



# East Sussex County Council Schools' Forum

Friday 14 January 2022

08.30

Remote Meeting

East Sussex  
County Council



## Agenda

Item	Heading	Paper	Lead	Item for
1.	Welcome and Apologies	N	Chair	Note
2.	Minutes of previous meeting 19 November 2021	Y	Chair	Approval
3.	Matters Arising and Declaration of Interests	N	Chair	Discussion
4.	DSG Budget 2022/23	Y	Ed Beale	Information & Approval
5.	School Improvement Monitoring and Brokering Grant	Y	Elizabeth Funge	Information
6.	Use of HNB Funding	Y	Nathan Caine	Information
	AOB			

**Next Meeting: Friday 13 May 2022, 8.30am, Venue TBC (Remote or Wellshurst Golf and Country Club)**

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## EAST SUSSEX SCHOOLS' FORUM

MINUTES of a meeting of the Schools' Forum held remotely with Microsoft Teams on 19 November 2021

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### PRESENT

Hugh Hennebry - **Chair** (Uckfield College)  
Gavin Bailey (Swale Academy Trust)  
Richard Blakeley (Harlands Primary)  
Phil Clarke (Trade Union Representative)  
Jon Gilbert (Diocese of Chichester)  
Jane Johnson (Newick CE Primary)  
Helen Key (Chailey School)  
Phil Matthews (Hailsham Community College Academy Trust)  
Kate Owbridge (Ashdown Primary)  
Richard Preece (Saxon Mount and Torfield)  
Sarah Pringle (Seahaven Academy)  
Joanna Sanchez (Diocese of Arundel and Brighton)  
Tom Scully (University of Brighton Academies Trust)  
Susan Thompson (Ditchling Primary)  
Monica Whitehead (Claverham Community College)

Cllr Bob Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability)  
Alison Jeffery (Director Children's Services)  
Nathan Caine (Head of ISEND)  
Mark Whiffin (Head of Finance)  
Edward Beale (Schools Funding Manager)  
Sarah Rice (Finance Manager – Schools)  
Kirsten Coe (Schools Finance Team Lead)  
Martin Kelly (Strategy Manager, Apprenticeship Levy)  
Kim Larkin (Apprentice Programme Coordinator)  
Rachel King (Clerk)

### 1. WELCOME AND APOLOGIES

1.1 Hugh welcomed all and thanked everyone for their attendance. It was confirmed the meeting was quorate, recognising the apologies below.

1.2 Apologies received from:

- Geoffrey Lucas (Etchingham CE Primary School) unable to join
- James Freeston (King Offa Primary Academy)
- Jo Foulkes (Sabden Multi Academy Trust)

2. MINUTES OF PREVIOUS MEETING 17 SEPTEMBER 2021

- 2.1 The minutes for the meeting held were approved as a true record and will be signed by the Chair and scanned to Lesley Leppard.

3. MATTER ARISING AND DECLARATION OF INTERESTS

- 3.1 There were no matters arising or declaration of interests

4. GROWTH FUND/FALLING ROLLS FUND (Approval)

- 4.1 Forum members were advised on spend in the 2021/22 financial year and were asked to seek approval for funding for 2022/23 financial year.

- 4.2 The Forum discussed the proposal. Key points raised were.

- Members asked for clarity re formula of growth fund, pan size and eligibility
- It was noted that there is a need for a review of criteria and funding levels to ensure efficiency of the fund

- 4.3 All Forum members were asked to vote to approve an allocation of £724,386 for the 2022/23 Growth Fund, votes below

Number voting 'Yes'	Number voting 'No'
12	0

- 4.4 **ACTION:** It was proposed and agreed that a review takes place of the criteria of the fund

5. DE-DELEGATION CONTINGENCY (Information – Action from September meeting)

- 5.1 **ACTION:** The Chair asked if a report for the November meeting could be produced regarding the contingency fund outlining two main points

- Looking back at how the money is spent over the last 5 years
- The consideration of how that amount is calculated

- 5.2 The Forum were presented with the report. A discussion was held, and members were asked to note this update.

- 5.3 **ACTION:** For a future Schools' Forum it was requested from the Finance Team to provide some financial modelling, showing the effect of a reduction in the amount per pupil "charged"

6. DSG - CENTRAL SCHOOL SERVICES BLOCK (CSSB) (Approval)

- 6.1 The Forum were provided with an update and then asked to approve the proposals for the Central School Services Block for 2022/23.

- 6.2 All Forum members were asked to vote for the approval in relation to the funding of ongoing responsibilities and the historic commitments – votes below.

Number voting 'Yes'	Number voting 'No'
13	0

## 7. APPRENTICESHIP LEVY (Information)

- 7.1 The Forum were presented with an update on the use of the apprenticeship levy and how it could be better utilised with the support of the East Sussex County Council Apprenticeship team.
- 7.2 A discussion was held, and it was recommended to the Forum that members encourage staff and schools to meet with the East Sussex County Council (ESCC) team to discuss the best use of the levy for staff training and workforce development. It was noted that the ESCC team are open to discuss and give advice with non-maintained schools.

