 North Tyneside Council	North Tyneside Council SCHOOLS FORUM
	Thursday 26 November 2020 - 12:30 – 14:30
	The meeting will be held virtually and will be live streamed at the following link: https://youtu.be/zv_XnaouH8c

AGENDA

1.	Apologies for Absence		Chair
2.	Attendance Register/ Membership		Chair
3.	Virtual Public Meeting / Observers (*)		Chair
4.	Declaration of Interest		Chair
5.	Minutes of the last meeting	Pages 5-11	Chair
6.	Matters Arising:	Verbal Update	
6.1	Finance Update a) North Tyneside National Funding Formula Consultation update b) Schools in Financial Difficulty c) Revisions to the Scheme for Financing Schools	Circulated Pages 13-23 Pages 25-26 Pages 27-68	CE
6.2	School Forum Constitution and Action Plan Review	Circulated Pages 69-89	CP
6.3	Special Leave SLA	Verbal Update	CP
7.	Any Other Business		
<p>This is to give notice of the intention to consider item 8 below in private. Observers will be excluded from the meeting for the following items of business on the grounds that the report contains information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>			
8.	Confidential Report: De-delegated / Centrally Retained Services	Presentation	CE
8.	Date of Next Meeting – Wednesday, 13 th January 2021		Chair

North Tyneside Schools Forum Member Roles & Voting								
de-delegation Primary	de-delegation Secondary	scheme for financing schools	consultation on funding formula	General Duties	Retained Duties	all other matters	<i>last updated September 2019</i>	
1	2	3	4	5	6	7		
Voting							Phase	Role
School Members								
x		x	x	x	x	x	First	Head
x		x	x	x	x	x	Primary	Head
	x	x	x	x	x	x	High	Head
	x	x	x	x	x	x	Middle	Head
	x	x	x	x	x	x	Secondary	Head
Other School Members Non Locality Based								
x		x	x	x	x	x	Primary/ First	Governor
	x	x	x	x	x	x	Secondary/Middle	Governor
		x	x	x	x	x	Nursery	Head
		x	x	x	x	x	PRU	Head
		x	x	x	x	x	Special	Head
			x		x	x	Academy	Other
Non Schools Members Non Locality Based								
		x	x			x	16-19 Providers	Other
			x			x	EY PVI	Other
						x	C of E Diocese	Other
						x	RC Diocese	Other
						x	Trades Union	Other

Timetable & Forward Plan 2020/21

Date	Activity	Responsible
8 September	<u>Schools Forum Meeting</u> 1. To include appointment of Chair and Vice Chair 2. Review of the Constitution and supporting documents	Schools Forum
1 October	School Census Day	DFE/ESFA
11 October	Application for submitting disapplication requests	Local Authority
11 November	<u>Schools Forum Meeting</u>	Schools Forum
20 November	Deadline for submitting disapplication requests	Local Authority
28 November	Deadline for submitting disapplication requests if wish to move more than 5% of the Schools block	Local Authority
November	School census database closed. Checks and validation commences	DFE/ESFA
13 January	<u>Schools Forum Meeting</u>	Schools Forum
20 January	Submit final proposals re APT	Local Authority
21 January	Deadline for submissions of final 2021 to 2022 APT to ESFA	Local Authority
1 February	Cabinet Meeting for approval of 21/22 Schools Funding	Local Authority
22 February	Cabinet Meeting	Local Authority
26 February	Deadline for confirmation of Schools budget shares to mainstream maintained schools.	DFE/ESFA
10 March	<u>Schools Forum Meeting</u> 1. Capital Investment Plan (subject to DFE announcement) 2. Scheme for Financing Schools – Annual Update (and review if required)	Schools Forum
6 April	Cabinet Meeting	Local Authority
7 July	<u>Schools Forum Meeting</u> 1. Service Manager Reports/ Updates 2. Responsibilities for Redundancy & Early Retirement Costs – Annual Update	Schools Forum

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Meeting Schools Forum **Date** Thursday 1 October 2020

Location Via Microsoft Teams

✓ Present D Deputy A Apologies O Absent
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Present

Name	Organisation	Representing	08.09.20	01.10.20
Andrew James	St Aidan's Primary	Primary	✓	✓
Angi Gibson	Hadrian Park Primary	Primary	✓	✓
Candida Mellor / Claire MacLeod	Trade Unions	Trade Unions	Claire MacLeod	Candida Mellor
David Baldwin	Churchill Community College	Secondary	✓	✓
David Bavaird	Norham High School	Governor - Secondary	✓	✓
David Watson	St Thomas More	RC Schools	✓	✓
Gavin Storey	Cullercoats Primary	Primary	✓	A
Jill Wraith	Benton Dene Primary	Primary	✓	✓
Jim Coltman	Diocese	C of E Diocese	A	A
Joanne Thompson	Holystone Out of School	Early Years PVI	✓	✓
John Croft	Sir James Knott	Nursery	✓	✓
John Newport	Marden Bridge Middle School	Middle	✓	✓
Karen Croskery	North Tyneside Student Support Service	PRU	✓	✓
Kelly Holbrook	Longbenton High School	Secondary	✓	✓
Kerry Lillico	Grasmere Academy	Academy	✓	A
Laura Baggett	Monkhouse Primary	Primary	✓	✓
Marie Flatman / Mo Dixon	Tyne Met	16-19 Provider	Mo Dixon	✓
Matt Snape	Marden High School	Secondary	✓	✓
Michael Young	Spring Gardens Primary	Primary	✓	✓
Paul Mitchell	Whitley Bay High School	Governor – Secondary	✓	✓
Peter Gannon	Silverdale School	Special	✓	✓
Peter Thorp	Redesdale Primary	Governor - Primary	✓	✓
Philip Sanderson	Kings Priory	Academy	✓	✓
Sharron Colpitts- Elliott	Rockcliffe First School	Primary	✓	✓
Stephen Baines	Holystone Primary	Primary	✓	✓
Stephen Easton	Marine Park First School	First	✓	Colleen Ward
Steve Wilson	Whitley Bay High School	High	✓	✓
<u>In Attendance:</u>				
Mark Longstaff	Head of Commissioning & Asset Management	NTC	✓	✓
Claire Emmerson	Senior Manager - Finance Strategy & Planning	NTC	✓	✓
Noel Kay	Senior Business Partner, Finance	NTC	✓	A
Diane Thompson	Finance	ENGIE	O	O

