



Wirral Schools Forum

Date:	Wednesday, 30 September 2009
Time:	6.00 pm
Venue:	Committee Room 1 - Wallasey Town Hall

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AGENDA

1. ELECTION OF CHAIR FOR 2009/2010
2. ELECTION OF VICE CHAIR FOR 2009/2010
3. APOLOGIES
4. MINUTES OF PREVIOUS MEETING (Pages 1 - 8)
5. MATTERS ARISING (Pages 9 - 10)
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Agenda Item 4

WIRRAL SCHOOLS FORUM

Wednesday 24 June 2009

Present: R. Longster (Chair)

Schools Group

S. Dainty	M. Kophamel
G. Zsapka	I. Davies-Foo
K. Frost	P. Sheridan
I. Cubbin	B. Cummings
B. Renshaw	S. Wall
A. Newman (vice A. Baird)	J. Weise

Non-Schools Group

P. Hogan	J. Kenny
M. Potter	V. Woods (vice G. Peters)

In Attendance: Councillor S. Clarke Councillor F. Doyle
Councillor J. Green

H. Cooper	D. Armstrong
A. Roberts	P. Edmondson
G. Mount	N. Clarkson
S. Ashley	C. Warburton

Also in Attendance for Item 5:

G. Lester	M. Morris
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Apologies: V. Macdonald S. Hyden
A. Baird N. Dymont

25. **APOLOGIES.**

As above.

26. **MINUTES OF THE MEETING HELD ON 21 JANUARY 2009.**

Resolved: That the minutes of the previous meeting held on 21 January 2009 be accepted as a correct record.

27. **MATTERS ARISING.**

There were no matters arising from the minutes.

28. **CHAIR'S CORRESPONDENCE.**

None submitted.

29. USE OF INCLUSION FUNDING.

Mr. G. Lester, Head of Egremont Primary School and Mrs. M. Morris, Head of Elleray Park School, gave a joint presentation on the Inclusion Resource Base at Egremont Primary School.

Previously, £30000 had been allocated to all special schools to resource Inclusion Activities. The presentation provided an update on the project between Elleray Park and Egremont Primary Schools. This presentation followed an earlier one from Stanley School.

The aims were to:-

- to extend the range of inclusive educational opportunities for pupils of both schools
- to provide opportunities for staff to share knowledge, skills and expertise
- to enable increased social interaction between pupils of Elleray Park and their mainstream peers
- to ensure consistency with regards to expectations for all children

With regard to the most effective use of the £30,000 inclusion funding, discussions had been held with the Local Authority over the establishment of a resource base. Visits had also taken place to St John Vianneys School and many local mainstream schools.

The class of 9 children were predominantly Foundation 2/Year 1 pupils. It was staffed with a class teacher and 2 teaching assistants. All of the pupils were assessed as benefiting from a more inclusive setting.

There are benefits to both Egremont and Elleray Park pupils:-

- successful participation for all children
- a facility for children to receive small group, one to one support available in special school setting
- impact upon educational achievement
- the opportunity for children to interact and grow socially
- to further the inclusion agenda
- to allow the children to enjoy mainstream experiences

The key messages to success include the vision and commitment of both schools, the fact that it is a self sustaining project financially and that it provides flexibility to work with mainstream staff to optimise pupil inclusion.

Resolved: That Mrs. Morris and Mr. Lester be thanked for their interesting presentation.

30. SCHOOLS BUDGET OUTTURN 2008-09.

Andrew Roberts, Principal Manager (Finance) reported on the year-end financial position for the 2008-09 Schools Budget. He referred briefly to the significant variations included in the written report and to Appendix 1. He reported that the overall under spend was £218,258 and asked that the report be noted by the Forum.

In response to a query regarding an increase in costs of Independent Special School Fees, Peter Edmondson (Head of Branch, Participation and Inclusion) explained that Wirral, through good and successful management had done really well in placing pupils in local Wirral Special and mainstream schools. Through strategic working and early intervention, expectations had been dampened down in terms of placements out of borough. The increase would be mostly down to increased costs.

Resolved: That the report be noted.

31. **DEDICATED SCHOOLS GRANT RESERVE AND FINAL 2009-10 GRANT NOTIFICATION.**

Mr. Roberts referred to the breakdown of the DSG reserve balance outlined in the written report. He advised that the Forum had previously agreed to carry forward any grant balances until the end of the funding period in 2010/11.

Resolved: That the DSG Reserve balance be noted.

32. **DEDICATED SCHOOLS GRANT FORMULA REVIEW.**

Mr. Roberts referred to the report. He advised that the DCSF were undertaking a review of the DSG formula. Any changes were subject to national consultation in 2010 and would be implemented from the next three year funding period 2011-14.

The aim of the review was to develop a single, transparent formula for the distribution of DSG which distributes resources in line with relative need. The DCSF intend that the formula should help raise educational achievement, narrow attainment gaps, recognise costs of different groups and areas. It should be transparent, simple and stable.

There were a number of issues for the review to consider. These included Activity Led funding (ALF), Additional Educational Need (AEN), "High cost pupils", Incentives, Area Cost Adjustment (ACA), Sparsity, Pupil Count, the 21st Century School, Academies, Grants and Transition.

Mr. Cooper commented that the ACA was being looked at in some detail. One of the things included involved housing costs. The average cost of housing in the south east was very high but was quite low elsewhere including Merseyside and North Wales. Wirral would come out badly in this case. Things like the RSG would also be affected. The Local Government Association (LGA) was lobbying central government on these issues .

A new national formula would redistribute grant, partly because of the new measures used and partly because the formula will use more current data. As a result, some authorities would be gainers and others would not. There was no indication at this stage whether Wirral would be a gainer or not.

Mr. Frost felt that free school meals figures should be increased. Mr. Roberts advised that the formula was based on 2005/6 figures but that the data

would be updated and would take account of Working Tax Credit so that the formula would reflect the increased need.

It was expected that the development phase led by the DCSF Working Group would be completed later this year. Authorities and schools will be consulted in early 2010. The review is due to be completed in Summer 2010 and implemented in Autumn 2010 as part of the 2011-14 schools settlement.

Resolved: That the report be noted.

33. **SCHOOLS BALANCES.**

Mr. Roberts referred to the written report. He indicated that there was likely to be a deficit budget for 2010/2011.

Asked about deficit budgets, Mr. Roberts reported that there were a number of schools looking to set deficit budgets this year and next. One of the factors is increased energy costs but there were others such as falling rolls. It was suggested that it might be possible to achieve a better price for energy away from the Wirral contracts. Mr. Armstrong advised that it had not been possible to get better rates even through PFI.

Mr. Armstrong also reported that the SEED Challenge could provide matched funding for schools on energy saving schemes in the same way as for security issues.

It was noted that there were 13 Primary Schools and 4 Secondary schools in a deficit budget situation. Some of those with deficit balances in March 2009 have set balanced budgets for the 2009/10 financial year. Those schools still in difficulty were in the process of agreeing licensed deficit budgets with the department, with a view of balancing the budget over a period of three years.

Mr. Roberts clarified the situation with regard to Excess Balances and the levy. The table illustrated the amount to be deducted on a 2% levy. Five schools had excess balances over 5 or 8% after standards and cluster funds had been deducted.

Members of the Schools Forum were asked to endorse the increase of the levy to 5% for excess balances at 31.3.10. Excess deductions stay in the Schools Budget and a decision on how this is allocated is made at the end of the funding period.

Resolved: (i) That the report be noted.
(ii) (17:0, with one abstention) That the levy increases to 5% for excess balances at 31.3.2010 be endorsed.

34. **IMPROVING SPECIAL EDUCATIONAL NEEDS PROVISION.**

Further to the original report, a Briefing paper prepared by Graham Mount, Strategic Development Manager, was circulated to members.

Mr. Edmondson updated members on the review of special educational needs provision.

Wirral maintains 11 special schools as well as a Key Stage 4 Pupil Referral Unit and the Wirral Hospitals' School. In addition, it also maintains a number of educational inclusion bases. These facilities provide for the broad range of special educational need and the briefing refers to developments by sector. A number of significant changes have taken place recently and a number of others are under consideration. Where no reference is made, there are no current proposals for change but the review will be on-going and further developments may be expected.

The paper referred separately to the schools with Complex Learning Difficulties, Moderate Learning Difficulties, Specific Learning Difficulties and to those with Emotional, Behavioural and Social Difficulties.

Mr. Edmondson referred in particular to the situation at Gilbrook School.

The Authority maintains 3 schools for children who experience emotional, behavioural and social difficulties. At primary school level, Gilbrook School offers 50 full time places and also makes provision for excluded pupils. For some time, it has been realised that Gilbrook's current premises are restricted and do not lend themselves to providing a full range services for their pupils and families. Following Cabinet approval, the Authority is currently consulting upon a proposal to move to the premises to be vacated by Arrowe Hill Primary School in the summer.

Gilbrook also provides an Outreach Service to mainstream primary schools who choose to buy in. The service is well regarded by those who receive it but is experiencing difficulty in terms of financial viability and the funding model will need to be revisited if it is to continue.

Members were asked to note the report and also to establish a subgroup of the Schools' Forum to review the funding model for the Gilbrook Outreach Service and to consider ways in which future viability may be assured.

Resolved: (i) That the report be noted.
(ii) That a subgroup be established as indicated and the membership will comprise:- Mr. R. Longster, Mr. S. Dainty, Mrs. G. Zsapka, Mr. A. Baird and Mrs. P. Hogan with additional primary representation.

35. **EARLY YEARS SINGLE FUNDING FORMULA – UPDATE.**

Mr. Roberts referred to the Update report. He reminded members that the Early Years working Group had been set up by the Wirral Schools' Forum to evaluate options for the creation of an Early years Funding Formula.

The Early Years Working group had held a number of meetings to evaluate options for the formula. The DCSF single formula legislation is currently not available but initial work has focused on provider costs and discussing appropriate elements to include in a Wirral funding formula. Initial modelling work had been undertaken to investigate the impact of including elements based on deprivation and quality. A further area under discussion is a flexibility element. In order to be included as an element in a funding formula,

robust and timely direct or proxy indicator data must be available across all provider types.

During the next stages, work will move forward in seeking further information from other Local Authorities to see how they have incorporated different elements into their proposed formulae and what proportions of their budgets have been allocated to each element. A range of models will be produced to evaluate the impact of these elements, singly and in combination compared to existing funding arrangements.

Once legislation is available, the Working Group will evaluate the impact of this including Minimum Funding Guarantee (MFG) on funding formula options. The Working Group will finalise their work with a range of models provided to the Schools' Forum and schools for consultation. The consultation process will be carried out in Autumn 2009 with feedback reported at the Schools' Forum.

The new Funding Formula will be agreed by the Schools' Forum for implementation from 1 April 2010, the national implementation date.

Resolved: That the report be noted.

36. **TARGETED CAPITAL FOR SCHOOL KITCHENS.**

Mr. Armstrong referred to the written report.

In 2008, the DCSF announced that an additional £100m was to be made available to Authorities for improvements to school kitchens and dining facilities. The aim was to increase the take up of school meals through a wide range of local initiatives. All Authorities were asked to submit an Expression of Interest in December 2008 followed by a formal bid in March 2009. Prior to this submission, the Schools' Forum had been made aware of the content of the bid at the meeting held on 21st January 2009.

The DCSF Standards Fund had been offered to all Authorities on a 50% match funding basis. Due to the huge response to this initiative, Authorities could only be offered 50% of the amount of money requested in March. As a result of this reduction in allocation, Authorities have been asked to share the revised project plans with its Schools' Forum. Whilst it is acknowledged that there will have to be some changes to the planned projects, the emphasis must remain on the implementation of those projects which will result in the greatest impact on school lunch take up.

A table has been produced to illustrate proposed changes to planned projects. Whilst a significant number of the initial projects have been retained, there has had to be a regular emphasis on kitchen refurbishment to meet gas safety regulations and the associated building works. The one change from the position in January is that the 50% allocation does not provide sufficient funding to replace the HORSAs unit at Overchurch Infant School. Alternative capital funding sources will be explored in respect of this scheme.

The forum is asked to approve the changes in the planned projects in order to increase the lunch take up in schools.

Resolved: (18:0) That the changes indicated be approved.

37. **SCHOOLS FORUM REGULATIONS 2009 CONSULTATION.**

A copy of the consultation draft of the Statutory Instrument for The Schools Forum Regulations 2009 had been circulated previously. A number of changes to the existing regulations had been proposed and a number of consultation questions had been posed.

The regulations had been re-written for clarity. Regulation 4 states that Local Authorities must have members from academies in their area on their Schools Forum. Previously, academies had observer status. Concern had been expressed about the strength of early years representation on schools forums and the consequences of this for the early years single formula which is to be introduced from 2010-2011. The option of changing the composition of their schools members of School Forums from 2011 was being consulted upon in the light of suggestions put forward by some authorities.

The consultation period ends on 28 August 2009.

Mr. Roberts asked for any comments to be forwarded to him via the Chair.

Resolved: That the consultation paper be noted.

38. **FUTURE WORK.**

- * Early Years Formula Consultation
- * Machinery of Government Change – LSC – 14-19
- * 1st Year of new Funding Formula – need to write to schools regarding changes in deprivation funding and the differences it makes.
Feedback report.
- * Other financial issues

39. **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR.**

- (i) Mr. Dainty reported that the PHCG working groups had been looking at Service Level Agreements for Schools and that a revised group was to be established to continue the review and report back.
- (ii) The Director commented that co-location of schools on mainstream sites would facilitate greater inclusion both within education and within the wider community. The Cabinet had required the Department to consider co-location of special school on mainstream sites and a number of proposals had been put forward which had met the criteria of the SEN Improvement Test.

Wirral had been advised of its allocation of Building Schools for the Future (BSF) monies. These, combined with funds

available from the Learning and Skills Council, would enable the building of new 21st century schools which were fit for the future and would be provide up to date facilities for some of the most vulnerable pupils.

- (iii) On behalf of the Schools Forum, the Chair wished to place on record his thanks to Moira Curran and Mike Archbold for their work on behalf of this Forum and wished them both a long and happy retirement.

WIRRAL SCHOOLS FORUM – 30th SEPTEMBER 2009

REPORT OF DIRECTOR OF CHILDREN'S SERVICES

MATTERS ARISING – FINAL DSG NOTIFICATION

EXECUTIVE SUMMARY

This report notifies the Forum of the final DSG settlement for 2009-10 of £188,116,000 received on 25th June 2009. The final settlement is £20,200 less than the budget estimate. As agreed previously any balances under or over will be carried forward until the end of the funding period.

1.0 Final DSG

The probable adjustment by DCSF for 2009-10 in respect of pupil numbers was reported to the Forum on 24th June. The final notification was issued a day later. The DCSF (and regulations) require that final notification is reported and agreed by the Forum prior to 30th September.

The census data for Wirral has reduced the pupil count used for DSG by 5 from 46,011 to 46,006, resulting in £20,200 less grant.

2.0 DSG Reserve

The movement in the reserve balance can be summarised as follows:

	£
DSG balance brought forward 01.08.2008	271,942
Amount used in 2008-09 Schools Budget	(403,000)
Final DSG adjustment for 2008-09 (an additional 96 pupils)	384,000
Central Schools Budget underspend in 2008-09	165,906
	418,848
Estimated Final DSG adjustment for 2009-10 (5 fewer pupils)	(20,200)
	398,648

3.0 RECOMMENDATION

That the report is noted.

Howard Cooper
Director of Children's Services

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WIRRAL SCHOOLS FORUM – 30th SEPTEMBER 2009**REPORT OF DIRECTOR OF CHILDREN'S SERVICES****EARLY YEARS SINGLE FUNDING FORMULA**

EXECUTIVE SUMMARY

This report updates the Forum on the progress made by the Early Years Working Group and outlines a proposed new funding formula to be introduced from 1.4.2010. The proposals are subject to consultation.

1.0 Background

From April 2010 it is a DCSF requirement that an Early Years Single Funding Formula (EYSFF) based on attended hours will be applied across all Early Years settings. The Schools Forum set up an Early Years Working Group to evaluate options for the funding formula.

The progress of the group was reported to the last meeting and covered an assessment of the current provider costs and proposals for formula elements, deprivation (a required element), quality and a Headteacher supplement for nursery schools. Outstanding issues were identified with regard to DCSF guidance/legislation, a flexibility supplement, the Minimum Funding Guarantee and transition.

2.0 DCSF Guidance

Practice Guidance was issued by the DCSF in July 2009 setting out the government's expectations for EYSFF and changes in regulations. There are a number of actions authorities must and should take account of:

- Implementation – must be by April 2010
- Partnership - interested stakeholders must be involved and all settings engaged. The LA should support providers, especially where the formula has significant implications.
- Understanding of costs – the LA should understand provider costs, and use a typical cost model to justify the core level of funding.
- The Formula should include a base rate or have multiple rates (but no arbitrary maintained/PVI split that locks in unjustifiable funding differences.)
- Deprivation must be included as an element
- The interaction of the EYSFF with the Schools Formula should be considered
- Funding will move from the Centrally Retained budget to the ISB
- Pupil Counts must be at least termly and provider budgets must be adjusted in year.
- The impact of the formula must be assessed in consultation with providers.
- The Minimum Funding Guarantee should not allow high funding to continue irrespective of participation.
- There must be a plan to move from transition to formula within 3 years.
- The Schools Forum should agree affordability, transition and the use of the MFG.

2.1 Flexibility Supplement

Parents will be entitled to 15 hours of free early learning each week; a flexible offer will enable parents to take up provision outside 5 three-hour blocks.

DCSF “strongly encourage all LA’s to use EYSFF as part of a package of measures to support, promote and incentivise flexible patterns of delivery by:

- Recognising and supporting the costs associated with delivering different patterns of provision e.g. delivering over the lunch period or opening longer hours and
- Incentivising settings to move away from sessional provision and deliver entitlement in patterns that are more responsive to parental demand”.

DCSF practice guidance July 2009

The flexibility incentive is funded by a ring-fenced DCSF grant for the extension of the free offer. About £500,000 is available for distribution through this element of the formula.

The group has supported a proposal to offer 2 flexibility rates:

1. Within the existing school teaching day (with a weighting of 0.5) 18p per hour
2. Outside the school day (with a weighting of 1) 36p per hour

The advantages of this proposal are that the formula is simple, it encourages providers to offer parents access to more hours in a day and is cost reflective i.e. longer periods of flexibility receive a higher uplift.

The disadvantages are it may not be possible for some providers to claim the higher supplement, the school day would need to be verified and if more providers claim the higher rate this could become unaffordable (the rate is based on 80% take up).

This supplement would give a 25 place setting additional funding as follows:

- For flexibility within the school day £4,275 pa. This is the equivalent of additional 9.5 TA level 3 hours per week (providing additional staff hours to manage requests for alternative provision)
- For flexibility outside the school day £8,550 pa the equivalent of an additional 19 TA Level 3 hours per week.

2.2 Minimum Funding Guarantee (MFG)

DCSF guidance has confirmed that the MFG used currently in schools formula funding will apply to maintained Early Years settings. At present this is only guaranteed for 12 months at 2.1%. The group recommend that the MFG should apply equally across all providers since all are subject to inflationary cost pressures. The draft Early Years budget for 2010-11 reflects this assumption.

In a number of cases where the MFG distorts the funding to a provider an exception will be proposed for the Forum to consider.

2.3 Transition - Formula Floor and Ceiling

This measure builds in a transition mechanism into the formula. This is needed for specific settings who will experience significant changes in funding levels following a move away from place funding.

The group's proposal reflects the following DCSF guidelines:

"It should be remembered that transitional protection is only a temporary measure and that there must be a clear plan over no more than 3 years to move a setting gradually to its new funding levels under EYSFF."

DCSF guidance July 2009

The 3 nursery schools (Ganneys Meadow, Leasowe and Brentwood) received funding totalling £1.1m in 2009-10. However the equivalent new formula would deliver funding of £0.6m, with an MFG of £0.7m. This change is the result of a move away from place to pupil funding. In future the formula will pay nursery schools (and other providers) for the actual number of pupil hours provided each term.

The EYSFF is the main funding for all nursery schools. The reduction in funding is significant and should be phased to allow changes to be planned and implemented in a way that minimises disruption to children and parents.

The mechanism proposed to provide transition is a "Floor and Ceiling". This will limit formula cash reductions in Nursery schools to 15% in 2010-11 (compared to 2009-10) and a further 10% in 2011-12. The formula will be fully implemented from 2012-13. The floor is paid for by a ceiling. This limits the cash increases for providers who benefit from the new formula elements. The cost of the floor is shown below:

No	09/10 Funding £	New Formula £	MFG £	85% of 09/10 Funding £	Cost of floor £
1	235,411	154,671	158,745	200,099	41,354
2	359,014	178,748	206,022	305,162	99,140
3	512,325	234,928	333,012	435,476	102,465
Total	1,106,750	568,547	697,779	940,738	242,958

The Floor is expensive (3% of available funding), but necessary. In the initial years it will limit the benefits from introducing new formula elements.

A Nursery Support Plan is being drawn up to help the schools move from transitional funding to the new formula. This includes the use of Surestart grant to bring funding in line with other Children's Centres and changing teaching ratios from 1:10 to 1:13. More work is also needed to increase occupancy levels and reduce surplus places; this will be a key factor for longer-term sustainability.

2.4 Other Changes

Deprivation

The proposal for deprivation has been amended and simplified. Instead of each provider having its own unique rate based on its IMD score, the deprivation factor (still based on IMD) has been banded – High, Medium and Low with 46, 62 and 58 providers respectively falling into each band. The hourly rates are 23p, 14p and 5p. Additional deprivation funding through the EYSFF amounts to £200,000. The group recommends that this should be funded from growth (DSG reserve/Headroom) rather than a redistribution of existing resources. As previously reported without growth amounts for deprivation will be offset by the need to protect existing budgets.

Quality

A quality supplement at 10% of the current hourly rate of £3.17 was previously suggested, payable to all providers employing staff with QTS or EYPS. However the higher rate is too expensive and requires 5% of the available funding. This in turn

leads to a larger number of providers triggering the MFG. As a general principle the formula should cover provider costs as much as possible without having to rely on MFG.

Instead a Quality Supplement of 5% of the current hourly rate of £3.17 recommended and is modelled below. 93 (56%) of providers are currently eligible to receive this supplement.

A 25 place setting would receive the following:

Total hours	Quality per hour	Total Quality Funding
23750	0.16	£3,800

2.5 Hourly Rates

The proposed hourly rates are shown below for a setting with medium deprivation, The first rate assumes no additional funding; the second assumes an additional £200,000 referred to previously.

	1. no extra funding	1. 25 place setting	2. additional funding	2. 25 place setting
Basic rate	£ 2.99	£	£ 3.13	£
Deprivation	0.14		0.14	
Quality	<u>0.16</u>		<u>0.16</u>	
	3.29	78,119	3.43	81,258
Flexibility in School Hours	0.18	4,275	0.18	4,275
Flexibility outside school hours	<u>0.18</u>	<u>4,275</u>	<u>0.18</u>	<u>4,275</u>
Total	3.65	86,669	3.79	89,808

This compares with a current hourly rate per pupil of £3.17 (£75,288)

3.0 Impact of the Formula

The figures used in the formula to date are indicative, based on current data, this will change with the January 2010 census.

The preparatory modelling work suggests that with no additional funding in the formula, 76 providers out of 166 trigger the MFG. Of these 3 are nurseries, 9 are nursery classes and 64 are PVI's. The largest amount over the MFG is £328, this is limited by the operation of the formula ceiling which restricts increases above MFG to ¼%. The highest loss is £98,683 (a nursery school). Having nearly half of the providers funded at the MFG indicates that formula does not have sufficient resources to meet the needs identified.

The additional funding of £200,000 outlined in 2.4 above reduces the number of providers funded at the MFG down to 7, 3 are nurseries and 4 are nursery classes. The largest amount over the MFG is £5,398 (the ceiling limit is 4.5% over MFG), whilst the largest loss is £76,849. This would seem to be a preferable outcome.

A detailed comparison is shown in Appendix 1.

4.0 Consultation with providers and schools

A formal consultation will now start with all Early Years providers and primary schools. The proposals will be described and illustrated, together with a series of questions. These are shown in Appendix 2.

The consultation period will run from 1st October until 30th November, following which there will be a further report and a final set of proposals for the Forum to approve prior to submission to Cabinet in February 2010.

5.0 RECOMMENDATIONS

That the Forum agrees to the structure of the EYSFF described.

That consideration is given to funding for the deprivation element of the Formula (£200,000) from the DSG reserve.

That a further report is received outlining the responses from the consultation paper.