## 8. HIGH NEEDS BLOCK (HNB) FUNDING – PREPARATION FOR 14 JANUARY 2022 SCHOOLS' FORUM (Information)

- 8.1 In advance of the January meeting Members were provided with an overview of the current position in relation to SEND demand. A fuller discussion regarding the HNB will take place and Members were asked to prepare for this.
- 8.2 Key points to note.
- Additional pressure across statutory processes, 60% increase in demand for Education Health and Care (EHC) Needs Assessments compared to last year. Putting significant pressure on Assessment and Planning (A&P) team, resulting in diminished service to schools. Additional funding has been required to the A&P team as a result to increase capacity. However, this funding doesn't cover the main drivers for demand in relation to capacity and inclusion across the wider system.
  - The East Sussex (ES) HNB settlement for 2022/23 will be increasing in April and presents the opportunity to explore improvements across SEND. Although it might be tempting to use this resource to increase specialist placements, the number of children placed in special schools across ES is already high and the increases in placements this year have not seen an impact on demand. Data was shared which showed that the number of children with EHCPs placed in mainstream schools had fallen by 369 compared to 2016. The number placed in special schools had increased by 339 over the same period. At the latest census date, there were just 17 local authorities across the country with a higher proportion of children placed in mainstream school. The level of expenditure in the INMS sector is also set to increase by £3m over the current year compared to 2020/21.
  - The issue of joint working over this issue has already been identified as a priority across primary and secondary boards and it is important that the strategic use of HNB aligns with these discussions.

## 9. ELECTION OF CHAIR AND VICE CHAIR (Approval)

- 9.1 The clerk asked for nominations from school members for the succession of Schools' Forum Chair and Vice Chair.

- 9.2 There were no nominations. Nominations were declared left open, and the election will be re visited. Any member between now and January that wished to nominate privately, were invited to email the clerk before January meeting.

10. ANY OTHER BUSINESS

- 10.1 This is the last Schools' Forum for both Jane Johnson (Primary Governor Rep) and Susan Thompson (Primary Headteacher Rep). The chair thanked them both for their service.

- 10.2 The chair asked for this note from Jane to be included.

*I have greatly valued the opportunity to serve on Schools' Forum and give a serving primary headteachers perspective on the issues discussed. In the challenging times in which we work, I am pleased to have played a small part in considerations on how the limited financial resources available can be used to best serve all the children in East Sussex. I wish you all on the forum all the best for the future*

Meeting concluded at 09:46 am

Next meeting – Friday 14 January 2022 08:30am. Location Microsoft Teams.

**Report to:** Schools' Forum

**Date of meeting:** 14 January 2022

**Report By:** Alison Jeffery

**Title:** DSG Budget 2022/23

**Purpose:** To provide an update on the DSG budget for 2022/23

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## **RECOMMENDATIONS**

**1) Schools' Forum are asked to note the DSG allocations for the Schools, Central School Services Block, High Needs and approve the Early Years DSG Budget**

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### **1 Background**

1.1 The Dedicated Schools Grant (DSG) for 2022/23 is, like last year, allocated by the DfE into four blocks. Each block is subject to separate regulations as to eligible expenditure and the use of the four blocks is outlined below:

- **The Schools Block** comprises the funding which must be delegated to schools and academies through the Funding Formula. Maintained schools can agree to de-delegate budgets and these are spent on their behalf by the local authority. Subject to Schools Forum approval, there are a limited number of exceptions, the Growth Fund and Falling Rolls Fund, which enable local authorities to hold this funding centrally. The funding for these funds goes to eligible schools and academies.
- **The Central School Services Block (CSSB)** is a block of funding that provides funding for Local Authorities to carry out central functions on behalf of pupils in maintained schools and academies. LAs' CSSB is split into funding for historic commitments and funding for ongoing responsibilities.
- **The High Needs Block** provides funding to support the provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 24. This includes provision in maintained schools, academies, alternative provision, FE colleges and Independent providers, as well as supporting central spending on pupils with special educational needs and disabilities from their early years to age 24.
- The **Early Years Block** funds payments to early years providers in settings and schools, and supports central spending on early years pupils.

1.2 Please note that regulations stipulate that Schools Forum approval is required for the CSSB (Approved 19 Nov '21) and the Early Years Block only. The other blocks are presented for information.

### **2. Appendices**

2.1 The appendices below provide a breakdown of the DSG allocations:

Appendix A - DSG Summary

### **3. Schools Block Funding**

- 3.1 The Schools Block for 2022/23 is based on the October 2021 pupil census data and equates to £330.7m.
- 3.2 The DfE have allocated £10.6m more to the Schools Block compared to 2021/22. There are two reasons for this:
- 1 £9.9m relates to an increase in funding rates.
  - 2 £0.7m relates to a change in Number on Roll (NOR).
- 3.3 Growth and Falling Rolls Fund proposals were presented to Schools' Forum at the November '21 Schools' Forum whereby a request was made for the continuation of support for maintained schools and academies in respect of Key Stage 1 top up, additional classes, pre-opening costs and dis-economies of scale costs for new schools. No additional funds were requested for the falling rolls fund as funds are to be brought forward from 2021/22.

### **4. Central School Services Block (CSSB) Funding**

- 4.1 At the November '21 Schools' Forum meeting, the indicative CSSB funding of £5.46m was discussed and approval was obtained by Schools' Forum for the Local Authority's planned use of funding, which was to use £2.31m (On-going responsibilities), and to transfer the remaining funds of £3.15m (Historic Commitments) to Schools/ Academies.
- 4.2 The DfE have confirmed that £5.46m has been allocated to the local authority. (£3.15m to Historic Commitments and £2.31m to on-going responsibilities). The total allocation is £1k more than the indicative allocation (due to NOR) and, as agreed in November, this will also be transferred to schools/ Academies.
- 4.3 In total, £3.15m will therefore be transferred to Schools/ Academies from this block in April '22 which equates to £49.65 per pupil.