Christina Ponting	Senior Manager - Schools HR	ENGIE/NTC	✓	✓
Mary Nergaard	PA to Head of Commissioning & Asset Management	NTC	✓	✓
Mark Taylor	Strategic Commissioning Manager	NTC	✓	N/A
Kevin Burns	Senior School Improvement Officer (Vulnerable Learners)	NTC	✓	N/A
Mark Mirfin	Senior Manager (SEND)	NTC	✓	N/A

Item		Action
1.	Apologies for Absence See Table above. The Chair welcomed everyone to the Schools Forum.	
2.	Attendance Register / Membership <ul style="list-style-type: none"> Sharon Colpitts-Elliott (SCE) is standing down. Tim Jones to take over this role from the next meeting. The Chair issued thanks to SCE for all her contribution as a member of Schools Forum 	
3.	Public Meeting / Observers The Chair welcomed the public to the meeting	
4.	Declaration of Interest Item 6.1b – Jill Wraith	
5.	Minutes of the last meeting of 8 September 2020 Minutes agreed as an accurate record of the meeting.	
6.	Matters Arising	
	Page 2, Item 6 – Matters Arising: Special Leave SLA <ul style="list-style-type: none"> <u>ACTION (carried forward):</u> Separate report to be sent to Forum members before the November meeting. 	CP
	Page 11, Item 7 – Any other business: Overall Budget Position <ul style="list-style-type: none"> <u>ACTION (carried forward):</u> CE to bring an update back to Forum in the January meeting in advance of the APT being submitted 	CE
6.1	Finance Update	
	a) National Funding Formula – Local Funding Formula update CE talked through the presentation. Main points to note as follows: <ul style="list-style-type: none"> Presentation shown on screen which provided a summary of the detail in the report Items covered included <ul style="list-style-type: none"> A look back – Local Funding Formula 2020/21 Aims of the National Funding Formula 2021/22 Local Funding Formula Modelling Considerations Risks 	Claire Emmerson

- Next Steps

- In consultation with Schools Forum, it was previously agreed to maintain the LFF for 2018/19 and 2019/20.
- In 2020/21 the LFF changed to 50% towards NFF Factor Values. Ratio 1:1.35, 35% higher for Secondary.
- During the consultation for the changes in 2020/21 there was a 68% response rate to the consultation with 98% in favour of 50% movement. 92% supported the use of MFG to reduce the level of losses and 86% agreed to the Authority setting the MFG level subject to affordability
 - The majority of schools (66%) endorsed the distribution of any additional funding via basic entitlement /AWPU / basic funding ratio
 - 12% of schools chose to allocate any additional funding to the High Needs block, acknowledging the overall funding pressure that has been seen within this area.
 - 12% identified the use of pure pupil numbers as their preferred method of distribution, the reason given was that schools in less deprived areas often don't access additional funding from other streams.
 - When asked if they would you support a movement to the High Needs Block up to the maximum level of 0.5% of the Schools Block if required, 67% said no and 23% said yes with conditions
- PM asked if there was a hard deadline for a move to NFF. CE noted that the Authority can still maintain a LFF for 2021/22 but it is highly likely that there will be a hard move to NFF in 2022/23 which will be discussed later under this item
- Aims of the NFF is as follows:
 - intended to bring the ratio of funding between Primary and Secondary schools closer (Ratio of 1:1.29)
 - More funding provision available for deprivation and low prior attainment within the formula factors.
- Table 1 of the report outlined the 4 models for 2021/22 that were explored by the sub-group.
- Appendix B shows the overall factor comparison for each model and highlights the funding distribution for deprivation and low prior attainment.
- Appendix C summarises the main movements across Models 1, 2 & 4 for Primary and Secondary by locality
- Sub-group felt that Model 3 didn't go far enough to alleviate the pressures in Primary in terms of distribution of funding.
- DW noted that the sub-group recognised that the process of moving to NFF has gone on for a significant amount of time and that North Tyneside has moved more slowly than some other Authorities. The slow movement has been supported but the group now recognises that the pressures are on all schools and not just primary so it would not be appropriate to hold off in moving further towards the NFF
- JW noted that it was a unanimous decision of the sub-group members
- PM raised concern over the impact of Covid-19 on school finances and noted that the timing of any significant changes in financial modelling should be approached with caution
- CE noted that all schools are feeling the impact of Covid-19 and the request for caution is understood. However, the pressures of Covid-19 and the changes in the funding formula are entirely different matters. There is a

need to lobby government for additional funding to deal with any Covid-19 related pressures

- Models 1, 2 and 4 all distribute similar levels of funding to Secondary schools, whereas the impact on First and Primary schools is more equitable in Models 1 & 2
- It is important to note that if a hard funding formula was brought in by the DfE the estimated negative impact using the current APT would be £113,897 for Secondary schools, and would require a negative MFG of 0.63% to avoid any capping on gains
- Whilst the LFF has been maintained in previous years changes must ensure the principles of fairness and equity across all schools.
- Model 4 moves the LFF 75% towards the NFF values and whilst this would assist with a smoother transition it does not recognise the NFF objective to distribute more funding to deprivation and low prior attainment factors. Model 1 and model 2 being at the NFF would distribute the total funding as per the NFF but would require a MFG of 0.5% and capping to maintain affordability.
- Table shown on screen shows the impact on schools. Model 2 shows a more even spread of gains across all phases and geographical areas.
- To ensure that each of these models are affordable we have had to apply capping.
- Considerations:
 - Highly likely that there will be a hard move to NFF in 2022/23. This would mean that the ESFA will fund schools directly based on full NFF factor values and the LA would no longer be able to smooth the transition via MFG or Capping
 - DfE have advised that the government will put forward proposals to move to a hard NFF in the future with potential consultation in 2021
 - Impact of Covid-19
 - Impact on Schools in Deficit as shown in Appendix E
 - If the LFF stays, even moving to the NFF the Authority would need to move away from capping and increasing the MFG.
- Key Risks:
 - NFF is currently unaffordable with current Schools Block Allocation
 - Without transitional protection the NFF would significantly impact secondary schools
 - The Authority would lose the ability to smooth the impact of NFF
 - Impact of MFG and capping for schools with high deprivation and low prior attainment, LFF needs to be more equitable, currently unaffordable due to maintaining ration and LFF factors and Secondary
 - More LAs now at NFF making North Tyneside an outlier both nationally and locally. This will impact our ability to negotiate with the DfE
- Next steps:
 - Schools Forum to consider the recommendations
 - Cllr Earley, Cabinet Member responsible for Children, Young People and Learning, has been consulted. Paper to go to LMB on the recommendations of Schools Forum on 19 October
 - Proposed consultation to commence 21 October for 4 weeks.
 - Cabinet initial budget proposals reflect options and consultation

