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**TO EACH MEMBER OF THE
CENTRAL BEDFORDSHIRE SCHOOLS FORUM**

26 February 2013

Dear Forum Member

CENTRAL BEDFORDSHIRE SCHOOLS FORUM - Monday 4 March 2013

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following reports:-

4. PRU - Transfer of Revenue DSG to Capital

The report sets out the improvements of the PRU buildings to date, and recommends that the underspend in 2012/13 be used to offset some of the capital costs to date.

5. Dedicated Schools Grant (DSG)

Please find attached the document contained within the link in Appendix A.

8. Review of the Forum's Constitution and Terms of Reference

Please find attached the track changed appendix.

10. Watling Lower School Licensed Deficit

To receive correspondence requesting the writing off of Watling Lower School's deficit.

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt,
Committee Services Officer
email: martha.clampitt@centralbedfordshire.gov.uk

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Meeting: Schools Forum
Date: 4 March 2013
Subject: Central Bedfordshire Pupil Referral Unit (PRU)
Report of: Deputy Chief Executive and Director of Children's Services
Summary: The report sets out the improvements of the PRU buildings to date, and recommends that the underspend in 2012/13 be used to offset some of the capital costs to date.

Advising Officer: Edwina Grant, Deputy Chief Executive and Director of Children's Services
Contact Officer: Helen Redding, Head of Learning and School Support
Public/Exempt: Public
Wards Affected: All
Function of: Council

RECOMMENDATION(S):

The Schools Forum is asked to:

- 1. Take note of the current position of the PRU budget and approve use of the forecast underspend of £50,000 to offset costs of improving the PRU buildings on the Kingsland Site in 2012/13.**
- 2. Approve any additional balance in the PRU budget at the end of the Financial Year be transferred for the same purpose**

Background and recommendation

1. The School Forum Regulations accompanying table regarding powers and responsibilities states that 'Central spend oncapital expenditure funded from revenue' is proposed by the LA and decided by School Forum.
2. When Central Bedfordshire took over responsibility for the PRU in April 2011, the buildings were in a significant state of disrepair. The staff underwent a restructure consultation and the costs of the running of the PRU were reduced by £400k.
3. Works were initiated to ensure that both pupils and staff had a significantly better learning environment that demonstrated that they were valued, and that they would value and respect.

4. The works to date have included replacing the door system, replacing the windows and remodelling the old Design and Technology area to make a new staff and pupil entrance, meeting area, office area and new classroom. The previous entrance was at the back of the building, was difficult for visitors to find, and was part shared with the new UTC. In order to utilise all of the resources available to improve the PRU building and add to the capital coming from the EFA to refurbish the buildings further for the Alternative Provision Free School, it is proposed that the forecast underspend at the PRU be used to offset some of these costs. The underspend has been achieved due to lower staffing costs than anticipated (on disaggregation most staff were at the top of their scale but when replaced, have been replaced with lower cost staff). Also when teaching staff have left or reduced their hours, they have been replaced with an increased number of support staff at a lower cost. The costs of the works to date will be provided at the meeting as they are being checked by Property and Assets.
5. The PRU now has access to much improved learning resources and a much improved learning environment, which benefits the current pupils and staff, and will support the Alternative Provision Free School on its opening in September 2013.
6. Schools Forum is asked to approve the transfer of the forecast underspend of £50k, plus agree to any balance at the end of the financial year to be transferred to offset the cost of improving this provision to date.



Department
for Education

Review of 2013–14 School Funding Arrangements

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Introduction

1. We have made a clear commitment to reform the school funding system and end the inequalities and inconsistencies that have built up over many years. We want a funding system which:
 - is **up-to-date** and reflects the current demographics of pupils across the country;
 - targets **additional money to pupils who need extra support** to achieve;
 - is **consistent and pupil-led** so that, wherever a pupil goes to school, he or she will attract similar levels of funding;
 - is **transparent** so that parents, head teachers, governors and tax-payers can see clearly how funding has been distributed and why;
 - gives pupils (supported by their parents and carers) **genuine choice** about which school they attend.
2. We confirmed in March last year that we will introduce a national funding formula in the next spending review period but that we will take a gradual approach to ensure that we get it right.
3. Our priority for 2013-14 therefore has been to make some improvements to the current system so that there is a greater focus on the needs of pupils and greater consistency across local areas. We have:
 - Simplified and rationalised the formula factors that local authorities can use when allocating funding to schools, in order to move away from overly complex and opaque formulae. This means that, across the country, schools will be funded using up to 12 clearly defined factors. Those 12 factors represent the circumstances under which we believe schools should attract additional funding (for example, for deprived pupils, for pupils with low attainment, or for those operating on split sites) and represent the likely direction of a national funding formula. We removed a large number of factors which we did not believe justified additional funding (these included swimming pools and floor space).
 - Ensured that the maximum amount of money is passed on to schools to spend as they see fit.
 - Put in place a more transparent and comparable process for funding academies by reducing the time-lag in their funding from 17 months to just 5.
 - Reformed the funding arrangements for pupils with high needs by introducing the 'place-plus' system. This ensures that schools have clearly identifiable budgets for

pupils with special educational needs (SEN) and that local authorities take a consistent approach to funding needs over and above those budgets.

- Strengthened the local decision-making process by ensuring that Schools Forums operate more transparently, and that school and academy representatives have a greater say about how money is distributed.

4. We have always been clear that these arrangements are intended to pave the way for a new national funding formula and that there are a still a number of issues about its shape and structure that we need to resolve. We want to ensure that we continue to make progress and so, over the coming weeks and months, we will be looking at whether the 2013-14 arrangements are simplifying the system, securing greater consistency between local areas and moving us towards a national funding formula.
5. We know that some local authorities, schools and parents are concerned about the impact of the new arrangements. While we remain committed to the core principles at the heart of the funding reforms, the review we are carrying out will consider whether and to what extent we need to make small changes in 2014-15 in order to address those concerns and prevent unacceptable consequences. The areas on which we have focused in this document are those most frequently raised with us or issues we have identified as requiring further consideration through our analysis of the budgets that have been set for 2013-14.
6. We are clear, however, that as we move towards a pupil-led system, there will be changes to schools budgets and some degree of re-allocation between schools. That is a necessary and not an unintended consequence of reform. The Minimum Funding Guarantee (MFG) ensures that, in most cases, schools will not lose more than 1.5% of their funding per pupil in both 2013-14 and 2014-15. We have also confirmed that an MFG will continue to operate after 2014-15 although we cannot confirm the exact level.
7. This document gives a summary of how the 2013-14 funding arrangements have been implemented and outlines some specific concerns that have been raised. It seeks views from a range of interested parties including local authorities, head teachers, principals, governors and locally elected members on a number of questions.
8. There is a template which can be downloaded separately which you can use to answer those questions and then email to the Department at Funding.REVIEW2013-14@education.gsi.gov.uk by 26 March 2013.

Section 1: Are we moving towards national consistency?

9. Local authorities were asked to submit a pro forma containing information about their simplified funding formula by 31 October 2012. After the results of the autumn census and confirmation of the DSG settlement for 2013-14, revised pro formas were submitted on 22 January.
10. At the time of writing this document, not all of the January pro formas had been submitted to the Department or analysed. In the interests of publishing this document and allowing sufficient time to make any changes for 2014-15, we have used the October pro formas to give a broad assessment of 2013-14. The Annex includes graphs which give a fuller picture of how funding is being distributed across the country. We realise that this does not represent the most up-to-date picture and will update our understanding once the January pro formas have been fully analysed and quality-assured.
11. In analysing the pro formas, we have been keen to understand whether we are moving towards a more pupil-led system, and where the greatest variation has arisen. While the funding reforms have enabled local authorities to allocate funding to schools on a much more consistent and comparable basis, the data shows that there is still variation in how local authorities have distributed their Dedicated Schools Grant within the constraints. This is to be expected given that per-pupil funding allocations vary across the country, making each local authority's starting point different from its neighbours.
12. The majority of primary Age Weighted Pupil Units (AWPUs) are in the range of £2,250 to £3,250, although there are a few significant outliers of over £4,000. The 15 local authorities with highest primary AWPUs are all in London. The secondary AWPUs show a similar pattern and, again, the few outlier authorities with significantly higher secondary AWPUS are mostly in London.
13. Overall, the proportion of funding being spent on the AWPUs varies between 60% and 87%, with half of local authorities allocating between 75% and 80%.
14. The data does, however, show good progress towards our aims of moving to a more pupil-led system. Authorities are allocating at least 77% of funding through a combination of the pupil-led factors (these are the AWPU, deprivation, prior attainment, EAL, looked after children and pupil mobility) and around 49% of authorities are allocating between 90% and 95% of funding in this way.
15. We are keen to ensure that even more money is targeted to the needs of pupils, rather than to the circumstances of schools. We said in the document we published in June 2012, [*School funding reform: Arrangements for 2013-14*](#), that we would consider whether to set a minimum threshold for either the AWPUs or a combination of all the pupil-led factors.
16. Setting a minimum threshold for the AWPUs alone may not be meaningful given that the variation in deprivation across the country requires some local authorities to target more funding to deprived pupils than others. We are therefore inclined to set a minimum threshold for all the pupil-led factors. We realise a requirement of this nature

would have an impact on the level of the lump sum and so we would be interested in views on this. If, for example, we set it at 85% then seven local authorities would need to move money away from the lump sum, post-16 and premises factors and put it into the pupil-led factors.

Q1: Should we set a minimum threshold for the pupil-led factors and, if so, at what level?

17. There is considerable variation in the proportion of funding allocated through the deprivation factors – ranging from 2% to 25% (with 83% of local authorities allocating between 2% and 12%). There could be a number of explanations for this variation and we would be interested in learning more.

Q2: On what basis did local authorities decide on the quantum or proportion of funding to target to deprived pupils?