### **5. High Needs Block (HNB)**

- 5.1 The DfE have stated that special schools/ academies and alternative providers will continue to receive place funding at £10,000 per agreed place. Like previous years, the Local Authority has realigned agreed places at some schools and academies to more effectively reflect need.
- 5.2 For facilities, as per DfE regulations, the place funding will continue to be £6,000 for every occupied place and £10,000 for an unoccupied place. (Funding for occupied places is £6,000 per place because these pupils are also funded via the school's budget share.)
- 5.3 The total High Needs Block funding is calculated by the DfE and for 2022/23 is £74.4m, which is an increase of £8.5m compared to 2021/22. This additional funding will be used for the following;
- £0.8m – Additional Place Funding
  - £5m – To support inclusive practice / address pressures on demand for specialist placements (See Agenda Item 6)



- £2.7m – Additional Funding, received from the DfE, in recognition of additional costs facing Local Authorities / Schools in 2022/23. (Has to be used in line with the DSG Conditions of Grant). £1.7m of this has been allocated to 'SEN Support', £0.5m to Pre 16 Top Up Funding and £0.5m for fees for pupils at Independent Schools

## 6. Early Years Block

- 6.1 Funding for **3/ 4 year olds** is based on a national formula calculated by the DfE. ESCC currently receives £4.44 per hour for every eligible 3/ 4 year old x 15hrs x 38 weeks. Local Authorities must pass through at least 95% of this funding directly to Early Years providers.
- 6.2 For 2022/23, the DfE are increasing the minimum base funding rate from £4.44 per hour to £4.61 per hour. ESCC are therefore proposing to pass this 17 pence increase onto providers and increase the rate paid to them from the existing rate of £4.16 per hour to £4.33 per hour. ESCC will also pass through a statutory deprivation supplement to all eligible providers ensuring that at least 95% of funding continues to be passported to Early Years providers.
- 6.3 For eligible **two-year-olds**, the DfE currently fund ESCC at £5.36 per hour. 100% of this funding is passported to providers. The DfE are increasing the rate to £5.57 in 2022/23 and the rate paid to providers by ESCC will also increase to £5.57.
- 6.4 The Early Years **Pupil Premium** is additional funding for Early Years pre-school settings to improve the education they provide for disadvantaged 3- and 4-year-olds. This is currently funded by the DfE at £0.53 per hour per eligible child (up to a maximum 570 hours) but will increase to £0.60 per hour per eligible child for 2022/23.
- 6.5 The **Disability Access Funding** is for Early Years providers to support children with disabilities or special educational needs. It aids access to Early Years places by supporting providers in making reasonable adjustments to their settings. The DfE currently fund this at £615 per eligible child per year but are increasing it to £800 per eligible child per year for 2022/23.

**Alison Jeffery**

**Director Childrens Services**

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**Appendix A**

<b>DSG Summary 2022/23</b>	<b>Schools</b>	<b>Central School Services</b>	<b>High Needs</b>	<b>Early Years</b>	<b>Total</b>
Total DSG including Academies	£330,684,300	£5,461,600	£74,454,100	£21,182,700	<b>£431,782,700</b>
2 Year Old Funding	£0	£0	£0	£3,225,600	<b>£3,225,600</b>
<b>Total Funding Available</b>	<b>£330,684,300</b>	<b>£5,461,600</b>	<b>£74,454,100</b>	<b>£24,408,300</b>	<b>£435,008,300</b>

# Appendix B

Schools Block 2022/23	£	£	Comments
Schools Block DfE notification		330,684,300	
<b>Adjusted Schools Block Total 2022/23</b>		330,684,300	
<b>Distribution of Funding at LA Level</b>			
<b>Growth Fund</b>			
Key Stage 1 top up	630,300		Approved by Schools Forum 19th Nov '21
Additional Classes	490,900		
New Schools - Dis-economies of scale funding	56,000		
Less c/fwd from 2021/22	-452,900		
		724,300	
<b>Falling Rolls Fund</b>		0	Unspent funds being carried forward from 2021/22. (As per 19 Nov '21 School Forum)
<b>Funds allocated to Schools &amp; Academies</b>		329,960,000	
<b>Total</b>		<b>330,684,300</b>	

Schools Block 2021/22	£	£
Schools Block DfE notification		320,104,900
<b>Adjusted Schools Block Total 2021/22</b>		320,104,900
<b>Distribution of Funding at LA Level</b>		
<b>Growth Fund</b>		
Key Stage 1 top up	958,800	
Additional Classes	639,500	
New Schools - Dis-economies of scale funding	84,000	
		1,682,300
<b>Falling Rolls Fund</b>		0
<b>Funds allocated to Schools &amp; Academies</b>		318,422,600
<b>Total</b>		<b>320,104,900</b>

# Appendix C

Central School Services Block 2022/23	£	Comments
Central Schools Services Block notification	5,461,600	
<b>Adjusted Central School Services Block Total 2022/23</b>	<b>5,461,600</b>	
Historic Commitments (HC)	0	
Funds to transfer to Schools & Academies (Apr)	3,151,400	Approved by Schools Forum 19th Nov '21
On-going Responsibilities	2,309,200	Approved by Schools Forum 19th Nov '21
Additional on-going responsibilities	1,000	See paragraph 4.2
<b>Total</b>	<b>5,461,600</b>	

Central School Services Block 2021/22	£
Central School Services Block notification	6,159,600
<b>Central School Services Block Total 2021/22</b>	<b>6,159,600</b>
Historic Commitments (HC)	422,000
Funds to transfer to Schools & Academies (Apr)	3,517,200
On-going Responsibilities	2,220,400
	<b>6,159,600</b>