	<ul style="list-style-type: none"> ○ Outcome to be brought back to November Forum then brought back to LMB (date tbc) ○ Schools block funding settlement December 2020 ○ Report to come back to Schools Forum in January 2021 ○ Submit APT in January 2021 <p>Discussion followed around:</p> <ul style="list-style-type: none"> ● LB asked if schools can find out how each of the models consulted on will impact them directly. CE confirmed that she would be happy to share individual school's data ● AG asked if a user-friendly guide can be provided for schools to allow them to understand all the options fully. CE proposed a Finance and Resources meeting ● DB asked for a live session to be scheduled and also recorded for those who can't attend ● DBa asked if Governors would be invited. CE confirmed that Governors can attend and that drop-in sessions can also be arranged. This is as per the current arrangements and would have happened anyway ● <u>ACTION:</u> CE to arrange a Finance and Resources session for Schools and Governors and a session will be recorded to ensure that this can be accessible to those that are unable to attend ● DB asked if the plan was to consult on Models 1, 2 and 4 ● CE noted that following the receipt of additional information, which was after the sub-group meeting, it is felt that Models 2 and 4 would be more equitable across all schools. Sub-Group members agreed. ● <u>ACTION:</u> CE to share presentation with Forum Members <p>Recommendations</p> <p>Schools Forum is asked to consider the following:</p> <ul style="list-style-type: none"> ● note the impact of moving to the preferred options based on the summary information provided for 2021/22, Appendices A-E; Noted ● provide feedback on the proposed funding options and agree the options which will form part of the consultation with all schools; and Forum agreed to consult on Models 2 and 4 only for 2021 Consultation to run from 21 October for a period of 4 weeks ● note that for 2021/22 the Authority will maintain a Local Funding Formula. It is likely that the 'hard' NFF will be implemented for 2022/23. Noted 	<p>CE</p> <p>CE</p>
	<p>b) Schools in Financial Difficulty</p> <p style="text-align: right;">Claire Emmerson</p> <p>CE talked through the briefing paper on behalf of the Schools Forum Finance Sub-Group. Main points to note as follows:</p> <ul style="list-style-type: none"> ● Sub-Group were asked to review if the current criteria could be broadened / updated to allow for the following:- <ul style="list-style-type: none"> ○ provide support for schools who are new to deficit including those who become a deficit school in year; 	

- provide support for those schools who are predicting a deficit longer than year 3 timeframe, but who are able to demonstrate a return to in-year balance within a reasonable time frame; and
- provide support for those schools who have already been in receipt of funding from the Schools in Financial Difficulty budget in previous years.
- Table 1 shows the sub-group recommendations and suggested revisions. Overview provided and suggested changes discussed
- SW asked if Schools that have come out of deficit that then go back into deficit could apply again. CE noted that schools that return to seek deficit approval once out of deficit can re-apply, however there would be conditions as outlined in the report
- In reviewing the criteria, the Sub-group were keen to ensure that sufficient scrutiny would be in place for all applications submitted.
- Officers from the Authority suggested that revising the current application documentation and introducing a framework which would support schools to make an application would go some way to providing assurance in relation to the submissions by schools.
- Wider considerations discussed as follows:
 - balances currently held for the purpose of supporting schools in financial difficulty;
 - fundamental purpose of the funding; and
 - the use of residual funding to support other areas.
- The group agreed in principle that in the first instance the funding should be used for its intended purpose and a level of balances should be retained to support future applications from schools in financial difficulty. Only once all of the applications for funding had been reviewed, recommendations made and approved by Schools Forum, would any residual funding above the agreed retained balances level be used to support other areas for example, Special Leave.

Discussion followed around:

- PM noted concern over ensuring that the system does not allow a school to drift into structural deficit. Forum agreed.
- SB asked if there is any merit in adding that any reapplicants are only considered after first time applicants to make sure that first time applicants to get the first chance at claiming money, with the hope there is sufficient funding available to help others. CE noted the comments and agreed to revise the framework / policy.
- **ACTION: CE to arrange a meeting of Sub-group to retrospectively look at applications and reassess the allocations**

CE

Recommendations

Schools Forum is asked to consider the following:

1. agree the recommendations for the review of criteria as per Table 1 and the revised draft framework as per Appendix B;
Agreed
2. agree that should the recommendation 1 be agreed, Schools Forum will then require the Sub-group to retrospectively apply the revised criteria to for those schools who had previously made an application for funding in

	<p>July 2020 and where appropriate review the applications and make further recommendations for approval (November 2020); Agreed</p> <p>3. agree that Finance will continue to work with the Sub-group of Schools Forum to provide assurance that robust applications are submitted and provide advice when applications are considered; Agreed</p> <p>4. agree that the documentation for applications will be revised for the 2021/22 application framework; Agreed</p> <p>5. agree that in the first instance the funding should be used for its intended purpose; Agreed</p> <p>6. agree that a level of balances should be retained to support future applications from schools in financial difficulty, the balance to be determined; Agreed</p> <p>7. agree that only once all of the applications for funding had been reviewed, recommendations made and approved by Schools Forum, would any residual funding above the agreed retained balances level be used to support other areas for eg Special Leave; and Agreed</p> <p>8. the decision in relation to supporting other areas for eg Special Leave is put on hold pending decisions taken at Schools Forum. Agreed</p>	
7.	Any Other Business	
	<ul style="list-style-type: none"> AJ noted that at the January and March meetings it was agreed that a sub-group would be arranged to look at School SLAs. A meeting was scheduled but later cancelled as a result of Covid-19. AJ asked if this action could be revisited. ACTION: MN to arrange a rescheduled meeting of the Schools SLA Sub-Group 	MN
8.	Date of next meeting	
	<p>Wednesday 11 November 2020 at 12:30pm - postponed</p> <p>Forum agreed to move the next meeting to Thursday 26 November 2020 at 12:30pm</p>	