18. Another finding from the pro formas relates to the prior attainment indicators. Six local authorities chose not to use this formula factor at all and an additional four only used it for pupils in secondary schools.
19. There is also a significant degree of variation in the per-pupil allocations for the prior attainment factors. They range from £125 to £8,300 for primary pupils and £158 to £10,688 for secondary pupils. In both cases there are one or two local authorities with markedly higher per-pupil amounts than the rest, but even disregarding this, the variation is still significant.

Q3: On what basis did local authorities decide on the per-pupil amounts for the prior attainment factors?

20. Fewer than half of local authorities used the mobility indicator. This may be because we only introduced it in June 2012 in response to the representations we received as a result of our March 2012 consultation. Nonetheless, the per-pupil allocations vary in both primary and secondary phases from £10 to £2,000 (although there is a significant outlier of £5,012 for secondary pupils). We discuss the effectiveness of this indicator in section 2 of this document.
21. The lump sums chosen by local authorities varied significantly from £42,000 right up to the maximum cap of £200,000. The most common choice was £150,000 (used by 26 authorities) but, overall, there is no consistency in the values set. The lump sum is discussed again in section 2.

Section 2: Areas of concern and possible changes for 2014-15

22. We have been clear in our publications and in our discussions with local authorities, schools and other representatives that the new arrangements require a radical change in the way schools are funded in many local areas. Moving towards a more consistent and transparent system will inevitably lead to shifts in school budgets. Local authorities, in partnership with their Schools Forums, will therefore need to review the whole of the distribution, including the primary: secondary ratios and the weightings for deprivation and the lump sum.
23. Nonetheless, we are aware that some schools, local authorities, parents and governors are worried about the impact of the new arrangements. So far, reactions to the 2013-14 arrangements have been limited to a few issues and have come from a small minority of mainly rural local authorities.
24. In October 2012, in response to those concerns, the Department wrote to all Directors of Children's Services and Members of Parliament to provide reassurance that we will review the 2013-14 arrangements. The Department also confirmed that, if we find any unacceptable consequences for schools, we will make further changes in 2014-15 in order to prevent those consequences. Below is a list of the current 12 allowable factors.
- Age weighted pupil unit (AWPU)
 - Deprivation
 - Looked after children
 - SEN / prior attainment
 - EAL
 - Pupil mobility
 - Post-16 provision
 - Lump sum
 - Split sites
 - Rates
 - PFI
 - London fringe
25. In light of the feedback we have received to date, we are seeking specific views on whether changes are needed to three of these factors. They are: prior attainment; pupil mobility; and the lump sum. These are considered in paragraphs 27 to 38 below.
26. We are also aware that there are concerns about the factors which we are no longer allowing and about the restrictions on the targeting of deprivation funding. This is discussed in paragraphs 39 to 50 below.

Prior attainment

27. We know that the current prior attainment indicators are not a perfect measure for identifying pupils with special educational needs (SEN). They are, however, not intended to be used on their own and we have been clear that local authorities can use a combination of deprivation, prior attainment and AWPU and/or elements of the lump sum as indicators for the notional SEN budget. Furthermore, we have allowed local authorities flexibility to target additional resources to schools where the notional SEN budget is insufficient to meet some of the costs relating to pupils with high cost SEN (see paragraph 58 in section 3 for further details). We do, however, think it is important to allow a proxy measure of low attainment to be used and that is why we have allowed authorities to use EYFSP and Key Stage 2 data. As we acknowledged in June, the current EYFSP comes to an end this year and the new framework is being updated and will come in to effect from this autumn.
28. We are currently looking at pilot data from the new EYFSP framework to create a new proxy indicator to identify low cost SEN related to attainment and we will provide more information this summer. In the interim, as local authorities already have data for all of their EYFS pupils and KS1 pupils (apart from those entering the system this year) we expect local authorities to continue with the current proxy until analysis is completed on the new framework.

Q4: Do you agree that local authorities should continue to use EYFSP data as an attainment-related proxy or should we consider use of a different indicator to identify low cost SEN in primary schools? If so, what indicator?

29. For secondary schools we propose to continue with the attainment-related proxy for KS2 whereby all pupils who fail to achieve Level 4 or above in both English and mathematics at Key Stage 2 will be eligible for low cost SEN support¹.

Pupil mobility

30. The mobility factor is intended to address the administrative costs incurred by schools that experience high levels of pupils leaving and joining throughout the academic year. We have heard concerns that the factor, as currently designed, does not differentiate between a school that has few mobile pupils (and therefore incurs significantly lower administrative costs) and a school that has significantly larger numbers of mobile pupils (and therefore incurs higher costs).

Q5: Would it help to allow an additional weighting to be given if a school experiences in-year changes to pupil numbers above a certain threshold? If so, where should this threshold be set?

The lump sum

31. We introduced the single lump sum predominantly to provide sufficient funding for those necessary small schools, particularly in rural areas, that may not be able to operate on the basis of their per-pupil funding alone. Small schools benefit

¹ The year 7 literacy and numeracy catch up premium also targets funding at year 7 pupils who have not achieved Level 4 at KS2 in reading, mathematics or both. More detail is available here: <http://www.education.gov.uk/schools/pupilsupport/year7catchup>

proportionately more from the lump sum because it acts as a larger boost to their per-pupil funding than for larger schools, and a single lump sum for all schools ensures that there can be no ambiguity over how much funding goes to one phase or type of school compared to another.

32. It has, however, become apparent that the current lump sum arrangements are causing concerns, particularly in relation to small schools in rural areas, and we would like to understand the factors that are driving this.
33. It is not our intention that any necessary small school should be forced to close as a result of these reforms, and we acknowledge the need to support unavoidably small but necessary schools, for example in very sparsely populated areas. In seeking to achieve this, we are considering the possibility of introducing an optional school-level sparsity factor for 2014-15, specifically to target funding at necessary small schools in rural areas.
34. We expect that, in sparse areas, pupils have to travel further to school, and have less choice over which school they can attend. The proposed sparsity factor could, for every school:
 - identify the pupils for whom it is their nearest school (this will not necessarily be the school the pupils actually attend); and
 - for those pupils only, measure the distance that they live from their *second nearest* suitable school. Where this distance is high, we assume that it becomes difficult for the pupil to attend any school other than the nearest one, making the existence of that school necessary. Taking the average distance that relevant pupils live from their second nearest school would allow us to apply a sparsity factor based on set thresholds.
35. This could identify the necessary schools serving pupils in remote areas with limited alternatives; these schools are necessary because children could not realistically attend another school. The simplest way to use this measure would be to set a threshold and provide a sparsity uplift to any schools that have an average distance above the threshold. Separate thresholds would need to be applied for primary and secondary schools, as pupil travel distance varies by phase. Alternatively, extra funding could be given to schools as the sparseness of an area increases.
36. Data is available to produce this measure using crow flies distances. But such a measure would be unlikely to be fit for purpose as this would not take into account the actual time that it would take a pupil to travel to a school, so we are investigating whether the measure could use travel distance instead.

Q6: In areas with large numbers of small schools, could the problem of having a fixed lump sum be overcome by reducing the relevant AWPU?

Q7: Would having the ability to apply a separate primary and secondary lump sum avoid necessary small schools becoming unviable? If so, how should we deal with middle and all-through schools?

Q8: We said in June that we would review the level of the lump sum cap (currently £200,000) for 2014-15 in order to establish whether it is the minimum cap needed to ensure the sustainability of necessary small schools. If we continued with one lump sum for both primary and secondary, what would be the minimum level of cap needed to ensure the sustainability of necessary small schools? If we had separate lump sums for primary and secondary, what would be the minimum cap needed for each in order to ensure the sustainability of necessary small schools?

Q9: Would using a school-level sparsity measure to target a single lump sum, based on distance between pupils and their second nearest school, avoid necessary small rural schools becoming unviable?

Q10: What average distance threshold would be appropriate?

Q11: If we had a sparsity measure, would it still be necessary to have a lump sum in order to ensure that necessary schools remain viable? Why? What is the interaction between the two?

37. We have proposed a sparsity measure based on pupil distance to second nearest school as we have found this to be the most pragmatic option. However there are a range of possible sparsity measures that can be used, for example distance between schools, none of which have been ruled out.

Q12: What alternative sparsity measures could we use to identify necessary small schools in rural areas?

38. As with all schools though, small schools may have to make savings and efficiencies in order to live within their means. This may include merging formally with other small schools in the area to reduce fixed costs. However, we know that in some cases the lump sum can be a disincentive to schools from merging where it is rational to do so, because it results in the loss of one of the lump sums.

Q13: Would the ability for both schools to retain their lump sums for one or two years after amalgamation create a greater incentive to merge?

39. A few other issues have been brought to our attention since we published the June 2012 document. In most cases, we have no or little evidence about the cause of these issues. This section sets out the rationale behind our current position and seeks evidence on why the issues raised cannot be addressed through the new funding arrangements.

Targeting funding to deprived pupils

40. We have heard concerns from some local authorities that the 2013-14 arrangements have resulted in funding moving away from schools with high numbers of deprived pupils. We believe it is very important that deprived pupils are allocated more funding than non-deprived pupils. We do however recognise that the removal of certain factors (such as floor space and other premises-related issues) and a greater focus on pupil-led factors may cause some schools to experience changes to their budgets.
41. As we set out in the beginning of this section, these new arrangements may require

local authorities to change their formulae in a more radical way. The Government is committed to raising the life chances of pupils from deprived backgrounds and ensuring that deprived pupils receive additional funding. It is not acceptable that deprived pupils are penalised as a consequence of local authorities seeking to maintain the status quo in their area and not exploring the full range of options open to them to target money to deprivation. By using an appropriate combination of the permitted deprivation indicators (FSM, Ever6 and IDACI) with an optimum per-pupil rate, local authorities should be able to target money more adequately to deprived pupils.

42. If, however, you feel that even with the optimum use of indicators and an appropriate per-pupil rate, schools with a high proportion of deprived pupils would lose significant amounts of funding, we need to understand why that would be the case.