Howard Cooper
Director of Children's Services

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APPENDIX 1 - Formula Illustration

Deprivation funded from within the existing budget

Provider Type	Old Formula Funding £	New Formula Funding £	MFG Total £	New Total to Setting £	Floor/Ceiling Adjustment £	New Budget £	Revised Hourly Rate £	New Formula - Old Formula (£) £	New Formula - Old Formula (%) %	New Budget - MFG (£) £
Nursery School	235,411	154,671	158,745	158,745	41,354	200,099	5.15	-80,740	-34.3	41,354
Nursery School	359,014	178,748	206,022	206,022	99,140	305,162	7.24	-180,266	-50.2	99,140
Nursery School	512,325	234,928	333,012	333,012	102,465	435,476	7.44	-277,397	-54.1	102,465
Nursery Class	74,259	83,467	72,771	83,467	-10,494	72,973	2.95	9,208	12.4	202
Nursery Class	55,165	59,390	52,433	59,390	-6,812	52,578	2.99	4,225	7.7	145
Nursery Class	76,387	83,467	76,237	83,467	-7,019	76,448	3.10	7,080	9.3	211
Nursery Class	60,735	65,620	60,879	65,620	-4,572	61,048	3.06	4,885	8.0	169
Nursery Class	72,959	79,682	71,334	79,682	-8,150	71,531	2.95	6,722	9.2	198
Nursery Class	75,361	81,244	73,877	81,244	-7,163	74,081	3.00	5,882	7.8	205
Nursery Class	74,082	79,021	72,776	79,021	-6,044	72,977	2.95	4,939	6.7	202
Nursery Class	36,866	33,708	33,065	33,708	-551	33,157	3.32	-3,158	-8.6	92
Nursery Class	20,331	16,051	17,905	17,905	0	17,905	3.77	-4,280	-21.1	0
Nursery Class	71,823	80,257	89,793	89,793	0	89,793	3.78	8,434	11.7	0
Nursery Class	39,282	39,060	39,424	39,424	0	39,424	3.32	-223	-0.6	0
Nursery Class	36,936	37,497	36,215	37,497	-1,182	36,315	3.19	561	1.5	100
Nursery Class	47,842	51,364	45,304	51,364	-5,935	45,429	2.99	3,523	7.4	125
Nursery Class	69,366	76,557	69,390	76,557	-6,974	69,582	2.99	7,190	10.4	192
Nursery Class	71,651	79,021	70,216	79,021	-8,611	70,411	2.85	7,370	10.3	194
Nursery Class	65,977	73,836	64,069	73,836	-9,590	64,246	2.94	7,859	11.9	177
Nursery Class	45,568	48,434	46,786	48,434	-1,519	46,915	3.19	2,866	6.3	130
Nursery Class	39,661	39,511	38,893	39,511	-510	39,001	3.16	-150	-0.4	108
Nursery Class	38,651	39,511	35,635	39,511	-3,777	35,733	2.89	859	2.2	99
Nursery Class	55,170	59,390	53,900	59,390	-5,341	54,049	3.08	4,220	7.6	149
Nursery Class	51,345	54,575	48,299	54,575	-6,142	48,433	3.00	3,230	6.3	134
Nursery Class	23,250	20,867	21,229	21,229	0	21,229	3.44	-2,384	-10.3	0
Nursery Class	73,984	81,862	72,473	81,862	-9,188	72,674	3.00	7,878	10.6	201
Nursery Class	72,432	81,244	70,969	81,244	-10,078	71,166	2.88	8,812	12.2	197
Nursery Class	64,413	70,626	62,482	70,626	-7,971	62,655	3.00	6,213	9.6	173
Nursery Class	34,093	33,708	33,147	33,708	-469	33,239	3.33	-385	-1.1	92
Nursery Class	32,431	32,103	30,642	32,103	-1,376	30,727	3.23	-329	-1.0	85
Nursery Class	52,110	56,180	51,644	56,180	-4,392	51,787	3.12	4,070	7.8	143
Nursery Class	65,327	71,870	64,170	71,870	-7,522	64,348	2.94	6,543	10.0	178
Nursery Class	43,032	45,309	41,102	45,309	-4,094	41,215	2.99	2,278	5.3	114
Nursery Class	37,823	39,060	37,081	39,060	-1,876	37,183	3.13	1,237	3.3	103
Nursery Class	33,566	33,708	34,871	34,871	0	34,871	3.50	142	0.4	0
Nursery Class	46,710	49,759	46,922	49,759	-2,708	47,051	3.20	3,050	6.5	130
Nursery Class	30,174	27,287	29,862	29,862	0	29,862	3.70	-2,886	-9.6	0
Nursery Class	59,894	67,416	61,418	67,416	-5,827	61,589	3.09	7,522	12.6	170
Nursery Class	70,014	79,682	69,961	79,682	-9,526	70,155	2.90	9,667	13.8	194
Nursery Class	37,495	43,339	45,317	45,317	0	45,317	3.53	5,843	15.6	0
Nursery Class	36,574	40,128	35,851	40,128	-4,178	35,951	3.03	3,555	9.7	99
Nursery Class	33,595	35,313	31,760	35,313	-3,465	31,848	3.05	1,718	5.1	88
Nursery Class	15,558	12,841	13,941	13,941	0	13,941	3.67	-2,717	-17.5	0
Nursery Class	43,840	43,339	43,956	43,956	0	43,956	3.43	-502	-1.1	0
Nursery Class	61,499	69,021	60,912	69,021	-7,940	61,081	2.99	7,522	12.2	169
Nursery Class	71,317	81,244	69,986	81,244	-11,064	70,180	2.84	9,927	13.9	194
Nursery Class	46,575	48,628	43,856	48,628	-4,651	43,977	2.89	2,053	4.4	121
Private Day Nursery	28,007	26,865	28,007	28,007	0	28,007	3.17	-1,142	-4.1	0
Independent School	76,793	79,682	76,793	79,682	-2,676	77,006	3.18	2,888	3.8	213
Independent School	118,352	122,803	118,352	122,803	-4,124	118,680	3.18	4,451	3.8	328
Playgroup	56,616	55,915	56,616	56,616	0	56,616	3.17	-701	-1.2	0
Independent School	32,825	34,060	32,825	34,060	-1,144	32,916	3.18	1,235	3.8	91
Private Day Nursery	25,598	25,834	25,598	25,834	-165	25,669	3.18	236	0.9	71
Independent School	3,012	3,039	3,012	3,039	-19	3,020	3.18	28	0.9	8
Independent School	33,127	33,432	33,127	33,432	-214	33,218	3.18	306	0.9	92
Private Day Nursery	54,508	53,833	54,508	54,508	0	54,508	3.17	-675	-1.2	0
Playgroup	53,002	50,841	53,002	53,002	0	53,002	3.17	-2,161	-4.1	0
Private Day Nursery	20,177	19,927	20,177	20,177	0	20,177	3.17	-250	-1.2	0

Provider Type	Old Formula Funding £	New Formula Funding £	MFG Total £	New Total to Setting £	Floor/Ceiling Adjustment £	New Budget £	Revised Hourly Rate £	New Formula - Old Formula (£) £	New Formula - Old Formula (%) £	New Budget - MFG (£) £
Playgroup	40,956	39,286	40,956	40,956	0	40,956	3.17	-1,670	-4.1	0
Private Day Nursery	53,906	54,403	53,906	54,403	-348	54,055	3.18	497	0.9	149
Playgroup	39,150	39,511	39,150	39,511	-253	39,258	3.18	361	0.9	108
Pre-School	31,922	30,620	31,922	31,922	0	31,922	3.17	-1,302	-4.1	0
Private Day Nursery	40,053	39,557	40,053	40,053	0	40,053	3.17	-496	-1.2	0
Pre-School	45,474	44,910	45,474	45,474	0	45,474	3.17	-563	-1.2	0
Playgroup	75,589	78,432	75,589	78,432	-2,634	75,798	3.18	2,843	3.8	209
Pre-School	10,841	11,249	10,841	11,249	-378	10,871	3.18	408	3.8	30
Private Day Nursery	25,297	24,265	25,297	25,297	0	25,297	3.17	-1,032	-4.1	0
Private Day Nursery	16,563	17,186	16,563	17,186	-577	16,609	3.18	623	3.8	46
Private Day Nursery	14,756	14,574	14,756	14,756	0	14,756	3.17	-183	-1.2	0
Pre-School	37,343	35,820	37,343	37,343	0	37,343	3.17	-1,523	-4.1	0
Playgroup	71,975	71,083	71,975	71,975	0	71,975	3.17	-892	-1.2	0
Playgroup	38,547	39,164	38,547	39,164	-510	38,654	3.18	617	1.6	107
Playgroup	35,536	36,872	35,536	36,872	-1,238	35,634	3.18	1,337	3.8	98
Playgroup	22,887	21,954	22,887	22,887	0	22,887	3.17	-933	-4.1	0
Private Day Nursery	18,671	17,910	18,671	18,671	0	18,671	3.17	-761	-4.1	0
Private Day Nursery	43,667	43,126	43,667	43,667	0	43,667	3.17	-541	-1.2	0
Pre-School	45,474	43,619	45,474	45,474	0	45,474	3.17	-1,854	-4.1	0
Playgroup	54,207	55,075	54,207	55,075	-717	54,357	3.18	868	1.6	150
Private Day Nursery	60,230	62,495	60,230	62,495	-2,099	60,397	3.18	2,265	3.8	167
Pre-School	29,513	28,309	29,513	29,513	0	29,513	3.17	-1,203	-4.1	0
Playgroup	20,659	19,816	20,659	20,659	0	20,659	3.17	-842	-4.1	0
Pre-School	50,593	49,966	50,593	50,593	0	50,593	3.17	-627	-1.2	0
Private Day Nursery	19,274	19,035	19,274	19,274	0	19,274	3.17	-239	-1.2	0
Playgroup	73,782	70,773	73,782	73,782	0	73,782	3.17	-3,009	-4.1	0
Playgroup	68,662	65,862	68,662	68,662	0	68,662	3.17	-2,800	-4.1	0
Private Day Nursery	27,405	27,657	27,405	27,657	-177	27,481	3.18	253	0.9	76
Playgroup	29,513	28,309	29,513	29,513	0	29,513	3.17	-1,203	-4.1	0
Playgroup	59,327	58,592	59,327	59,327	0	59,327	3.17	-735	-1.2	0
Private Day Nursery	24,995	25,396	24,995	25,396	-331	25,065	3.18	400	1.6	69
Playgroup	49,991	50,452	49,991	50,452	-323	50,129	3.18	461	0.9	138
Playgroup	19,274	18,488	19,274	19,274	0	19,274	3.17	-786	-4.1	0
Pre-School	20,779	21,561	20,779	21,561	-724	20,837	3.18	782	3.8	58
Private Day Nursery	29,212	29,481	29,212	29,481	-188	29,292	3.18	269	0.9	81
Playgroup	45,474	43,619	45,474	45,474	0	45,474	3.17	-1,854	-4.1	0
Playgroup	45,775	43,908	45,775	45,775	0	45,775	3.17	-1,867	-4.1	0
Private Day Nursery	18,671	17,910	18,671	18,671	0	18,671	3.17	-761	-4.1	0
Pre-School	25,598	24,554	25,598	25,598	0	25,598	3.17	-1,044	-4.1	0
Private Day Nursery	41,559	43,122	41,559	43,122	-1,448	41,674	3.18	1,563	3.8	115
Playgroup	9,938	9,815	9,938	9,938	0	9,938	3.17	-123	-1.2	0
Playgroup	26,802	27,050	26,802	27,050	-173	26,877	3.18	247	0.9	74
Independent School	93,357	94,218	93,357	94,218	-602	93,615	3.18	861	0.9	259
Private Day Nursery	28,609	28,255	28,609	28,609	0	28,609	3.17	-354	-1.2	0
Private Day Nursery	14,455	14,276	14,455	14,455	0	14,455	3.17	-179	-1.2	0
Private Day Nursery	31,922	34,029	31,922	34,029	-2,019	32,010	3.18	2,107	6.6	88
Private Day Nursery	16,864	16,655	16,864	16,864	0	16,864	3.17	-209	-1.2	0
Pre-School	35,536	36,872	35,536	36,872	-1,238	35,634	3.18	1,337	3.8	98
Playgroup	7,529	7,435	7,529	7,529	0	7,529	3.17	-93	-1.2	0
Playgroup	29,874	28,656	29,874	29,874	0	29,874	3.17	-1,218	-4.1	0
Pre-School	15,058	14,871	15,058	15,058	0	15,058	3.17	-187	-1.2	0
Private Day Nursery	35,235	36,560	35,235	36,560	-1,228	35,332	3.18	1,325	3.8	98
Private Day Nursery	10,841	10,707	10,841	10,841	0	10,841	3.17	-134	-1.2	0
Private Day Nursery	24,092	23,110	24,092	24,092	0	24,092	3.17	-982	-4.1	0
Private Day Nursery	19,575	20,311	19,575	20,311	-682	19,629	3.18	736	3.8	54
Private Day Nursery	72,276	71,381	72,276	72,276	0	72,276	3.17	-895	-1.2	0
Pre-School	38,246	37,772	38,246	38,246	0	38,246	3.17	-474	-1.2	0
Playgroup	45,173	43,330	45,173	45,173	0	45,173	3.17	-1,842	-4.1	0
Private Day Nursery	33,127	32,716	33,127	33,127	0	33,127	3.17	-410	-1.2	0
Private Day Nursery	67,458	64,707	67,458	67,458	0	67,458	3.17	-2,751	-4.1	0
Private Day Nursery	9,336	9,220	9,336	9,336	0	9,336	3.17	-116	-1.2	0

Provider Type	Old Formula Funding £	New Formula Funding £	MFG Total £	New Total to Setting £	Floor/Ceiling Adjustment £	New Budget £	Revised Hourly Rate £	New Formula - Old Formula (£) £	New Formula - Old Formula (%) £	New Budget - MFG (£) £
Private Day Nursery	22,586	24,077	22,586	24,077	-1,428	22,649	3.18	1,491	6.6	63
Private Day Nursery	13,552	14,446	13,552	14,446	-857	13,589	3.18	894	6.6	38
Private Day Nursery	22,285	22,491	22,285	22,491	-144	22,347	3.18	206	0.9	62
Private Day Nursery	10,540	10,937	10,540	10,937	-367	10,569	3.18	396	3.8	29
Private Day Nursery	1,506	1,605	1,506	1,605	-95	1,510	3.18	99	6.6	4
Private Day Nursery	19,575	20,311	19,575	20,311	-682	19,629	3.18	736	3.8	54
Private Day Nursery	18,069	18,236	18,069	18,236	-117	18,119	3.18	167	0.9	50
Private Day Nursery	24,092	24,998	24,092	24,998	-839	24,159	3.18	906	3.8	67
Pre-School	72,276	71,381	72,276	72,276	0	72,276	3.17	-895	-1.2	0
Private Day Nursery	17,166	16,466	17,166	17,166	0	17,166	3.17	-700	-4.1	0
Private Day Nursery	13,251	13,749	13,251	13,749	-462	13,287	3.18	498	3.8	37
Private Day Nursery	27,104	27,353	27,104	27,353	-175	27,179	3.18	250	0.9	75
Private Day Nursery	18,069	17,845	18,069	18,069	0	18,069	3.17	-224	-1.2	0
Private Day Nursery	79,504	78,519	79,504	79,504	0	79,504	3.17	-985	-1.2	0
Private Day Nursery	34,632	34,203	34,632	34,632	0	34,632	3.17	-429	-1.2	0
Private Day Nursery	36,740	35,242	36,740	36,740	0	36,740	3.17	-1,498	-4.1	0
Playgroup	34,632	33,220	34,632	34,632	0	34,632	3.17	-1,412	-4.1	0
Private Day Nursery	39,451	42,055	39,451	42,055	-2,495	39,560	3.18	2,604	6.6	109
Private Day Nursery	28,007	26,865	28,007	28,007	0	28,007	3.17	-1,142	-4.1	0
Private Day Nursery	19,274	18,488	19,274	19,274	0	19,274	3.17	-786	-4.1	0
Private Day Nursery	12,648	13,124	12,648	13,124	-441	12,683	3.18	476	3.8	35
Private Day Nursery	23,490	25,040	23,490	25,040	-1,485	23,555	3.18	1,550	6.6	65
Playgroup	22,285	22,491	22,285	22,491	-144	22,347	3.18	206	0.9	62
Private Day Nursery	22,586	22,948	22,586	22,948	-299	22,649	3.18	361	1.6	63
Private Day Nursery	41,860	42,246	41,860	42,246	-270	41,976	3.18	386	0.9	116
Private Day Nursery	48,485	50,309	48,485	50,309	-1,689	48,619	3.18	1,824	3.8	134
Private Day Nursery	14,756	14,155	14,756	14,756	0	14,756	3.17	-602	-4.1	0
Pre-School	45,775	46,507	45,775	46,507	-606	45,902	3.18	733	1.6	127
Playgroup	10,841	11,249	10,841	11,249	-378	10,871	3.18	408	3.8	30
Private Day Nursery	43,968	46,870	43,968	46,870	-2,780	44,090	3.18	2,902	6.6	122
Pre-School	86,731	88,119	86,731	88,119	-1,148	86,971	3.18	1,388	1.6	240
Private Day Nursery	19,876	20,194	19,876	20,194	-263	19,931	3.18	318	1.6	55
Private Day Nursery	13,552	14,446	13,552	14,446	-857	13,589	3.18	894	6.6	38
Pre-School	54,809	52,574	54,809	54,809	0	54,809	3.17	-2,235	-4.1	0
Private Day Nursery	15,058	14,871	15,058	15,058	0	15,058	3.17	-187	-1.2	0
Private Day Nursery	9,938	10,097	9,938	10,097	-132	9,965	3.18	159	1.6	28
Independent School	65,048	65,648	65,048	65,648	-420	65,229	3.18	600	0.9	180
Private Day Nursery	65,350	62,685	65,350	65,350	0	65,350	3.17	-2,665	-4.1	0
Playgroup	6,023	5,777	6,023	6,023	0	6,023	3.17	-246	-4.1	0
Pre-School	12,046	12,157	12,046	12,157	-78	12,079	3.18	111	0.9	33
Pre-School	96,368	95,174	96,368	96,368	0	96,368	3.17	-1,194	-1.2	0
Playgroup	38,246	36,686	38,246	38,246	0	38,246	3.17	-1,560	-4.1	0
Private Day Nursery	70,770	71,423	70,770	71,423	-457	70,966	3.18	653	0.9	196
Private Day Nursery	28,609	27,443	28,609	28,609	0	28,609	3.17	-1,167	-4.1	0
Private Day Nursery	15,660	15,466	15,660	15,660	0	15,660	3.17	-194	-1.2	0
Pre-School	67,939	69,027	67,939	69,027	-899	68,128	3.18	1,087	1.6	188
Pre-School	33,428	32,065	33,428	33,428	0	33,428	3.17	-1,363	-4.1	0

APPENDIX 1 - Formula Illustration

Deprivation funded from new money

Provider Type	Old Formula Funding £	New Formula Funding £	MFG Total £	New Total to Setting £	Floor/Ceiling Adjustment £	New Budget £	Revised Hourly Rate £	New Formula - Old Formula (£) £	New Formula - Old Formula (%) %	New Budget - MFG (£) £
Nursery School	235,411	158,061	158,745	158,745	41,354	200,099	5.15	-77,350	-32.9	41,354
Nursery School	359,014	183,080	206,022	206,022	99,140	305,162	7.24	-175,934	-49.0	99,140
Nursery School	512,325	241,456	333,012	333,012	102,465	435,476	7.44	-270,869	-52.9	102,465
Nursery Class	74,259	86,731	72,771	86,731	-10,641	76,090	3.08	12,472	16.8	3,319
Nursery Class	55,165	61,713	52,433	61,713	-6,888	54,824	3.12	6,548	11.9	2,391
Nursery Class	76,387	86,731	76,237	86,731	-7,017	79,714	3.23	10,344	13.5	3,477
Nursery Class	60,735	68,256	60,879	68,256	-4,601	63,656	3.19	7,522	12.4	2,777
Nursery Class	72,959	82,883	71,334	82,883	-8,296	74,587	3.08	9,924	13.6	3,254
Nursery Class	75,361	84,508	73,877	84,508	-7,262	77,246	3.13	9,146	12.1	3,370
Nursery Class	74,082	82,285	72,776	82,285	-6,190	76,095	3.08	8,203	11.1	3,319
Nursery Class	36,866	35,026	33,065	35,026	-453	34,573	3.47	-1,840	-5.0	1,508
Nursery Class	20,331	16,679	17,905	17,905	0	17,905	3.77	-3,652	-18.0	0
Nursery Class	71,823	83,395	89,793	89,793	0	89,793	3.78	11,572	16.1	0
Nursery Class	39,282	40,629	39,424	40,629	0	40,629	3.42	1,346	3.4	1,204
Nursery Class	36,936	39,004	36,215	39,004	-1,137	37,867	3.32	2,068	5.6	1,652
Nursery Class	47,842	53,373	45,304	53,373	-6,003	47,370	3.12	5,531	11.6	2,066
Nursery Class	69,366	79,633	69,390	79,633	-7,077	72,555	3.12	10,266	14.8	3,165
Nursery Class	71,651	82,285	70,216	82,285	-8,866	73,419	2.97	10,634	14.8	3,203
Nursery Class	65,977	76,724	64,069	76,724	-9,733	66,991	3.07	10,746	16.3	2,922
Nursery Class	45,568	50,380	46,786	50,380	-1,460	48,920	3.32	4,812	10.6	2,134
Nursery Class	39,661	41,143	38,893	41,143	-475	40,667	3.29	1,482	3.7	1,774
Nursery Class	38,651	41,143	35,635	41,143	-3,883	37,260	3.02	2,491	6.4	1,625
Nursery Class	55,170	61,713	53,900	61,713	-5,355	56,358	3.21	6,542	11.9	2,458
Nursery Class	51,345	56,709	48,299	56,709	-6,207	50,502	3.13	5,364	10.4	2,203
Nursery Class	23,250	21,683	21,229	21,683	0	21,683	3.51	-1,568	-6.7	454
Nursery Class	73,984	85,063	72,473	85,063	-9,284	75,779	3.13	11,079	15.0	3,306
Nursery Class	72,432	84,508	70,969	84,508	-10,302	74,206	3.00	12,076	16.7	3,237
Nursery Class	64,413	73,388	62,482	73,388	-8,056	65,332	3.13	8,975	13.9	2,850
Nursery Class	34,093	35,026	33,147	35,026	-367	34,659	3.47	934	2.7	1,512
Nursery Class	32,431	33,358	30,642	33,358	-1,318	32,040	3.37	927	2.9	1,398
Nursery Class	52,110	58,377	51,644	58,377	-4,377	54,000	3.25	6,267	12.0	2,355
Nursery Class	65,327	74,757	64,170	74,757	-7,660	67,097	3.07	9,430	14.4	2,927
Nursery Class	43,032	47,129	41,102	47,129	-4,153	42,976	3.12	4,098	9.5	1,875
Nursery Class	37,823	40,629	37,081	40,629	-1,857	38,772	3.27	2,806	7.4	1,691
Nursery Class	33,566	35,026	34,871	35,026	0	35,026	3.51	1,460	4.3	155
Nursery Class	46,710	51,705	46,922	51,705	-2,644	49,062	3.33	4,996	10.7	2,140
Nursery Class	30,174	28,354	29,862	29,862	0	29,862	3.70	-1,819	-6.0	0
Nursery Class	59,894	70,052	61,418	70,052	-5,832	64,220	3.22	10,158	17.0	2,801
Nursery Class	70,014	82,883	69,961	82,883	-9,731	73,152	3.02	12,868	18.4	3,191
Nursery Class	37,495	45,033	45,317	45,317	0	45,317	3.53	7,538	20.1	0
Nursery Class	36,574	41,698	35,851	41,698	-4,211	37,487	3.16	5,124	14.0	1,635
Nursery Class	33,595	36,694	31,760	36,694	-3,485	33,209	3.18	3,099	9.2	1,449
Nursery Class	15,558	13,343	13,941	13,941	0	13,941	3.67	-2,215	-14.2	0
Nursery Class	43,840	45,033	43,956	45,033	0	45,033	3.51	1,193	2.7	1,078
Nursery Class	61,499	71,720	60,912	71,720	-8,029	63,691	3.12	10,221	16.6	2,778
Nursery Class	71,317	84,508	69,986	84,508	-11,330	73,178	2.96	13,191	18.5	3,192
Nursery Class	46,575	50,637	43,856	50,637	-4,781	45,856	3.02	4,062	8.7	2,000
Private Day Nursery	28,007	28,032	28,007	28,032	0	28,032	3.17	25	0.1	25
Independent School	76,793	82,883	76,793	82,883	-2,587	80,296	3.31	6,090	7.9	3,503
Independent School	118,352	127,737	118,352	127,737	-3,987	123,750	3.31	9,385	7.9	5,398
Playgroup	56,616	58,275	56,616	58,275	0	58,275	3.26	1,659	2.9	1,659
Independent School	32,825	35,428	32,825	35,428	-1,106	34,323	3.31	2,603	7.9	1,497
Private Day Nursery	25,598	26,901	25,598	26,901	-136	26,765	3.31	1,303	5.1	1,168
Independent School	3,012	3,165	3,012	3,165	-16	3,149	3.31	153	5.1	137
Independent School	33,127	34,813	33,127	34,813	-176	34,637	3.31	1,686	5.1	1,511
Private Day Nursery	54,508	56,105	54,508	56,105	0	56,105	3.26	1,597	2.9	1,597
Playgroup	53,002	53,051	53,002	53,051	0	53,051	3.17	48	0.1	48
Private Day Nursery	20,177	20,768	20,177	20,768	0	20,768	3.26	591	2.9	591
Playgroup	40,956	40,994	40,956	40,994	0	40,994	3.17	37	0.1	37

Provider Type	Old Formula Funding £	New Formula Funding £	MFG Total £	New Total to Setting £	Floor/Ceiling Adjustment £	New Budget £	Revised Hourly Rate £	New Formula - Old Formula (£) £	New Formula - Old Formula (%) £	New Budget - MFG (£) £
Private Day Nursery	53,906	56,650	53,906	56,650	-286	56,364	3.31	2,744	5.1	2,459
Playgroup	39,150	41,143	39,150	41,143	-207	40,935	3.31	1,993	5.1	1,786
Pre-School	31,922	31,951	31,922	31,951	0	31,951	3.17	29	0.1	29
Private Day Nursery	40,053	41,226	40,053	41,226	0	41,226	3.26	1,173	2.9	1,173
Pre-School	45,474	46,806	45,474	46,806	0	46,806	3.26	1,332	2.9	1,332
Playgroup	75,589	81,583	75,589	81,583	-2,546	79,036	3.31	5,994	7.9	3,448
Pre-School	10,841	11,701	10,841	11,701	-365	11,336	3.31	860	7.9	494
Private Day Nursery	25,297	25,320	25,297	25,320	0	25,320	3.17	23	0.1	23
Private Day Nursery	16,563	17,877	16,563	17,877	-558	17,319	3.31	1,313	7.9	755
Private Day Nursery	14,756	15,189	14,756	15,189	0	15,189	3.26	432	2.9	432
Pre-School	37,343	37,377	37,343	37,377	0	37,377	3.17	34	0.1	34
Playgroup	71,975	74,084	71,975	74,084	0	74,084	3.26	2,109	2.9	2,109
Playgroup	38,547	40,771	38,547	40,771	-466	40,305	3.31	2,224	5.8	1,758
Playgroup	35,536	38,354	35,536	38,354	-1,197	37,156	3.31	2,818	7.9	1,621
Playgroup	22,887	22,908	22,887	22,908	0	22,908	3.17	21	0.1	21
Private Day Nursery	18,671	18,688	18,671	18,688	0	18,688	3.17	17	0.1	17
Private Day Nursery	43,667	44,946	43,667	44,946	0	44,946	3.26	1,279	2.9	1,279
Pre-School	45,474	45,515	45,474	45,515	0	45,515	3.17	41	0.1	41
Playgroup	54,207	57,334	54,207	57,334	-655	56,679	3.31	3,127	5.8	2,472
Private Day Nursery	60,230	65,006	60,230	65,006	-2,029	62,977	3.31	4,776	7.9	2,747
Pre-School	29,513	29,540	29,513	29,540	0	29,540	3.17	27	0.1	27
Playgroup	20,659	20,678	20,659	20,678	0	20,678	3.17	19	0.1	19
Pre-School	50,593	52,075	50,593	52,075	0	52,075	3.26	1,482	2.9	1,482
Private Day Nursery	19,274	19,838	19,274	19,838	0	19,838	3.26	565	2.9	565
Playgroup	73,782	73,849	73,782	73,849	0	73,849	3.17	67	0.1	67
Playgroup	68,662	68,725	68,662	68,725	0	68,725	3.17	62	0.1	62
Private Day Nursery	27,405	28,800	27,405	28,800	-145	28,655	3.31	1,395	5.1	1,250
Playgroup	29,513	29,540	29,513	29,540	0	29,540	3.17	27	0.1	27
Playgroup	59,327	61,065	59,327	61,065	0	61,065	3.26	1,738	2.9	1,738
Private Day Nursery	24,995	26,437	24,995	26,437	-302	26,135	3.31	1,442	5.8	1,140
Playgroup	49,991	52,536	49,991	52,536	-265	52,271	3.31	2,545	5.1	2,280
Playgroup	19,274	19,291	19,274	19,291	0	19,291	3.17	18	0.1	18
Pre-School	20,779	22,427	20,779	22,427	-700	21,727	3.31	1,648	7.9	948
Private Day Nursery	29,212	30,699	29,212	30,699	-155	30,544	3.31	1,487	5.1	1,332
Playgroup	45,474	45,515	45,474	45,515	0	45,515	3.17	41	0.1	41
Playgroup	45,775	45,816	45,775	45,816	0	45,816	3.17	42	0.1	42
Private Day Nursery	18,671	18,688	18,671	18,688	0	18,688	3.17	17	0.1	17
Pre-School	25,598	25,621	25,598	25,621	0	25,621	3.17	23	0.1	23
Private Day Nursery	41,559	44,854	41,559	44,854	-1,400	43,454	3.31	3,296	7.9	1,895
Playgroup	9,938	10,229	9,938	10,229	0	10,229	3.26	291	2.9	291
Playgroup	26,802	28,167	26,802	28,167	-142	28,025	3.31	1,364	5.1	1,222
Independent School	93,357	98,109	93,357	98,109	-495	97,614	3.31	4,753	5.1	4,258
Private Day Nursery	28,609	29,447	28,609	29,447	0	29,447	3.26	838	2.9	838
Private Day Nursery	14,455	14,879	14,455	14,879	0	14,879	3.26	424	2.9	424
Private Day Nursery	31,922	35,360	31,922	35,360	-1,982	33,378	3.31	3,438	10.8	1,456
Private Day Nursery	16,864	17,358	16,864	17,358	0	17,358	3.26	494	2.9	494
Pre-School	35,536	38,354	35,536	38,354	-1,197	37,156	3.31	2,818	7.9	1,621
Playgroup	7,529	7,749	7,529	7,749	0	7,749	3.26	221	2.9	221
Playgroup	29,874	29,901	29,874	29,901	0	29,901	3.17	27	0.1	27
Pre-School	15,058	15,499	15,058	15,499	0	15,499	3.26	441	2.9	441
Private Day Nursery	35,235	38,029	35,235	38,029	-1,187	36,842	3.31	2,794	7.9	1,607
Private Day Nursery	10,841	11,159	10,841	11,159	0	11,159	3.26	318	2.9	318
Private Day Nursery	24,092	24,114	24,092	24,114	0	24,114	3.17	22	0.1	22
Private Day Nursery	19,575	21,127	19,575	21,127	-659	20,468	3.31	1,552	7.9	893
Private Day Nursery	72,276	74,394	72,276	74,394	0	74,394	3.26	2,118	2.9	2,118
Pre-School	38,246	39,367	38,246	39,367	0	39,367	3.26	1,121	2.9	1,121
Playgroup	45,173	45,214	45,173	45,214	0	45,214	3.17	41	0.1	41
Private Day Nursery	33,127	34,097	33,127	34,097	0	34,097	3.26	971	2.9	971
Private Day Nursery	67,458	67,519	67,458	67,519	0	67,519	3.17	61	0.1	61
Private Day Nursery	9,336	9,609	9,336	9,609	0	9,609	3.26	274	2.9	274
Private Day Nursery	22,586	25,019	22,586	25,019	-1,402	23,616	3.31	2,432	10.8	1,030
Private Day Nursery	13,552	15,011	13,552	15,011	-841	14,170	3.31	1,459	10.8	618

