSG projections as outlined in the DSG Management Plan.

**3. RECOMMENDATION (S)**

That members note the contents of the report.

**4. REASON FOR RECOMMENDATION (S)**

To ensure Schools Forum members are aware of the current and medium term projections of the wider dedicated schools grant (DSG) and the impact this has on the DSG reserve.

**5. BACKGROUND INFORMATION**

- 5.1 Rotherham is a relatively low funded authority and has seen significant pressures on the High Needs Block for many years. The High Needs Budget allocation has increased year on year but, partly due to Rotherham's low funding baseline compared to neighbouring boroughs and nationally, the budget uplifts have not been sufficient to match the acceleration in demand and increase in the cost of provision.
- 5.2 During 2017/18 the ESFA required local authorities to undertake a historic spend data DSG block realignment exercise. The High Needs block was realigned after taking account of a £2.9 million transfer from the Schools block in 2016/17 and an additional £3 million transfer in 2017/18. Prior to this exercise Rotherham consistently had a lower High Needs allocation than its statistical neighbours and the transfers helped limit the impact of rising costs associated with the increasing demand for SEND provision in the borough.
- 5.3 From 2016/17 to 2019/20 the DSG deficit was rising at circa £5m per annum leading to an overall deficit of just under £20m, but since that point the SEND sufficiency strategies have started to have an impact, but further work is still required as the overall DSG deficit as previously report has risen to £21.258m at the end of the 2020/21 financial year.
- 5.4 The DSG conditions of grant 2021 to 2022 paragraph 5.2, required that any LA with an overall deficit on its DSG account at the end of the 2020 to 2021 financial year, or whose DSG surplus has substantially reduced during the year, must be able to present a plan to the Department for Education (DfE) for managing their future DSG spend. To help LAs to

meet this requirement the DfE provided a DSG management plan template. This template helps LAs:

- comply with paragraph 5.2 of the DSG: conditions of grant 2021 to 2022
  - monitor how DSG funding is being spent
  - compare data on high needs spend between LAs
  - highlight areas where LAs may wish to review spending
  - form evidence-based and strategic future plans for the provision of children and young people with SEND
  - present complex funding information simply to schools forums and other external stakeholders
  - provide a consistent reporting format to help LAs share best practice and initiatives
- The template helps LAs to focus attention on comparisons of high needs provision and spend, to produce the required plan.

- 5.5 The DfE expect the plan to be updated and presented at schools forum meetings and any high needs subgroups regularly and at least on a termly basis. The LA should aim to present their plan to the schools forum in time for budget planning discussions for 2022 to 2023 and before the deadline for block movement requests, if it is submitting one. The DfE realise that the management of DSG balances, both bringing spend in line with income and repaying deficits, will take time for some LAs. the template has been developed in such a way that it is intended to be a live document.
- 5.6 Management plans should reflect the most current forecast DSG position and be published on the LA local offer website as set out in the Special educational needs and disability (SEND) Code of Practice: 0 to 25 years. Relevant leads in the finance and special educational needs (SEN) areas should sign off each version of the management plan (with sign off to be at least at assistant director level).
- 5.7 The impact of these statutory provisions state that a local authority with a DSG deficit from the previous year will need to apply to the Secretary of State under regulation 8(8) for authorisation to disregard the requirements in regulation 8(7) if it wishes to fund any part of the deficit from a source other than the DSG.
- 5.8 As outlined to School Forum in September the 2021/22 High Needs DSG has a forecast overspend of £0.756m based on the DSG recovery plan and included anticipated growth on EHCs numbers and the implementation of new developments linked to the SEND Sufficiency Strategy. All other DSG Blocks are projected to outturn to the funding allocation.
- 5.9 The level of DSG central reserves deficit will increase from a deficit of £21.258m (carried forward from 2020/21) to £22.014m at the end of 2021/22. This would equate to 8.07% of the overall DSG allocation.
- 5.10 The current year financial position has been input into the DSG Management Template in addition to funding assumptions (8%) and the current and future impact of proposed strategies over the forthcoming financial years, which is summarised in the table on the next page, the detailed plan is attached.