Q14: If you think local authorities will be unable to use the allowable deprivation indicators in order to prevent significant losses to schools with a high proportion of deprived pupils, why do you think that is the case?

Service children

43. A number of schools with large numbers of service children have written to us to express concerns that they are set to lose funding as a result of the new arrangements. This is largely because some local authorities were targeting extra funding to schools with service children through other factors (such as the lump sum, for example). We know that in a few parts of the country, the additional funding being allocated to schools with service children was very high.
44. The allowable factors in the formula are intended to support pupils that do not achieve as well as their peers, for example those from deprived backgrounds and those with low prior attainment. The Department has no evidence that this is the case for service children as a group.
45. We do recognise, however, that service children sometimes require additional pastoral care because of their circumstances and this is reflected in the Service Premium (which currently allocates £250 to every service child and will rise to £300 in 2013-14). We also recognise that the mobile nature of service children can sometimes create additional costs to schools and that is why we have allowed local authorities to apply a pupil mobility factor to their formulae.
46. We have received no evidence as to why service children should attract higher levels of funding over and above that received through the Service Premium, the Pupil Premium and factors in the local formula to reflect pupil mobility, deprivation, prior attainment and EAL. It is therefore difficult to justify targeting additional money at this group of children.

Q15: Do you have any evidence that service children (once we account for deprivation, mobility and pastoral care through the Pupil Premium) require additional funding in order to achieve as well as non-service children?

Other groups of pupils

47. As we state above, the evidence we have indicates that we have allowed local authorities enough flexibility to target funding to low-achieving pupils. This, however, remains an important area for the Department and so we want to ensure that we do not overlook vulnerable groups of pupils.

Q16: Have the 2013-14 reforms prevented local authorities from targeting funding to groups of pupils that need additional support? If so, which?

Schools with falling rolls

48. Greater choice for pupils supported by more outstanding schools is one of the Department's principal objectives and this is underpinned by our Academies and Free Schools programmes. A successful funding system should enable pupils to attend the school of their choice without the funding being 'locked in' at a different school. It should also enable good and outstanding schools to expand so that more pupils can benefit and not be forced to go to less popular schools.
49. If a school has falling rolls, it should consider its longer term viability. It may consider merging or federating with other schools in order to save money but also to improve its leadership capacity and quality. We are clear that, in times of economic austerity, money should be spent on pupils who are actually in schools and not spent on funding empty places. If a school is small or in a rural area and has limited options, we have set out options in paragraphs 31 to 38 above which should help.
50. We are aware that, in some areas, the demographic trend has meant that secondary school pupil numbers have reduced but a bulge is imminent as more primary pupils move up. In such cases, local authorities can retain a small fund for schools in financial difficulty (this would need to be de-delegated by maintained schools). This can be used to help bridge the gap between the falling rolls and the imminent bulge. Schools should also consider more innovative use of their facilities, such as hiring out school halls or swimming pools.

Q17: In cases where a population bulge is imminent, what is preventing good and necessary schools from staying open?

Q18: Are there any other circumstances in which falling rolls are unavoidable in the short term?

Section 3: Options for adjusting high needs funding in 2014-15 and beyond

51. As part the 2013-14 reforms, we introduced a new framework for funding provision for children and young people with high level needs, including special educational needs (SEN), learning difficulties and disabilities (LDD) and those requiring alternative provision (AP). This framework is designed to go alongside the new arrangements for SEN in the Children and Families Bill. Schools, colleges and other providers will be given funding within their formula sufficient to enable them to meet costs up to about £10,000 for pupils and students with SEN and LDD. This base funding does not relate to specific individuals, but is intended to meet the costs of all those with SEN and LDD who are at the institution, up to the high needs threshold. Funding to meet additional costs follows the individual pupils and students with high needs and will come from the home local authority – i.e. the local authority in which the pupil or student lives – in the form of top-up funding.
52. The base funding is calculated differently according to the type of provider and age of the pupil or student. Included within mainstream schools' normal per-pupil funding is a notional SEN budget to meet the costs of pupils with SEN up to £6,000. Some local authorities are setting a different threshold as a transition to the £6,000 level. Special schools will get a standard £10,000 for each planned place. A similar system will operate for AP for the pre-16 age group, where the base funding will be £8,000 per place. All base funding for post-16 students with high needs – in schools, colleges and other providers – will comprise the programme funding that post-16 student places would normally attract, according to the new national 16-19 formula, plus £6,000 for each planned high needs place.
53. Top-up funding is for the commissioning local authority to determine, by agreement with the providers. Schools rather than local authorities will often place pupils in pupil referral units (PRUs) and other AP and they will be responsible for paying the top-up funding in these circumstances.
54. Hospital education is being funded through transitional arrangements which essentially preserve the institution's funding in 2012-13. We are looking at options for a different funding approach in 2014-15 or subsequently.
55. The base funding for maintained schools, the top-up funding and funding retained centrally for SEN support services, hospital education services, AP services and other services specified in the relevant regulations is all paid for from the local authority's high needs budget. Local authorities have flexibility to determine the balance of funding between their high needs budget, schools budget and early years budget. In particular, they can move funds between their high needs budget and schools budget to make sure that, on the one hand, they have sufficient funding for all those with high needs and, on the other, schools have sufficient funding in their notional SEN budgets.

Issues for 2014-15 and beyond

Base funding for specialist providers

56. Base funding for specialist providers is set, according to the number of planned places, at: £10,000 per place for pre-16 SEN; a bit more, on average, for SEN and LDD in the 16-24 age group; and £8,000 for AP. We are not proposing to review at this stage whether these are broadly the right levels.
57. Some have argued that the AP level is too low and should be brought up to £10,000. However, there is evidence that low cost AP in some areas would be over-funded if we were to change the level of base funding for PRUs and other forms of AP. We believe it is too early to consider changes at this stage, and will therefore look at this as part of a subsequent review.

Notional SEN budget for mainstream schools

58. Mainstream schools and academies receive a notional SEN budget, determined by the local authority using the permitted formula factors (as discussed in section 2). Some local authorities have told us that limitations on the formula factors they can use do not allow them to target funds to those pupils with particular needs or where schools attract a higher number of pupils with high needs because they have a good reputation for meeting those needs. We have therefore allowed local authorities flexibility to use their high needs block to make additional allocations outside the formula to schools that have a disproportionate population of pupils with high needs, after consulting the Schools Forum.
59. We are also planning to introduce to the schools census, from 2014, a marker that will indicate those pupils who receive top-up funding. This high needs marker could be used to target extra funding to schools that have a disproportionate number of high needs pupils, but cannot be introduced before 2015-16 because the census data will not be available.

Q19: Would a formula factor that indicates those pupils who receive top-up funding be a useful addition to help deal with the funding of high needs?

60. Despite the strong recommendation that local authorities should construct their schools' notional SEN budgets so that schools are required to contribute up to £6,000 towards the additional support costs of their pupils with SEN, some have adopted a different threshold as a transitional arrangement. This creates differences in the base funding between neighbouring local authorities, and therefore in the top-up funding levels they are implementing. Commissioning authorities, however, are likely to be dealing with schools in more than one authority area.

Q20: To address the variation in base funding between neighbouring local authorities, how fast should local authorities be required to move towards the £6,000 threshold? Should it be made a requirement from 2014-15?

Arrangements for top-up funding

61. We are allowing local authorities flexibility in the top-up funding arrangements. In many cases these arrangements for 2013-14 will not have been finalised, particularly for pupils and students starting at schools and colleges in September. It is therefore too early to consider changing the national requirements on top-up funding. We are, however, interested in receiving feedback on the issues that have been raised so far, and whether any changes should be considered for 2014-15.
62. In particular, some stakeholders have suggested that the new arrangements would create additional administrative processes for negotiating and paying top-up funding. We have encouraged local authorities to look carefully at how they can reduce bureaucracy, for their own organisation as well as for the schools and PRUs they maintain, and for those institutions to which they pay top-up funding. We would be interested in good practice in this area that can be shared more widely.

Q21: Should the Department play an active role in spreading good practice and model contracts/service level agreements?

Pre and post-16 arrangements

63. The Department is aware that the administrative processes pre- and post-16, in the run-up to 2013-14, have not been co-ordinated as helpfully as they might have been. The separate data collection exercises and implementation timetables for pre- and post-16 have been confusing. We will be looking to improve this substantially for 2014-15. But we also wish to look at how arrangements can be brought closer together so that they are easier to understand and use for local authorities, colleges, schools and Academies.

Q22: Do you have ideas about how the pre and post-16 high needs systems might be brought closer together?