Provider Type	Old Formula Funding £	New Formula Funding £	MFG Total £	New Total to Setting £	Floor/Ceiling Adjustment £	New Budget £	Revised Hourly Rate £	New Formula - Old Formula (£) £	New Formula - Old Formula (%) £	New Budget - MFG (£) £
Private Day Nursery	22,285	23,420	22,285	23,420	-118	23,302	3.31	1,135	5.1	1,016
Private Day Nursery	10,540	11,376	10,540	11,376	-355	11,021	3.31	836	7.9	481
Private Day Nursery	1,506	1,668	1,506	1,668	-93	1,574	3.31	162	10.8	69
Private Day Nursery	19,575	21,127	19,575	21,127	-659	20,468	3.31	1,552	7.9	893
Private Day Nursery	18,069	18,989	18,069	18,989	-96	18,893	3.31	920	5.1	824
Private Day Nursery	24,092	26,002	24,092	26,002	-812	25,191	3.31	1,910	7.9	1,099
Pre-School	72,276	74,394	72,276	74,394	0	74,394	3.26	2,118	2.9	2,118
Private Day Nursery	17,166	17,181	17,166	17,181	0	17,181	3.17	16	0.1	16
Private Day Nursery	13,251	14,301	13,251	14,301	-446	13,855	3.31	1,051	7.9	604
Private Day Nursery	27,104	28,483	27,104	28,483	-144	28,340	3.31	1,380	5.1	1,236
Private Day Nursery	18,069	18,598	18,069	18,598	0	18,598	3.26	529	2.9	529
Private Day Nursery	79,504	81,833	79,504	81,833	0	81,833	3.26	2,329	2.9	2,329
Private Day Nursery	34,632	35,647	34,632	35,647	0	35,647	3.26	1,015	2.9	1,015
Private Day Nursery	36,740	36,774	36,740	36,774	0	36,774	3.17	33	0.1	33
Playgroup	34,632	34,664	34,632	34,664	0	34,664	3.17	31	0.1	31
Private Day Nursery	39,451	43,699	39,451	43,699	-2,449	41,250	3.31	4,249	10.8	1,799
Private Day Nursery	28,007	28,032	28,007	28,032	0	28,032	3.17	25	0.1	25
Private Day Nursery	19,274	19,291	19,274	19,291	0	19,291	3.17	18	0.1	18
Private Day Nursery	12,648	13,651	12,648	13,651	-426	13,225	3.31	1,003	7.9	577
Private Day Nursery	23,490	26,019	23,490	26,019	-1,458	24,561	3.31	2,530	10.8	1,071
Playgroup	22,285	23,420	22,285	23,420	-118	23,302	3.31	1,135	5.1	1,016
Private Day Nursery	22,586	23,889	22,586	23,889	-273	23,616	3.31	1,303	5.8	1,030
Private Day Nursery	41,860	43,991	41,860	43,991	-222	43,769	3.31	2,131	5.1	1,909
Private Day Nursery	48,485	52,330	48,485	52,330	-1,633	50,697	3.31	3,845	7.9	2,211
Private Day Nursery	14,756	14,770	14,756	14,770	0	14,770	3.17	13	0.1	13
Pre-School	45,775	48,416	45,775	48,416	-553	47,863	3.31	2,641	5.8	2,088
Playgroup	10,841	11,701	10,841	11,701	-365	11,336	3.31	860	7.9	494
Private Day Nursery	43,968	48,703	43,968	48,703	-2,730	45,973	3.31	4,735	10.8	2,005
Pre-School	86,731	91,735	86,731	91,735	-1,048	90,687	3.31	5,004	5.8	3,956
Private Day Nursery	19,876	21,023	19,876	21,023	-240	20,782	3.31	1,147	5.8	907
Private Day Nursery	13,552	15,011	13,552	15,011	-841	14,170	3.31	1,459	10.8	618
Pre-School	54,809	54,859	54,809	54,859	0	54,859	3.17	50	0.1	50
Private Day Nursery	15,058	15,499	15,058	15,499	0	15,499	3.26	441	2.9	441
Private Day Nursery	9,938	10,511	9,938	10,511	-120	10,391	3.31	573	5.8	453
Independent School	65,048	68,360	65,048	68,360	-345	68,015	3.31	3,312	5.1	2,967
Private Day Nursery	65,350	65,409	65,350	65,409	0	65,409	3.17	59	0.1	59
Playgroup	6,023	6,028	6,023	6,028	0	6,028	3.17	5	0.1	5
Pre-School	12,046	12,659	12,046	12,659	-64	12,595	3.31	613	5.1	549
Pre-School	96,368	99,191	96,368	99,191	0	99,191	3.26	2,823	2.9	2,823
Playgroup	38,246	38,281	38,246	38,281	0	38,281	3.17	35	0.1	35
Private Day Nursery	70,770	74,373	70,770	74,373	-375	73,998	3.31	3,603	5.1	3,228
Private Day Nursery	28,609	28,635	28,609	28,635	0	28,635	3.17	26	0.1	26
Private Day Nursery	15,660	16,119	15,660	16,119	0	16,119	3.26	459	2.9	459
Pre-School	67,939	71,859	67,939	71,859	-821	71,038	3.31	3,920	5.8	3,099
Pre-School	33,428	33,458	33,428	33,458	0	33,458	3.17	30	0.1	30

**Early Years Formula Funding
Proposed consultation questions**

Use of 1 base rate?

Amount and basis of deprivation funding
Should this be new money?

Agree with proposed supplements for:

- quality
- flexibility
- headteacher

How important are these?

Any other proposals? Eg sustainability

Use of a Primary abatement in the formula for Rates

MFG for maintained and PVI providers

Transition proposal for Nursery Schools – floor and ceiling

Pupil count dates

Payment profiles

Comments on review process and impact assessments

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WIRRAL SCHOOLS FORUM – 30th SEPTEMBER 2009

REPORT OF DIRECTOR OF CHILDREN'S SERVICES

DEPRIVATION FUNDING IN SCHOOLS FORMULA

EXECUTIVE SUMMARY

This report begins the previously approved process of reviewing the schools formula funding changes in respect of deprivation, introduced in 2008-09. The report describes how this money is being spent in schools and indicates potential “narrow the gap” output measures.

1.0 Background

1.1 Along with all local authorities Wirral was required to review the way in which the funding formula takes account of varying levels of deprivation across the borough and to consider whether more needed to be done to counter the educational impact of deprivation. Changes were to be implemented from 2008-09.

The findings of the Schools Forum working group resulted in a number of proposals to change the way deprivation is addressed:

- To redistribute funding allocated through floor area into the deprivation element (and also enhance AWPU)
- To continue to use Free School Meals within the deprivation element to allocate half the available funding, but to use the Index of Multiple Deprivation to allocate the remaining half.

A key control factor was to achieve a more accurate reflection through the local formula of the expectations of DCSF deprivation funding.

The changes were agreed and implemented in the 2008-09 and subsequent budget allocations. The operation of the Minimum Funding Guarantee (MFG) has ensured that no school can actually lose money per pupil as a result of this formula change.

Schools benefiting from formula changes (by more than £10,000) were written to at the end of last term. The letter asked how they had spent the additional resources during the year and for their initial views on the effectiveness of the formula changes, in tackling issues arising from deprivation and raising standards. Schools were asked for indications of improved outcomes, for example attainment, attendance and behaviour.

Additional Funding

1.2 The overall increase in funding delivered by the new formula in excess of MFG cost pressures was £3.2m (comparing pupil funding in 2007-08 + 2.1% with 2008-09). This is summarised in the table below.

	2008-09		
	schools	average £	Total £
Primary	67	32,000	2,160,000
Secondary	9	101,000	906,000
Special	8	1,062,500	85,000

As indicated previously 2008-09 was the first year of a 3 year funding cycle. Further increases have been received in 2009-10 and are planned for 2010-11

1.3 School Information

The information from primary schools shows that about 85% of the additional resources have been targeted at staffing. The range of spend is shown below.

- Teachers/teaching assistants to work with smaller groups, booster groups and 1 to 1 tuition to improve English, Maths and Science
- Retaining teachers, particularly in Reading Recovery, to improve attainments in reading and writing
- More Teaching Assistant hours to support KS2 and intervention work
- Provision of educational IT equipment for curriculum development and assessment, eg interactive white boards
- Provide assessment and support for specific children with learning, behaviour, social and emotional needs, such as intervention programs
- Funding school trips for the most deprived children, so all are included
- Provide cover to release Deputy Head for planning and training
- Provide cover to release SENCO teacher full time
- Additional midday assistants to improve lunch time behaviour
- Greater support for special needs children not statemented, such as Orret's Meadow or Gilbrook outreach
- Provide SATS study support groups
- Enrich curriculum to encourage attendance and good behaviour
- Subsidised before and after school care
- Maintain current organisation/teaching structure, avoiding redundancies/deficit budgets
- Pay for increase in METRO school meals costs.

Initial indications from Secondary schools are that funding has contributed to improvements at GCSE, OFSTED and value added measures. The School Improvement Partner (SiP) will undertake further analysis and review later this term. This information will be included in the next report.

1.4 Narrowing the Gap

A number of schools have referred to improved results at KS2 and general improvements in core subjects. This information is currently being checked and should be finalised for the next Schools Forum. Specifically a comparison can be made using Super Output Areas. Schools in the 3% most deprived areas can be compared with the remaining 97%, giving a measure of the attainment gap for both Key Stage 2 and Key Stage 4 (GCSE).

In 2007 and 2008 the gap was as follows:

	Key Stage 2			5+A*-C	5+A*-C inc E+M
	Sc	Eng	Maths		
2007	8.1	17.4	13.0	28.5	29
2008	9.3	14.2	16.4	25.3	30.1

When data has been checked and finalised for 2009 this will indicate if improvements in schools in more deprived areas have increased (between 2008 and 2009) at a faster rate than in other areas, so narrowing the attainment gap.

Data on school attendance will also be available for the next meeting.

Overview and Scrutiny Committee

A panel of members from the Children and Young People Overview and Scrutiny Committee will review deprivation funding in 2009/10. The scope of the review is attached to this report. The specific areas are:

- To determine if the deprivation funding review carried out by Wirral has had an impact on closing the attainment gap
- And to determine if the review has had a negative impact on standards or attainment in any school.

The information contained in this report will help support the review by members.

RECOMMENDATIONS

That

Deprivation funding be the subject of a further report to include the evaluation of attainment and attendance data.

Howard Cooper
Director of Children's Services

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WIRRAL COUNCIL

WIRRAL SCHOOLS FORUM - 30th SEPTEMBER 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

RAISING EXPECTATIONS: ENABLING THE SYSTEM TO DELIVER MACHINERY OF GOVERNMENT CHANGES

EXECUTIVE SUMMARY

This report outlines the current stage in preparing for the transition of commissioning and funding of post-16 provision from the Learning and Skills Council to the Local Authority. Full transfer of commissioning and funding of post-16 funding will take place in 2010.

1. Background

- 1.1 The Machinery of Government changes announced on 28th June 2007 proposed that funding for 16-18 education and training would be delivered through Local Authorities – subject to full consultation and when the necessary legislation has facilitated this. These functions are currently carried out by the Learning and Skills Council. Legislation is currently going through Parliament. If approved, the LSC will be abolished from April 2010 when the commissioning and funding of post-16 provision will transfer to the Local Authority.
- 1.2 The purposes of these changes are to:
 - put commissioning of provision for all 0-19 year olds in the hands of a single body, reflecting the principles of local decision making at the right level and supporting the delivery of the 14-19 entitlement;
 - enable Local Authorities to take a more integrated approach to provision of all Children's Services;
 - create, at a regional level, a good join up with regional economic planning;
 - simultaneously allow government to streamline the post-19 skills system to better support the policies in World-Class Skills, and therefore make faster progress towards our 2020 skills ambitions.
- 1.3 The basic objectives are:
 - to build on the year-on-year improvements that the Learning and Skills Council has helped deliver since its creation in 2001;
 - to drive the ambition to raise the participation age for every young person to pursue a programme that engages them and enables them to progress;
 - to place local leadership firmly with Local Authorities to successfully implement this vision;
 - to drive towards a more dynamic, demand-led approach within the adult education and skills market;
 - to ensure that we intervene less where there is success but take robust action where there is failure and minimise unnecessary costs and bureaucracy to support those delivering to focus on success;

- to ensure that funding follows the learner's choice and comparable funding will be provided for comparable provision within a national funding formula.

2. Main Points of the Machinery of Government Changes

2.1 The participation in education or training will be raised to age 18 by 2015.

2.2 Every young person is entitled to the new 14-19 curriculum which has the following "learning suites":

- strengthened GCSEs and A levels
- new Diplomas
- the guarantee of an Apprenticeship or pre-Apprenticeship place
- Foundation Learning

Central to the changes are also:

- making sure there is good quality Information Advice and Guidance (IAG) to all young people through the transition of Connexions to Local Authorities and the development of Targeted Youth Support;
- making sure that those young people who need it get financial support especially for children with Learning Disabilities and/or Difficulties and through the support of Education Maintenance Allowances;
- support for every young person to make the transition from pre- to post-16 learning successfully by implementing the September Guarantee and extending this to age 17.

2.3 New national organisations have been or will be set up:

- a streamlined Skills Funding Agency, designed to oversee the development of the FE sector and to route public funding effectively to where it is most needed;
- a Young People's Learning Agency, which will have responsibilities for budgetary control;
- a new National Apprenticeship Service (NAS).

2.4 Local authorities individually and through the sub-regional grouping will judge demand for different forms of provision, and the extent to which the available supply meets that demand and makes a full reality of the new entitlements. Local Authorities and the sub-regional grouping will then decide where to commission more provision, where to expand the best provision to fill gaps, and where to remove the least effective provision. In doing so, they will aim to make the new entitlements available in full to all young people at the highest possible standard.

2.5 As part of its Children and Young People's Plan, the Local Authority will be expected to produce a commissioning plan for post-16 learning. It must take particular account of the need to raise participation, raise achievement at levels 2 and 3 by age 19 and reduce the number of young people who are NEET. When it has been agreed, it will then provide the basis for funding allocation.

- 2.6 Knowing what young people want is important to ensure that the correct provision is commissioned. Since September 2007, it has been a requirement that every local area has an online prospectus setting out information about each course available across the area to inform choice. DCSF is strongly encouraging Local Authorities to develop a common online application process alongside the prospectus to manage and track post-16 applications.
- 2.7 Further Education Colleges and training providers may draw students from many Local Authority areas and so Local have come together in sub-regional groupings to commission provision. This will involve sharing their 16-18 commissioning plans, analysing together how learners move across and within their borders and make sure that their collective plans accommodate them; aggregating demands for Apprenticeships in order to commission the National Apprenticeship Service (NAS); and deciding who is responsible for leading the planning, commissioning, procuring and funding for each college and provider.
- 2.8 Some specialist provision will have to be commissioned on a regional basis.
- 2.9 This framework will be supplemented by a national Young People's Learning Agency, which will have reserve powers to step in to secure coherence of plans and budgetary control in the event that agreement cannot be reached. The idea of this agency with some budgetary control is that funding can be plan-led rather than 'lagged' i.e. based on the previous year's student numbers.
- 2.10 Sixth Form Colleges will become a distinct legal category for the first time.
- 2.11 Academies will be expected to collaborate and contribute through the local 14-19 Partnership. Where an Academy is unable to agree with the Local Authority what its provision should be, the Secretary of State has powers to decide.
- 2.12 Local Authorities will be primarily responsible for planning and funding of provision for learners with Learning Difficulties and/or Disabilities (LLDD), who have an entitlement to education or training up to the age of 25 and for the education and training of young people in juvenile custody.
- 2.13 The "home" Local Authority will have the lead responsibility for improving quality and raising standards in relation to School Sixth Forms and Sixth Form Colleges, but the Local Authority will need to work through the DIUS Skills Funding Agency in relation to FE Colleges. School Improvement Partners (SIPs) will continue to hold performance discussions with School Sixth Forms on behalf of LA as part of the 'single conversation'.
- 2.14 The DCSF aims to ensure that the system is supported by excellent data, collected in a low-burden way, shared efficiently and in a timely way with those who need it.

3. Commissioning and Funding

- 3.1 A key driver to some of these changes will be the National Commissioning Framework. The National Commissioning Framework (NCF) will set out the core requirements for planning, commissioning, procuring, funding, and accountability of the education and training of 16 - 19 year olds, young people

up to age 25 where a learning difficulty assessment is in place, and young offenders in youth custody. A draft version of the full NCF will be published for consultation and access by all stakeholders in October 2009. The final version will be published, subject to the passage of the Apprenticeships, Skills, Children and Learning Bill, by the Young People's Learning Agency (YPLA) in April 2010, as statutory guidance.

- 3.2 The publication of the NCF was discussed at a recent meeting of the 14-19 Partnership and there is the intention for that partnership, on which there is representation from schools alongside strategic partners, colleges and work-based training providers, to respond to the consultation.
- 3.3 There is also a Commissioning Workstream that has been set up within the sub-regional group of Greater Merseyside. Wirral LA is the lead Local Authority on this commissioning development work.
- 3.4 We currently have an outline, published in advance of publication of the full draft version, which is intended as a general statement of the key principles and main elements. Those elements, and the underpinning detail, are subject to development and changes. This document is included as an Appendix.

RECOMMENDATION

That the Schools Forum:

1. notes the progress so far with the Machinery of Government changes
2. considers how it wishes to respond to the consultation on the NCF in the context of the response that will be made by the 14-19 Partnership
3. requests a further progress update at the next meeting

National Commissioning Framework 2011/12 Outline and Key Principles

Introduction

Developing the commissioning of learning provision is an essential element in achieving the ambitions set out in the Children's Plan. New arrangements must ensure that young people have the choice and offer of learning they want and need to help them remain engaged in learning up to age 18 and beyond.

The National Commissioning Framework (NCF) will set out the core requirements for planning, commissioning, procuring, funding, and accountability of the education and training of 16 - 19 year olds, young people up to age 25 where a learning difficulty assessment is in place, and young offenders in youth custody. A draft version of the full NCF will be published for consultation and access by all stakeholders in October 2009. The final version will be published, subject to the passage of the Apprenticeships, Skills, Children and Learning Bill, by the Young People's Learning Agency (YPLA) in April 2010, as statutory guidance.

This outline, published in advance of publication of the full draft version, is intended as a general statement of the key principles and main elements. Those elements, and the underpinning detail, are **subject to development and changes**. We are working with representatives from across the sector to review and develop the full NCF.

The arrangements described in the NCF for planning, commissioning, procuring, funding and accountability will relate to the academic year 2011/12, meaning that the processes will be operational from the latter part of 2010.

This outline sets out:

1. A summary of the new **16 - 19 system**, including key **policy** and the **roles and responsibilities** of the major participating organisations.
2. The **objectives** for and **expectations** of the NCF.
3. The key **principles** for the operation of the NCF.
4. An outline of the **key stages in the core commissioning and funding system**.
5. How provision will be contracted, paid and accounted for.

1. Summary of the New System

Introduction

From April 2010, responsibility for securing enough suitable education and training provision for all young people, including those aged 16 - 19, and young people up to age 25 where a learning difficulty assessment is in place, as well as young offenders in youth custody will pass from the Learning and Skills Council (LSC) to local authorities. In addition, the Young People's Learning Agency (YPLA) will be established as a Non-Departmental Public Body (NDPB) to support local authorities in discharging their planning and commissioning functions as well as to ensure funding and budgetary control within the system.

Context for the changes

The transfer of responsibility for 16 - 19 provision to local authorities is an essential element of the Government's long term strategy to make the UK the best place in the world for children and young people to grow up. It will put in place the infrastructure to enable every young person to access the most individually appropriate, engaging and high quality provision, and will give local authorities the tools they need to deliver the best outcomes for

young people. This will:

- Place all 0 - 19 commissioning under the leadership of local authorities enabling local decision-making.
- More fully integrate the commissioning of services and provision for young people, putting in place learning routes and integrated services to facilitate access to the 14 - 19 entitlement and support learners.
- Make delivering services and provision for the most vulnerable young people an absolute priority and at the heart of the commissioning process.
- Deliver full participation for all young people who are 17 by 2013 and who are 18 by 2015, with appropriate attention to travel to learn patterns and flexibility in learning provision for those in employment or volunteering full time.
- Provide greater focus on the role of local authorities and Children's Trusts as champions of improved opportunities for young people resident in their area.
- Provide improved access to learning opportunities through implementing the Common Application Process.

Further information on the shape of the young people's learning network is illustrated in Figure 1.

The role of local authorities

Local authorities are at the heart of the new network. They are best placed to secure services as they are close to the community, have experience of strategic local leadership and are democratically accountable to local people. They will also need to collaborate in groupings at sub-regional and regional level, to ensure that strategic planning and effective commissioning decision making across local areas is aligned and comprehensive.

Local authorities' role as Strategic Planners will include:

- Planning to meet local resident learning needs.
- Planning to meet collective learning needs reflecting travel to learn patterns (this includes acting as advocates for young people who travel across boundaries to learn in order to drive up quality, retention and achievement).
- Planning to take account of multi-stakeholder requirements – parents and carers, employer, communities and partner agencies.
- Convening and supporting collaborative working through the Local Area Agreements, Children's Trusts and 14 - 19 Partnerships.

Their role as Lead Commissioners within sub-regional groupings and/or Regional Planning Groups (SRGs and/or RPGs) will include:

- Meeting the needs of all who learn in local authority areas (this includes learners with specific needs – e.g. Learners with Learning Difficulties and/or Disabilities (LLDD), young offenders and other vulnerable young people).
- Working sub-regionally and regionally to agree the mix and balance of learning to reflect travel to learn patterns.
- For those in jobs without training, ensuring that the needs of both employers and the young people in employment are met.
- Working with schools, academies, colleges, independent and third sector providers as strategic planning partners in order to agree high quality provision.

Local authorities will work collaboratively at regional level through Regional Planning Groups (RPGs) with key partners to address the regional strategic education and skills needs.

In addition to the above, local authorities will have a crucial role in raising aspirations through:

- Delivering on the commitment to raise the participation age, improving attainment targets for Level 2 and 3, and reducing the Not in Education, Employment or Training (NEET) cohort.
- Effectively delivering Every Child Matters outcomes for all young people by joining up services and integrating their strategic commissioning role within Children's Trusts.
- Supporting transition throughout a learner's journey, including the availability of flexible provision with dates and times of attendance tailored to learner needs and circumstances.
- Managing the market and ensuring provider quality is maintained and raised for 16 - 19 learning provision.

Local authorities will, with some exceptions, also be responsible for contracting with providers, and for assuring the payments that they make. Exceptions include Apprenticeships, any direct YPLA contracting, and any instances where local authorities agree to contract at the level of SRGs or RPGs.

The transfer to local authorities of responsibility for commissioning learning provision for 16 - 19 year olds, those up to 25 for those with a learning disability assessment and young offenders adds to their existing children's services commissioning role. Via Children's Trusts, local authorities plan and commission all services for young people, including childcare, health, schools, Connexions, social care, youth support, youth offending and support for young people aged up 19 with a special educational needs statement.

To enable local authorities to take on their new duties for 16 - 19 learning, the intention is to transfer staff from the LSC with the appropriate expertise, knowledge and skills to deliver the new commissioning requirements. This transfer will take place formally in April 2010, with the staff affected working in shadow mode with local authorities from October 2009. We will also ensure that local authorities are supported through the developing role of the YPLA.

The role of the YPLA

The YPLA will principally be a supporting and enabling body, designed to assist local authorities in fulfilling their new duties, individually and through SRGs and RPGs. In particular, the YPLA staff based in each region will provide planning and commissioning support, standardised data sets and information, analysis and specialist expertise on funding and on provision to support vulnerable learners (LLDD, Young Offenders, and others at risk of exclusion from learning). The YPLA will be established with a Board, which will be representative of the sectors it serves.

The YPLA's responsibilities in respect of 16 - 19 provision will be to:

- Ensure budgetary control of and financial accountability for the £7 billion being transferred to local authorities in order to enable them to carry out their new functions.
- Provide a national commissioning framework to help local authorities to commission provision.
- Promote consistency, simplicity, and transparency in planning by providing a national

statement of priorities as well as developing and operating the national funding system.

- Ensure systems are flexible enough to meet differing learner and employer needs.
- Provide strategic analysis services to support the planning and commissioning process.
- Provide data on participation, attainment and economic development in local, sub-regional and regional levels.
- Work with the RPGs, Regional Development Agencies (RDAs) and other regional partners, to provide information on future skills needs both for young people and for adults, as well as any other economic and labour market intelligence.
- Advise and support the work of the RPG.
- Work with local authorities to support and facilitate the production of commissioning plans at local, sub-regional and regional levels, ensuring their coherence and fit within the national budget.
- Manage the programme of capital investment in 16 - 19 learning.

The YPLA will also fund, challenge and support open Academies on behalf of the Secretary of State.

The role of Government Offices (GOs)

The GOs already have a key role carrying out 14 - 19 progress checks and supporting and challenging local authority performance. This role will become even more important in ensuring that the new delivery arrangements achieve the range of improved outcomes envisaged for young people. Additional 16 - 19 posts in GOs will provide the necessary 16 -19 policy and performance expertise to ensure that the best interests of young learners are central to the new arrangements and that these arrangements support local authorities in the delivery of the entitlement, the raising of the participation age and achievement of PSA and LAA targets.

Regional Planning Groups

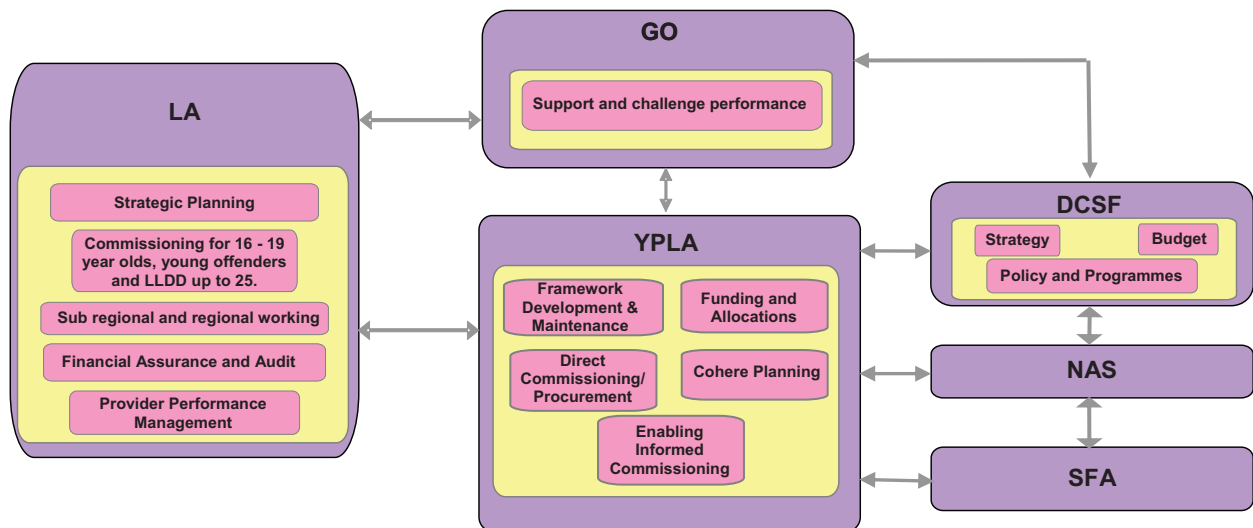
Regional Planning Groups (RPGs) will play a crucial role in bringing together partners in order to address the regional strategic learning and skills agenda. RPGs will review 16 - 19 commissioning plans to ensure that they are coherent, reflect and contribute to regional priorities, can be funded within the indicative regional budget, and will support participation for all young people and the delivery of entitlements.