Original Proposal - 8% uplift from 2023/24 and cease School Block Transfer from 24/25								
	2018-19 £,000s	2019-20 £,000s	2020-21 £,000s	2021-22 £,000s	2022-23 £,000s	2023-24 £,000s	2024-25 £,000s	2025-26 £,000s
Mitigated expenditure forecast			£255,190	£274,031	£282,200	£288,938	£299,155	£305,451
Estimated DSG Funding	-£229,967	-£234,222	-£252,743	-£272,815	-£281,424	-£289,820	-£297,962	-£306,400
Other Income	-£1,034	-£612	-£577	-£461	-£468	-£476	-£484	-£492
School Block to HNB Transfer	-£937	-£2,853	-£2,956	-£3,038	-£3,236	-£3,300	£0	£0
In Year Deficit / Surplus	£5,427	£4,778	£1,366	£756	£308	-£1,359	£709	-£1,442
Planned Overall DSG position (surplus)/deficit	£15,114	£19,892	£21,258	£22,013	£22,321	£20,962	£21,671	£20,230

- 5.11 Based on the funding assumptions it will still require a transfer from the School Block for the 2022/23 and 2023/24 financial years to dampen the in year financial pressures and avoid a significant increase in the overall DSG deficit over this period.
- 5.12 In summary, the financial sustainability of the high needs block still remains a significant cause for concern for the borough and will require the support of the School Forum and High Needs Subgroup to implement the strategies to assist in supporting the DSG High Needs Block to operate within its annual allocation.

#### Name and contact details

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<b>BRIEFING PAPER FOR SCHOOLS FORUM</b>
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<b>1.</b>	<b>Date of meeting:</b>	<b>19<sup>th</sup> November 2021</b>
<b>2.</b>	<b>Title:</b>	<b>School Funding Formula 2022/23 Consultation outcome</b>
<b>3.</b>	<b>Directorate:</b>	<b>Finance and Customer Services</b>

## **1. PURPOSE OF THE REPORT**

To set out the indicative proposals and seek decisions (where needed) for two areas of the Dedicated Schools Grant for 2022/23;

- Schools block
- Central schools services block

## **2. RECOMMENDATION(S)**

2.1 That members of Schools Forum note the content of the report.

2.2 That votes are undertaken with the appropriate members of Schools Forum to agree the school & academy local funding formula for 2022/23 for submission to the ESFA by 21<sup>st</sup> January 2022.

## **3. REASON FOR RECOMMENDATION(S)**

To ensure compliance with the School & Early Years Finance (England) Regulations 2017.

## **4. BACKGROUND INFORMATION**

4.1 As a result of the government's intention to implement a national funding formula for school & high needs funding allocations; 2022/23 represents the fifth year of the governments planned transition towards these proposals.

4.2 To comply with the ESFA operational guidance, local authorities are required to consult with schools, academies & Schools Forum in respect of planned changes to the local funding formula including the method, principles and rules that are to be adopted. The final decisions in respect of the local formula remain with the local authority.

Schools Forum are required to decide upon specific elements in accordance with the powers & responsibilities assigned to Schools Forum by the ESFA. In order to agree this, Schools Forum will need to vote on a number of proposals which are set out in this report. The proposals are based on the consultation responses received from individual schools & academies (see detail in appendices A and B).

Forum members are reminded that, in accordance with the regulations, only certain members are allowed to participate in a vote regarding the local funding formula. Other members that do not represent schools i.e. Union /Post-16 representatives can engage and participate in discussions but are not eligible to vote.

## 5. CONSULTATION PROCESS

### 5.1 Schools block funding formula 2022/23

The following activities have taken place in respect of the consultation on the schools block and central schools services block;

- Consultation document was issued via e-mail on Thursday 14<sup>th</sup> October 2021 to all mainstream schools and academies.
- The consultation closed on Friday 5th November 2021.

### 5.2 Responses

Below is a table showing the responses to the 2021/2022 consultation. Further detail can be found in appendix A and B to this report.