Section 4: Schools Forums

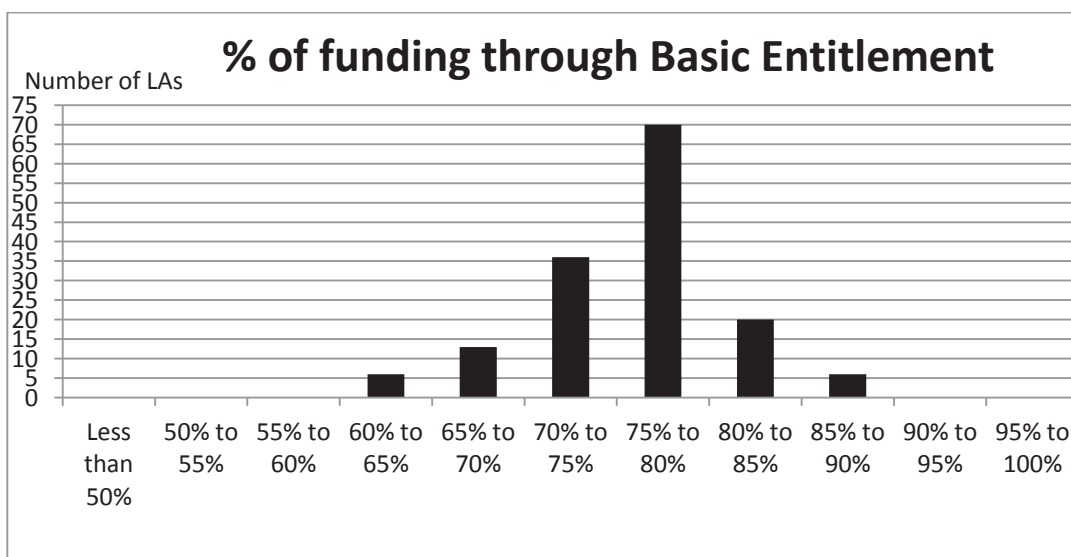
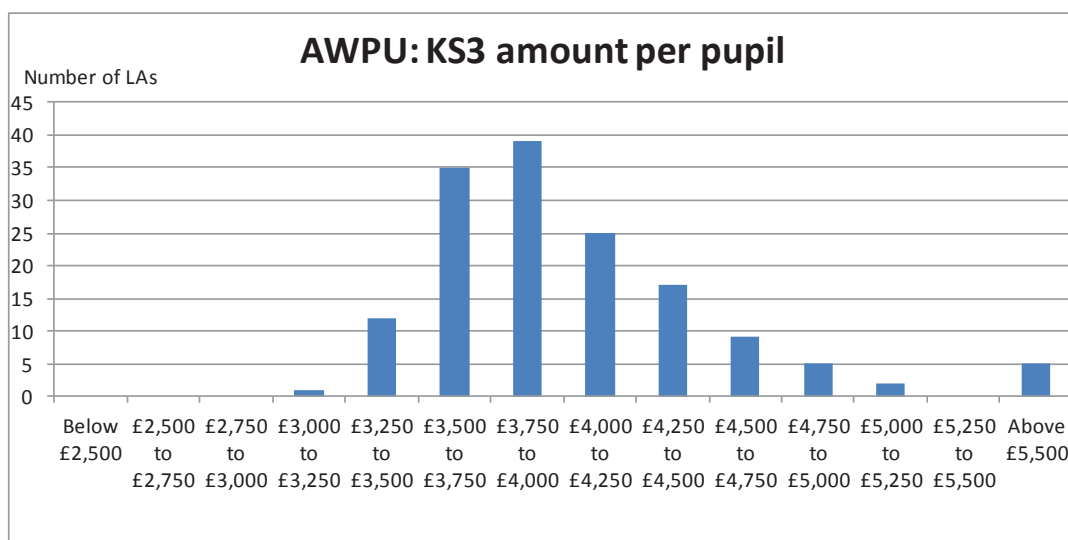
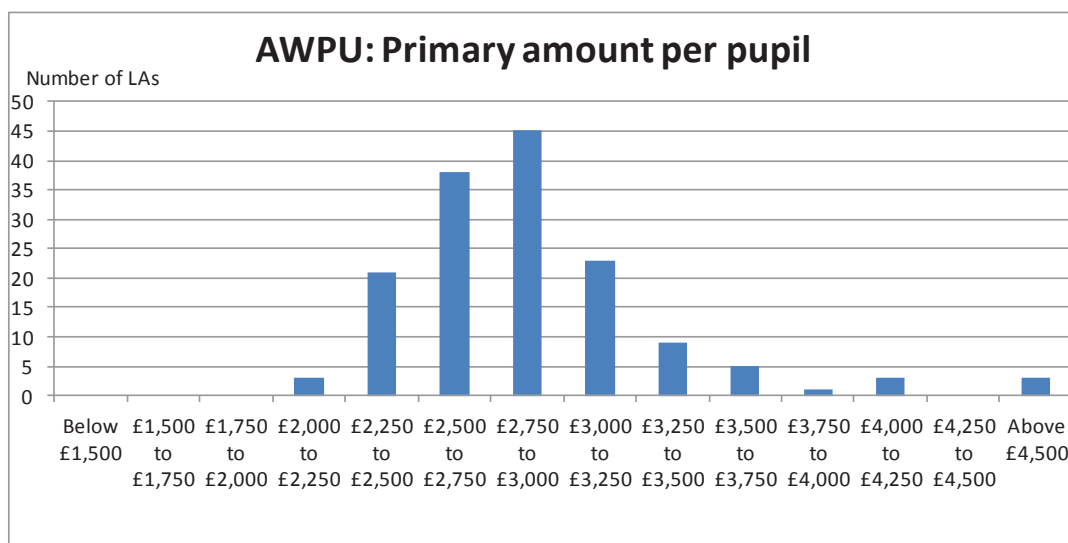
64. We have heard concerns that Schools Forums were not always operating fairly or transparently. Examples include meeting papers and agendas not being published and voting rights being spread too widely across a range of members. In response to these concerns, we made a number of changes which came into effect on 1 October 2012. We have:

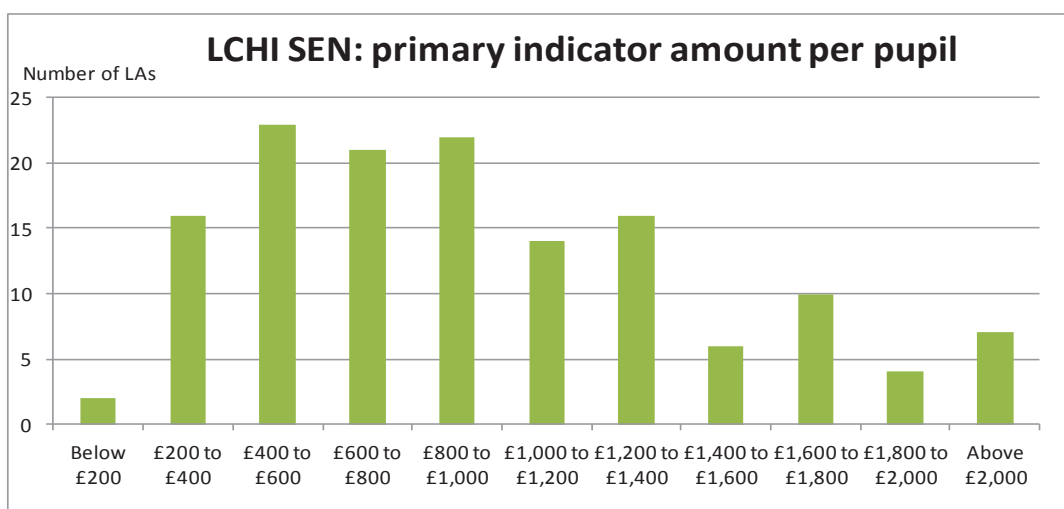
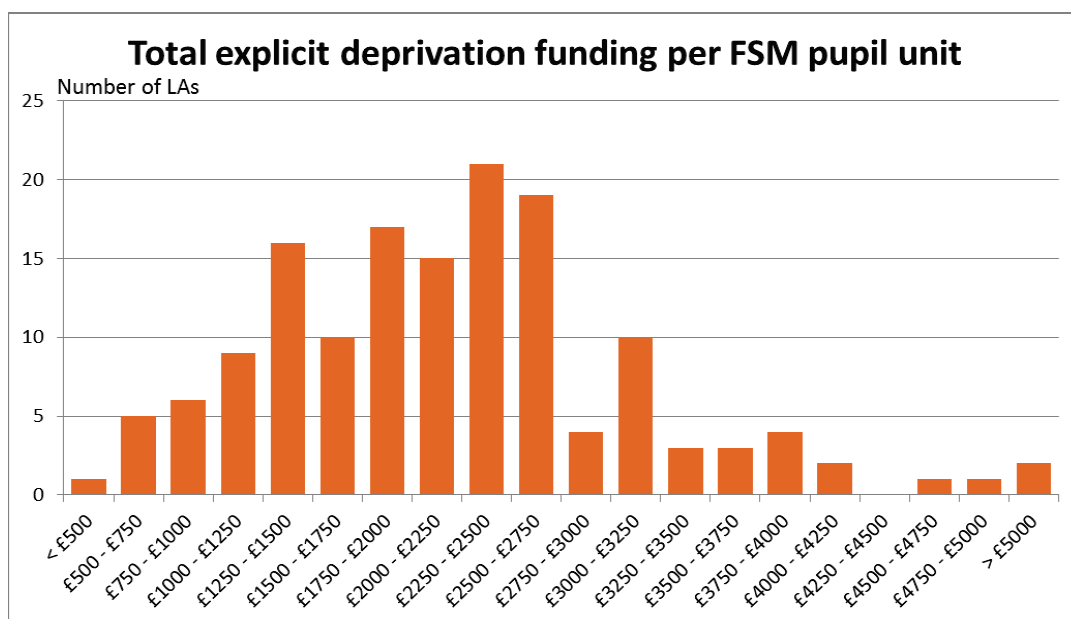
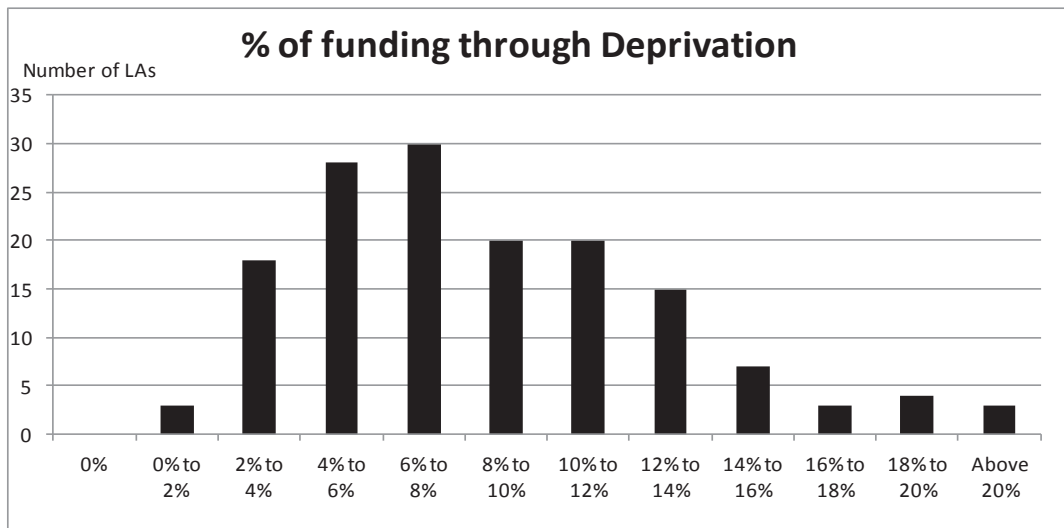
- removed the requirement to have a minimum of 15 people on a Forum;
- limited the number of local authority attendees from participating in meetings unless they are a Lead Member, DCS, DCS representative or are providing specific financial or technical advice (including presenting a paper to the Forum);
- restricted the voting arrangements by allowing only schools members and the PVI members to vote on the funding formula;
- required local authorities to publish Forum papers, minutes and decisions promptly on their websites;
- required Forums to hold public meetings, as is the case with other Council Committees;
- given the EFA observer status at Schools Forum meetings.