14 – 19 Partnerships

14–19 partnerships under the strategic leadership of local authorities will continue to play a central role in developing and delivering local 14–19 plans.

Figure 1, The Young People’s Learning Network

The diagram below describes the core elements of the young people’s learning network that will continue to drive improvements in participation and attainment.



The new system involves delivery partners working in the following ways:

- Local authorities, working within strategic partnerships, including 14 - 19 partnerships, anticipate, shape and plan young people's learning, focusing in particular on those young people not currently participating in learning.
- YPLA, working with sector partners, sets out the national priorities (including the budget) and overarching frameworks that are equitable, fair and transparent to all in the system and support local authorities to deliver
- YPLA and local authorities (as a part of SRGs and RPGs) ensure that the aggregate of commissioning decisions fit within local, regional and national budgets.
- RPGs set out regional priorities and any regional commissioning requirements.
- Local authorities and providers ensure the mix of provision delivers the entitlement, regional skills needs, and ensure all young people are supported to attend high quality, relevant provision.

The system will ensure that:

- The informed needs of young people and employers drive commissioning decisions.
- A high quality provider base is developed and maintained.
- Local authorities and providers are funded in a timely fashion and with resources to deliver the agreed identified demand.

2. NCF Description and Objectives

The NCF describes the overall process for planning, commissioning and funding 16 - 19 education and training. It also provides guidance in relation to young people up to age 25 where a learning difficulty assessment is in place and young offenders aged 10 - 18 in youth custody.

It describes the roles and responsibilities of statutory bodies and other stakeholders.

The NCF will be issued (subject to the passage of legislation) by YPLA as statutory guidance (with non-statutory elements), and will incorporate:

- Mandatory elements, such as deadline dates for submission of data and for agreeing allocations.
- Guidance on how the process can best be managed.
- Background information and advice, and links to further details.

The main objectives for the commissioning process are to:

- Determine the education and training needs of all young people in each area.
- Ensure that provision is made available to enable all young people to progress in learning, including delivery of the learner entitlements.
- Ensure that the quality of provision at least meets minimum standards (e.g. of accreditation), and continues to improve.
- Ensure that provision is commissioned within the framework of the national funding system.
- Ensure that provision is affordable within national and regional budgets.
- Enable the respective parties to the commissioning process to deliver their responsibilities for handling and accounting for the revenue and capital funds invested in young people's learning.

3. Key Principles

The development and operation of the NCF will be guided by a set of key principles.

- The system will operate in the interests of the learner, addressing learner choice and diversity, and will ensure access to learner entitlements and curriculum pathways for all young people.
- The system will take into account the needs of employers and employability.
- Funding will follow the learner, and will be based upon the national funding formula and applied at the level of the provider.
- The system set out in the NCF is designed to produce consistency in key features such as the timing of allocations, outcomes (including the offer to learners), data submissions and flows, and the funding formula / rates.
- The NCF will provide and encourage flexibility for local authorities and other partners in the process, including how learner and economic needs are defined and what provision is commissioned.
- Decisions on provision must be based upon analysis of future needs, and the requirements of the reformed curriculum, ensuring that there is sufficient and appropriate provision for all young people.
- The system must be transparent and fair.*
- Commissioning should be impartial and provider neutral, securing high quality provision from the most appropriate quality assured providers.
- The system must deliver value for money. Accountability will be secured with minimum bureaucracy.

* Concepts such as value for money, fairness, transparency, etc., will be underpinned where required by firm criteria.

It is acknowledged that the impact of curriculum reform and new cohorts of learners may lead to different patterns of need, and, as a result, different patterns of provision.

4. Summary Description of the Main Elements of the Process

Set out below are the main elements of the core commissioning and funding systems. The intention is to provide stability through the early phases of the major changes as we work towards more transformational change by 2013, in order to establish the conditions necessary for the raising of the participation age.

The development phase for the NCF will also produce guidance on managing processes, so that there are clear definitions of the steps, the decision points, roles and responsibilities, funding flows, and the supporting data and information systems.

NB: All dates in the following section are indicative, and subject to change.

Establishing Planning and Commissioning Priorities

National planning and commissioning priorities will be determined annually by Ministers and will be communicated via the DSCF and YPLA Statement of Priorities and the national YPLA Commissioning Statement. It is expected that PSA targets and trajectories, for example the 'narrowing the gap' indicator, will be defined for local authority areas.

Regional Planning Groups (RPGs) will set out regional priorities to support local planning.

Locally, and across travel to learn areas, 14 - 19 partnerships, led by local authorities, will determine their priorities based upon national policy and targets and regional priorities, and taking into account analysis of local economic and learner needs. Children and Young People's Plans (CYPPs) will need to reference the local 14 - 19 strategic assessment for the area, and commissioning will take account of the priorities and needs analyses set out in the CYPP.

Planning Provision

Priorities will be set out in initial local Commissioning Statements and shared within Sub Regional Groups (SRGs)[†]. SRGs will aggregate demand for places and ensure alignment and coherence of initial plans and their fit with learner entitlements across the sub region. Local authorities identified as lead commissioners will ensure providers are involved in the commissioning process and understand how and on what basis commissioning decisions are being made.

Data from Options planning and from the Apprenticeships vacancy matching service will inform the dialogue on Apprenticeships commissioning between local authorities and the National Apprenticeship Service (NAS).

The impact of any major planned capital developments will be taken into account.

Commissioning and Funding Allocations Process

(The dates for the various stages of the process remain to be confirmed).

The key stages in the process are as follows:

[†] In some parts of the country the RPG may play the role of the SRG.

- The overall national levels of funding for 16 - 19 provision (including rates, volumes and overall budgets) will be confirmed in the DCSF Grant Letter to YPLA, and the annual Statement of Priorities..
- The system will continue to use the national funding formula approach used by the LSC, although the rates and other variables within the formula will be subject to review.
- In October, YPLA will provide an initial funding position, based upon historical allocation data, for each local authority and in summary for SRGs and RPGs. This will aggregate the funds, learner numbers, and Standard Learner Numbers (SLNs) allocated to institutions to establish the overall funding position for each local authority.
- There may, depending upon budget availability and circumstances, be an indicative distribution of additional funds and SLNs to local authorities and RPGs, taking account of factors such as changes in the cohort size and plans for the overall mix and balance of provision.
- YPLA will publicise the national base rate funding and creates updated funding positions for each institution and authority.
- Through November and December, lead commissioners will establish their commissioning intentions, involving providers, and taking into account a range of issues, including: the overall budget; baseline positions and the consolidation of sustainable in-year growth; learner and employer needs; provider plans and aspirations; any statements of national, regional and local priorities; rates of progress towards meeting the learner entitlement and reducing non participation in learning; and progress in meeting quality improvement targets.
- RPGs, SRGs and lead commissioners will assess the extent to which proposed activity is likely to meet targets, and will work with 14 - 19 partnerships and providers to develop commissioning plans.
- SRGs and then RPGs will moderate local commissioning plans in February and March, prior to the presentation of commissioning plans to the YPLA. By the end of March, following review of the overall plans by the YPLA, allocations to providers will be confirmed. Should a policy of in-year reconciliation of payments based upon performance be adopted in future, then budgets may be adjusted in-year.

Elements of this new process will tested and trialled during the shadow year 2009/10.

Commissioning for 16 - 19 provision in existing Academies will take place as for other providers, and they will be key partners in local 14 - 19 partnerships. As with other providers, commissioning will take place in the context of local and regional priorities and plans, and the Secretary of State's guidance. When agreed, Academy places will feature in the local authority commissioning plan.[‡]

Most providers (schools, Academies, F.E. Colleges, private and third sector bodies) will already be part of the system. New providers may be added through, e.g. open and competitive tendering for new Apprenticeships or Entry 2 Employment (E2E)/Foundation Learning Tier (FLT) provision.

[‡] There is a presumption that new Academies will be established with sixth forms. However, local authorities, SRGs, RPGs and the YPLA will be consulted before the Department makes a decision, and the process will take account of the range and quality of existing provision.

Funding Arrangements and Flow

Local authorities will, for the most part, commission and procure provision via negotiation. Under this process, we would expect local authorities to confirm SLNs to providers in March, and then, through April to July, funding agreements will be put in place.

Any provision to be procured by open and competitive tender would be identified by October of the year prior to the start of delivery in August, with decisions on providers to be contracted with being made by May.

In exceptional circumstances, the YPLA and RPGs may also commission provision direct from providers via both negotiation and open competitive tendering (OCT) on behalf of local authorities. The YPLA will fund LLDD independent specialist providers for a transitional period. Funding for Academy places will flow direct to the Academy from the YPLA.

Payments for all provision will start in August, the payment instrument (e.g. contract, grant, or grant in aid) being dependent upon the nature of the provider and the legal status of the body issuing the instrument.

A range of statutory and regulatory instruments will apply to providers. The YPLA will act as unique regulator of designated sixth form colleges on behalf of the Charities Commission and the Secretary of State.

Payments Process and Reconciliation

YPLA and local authorities will use three basic payment and reconciliation processes depending upon the type of provision and the circumstances of the provider:

- 1) Payments based on estimated need across the year (profile).
- 2) A mix of payments on profile and in arrears based on actual performance.
- 3) Payment in arrears on data or invoice.

DCSF and YPLA will consider, alongside local authorities and providers, how in-year reconciliation of payments based upon performance could operate in the context of national commissioning and funding arrangements for 2010/11 and beyond.

Financial Assurance and Control

Financial assurance arrangements will be established with the following objectives:

- Put in place the minimum burden commensurate with good stewardship.
- All publicly funded learning outcomes have been validly delivered and are eligible to be funded (assurance obtained from funding audit).
- For grant-in-aid and grant funded provision, providers have spent earned public funds with regularity and propriety (assurance obtained from regularity audit).
- Providers maintain satisfactory internal control over the public funds they receive (assurance obtained from internal audit).
- Providers maintain satisfactory financial health to be able to deliver publicly funded learning provision (financial assessment).

Local authorities, YPLA and the Skills Funding Agency will establish a financial regulatory and audit framework that will minimise the burden on providers whilst providing full assurance on the use of public funds. The framework will make the maximum use of existing assurance, exchange of the results of assurance and one funding audit of each provider covering the needs of all stakeholders.

Role of the Lead Commissioner

Local authorities will be responsible for commissioning 16 - 19 provision from School Sixth Forms, Academies, Sixth Form Colleges, General FE Colleges and independent and third sector providers. LAs working in their SRG will need to determine who is to be the lead commissioner for each of the providers in the SRG area, which will normally be the local authority in which the provider is located (the Host LA).

The lead commissioner will be responsible for ensuring that the needs of feeder authorities, including those across the travel to learn area, are understood and reflected in the Statement of 16 - 19 Commissioning Priorities, and for working with providers on negotiated and competitive commissioning.

YPLA Direct Commissioning

Local authorities are the strategic commissioners of provision for young people. However, YPLA has power, under the ASCL Bill, to commission education and training in a small number of exceptional cases, including:

- From the small number of national providers for whom it may be appropriate to commission at national rather than local level, including, for example and where appropriate, National Skills Academies and independent specialist providers for LLDD.
- Where sub-regional groups of local authorities are not yet ready to take on this role.
- Where a local authority is failing or is likely to fail to fulfil its duties to secure sufficient education and training for 16 - 19 year olds, young people up to age 25 where a learning difficulty assessment is in place, and young offenders in youth custody (in sections 15ZA and 18A Education Act 1996).

Commissioning 16 – 19 Apprenticeships

Local authorities, via their Sub Regional Groups, or Regional Planning Groups where the RPG plays this role, will work closely with the National Apprenticeships Service (NAS) to identify the level of demand from learners and employers and the requirements of national target trajectories, ensuring that suitable Apprenticeship opportunities exist within each area.

Local authorities will work with their 14 - 19 partnerships to review current performance and activity and to identify where changes may need to be made to the mix and type of provision available within the area. NAS will identify expected regional and area target trajectories, demand from employers and learners, and the overall budget within which operations must be managed. Local Authorities, through RPGs, and NAS will agree the overall Apprenticeships provision likely to be required to meet the needs of young people locally.

Plans will be agreed between NAS, YPLA and local authorities to meet the demand for Apprenticeship places; this will include an indication of the broad mix and balance of sectors and levels likely to be required, which NAS will use to inform the procurement process with providers.

Data

The commissioning processes for 16 - 19 provision will be supported by relevant and timely data. The YPLA will have a dedicated Integrated Analytical Service based in each region which will provide consistent and required data for local authorities, SRGs and RPGs to support the planning, commissioning and performance management process. The data collected will be based upon the Individual Learner Record and Schools' Census which will enable local authorities, Government Offices and the YPLA to analyse activity across

programmes, between providers and by both curriculum and geographical areas.

Schools, colleges and other providers will be required to submit data within agreed time frames to meet the requirements of the commissioning cycle. The arrangements and systems for data collections will be managed by the FE Data Services and the Schools Data Services.

There is no intention to change the core sources of data in the immediate future, but changes will be made to the timings of returns to prevent delays in the commissioning cycle.

National systems for controlling and managing planning, allocations and budgets will be put in place.

Complaints and Issues Resolution / YPLA Powers and Intervention Policy

Systems will be put in place to address complaints.

The YPLA will hold reserve powers to provide for the event that a local authority is not able to carry out its commissioning function and ensure that young people and providers are not disadvantaged because of this.

Performance Management

There is a clear framework for performance management, focussed upon assessing provider performance and supporting improvements in standards.

Individual providers are responsible for their own performance and quality, but will be held accountable for delivery of commissioned provision. All post-16 providers will be assessed annually against a clear set of national measures. Performance assessments will not focus solely on achievements, but will seek to provide a more rounded picture of a provider's performance, taking account of all important factors which may influence learner outcomes.

Commissioning decisions will start from a position of transparent, up-to-date, information. Until the Framework for Excellence (FfE) becomes fully established for use across all post-16 providers, we will expect local authorities to draw upon a range of available performance evidence, including available FfE datasets, the post-16 Achievement and Attainment Tables and inspection reports.

The harmonisation of success rates for use in schools will take time to develop and the likelihood is that these will not be available until 2012. In the interim, we will expect local authority commissioning decisions to be based on available comparable evidence. For example, considering achievement or pass rates where they are comparing colleges with schools, or alternative success rates where they are comparing colleges with another.

YPLA will provide data on performance to the local authority, GO, SRG and RPG at identified times in the year in order to support the commissioning process. Local authorities will be responsible for using this data to commission high quality provision and to work with providers to ensure that the provision they secure is appropriate and meets quality standards.

Local authorities will use available performance evidence to analyse and evaluate where there are areas of weakness and of particular strength. They will then approach commissioning decisions with a clear focus not only on filling gaps and responding to growth or shifting demand, but also on tackling and eliminating poor provision.

Interventions relating to each provider's performance will be overseen by a single sponsoring agency:

- Schools will be the responsibility of the host local authority.
- Sixth form colleges will be the responsibility of the host local authority.
- Academies will be the responsibility of YPLA, acting on behalf of the Secretary of State.
- General FE colleges will be the responsibility of the Skills Funding Agency.
- Apprenticeships provision will be the responsibility of National Apprenticeships Service.

Learners with Learning Difficulties or Disabilities (LLDD)

The commissioning of provision for young people aged 16 - 19 and young people up to age 25 subject to a learning difficulty assessment may in some areas require a more detailed consideration – relating to the interaction of the assessment, commissioning, funding allocation and procurement processes – than is possible within an outline document. However the essential stages of the commissioning process will be as follows:

- Local authorities plan for LLDD/SEN provision through strategic analysis in liaison with YPLA and 14 - 19 planning routes referred to elsewhere.
- YPLA provides an indicative budget to RPGs for provision for learners subject to learning difficulty assessments.
- Local authorities draw up proposals on placement decisions for resident learners.
- These proposals are aggregated and considered for the extent to which learner entitlement could be met, the extent to which a local authority's duty could be met and is affordable. There is aggregation at sub regional and regional level to ensure coherence and affordability of proposals, identifying suitable provision within the sub region, regional or national level where this doesn't exist at local level, supported by YPLA specialist advice and moderation to achieve best value. The RPG will endorse proposals.
- YPLA considers coherence of local and sub regional planning to be assured of entitlement delivery, and considers affordability nationally to achieved best value.
- When plans are agreed, local authorities identified as lead commissioners will procure provision as appropriate from school sixth forms, from sixth form colleges, from FE colleges and other providers. YPLA will procure provision where it is agreed that this is best done at a national level, e.g. from Independent Specialist Providers (ISPs).
- Payments are made by local authorities and YPLA to providers under the appropriate funding instrument.

Young offenders in youth custody

Responsibility for securing education and training in public sector Young Offender Institutions (YOIs) will pass from the LSC to the YPLA in April 2010, and this responsibility is due to pass to local authorities from September 2010.

It is planned that local authorities will also take responsibility for securing education and training in private YOIs, Secure Training Centres and Secure Children's Homes. Implementation timescales will vary dependent on the nature and content of current contractual arrangements. Once this occurs, it will mean that local authorities will be

responsible for planning and commissioning learning provision to meet the needs of all young people aged 10 - 17 (and some young people aged 18 who are near the end of their sentence) in youth custody.

Local authorities with youth custody establishments in their area will lead on planning and commissioning youth custody provision through strategic analysis, in liaison with YPLA and wider 14 - 19 planning routes, in relation to the number of places in juvenile custody in their area, the general needs and age ranges of young people detained and in the context of the wider regime and facilities in the custodial establishments...

In support the YPLA will:

- provide guidance for the core requirements for education and training in youth custody;
- ensure coherence of plans for learning for young people in youth custody across the country;
- provide a dedicated budget for learning provision for young offenders in youth custody, allocated using a funding formula and the number of places for young offenders in youth custody in the local authority area.

Further Information

Further information on the National Commissioning Framework can be obtained from: Roger Langdon in the Department for Children, Schools and Families – email: roger.langdon@dcsf.gsi.gov.uk

The new 16 - 19 collaborative commissioning cycle

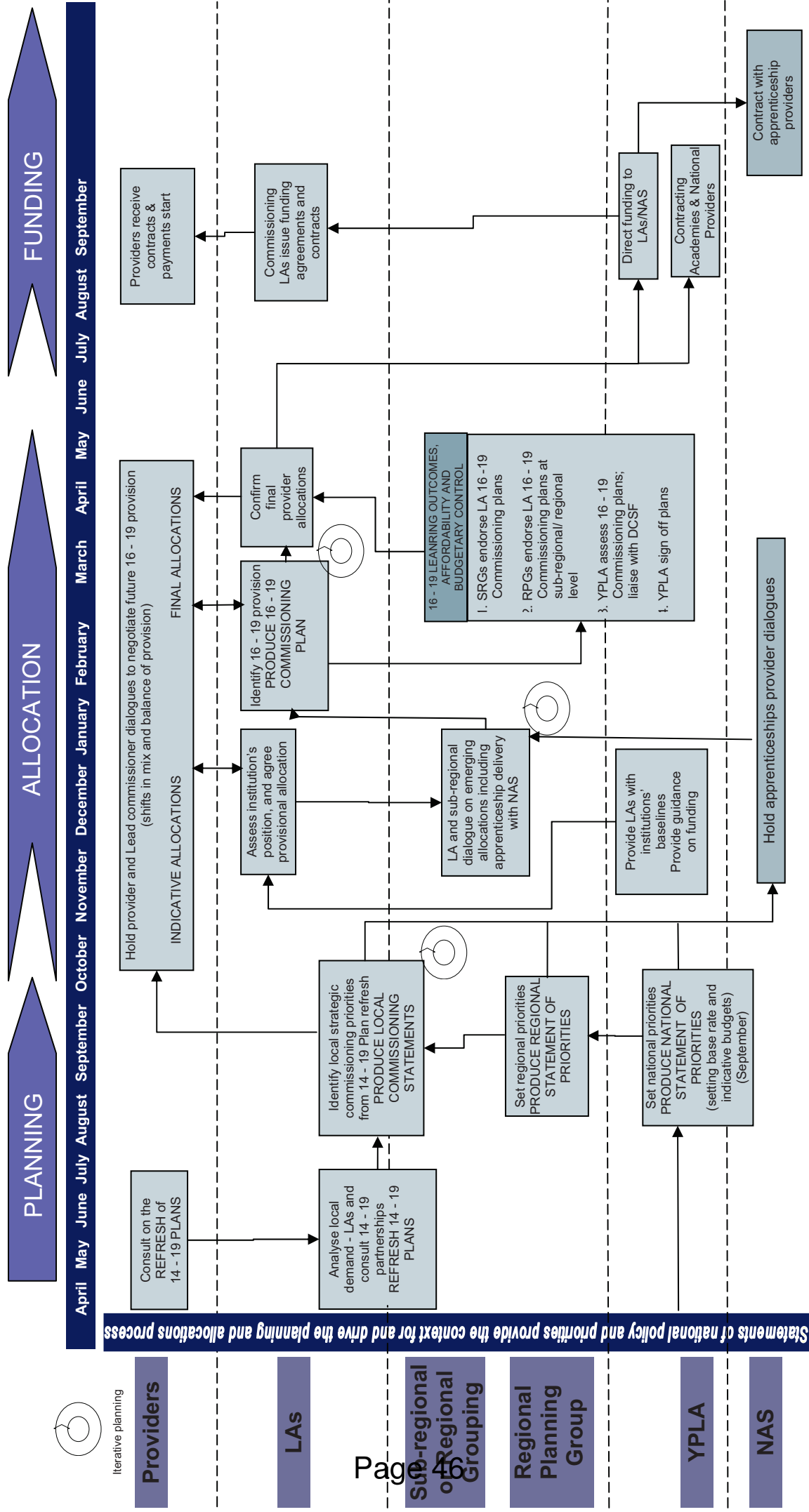


Figure 2: Commissioning Process

Explanatory Notes to the School Finance (England) (Amendment) Regulations 2010

Summary

1. The Schools Finance (England) (Amendment) Regulations 2010 will make changes to the rules that local authorities must work to when funding maintained schools. These regulations amend the School Finance (England) Regulations 2008 which relate to the financial years 2008-09, 2009-10 and 2010-11. The proposed amending regulations principally cover the requirement for all local authorities to implement from 1 April 2010 a single funding formula; to fund, using the same principles, all providers of the free entitlement to nursery education for three and four year olds.
2. Additionally, apart from the changes associated with the EYSFF changes are also proposed to:
 - Require local authorities to publish schemes of financial management on a public website showing the date of revision and coming into force;
 - And consider a recent matter brought to our attention by a local authority that the regulations require local authorities, where pupils are attending two schools to undertake diplomas, to fund both schools as if the pupil attends each full time. The regulations are amended to allow LAs to discount the secondary registration of pupils in Key Stage 4 where they are undertaking diplomas if that is the only reason they attend the second school.

Background

3. The School Finance (England) Regulations 2008 relate to the financial years 2008-9, 2009-10 and 2010-11. In principle these regulations should not change during the three year funding period, but these amending regulations are required to allow implementation of The Early Years Single Funding Formula (EYSFF) from 2010. We are also taking the opportunity to make a couple of other small changes, but not the opportunity for wider change. New regulations will be required from April 2011 to take into account the next funding periods and changes arising from the review of the Dedicated Schools Grant.
4. This amendment brings together the funding mechanisms for maintained providers with the funding mechanisms for private voluntary and independent providers (PVI) into the Individual Schools Budget. It is dependent upon clause 195 of the Apprenticeships, Skills, Children and Learners Bill currently before Parliament, which we hope will receive Royal Assent in November.
5. The changes proposed to the regulations are those required to enable local authorities to implement the EYSFF in 2010, based upon the participation of children rather than the number of places in a setting

6. A list of the specific changes to the regulations that are proposed for the EYSFF is provided at the end of this note.
7. The additional changes not related to the EYSFF are to regulation 28 in Part 4 (Schemes), so that LAs will be required to publish their scheme of financial management on a public website along with a coming into force date. Schemes define the financial working relationship between schools and their local authority. This change has arisen as a result of instances of schools not knowing which scheme was the latest published scheme to which they should be working, and this causing dispute and difficulties. Schemes should be on a public site to ensure that Governors in particular have access to the local scheme easily and without having to work via their school intranet site. Additionally there are occasions when it would be helpful for department officials to be aware of the latest scheme when answering correspondence so that a specific answer may be given instead of a vague answer referring correspondents to their local scheme.
8. Finally, the Department has been approached by local authorities pointing out that when pupils are registered at two schools for the purposes of undertaking a diploma, according to the current regulations both schools have to be funded in full for the pupil. These regulations include a way of dealing with this.

Margaret Judd
School Funding Policy Unit
August 2009

- **Definitions:** revised definitions of early years provision, prescribed early years provision, and relevant early years provider to bring them in line with the Childcare Act 2006.
- Some consideration was given to the definition of **practical and applied learning**. This remains as it was in the 2008 regulations, because although not explicitly mentioning diplomas, this definition when written was intended to include diplomas as well as other practical and applied learning courses. On review we still believe this definition does include diplomas.
- **Part 2, reg 5(1);** addition of sub paragraph (d) to allow the Schools Budget to cover all expenditure on early years provision not in maintained schools or other specified providers (eg non maintained special schools, PRUs).
- **Part 2, reg 7 (3);** amending the wording of the calculation of the Central Expenditure Limit given that the funding for early years will now all be part of the ISB. The change does not affect the calculation of the CEL because the current regulations add the centrally retained PVI funding to the ISB as part of the calculation, but the revision to where the funding is placed (in the ISB) means this adjustment will no longer be needed.
- **Part 2, reg 9, (3) and (6)** (both of which add subject to paragraph 7) **and (7):** which requires a local authority to consult their schools forum about and decide upon an EYSFF which they must use in 2010-2011.
- **Part 2, reg 13;** local authorities must redetermine school budget shares that they have already made for 2010-2011 (funding period 3) in accordance with part 3 of the regulations and notify schools of the changes. Nursery schools and nursery classes are now dealt with separately under the EYSFF. If this is lower than already notified to nursery schools or nursery classes this is permissible. As with sixth forms, authorities are allowed to reduce funding to affected schools from their main formula to avoid any overlap with the new EYSFF.
- **Part 3, reg 15 (4) (g) or 15 (2) (d):** local authorities may choose not to fund pupils who have a secondary registration at a school solely because they undertake a practical and applied learning course (which includes diplomas) at the school. This is to avoid a need to double fund the pupil because they are dually registered. This only applies in this specific instance and other dually registered pupils will need to be funded at both schools.
- **Part 3, reg 16 (1):** funding for early years SEN places in 2010-11 is now covered separately by reg 17A (5)..
- **Part 3, reg 17;** limits all this regulation to apply only to 2008-09 and 2009-10.
- **Part 3, reg 17A;** provides a replacement regulation for regulation 17 for 2010-2011. This says that LAs:
 - must provide indicative budgets for early years provision using the most recently available data;
 - must review the data during or after the year using either attendance data collected during three sample weeks (census week for example) or total actual hours of attendance;

- must recalculate the provider’s budget as appropriate;
 - and must implement the redetermination when they consider it appropriate – which may be different for different providers;
 - They must notify providers within 28 days of recalculating the budget;
 - This regulation also removes the option for local authorities to provide funding based upon places, except where there are places specifically reserved for pupils with SEN in any setting, (although there is a later option to provide an additional formula factor in support of maintaining sufficient places for children in an area in Part 2 of Schedule 3);
 - It does allow the LA to weight the hours depending upon whether pupils have been admitted in excess of the admission number, or for SEN. The option of weighting based upon age at admittance has been removed because it was felt that the EYSFF provided the funding for pupils accessing the free provision and this should take precedence.
- **Part 3, reg 18 (4)**; allows differential funding to types of providers to reflect unavoidable costs.
 - **Part 3, reg 19 reg (1A) and (1B) and (2A)**; Specify which parts of schedule 3 may be used for the various funding periods for respectively the school funding formula and the EYSFF. It also requires that the EYSFF must (as is currently the case for the schools funding formula) have a factor that takes the incidence of deprivation into account.
 - **Part 3, reg 28**; has been rewritten to require LAs to publish their scheme of financial management on a public website by the date on which it comes into force along with a statement describing the date by which it comes into force. Given that changes to schemes are now agreed (after consultation with the Head and Governors of all schools) by the Schools Forum, it would be hoped that publication of the scheme would be linked to the minutes of the Forum’s agreement or a statement was provided by the Chair of the Forum showing that the scheme had been ratified and its coming into force date. This is to avoid confusion and leave schools in no doubt as to which scheme they are working to.
 - **Schedule 2**; the schedule that specifies what may be centrally retained from the schools budget does not allow the retention of funding for the provision of early years funding for provision of the free entitlement, but does allow a contingency budget for that provision (to enable adjustments to funding to be made in year)
 - **Schedule 3**; the schedule that provides the heading under which formula factors may be provided is split into 2 parts, part 1 applicable to all maintained schools and PVI providers and part 2 applicable to the EYSFF only. Part 2 allows factors for
 - the improvement of quality,
 - to take account of flexibility in hours of attendance the provider makes available and
 - to allow LAs to secure or sustain a sufficiency within an area



To Directors of Children's Services
And Chairs of Schools Forums

6th August 2009

Dear Colleagues

**CONSULTATION ON THE SCHOOLS FINANCE (ENGLAND) (AMENDMENT)
REGULATIONS 2010**

The Department is today launching a consultation on the new Schools Finance (England) (Amendment) Regulations 2010.