<b>HIGH NEEDS BLOCK 2022/2023</b>	<b>£</b>	<b>£</b>
Block total (From DfE)	74,454,100	
<b>Distribution of Funding at LA Level</b>		<b>74,454,100</b>
<b>Funding for Commissioned Places</b>		
Special Academy place funding (Pre 16)	9,295,800	
Maintained Special School place funding (Pre 16)	990,000	
Academy Special Facilities place funding (Pre 16)	652,000	
Maintained Special Facilities place funding (Pre 16)	680,000	
Maintained Special Schools place funding (Post 16)	210,000	
Special Academy place funding (Post 16)	650,000	
Post 16 FE Places	1,086,000	
Alternative Provision	1,400,000	14,963,800
<b>Other High Needs Budgets</b>		
Top up funding Pre 16	22,954,700	
Top up funding Post 16	2,753,000	
Fees for pupils at independent schools	13,748,500	
Education out of School	2,677,300	
SEN support (Includes the £5m funding proposed for inclusive practice and an additional £1.7m received from the DfE (See paragraph 5.3 and Agenda Item 6)	17,356,800	59,490,300
<b>Total</b>		<b>74,454,100</b>

## Appendix D

<b>HIGH NEEDS BLOCK 2021/2022</b>	<b>£</b>	<b>£</b>
Block total (From DfE)	65,931,400	
<b>Distribution of Funding at LA Level</b>		<b>65,931,400</b>
<b>Funding for Commissioned Places</b>		
Special Academy place funding (Pre 16)	8,744,200	
Maintained Special School place funding (Pre 16)	940,000	
Academy Special Facilities place funding (Pre 16)	661,500	
Maintained Special Facilities place funding (Pre 16)	446,000	
Maintained Special Schools place funding (Post 16)	210,000	
Special Academy place funding (Post 16)	650,000	
Post 16 FE Places	1,086,000	
Alternative Provision	1,400,000	14,137,700
<b>Other High Needs Budgets</b>		
Top up funding Pre 16	22,454,700	
Top up funding Post 16	2,753,000	
Fees for pupils at independent schools	13,248,500	
Education out of School	2,677,300	
SEN support	10,660,200	51,793,700
<b>Total</b>		<b>65,931,400</b>

## Appendix E

<b>Early Years Block 2022/23</b>	£	£
Early Years Block DfE initial notification	20,800,100	
2 Year old funding	3,225,600	
Pupil Premium funding	230,600	
Disability Access Fund	152,000	
<b>Early Years block total 2022/23</b>		<b>24,408,300</b>
<b>LA Central Budgets</b>		
Early Years Formula Funding (Payments to PVI's and Schools)	23,473,000	
Early Years Team (Which includes training & moderation)	935,300	
<b>Total</b>		<b>24,408,300</b>

<b>Early Years Block 2021/22</b>	£	£
Early Years Block DfE notification	22,285,900	
2 Year old funding	3,567,000	
Pupil Premium funding	244,300	
Disability Access Fund	121,200	
<b>Early Years block total 2021/22</b>		<b>26,218,400</b>
<b>LA Central Budgets</b>		
Early Years Formula Funding (Payments to PVI's and Schools)	25,283,100	
Early Years Team (Which includes training & moderation)	935,300	
<b>Total</b>		<b>26,218,400</b>

**Report to:** Schools' Forum

**Date of meeting:** 14 January 2022

**Report By:** Alison Jeffery

**Title:** School Improvement Monitoring and Brokering Grant

**Purpose:** To provide an update on the DfE's consultation on the removal of the School Improvement Monitoring and Brokering Grant and how this will be managed in East Sussex in 2022-23.

## **RECOMMENDATIONS**

### **1) Schools' Forum are asked to:**

- a. note how the impact of the changes to the Grant will be managed in East Sussex for the financial year 2022-23
- b. approve the ending of the practice whereby the LA pays for DBS checks for school staff where the Council is the employer.

## **1 Background**

1.1 The Department for Education (DfE) launched a consultation on 29 October 2021 titled '*Reforming how local authorities' school improvement functions are funded*'. The consultation was seeking views on the removal of the local authority (LA) School Improvement Monitoring and Brokering Grant (the Grant). The consultation ended on 26 November 2021.

1.2 The Grant is provided to LAs to support them in fulfilling their school improvement functions. In July 2021 the DfE confirmed that, following a previous consultation, they would be ring-fencing spend of the Grant and attaching conditions in order to ensure that LAs use it to contribute to the delivery of urgent school improvement priorities in the context of the covid pandemic. The DfE also confirmed that the Grant would be reduced to reflect the reduction in the number of maintained schools since the grant was introduced in 2017. A report on these changes was considered by Schools' Forum at the meeting on 9 July 2021. The report concluded that the changes did not represent a risk to the delivery of the school improvement functions by East Sussex local authority at the current time.

1.3 The consultation (Appendix 1) launched on 29 October asked for views on the following two proposals:

- Remove the Grant which is currently allocated to local authorities to support school improvement activities; and
- Make provisions within the School and Early Years Finance Regulations for the financial year 2022-23 to allow local authorities to fund all of their school improvement activity (including all core school improvement activities) via de-delegation from schools' budget shares.

1.4 The rationale provided for these proposals was that there is no longer a distinction between a LA's core improvement activities (as outlined in the Schools Causing Concern guidance and for which the Grant is provided) and additional school improvement activity that LAs undertake. The consultation proposed that the ending of the Grant is phased with a reduction to 50% for financial year 2022-23 and ended from the start of financial year 2023-24.

## **2 Outcome of the consultation**

2.1 The DfE had indicated that they would publish their response to the consultation in December 2021. To date, the outcome of the consultation has not been published.

## **3. Impact of the changes on East Sussex**

3.1 The Standards and Learning Effectiveness Service (SLES) leads for the LA on our school improvement functions. The service has a range of responsibilities and is supported by funding from a range of sources, including government grants and LA funding.