	<b>Maintained schools</b>	<b>Academies</b>	<b>Total</b>
Primary	1	19	20
Secondary	0	6	6
<b>Total (&amp; % response rate)</b>	<b>1 (4%)</b>	<b>25 (28%)</b>	<b>26 (23%)</b>

## 6. School block funding formula

### 6.1 Transition to a national funding formula

There are changes proposed both in terms of the formula factors being used and the individual rates that will be applied to those factors. Nationally, the ESFA have looked to reduce basic entitlement and increase those payable under additional educational needs (particularly low attainment).

Last year the local authority suggested that the future years should be used as a transition to the national funding formula and where possible seek to change local factors/rates to bring them in line with the national ones as this would provide for the best possible transition to the national formula. This was a view that was supported within Schools Forum.

This is therefore the strategy that Rotherham has adopted.

To ensure schools and academies are in receipt of the indicative increase in the 2022/23 LA's schools block allocation of £4.973m (3% per pupil year on year increase) the local authority is aiming to increase the MFG to between +1.0% and +2.00%.

**Question 1 consulted upon prioritising an increase to the MFG and the response was overwhelmingly in favour of this approach being adopted with 100% of respondents agreeing.**

#### **Required action:**

*Eligible Schools Forum members are to vote on whether the proposal to increase the MFG to between +1% and + 2.00% should be agreed.*

## 6.2 High Needs - funding transfer from the schools block.

Rotherham continues to experience pressures on its High Needs budget which is a trend that is being experienced nationally, mainly due to the increasing EHCP numbers / exclusions / cost of out of authority SEN placements. In addition, the increasing number of pupils in mainstream schools with EHCP plans requiring support, some with complex needs, continues to rise. An in year deficit of £0.756m is currently forecast for 2021-22, which will increase the overall DSG deficit of £21.258m held in reserve to £22.014m.

A provisional 2022/23 individual schools budget baseline was included in the consultation and took into account continuing the 1.5% (£3.0m) funding transfer from the schools block allocation. The transfer request will be the same as in 2021/22 and therefore will have no adverse impact on the 3.0% anticipated year on year increase in the 2022/23 Schools Block allocation. As a consequence all schools will see an increase in their funding allocation compared to 2021/22 due to the overall increase in the 2022/23 Schools Block, with all the new funding being passported to schools.

**Question 2 requested a transfer of 1.5% from the schools block to support the high needs block and 62% of respondents agreed to the transfer. Of the 26 respondents, 16 (62%) responded in favour of this, 10 (38%) voted no**

**Question 3 asked schools for suggestions on how the financial pressures in the high needs block could best be addressed? Please refer to Appendix C.**

### **Required action:**

*Eligible Schools Forum members are to vote on whether the proposal to transfer 1.5% should be agreed.*

## 6.3 Top-slicing arrangements (impacting all mainstream schools & academies)

### **Pupil Growth**

In accordance with Government requirements, the pupil growth fund is to meet basic need and will be for the benefit of both maintained schools and academies.

Under the current formula arrangements school & academy budgets are to be based on pupil numbers as at the October pupil census. If a school admission limit is increased from September 2022 due to expansion, interim financial support to bridge the gap is necessary to cover the period September to March (or September to August for academies).

If a growth fund is not established schools will have to meet the revenue costs of expansion from within their existing balances.

**Question 4 asked if the LA should continue to provide a growth fund in 2022/2023 from reserve. All 26 respondents wish to continue with the establishment of a pupil growth fund.**

**Required action:**

*Eligible Schools Forum members are to vote on whether the proposal to continue with a pupil growth fund of £250,000 should be agreed.*

**6.4 Falling Rolls**

Local authorities may set aside schools block funding to create a **small fund** to support good schools with falling rolls, where local planning data shows that the surplus places will be needed within the next three financial years.

Schools forum agree both the value of the fund and the criteria for allocation and the local authority consults with schools forum before expenditure is incurred. As with the growth fund the falling rolls fund is within the NFF schools block.

Criteria for allocating falling rolls funding should contain clear objective trigger points for qualification and a clear formula for calculating allocations.

Feedback from consultation attached as Appendix D, Question 5, to this report suggests that schools & academies wish to establish a Falling Rolls fund. 15 (58%) agree and 11 (42%) do not.