Item 6.1a

Briefing note

To: Schools Forum **Author:** Claire Emmerson

Date: 26 November 2020

Purpose of the Paper:

Information	√
Consultation	√
Decision	

Title of Briefing: **Update on National Funding Formulae and the Outcome of Consultation with All Schools on Funding Distribution for 2021/22**

Purpose of Paper

- 1.1 This paper provides a summary of the outcomes from the consultation exercise carried out with all schools in October and November 2020 in relation to the Schools block, Local Funding Formula (LFF) in North Tyneside.
- 1.2 It also provides an outline of the current information available relating to 2021/22 for each funding block of the Dedicated Schools Grant (DSG) including indicative allocations (based on October 2019 census data) which were announced in October 2020.
- 1.3 This report also contains a brief update on the draft 2020/21 budget monitoring position after the first set of monitoring visits to schools.

Consultation Responses for Local Funding Formula Changes

- 2.1 Officers from the Authority have been working with the Schools Finance Subgroup, to review the Authority's Local Funding Formula (LFF) for schools and what the potential impact would be if the LFF was moved towards the National Funding Formula (NFF). The outcome of that work was presented to Schools Forum on 1 October 2020 and two funding models were proposed. These were: -
 - Option 2. Move 100% to national funding formula (NFF) and capping maximum increase at 4.5%
 - Option 4. Move 75% to national funding formula (NFF) with no capping

Each of the models put forward were presented in summary and the reasons for the selected MFG rates and capping were explained in relation to the estimate allocation and the relative gap to full NFF. At its meeting on the 1 October, Schools Forum agreed to consult with all schools on these options. A consultation exercise was carried out with all schools during October and November 2020, with all headteachers, school leaders and governors given the opportunity to reply.

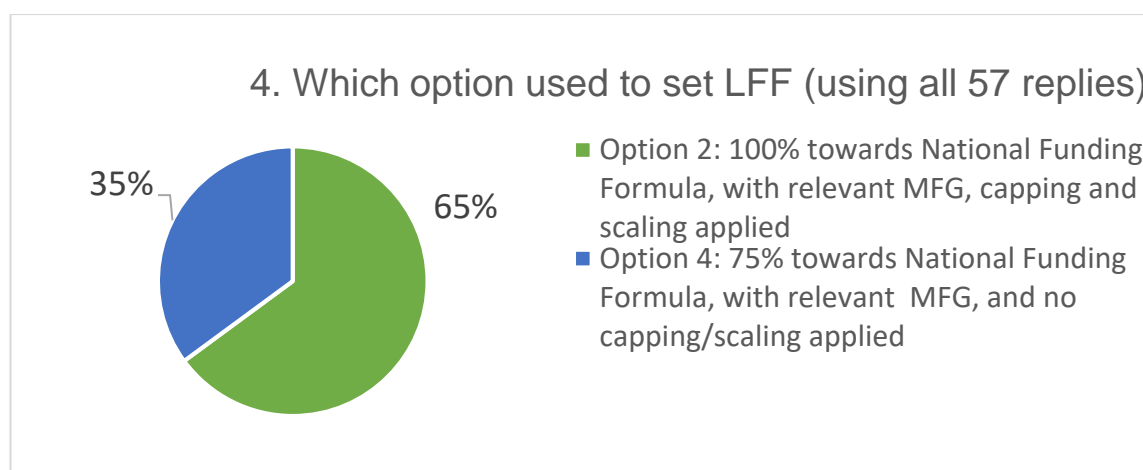
During the consultation a number of engagement events with school staff, headteachers and governors were held to provide additional information on the modelling work performed and to support schools to give an informed response. In total 57 surveys were completed from 38 different schools. The response rate moved from 68% in 2019 to 54% in 2020 with responses received from 31 head teachers and 19 governors or governing bodies, plus 7 from other leadership figures. The responses were split by phase as follows;

Table 1: Response Rates to the Consultation by Phase

Phase	Number Schools Responded	Number in Phase	Response Rate
Primary	23	47	49%
First	3	7	43%
Secondary Middle	3	5	60%
Secondary High	9	11	82%
All Through	0	1	0%
Total	38	71	54%

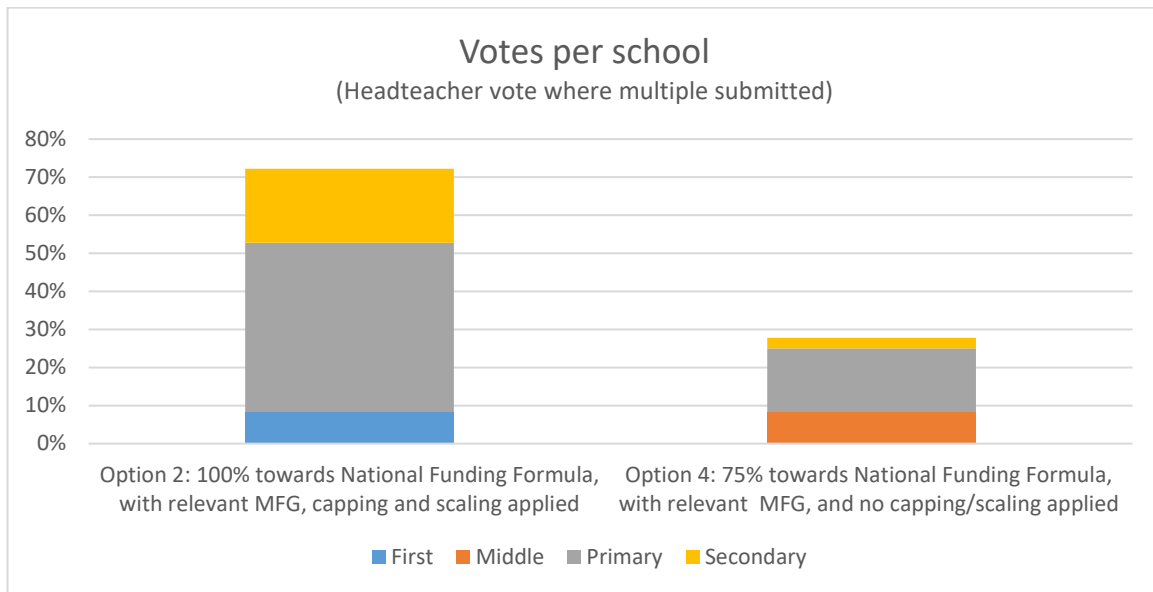
2.2 Responses to the consultation questions from the respondents are summarised below. These have been analysed based on both the total number of votes and limiting to one vote per school (usually casting the headteacher vote).