3.2 SLES have been preparing for a possible reduction in the Grant and, if these changes go ahead, will seek to manage the reduction proposed for 2022-23 within its own resources for the first year. In financial year 2021-22, the LA received a total of £432,359 for the Grant so we estimate that a 50% saving in 2022-23 financial year would be in the region of £216,180.

3.3 The SLES budget will be reviewed to identify what savings can be made on projects, consultancy support and through vacancy management whilst minimising impact on our school improvement activity. This will include reviewing the Dedicated Schools Grant (DSG) reserve that was previously allocated to SLES and is being used to support the delivery of Excellence for All.

3.4 In addition, the LA currently holds a budget of approximately £60K a year which is used to pay for the costs of DBS checks for school staff where East Sussex County Council is the employer. This is a historic practice and it is proposed that the LA no longer pays for these staff DBS checks with effect from the start of the financial year 2022. If agreed by Schools' Forum, this funding will be moved to the SLES budget to mitigate the impact of the reduction and removal of the Grant. This is proposed as a permanent change and would mean that all schools will be responsible for paying for their own staff's DBS checks from this date.

3.5 It is not currently anticipated that the LA will therefore need to request de-delegated funding from the DSG to support school improvement activities for the financial year 2022-23.

3.6 A White Paper on the role of the LA in education is expected in the spring 2022. This White Paper will require consideration as part of the ongoing broader discussion about how we fund the school-led system in East Sussex alongside statutory school improvement duties. A further report will be brought to Schools' Forum to set out proposals for how the removal of the Grant from 2023-24 financial year will be managed within this wider context and is likely to include request for de-delegated funds from the DSG. The Primary and Secondary Boards will be fully involved in these discussions.

## **4. Conclusion**

4.1 The reduction of the Grant in financial year 2022-23 will be managed by SLES through careful budget review and the use of other available funding to mitigate the reduction. There is no request at this stage for de-delegation of funding from the DSG.

4.2 Schools' Forum are asked to approve the ending of the practice whereby the LA pays for DBS checks for school staff where the Council is the employer to help mitigate the reduction of the Grant.

4.3 A further report will be brought to Schools' Forum later in the academic year setting out proposals for managing the impact of the removal of the grant from 2023-24.

**Alison Jeffery**  
**Director of Children's Services**

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Department  
for Education

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

**Government consultation**

**Launch date: 29 October 2021**

**Respond by: 26 November 2021**

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## Introduction

The purpose of this consultation is to seek views about proposed changes to how Local Authorities' school improvement activities are funded.

## Who this is for

- Local Authorities
- Schools and parents
- Any other interested organisations and individuals

## Issue date

The consultation was issued on 29 October 2021.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

[SIMBgrant.consultation@education.gov.uk](mailto:SIMBgrant.consultation@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Consultations.Coordinator@education.gov.uk](mailto:Consultations.Coordinator@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The government's response to the consultation will be [published on GOV.UK](#) in December 2021 / early January 2022.

## About this consultation

We would like to hear your views on our proposals to:

- **Remove** the School Improvement Monitoring & Brokering Grant ('the Grant'), which is currently allocated to local authorities to support school improvement activities; and
- **Make provisions** within the School and Early Years Finance (England) Regulations for the financial year (FY) 2022-23 to allow local authorities to fund all of their school improvement activity (including all core school improvement activities) via de-delegation from schools' budget shares.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](https://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

### By email

- [SIMBgrant.consultation@education.gov.uk](mailto:SIMBgrant.consultation@education.gov.uk)

### By post

SIMB grant consultation  
Department for Education  
Agora Building  
3 Cumberland Place  
Nottingham  
NG1 6HU

## Deadline

The consultation closes on 26 November 2021.

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

The local authority (referred to here as 'council') role in school improvement has changed significantly in recent years, with the growth of school-led approaches, such as Multi-Academy Trusts (MATs), putting school improvement in the hands of the strongest schools and school leaders. In turn, the council's role in school improvement in maintained schools is increasingly focused on helping those of their schools that need it, to access the support they need from the school system.

Given these changes in the respective roles and responsibilities of different parties in the school system, we believe now is the right time to revisit councils' school improvement functions and how they are funded, and consider what this means for the future of the School Improvement Monitoring & Brokering Grant.

### Background: Councils' school improvement functions and how they are currently funded

Councils' school improvement activity can be divided into their '**core improvement activities**' and '**additional improvement services**' which councils may opt to provide to maintained schools with their agreement.

#### Core improvement activities

Since 2017, the Grant has been provided to support councils to fulfil their core improvement activities, with the amount received by each council proportionate to the number of maintained schools in their area.

These core improvement activities are set out in Part 4 of the [Education and Inspections Act 2006](#) (the 2006 Act) and on page 36 of our [Schools Causing Concern guidance](#). Part 4 of the 2006 Act provides councils with statutory powers to warn and intervene in schools causing concern, through issuing a warning notice setting out actions the governing body are to take – with powers to require the governing body to enter into arrangements; to appoint additional governors; to provide for the governing body to consist of interim executive members; or to suspend the right to a delegated budget, if the governing body fails to take the required action.

The Schools Causing Concern guidance sets out expectations that councils should:

- Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;

- Work closely with the relevant Regional School Commissioner (RSC), diocese and other local partners to ensure schools receive the support they need to improve;
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards; and
- Encourage good and outstanding maintained schools to take responsibility for their own improvement; support other schools; and enable other schools to access the support they need to improve.

We recently implemented changes to ensure that, in delivering these core improvement activities, councils receiving this grant are supporting educational recovery from the pandemic, and to also adjust the overall value of the Grant to reflect the reduced number of schools for which councils are now responsible.