**Required action:**

*Eligible Schools Forum members are to vote on whether the proposal to provide a Falling Rolls Fund should be agreed.*

**6.5 Central Schools Services Block**

The CSSB brings together:

- Funding previously allocated through the retained duties element of the Education Services Grant (ESG)
- Funding for on-going central functions, such as admissions.

**Centrally retained spend & retained duties**

The Local Authority currently retains funding centrally in order to provide / meet the following services / costs

- Admissions Service
- Servicing of the Rotherham Schools Forum
- Central licences managed by the DfE
- Central education related services which the local authority retain on behalf of all pupils in the district irrespective of school/academy setting

**Question 6 of the consultation asked if funding from this block could be retained for the services outlined above.**

All 26 respondents were in favour.

## **6.6 De-delegation arrangements (impacting on all maintained schools)**

The DfE guidance permits maintained schools only to de-delegate services through the formula. Each school contributes from its delegated budget share an amount per pupil.

### **Schools In Financial Difficulty Fund**

The purpose of this fund is to provide support to the budgets of maintained primary schools where if not supported a school would be placed in a financially difficulty position that is likely to have a detrimental impact on outcomes for children.

**Question 7 asked maintained primary schools if they wished to de-delegate monies to create a schools in financial difficulty fund. The one maintained school did not wish to de-delegate.**

**Required action:**

*Eligible Schools Forum members (primary maintained only) are to vote on whether to create a fund.*

### **Trade Union Facilities Time**

Allows trade unions to represent and consult with their members and with the school as their employer, as local branch trade union representatives are available. This is currently offered via a service level agreement to all schools and academies who may purchase if they wish.

**Question 8 asked all maintained schools if they wished to de-delegate funds, once again, for trade union facilities time rather than buy back from the portfolio of services. The one maintained school wished to de-delegate.**

**Required action:**

*Eligible Schools Forum members (maintained only) are to vote on whether to de-delegate.*

## **2. Name and contact details**

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**Appendix A:** Schools & academies who responded to the school consultation  
2022/23

School/Academy name	Designation	Maintained or Academy	NOR (Oct 20 census)
CCAT - Redscope Primary	Primary	A	381
Inspire - Oakwood Comprehensive	Secondary	A	1,031
Inspire - Sitwell Juniors	Primary	A	302
WPT - Thrybergh Academy & Sports	Through	A	642
WPT - Aston Hall	Primary	A	300
WPT - Aston Lodge	Primary	A	160
WPT - Brinsworth Whitehill	Primary	A	243
WPT - Rawmarsh Ashwood	Primary	A	185
WPT - Monkwood Primary	Primary	A	401
WPT - Sandhill Primary	Primary	A	232
WPT - Thrybergh Primary	Primary	A	140
WPT - Clifton Comp	Secondary	A	859
WPT - Rawmarsh Comprehensive	Secondary	A	1,055
WPT - Wickersley Comprehensive	Secondary	A	1,749
Nexus MAT - Craggs Community Primary	Primary	A	353
Broom Valley Primary	Primary	M	374
DSAT - Aston All Saint CofE	Primary	A	211
DSAT - Kilnhurst St Thomas CofE	Primary	A	206
DSAT - Laughton All Saints CofE	Primary	A	108
DSAT - Flanderwell Primary	Primary	A	359
DSAT - St Albans CofE Primary	Primary	A	208
DSAT - Thrybergh Fullerton	Primary	A	151
DSAT - Trinity Croft Cof E	Primary	A	172
DSAT - Treeton C of E	Primary	A	260
Wingfield Academy	Secondary	A	872
Winterhill Academy	Secondary	A	970

\*Counted as secondary for the purposes of analysis

	Total number of replies	Total Contacted	% of responses
Academy	25	88	28%
Maintained	1	23	4%
Total	26	111	23%

Late submission not included

Aston Fence	Primary	M	215
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## Appendix B: Summary of consultation responses for 2022/23