The main purpose of the draft regulations is to give effect to the final matter of the government's decisions on the school, early years and 14-16 funding arrangements for 2008-2011 which were consulted upon in Spring 2007; namely the implementation of the Early Years Single Funding Formula (EYSFF) from April 2010.

These regulations therefore amend the Schools Finance (England) Regulations 2008 which cover the funding periods 2008-09, 2009-10 and 2010-11. These amendments will relate to the last of these years.

There are two further issues we are seeking views on and these relate to the publication of schemes of financial management and to weightings for pupils undertaking diplomas at a different school from their main school.

The draft regulations and accompanying note for consultation are available at <http://www.teachernet.gov.uk/schoolfundingframework/>

The notes explain the changes and ask for consultation responses to be sent by Thursday 29th October 2009.

Please send **consultation responses** to Anita.McCloughlin@dcsf.gsi.gov.uk in the School Funding Policy Team.

If you have any **queries** on this consultation please send these to me at Margaret.Judd@dcsf.gsi.gov.uk In both cases please put School Finance Regulations 2010 consultation in the subject line.

Yours sincerely

Margaret Judd
School Funding Policy Advisor

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Potential Change to the Schools Finance Regulations (England) in 2011-12 for Carbon Trading

Summary

1. This document is for information only. It is intended to give advance notice of potential changes to the Schools Finance Regulations in 2011-12 as result of the introduction of carbon trading in 2010-11. The proposed changes to the regulations will be consulted upon nearer the time.

Background and Details of Proposal

2. With effect from 1 April 2010 the Government will be introducing a carbon trading scheme for large users of energy, including local authorities. Participants will have to purchase allowances for their energy-related emissions, and will be reimbursed according to their relative position in a league table based on the extent to which emissions have been reduced. Participants who reduce their emissions by more than average will gain money through the recycling process and those who reduce by less than average will lose money. The first sale of allowances will take place in April 2011 and all revenue raised from this sale will be recycled to participants in October 2011.

3. All maintained schools will be included with their maintaining authorities for the purposes of this scheme (technically they will be “associated persons”). Academies will also be included with the local authority in whose area they are situated.

4. Schools have an important role to play as models of good practice for their pupils and the communities in which they live. We know that around 15% of public sector carbon emissions arise from activities in the English school system and about one third of this is from energy use in school buildings. The Government wants all schools to be sustainable schools by 2020 – not just promoting sustainable development through their teaching but also through their management and engagement with local communities. Schools participation in the local authority carbon reduction commitment is an opportunity to work together for mutual benefit. Local authorities will want to support schools to achieve greater energy efficiency, helping schools to save money through reduced energy bills. Sustainable schools, focusing on reducing their use of resources, create a healthier school environment and influence the behaviour of pupils and their families.

5. To incentivize schools to reduce their energy consumption we propose to amend the regulations in 2011-12 to enable local authorities to charge any loss attributable to schools to the Schools Budget. Authorities will be able to treat this sum as centrally held expenditure but will be allowed, if they wish, to use a formula factor to apportion the loss among schools according to their individual performance.

6. Similarly if schools have contributed to an authority gaining money

through the carbon trading scheme local authorities will be encouraged to ensure that the gain due to schools should be added to the Schools Budget and perhaps used to help schools which made the greater savings. However, this money would be outside the Dedicated Schools Grant so that will be a matter for local decision and agreement. The LGA have told us that they agree with the principle of adding money to the Schools Budget in this way.

7. If authorities charge losses and gains to the Schools Budget and apportion them to individual schools through the local formula, then as Academies are funded by formula replication these decisions will feed through to the Academy's funding.

8. We are not proposing to allow local authorities to use the Schools Budget to purchase the allowances and the regulations will be amended to this effect.

Further Information

9. Further details on the carbon reduction scheme can be found at the following web-site:

<http://www.environment-agency.gov.uk/business/topics/pollution/98263.aspx>

Contact: Brian Blagbrough@dczf.gsi.gov.uk Telephone: 0207 340 7453

DCSF: August 2009

THE CARBON REDUCTION COMMITMENT & SCHOOLS

Introduction

The Carbon Reduction Commitment (CRC) is the Government's mandatory carbon trading scheme which will cover both public and private sector organisations, including local authorities. It is designed to encourage organisations to (collectively) reduce their Carbon Dioxide (CO₂) emissions by approximately 1.2 million tonnes per year by 2020. Although the CRC was initially launched in the 2007 Energy White Paper the scheme forms part of the Climate Change Bill which became law in November 2008. Even though the scheme doesn't officially start until April 2010, participating local authorities need to make preparations before that date to ensure that they comply with the requirements. This briefing outlines how some of the key features of the CRC will effect Schools.

What is a Carbon Trading Scheme?

Carbon trading allows the Government to regulate the amount of emissions produced by setting the overall cap for the scheme but gives organisations the flexibility of determining how and where the emissions reductions will be achieved. Participating organisations are allocated allowances, each allowance representing a tonne of CO₂.

Background

The Department of Energy and Climate Change (DECC) has included emissions from all state-funded Schools including Academies in the local authority portfolio. Energy consumption in Schools can vary depending on the age of buildings, state of repair, occupancy hours, the amount and type of electrical equipment in Schools and whether the School has a pool. Generally secondary schools have higher energy costs than primary schools owing to longer hours, larger numbers of students and wider use of electrical equipment. However, in both secondary and primary schools there are significant opportunities for savings through undertaking a range of no cost and low cost measures. Indeed, guidance from DCSF estimates that over 20% energy reduction is achievable from no and low cost measures.

How will it work?

The more energy efficient an organisation becomes the fewer emissions it will generate and the fewer allowances it will have to buy under the scheme. The first year of the scheme will be April 2010 to March 2011 and during this time, participants will need to monitor all energy sources and use this data to prepare a Footprint Report. From April 2011 participating organisations will have to purchase carbon allowances at a fixed price (for the first three years) of £12 per tonne.

Through the use of a league table the government will recycle all money raised from the sale of allowances back to participants. The first recycling payment will take place at the end of October 2011. The amount of payment each participant receives back from the government will depend on performance in the league table and will involve either a penalty or a bonus. The aim of the bonus and penalty scheme is to act as an incentive for organisations to reduce their emissions. Therefore, if organisations perform well, the money they get back should exceed the cost of buying allowances. The CRC league tables will rank participants in the scheme in terms of performance on the following:

- ❖ Early action metric – early action initiatives made by the organisation to reduce their carbon emissions prior to April 2013, including being assessed for coverage of the Carbon Trust Standard and Automatic Meter Reading systems.
- ❖ Absolute emissions - % reduction in carbon emissions compared to the previous year.
- ❖ Growth - % reduction in other carbon emissions per unit of turnover

How will Schools Participate in the CRC?

State-funded Schools would not participate in the CRC individually, their emissions would be included in the scheme under the LA. In this way, school emissions would form part of the Local Authorities overall 'carbon footprint' under the scheme. The LA would be the organisation legally required to participate in the CRC. As such it would have a number of obligations and duties placed upon it. In summary, the LA would be responsible for:

- ❖ Calculating its emissions responsibility under the scheme
- ❖ Obtaining allowances to cover its emissions
- ❖ Monitoring and reporting its annual energy consumption and surrendering sufficient allowances to cover its stated emissions.

- ❖ Keeping an Evidence Pack which will provide an audit trail to demonstrate how it has calculated its total energy use. Evidence Packs will be audited by the Environment Agency.

A duty will be placed on Schools requiring them to supply the LA with annual energy use data. This information is necessary to enable the LA to calculate and report its total emissions under the scheme.

Incentives, Benefits and Costs to Schools and LAs

CRC would aim to spread examples of good practice between LAs and Schools, examples of successful relationships where both Schools and LAs see benefits of the scheme. The LA would be incentivised to work with Schools and provide energy management advice and resources in order to secure a higher place in the CRC league table.

Schools will be incentivised as there will be a direct cost to Schools of the LA purchasing allowances on their behalf, together with a small administrative cost to Schools in supplying energy data (e.g. energy bills) to LAs. However, such costs could generally be outweighed by the potential cost saving due to energy efficiency, so Schools should be receptive to, and indeed benefit financially from, the energy management advice and support given to them from LAs. Some possible examples of energy saving measures that Schools could undertake are;

- ❖ Behavioural measures, such as adjusting heating controls, ensuring lights are turned off when they are not required, and ensuring that all computers, printers and other electronic equipment are turned off when not required and especially at the end of each day.
- ❖ Structural measures, such as the introduction of double glazing and more efficient wall insulation.
- ❖ Long term measures, the gradual introduction of more energy efficient technologies such as lighting, printers and boilers.

Government would encourage, but not require, the sharing of costs and benefits between Schools and LAs. For example LAs may want to consider as Wirral does, energy management support available to those Schools who pay the LA an agreed amount in proportion to their energy bill. There are other examples of Schools paying LAs for energy management services. Bristol City Council for example operates an energy club whereby Schools pay a membership fee to receive energy management support, such as access to corporate energy contracts and advice on energy management. DECC does not intend to specify how LAs and Schools should work together under CRC.

What We All Need To Do

To do well in the CRC and ultimately reduce our collective financial burden participants will need to:

- ❖ Implement Automatic Meter Reading systems before March 2011 (collectively)
- ❖ Sign up to the Carbon Trust Standard (collectively)
- ❖ Establish comprehensive monitoring and targeting mechanisms
- ❖ Carry out regular reviews of data collection
- ❖ Reduce emissions within the scheme

For the first 3 years, allowances will be at a fixed price but from April 2013, allowances will be bought through auction and the government will cap allowances. Over time, the number of available credits will diminish which is likely to drive up the price.

The Council's Energy Team has responsibility for the implementation of the CRC and through early actions mentioned previously is currently working to reduce the effects on Council budgets. The team already provides support to those Schools signed up to the Energy Support Service to improve energy efficiency and save money. This service is offered to all Wirral Schools. As this is a mandatory government operated scheme we would aim to help and assist all Schools where possible.

ILLUSTRATIVE REGULATIONS
Showing Proposed Amendments

S T A T U T O R Y I N S T R U M E N T S

2008 No. 228

EDUCATION, ENGLAND

The School Finance (England) Regulations 2008

<i>Made</i> - - - -	<i>5th February 2008</i>
<i>Laid before Parliament</i>	<i>7th February 2008</i>
<i>Coming into force</i> - -	<i>29th February 2008</i>

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The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of powers conferred by sections 45(1B)(a), 45A(b), 45AA(c), 47(d), 47A(4)(e), 48(1) and (2)(f), 49(2) and (2A)(g) and 138(7) of, and paragraph 2B of Schedule 14(h) to, the School Standards and Framework Act 1998(i).

PART 1
INTRODUCTION

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the School Finance (England) Regulations 2008 and come into force on 29th February 2008.

(2) These Regulations apply in relation to the financial years beginning on 1st April 2008, 1st April 2009 and 1st April 2010.

(3) These Regulations apply only in relation to England.

(4) In these Regulations—

“the 1996 Act” means the Education Act 1996(j);

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 2000 Act” means the Learning and Skills Act 2000(k);

“the 2002 Act” means the Education Act 2002(l);

“the 2005 Act” means the Education Act 2005(m);

“the 2006 Act” means the Education and Inspections Act 2006(n);

“the 2006 Regulations” means the School Finance (England) Regulations 2006(o);

“admission number” means the number of pupils in any relevant age group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A of the 1998 Act(p);

-
- (a) Subsection (1B) was inserted by paragraph 2 of Schedule 16 to the 2005 Act.
(b) Section 45A was inserted by section 41(1) of the 2002 Act, and amended by section 101 of, and paragraph 3 of Schedule 16 to, the 2005 Act.
(c) Section 45AA was inserted by paragraph 4 of Schedule 16 to the 2005 Act.
(d) As amended by section 101 of, and paragraph 6 of Schedule 16 to, the 2005 Act.
(e) Section 47A was inserted by section 43 of the 2002 Act and amended by section 101 of, and paragraph 7 of Schedule 16 to, the 2005 Act and section 57 of, and paragraph 2 of Schedule 5 to, the 2006 Act.
(f) Section 48 was amended by section 40 of, and paragraph 2 of Schedule 3 to, the 2002 Act, and section 117 of, and paragraph 7 of Schedule 18 to, the 2005 Act.
(g) Paragraph 4 of Schedule 5 to the 2006 Act substitutes new subsections (2) and (2A) for former subsections (2) and (3) of section 49.
(h) Paragraph 5 of Schedule 5 to the 2006 Act substitutes paragraphs 2A and 2B for paragraph 2 of Schedule 14 to the 1998 Act.
(i) 1998 c.31. For the meaning of “prescribed” and “regulations”, see section 142(1) of the 1998 Act.
(j) 1996 c.56.
(k) 2000 c.21.
(l) 2002 c.32.
(m) 2005 c.18.
(n) 2006 c.40.
(o) S.I. 2006/468, as amended by S.I. 2007/365.
(p) This is the definition inserted by regulation 2(1) of the Education (Determination of Admission Arrangements) (Amendment) (England) Regulations 2002 (S.I. 2002/2896) into the Education (Determination of Admission Arrangements) (England) Regulations 1999 (S.I. 1999/126).

“capital expenditure” means expenditure of a local authority which falls to be capitalised in accordance with proper practices, or expenditure treated as capital expenditure by virtue of any regulations or directions made under section 16 of the Local Government Act 2003(a);

“central expenditure” means the total amount deducted by a local education authority from their schools budget;

“CERA” means capital expenditure which an authority expect to charge to a revenue account of the authority within the meaning of section 22 of the Local Government Act 2003;

a “combined service” is a service funded partly from central expenditure, and partly from other budgets of the authority or contributions from other bodies;

“Dedicated Schools Grant” is a grant of that name paid to a local education authority by the Secretary of State under section 14 of the 2002 Act;

“early years provision” has the meaning assigned to it by section 20 of the Childcare Act 2006(b);

“expenditure on the schools specific contingency” is central expenditure deducted for the purpose of ensuring that monies are available to enable increases in a school’s budget share after it has been allocated where it subsequently becomes apparent that—

- (a) a governing body has incurred expenditure which it would be unreasonable to expect them to meet from the school’s budget share,
- (b) an increase in the school’s budget share is due in accordance with the local education authority’s formula,
- (c) a determination or redetermination of the school’s budget share authorised by the schools forum or the Secretary of State has led to such an increase, or
- (d) such an increase is necessary for the purpose of correction of errors,
and where such circumstances were unforeseen when initially determining the school’s budget share;

“funding period 1” is the financial year beginning on 1st April 2008;

“funding period 2” is the financial year beginning on 1st April 2009;

“funding period 3” is the financial year beginning on 1st April 2010;

“gifted and talented pupils” means pupils in primary or secondary schools identified as such by a local education authority by virtue of the fact that they are demonstrating, or have the potential to develop, ability in one or more subjects, leadership skills, or organisational skills at a level significantly ahead of other children in their year group;

“key stage 4” means the fourth key stage of the National Curriculum for England comprising the requirements and entitlements described in sections 85 and 85A of the 2002 Act(c);

a “local education authority’s formula” has the meaning in regulation 9;

“LSC” is the Learning and Skills Council for England(d);

a reference (however framed) to a maintained nursery school, a community, foundation or voluntary school or a community or foundation special school includes a proposed school which, on implementation of proposals for the establishment of the school, will be such a school, and which has a temporary governing body;

a reference to a particular class or description of expenditure in relation to maintained schools and to pupils registered at such schools includes any expenditure of that class or description as the authority may incur in relation to Academies(e), and to pupils registered at Academies;

(a) 2003 c.26. Regulations made under this section in relation to England are the Local Authorities (Capital Finance and Accounting)(England) Regulations 2003 (S.I. 2003/3146 as amended by S.I. 2004/534, 2004/3055 and 2007/573).

(b) 2006 c.21.

(c) Section 74(1) of the 2006 Act substitutes section 85 and inserts new section 85A of the 2002 Act.

(d) The Learning and Skills Council for England was established under section 1 of the 2000 Act.

(e) Academies are established under section 482 of the 1996 Act. Section 482 was substituted by section 65 of the 2002 Act.

“Performance Reward Grant” is a grant of that name paid to a local authority under section 31 of the Local Government Act 2003 to reward the authority for improvements in local services;

“PFI scheme unitary payment” means a charge payable by a local education authority under a private finance transaction, as defined in regulation 16 of the Local Authorities (Capital Finance) Regulations 1997(a);

“practical and applied learning” means education provided to pupils at key stage 4 in a secondary school or elsewhere which prepares them for employment or for a qualification related to a particular employment sector;

“prescribed early years provision” means early years provision prescribed for the purposes of section 7(1) of the Childcare Act 2006;

“primary or secondary school” means a primary or secondary school which is a community, foundation, voluntary or maintained nursery school;

“proper practices” means those accounting practices which a local authority are required to follow by virtue of any enactment, or which, so far as they are consistent with any such enactment are generally regarded, whether by reference to any generally recognised published code or otherwise, as proper accounting practices to be followed in the keeping of the accounts of local authorities, either generally or of the description concerned(b);

“prudential borrowing” means borrowing money for the purpose of facilitating the modernisation and rationalisation of the school estate, where the revenue savings that will be achieved are equal to or more than the expenditure that will be incurred in borrowing the money;

“relevant early years provider” means a provider of prescribed early years provision, other than the governing body of a maintained school;

“relevant early years provision” means prescribed early years provision provided by a relevant early years provider;

“School Standards Grant” is a grant of that name paid to a local education authority by the Secretary of State under section 14 of the 2002 Act;

“school year” has the meaning given to that expression in section 579(1) of the 1996 Act(c);

a reference to “special educational needs transport costs”, for the purposes of paragraph 36(e) of Schedule 2, is a reference to the costs of home to school transport for pupils with special educational needs in schools maintained by a local education authority where the authority is meeting such costs because the revenue savings that will be achieved by placing such children in a school maintained by them are equal to, or greater than, the cost of such transport;

“specific grant” means any grant, other than the Dedicated Schools Grant and any grant made by the LSC under section 7 of the 2000 Act, paid to a local authority under conditions which impose restrictions on the particular purposes for which the grant may be used;

“summer term” means the third term of the school year where a school has three terms, or the fifth and sixth terms where a school has six terms;

a reference to “termination of employment costs”, for the purposes of paragraph 36(b) of Schedule 2, is a reference to expenditure relating to the dismissal or premature retirement of, or for the purpose of securing the resignation of, any person employed in a maintained school where—

(a) the dismissal, premature retirement or resignation occurs after 1st April 2008; and

(a) S.I.1997/319, as amended by S.I.1998/371, 1999/1852 and 2003/515. The Local Authorities (Capital Finance) (Consequential, Transitional and Savings Provisions) Order 2004 (S.I. 2004/533) contains savings provisions for regulation 16 of the 1997 Regulations.

(b) This definition is taken from section 2 of the Local Government Act 2003 and regulations 25 and 26 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

(c) This definition was inserted by section 57(1) of, and paragraph 43 of Schedule 7 to, the Education Act 1997 (c.44).

- (b) the revenue savings achieved by any termination of employment are equal to or greater than the costs incurred.

Revocation of previous Regulations

2. The Financing of Maintained Schools (England) 2004(a), The LEA Budget, Schools Budget and Individual Schools Budget Regulations 2004(b), and The LEA Budget, Schools Budget and Individual Schools Budget (Amendment) (England) Regulations 2005(c) are revoked on 1st April 2008.

PART 2

ACTION TO BE TAKEN BY A LOCAL EDUCATION AUTHORITY

CHAPTER 1

APPROPRIATION OF THE LEA BUDGET

The LEA Budget

3.—(1) The following classes or descriptions of local education authority expenditure are prescribed for the purposes of section 45A(1) of the 1998 Act and the determination of a local education authority's LEA budget, subject to the exceptions in regulation 6—

- (a) those specified in Schedule 1; and
- (b) any expenditure which falls outside the classes or descriptions of expenditure specified in regulation 5 and Schedule 2 (the schools budget).

(2) Expenditure which falls within the classes or descriptions of expenditure specified in regulation 5 or Schedule 2 is not expenditure prescribed for the purposes of section 45A(1) of the 1998 Act.

CHAPTER 2

DETERMINATION OF SCHOOLS BUDGETS, INDIVIDUAL SCHOOLS BUDGETS, AND BUDGET SHARES FOR FUNDING PERIODS 1, 2 and 3

Initial determination of a local education authority's schools budgets

4. A local education authority must not later than 31st March 2008—
- (a) make an initial determination of their schools budgets for funding periods 1, 2 and 3; and
 - (b) give notice of any such determination to the governing bodies of the schools they maintain.

The schools budget

5.—(1) The classes or descriptions of local education authority expenditure specified in subparagraphs (a) to (d) and Schedule 2 are prescribed for the purposes of section 45A(2) of the 1998 Act and the determination of a local education authority's schools budget, subject to paragraph (2) and the exceptions in regulation 6—

- (a) expenditure on the provision and maintenance of maintained schools and on the education of pupils registered at maintained schools;

(a) S.I. 2004/3130.
(b) S.I. 2004/3131.
(c) S.I. 2005/526.

- (b) expenditure on the education of pupils at independent schools, non-maintained special schools(a), pupil referral units, at home or in hospital, and on any other arrangements for the provision of primary and secondary education for pupils otherwise than at schools maintained by a local education authority;
- (c) all other expenditure incurred in connection with the authority's functions in relation to the provision of primary and secondary education, insofar as that expenditure does not fall within sub-paragraph (a) or (b);
- (d) expenditure on all relevant early years provision.

(2) Where a local education authority operates a combined service for the benefit of pupils referred to in paragraph (1), expenditure referred to in paragraph 36(c) of Schedule 2 is only expenditure prescribed for the purposes of section 45A(2) of the 1998 Act and the determination of a local education authority's schools budget, provided that any expenditure is incurred in providing an educational benefit to those pupils.

Exceptions

6. A local education authority's LEA budget or schools budget must not include the following classes or descriptions of expenditure—

- (a) capital expenditure, other than
 - (i) CERA,
 - (ii) capital expenditure appropriated to the schools budget for the purpose of funding pay arrears due to staff whose salaries are met from the schools budget;
- (b) expenditure on capital financing, other than expenditure incurred
 - (i) on prudential borrowing, or
 - (ii) for the purpose of meeting the costs of financing the payment of pay arrears referred to in paragraph 6(a)(ii);
- (c) expenditure for the purposes of section 26 of the Road Traffic Regulation Act 1984(b) (arrangements for patrolling school crossings); and
- (d) expenditure met by the local education authority under section 51A of the 1998 Act(c) (community purposes).

Determination of the individual schools budget for funding periods 1, 2 and 3 and limit on increase in central expenditure

7.—(1) Subject to paragraphs (2) to (4), not later than 31st March 2008, a local education authority must deduct from their schools budgets such of the classes or descriptions of planned expenditure set out in Schedule 2 ("the central expenditure") as they propose to deduct, in order to determine their individual schools budgets for funding periods 1, 2, and 3.

(2) In deducting central expenditure under paragraph (1), a local education authority must limit any increase in deductions, from one funding period to the next, by ensuring that it does not exceed the percentage of any increase in the authority's schools budget for the relevant funding period, unless they obtain the approval of their schools forum under regulation 14(1)(b) or the Secretary of State under regulation 14(3) to vary this limit on any such increase.

(3) In deducting the central expenditure referred to in paragraph 36 of Schedule 2, a local education authority must not exceed the limit referred to in that paragraph, unless they have

(a) Non-maintained special schools are approved and regulated by regulations made under section 342 of the 1996 Act. Section 342 was substituted by paragraph 82 of Schedule 30 to the 1998 Act.

(b) 1984 c.27. Section 26 has been amended by section 8 of, and Schedule 5 to, the Local Government Act 1985 (c.51), and sections 288 and 423 of and Schedule 34 to, the Greater London Authority Act 1999 (c.29), and sections 270 and 274 of, and Schedule 31 to, the Transport Act 2000 (c.38).

(c) Section 51A was inserted by section 40 of the 2002 Act.

obtained the approval of their schools forum under regulation 14(1)(b) or the Secretary of State under regulation 14(3) to do so.

(4) References to planned expenditure in this regulation are references to that expenditure net of—

- (a) all related specific grants;
- (b) all related fees, charges and income; and
- (c) any funding received from the Secretary of State in respect of PFI scheme unitary payments.

Consultation

8.—(1) A local education authority may make changes to the formulae they have used in the financial years beginning 1st April 2006 and 1st April 2007.

(2) Subject to paragraph (3), a local education authority must consult their schools forum about any proposed changes under paragraph (1), in relation to the factors and criteria taken into account, and the methods, principles and rules adopted.

(3) Paragraph (2) does not apply to changes made relating to matters referred to in regulation 21 (sixth form funding) or 23 (excluded pupils).

Formulae for determination of budget shares

9.—(1) A local education authority must, before the beginning of funding period 1 and after the consultation referred to in regulation 8, decide upon the formulae which they will use to determine and redetermine schools' budget shares in funding periods 1, 2 and 3, having regard to the factors, criteria and requirements set out in Part 3 of these Regulations.

(2) A local education authority may not make changes to their formula for funding period 1 after the beginning of that funding period.

(3) Subject to paragraph (7), a local education authority may make changes to the formula they will use for funding period 2 or 3 before the beginning of the funding period to which the changes relate where any such changes have been approved by their schools forum or the Secretary of State under regulation 25 (additional arrangements).

(4) Any formulae determined by a local education authority under paragraph (1) may include different factors, criteria and requirements for different funding periods.

(5) A local education authority may not use factors or criteria in their formulae under this Part which make an allowance, in whole or in part, for any amount allocated to a school from any School Standards Grant paid to the authority.

(6) Subject to paragraph (7), a local education authority must use the formulae determined under paragraph (1), subject to any changes made under paragraph (3) and regulation 25 (Additional arrangements), in all determinations and redeterminations of budget shares in respect of funding periods 1, 2 and 3.

(7) A local education authority must, before the beginning of funding period 3 and after consulting their schools forum about the matter, decide upon the formula they will use to determine and redetermine the budget shares for funding period 3 for providers of prescribed early years provision in their area, having regard to the factors, criteria and requirements set out in Part 3 of these Regulations.

Initial determination of allocation of schools' budget shares for funding periods 1, 2 and 3

10. Not later than 31st March 2008, a local education authority must—

- (a) initially determine the allocation of their individual schools budget for funding periods 1, 2 and 3 as the budget shares of the schools which they maintain for each of those funding periods in accordance with Part 3 of these Regulations; and

- (b) give notice of schools' budget shares for funding periods 2 and 3 to the governing bodies of each of the schools they maintain.

Delegated budgets for new schools

- 11.**—(1) A new school must have a delegated budget from the appropriate date.
- (2) Subject to paragraphs (3) and (6), the appropriate date is either—
- (a) the date which is fifteen calendar months before the opening date of the new school; or
 - (b) the date upon which a temporary governing body is constituted for that school,
- whichever is the later.
- (3) On the application of a local education authority, their schools forum may—
- (a) vary the appropriate date to a date proposed by the authority;
 - (b) vary the appropriate date to a different date; or
 - (c) refuse to vary the appropriate date.
- (4) Where—
- (a) a schools forum
 - (i) vary the appropriate date to a different date, or
 - (ii) refuse to vary the appropriate date; or
 - (b) a local education authority are not required to establish a schools forum for their area^(a),
- the authority may make an application to the Secretary of State for variation of the appropriate date.
- (5) On the application of a local education authority, the Secretary of State may—
- (a) vary the appropriate date to a date proposed by the authority;
 - (b) vary the appropriate date to a different date; or
 - (c) refuse to vary the appropriate date.
- (6) A local education authority must determine the amount of a new school's delegated budget for the period from the appropriate date to the opening date as an amount which is sufficient to fund the appointment of staff and to enable the purchase of any goods and services necessary in order to admit pupils.
- (7) After the opening date, a school's delegated budget must be determined in accordance with the local education authority's formula for the relevant funding period.