### **Additional improvement services**

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

## **Proposal and rationale**

The current funding arrangements for council school improvement activity presume that there is a clear distinction between core improvement activities, for which the Grant is provided, and additional activity, which councils fund through de-delegation or as a traded service. We believe this distinction no longer reflects the reality of how effective councils operate.

Rather, we believe that, in practice, activity connected to their core improvement activities forms part of a continuum of wider improvement activity that councils may choose to undertake. This is understandable: councils will want to act before performance deteriorates significantly and formal intervention becomes an inevitability, for example, by putting in place arrangements to spot signs of potential underperformance early and challenge it; and only moving on to formal intervention through warning notices and further intervention powers where this hasn't worked and performance has deteriorated.

In that context, and taken together with the Secretary of State's responsibility to convert the poorest performing maintained schools (that Ofsted has judged 'Inadequate') into academies (for which the council is no longer responsible), it is unsurprising that whilst the vast majority of councils continue to spend the full value of the Grant, instances of councils exercising their intervention powers remain relatively low. This is reflected for example in the number of warning notices issued by councils – with less than 1 in 5<sup>1</sup> councils issuing a warning notice in each of the last 3 years. In turn, this implies that the Grant is predominantly used on early challenge and support in cases of potential underperformance, rather than use of formal intervention powers.

We recognise that councils are best placed to determine how to fulfil their core improvement activities but, as a result, we believe there is a strong case to reflect this reality in reformed funding arrangements for councils' improvement functions.

To achieve this, we are consulting on proposals to remove the Grant and enable *all* improvement activity, including that provided in connection with their core improvement activities, to be funded in the same way via de-delegation from schools' budget shares.

We see a number of benefits to this:

- It will remove the distinction set out above, which does not reflect the reality of how effective councils operate.
- In line with our drive towards a school-led improvement system, it will put more decisions about improvement provision to schools into the hands of school leaders (via schools forums). With an average uplift in next year's provisional core school funding allocations of 3.2%, as the beneficiaries of improvement support from councils, we believe it is right that they contribute to the cost of such support but, in turn, they should have greater influence over the activity undertaken.
- It will bring funding arrangements for councils' improvement activity closer into line with the relationship between individual academies and their MATs, which normally top-slice funding to secure improvement support; and support our overarching policy of ensuring maintained schools and academies are funded on an equivalent basis. In turn, this will help to deliver a core aim of the National Funding Formula (NFF), which is to support a more school-based system that allows schools maximum control over their funding.
- It will also enable councils to adjust over time to the government's longer-term ambition for all schools to become academies within a strong MAT – an end point

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<sup>1</sup> According to data held by Ofsted

which a number of councils are already closing in on, where councils would no longer maintain schools. We believe that moving at this time to funding these responsibilities via de-delegation, in the same way that councils fund additional improvement services they provide to maintained schools, will provide a smoother transition for councils in this position.

We propose to effect this change through, (1) removing the Grant over the course of FY 2022-23, and (2) including provision in the School and Early Years Finance (England) Regulations for FY 2022-23 which would allow councils to de-delegate for all improvement expenditure, including all core improvement activities. This consultation seeks views on the impact of both these proposals. In addition, this consultation asks how we can update government guidance to support these changes.

## **Proposal 1: Removing the Grant**

We believe the distinction our current funding arrangements effectively make – providing an additional grant to councils to support core improvement activities, with additional improvement services funded via de-delegation and traded services - no longer reflects the reality of how councils deliver improvement support to maintained schools, with formal intervention in reality only a small part at the end of a continuum of challenge and support provided by councils. This means funding to support core improvement activities and formal intervention overlaps with wider improvement provision in a way which creates a disparity with how improvement provision is funded in MATs.

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

Going forward, in fulfilling their responsibilities for the schools they maintain, councils will continue to be able to draw on wider improvement support that the Department for Education ('the Department') makes available at low or no cost, including our network of curriculum and behaviour hubs, Teaching School Hubs, National Professional Qualifications providers, Early Career Framework reforms, and our offer of funded support from a National Leader of Education for any school that Ofsted judge 'requires improvement'.

## **Proposal 2: Including provisions in the School and Early Years Finance (England) Regulations to enable councils to fund all core improvement activities via de-delegation**

We recognise that, as well as those improvement functions which MATs undertake for academies, part of a council's core functions will continue to be to exercise its statutory



intervention powers as appropriate over maintained schools, for which councils cannot currently de-delegate. While instances of councils exercising their statutory intervention powers remain relatively low, we do intend to ensure they remain adequately funded for this, as well as their other improvement functions.

Paragraph 8 in Schedule 1 to the School and Early Years Finance (England) Regulations (the Regulations) that apply to FY2021-22 currently prohibits councils from using Dedicated Schools Grant (DSG) funding for expenditure connected to their statutory improvement functions under Part 4 of the 2006 Act. Paragraph 54 in Part 6 of Schedule 2 to the Regulations currently permits councils to de-delegate expenditure on improvement “that is not required by Part 4 of the Education and Inspections Act 2006” from schools’ budget shares, with the agreement of their local schools forum or the Secretary of State.

From FY 2022-23, we propose to give councils the power in the Regulations to fund all improvement activities, including their core improvement activities, via de-delegation of funds from schools’ budget shares, with the agreement of their local schools forum or the Secretary of State.