65. We said that we would keep these changes under review and, if there is evidence that schools are still concerned about the operation of Forums, we would consider making further changes. We are not inclined to make any further changes for 2014-15 as we think more time is required to assess how the new arrangements are being embedded and whether they are improving the operation of Forums.

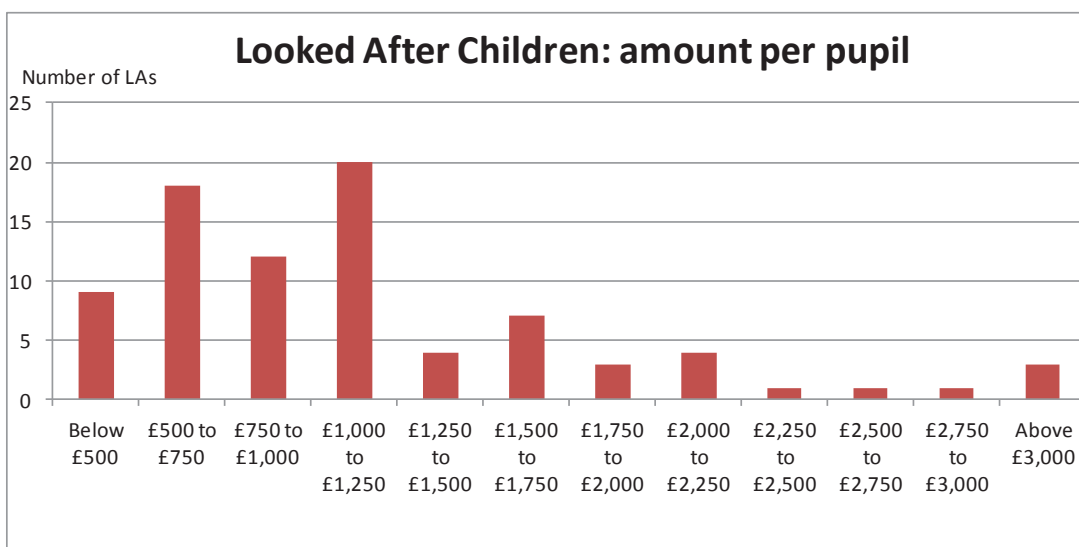
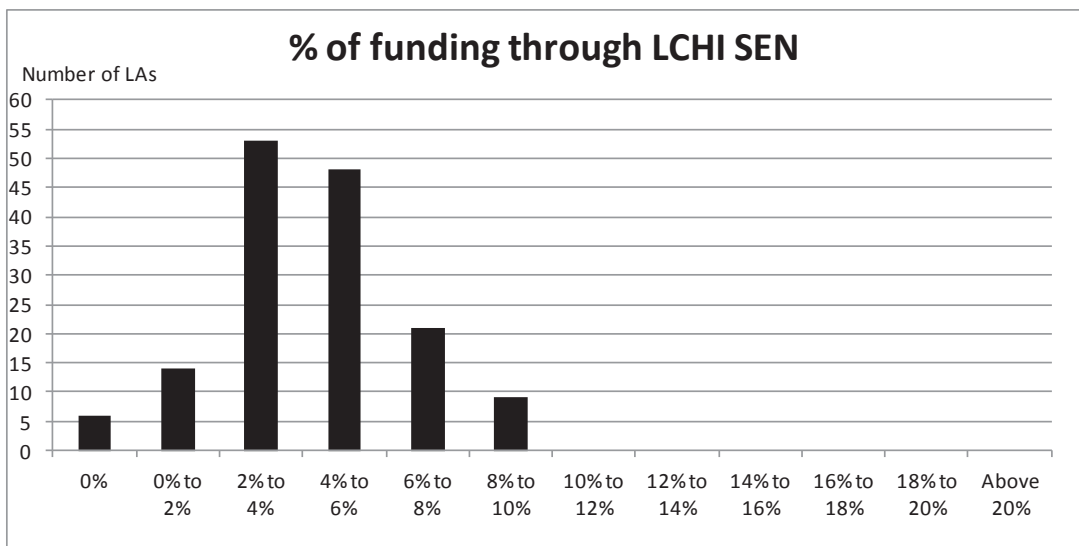
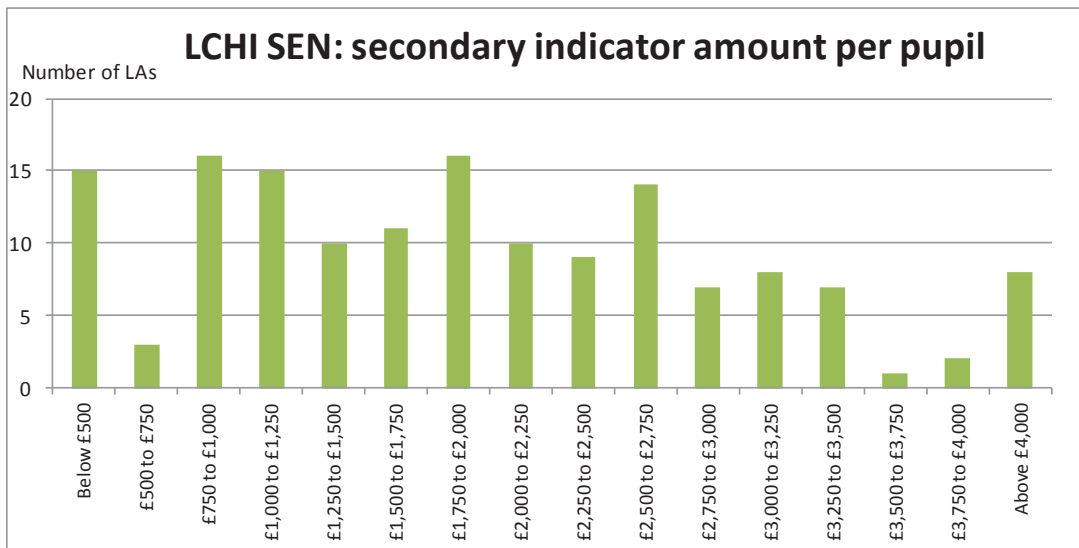
Q23: Do you think that Schools Forums are operating more democratically and transparently? If not, what further measures could the Department take in order to improve this?