CHAPTER 3

REDETERMINATION OF SCHOOLS BUDGETS, INDIVIDUAL SCHOOLS BUDGETS AND SCHOOLS' BUDGET SHARES FOR FUNDING PERIODS 1, 2 AND 3

Redetermination of schools budgets and individual schools budgets

- 12.**—(1) A local education authority may make a redetermination of their schools budgets and individual schools budgets for funding period 1, 2 or 3 at any time before or during the funding period to which those budgets relate.
- (2) In making any such redetermination, a local education authority—

(a) Section 47A(2) of the 1998 Act provides that the requirement in section 47A(1) of that Act to establish school forums for their area does not apply to the Common Council of the City of London or the Council of the Isles of Scilly.

- (a) may only reduce the amount of their schools budgets where they receive an amount of Dedicated Schools Grant which is lower than the amount on which they based their determinations under regulation 7;
- (b) may not reduce their individual schools budget for funding period 1, 2 or 3 by making further deductions of central expenditure from their schools budgets unless they have obtained authorisation to do so from their schools forum or the Secretary of State under regulation 14(2) or (4); and
- (c) must comply with the limits imposed by paragraph 36 of Schedule 2 and regulation 7(2) unless their schools forum or the Secretary of State authorise the variation those limits under regulation 14(2) or (4).

(3) Before the beginning of funding period 1, a local education authority must advise schools of any circumstances they are aware of which will make it likely that a redetermination will be made in respect of funding periods 1, 2 and 3, and the nature of any redetermination likely to be made in particular circumstances.

(4) Where a local education authority makes a redetermination under paragraph (1), they must give notice of that redetermination to the governing bodies of the schools which they maintain within 28 days of making the redetermination.

Redetermination of allocation of budget shares for funding period 3

13.—~~(1)~~ Not later than 31st March 2010, a local education authority must—

- (a) redetermine any allocation of schools' budget shares for funding period 3 which they have made under regulation 10(a) (other than for nursery schools and nursery classes in schools which they maintain), using the formula referred to in regulation 9(1), in accordance with Part 3 of these Regulations;
- (b) redetermine any allocation of schools' budget shares for funding period 3 which they have made under regulation 10(a) for nursery schools and nursery classes in schools which they maintain, using the formula referred to in regulation 9(7), in accordance with Part 3 of these Regulations;
- (c) determine the allocation of budget shares for funding period 3 for relevant early years providers in their area, using the formula referred to in regulation 9(7), in accordance with Part 3 of these Regulations;
- (d) give notice of—
 - (i) the redetermination of schools' budget shares under sub-paragraph (a) to the governing bodies of the schools concerned;
 - (ii) the redetermination of schools' budget shares under sub-paragraph (b) to the governing bodies of the schools concerned; and
 - (iii) the determination of budget shares under sub-paragraph (c) to the relevant early years providers concerned,
 within 28 days of making the redetermination or determination.

(2) A local education authority may, in determining budget shares for funding period 3 for schools which they maintain which have nursery classes, reduce the amount payable to each such school under the formula referred to in regulation 9(1) by a sum representing any element which has been duplicated in the allocation made to the nursery classes in those schools under the formula referred to in regulation 9(7).

CHAPTER 4

FURTHER DEDUCTIONS AND VARIATIONS TO LIMITS AUTHORISED BY SCHOOLS FORUMS OR THE SECRETARY OF STATE

Applications to the schools forum and the Secretary of State

14.—(1) Subject to paragraph (2), on the application of a local education authority, their schools forum may authorise—

- (a) the making of further deductions from their schools budget of any central expenditure exceeding the amount of any deductions made previously under regulations 7(1) or 12(1); or
- (b) the varying of any limit imposed by paragraph 36 of Schedule 2, or regulation 7(2).

(2) Where—

- (a) a schools forum does not authorise the making of further deductions or enable the limits referred to in paragraph (1) to be varied; or
- (b) a local education authority is not required to establish a schools forum for their area,

the authority may make an application to the Secretary of State for such authorisation or variation.

(3) On the application of a local education authority under paragraph (2), the Secretary of State may authorise the making of further deductions or variation of the limits referred to in paragraph (1).

(4) Unless the contrary intention appears in any authorisations given by the schools forum or the Secretary of State under previous regulations, such authorisations continue to apply in relation to funding period 1.

(5) Unless the contrary intention appears in any authorisations given by the schools forum or the Secretary of State in relation to funding period 1, such authorisations continue to apply to funding periods 2 and 3, and, unless the contrary intention appears in any authorisation given by the schools forum or the Secretary of State in relation to funding period 2, such authorisations continue to apply to funding period 3.

PART 3

FORMULAE FOR DETERMINATION OF BUDGET SHARES

CHAPTER 1

FACTORS AND CRITERIA TAKEN INTO ACCOUNT

Pupil numbers

15.—(1) Subject to regulations 17 and 17A and paragraphs (2) and (5), in determining and redetermining budget shares for primary and secondary schools, a local education authority must take into account in their formulae for funding periods 1, 2 and 3 the number of registered pupils at those schools on the dates specified in paragraph (6), weighted, if the authority consider it appropriate, in accordance with paragraph (4).

(2) For the purposes of paragraph (1), the number of registered pupils does not include pupils—

- (a) in places—
 - (i) in primary or secondary schools which the authority recognise as reserved for children with special educational needs, and
 - (ii) in boarding accommodation at boarding schools other than special schools

where the authority exercise their discretion to take these places into account under regulation 16(1)(b) or (c);

- (b) in respect of whom grant is payable to the authority by the LSC (sixth form pupils);
- (c) in infant classes where the authority choose to take the class into account as an additional factor under paragraph 35 of Schedule 3; or
- (d) at key stage 4 who are registered at a school solely for the purpose of accessing practical and applied learning.

(3) Where a local education authority exercise their discretion under regulation 16(1) to take into account places, they may also take into account in their formulae the number of registered pupils in special schools or schools with boarding accommodation, or in reserved places at primary or secondary schools, as referred to in that paragraph, on the dates specified in paragraph (6).

(4) A local education authority may weight pupil numbers according to any or all of the following factors—

- (a) age, including weighting according to key stage or year group;
- (b) in the case of pupils aged under five, their exact age when admitted to the school;
- (c) in the case of pupils aged under five, whether they have been admitted to the school in excess of the admission number agreed with the authority;
- (d) in the case of pupils aged under five, hours of attendance;
- (e) whether a pupil has special educational needs;
- (f) whether the pupil is attending a middle school;
- (g) whether the pupil is at key stage 4, and is accessing practical and applied learning;
- (h) whether the pupil, although registered at a school, is also attending a college of further education or a course delivered by any training provider; and
- (i) whether the pupil is in an infant class (in cases where an infant class is not taken into account as an additional factor under paragraph 35 of Schedule 3).

(5) Subject to paragraphs (7) and (8), for the purpose of initially determining budget shares for funding periods 2 and 3 under regulation 10, a local education authority must estimate the number of pupils they will take into account under paragraph (1) for that funding period.

(6) The dates for ascertaining pupil numbers are—

- (a) 17th January 2008 in respect of funding period 1;
- (b) 15th January 2009 in respect of funding period 2; and
- (c) 21st January 2010 in respect of funding period 3.

(7) Subject to paragraph (8), where a primary school—

- (a) operates a policy of admitting children into reception classes in the summer term; and
- (b) will admit pupils into such classes in the summer term immediately after any of the dates specified in paragraph (6),

a local education authority may determine a number representing the number of pupils who will be admitted in that summer term, and take such number into account in their formulae for funding period 1, 2 or 3.

(8) In determining the number of pupils they will take into account under paragraph (7), a local education authority—

- (a) must not determine any number which exceeds the number of pupils admitted in the summer term immediately before any of the dates specified in paragraph (6); and
- (b) must make any such determination before the beginning of the funding period during which the pupils will be admitted.

(9) A local education authority may adjust the number of registered pupils used to determine or redetermine a school's budget share where it is appropriate to do so in order to take into account, wholly or partly, the permanent exclusion of a pupil from the school or the admission of a pupil to the school following his permanent exclusion from another school.

Places

16.—(1) Subject to regulation 17A, in determining and redetermining budget shares for funding periods 1, 2 and 3, a local education authority may take into account the number of places they wish to fund in—

- (a) special schools;
- (b) primary or secondary schools with places which the authority recognise as reserved for children with special educational needs; and
- (c) schools with boarding accommodation.

(2) In determining and redetermining budget shares for funding periods 1, 2 and 3 a local education authority may take into account the nature of any special educational needs in question when funding places under paragraph (1)(a) or (b).

(3) A local education authority must provide that, if any places are taken into account in accordance with paragraph (1)(a), the number must be no fewer than the number of registered pupils at the school on the relevant date in regulation 15(6).

(4) For the purpose of initially determining budget shares for funding periods 2 and 3 under regulation 10(a), a local education authority must estimate the number of places they wish to fund under paragraph (1) for that funding period.

Special arrangements for pupils in maintained nursery schools and nursery classes for funding periods 1 and 2

17.—(1) For the purpose of initially determining budget shares for maintained nursery schools and other primary schools, a local education authority may take into account in their formulae for funding periods 1 and 2 either—

- (a) the number of registered pupils in maintained nursery schools or the number of registered pupils in nursery classes on the date specified in regulation 15(6) and their hours of attendance; or
- (b) the number of places they wish to fund in those schools or those classes.

(2) For the purpose of initially determining budget shares for maintained nursery schools for funding period 2, a local education authority must estimate the number of pupils or places they wish to fund under paragraph (1).

(3) In redetermining budget shares for maintained nursery schools and other primary schools, a local education authority must take into account in their formulae for funding period 2 —

- (a) the number of registered pupils in maintained nursery schools and the number of registered pupils in nursery classes on the dates specified in regulation 15(6)(b) and (c); and
- (b) the number of hours each of those registered pupils spends in school per week,

except where paragraph (4) applies, and except in the circumstances referred to in paragraph (5).

(4) Where it appears to a local education authority that it is necessary to fund places, as opposed to numbers of pupils, in order to ensure that a maintained nursery school remains open or, in the case of other primary schools, that they are able to continue to provide nursery classes, a local education authority may take into account in their formulae for funding period 2 the number of places they wish to fund in those schools or classes.

(5) Subject to paragraph (6), where—

- (a) a primary school operates a policy of admitting children into nursery classes in the summer term; and
- (b) will admit pupils into such classes in the summer term immediately after any of the dates specified in regulation 15(5)(b) or (c),

a local education authority may determine a number representing the number of pupils who will be admitted in that summer term and the number of hours per week each pupil spends in school, and take such number into account in their formulae for funding periods 1 or 2.

(6) In determining the number of pupils they will take into account under paragraph (5), a local education authority—

- (a) must not determine any number which exceeds the number of pupils admitted in the summer term immediately before either of the dates specified in regulation 15(5)(b) or (c); and
- (b) must make any such determination before the beginning of the funding period during which the pupils will be admitted.

(7) Where a local education authority take into account in their formulae the number of registered pupils in maintained nursery schools or the number of registered pupils in nursery classes under paragraph (1)(a) or (3)(a), they may weight pupil numbers according to any or all of the following factors—

- (a) the age of pupils when admitted to the school;
- (b) whether any pupils have been admitted to the school in excess of the admission number agreed with the authority; and
- (c) the special educational needs of any such pupils.

Special arrangements for registered pupils in maintained nursery schools and nursery classes and children attending relevant early years provision for funding period 3

17A.—(1) Subject to paragraphs (4) and (5), in redetermining budget shares for maintained nursery schools and nursery classes under regulation 13(b) and initially determining budget shares for relevant early years providers in their area under regulation 13(c), a local education authority must take into account in their formula for funding period 3 the planned total number of hours of attendance of registered pupils in the nursery school or nursery class or children attending the relevant early years provision, having regard to the most recent data available about the actual numbers of registered pupils or children therein.

(2) A local education authority must-

- (a) review the budget shares for maintained nursery schools and nursery classes and relevant early years providers for funding period 3 when information becomes available, taking into account—
 - (i) the predicted total number of hours of attendance of registered pupils in the nursery school or nursery class or children attending the relevant early years provision for the period (using as a basis for the calculation the actual hours of such attendance in each of three sample weeks); or
 - (ii) the actual total numbers of hours of such attendance for the period;
- (b) redetermine that budget share, where appropriate; and
- (c) implement any such redetermination when they consider it appropriate to do so.

(3) Where a local education authority redetermine a budget share pursuant to paragraph (2) they must give notice of this to the governing body or relevant early years provider concerned and the date when the redetermination will be implemented, within 28 days of the redetermination.

(4) When redetermining budget shares for maintained nursery schools and nursery classes under regulation 13(b) and initially determining budget shares for relevant early years providers in their area under regulation 13(c), the local education authority may weight the number of planned total number of hours of attendance of registered pupils in the nursery school or nursery class or children attending the relevant early years provision, according to either or both of the following factors—

- (a) whether any pupils or children have been admitted to the school or to the relevant early years provider in excess of the admission number agreed with the authority; and
- (b) the special educational needs of any such pupils or children.

(5) When redetermining budget shares for maintained nursery schools and nursery classes under regulation 13(b) and initially determining budget shares for relevant early years providers in their area under regulation 13(c), a local education authority may [take into account in their formula for funding period 3 the number of places they wish to fund in those schools, classes or providers which the authority recognise as reserved for children with special educational needs, instead of the planned total number of hours of attendance of registered pupils in the school or nursery class or children attending the relevant early years provision.](#)

Differential funding

18.—(1) For the purpose of initially determining budget shares in respect of funding periods 1, 2 and 3, a local education authority must use factors or criteria which differentiate between different categories or descriptions of schools insofar as the functions of the governing bodies of those schools justify such differentiation, but may not otherwise do so except as required or expressly permitted by these Regulations.

(2) A local education authority must use factors or criteria which differentiate between a school and other schools of the same category or description if such differentiation is justified by reference to the choice that that school's governing body have made as to the inclusion in their school's budget share of funding in respect of expenditure of the kinds referred to in paragraph 15(a) and (b) (meals), 27 (insurance) or 29 (library services) of Schedule 2.

(3) A local education authority are not required to use factors or criteria in their formulae which differentiate between maintained nursery schools, primary schools, secondary schools, special schools, or schools whose pupils are in different age ranges, but they may do so.

(4) For the purpose of redetermining budget shares for nursery schools and nursery classes in schools which they maintain and determining or redetermining budget shares for relevant early years providers in their area for funding period 3, a local education authority may use factors or criteria which differentiate between different categories or descriptions of school or provider on the basis of unavoidable costs.

Additional factors or criteria

19.—(1) Subject to regulation 18 and paragraphs (1A) and (1B), a local education authority may, in determining budget shares in respect of funding periods 1, 2 and 3, take into account in their formulae any or all of the factors or criteria set out in Part 1 of Schedule 3.

(1A) When determining budget shares for relevant early years providers in respect of funding period 3, a local education authority may not take into account in their formula any of the factors or criteria set out in paragraphs 13 to 16, 19 to 20, 24 to 25, 28 to 29 and 33-36 in Part 1 of Schedule 3.

(1B) A local education authority may, in determining budget shares for providers of prescribed early years provision in respect of funding period 3, also take into account in their formula any or all of the factors or criteria set out in Part 2 of Schedule 3.

(2) A local education authority must, in determining budget shares for both primary and secondary schools which they maintain, take into account in their formulae a factor or factors based on the incidence of social deprivation among pupils registered at all such schools if they have no factor elsewhere in their formulae which is based on such incidence.

(2A) A local education authority must, in determining budget shares for providers of prescribed early years provision, take into account in their formula a factor or factors based on the incidence of social deprivation among pupils registered at all nursery schools or in

nursery classes which they maintain or children attending relevant early years provision in their area if they have no factor elsewhere in their formula which is based on such incidence.

(3) A factor included in a local education authority's formulae pursuant to paragraph 17 of Schedule 3 (school milk, meals and refreshment) is not, for the purposes of paragraphs (2) and (2A), a factor based on the incidence of social deprivation among pupils registered at schools or children attending relevant early years provision.

(4) The factors and criteria set out in Schedule 3 may not be taken into account by a local education authority on the basis of actual or estimated cost unless otherwise stated in that Schedule.

(5) Where a local education authority make changes to the factors or criteria taken into account in any of their formulae from one funding period to the next, they may make such transitional provision as they consider reasonable.

Minimum funding guarantee

20.—(1) Subject to paragraph (4), in determining and redetermining budget shares for all schools maintained by them in respect of funding periods 1, 2 and 3, a local education authority must ensure—

- (a) in respect of primary and secondary schools (other than maintained nursery schools), that an amount equal to the guaranteed funding level is included for each of those funding periods, calculated in accordance with paragraphs 1-4 of Schedule 4;
- (b) in respect of special schools, that the formulae must provide for an increase in those schools' budget shares for each of those funding periods, calculated in accordance with paragraph 5 of Schedule 4; and
- (c) in respect of maintained nursery schools either—
 - (i) that an amount equal to the guaranteed funding level is included for each of those funding periods, calculated in accordance with paragraphs 1-4 of Schedule 4, or
 - (ii) that the formula must provide for an increase in schools' budget shares for each of those funding periods, calculated in accordance with paragraph 5 of that Schedule as if every reference to a special school were a reference to a maintained nursery school.

(2) For the purposes of determining budget shares in respect of funding periods 1, 2 and 3, paragraph (1) does not apply to any school—

- (a) opening during any of these funding periods, except in the circumstances set out in paragraph 4 of Schedule 4; or
- (b) closing during any of these funding periods in circumstances where a local education authority have redetermined that school's budget share during the relevant funding period.

(3) For the purpose of initially determining budget shares for funding periods 2 and 3 under regulation 10(a), a local education authority must apply the relevant provisions in Schedule 4 using estimates of—

- (a) the number of registered pupils in schools funded on the basis of pupil numbers in accordance with regulations 15(5) and 17(2); or
- (b) the number of places they wish to fund in accordance with regulation 16(4).

(4) A local education authority may make changes to the operation of this Regulation and to the operation of Schedule 4 in determining and redetermining budget shares where authorised to do so by the Secretary of State or their schools forum under regulation 25 (additional arrangements).

Sixth form funding

21.—(1) A local education authority must include in a secondary school's budget share for funding periods 1, 2 and 3 an amount equal to any sum notified to the local education authority by the LSC as being the allocation in respect of that school's sixth form **(a)**.

(2) A local education authority may, in determining budget shares, use a factor which allocates funding in respect of sixth forms.

(3) A local education authority may, in determining budget shares for schools with sixth forms, reduce the amount payable to each such school under their formulae by a sum representing any element which has been duplicated in the LSC's allocation.

(4) A secondary school's budget share for funding periods 1, 2 and 3 must be redetermined before the end of the relevant funding period where the authority receive a written notification from the LSC of a revised allocation in respect of the sum referred to in paragraph (1).

New, reorganised and closing schools

22.—(1) A local education authority must include factors or criteria in their formulae which enable them to determine, or redetermine, a school's budget share for funding periods 1, 2 and 3 so as to take into account the particular needs of that school in the following cases—

- (a) a proposed school;
- (b) a school, proposals for the establishment of which have not been fully implemented **(b)**;
- (c) a school which is the subject of a prescribed alteration within the meaning of regulations made under section 18 of the 2006 Act **(c)**;
- (d) a school which is to be discontinued; and
- (e) a school which is to be the subject of a significant change, as determined by the authority.

(2) In the case of schools falling within sub-paragraph (1)(c), such factors or criteria may not be used for a period of more than seven years after the date of implementation of the relevant alteration.

(3) For the purposes of these Regulations, proposals for the establishment of a school have been fully implemented when the number of pupils admitted to the school in each age group has, in the opinion of the local education authority, reached either—

- (a) the number of pupils indicated, when proposals for the establishment of the school were published, as the number of pupils to be admitted to each age group when the proposals were fully implemented; or
- (b) if no such number was indicated, such number as the authority may determine.

CHAPTER 2

ADJUSTMENTS, CORRECTION OF ERRORS, AND ADDITIONAL ARRANGEMENTS APPROVED BY THE SCHOOLS FORUM OR THE SECRETARY OF STATE

Pupils permanently excluded from, or leaving, primary or secondary schools

23.—(1) Where a pupil is permanently excluded from a school maintained by a local education authority, the authority must redetermine the school's budget share for that funding period in accordance with paragraph (2).

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- (a) The authority's funding in respect of sixth forms is paid by the LSC in the form of a grant under section 7 of the 2000 Act. Section 7 was amended by section 215(1) of, and paragraph 124(1) and (2) of Schedule 21 to, the 2002 Act, and section 117 of, and paragraph 12 of Schedule 18 to, the 2005 Act.
 - (b) Proposals for the establishment of a school may be published under sections 7, 10 or 11 of the 2006 Act.
 - (c) Regulations made under this section are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (2007/1289 as amended by 2007/3646).

(2) The school's budget share must be reduced by the amount $A \times (B/52)$ where—

A is the amount, in the funding period in which the permanent exclusion takes effect, determined by the authority in accordance with this Part, to be attributable for the full funding period to a registered pupil of the same age and personal circumstances as the pupil in question at primary or secondary schools maintained by the authority:

for the purposes of this definition, the amount attributable to a registered pupil is the sum of the amounts determined in accordance with the authority's formula as determined in accordance with these Regulations by reference to pupil numbers rather than by reference to the number of places at the school or any other factor or criterion not dependent on pupil numbers (except that, where the registered pupil in question is a pupil in respect of whom grant is payable to the authority by the LSC under section 7 of the 2000 Act, the amount attributable to that pupil is £3197 for funding period 1, £3264 for funding period 2 and £3332 for funding period 3); and

B is the number of complete weeks remaining in the funding period calculated from the relevant date:

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

(3) Where a pupil is admitted to a school maintained by a local education authority ("the admitting school") who has been permanently excluded from another maintained school in that financial year, the authority must redetermine the admitting school's budget share in accordance with paragraph (4).

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

D is the amount by which the authority reduce the budget share of the school from which the pupil was permanently excluded, or would have reduced it had that school been maintained by the authority;

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

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

(5) For the purposes of this regulation, the relevant date is the sixth school day following the date on which the pupil has been permanently excluded.

(6) Where a permanently excluded pupil is subsequently reinstated by the governing body of the school or by an appeal panel constituted under regulations made under section 52 of the 2002 Act, the school's budget share must be increased by an amount which is no less than $G \times (H/I)$ where—

G is the amount by which the authority has reduced the school's budget share;

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

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

(7) Paragraphs (1) and (2) also apply where a pupil leaves a maintained school for reasons other than permanent exclusion, and is receiving education funded by a local education authority other than at a school which is maintained by that authority.

Correction of errors and changes in non-domestic rates

24.—(1) A local education authority may at any time during funding period 1, 2 or 3 redetermine a school's budget share for a previous funding period, or the current funding period, in order to correct an error in a determination or redetermination under these, or previous Regulations, whether arising from a mistake as to the number of registered pupils at the school or otherwise, provided the error is of a kind not provided for by any specific error correction provision in the authority's formula.

(2) A local education authority may redetermine a school's budget share for funding period 1, 2 or 3 to take into account any changes in that school's non-domestic rates liability in relation to a current funding period or previous funding period.

(3) Insofar as any redetermination under paragraph (1) would require the amount that would otherwise have been the budget share of a school to be reduced, it may not be reduced to a figure which is lower than that which could have been allocated to that school under the regulations in force during the funding period in which the error occurred.

Additional arrangements approved by the schools forum or the Secretary of State

25.—(1) Subject to paragraph (2), on application by a local education authority to the Secretary of State for any authorisation or authorisations to determine or redetermine budget shares, the Secretary of State may authorise the authority to determine or redetermine budget shares to such extent as he may specify in accordance with arrangements approved by him in place of the arrangements provided for by these Regulations.

(2) The Secretary of State may not authorise a local education authority to determine or redetermine budget shares in the cases referred to in paragraph (3) unless—

- (a) the authority has first made an application to their schools forum for such authorisation which has been refused; or
- (b) the authority is not required to establish a schools forum for their area.

(3) In cases where a local education authority seeks any authorisation, or authorisations, to determine or redetermine budget shares which—

- (a) relate to the operation of regulation 20 and Schedule 4 (minimum funding guarantee) and which, either individually or when taken together in the funding period to which the application relates, will affect no more than 50% of pupils in schools maintained by the authority; or
- (b) relate to a change to the formula determined under regulation 9(1) in respect of funding period 2 or 3,

their schools forum may authorise such determinations or redeterminations.

(4) Unless the contrary intention appears in any such authorisation or arrangements, authorisations given and arrangements approved by the Secretary of State or any schools forum under previous regulations continue to apply in relation to funding period 1.

(5) Unless the contrary intention appears in such authorisation or arrangements, authorisations given and arrangements approved by the Secretary of State or any schools forum in relation to funding period 1 continue to apply to funding periods 2 and 3, and authorisations given and arrangements approved by the Secretary of State or any schools forum in relation to funding period 2 continue to apply to funding period 3.

PART 4

SCHEMES

Required content of schemes

26. A scheme prepared by a local education authority under section 48(1) of the 1998 Act^(a) must deal with the matters connected with the financing of schools maintained by the authority set out in Schedule 5.

Approval by the schools forum or the Secretary of State of proposals to revise schemes

27.—(1) Where a local education authority submit proposals for any revisions to their scheme to their schools forum for approval pursuant to paragraph 2A of Schedule 14 to the 1998 Act^(b), the schools forum may—

- (a) approve any such proposals;
- (b) approve any such proposals subject to modifications; or
- (c) refuse to approve any such proposals.

(2) Where the schools forum approve any revisions to the scheme, they may specify the date upon which any revised scheme is to come into force .

(3) Where—

- (a) the schools forum refuse to approve proposals submitted under paragraph 2A of Schedule 14 to the 1998 Act, or approve any such proposals subject to modifications which are not acceptable to the local education authority; or
- (b) the local education authority are not required to establish a schools forum for their area,

the authority may apply to the Secretary of State for approval of such proposals.

(4) The Secretary of State may—

- (a) approve any such proposals;
- (b) approve any such proposals subject to modifications; or
- (c) refuse to approve any such proposals.

(5) Where the Secretary of State approves any revisions to the scheme, he may specify the date upon which any revised scheme is to come into force.

(6) No revised scheme is to come into force unless approved by the schools forum or the Secretary of State in accordance with this regulation.

Publication of schemes

28.—~~(1)~~ A local education authority—

- (a) must publish their scheme on a website which is accessible to the general public; and
- (b) may publish it elsewhere, in such manner as they see fit.

(2) Whenever a local education authority revises the whole or part of their scheme they must publish the scheme as revised on a website which is accessible to the general public by the date that the revisions are due to come into force, together with a statement that the revised scheme comes into force on that date.

^(a) Section 48(1) has been amended by section 40 and paragraphs 2(1) and (2) of Schedule 3 to the 2002 Act.
^(b) Paragraph 2A was inserted by section 57 of, and paragraph 5 of Schedule 5 to, the 2006 Act.

5th February 2008

Jim Knight
Minister of State
Department for Children, Schools and Families

**CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE
PRESCRIBED FOR THE PURPOSES OF THE LEA BUDGET OF A
LOCAL EDUCATION AUTHORITY**

Expenditure of a class or description referred to in this Schedule includes expenditure on associated administrative costs and overheads.