Question	Phase	Total number of responses	Yes	No	Unsure / no answer / more info
1. Do you agree with the principle that Rotherham is adopting in terms of prioritising an increase to the MFG?	Primary	19	19	0	0
	Secondary	7	7	0	0
	<b>Total</b>	<b>26</b>	<b>26</b>	<b>0</b>	<b>0</b>
2. Considering the borough as a whole, and to ensure support for the most vulnerable children and young people in the district, do you support the LA's request to transfer of the 1.5% from the schools block to the high needs block?	Primary	19	11	8	0
	Secondary	7	5	2	0
	<b>Total</b>	<b>26</b>	<b>16</b>	<b>10</b>	<b>0</b>
4. Do you agree that the Local Authority should continue to provide for a growth fund? It is estimated for 2022/23 a budget from reserve of £250,000 is required.	Primary	19	19	0	0
	Secondary	7	7	0	0
	<b>Total</b>	<b>26</b>	<b>26</b>	<b>0</b>	<b>0</b>
5. Do you agree that the Local Authority should continue to provide for a falling rolls fund? It is proposed the fund will be funded from reserve as with the Growth Fund?	Primary	19	12	7	0
	Secondary	7	3	4	0
	<b>Total</b>	<b>26</b>	<b>15</b>	<b>11</b>	<b>0</b>
6. Do you agree that funding from the central school services block can continue to be held centrally for the services outlined above?	Primary	19	19	0	0
	Secondary	7	7	0	0
	<b>Total</b>	<b>26</b>	<b>26</b>	<b>0</b>	<b>0</b>
7. Do maintained school wish to de-delegate monies to create a Financial Difficulties Contingency Fund of £50K to support those schools with a financial deficit position?	Primary	1	0	1	0
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
8. Do maintained schools wish to de delegate funds again for trade unions facilities time, they would no longer need to buy back from the portfolio of services?	Primary	1	1	0	0
	<b>Total</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>



## **Appendix C: Suggestions on how the financial pressures in the high needs block can best be addressed.**

*There is no short-term answer and the growth in pressure on high needs blocks is a local and national issue. There are four suggestions, all of which have some work already underway, but we believe require a renewed focus and plan for short-term investment as to secure a reduction in pressure in the medium/long term:*

- Outcome-focussed and outward-looking commissioning to support mainstream schools with inclusion*
- Specialist hubs to bridge the gap between mainstream and special – run by special schools, operating within mainstream schools*
- A medium-term sufficiency strategy to accept and plan for the pressure/growth we know will continue in our existing special schools*
- An innovative and open-minded partnership approach to creating more provision for complex pupils who will otherwise end up in high-cost independent places – through social care needs as well as educational*

*We would suggest more investment in pre EHCP provision for those children on the EHCP assessment pathways rather than transferring 1.5% from the Schools Block.*

*If, however, the 1.5% is taken from the high needs block to the schools block, could we use this to increase the % of Element 2 (Notional SEND budget allocation) in all schools?*

*Alternatively use the 1.5% to increase the % of Element 2 (Notional SEND budget allocation) in for those schools that have a % of SEND that tracks significantly above national figures and has done for an agreed period of time. The % above national and length of time could be determined by Schools Forum.*

*As per Growing Schools Funding it could be that we keep the 1.5% within the Schools Block, but ring-fence it for schools to apply for additional funding to support disproportionate SEND growth. This approach would ensure that only those schools with substantial additional pressure were eligible to access the funding. This could be considered as a Graduated Response Annual Payment (GRAP) and would be limited to 3 terms, before re-application requests had to made by each school that had accessed it.*

*These options could lead to a more pro-active approach to supporting children ahead of EHCPs and could lead to fewer children requiring an EHCP assessment and therefore reduce the financial pressures on the High Needs Block, as fewer ECHPs may need issuing. We would also advocate using the 1.5% towards activities that 'reduce exclusion', as this is currently both a key concern for all schools across the LA and at significant cost, particularly when pupils have to access alternative provision. The support currently in place for schools to manage pupils at risk of PX is in need of further investment and is currently not yet fit for purpose, in order to have the level of impact which would result in savings made in the long term.*

*Continue to seek and develop educational services that serve the needs of the young people in Rotherham and from within Rotherham rather than them having to be met outside of the bounds of authority which can be very expensive and may lack the quality of provision we would demand.*