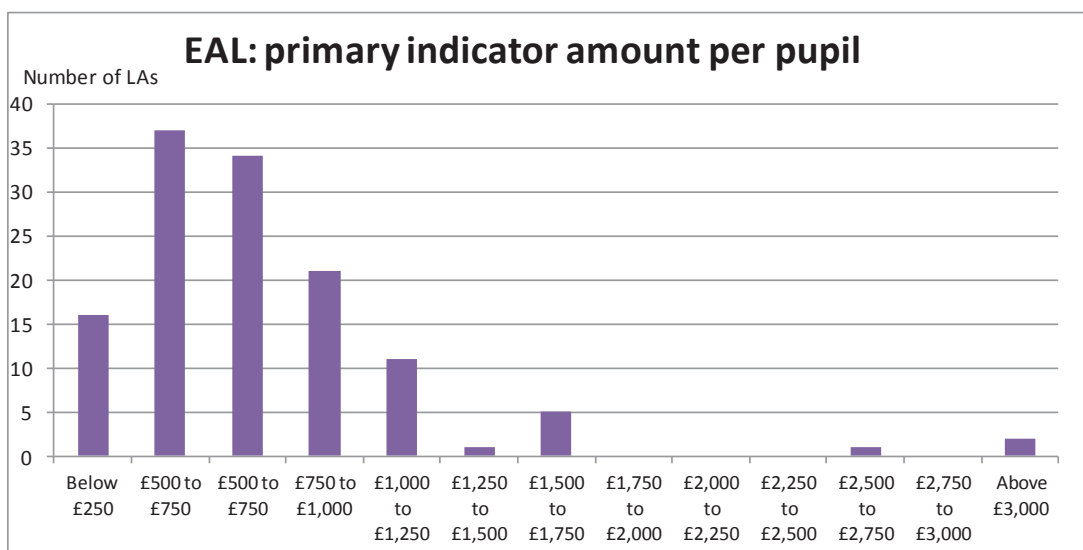
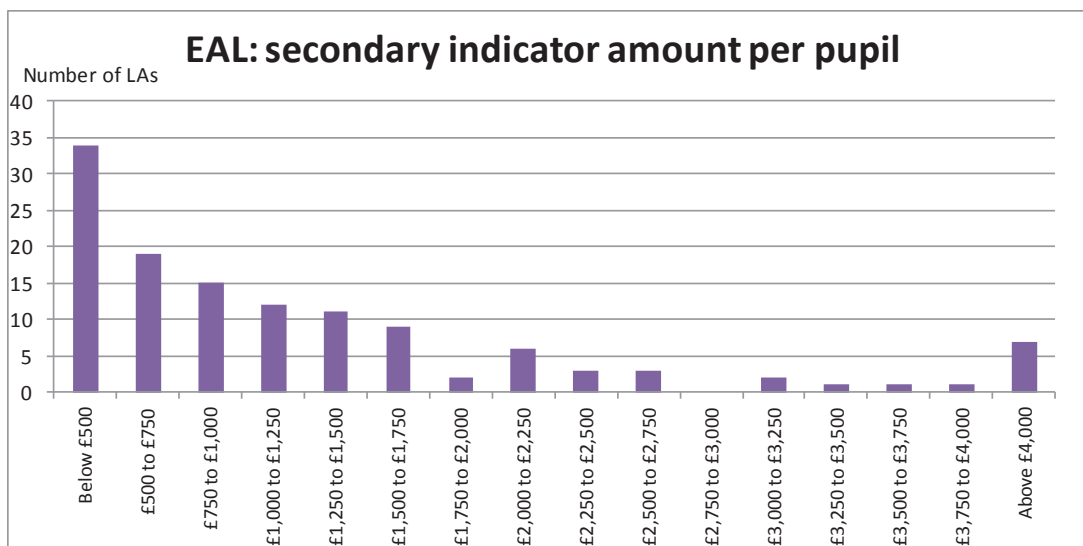
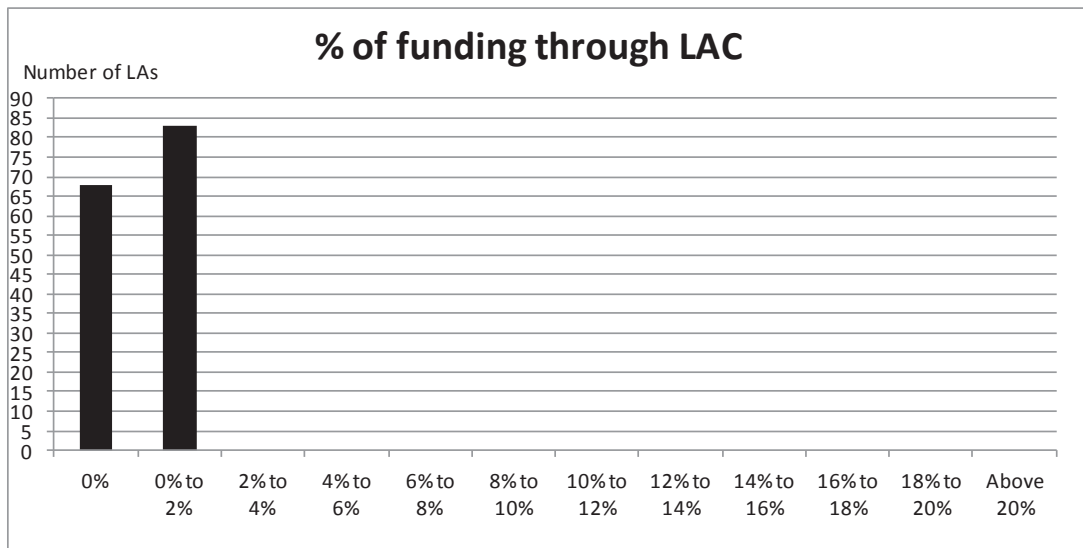
Annex: Details of distribution of the Schools Block

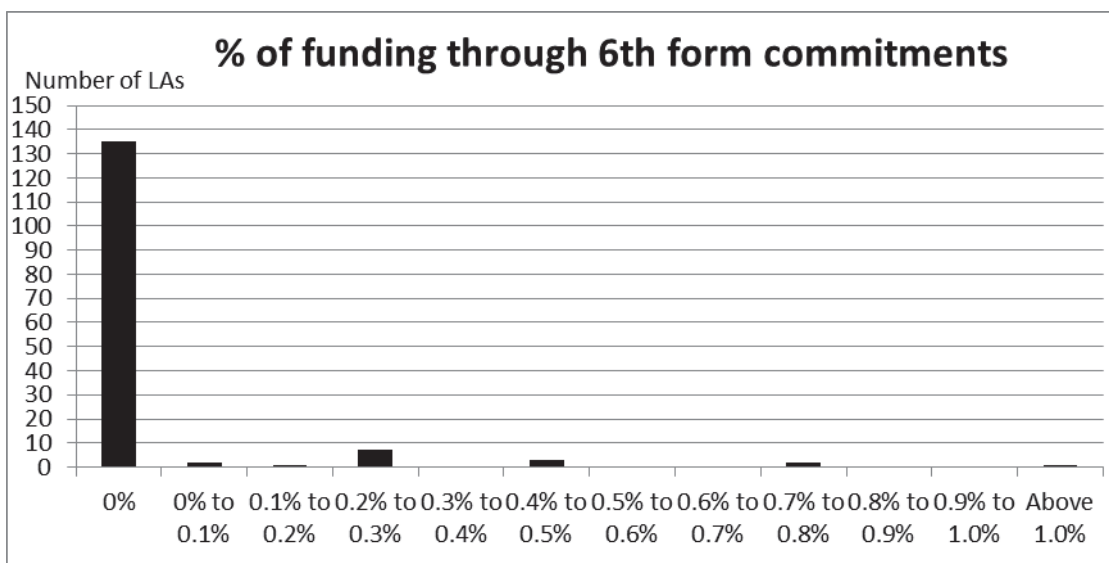
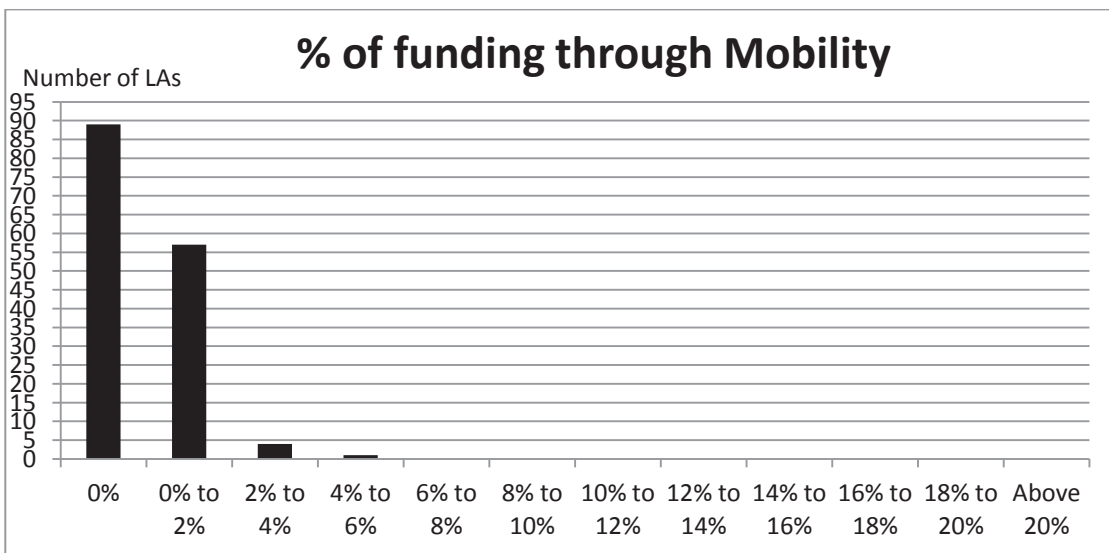
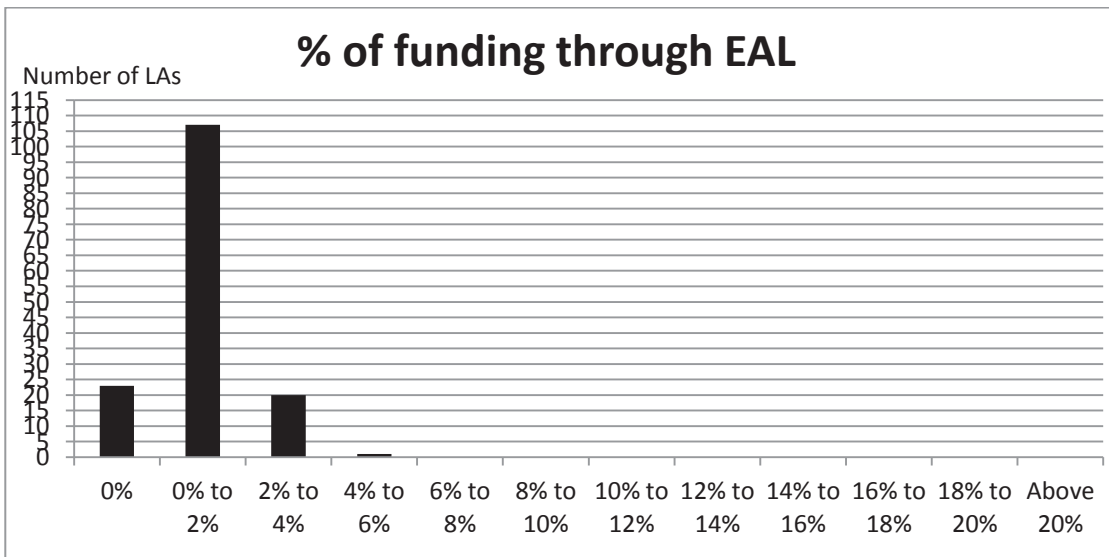