Special educational provision

1. Expenditure on services provided by educational psychologists.
2. Expenditure in connection with the authority's functions under sections 321 to 331 of the 1996 Act (which functions relate to the identification and assessment of children with special educational needs and the making, maintaining and reviewing of statements for such children)(a).
3. Expenditure on monitoring the provision for pupils in schools (whether or not maintained by the authority) for the purposes of disseminating good practice in relation to, and improving the quality of educational provision for, children with special educational needs.
4. Expenditure on collaboration with other statutory and voluntary bodies to provide support for children with special educational needs.
5. Expenditure in connection with—
 - (a) the provision of parent partnership services (that is services provided under section 332A of the 1996 Act to give advice and information to parents of children with special educational needs), or other guidance and information to such parents which, in relation to pupils at a school maintained by the authority, are in addition to the information usually provided by the governing bodies of such schools; or
 - (b) arrangements made by the authority with a view to avoiding or resolving disagreements with the parents of children with special educational needs.
6. Expenditure on carrying out the authority's child protection functions under the Children Act 1989(b), functions under section 175 of the 2002 Act, and other functions relating to child protection.

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- (a) Section 321 was amended by section 140(1) of, and paragraph 76 of Schedule 30 to, the 1998 Act; and section 215(1) of, and paragraph 42 of Schedule 21 to, the 2002 Act. Section 323 was amended by section 42 of, and paragraphs 1 and 11(1) of Part 1 of Schedule 8 to, the Special Educational Needs and Disability Act 2001 (c.10). Section 324 was amended by section 9 of the Special Educational Needs and Disability Act 2001; section 215(1) of, and paragraph 43 of Schedule 21 to, the 2002 Act; and section 140(1) of, and paragraph 77 of Schedule 30 to, the 1998 Act. Section 325 was amended by section 42(1) and (6) of, and paragraphs 1 and 6 of Part 1 of Schedule 8 and Schedule 9 to, the Special Educational Needs and Disability Act 2001. Section 326 was amended by section 10 of and paragraphs 18-20 of Part 2 of Schedule 1 to the Special Educational Needs and Disability Act 2001. Section 326A was inserted by section 5 of the Special Educational Needs and Disability Act 2001 and was amended by section 195 of, and paragraphs 1 and 3 of Schedule 18 to, the 2002 Act. Section 327 was amended by section 140(1) of, and paragraph 78 of Schedule 30 to, the 1998 Act; and section 173 of the 2002 Act. Section 328 was amended by section 42(1) of, and paragraphs 1 and 7 of Part 1 of Schedule 8 to, the Special Educational Needs and Disability Act 2001. Section 329 was amended by section 42(1) and paragraphs 1 and 8 of Part 1 of Schedule 8 to the Special Educational Needs and Disability Act 2001. Section 329A was inserted by section 8 of the Special Educational Needs and Disability Act 2001, and amended by paragraph 44 of Schedule 21 to and part 3 of Schedule 22 to the 2002 Act and section 103(1) of, and paragraph 22 of Schedule 2 to, the Childcare Act 2006 (c.21). Section 330 was repealed by section 140(1) and (3) of, and paragraph 79 of Schedule 30 to and Schedule 31 to, the 1998 Act.
- (b) 1989 c.41.

7. Expenditure incurred in entering into, or subsequently incurred pursuant to, an arrangement under section 31 of the Health Act 1999 or regulations made under section 75 of the National Health Service Act 2006(a).

8. Expenditure in providing special medical support for individual pupils insofar as such expenditure is not met by a Primary Care Trust(b), National Health Service Trust(c), NHS foundation trust(d) or Local Health Board(e).

School improvement

9. Expenditure incurred by a local education authority in respect of action to support the improvement of standards in the authority's schools, in particular—

- (a) expenditure incurred in connection with functions under the following sections of the 2006 Act: sections 63 (power to require governing bodies of schools eligible for intervention to enter into arrangements), 64 (power to appoint additional governors), 65 and Schedule 6 (power to provide for governing bodies to consist of interim executive boards), and 66 (power to suspend right to delegated budget); and
- (b) expenditure on school improvement partners(f).

Access to education

10. Expenditure in relation to the following matters—

- (a) management of the authority's capital programme including preparation and review of an asset management plan and negotiation and management of private finance transactions;
- (b) planning and managing the supply of school places, including the authority's functions in relation to the establishment, alteration or discontinuance of schools pursuant to Part 2 of, and Schedule 2 to, the 2006 Act;
- (c) the authority's functions in relation to the exclusion of pupils from schools, excluding any provision of education to such pupils, but including advice to the parents of such pupils;
- (d) the authority's functions under sections 508A, 508E and 509 (school travel) of the 1996 Act(g); and

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- (a) 2006 c.41. Section 31 was repealed by Schedule 6 of the National Health Service (Consequential Provisions) Act 2006 (c.43).
 - (b) Primary Care Trusts were established under section 16A of the National Health Service Act 1977 (c.49). Section 16A was inserted by section 2 of the Health Act 1999 (c.8), and has been repealed subsequently by Schedule 6 to the National Health Service (Consequential Provisions) Act 2006 (c.43). Section 18 of the National Health Service Act 2006 provides that Primary Care Trusts established by the Secretary of State continue in existence and that the Secretary of State may create or abolish Primary Care Trusts.
 - (c) National Health Service Trusts (NHS Trusts) were created by order made under section 5 of the National Health Service and Community Care Act 1990 (c.19). This section has been repealed subsequently by Schedule 6 to the National Health Service (Consequential Provisions) Act 2006. NHS Trusts are now created by order made under section 25 of the National Health Service Act 2006.
 - (d) NHS foundation trusts were established under the Health and Social Care (Community Health and Standards) Act 2003 (c.43). These provisions were repealed subsequently by Schedule 6 to the National Health Service (Consequential Provisions) Act 2006. NHS foundation trusts are now defined in section 30 of the National Health Service Act 2006 and established under Chapter 5 of that Act.
 - (e) Local Health Boards were established by order made by the National Assembly for Wales under section 16BA of the National Health Service Act 1977 as inserted by section 6(1) of the National Health Service Reform and Health Care Professions Act 2002 (c.17). Section 16BA has been repealed subsequently by Schedule 6 to the National Health Service (Consequential Provisions) Act 2006. Local Health Boards are now established under regulations made under section 13 of the National Health Service (Wales) Act 2006 (c.42).
 - (f) "School improvement partner" has the meaning in section 5(1) of the 2006 Act, namely a person appointed to provide advice to the governing body and head teacher of a maintained school with a view to improving standards at that school.
 - (g) Part 6 of the 2006 Act inserts new sections 508A and 508E. Section 509 was substituted by paragraphs 57 and 33 of Schedule 30 to the 1998 Act.

- (e) the authority's functions under sections 510 and 514 of the 1996 Act (Provision and administration of clothing grants and boarding grants), and pursuant to regulations made under section 518(2) of the 1996 Act(a).

11. Expenditure on the Education Welfare Service(b) and other expenditure arising from the authority's functions under Chapter 2 of Part 6 of the 1996 Act (School attendance).

12. Expenditure on the provision of support for students under regulations made under section 1(1) of the Education Act 1962(c) and under section 22 of the Teaching and Higher Education Act 1998.

13. Expenditure on discretionary grants under section 1(6) or 2 of the Education Act 1962 (Awards for designated and other courses).

14. Expenditure on the payment to persons over compulsory school age of education maintenance allowances(d).

15. Expenditure on the provision of tuition in music, or on other activities which provide opportunities for pupils to enhance their experience of music.

16. Expenditure incurred in enabling pupils to enhance their experience of the visual, creative and performing arts other than music.

17. Expenditure on outdoor education centres, but not including centres wholly or mainly for the provision of organised games, swimming or athletics.

Further education and training for young persons and adults

18. Expenditure on the provision of education and training and of organised leisure time occupation, and other provision under sections 15A and 15B of the 1996 Act(e).

19. Expenditure on the provision by the local education authority under sections 15A and 507A and 507B(f) of the 1996 Act of recreation and social and physical training, and on the authority's provision of services under section 116 of the 2000 Act to encourage and enable the participation by young people in education and training.

Strategic management

20. Expenditure in their capacity as a local education authority in relation to—

- (a) functions of the director of children's services and his personal staff;
- (b) planning for the education service as a whole;

(a) Section 518 was substituted by section 129 of the 1998 Act. Regulations currently in force under section 518 are the Local Education Authority (Payment of School Expenses) Regulations 1999 (S.I. 1999/1727) and the Local Education Authority (Post Compulsory Education Awards) Regulations (S.I. 1999/229 as amended by 2000/2057).

(b) The functions and role of the Education Welfare Service are set out in a DfES Circular entitled "Advice and Guidance to Schools and Local Authorities on Managing Pupil Attendance", which can be found on www.dcsf.schoolattendance/publications/index.cfm.

(c) 1962 c.12. The 1962 Act was repealed by the Teaching and Higher Education Act 1998 (c.30) with transitional savings provisions. The repeal does not affect the continued operation of the provisions that relate to the making of subordinate legislation. Relevant regulations made under section 1(1) of the 1962 Act are: the Education (Mandatory Awards) Regulations 2003 (S.I. 2003/1994), the Education (Mandatory Awards) (Amendment) Regulations 2004 (S.I. 2004/1038), and the Education (Mandatory Awards) (Amendment) (No.2) Regulations 2004 (S.I. 2004/1792). These regulations describe the designated courses and methodology for calculating grants.

(d) Education maintenance allowances are defined in section 108(8)(a) of the 2005 Act as financial assistance under section 14 of the 2002 Act paid to, or in respect of, a person who is over compulsory school age in connection with his undertaking any course of education or training.

(e) Section 15A was inserted by section 140(1) of, and paragraph 63 of Schedule 30 to, the 1998 Act, and has been amended by section 149 of, and paragraphs 1 and 54 of Schedule 9 to the 2000 Act. Section 15B was inserted by section 149 of, and paragraphs 1 and 55 of Schedule 9 to, the 2000 Act.

(f) Sections 507A and B were inserted by section 6(1) of the 2006 Act.

- (c) functions of the authority under Part I of the Local Government Act 1999^(a) (Best Value) and the provision of advice to assist governing bodies in procuring goods and services with a view to securing continuous improvement in the way the functions of those governing bodies are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (d) revenue budget preparation, preparation of information on income and expenditure relating to education for incorporation into the authority's annual statement of accounts, and the external audit of grant claims and returns relating to education;
- (e) administration of grants to the authority (including preparation of applications), functions imposed by or under Chapter 4 of Part 2 of the 1998 Act and, where it is the authority's duty to do so, ensuring payments are made in respect of taxation, national insurance and superannuation contributions;
- (f) authorisation and monitoring of—
 - (i) expenditure which is not met from schools' budget shares, and
 - (ii) expenditure in respect of schools which do not have delegated budgets,
 and all financial administration relating thereto;
- (g) the authority's monitoring of compliance with the requirements of their financial scheme prepared under section 48 of the 1998 Act^(b), and any other requirements in relation to the provision of community facilities by governing bodies under section 27 of the 2002 Act;
- (h) internal audit and other tasks necessary for the discharge of the authority's chief finance officer's responsibilities under section 151 of the Local Government Act 1972^(c);
- (i) the authority's functions under regulations made under section 44 of the 2002 Act^(d);
- (j) recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares and who are paid for services carried out in relation to those of the authority's functions and services which are referred to in other paragraphs of this Schedule;
- (k) investigations which the authority carry out of employees, or potential employees, of the authority, or of governing bodies of schools, or of persons otherwise engaged, or to be engaged, with or without remuneration to work at or for schools;
- (l) functions of the authority in relation to local government superannuation which it is not reasonably practicable for another person to carry out, and functions of the authority in relation to the administration of teachers' pensions;
- (m) retrospective membership of pension schemes and retrospective elections made in respect of pensions where it would not be appropriate to expect the governing body of a school to meet the cost from the school's budget share;
- (n) advice, in accordance with the authority's statutory functions, to governing bodies in relation to staff paid, or to be paid, to work at a school, and advice in relation to the management of all such staff collectively at any individual school ("the school workforce"), including in particular advice with reference to alterations in remuneration, conditions of service and the collective composition and organisation of such school workforce;

(a) 1999 c. 27.

(b) Section 48 has been amended by section 40 of, and paragraph 2 of Schedule 3 to, the 2002 Act, section 117 of, and paragraph 7 of Schedule 18 to, the 2005 Act, and section 57 of, and paragraph 3 of Schedule 5 to, the 2006 Act.

(c) 1972 c.70.

(d) The regulations made under this section are the Consistent Financial Reporting (England) Regulations 2003, (S.I. 2003/373, as amended by 2004/393, 2006/437, 2007/599 and 2008/46).

- (o) determination of conditions of service for non-teaching staff, and advice to schools on the grading of such staff;
- (p) the authority's functions regarding the appointment or dismissal of employees;
- (q) consultation and functions preparatory to consultation with or by governing bodies, pupils and persons employed at schools or their representatives, or with other interested bodies;
- (r) compliance with the authority's duties under the Health and Safety at Work etc. Act 1974(a) and the relevant statutory provisions as defined in section 53(1) of that Act, insofar as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and, where necessary, the giving of advice to them;
- (s) the investigation and resolution of complaints;
- (t) legal services relating to the statutory functions of the authority;
- (u) the preparation and review of plans involving collaboration with other local authority services or with public or voluntary bodies;
- (v) the preparation, publication, consultation upon and review of a children and young people's plan under the Children and Young People's Plan (England) Regulations 2005;
- (w) provision of information to or at the request of the Crown and the provision of other information which the authority are under a duty to make available;
- (x) the authority's duties under article 4(2) and (5) of the Race Relations Act 1976 (Statutory Duties) Order 2001(b);
- (y) the remittance of fees payable to the General Teaching Council for England by virtue of section 4(4) and 4(4A) of the Teaching and Higher Education Act 1998(c) and the provision of information required by the Council pursuant to regulations(d) made under section 12 of that Act;
- (z) the authority's functions pursuant to regulations made under section 12 of the 2002 Act (supervising authorities of companies formed by governing bodies); and
- (aa) the authority's functions under the Disability Discrimination Act 1995(e) insofar as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and, where necessary, the giving of advice to them.

21. Expenditure in pursuance of a binding agreement, where the other party is a local authority, or the other parties include one or more local authorities, in relation to the operation of a facility provided partly, but not solely, for the use of schools.

22. Expenditure on establishing and maintaining those electronic computer systems, including data storage, which are intended primarily to maintain linkage between local education authorities and their schools.

23. Expenditure on monitoring National Curriculum assessment arrangements required by orders made under section 87 of the 2002 Act.

24. Expenditure in connection with the authority's functions in relation to the standing advisory council on religious education constituted by the authority under section 390 of the 1996 Act or in

(a) 1974 c.37.

(b) S.I. 2001/3458.

(c) 1998 c.30. Subsection (4A) is inserted by section 148 of, and paragraphs 1 and 4 of Part 1 of Schedule 12 to, the 2002 Act.

(d) The regulations currently in force under this provision are the General Teaching Council for England (Deduction of Fees) Regulations 2001 (S.I. 2001/3993, as amended by S.I.2003/985).

(e) 1995 c.50.

the reconsideration and preparation of an agreed syllabus of religious education in accordance with Schedule 31 to the 1996 Act(a).

25. Expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, or in respect of acts of discrimination against, any person except to the extent that these costs are chargeable to schools' budget shares or fall within paragraph 36(b) of Schedule 2.

26. Expenditure in respect of a teacher's emoluments under section 19(9) of the Teaching and Higher Education Act 1998.

27. Expenditure in respect of the functions of an appropriate body under regulations pursuant to section 19(2)(g) of the Teaching and Higher Education Act 1998(b).

28. Expenditure on the appointment of governors, the making of instruments of government, the payment of expenses to which governors are entitled and which are not payable from a school's budget share, and the provision of information to governors.

29. Expenditure on making pension payments, other than in respect of staff employed in schools.

30. Expenditure on insurance, other than for liability arising in connection with schools or school premises.

31. Expenditure in connection with powers and duties performed under Part 2 of the Children and Young Persons Act 1933 (Enforcement of, and power to make byelaws in relation to, restrictions on the employment of children(c)).

SCHEDULE 2

Regulations 5 and 7

CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE PRESCRIBED FOR THE PURPOSES OF THE SCHOOLS BUDGET OF A LOCAL EDUCATION AUTHORITY WHICH MAY BE DEDUCTED FROM IT TO DETERMINE THE INDIVIDUAL SCHOOLS BUDGET

Expenditure of a class or description referred to in this Schedule includes expenditure on associated administrative costs and overheads.

Expenditure to support grants which fall within the definition of the schools budget

1.—(1) Expenditure (other than expenditure incurred in connection with any other paragraph of this Schedule) which the authority is obliged to incur as a condition of a specific grant paid to the authority and which is taken into account in determining the amount of such specific grant.

(2) Any amount which the authority is obliged to make available as a condition of a grant paid under section 14 of the 2002 Act which is taken into account in determining the amount of such grant, decisions regarding the expenditure of which are delegated to the governing body of a maintained school.

(a) Section 390 is amended by section 140(1) of, and paragraph 93 of Schedule 20 to, the 1998 Act.

(b) The regulations currently in force under this provision are the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (S.I. 2001/2897, as amended by S.I.2001/3938, S.I. 2002/2063, S.I. 2003/106 and S.I. 2003/2148, S.I. 2005/1740 and S.I. 2007/172).

(c) 1933 (c.12).

Performance Reward Grant

2. Expenditure not falling within any other paragraph of this Schedule or any paragraph of Schedule 1 which the authority propose to meet from a Performance Reward Grant.

Threshold and Performance Pay

3. Expenditure on any threshold and performance pay element of teachers' salaries.

Special educational provision

4. Subject to paragraphs 5 and 6, expenditure in making the provision specified in a pupil's statement of special educational needs except where the pupil is—

- (a) a registered pupil at a special school maintained by the authority; or
- (b) a registered pupil at a primary or secondary school maintained by the authority who occupies one of a number of places at that school which are recognised by the authority as being reserved for children with special educational needs.

5. Where a pupil falls within paragraph 4(a) or (b), and the cost of the provision specified in the pupil's statement of special educational needs is significantly greater than that for the generality of pupils at the special school, or the cost of pupils in places at the primary or secondary school in question, the amount by which the expenditure incurred in making the provision specified in his statement of special educational needs is greater than that incurred in making provision for a pupil who falls within such generality of pupils.

6. Expenditure in making the provision specified in a pupil's statement of special educational needs where the pupil falls within paragraph 4(b) but the places which are recognised by the authority as being reserved for children with special educational needs are for such pupils with visual, hearing, speech or language impairments or other communication disorder.

7. Expenditure in respect of pupils with statements of special educational needs or who are within the scope of School Action Plus as described in the Code of Practice^(a) issued under section 313 of the 1996 Act in cases where it would be unreasonable to expect such expenditure to be met from a school's budget share.

8. Expenditure for purposes connected with the encouragement of—

- (a) collaboration between special schools and primary and secondary schools to enable children with special educational needs to engage in activities at primary and secondary schools;
- (b) the education of children with special educational needs at primary and secondary schools; and
- (c) the engagement of children with special educational needs at primary and secondary schools in activities at the school with children who do not have special educational needs

in cases where the local education authority consider it would be unreasonable for such expenditure to be met from a school's budget share.

9. Expenditure in relation to education otherwise than at school under section 19 of the 1996 Act or in relation to a pupil referral unit as defined in that section^(b).

(a) The Special Educational Needs Code of Practice 2001 (ISBN 1 84185 5294).

(b) "Pupil referral unit" is defined in sub-section (2B), which was inserted by the Education Act 1996 (Amendment of Section 19) (England) Regulations 2007 (S.I. 2007/1507). Other relevant amendments to the section are made by section 47 of the Education Act 1997 (c.44) and section 101 of the 2006 Act.

10. Expenditure (other than expenditure referred to in Schedule 1 or any other paragraph of this Schedule) incurred on services relating to the education of children with behavioural difficulties, and on other activities for the purpose of avoiding the exclusion of pupils from schools(a).

11. Expenditure on the payment of fees in respect of pupils with special educational needs—

- (a) at independent schools or at special schools which are not maintained by a local education authority under section 348 of the 1996 Act; or
- (b) at an institution outside England and Wales under section 320 of the 1996 Act.

12. Expenditure on payments to another local education authority pursuant to section 493 or 494 of the 1996 Act(b), or section 207 of the 2002 Act (recoupment between authorities).

Access to education

13. Expenditure on the administration of the system of admissions of pupils to schools (including expenditure incurred in carrying out consultations under section 89(2) of the 1998 Act(c), and in establishing, maintaining and consulting representative bodies for the purposes of admissions), and in relation to appeals, provided that, except where the governing body have agreed with the authority that this proviso should not apply to them, or where the authority are satisfied that factors or criteria in their formula already make suitable provision, the authority must—

- (a) allocate to each governing body who are an admission authority, as defined in section 88(1) of the 1998 Act(d), an amount determined by the authority as that reasonably required by the governing body to meet expenditure incurred in connection with the system of admissions of pupils to the school and any appeals, taking into account any factors or criteria in their formula which relate to admission arrangements; and
- (b) allow the governing body to determine how such amount should be spent for that purpose.

14. Expenditure incurred in connection with the authority's functions under section 85A(e) of the 1998 Act (Establishment and maintenance of, and consultation with, admission forums).

15. Expenditure on milk and meals pursuant to section 512, 512ZA, 512ZB(f) or 513 of the 1996 Act falling within the following categories—

- (a) expenditure in respect of meals at any primary or special school where the governing body have elected not to receive funding for meals as part of their school's budget share;
- (b) expenditure in respect of milk at any school; and
- (c) expenditure in respect of milk or meals at any pupil referral unit.

16. Expenditure on the repair and maintenance of a school kitchen where expenditure on meals in relation to the school concerned is deducted from the authority's schools budget pursuant to paragraph 15.

17. Expenditure on determining the eligibility of a pupil for free school meals.

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- (a) The Children and Young People's Plan (England) Regulations 2005 (S.I. 2005/2149 as amended by S.I. 2007/57) impose a requirement upon children's services authorities to prepare and publish plans which will include key actions to be taken. Some of these relate to the education of children with behavioural difficulties.
 - (b) References to "funding period" are substituted for references to "financial year" in section 494 by section 117 of, and paragraph 5 of Schedule 18 to, the 2005 Act.
 - (c) Section 89 is amended by section 51 of, and Schedule 4 to, the 2002 Act and sections 45 and 56 of the 2006 Act.
 - (d) Section 88(1) is amended by section 43 of the 2006 Act, which inserts new sub-sections (1A) and (1B).
 - (e) Section 85A is inserted by section 46 of the 2002 Act.
 - (f) Section 512ZB(4) is amended by section 28(1) of, and paragraph 16 of Schedule 3 to, the Welfare Reform Act 2007 (c.5). The section is to come into force on a date to be appointed.

18. Expenditure pursuant to section 18 of the 1996 Act(a) in making any grant or other payment in respect of fees or expenses (of whatever nature) which are payable in connection with the attendance of pupils at a school which is not maintained by any local education authority.

Staff

19. Expenditure in making payments to, or in providing a temporary replacement for, a woman on maternity leave or to a person on adoption leave.

- 20.** Expenditure in making payments to, or in providing a temporary replacement for, persons—
- (a) carrying out trade union duties or undergoing training under section 168 and 168A of the Trade Union and Labour Relations (Consolidation) Act 1992(b);
 - (b) taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (c) performing public duties under section 50 of the Employment Rights Act 1996(c);
 - (d) undertaking jury service;
 - (e) who are safety representatives under the Safety Representatives and Safety Committee Regulations 1977(d);
 - (f) who are representatives of employee safety under the Health and Safety (Consultation with Employees) Regulations 1996(e);
 - (g) who are employee representatives for the purposes of Chapter 2 of Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, as defined in section 196 of that Act or regulation 13(3) of the Transfer of Undertakings (Protection of Employment) Regulations 2006(f);
 - (h) taking time off for ante-natal care under section 55 of the Employment Rights Act 1996(g);
 - (i) undertaking duties as members of the reserve forces as defined in section 1(2) of the Reserve Forces Act 1996(h);
 - (j) suspended from working at a school;
 - (k) who are members of the General Teaching Council for England or a committee thereof; or
 - (l) who are appointed learning representatives of trade unions, in order for them to analyse training requirements or to provide or promote training opportunities, and to carry out consultative or preparatory work in connection with such functions.

21. Expenditure on Advanced Skills Teachers undertaking outreach work in schools other than that in which they are normally based(i).

22. Expenditure in making payments to, or in providing a temporary replacement for, a person who is seconded on a full-time basis for a period of three months or more other than to a local education authority or the governing body of a school.

23. Expenditure in making payments to, or in providing a temporary replacement for, persons who have been continuously absent from work because of illness for 21 days or more.

(a) Section 18 is substituted by section 128 of the 1998 Act.

(b) 1992 c.52. Section 168A was inserted by section 43 of the Employment Act 2002 (c.22).

(c) 1996 c.18.

(d) S.I. 1977/500, amended by S.I. 1996/1513, S.I. 1999/860, S.I. 1999/3242 and S.I. 2006/594.

(e) S.I. 1996/1513.

(f) S.I. 2006/246.

(g) 1996 c.18.

(h) 1996 c.14.

(i) “Advanced Skills Teacher” is a concept defined in the School Teachers’ Pay and Conditions Document 2007. This document can be found at www.teachernet.gov.uk.

24. Expenditure, not falling within Schedule 1, in relation to the recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares.

25. Expenditure on pay arrears due to staff employed at maintained schools and other staff whose salaries are met from the schools budget, and expenditure on the costs of financing payment of such arrears, where the expenditure is not chargeable to a maintained school's budget share under the terms of the local education authority's scheme.

Other Expenditure

26. Expenditure on the provision of nursery education, excluding expenditure—

- (a) on such provision at a maintained school; and
- (b) on relevant early years provision under section 7(1) of the Childcare Act 2006.

27. Expenditure on insurance in respect of liability arising in connection with schools and school premises, except to the extent that governing bodies have elected to receive funding for insurance as part of their school's budget share.

28. Expenditure on services to schools provided by museums and galleries.

29. Expenditure on library services for primary and special schools, except that such expenditure may not be deducted where—

- (a) funding for library services in respect of a particular school was delegated before April 1999 and remains delegated; or
- (b) the governing body of any primary or special school has elected to receive funding for library services as part of their school's budget share.

Where a local education authority deduct funding under this paragraph, they must notify the governing body of each school not receiving funding for library services in its budget share of the amount attributable to library services for that school. They must also allow the governing bodies of these schools to determine whether the expenditure on library services in respect of their school is to be spent by the authority in providing library services to the school themselves or by the authority in procuring library services from another local authority.

30. Expenditure on licence fees or subscriptions paid on behalf of schools.

31. Expenditure incurred in connection with the authority's functions under section 47A(b) of the 1998 Act (Establishment and maintenance of, and consultation with, schools forums).

32. Expenditure on allocations to the governing body of a school in financial difficulty, provided that the authority consult the schools forum on their arrangements for the implementation of such support.

33. Expenditure for purposes not falling within any other paragraph of this Schedule, provided that the expenditure does not amount in total to more than 0.1% of the authority's schools budget.

34. CERA incurred for purposes not falling within any other paragraph of this Schedule or Schedule 1.

35. Expenditure on practical and applied learning not met from maintained schools' budget shares.

(b) Section 47A was inserted by section 43 of the 2002 Act, and has been amended by section 101 of, and paragraph 7 of Schedule 16 to, the 2005 Act and sections 57 and 184 of, and paragraphs 2(1), (3) and (4) of Schedule 5 to and Part 6 of Schedule 18 to, the 2006 Act.

36. Expenditure on—

- (a) prudential borrowing;
- (b) termination of employment costs;
- (c) combined services where the expenditure relates to classes or descriptions of expenditure falling outside those set out in this Schedule;
- (d) the schools' specific contingency; and
- (e) special educational needs transport costs

provided that any deductions under this paragraph are limited to the amount deducted by the authority in respect of such expenditure under paragraph 35 of Schedule 2 to the 2006 Regulations for the previous financial year or under this paragraph for the previous funding period.