Chart 1(a): Which of the following options would you support as the method of allocating funding for 2021/22?



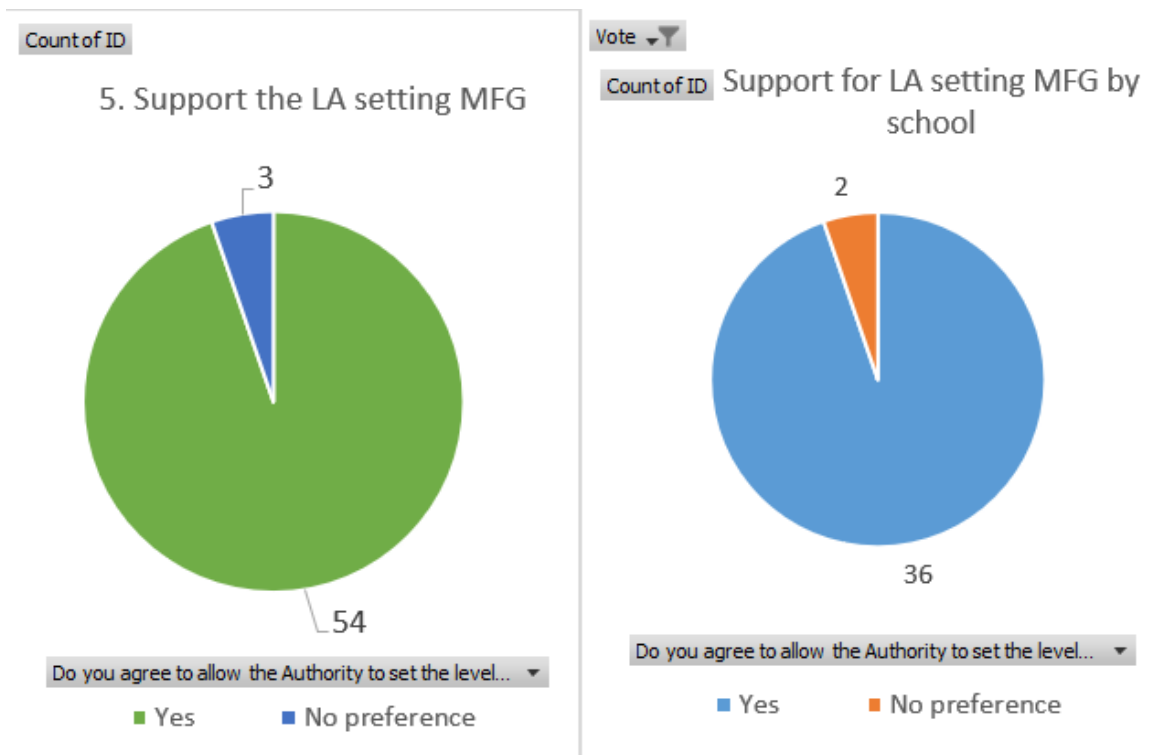
2.3 Total votes leaned 65/35 towards option 2, whilst votes per school were clearer with 72/28 towards option 2.

Chart 1(b): Analysis for Votes by School Phase



2.4 In conclusion, the consultation favours moving 100% towards NFF with relevant MFG, capping and scaling applied. A factor impacting selection was the application, or not, of capping. The chart below does show an overwhelming majority agree to allow the Authority to set a fair MFG based on the available funding both overall and by school.