In practice, we propose doing this by omitting the existing provisions in paragraph 8 in Schedule 1 and paragraph 54 in Part 6 of Schedule 2 of the Regulations from the Regulations for FY2022-23, and including a new provision in Part 7 of Schedule 2 – items that may be removed from maintained schools’ budget shares (primary, secondary and special schools, and pupil referral units) – permitting councils to deduct expenditure incurred for the purposes of improvement, *including* that required by the council’s functions under Part 4 of the 2006 Act, from schools’ budget shares, with the agreement of their schools forum or the Secretary of State.

In line with other de-delegation decisions, the Secretary of State would retain the power to approve the de-delegation contrary to the decision of the schools forum, if satisfied that the council had demonstrated such de-delegation was necessary to ensure the council is adequately funded to exercise core improvement activities.

As set out above, this would support our overarching responsibility to ensure maintained schools and academies funding arrangements are more closely aligned; and would provide a smoother transition as more schools become academies and move out of council control.

Making this change would also align with the proposed reforms to the NFF on which the government has recently [consulted](#). That consultation proposed reviewing central school services with a view towards retaining funding by central grant as part of the Central School Services Block where responsibilities are to all schools, and de-delegating central functions that are provided only in support of maintained schools. The Department plans to consult further as part of the review of which council functions should remain discharged by the council or move to be de-delegated or traded.

## Clarifying guidance provided to councils with respect to school improvement

As part of these changes, we would also intend to update guidance provided to councils with respect to their improvement activities in maintained schools, to ensure guidance reflects these new funding arrangements.

We are therefore keen to use this opportunity to seek views on where guidance can usefully be clarified to aid understanding of what councils are accountable for with respect to improvement, where these activities can be scaled in response to need, and the scope for councils and schools' forums to agree how these responsibilities are carried out and funded. For example, we are keen for views on how we might best update our Schools Causing Concern guidance.

## Timeline

Subject to the outcome of this consultation, our proposed timeline would be to make these changes to the School and Early Years Finance Regulations for FY 2022-23, allowing for a phased removal of the Grant over the course of FY 2022-23 – at the end of which it would be expected that all council school improvement activity, including core improvement activities, will be funded via de-delegation, with any non-statutory services which councils choose to continue to offer either provided on a traded basis or also funded through de-delegation.

**Table 1 Proposed timeline for implementation**

Date	Proposal
October 2021	Government consultation launched on proposals for reforming how councils' improvement functions are funded.
December 2021 / early January 2022	Government publishes its response to the consultation, confirming its intentions.
December 2021 / January 2021	Councils agree de-delegation for FY 2022-23 with their schools forums. Provisions made within the School and Early Years Finance (England) Regulations allowing councils to de-delegate to fund all improvement activity, including core improvement activities, from FY 2022-23 onward. Amendments made to relevant government guidance relating to council school improvement activity.
By April 2022	School and Early Years Finance (England) Regulations 2022-23 come into effect, allowing councils to de-delegate for all council school improvement functions.
April 2022	The Grant is reduced by 50% on a per school basis.

Date	Proposal
April 2023	The Grant is removed entirely.

## Questions

**Question 1:** We believe that instances of councils exercising formal intervention powers remain relatively low, and that since its introduction, this grant has primarily supported improvement functions such as early support and challenge to improve individual school performance, which overlaps with wider (non-core) improvement provision.

Do you agree that this is the case? If not, please explain.

**Question 2:** We are proposing to (i) remove the Grant (Proposal 1), and (ii) enable councils to de-delegate funds via their schools forum to ensure they are sufficiently funded to exercise all of their improvement activities, including all core improvement activities (Proposal 2).

Do you agree that, taken together, these proposals will allow councils to continue to ensure they are adequately funded for core improvement activities; and therefore do not impose a new burden? If not, please explain.

**Question 3:** Bearing in mind Proposals 1 and 2, are there any aspects of our guidance to councils on their role in school improvement which could usefully be clarified to aid understanding of what councils are accountable for with respect to improvement and how it should be funded? (For example, our Schools Causing Concern guidance.)

**Question 4:** The Public Sector Equality Duty (PSED) requires that public bodies consider the potential effects of key decisions on groups with protected characteristics. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age.

Please let us know, providing evidence where possible, if you believe any of the proposals set out in this consultation will have the potential to have an impact on specific groups, in particular those with relevant protected characteristics.



Department  
for Education

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<b>Report to:</b>	<b>Schools' Forum</b>
<b>Date of meeting:</b>	<b>14 January 2022</b>
<b>Report By:</b>	<b>Alison Jeffery</b>
<b>Title:</b>	<b>Proposals for the use of High Needs Block funding from April 2022 to support mainstream inclusion</b>
<b>Purpose:</b>	<b>To provide an outline of a proposal through which uncommitted High Needs Block (from the 2022/23 financial year) could be used to support inclusive practice and address pressures in demand for specialist placements</b>

## **RECOMMENDATIONS**

### **1) That Schools' Forum:**

- a) supports the allocation of £5m (to be reviewed annually) to undertake activities aimed at promoting mainstream inclusion;**
- b) supports the proposals for working groups to be set up to explore options, following discussions with the Joint primary and Secondary Board in February; and**
- c) identifies any other thematic areas for exploration which would contribute to this strategic agenda.**