37. Expenditure on contingencies for relevant early years providers.

SCHEDULE 3

Regulation 19

ADDITIONAL FACTORS OR CRITERIA WHICH MAY BE TAKEN INTO ACCOUNT IN A LOCAL EDUCATION AUTHORITY'S FORMULA UNDER REGULATION 19

PART 1

Applicable to budget shares for all funding periods

1. Special educational needs of pupils determined in a manner that the authority consider appropriate as a means of assessing such needs.
2. Pupils for whom English is not their first language.
3. Turnover of pupils other than as part of the general admissions process at a school.
4. Admission arrangements at a school.
5. The size, condition and characteristics of a school's buildings and grounds relative to those of other schools maintained by the local education authority.
6. A school which has a split site: the funding must be in accordance with criteria published by the authority.
7. Such physical facilities, organisational facilities for the education of pupils, or communications facilities as are found at some schools only.
8. Non-domestic rates payable in respect of the premises of each school (including actual or estimated cost).
9. Use of energy by schools.
10. Rent payable in respect of school premises or payments in respect of the use by a school of facilities not exclusively occupied by that school (including actual or estimated cost).
11. Transport to and from activities outside school premises which form part of the school's curriculum, or transport between the school and other educational facilities attended by pupils (including actual or estimated cost).
12. Hire of facilities outside school premises (including actual or estimated cost).

13. Insurance: the funding must be equal to the amount which would be spent on insurance for the school in question if amounts were not delegated to the governing body for such insurance or, if the authority do not insure, the appropriate proportion of the amount that would have been spent had they insured, to be determined on a basis decided by the authority.

14. Payments in relation to a private finance transaction (including actual or estimated cost).

15. Where a school has been established or has become the subject of a prescribed alteration within the meaning of regulations made under section 18 of the 2006 Act as a result of the closure of one or more schools(a), a local education authority may include a factor in their formula which provides that—

- (a) an amount may be added to the budget share of the school to reflect all or part of the unspent budget share of the closing school for the funding period in which it closes; or
- (b) an amount may be deducted from the budget share of the school to reflect all or part of any deficit in the budget share of the closing school, provided the amount deducted does not exceed any amount determined by the local education authority under regulation 11(6) as the delegated budget of the new school for the period from the opening date to the appropriate date.

16. Whether a school is to be discontinued in the financial year or the following financial year.

17. School milk, meals and other refreshment: the authority may not, however, treat any element of this expenditure as having a negative value.

18. Salaries at a school, the funding of which must be in accordance with a scale published by the authority (including actual or estimated cost), and which include pay arrears due to staff (also including actual or estimated cost).

19. Safeguarding of salaries in accordance with a School Teachers' Pay and Conditions Document having effect in accordance with an order under section 122 of the 2002 Act.

20. Social priority allowances paid in accordance with a School Teachers' Pay and Conditions Document having effect in accordance with an order under section 122 under the 2002 Act (including actual or estimated cost).

21. The differential in recruitment and retention costs in different areas in which schools are located.

22. The need for single payments to be allocated to nursery, primary, secondary or special schools, or any combination of such schools, regardless of size.

23. The need for payments to be allocated to schools, of a size and satisfying other conditions, specified by the authority.

24. Schools whose budget shares would otherwise be reduced year-on-year by a percentage figure of 3% or more, determined by the authority: the authority must publish that percentage figure and an explanation of how any amounts using such a factor or criteria will be determined including, if applicable, the use to be made of any sliding scale. Such a factor may not take account of the extent to which a school has spent more than or has not spent all of its budget share in any financial year.

25. Contracts to which the governing body of a school are bound by virtue of a provision in the authority's scheme (including actual or estimated cost).

26. Effect of taxation on schools.

(a) Provisions relating to establishment, closure of, and prescribed alterations to, maintained schools are in Part 2 of the 2006 Act.

27. Housing development or armed forces movements leading to a reduction in numbers on roll at a school of at least 20% within one year.

28. Such items of expenditure in connection with provision for pupils registered at other schools as are prescribed by the School Budget Shares (Prescribed Purposes)(England) Regulations 2002(a).

29. Incidence of Newly Qualified Teachers(b).

30. Incidence of pupils from ethnic minority groups having below average levels of academic achievement in relation to other pupils in the authority's area, to be determined on a basis decided by the authority.

31. Incidence of nursery classes and places recognised by the authority as reserved for children with special educational needs.

32. Prior attainment of pupils entering a school.

33. Advanced Skills Teachers employed at a school.

34. Permanent exclusions from a school (including estimates), and incidence of pupils whose names have been deleted from the admissions register of a maintained school as referred to in regulation 24 of these Regulations.

35. Infant classes and places in infant classes not funded under any other provisions.

36. Incidence of any element of teachers' salaries relating to threshold and performance pay (including actual or estimated cost).

37. Payments in respect of gifted and talented pupils.

38. In this Part, any reference to—

- (a) "pupils" includes children attending relevant early years provision;
- (b) a "school" includes a relevant early years provider; and
- (c) "school premises" includes premises used by a relevant early years provider, whether or not the relevant early years provider is a school.

PART 2

Applicable to budget shares for providers of prescribed early years provision for funding period 3

39. The need to improve the quality of provision by particular providers or types of provider.

40. The degree of flexibility in the hours of attendance that a provider makes available.

41. The need to secure or sustain a sufficiency of prescribed early years provision within the authority's area or any sub-area within that area; and in this paragraph "sub-area" means—

- (a) an electoral division or ward of the authority; or
- (b) such other appropriate geographical division into which the authority have notionally divided their area.

(a) S.I. 2002/378 amended by S.I. 2004/444.

(b) A "newly qualified teacher" is a teacher in a maintained school who has been a qualified teacher for less than twelve months. Qualified teacher has the meaning in regulation 5 of The Education (School Teachers' Qualifications) (England) Regulations 2003 (S.I. 2003/1662 as amended by S.I. 2007/2782).

MINIMUM FUNDING GUARANTEE

Primary and Secondary Schools

1. In this paragraph and paragraphs 2 to 4—
- (a) references to the number of pupils exclude those funded by a grant paid to the authority by the LSC under section 7 of the 2000 Act;
 - (b) the “relevant number” of pupils for the financial year beginning on 1st April 2007 shall be the number of registered pupils at the school on 18th January 2007, except that where the authority has not exercised its discretion under regulation 15(1)(b) of the 2006 Regulations to take the number of pupils in places which the authority recognises as reserved for children with special educational needs, or in nursery classes, into account in their formula, then the number of those places must be added to the relevant number for the purposes of this Schedule;
 - (c) subject to paragraphs 3 and 4, the “relevant number” of pupils for funding periods 1, 2 and 3 shall be the number of pupils at the school on the dates referred to in regulation 15. Except that, where the authority has not exercised discretion under regulation 15(3) or 17(1)(b) or (5) to take into account in their formula the number of pupils in places which the authority recognises as being reserved for children with special educational needs or in nursery classes, the number of those pupils must be added to the relevant number for the purposes of this Schedule;
 - (d) the “adjusted budget share” (which must not be lower than the guaranteed funding level) is a school’s budget share determined in accordance with these Regulations, but not taking into account—
 - (i) the effect of regulations 20 (MFG), 21 (sixth form funding), 23 (excluded pupils) and paragraphs 8 (rates), 14 (PFI), 29 (NQTs), and 35 (ICS funding) of Schedule 3(a),
 - (ii) any amounts added in respect of funding for named pupils which is deducted from a school’s budget share when that pupil leaves the school, including amounts for pupil exclusions above that permitted by regulation 23 (excluded pupils), but not including amounts for the cost of providing free school meals;
 - (e) references to a redetermined adjusted budget share for the financial year beginning on 1st April 2007 include the effect of any additional arrangement approved by the schools forum or Secretary of State under regulation 25 of the 2006 Regulations, but exclude the following—
 - (i) any amounts included pursuant to regulations 19 (sixth form funding), 23 (excluded pupils), and 24 (correction of errors) of the 2006 Regulations,
 - (ii) any amount included in respect of paragraphs 8 (rates), 14 (PFI), 29 (NQTs) and 35 (ICS) of Schedule 4 to the 2006 Regulations, and
 - (iii) any amounts in respect of funding for named pupils which is deducted from a school’s budget share when that pupil leaves school, including amounts for pupil exclusions above that permitted by regulation 23 (excluded pupils) of these Regulations but not including amounts for the cost of providing free school meals;
 - (f) references to a redetermined adjusted budget share for funding periods 1 and 2 include—

(a) For the purposes of this Schedule, “MFG” means Minimum Funding Guarantee; “PFI” means Private Finance Initiative; “NQTs” means Newly Qualified Teachers; and “ICS” means Infant Class Sizes.

- (i) the effect of any additional arrangements approved by schools forums or the Secretary of State under regulation 25 (additional arrangements) of these Regulations, and
- (ii) the amount of funding the school received under paragraph 3 of Schedule 2 (threshold and performance pay) of these Regulations where the local education authority intends to include an amount in respect of this in a school's budget share for funding period 2 or 3

but exclude the following—

- (iii) any amounts included pursuant to regulation 21 (sixth form funding), 23 (excluded pupils) of these Regulations,
 - (iv) any amount included in respect of paragraphs 8 (rates), 14 (PFI), 29 (NQTs), and 35(ICS) of Schedule 3 to these Regulations, and
 - (v) any amounts included in respect of funding for named pupils which are deducted from a school's budget share when that pupil leaves school, including amounts above those permitted by regulation 23 (excluded pupils) of these Regulations, but not including amounts for the cost of providing free school meals;
- (g) for the purposes of this Schedule—
- (i) where a school has opened after 1st April 2007 but before the 1st April 2008, its redetermined adjusted budget share for the financial year beginning on 1st April 2007 must be the amount that it would have been had the school opened on 1st April 2007,
 - (ii) where a school opens during funding period 1, its redetermined adjusted budget share for funding period 1 must be the amount that it would have been had the school opened on 1st April 2008,
 - (iii) where a school opens during funding period 2, its redetermined adjusted budget share for funding period 2 must be the amount it would have been had the school opened on 1st April 2009

adjusted in accordance with sub-paragraph (e) or (f), whichever is applicable.

2. Subject to paragraphs 3 and 4, the guaranteed funding level is to be calculated as follows—

- (a) for funding period 1—
 - (i) where the relevant number of pupils is the same as the relevant number for the financial year beginning on 1st April 2007, the guaranteed funding level must be A,
 - (ii) where the relevant number of pupils is lower than the relevant number for the financial year beginning on 1st April 2007, the guaranteed funding level must be $A - (B \times C)$,
 - (iii) where the relevant number of pupils is higher than the relevant number for the financial year beginning on 1st April 2007, the guaranteed funding level must be $A + (B \times C)$;
- (b) for funding period 2—
 - (i) where the relevant number of pupils is the same as the relevant number for funding period 1, the guaranteed funding level must be A,
 - (ii) where the relevant number of pupils is lower than the relevant number for funding period 1, the guaranteed funding level must be $A - (B \times C)$,
 - (iii) where the relevant number of pupils is higher than the relevant number for funding period 1, the guaranteed funding level must be $A + (B \times C)$;
- (c) for funding period 3—
 - (i) where the relevant number of pupils is the same as the relevant number for funding period 2, the guaranteed funding level must be A,

- (ii) where the relevant number of pupils is lower than the relevant number for funding period 2, the guaranteed funding level must be $A - (B \times C)$,
- (iii) where the relevant number of pupils is higher than the relevant number for funding period 2, the guaranteed funding level must be $A + (B \times C)$

where—

A is, in respect of funding period 1, the redetermined adjusted budget share for the financial year beginning on 1st April 2007 multiplied by 1.021 in respect of primary schools and secondary schools, in respect of funding period 2, the redetermined adjusted budget share for funding period 1 multiplied by 1.021 in respect of primary schools and secondary schools, and, in respect of funding period 3, the redetermined adjusted budget share for funding period 2 multiplied by 1.021 in respect of primary schools and secondary schools;

B is, in respect of funding period 1, the difference between the relevant number of pupils for the financial year beginning on 1st April 2007 and funding period 1, in respect of funding period 2, the difference between the relevant number of pupils for funding period 1 and funding period 2, and, in respect of funding period 3, the difference between the relevant number of pupils for funding period 2 and funding period 3;

C is, in respect of funding period 1, the mean value of funding per pupil in the school's redetermined adjusted budget share for the financial year beginning on 1st April 2007 (calculated using pupil numbers on 18th January 2007) multiplied by 1.021 x 0.80 in respect of primary schools and by 1.021 x 0.875 in respect of secondary schools; in respect of funding period 2, the mean value of funding per pupil in the school's redetermined adjusted budget share for funding period 1 (calculated using pupil numbers on 17th January 2008) multiplied by 1.021 x 0.80 in respect of primary schools and by 1.021 x 0.875 in respect of secondary schools; and in respect of funding period 3, the mean value of funding per pupil in the school's adjusted budget share for funding period 2 (calculated using pupil numbers on 15th January 2009) multiplied by 1.021 x 0.80 in respect of primary schools and by 1.021 x 0.875 in respect of secondary schools.

3. Except where paragraph 4 applies, where the relevant number of pupils for the financial year beginning on 1st April 2007, funding period 1, funding period 2, or funding period 3 is 75 or fewer, that school's guaranteed funding level for the funding period, or periods as the case may be, during which the number is 75 or fewer, must be calculated as follows:

- (a) for funding period 1—
 - (i) where the relevant number of pupils in funding period 1 is the same as the relevant number for the financial year beginning on 1st April 2007 the guaranteed funding level must be A,
 - (ii) where the relevant number of pupils in funding period 1 is lower than the relevant number of pupils for the financial year beginning on 1st April 2007 the guaranteed funding level must be $A - (B \times D/E \times 1.021)$ in respect of primary schools and secondary schools,
 - (iii) where the relevant number of pupils in funding period 1 is higher than the relevant number of pupils for the financial year beginning on 1st April 2007 the guaranteed funding level must be $A + (B \times D/E \times 1.021)$ in respect of primary schools and secondary schools;
- (b) for funding period 2—
 - (i) where the relevant number of pupils in funding period 2 is the same as the relevant number for funding period 1, the guaranteed funding level must be A,
 - (ii) where the relevant number of pupils in funding period 2 is lower than the relevant number of pupils for funding period 1, the guaranteed funding level must be $A - (B \times D/E \times 1.021)$ in respect of primary schools and secondary schools,

- (iii) where the relevant number of pupils in funding period 2 is higher than the relevant number of pupils for funding period 1, the guaranteed funding level must be $A + (B \times D/E \times 1.021)$ in respect of primary schools and secondary schools;
- (c) for funding period 3–
 - (i) where the relevant number of pupils in funding period 3 is the same as the relevant number for funding period 2, the guaranteed funding level must be A,
 - (ii) where the relevant number of pupils in funding period 3 is lower than the relevant number of pupils for funding period 2, the guaranteed funding level must be $A - (B \times D/E \times 1.021)$ in respect of primary schools and secondary schools,
 - (iii) where the relevant number of pupils in funding period 3 is higher than the relevant number of pupils for funding period 2, the guaranteed funding level must be $A + (B \times D/E \times 1.021)$ in respect of primary schools and secondary schools;

where—

A and B have the same meaning as in paragraph 2,

D is the total funding within the redetermined adjusted budget share determined on the basis of pupil numbers for, in respect of funding period 1, the financial year beginning on 1st April 2007, in respect of funding period 2, funding period 1 and, in respect of funding period 3, funding period 2; and

E is, in respect of funding period 1, the relevant number of pupils for the financial year beginning 1st April 2007' in respect of funding period 2, the relevant number of pupils for funding period 1, and, in respect of funding period 3, the relevant number of pupils for funding period 2.

For the purposes of this paragraph, “the relevant number” means, in respect of funding period 1, either the number of pupils registered at the school on 18th January 2007 or the number of pupils registered at the school on 17th January 2008; in respect of funding period 2, either the number of pupils registered at the school on 17th January 2008 or the number of pupils registered at the school on 15th January 2009; and, in respect of funding period 3, either the number of registered pupils at the school on 15th January 2009, or the number of pupils registered at the school on 21st January 2010.

4. Where a school opens:

- (a) in funding period 1, and is a replacement for two or more schools being discontinued in funding period 1, its guaranteed funding level must be calculated in accordance with paragraph 2, save that the figure in respect of the new school’s redetermined adjusted budget share for the financial year beginning on 1st April 2007 is to be determined using the sum of the relevant number of pupils in the discontinued schools for that financial year as the relevant number for the purposes of paragraph 1(b);
- (b) in funding period 2, and is a replacement for two or more schools being discontinued in funding period 2, its guaranteed funding level must be calculated in accordance with paragraph 2, save that the figure in respect of the new school’s redetermined adjusted budget share for funding period 1 is to be determined using the sum of the relevant number of pupils in the discontinued schools for that funding period as the relevant number for the purposes of paragraph 1(c);
- (c) in funding period 3, and is a replacement for two or more schools being discontinued in funding period 3, its guaranteed funding level must be calculated in accordance with paragraph 2, save that the figure in respect of the new school’s redetermined adjusted budget share for funding period 2 is to be determined using the sum of the relevant number of pupils in the discontinued schools for that funding period as the relevant number for the purposes of paragraph 1(c).

Special Schools

5.—(1) A local education authority must provide in their formula that any amount allocated in accordance with regulation 16(1)(a) in respect of a place at a special school—

- (a) for funding period 1 must be at least 2.1% higher than the amount initially determined in relation to the financial year beginning on 1st April 2007 in respect of a place appropriate to a pupil with the same characteristics at that school under regulation 15(1)(a) of the 2006 Regulations;
- (b) for funding period 2, must be at least 2.1% higher than the amount initially determined in relation to funding period 1 in respect of a place appropriate to a pupil with the same characteristics at that school under regulation 16(1)(a) of these Regulations; and
- (c) for funding period 3, must be at least 2.1% higher than the amount initially determined in relation to funding period 2 in respect of a place appropriate to a pupil with the same characteristics at that school under regulation 16(1)(a) of these Regulations.

(2) (a) That portion of the redetermined budget share of a special school for funding period 1 calculated otherwise than in accordance with regulation 16 (but not including adjustments due under regulation 23 (excluded pupils)) must be at least 2.1% higher than that portion of the initially determined budget share for the financial year beginning on 1st April 2007 calculated otherwise than in accordance with regulation 15 of the 2006 Regulations but not including regulations 21, 22 (prior year adjustments) and 23 (excluded pupils) of those Regulations; and

- (b) that portion of the initially determined budget share of a special school for funding period 2 or 3 calculated otherwise than in accordance with regulation 16 (but not including adjustments due under regulation 23) must be at least 2.1% higher than that portion of the initially determined budget share for funding period 1 or 2, as the case may be, calculated otherwise than in accordance with regulation 16 of these Regulations but not including adjustments due under regulation 23.

SCHEDULE 5

Regulation 26

CONTENTS OF SCHEMES

The matters referred to in regulation 26, being matters connected with the financing of schools maintained by a local education authority, required to be dealt with in the local education authority's scheme are as follows:

1. The carrying forward from one funding period to another of surpluses and deficits arising in relation to schools' budget shares, including a mechanism for the deduction of excess surplus balances from budget shares.

2. Amounts which may be charged against schools' budget shares.

3. Amounts received by schools which may be retained by their governing bodies and the purposes for which such amounts may be used.

4. The imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the management of their delegated budgets and of sums made available to governing bodies by the authority which do not form part of delegated budgets, including conditions prescribing financial controls and procedures.

5. Terms on which services and facilities are provided by the authority for schools maintained by them.

6. The payment of interest by or to the authority.

7. The times at which amounts equal in total to the school's budget share are to be made available to governing bodies and the proportion of the budget share to be made available at each such time.

8. The virement between budget heads within the delegated budget.

9. Circumstances in which a local education authority may delegate to the governing body the power to spend any part of the authority's LEA budget or schools budget in addition to those set out in section 49(4)(a) to (c) of the 1998 Act(a).

10. The use of delegated budgets and of sums made available to a governing body by the local education authority which do not form part of delegated budgets.

11. Borrowing by governing bodies.

12. The banking arrangements that may be made by governing bodies.

13. A statement as to the personal liability of governors in respect of schools' budget shares having regard to section 50(7) of the 1998 Act.

14. A statement as to the allowances payable to governors of a school which does not have a delegated budget in accordance with the scheme made by the authority for the purposes of section 519 of the 1996 Act(b).

15. The keeping of a register of any business interests of the governors and the head teacher.

16. The provision of information by and to the governing body.

17. The maintenance of inventories of assets.

18. Plans of a governing body's expenditure.

19. A statement as to the taxation of sums paid or received by a governing body.

20. Insurance.

21. The use of delegated budgets by governing bodies so as to satisfy the authority's duties imposed by or under the Health and Safety at Work etc. Act 1974.

22. The provision of legal advice to a governing body.

23. Funding for child protection issues.

24. School meals.

25. How complaints by persons working at a school or by school governors about financial management or financial propriety at the school will be dealt with and to whom such complaints should be made.

26. Expenditure incurred by a governing body in the exercise of the power conferred by section 27 of the 2002 Act.

(a) Section 49(4) is amended by section 215 of, and paragraph 100 of Schedule 21 to the 2002 Act.

(b) Section 519 is amended by section 140 of, and paragraph 139 of Schedule 30 to, the 1998 Act. Regulations made under this section are the Education (Governors' Allowances) (England) Regulations 2003 (S.I. 2003/523).

SCHOOLS' FORUM MEMBERSHIP as at 24th September 2009

NAME	CATEGORY OF MEMBERSHIP	SCHOOL	Date of Election	Date of renewal	Address Type	Address1	Address 2	Address 3	Address 4	Postcode	E-MAIL
Schools Group:											
Steve Dainty	Primary Headteacher (vice chair)	St Joseph's Birkenhead	Sep-08	Aug-12	Home		139 Upton Road	Moreton	Wirral	CH46 0SQ	
Nigel Greathead	Primary Headteacher	Manor Primary	Sep-08	Aug-12	School	Manor Primary School	Beechwood Drive	Greenfields	Wirral	CH43 7ZU	
Morag Kophamel	Primary Headteacher	Greenleas Primary	Sep-08	Aug-12	School	Greenleas Primary School	Green Lane	Wallasey	Wirral	CH45 8LZ	
Vanessa MacDonald	Primary Headteacher	Heswall Primary	Sep-08	Aug-12	School	Heswall Primary School	Whitfield Lane	Heswall	Wirral	CH60 7SD	
Gillian Zsapka	Primary Headteacher	Heygarth Primary	Sep-08	Aug-12	School	Heygarth Primary School	Heygarth Road	Eastham	Wirral	CH62 8AG	
Margaret Bevan	Primary Governor	The Priory CE Primary	Sep-08	Aug-12	Home		27 Farndon Way	Prenton	Wirral	CH43 2NW	
Irene Davies-Foo	Primary Governor	Heswall Primary	Sep-08	Aug-12	Home	Hedgelea	3 Quarry Road East	Heswall	Wirral	CH61 6XD	
Ken Frost	Primary Governor	New Brighton Primary	Sep-06	Aug-10	Home		7 Stourcliffe Road	Wallasey	Wirral	CH44 3AE	
Alison Hardy	Primary Governor	Mount Primary	Sep-06	Aug-10	Home		37 Mount Road	New Brighton	Wirral	CH45 5JD	
John Weise	Primary Governor	Well Lane Primary	Sep-06	Aug-10	Home		19 Duncansby Drive	Bromborough	Wirral	CH63 0NY	
Neil Timent	Secondary Headteacher	Weatherhead High School	Sep-06	Aug-10	School	Weatherhead High School	Breck Road	Wallasey	Wirral	CH44 3HS	
Jan Stevenson	Secondary Headteacher	Hilbre High School	Sep-06	Aug-10	School	Hilbre High School	Frankby Road	West Kirby	Wirral	CH48 6EQ	
Phil Sheridan	Secondary Headteacher	Pensby High School for Boys	Sep-06	Aug-10	School	Pensby High School for Boys	Irby Road	Heswall	Wirral	CH61 6XN	
Elaine Cogan	Secondary Headteacher	Wirral Grammar School for Girls	Sep-09	Aug-13	School	Wirral Grammar School for Girls	Heath Road	Bebington	Wirral	CH63 3AF	
Ian Cubbin	Secondary Governor	Oldershaw	Sep-08	Aug-12	Home	Rock Villa	Wellington Road	New Brighton	Wirral	CH45 2NS	
Brian Cummings	Secondary Governor	St Anselm's College	Sep-08	Aug-12	Home		42 Wirral Gardens	Bebington	Wirral	CH63 3BH	
Betty Renshaw MBE	Secondary Governor	Woodchurch High School	Sep-08	Aug-12	Home	82 Ennisdale Drive	Newton	West Kirby	Wirral	CH48 9UA	
Sandra Wall	Secondary Governor	Hilbre High School	Sep-08	Aug-12	Home		5 Kirby Park	West Kirby	Wirral	CH48 2HA	
Andre Baird	Special Headteacher	Foxfield School	Sep-06	Sep-10	Home		350 Hoylake Road	Moreton	Wirral	CH46 6DF	
Richard Longster	Special Governor (Forum Chair)	Wirral Hospital School	Sep-06	Sep-10	Home		18 Elm Road	Birkenhead	Wirral	CH42 9NY	richardlongster@ntlworld.com
Non-Schools Group											
Pauline Hogan	Non-teacher representative	Gayton Primary	Dec-06	Nov-10	Home		4 Dovepoint Road	Meols	Wirral	CH47 6AR	
Neville Reilly	Teacher representative	South Wirral High School	Sep-06	Aug-10	Home		4 Devizes Drive	Irby	Wirral	CH61 4YJ	
Julie Kenny	Catholic Diocese	St Joseph's Primary (Upton)	Sep-07	Aug-11	School	St Joseph's Catholic Primary School	Moreton Road	Upton	Wirral	CH49 6LL	
Gillian Peters	Church of England Diocese	Dawpool CE Primary	Jan-07	Jan-11	School	Dawpool CE Primary School	School Lane	Thurstaston	Wirral	CH61 0HH	
Mike Potter	Sixth Form	Sixth Form College	Jun-09	May-13	School	Carlett Park Campus		Eastham	Wirral	CH62 0AY	MIKE.POTTER@wmc.ac.uk
Denise McDonald	PVI Early Years Providers		Sep-08	Aug-12	Home		20 Kingsmead Road North	Oxton		CH43 6TB	kingfisherday@yahoo.co.uk

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NAME	CATEGORY OF MEMBERSHIP	SCHOOL	Date of Election	Date of renewal	Address Type	Address1	Address 2	Address 3	Address 4	Postcode	E-MAIL
Simon Davies	PVI Early Years Providers		Sep-08	Aug-12	Home		13 Thornfield Way	Spital	Wirral	CH63 9JT	CDZODIAC.SUPPORT@btconnect.com
Observers/Officers											
Cllr Sheila Clarke MBE	LA Observer					C/O Wallasey Town Hall					sheilaclarke@wirral.gov.uk
Cllr Frank Doyle	LA Observer					C/O Wallasey Town Hall					frankdoyle@wirral.gov.uk
Cllr Tony Smith	LA Observer					C/O Wallasey Town Hall					tonysmith@wirral.gov.uk
Cllr Phil Davies	Cabinet Member					FOR INFORMATION	C/O Wallasey Town Hall				phildavies@wirral.gov.uk
Evelyn Epton	PVI Observer				Home		40 Budworth Road	Oxton	Wirral	CH43 9TW	winston'splacewcc@yahoo.co.uk
Simon Pierce	LSC Observer				Work	Learning & Skills Council (Greater Merseyside)	14th Floor, the Plaza	Old Hall Street	Liverpool	L3 9TD	
Howard Cooper	Director				Work	Director	CYPD	Hamilton Building			
David Armstrong	Head of Service				Work	Head of Service (Planning & Resources)	CYPD	Hamilton Building			
Marie Lawrence	Head of Service				Work	Head of Service (Early yrs & Primary Education)	CYPD	Hamilton Building			
Mark Parkinson	Head of Service				Work	Head of Service (Learning & Achievement)	CYPD	Hamilton Building			
Peter Edmondson	Head of Service				Work	Head of Service (Participation and Inclusion)	CYPD	Hamilton Building			
Andrew Roberts	Principal Manager - Finance				Work	Principal Manager - Finance	CYPD	Hamilton Building			
Nancy Clarkson	Head of Planning & Performance				Work	Head of Planning & Performance	CYPD	Hamilton Building			
Sue Ashley	Principal Officer LMS				Work	Principal Officer LMS	CYPD	Hamilton Building			
Carolyn Warburton	Data & Funding Formula Analyst				Work	Data & Funding Formula Analyst	CYPD	Hamilton Building			
Ken Owen	Principal Officer Customer Services				Work	Principal Officer Customer Services	CYPD	Hamilton Building			
Nick Nicklin	Group Accountant				Work	Group Accountant	Finance Department	Treasury Building			