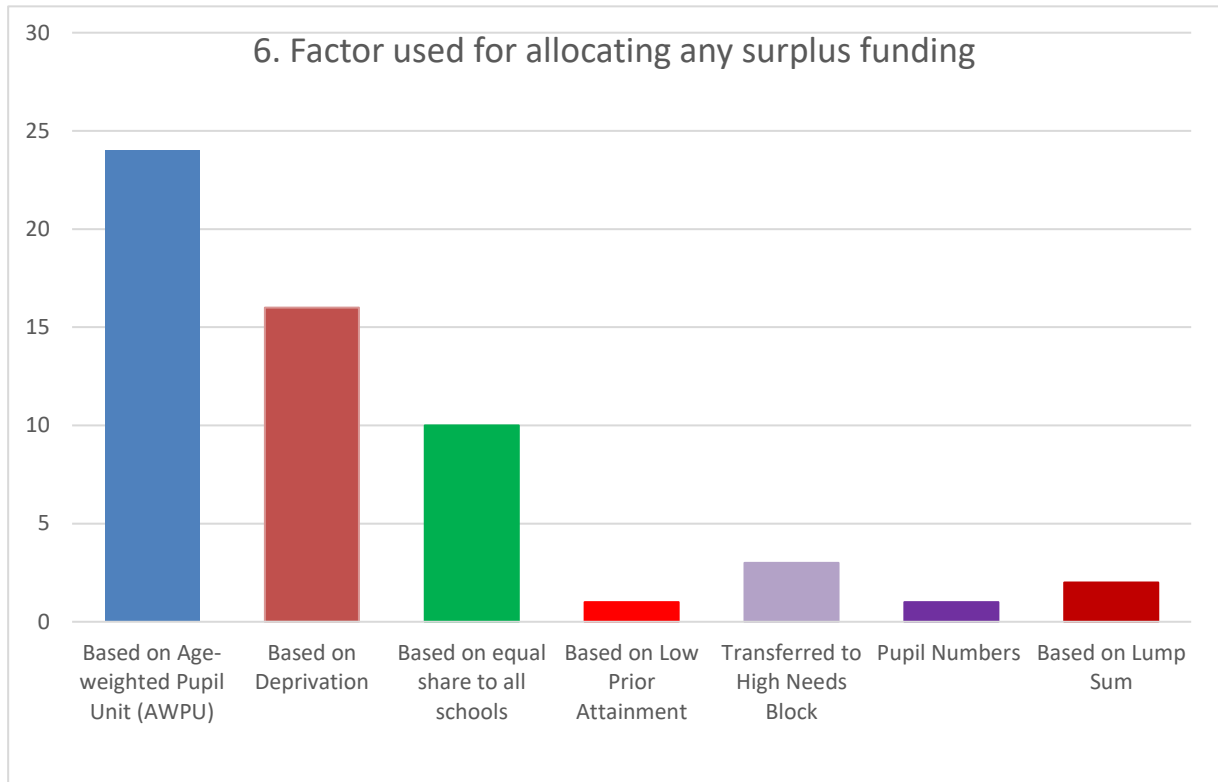
Chart 2: Do you agree to allow the Authority to set the level of Minimum Funding Guarantee subject to affordability, based on the final funding allocation?



2.5 In reviewing how best to allocate any surplus funding respondents were offered seven options, plus “other”. The preferred option remains to be using age-weighted pupil units

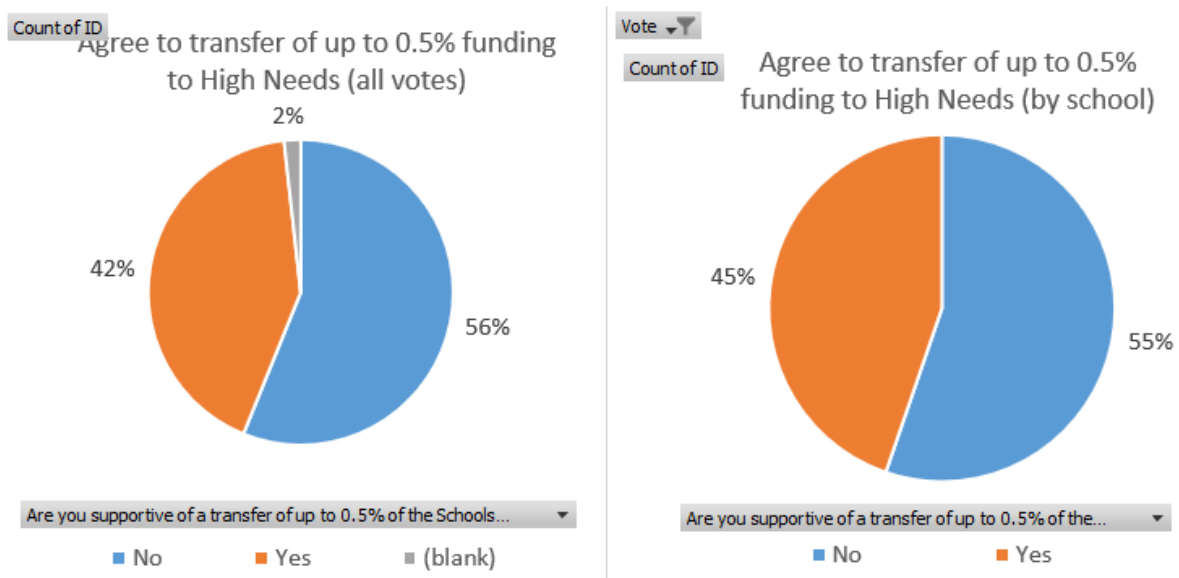
(AWPU), though one school reflected this penalises small primary and first schools who are already impacted by the drop in lump sum.

Chart 3: Which of these factors do you think should be used to distribute any surplus after delivering the chosen MFG protection level?



2.6 There was no overall agreement to transfer up to 0.5% of the Schools block to High Needs block if required, as can be seen in Chart 4, however the yes vote was up from 23% in last year's consultation, with a much closer result.

Chart 4: Responses to whether to transfer funds to High Needs



Update on 2021/22 Funding Allocations

- 3.1 In September 2017 the Department for Education (DfE) published the response to the stage 2 national funding formula consultation and confirmed the details of the National Funding Formula (NFF) for the Schools block. In 2021/22 the Dedicated Schools Grant (DSG) will continue to be comprised of four blocks covering: Schools, High Needs, Early Years and the Central School Services. Each of the four blocks has their own funding formula.

DSG Illustrative funding 2021/22: Schools Block

- 3.2 In 2021/22, as in 2020/21, the Authority will receive its DSG funding based on the revised DfE National Funding Formula. In October 2020 the DfE published indicative allocations under the NFF at a school level using October 2019 census data. This shows the funding level for each mainstream school based on the NFF using the 2021/22 Primary Unit of Funding (PUF) and Secondary Unit of Funding (SUF) with October 2019 pupil numbers. This information is for planning purposes only as local formulae used by each local authority can still vary from the NFF within the guidance issued by the DfE. The initial DSG allocation to the Authority for 2021/22 will be published in December 2020 using the October 2020 census results.
- 3.3 The link to the school level NFF allocations using October 2019 census data information is shown below: -
- <https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2021-to-2022>
- 3.4 The DfE initially proposed a two-year transition period (2018/19 and 2019/20) where local authorities will continue to set a local formula to distribute funding to individual schools. However, in July 2018, as a result of the significant movement witnessed towards the NFF, the Government confirmed that these transitional arrangements would continue into at least 2020/21. In 2020, the DfE again confirmed that the transitional arrangements will continue into 2021/22, with the expected move to “hard” NFF being likely in 2022/23.
- 3.5 The Schools NFF for 2021/22 will continue to have the same factors as at present. The Government announced its intention to implement the formula to address historic underfunding and move to a system where funding is based on need. The key aspects of the formula for 2021/22 are:
- The minimum per pupil funding levels will be set at £4,180 for primary schools, £5,215 for KS3 and £5,415 for KS4; and
 - The funding floor will be set at 2.0% per pupil. This minimum increase in 2021/22 allocations will be based on the individual school’s NFF allocation in 2020/21.