## **1 Background**

- 1.1 As outlined at the last Schools' Forum, there are some significant challenges across the SEND landscape that are working against our overall aspiration to increase the number of children and young people with SEND who can attend their local mainstream schools alongside their peers.
- 1.2 This shift is evidenced in several different ways:
  - The number of requests for EHC Needs Assessments has increased by 40% overall on the same period last year;
  - The number of parents directly requesting EHC Needs Assessment has increased this year;
  - The number of requests for EHC Needs Assessments in Year 6 in particular is 40% higher this year;
  - There has been an increase (21%) in the number of parents of children in mainstream primary schools requesting special school provision at phase transfer;
  - Just 28% of mainstream phase transfer requests have been accepted by secondary schools this year.
- 1.3 There are 369 fewer children with EHCPs (i.e. the most complex needs) in mainstream schools than at the same point in 2016. Conversely, there are 339 more children in special schools (state run and INMS) this year than five years ago. In terms of national comparators, East Sussex has just 25.1% of all our EHCPs (0-25) in mainstream schools which places us 10<sup>th</sup> out of 11 in the rank of our Statistical Neighbours (who have an average of 32.4%) and 133<sup>rd</sup> out of 150 nationally (who have an average of 34.1%). This means that the threshold for placement at a special school in East Sussex is lower than most Local Authorities in the country.
- 1.5 Where children who might otherwise be able to be supported effectively in mainstream schools are placed in special schools, this has a direct impact on the availability of

specialist placements at the time of greatest need. The lack of available provision where there has been a deterioration in a child's ability to engage with mainstream provision means that more children are, therefore, being 'held' without a substantive and appropriate educational offer that meets their needs; in some cases, this will be on a very reduced timetable without access to the full curriculum. The pressure that such situations places on school staff as well as children and their families is not insignificant.

- 1.4 In line with demands from all stakeholders, East Sussex has had a policy of increasing the number of placements in specialist provision across the county over the last few years. Despite the opening of 2 new special schools (Ropemakers and Flagship), and the prospective opening of Summerdown in September 2022, the current demand for non-mainstream placements has not diminished.
- 1.5 The DfE formula for allocating High Needs Block to LA areas does not take into account demand-led factors such as the number of EHCPs nor the number of children placed in special schools and, therefore, any disproportionality in this area means an imbalance in the distribution to LAs of High Needs funding. As SEN placement funding must follow the child, in East Sussex there is proportionately less available resource going to mainstream schools than is the case elsewhere.
- 1.6 This autumn, we have begun to implement the Time-Limited Inclusion Grant (TIG) where schools are able to apply for additional resource to help maintain mainstream placements, and we have increased the value of mainstream top-ups so that the resource going to mainstream schools better reflects the costs incurred for supporting individual children with SEND. However, it is evident that further and bolder options need to be considered if we are to turn the current direction of travel.

## **2 Supporting information**

- 2.1 The HNB settlement for ES for 2022/23 will bring an additional £5.8m to the High Needs Block; of this £0.8m will be needed to fund additional specialist placements which are already committed. There is also an additional £2.7m which is "ringfenced" by DfE for previously unforeseen costs related to specialist provision in 2022/23. This leaves a total of £5m uncommitted funding that is available to support this agenda.
- 2.2 Considering the concerns that are present in the current placement data, and in feedback from schools and parents (through complaints), it is timely to bring some proposals to Schools' Forum which have the potential to change the current trajectory and increase the number of children who are able to remain in their local mainstream school. There are three broad areas that could be looked at within this context:
  - 1) Increasing the specialist expertise to schools to improve the support available to CYP, including an enhanced offer of support around reviewing provision of children with EHCPs in a timely way to avoid placement breakdown.
  - 2) Improving inclusive practice and relationships with parents/carers, building on the conversations already underway through the secondary board to improve teaching and learning for SEND pupils in mainstream schools.
  - 3) Creating a system for the movement of children from special schools to mainstream, where this is appropriate for their needs.
- 2.3 It is essential that schools are fully involved in shaping proposals for the use of the additional £5m HNB available for 2022/23 so that plans are well aligned to address the demands that are being faced by schools and settings across the board. It is also essential that any proposals have tangible outcomes and align with the strategic priorities of the local area. Any plans would also need to include a 'roll back' clause if costs of SEND placements exceeded the budget available.
- 2.4 Subject to agreement from Schools' Forum, it is proposed that discussions are held with the joint primary and secondary board in February to agree the next steps for taking actions forward. This would include a proposal for working groups to be established over terms 3 and 4 to map out some more detailed proposals for use of HNB, under each of the broad areas in 2.2 above. By ensuring that these proposals align with the co-produced



strategic priorities in the strategy, it is envisaged that these will incentivise buy-in to the strategy and help foster a shared approach to improving inclusion.

- 2.5 Although we do not know the details yet, there are clear indications that the Green Paper on School Improvement (to be published this spring) will have a strong focus on SEND and inclusion. Furthermore, there are early indications that the outcome of the SEND Review will also lead to a Green Paper consulting on legislative changes to the SEND system. The proposals for consideration at Schools' Forum will allow us to get on the front foot of these and make use of available resources as more details on the reforms comes to light.

### **3. Conclusion**

- 3.1 There is no reason why fewer children in East Sussex with SEND should attend their local mainstream school than national or statistical neighbour averages. The increasing demand for specialist provision will not only outstrip local capacity by 2025 but also means that the offer of provision for children and young people in East Sussex is less aligned with the principles of inclusive education than is the case elsewhere. Furthermore, the more children who are placed in special schools who would elsewhere be supported in mainstream placements, means that ES has less scope available to find special school placements for children who really need them at times of crisis.
- 3.2 However, ES is in a good place in having some HNB resource available to use to promote the inclusion agenda, and this presents an excellent opportunity to make some bold proposals to turn the tide and help keep more children in their local mainstream school.
- 3.3 Schools Forum is therefore recommended to:
- a) support the allocation of £5m to undertake activities aimed at promoting mainstream inclusion (to be reviewed annually);
  - b) support the proposals for working groups to be set up to explore options, following discussions with the Joint primary and Secondary Board in February; and
  - c) identify any other thematic areas for exploration which would contribute to this strategic agenda.

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