*RMBC should provide a true breakdown high needs block accounts so that we can see what the shortfall is. Also provide indicative budgets showing projections if % contributions were increased. How would this affect school budgets and High Needs Funding per pupil?*

Appendix D: Comments made within the 2022/2023 consultation response

**Question 2:**

**Considering the borough as a whole and to ensure support for the most vulnerable children & young people in the district, do you support the LA's request to continue to transfer 1.5% from the schools block to the high needs block?**

*No. However, we would agree to a 0.5% transfer from the schools block to help support the high needs block, in line with the DFE guidance.*

**Question 4:**

**Do you agree that the Local Authority should continue to provide for a growth fund from reserve? It is estimated for 2022/2023 a budget of £250,000 is required**

*Yes. Could some modelling be done on any schools where pupils numbers change significantly regardless of planned admission number changes? This could be a combined pot across falling rolls and planned growth to support any schools where in-year changes in pupil numbers have the potential to cause budgetary issues.*

*Yes, it is important that those schools with increasing numbers are able to access funding to support increase student just as it is for those schools with declining numbers protected by MFG.*

**Question 5:**

**Do you agree that the local authority should provide for a falling rolls fund from reserve?**

*Yes, see above suggestion for combining falling rolls and growth into a single larger pot to target*

*No we do not agree the LA providing funding for outstanding or good schools with falling numbers. However if this was a fairer system and included inadequate and RI schools then perhaps yes.*

**Question 6:**

**Do you agree that funding from the central school services block can be held centrally for the services outlined above?**

*Yes we agree that funding from the central school service block should be retained centrally to cover admissions service, schools forum and central licences. We feel the funding should also include admission appeals rather than be charged separately for these.*

<b>BRIEFING</b>	<b>TO:</b>	Schools Forum
	<b>DATE:</b>	19 November 2021
	<b>LEAD OFFICER:</b>	Ian Henderson HR Manager Assistant Chief Executive's 01709 822467
	<b>TITLE:</b>	Education Unions Facility Time
<b>1. Background</b>		
<b>1.1</b>	On 17 September 2021 a report was considered by the Forum regarding the per pupil rate used to determine the charge to schools for Trade Union Facility Time buyback.	
<b>1.2</b>	The total facility time able to be funded from the current buyback budget and afforded to the education unions currently equates to 1.2 FTE (6.25 days), however a total of 13 days facility time would be required to align to current union membership figures at a ratio of 1 FTE day per 1,000 members, the industry standard.	
<b>1.3</b>	Benchmarking identified that Rotherham's per pupil charge at £2 was the lowest in the region, being less than half that of our nearest statistical comparator, Barnsley Council at £4.75.	
<b>1.4</b>	Forum agreed to consult schools on the 3 options put forward in the report:  <b>Option 1</b> Maintain policy of increasing the per pupil charge by the rate of inflation. It is not recommended that this approach is taken as it fails to address the insufficient facility time required for schools to be adequately supported in employee relation issues in a timely manner by the unions.  <b>Option 2</b> Increase the per pupil charge to £4.75 from 1 April 2022. This option would provide the budget required to increase the facility time allocation to representative levels, however schools will not have budgeted for such an increase and the pressure from the current pandemic has already put on school budgets it is not recommended that this approach is taken.  <b>Option 3</b> The per pupil charge could be increased incrementally over the next 5 years by 55p (equates to £55 per 100 pupils) over the normal inflationary price increase from 1 April 2022. This phased approach would allow schools to accommodate the increase into their medium to long term budget planning.	
<b>2. Key Issues</b>		
<b>2.1</b>	Thirty-one schools responded to the consultation with only one school opting for maintaining the current position (option 1). Twelve opting for an immediate increase to £4.75 (option 2) and eighteen opting for the incremental approach (option 3).	

3. Key Actions and Timelines	
3.1	Prices for the April 2022 buyback are required to be set by the end of December 2021.
4. Recommendations	
4.1	Forum is asked to note the outcome of the consultation and that option 3 will be implemented with effect from 1 April 2022.