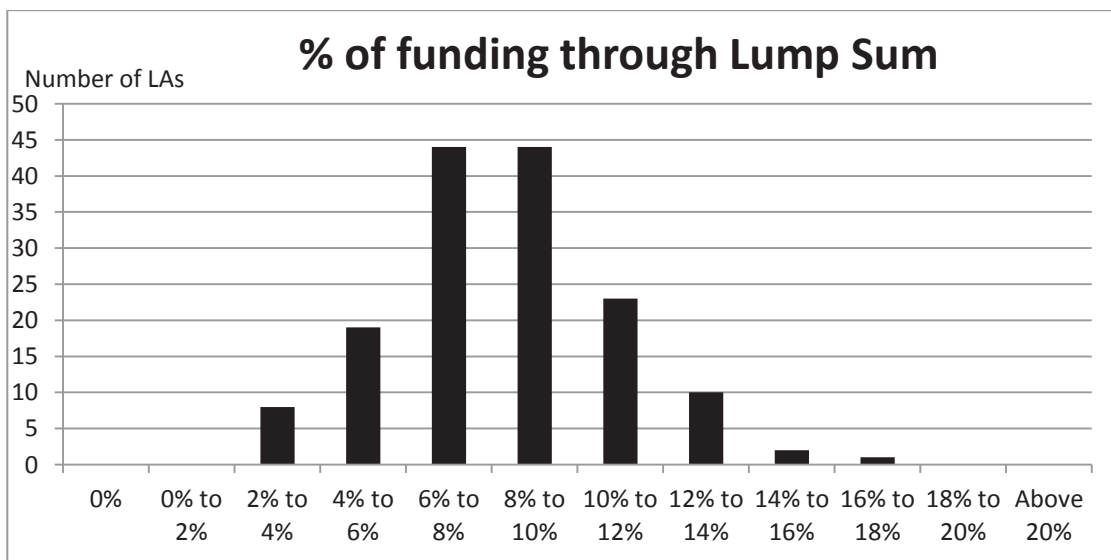
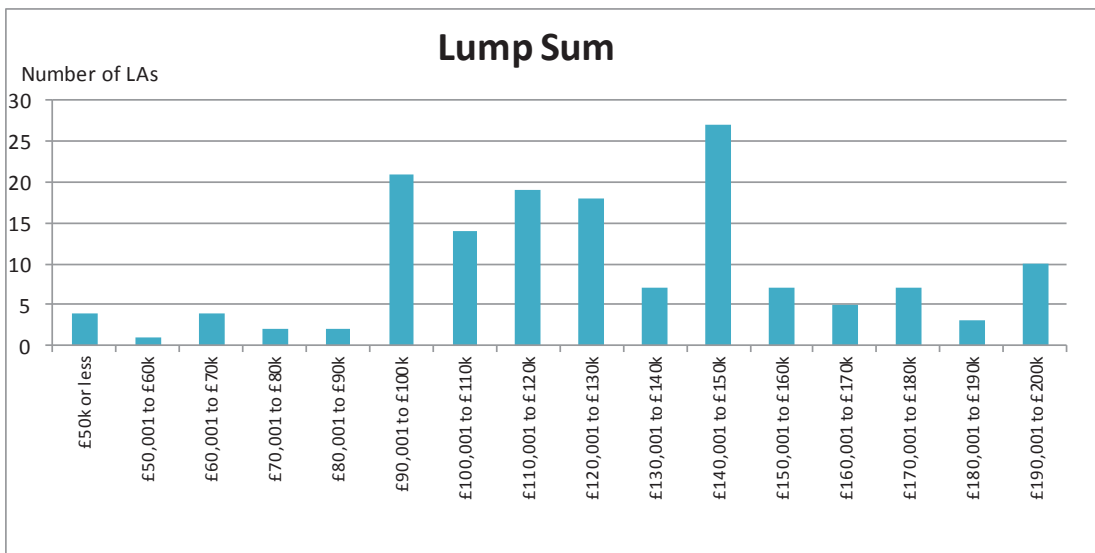
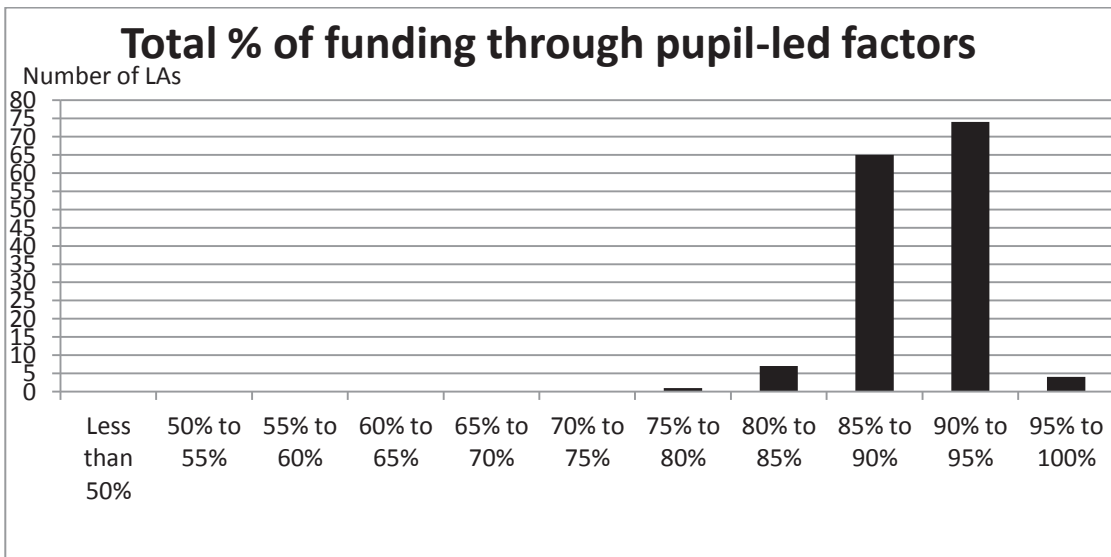


² Per FSM pupil unit amounts were derived by taking the sum total of the funding an LA had allocated through the deprivation factors and dividing it by the number of pupils with FSM in the LA. Data is taken from analysis of the October 2012 submissions. Because this is early data, some schools have had to be excluded from the analysis. Where a large number of schools in one LA have been excluded the whole LA is excluded from the chart











Department
for Education

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Central Bedfordshire Schools Forum

**CONSTITUTION
and
TERMS OF REFERENCE**

Definitions

The Forum = the Schools Forum for the area covered by Central Bedfordshire Council

The Council = Central Bedfordshire Council in its role as Local Education Authority

1. The Central Bedfordshire Schools Forum (the Forum) will consist of 21 Members made up of 12 school members and 5 non school members and 4 Academy representatives made up as follows:-

School Members (12)

2 Lower School Headteachers
2 Lower School Governors
1 Nursery School Headteacher
2 Middle School Headteachers
1 Middle School Governors
1 Upper School Headteachers
1 Upper School Governors
1 Special School Headteacher
1 Academy Lower School Representative
1 Academy Middle School Representative
2 Academy Upper School Representatives
1 PRU representative

Non School Members (5)

1 Roman Catholic Diocese Representative
1 Church of England Diocese Representative
1 Private, Voluntary or Independent sector Provider Representative
1 Local Authority 14-19 Partnership Representative
1 Trades Union Representative

Observer (non-voting)

- the Council's Executive Member for Children's Services

2. Forum Members will stand for three years at which time elections will take place for school Members and nominations will be sought for the non-school Members. Should a resignation be tendered from the Forum, an election will be held for the vacancy which will ensure that the representational balance is maintained. Each representative group (Headteachers and Governors by phase) will be responsible for the method by which they elect and nominate school Member representatives.
3. The Council will maintain a written record of the composition of the Schools Forum including the method by which representatives are elected or nominated. The Council will inform all schools of the membership of the Forum and will provide details of any non-school Member appointed to the Forum within one month of appointment. This will be carried out when constituting the Forum and after the appointment of any new or replacement Member.
4. Elected Members who hold an executive role within the Council and officers who have a role in strategic resource management of the authority are unable to be Members of the Forum (these restrictions do not apply to officers employed as teachers or who work for, and those who directly manage, a service which provides education to individual children and/or advice to schools on learning and behavioural matters). Despite these restrictions, officers and Members may attend and speak at Forum meetings.
 - The Executive Member for Children’s Services will be invited to attend meetings of the Forum as an observer.
 - The following Officers are eligible to attend and speak at Forum meetings:-
 - Director of Children’s Services or their representative
 - Chief Finance Officer or their representative
 - Persons invited by the Forum to present financial or technical advice
 - A presenter of a report.
 - Council officers will support meetings of the Forum.
5. The quorum for the Forum is 9 Members.
6. Substitute Members will be allowed only after approval by the Forum.
7. The meetings of the Forum will be open to the public.
8. Members of the Forum are required to make declarations of interest on appointment and when, for example, the Forum is considering matters relating to contracts.
9. Meetings of the Forum will be called allowing at least two weeks notice. Supporting papers will be sent out at least five days before the meeting.

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10. The Council shall appoint a Clerk for the Schools' Forum who shall be in attendance at each meeting of the Forum and will take minutes. Meetings will be recorded for the purposes of the accuracy of the minutes only.
11. All schools and associated groups will be provided with the minutes of all meetings of the Forum and of action taken by the Council on Forum advice.
12. Claiming of expenses for Forum Members will be in accordance with the Forum expenses policy document and claims will be made on the specific claim forms and duly authorised.
13. A budget of £3,000 will be available for each financial year for costs associated with the operation of the Forum e.g. hiring a venue, expenses and clerking costs. This will be a charge against the Council's Local Schools Budget and retained centrally. The level of the budget will be reviewed annually.

Items for Forum Discussion

14. The Forum will discuss and be consulted upon the following matters:

Consultation on School funding formula

The Council shall consult the Forum on any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and the financial effect of any such change.

Consultation shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the Council's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

Consultation on Contracts

The authority must consult the Schools Forum on the Terms of any proposed contracts for supplies and services (being a contract paid or to be paid out of the Authority's Schools Budget) where the estimated value of the proposed contract is not less than the threshold which applies to the Authority for that proposed contract pursuant to Regulation 8 of the Public Contracts Regulations 2006 at least one month prior to the issue of Invitation to Tender.

Consultation on financial issues

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The Council shall consult the Forum annually in respect of its functions relating to the schools budget, in connection with the following:

- a) the arrangements to be made for the education of pupils with special educational needs;
- b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- c) arrangements for early years education;
- d) arrangements for insurance
- e) prospective revisions to the authority's scheme for the financing of schools;
- f) administrative arrangements for the allocation of central government grants paid to schools via the authority; and
- g) arrangements for free school meals

Consultation on other matters

The Council shall consult the Forum on arrangements for

- a) the mainstreaming of Teachers' pay grants into the Council's school funding formula; and
- b) updating non-AWPU data within the multi-year budget cycle.

The Council may consult the Forum on such other matters concerning the funding of schools as they see fit.

15. The Forum shall also have the following powers:

- a) to agree minor changes to the operation of the minimum funding guarantee, where the outcome would otherwise be anomalous, and where not more than 20% of the Authority's schools are affected. Changes affecting more than 20% of schools will have to be approved by the Secretary of State;
- b) to agree to the level of school specific contingency at the beginning of each year;
- c) to agree arrangements for combining elements of the centrally retained Schools Budget with elements of other Council and other agencies' budgets to create a combined children's services budget in circumstances where there is a clear benefit for schools and pupils in doing so;

- d) in exceptional circumstances only:
- i. to agree an increase in the amount of expenditure the Council can retain from its Schools Budget above that allowed for in the regulations;
 - ii. to agree an increase in centrally retained expenditure within the Schools Budget once a multi-year funding period has begun; and
 - iii. to agree changes to the Council's funding formula once it has been announced prior to the start of a multi-year funding period.

16. Should a judgment be necessary on whether a matter falls within the remit of the Forum, for example whether an item has financial implications, the Council's Head of Service for Finance and Head of Service for Learning and Schools and the Chair of the Forum shall jointly make the necessary determination.

17. There will be a minimum of 4 meetings per year in accordance with the Schools Forum (England) Regulations 2012, however there will usually be 5 meetings per year.

18. Working groups to discuss specific issues and to produce draft advice and decisions for the Forum to consider, may be set up with the Forum's agreement.

19. The Regulations provide that a Schools Forum may determine its own voting procedures, as detailed in 20 below, save that:-

• voting on the funding formula is limited to the specific members and PVI representatives

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• voting on de-delegation will be limited to the specific primary and secondary (middle and upper) phase of school members.

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20. For decision-making purposes each Forum member will be entitled to 1 vote. In the case of an equal number of votes for and against a proposal, the Chair shall have a second or casting vote.

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21. Where an urgent proposal needs to be considered in advance of a meeting, the Forum may be consulted via post or e-mail.

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22. The Constitution and Terms of Reference of the Forum will be reviewed annually.

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23. A Chair and Vice-Chair will be elected by the Forum from its voting membership annually or at the first meeting following any resignation. A voting Member who is also an elected Member or officer of the Council may not be elected Chair or Vice-Chair. At any meeting where

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both the Chair and Vice-Chair are absent, the Forum shall elect, from those voting Members present, a person to take the Chair for that meeting only.

Central Bedfordshire Schools Forum

Contains Confidential or Exempt Information No.

Title of Report Watling Lower School Licensed Deficit

Meeting Date: 4 March 2013

Responsible Officer(s)

Presented by: Watling Lower School

Action Required:

1. Watling Lower School requests the School's Forum to write off the licensed deficit of £264,424

Summary	
1.	The governors at Watling Lower School have substantially reduced debt liability over the last 2 years and have successfully balanced the in year budget for the last 2 years. The school has no means to repay the outstanding licensed deficit of £264,424 which is now stabilised and requests the School's Forum to write off the outstanding debt to allow the school to move forward without this serious barrier to any development.
2.	Governors and the leadership team have worked extremely hard with the full support and knowledge of CBC over the last 15 months to transform Watling into a school with a secure economic future, a functioning governing body, which meets its statutory obligations, a school which is well led and managed providing a high quality education with children achieving high standards. Our shared aim is to " Make Watling Lower School the local school of choice "
	Background
3.	In June 2011 the LA asked an experienced Chair of Governors to support the school. It had serious financial issues and needed to improve governance. It was being led by an Acting Head due to retire and leadership and governance were unsatisfactory. The learning environment was poor, the buildings and grounds had been neglected, toilet facilities were appalling, the kitchen was unusable and the site was insecure. Teaching was unsatisfactory in some year groups and behaviour management was inconsistent. The teacher assessment data was insecure and the curriculum and assessment needed considerable strengthening. Numbers on roll were falling, impacting on income requiring a redundancy process.

4.	Finance was mismanaged and there was a large unspent capital budget in danger of being clawed back. The school had failed its audit and FMSiS. Staff and governors were unaware of the considerable deficit which was at that stage unlicensed.
5.	An experienced Interim Head was appointed for September 2011. Staff and governors were informed that the school had entered into an ill advised and unauthorised ICT lease deal in 2009, which had put the school into serious debt and would mean a deficit for many years. It was made very clear that the status quo could not continue and that everything would come under review. Teaching and learning had to improve and the school needed to provide better quality to its children and parents.
	Actions
6.	Governance has been strengthened and an experienced clerk appointed. Governors now have a clear operating structure, fulfil statutory requirements and are accountable with effective committees, well defined agendas and accurate minutes.
7.	Marketing and Communication was a priority to improve the profile of the school with parents and the local community. Weekly newsletters have been introduced, parents are invited to “fab finishers”. The whole school emphasis on reading has involved parents very effectively. Features in the local press and a display in an empty High Street shop window have also helped to raise the profile. A Parent Forum has been introduced and meets regularly. New signage has been erected and entrance gates widened and improved. 50 th Birthday arrangements galvanised community cohesion. Numbers have gone up.
8.	Finance has been overhauled. A committee worked very hard to unpick the layers of problems, supported by LA officers and legal services. The budget is now understood and ratified by governors and we have an in year balanced budget for the second year. An action plan is in place to address all the audit concerns. A Finance Manager was employed The biggest challenge was dealing with the legacy of toxic credit agreements and ICT equipment, which had been oversold and not fit for purpose. We began negotiations with the two finance houses to reduce our payments with limited success. However following the demise of the leasing company we intensified negotiations. After a lot of work and effort we received debt forgiveness from Lombard of £270k and paid off a reduced liability to BNP Paribas of £74k It had been predicted that the LD would escalate to in excess of £800k by 2015/16 however that is now stable at £264,424.
9.	Human Resources management has dealt with redundancy, agreed a revised staffing structure, recruited a substantive Head and Deputy and introduced a rigorous performance management process and new capability procedures.

10.	Standards and Curriculum committee is now established with Learning Walks a feature.
11.	Learning environment improvements have been dramatic. Classrooms have been stripped of old shabby furniture and redundant brightly coloured chairs, tables, desks, soft furnishings and various pieces of play equipment from a closing school were transported to WLS. This has helped to transform the classrooms and enthused staff and children at no cost. The staffroom has been improved to provide better facilities for work and relaxation.
12.	The Early Years area has been dramatically improved and the outside play provision transformed. We have secured Awards for All funding to support the grounds improvements by Groundwork Trust. Office areas have been refurbished with unwanted desks and an additional office has been created for the Deputy.
13.	Premises improvements have continued since September 2011 with new windows and roof repairs. We were without a kitchen for 15 months and served carried meals for the whole academic year. A DDA grant enabled an upgrade to a set of toilets, a disabled facility and transformation of cloakroom space into a learning bay. In the autumn term 2012 the heating and lighting was completely renewed. These improvements have been hugely disruptive and very costly at nearly £1million but the school is now fit for purpose and looks attractive.
14.	Following a series of meetings to discuss our financial situation and inability to repay the outstanding amount, in December the LA proposed a solution to the long term deficit. They proposed that the school become a sponsored academy which would effectively write off the outstanding debt using DSG funds. The DfE had a different view and have told us that we are not eligible for sponsorship, as standards are not an issue. If we considered Academy conversion, the debt would remain. We are asking the Schools Forum to make a one off payment to clear this debt which was incurred by an inept management regime which flaunted LA guidelines and was allowed to behave irresponsibly through lack of rigorous LA control.
Detailed Recommendation	
15.	The school has no means of repaying this debt and is hampered in moving forward as this seriously compromises any decisions.
16.	We have no means of repaying this debt which has been recognised by the LA through several high level meetings with senior officers. On 10 th December 2012, LA officers attended the governing body meeting and proposed that the school should become a sponsored academy which would result in the debt being paid off from the DSG.

	Subsequent discussions with DfE have made it very clear to the school that the DfE would not consider an application to become a sponsored academy as standards in the school are good.
17.	Write off of the debt would mean the school is no longer hampered by this long term issue which has no other solution.

Comments from Central Bedfordshire Council

18.	<p>The Council recognises the significant improvements achieved by Watling Lower School outlined in this report and the difference that these improvements have made for children who are educated at the school and their subsequent progress and achievement.</p> <p>The Council also recognises that the debt was created up by a previous leadership and management team at the school which is no longer present and that this debt is now under control - although it is not a debt that the school will be able to pay back under current arrangements.</p> <p>The Council has been concerned that, while the current leadership and management of the school is not responsible for the situation in which the school finds itself, to write the debt off would nevertheless create a precedent that would leave the Council open to challenge from other schools that have had to pay debts off from within their budgets.</p> <p>Schools have had delegated budgets for almost a quarter of a century and the current changes in financial arrangements and regulation of school funding make it very clear that schools' budgetary responsibilities will increase further with the introduction of school to school recharging in the High Needs Block and the bringing together of individual health, social care and education budgets to form one budget that follows the child or young person's journey through the systems. The new financial regulations that will operate from April 2013 will prevent the use of DSG for the purposes of writing off debts.</p> <p>For these reasons the Council has in the past declined to take a paper to Schools Forum to request that Watling Lower School's deficit is written off and for these same reasons .</p> <p>The Council the recommends that the school forum thinks carefully about the precedent it would set for itself if it agreed to do so now.</p>
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