In addition, two important restrictions will continue:

- Local authorities will continue to set a Minimum Funding Guarantee in the local formula, which in 2021/22 must be between +0.5% and +2%. This allows them to mirror the real terms protection in the NFF, which is the Government’s expectation; and
- Local authorities can only transfer up to 0.5% of their School Block to other blocks of the DSG, with their schools’ forum approval. To transfer more than this, or any

amount without their schools' forum approval, they will have to make a request to the Department for Education, even if the same amount was agreed in the past two years.

- 3.6 The North Tyneside illustrative allocation for the Schools block, Central Schools Services block and High Needs block in 2021/22 (using census 2019 i.e. static pupil numbers) is shown below with the 2017/18 to 2020/21 figures for comparison. The Early Years Block value for 2021/22 is based on 2020/21 rates and uses prior year pupil numbers, as the DfE have not published this information at time of writing.

Table 2: 2021/22 Illustrative allocation compared with prior year actuals

	2017/18 Baseline £m	2018/19 £m	2019/20 £m	2020/21 £m	Notional for 2021/22* £m	2020/21 to 2021/22 £m
Schools	115.395	116.594	120.926	126.794	135.906	9.112
Central School Services	2.500	2.314	2.343	2.051	1.854	(0.197)
High Needs	18.680	19.291	19.818	23.319	26.101	2.782
Early Years Block	12.064	13.553	13.514	13.771	13.771 ^T	0.000
TOTAL	148.639	151.752	156.601	165.935	177.632	11.697
Change from 17/18 Baseline £m	-	3.113	7.962	17.296	28.993	
Change from 17/18 Baseline %	-	2.1%	5.4%	11.6%	19.5%	
Change per Year £m	-	3.113	4.849	9.334	11.697	
Change per Year %	-	2.1%	3.2%	5.8%	7%	
PUF	-	3,769.62	3,860.44	4,083.69	4,424.57	
SUF	-	5,272.53	5,304.68	5,427.04	5,840.64	
MPPF: Primary	-	3,300.00	4,600.00	3,750.00	4,180.00	
MPPF: Secondary	-	4,600.00	5,100.00	5,000.00	5,415.00	

* Includes pay award grants previously separate to DSG

^T No information from DSG, so based on last year.

- 3.7 Within North Tyneside, modelling work is continuing based on the information currently available. At this stage, before initial allocations based on the October 2020 census are announced by the DfE, we are proposing to implement the revised minimum per pupil funding rates published by the DfE for 2021/22.

High Needs Block Update for 2020/21 Position and 2021/22 illustrative allocation

- 4.1 Schools Forum will recall as reported at the September 2020 meeting, the High Needs block outturn in 2019/20 was an overspend of £4.542m. This pressure has continued in 2020/21 with a forecasted in-year outturn variance of £3.515m at November and therefore a total cumulative overspend of just over £8.057m. The Authority are working on a recovery plan for High Needs, factoring in approaches taken regionally and nationally within other Authorities.

- 4.2 The pressures in North Tyneside are due to additional places required in special schools, increasing Out of Borough placements and in top up payments in mainstream schools, as outlined in Table 3 below;

Table 3: Forecasted High Needs Overspend as at November 2020

Provision	Budget	Forecast November	Variance	Comment	Prior Variance
	£m	£m	£m		£m
Special schools and PRU	13.000	14.954	1.954	Pressure on places for children with profound, Multiple Learning Difficulties, Social Emotional and Mental Health problems and Autism Spectrum Disorder	1.866
ARPs/Top ups	4.005	4.610	0.946	Pressures in pre 16 top ups e.g. Norham ARP	0.991
Out of Borough	2.165	3.156	0.641	Increased number of children placed outside North Tyneside Schools	0.565
Commissioned services	3.957	4.041	0.085		0.035
Subtotal	23.127	26.752	3.625		3.457
2019/20 b/f			4.542		4.542
Subtotal			8.167		7.999

- 4.3 Transfers have been made to the High Needs block from the Schools block in previous years. These transfers were consolidated into the High Needs block as part of rebasing exercises carried out in 2016/17 and 2017/18 by the DfE. There is currently no mechanism for transfers to be permanently consolidated into the High Needs block (as both blocks are on a formula basis with the historic element of the High Needs block referenced to a 2017/18 baseline).
- 4.4 The indicative value of the High Needs block in 2021/22 based on static rolls is as follows:

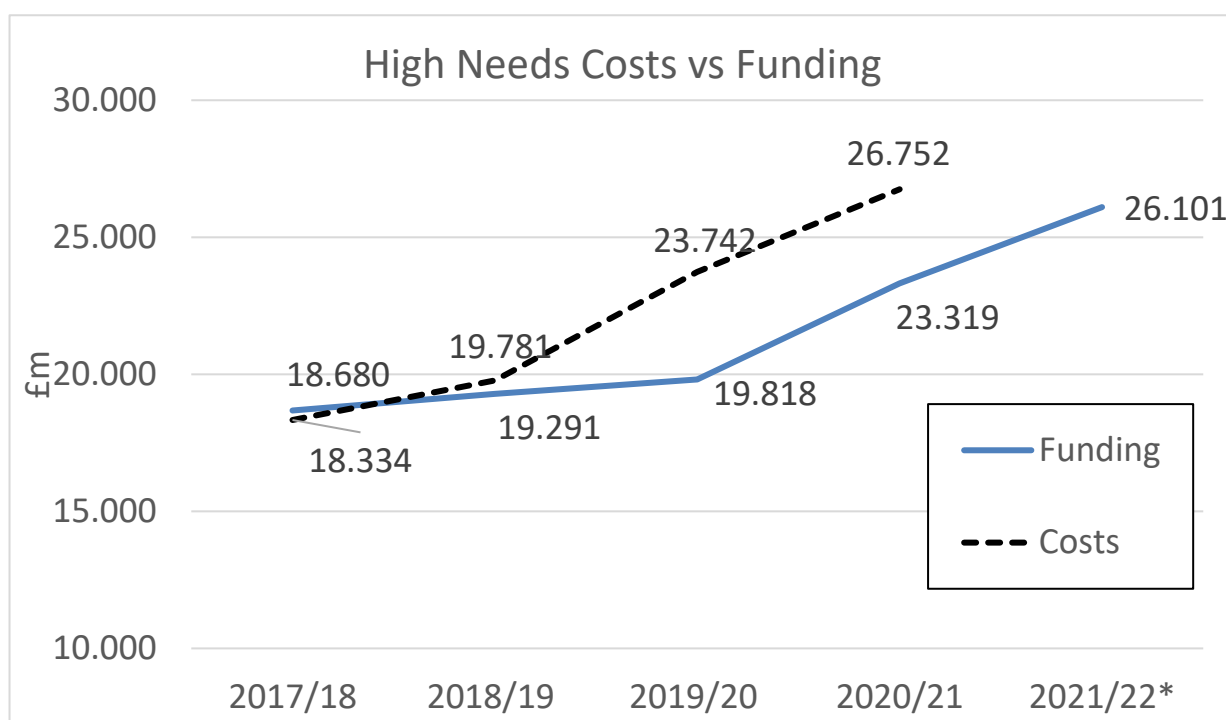
**Table 4: Indicative High Needs Block Values 2020/21 compared to prior years
DSG funding (excluding in year transfer)**

	2017/18 Baseline	2018/19	2019/20	2020/21	Notional for 2021/22*
High Needs Funding (DSG)	18,680,303	19,291,295	19,817,842	23,318,597	26,101,303
Change from 2017/18 Baseline £		610,992	1,137,539	4,638,294	7,421,000
Change from 2017/18 Baseline %		3.3%	6.1%	24.8%	39.7%
Change per Year £	-	610,992	526,547	3,500,755	2,782,706
Change per Year %	-	3.3%	2.7%	17.7%	11.9%

* Indicative only

4.5 The funding increases since 2017/18 have been constant but still lag behind the actual costs of High Needs over the same period, as can be seen in chart 5 below.

Chart 5: High Needs Costs vs Funding 2017/18 to 2021/22



Central Block Funding for 2021/22

5.1 The make-up of the Central School Services Block (CSSB) has changed from 2019/20, with further changes to be implemented in 2021/22. Funding is comprised of a historic commitments' allocation and a formula-based amount for ongoing functions. Table 10 shows the impact of the indicative funding for 2021/22, which reflects the DfE's plan to reduce funding of CSSB. The historic commitments element has been reduced by 20% per annum, in line with strategic DfE published plans over the last two years.

Table 5: Indicative allocations for North Tyneside CSSB 2021/22 compared to prior years DSG funding

	2019/20	2020/21	2021/22	Annual Change	
	£m	£m	£m	£m	%
Historical Commitments	1.555	1.244	0.995	(0.249)	(20.0%)
Ongoing Functions	0.788	0.807	0.859	0.052	6.4%
Total	2.343	2.051	1.854	(0.197)	(9.6%)
Change from 2017/18 Baseline £m	-	(0.292)	(0.489)		
Change from 2017/18 Baseline %	-	(12.5%)	(20.9%)		
Change per Year £m	-	(0.292)	(0.197)		
Change per Year %	-	(12.5%)	(9.6%)		

Early Years Block Update for 2020/21 Position and 2021/22 illustrative allocation

- 6.1 The Early Years block outturn for 2019/20 was a surplus of £0.432m. 2-year old provision is forecast to be provided on budget for the year, with payments to providers continuing in December as normal.
- 6.2 The Authority have now confirmed that funding for 3- and 4- year olds in the Autumn term can go ahead as planned. Providers will be funded based on the higher of the Autumn 2019 or the Autumn 2020 places, with payments going out to providers shortly. From spring term funding will be provided based on the funded numbers at that time.

Update on 2020/21 Budget Monitoring for Schools

- 7.1 Forum will recall, as reported in September 2020, that the overall level of school balances at the end of March 2020 was £0.165m compared to £1.599m as at March 2019. This represented a decrease in balances of £1.434m.
- 7.2 The first set of monitoring for the 2020/21 year has just been completed, with schools overall showing a £1.089m improvement against budget plans. One school has moved out of deficit following allocation of funding for schools in financial difficulty, though there are 2 more schools reporting new forecast deficits over £5,000 in addition to those identified at budget planning stage. The summary of balances by phase is shown in Table 6 below.

Table 6: School balance position against plan (committed and uncommitted)

PHASE	BUDGET 2019/20 OUTTURN £m	ACTUAL OUTTURN 2019/20 £m	BUDGET 2020/21 OUTTURN £m	MONITORING 1 2020/21 £m	Variance £m
Nursery	0.002	0.127	0.053	0.086	0.034
First	0.412	0.746	0.666	0.619	(0.047)
Primary	2.346	3.497	2.271	2.702	0.432
Middle	0.369	0.437	0.276	0.338	0.063
Secondary	(8.028)	(5.549)	(9.679)	(9.766)	(0.087)
Special/PRU	0.238	0.907	(0.341)	0.353	0.695
TOTAL	(4.661)	0.165	(6.755)	(5.666)	1.089

- 7.3 The position of schools in deficit improved by £0.308m by the first set of monitoring compared with their budgeted outturns. It should be noted that Beacon Hill, St Mary's N/S, Monkseaton High and Norham High have not yet had deficits approved and discussions are ongoing.
- 7.4 Deficit review meetings have been held between the representatives of the Head of Resources (Janice Gillespie) and the Head of Health, Education, Care and Safeguarding (Jacqui Old) and the Heads and Chairs of Governors of all schools under a deficit approval agreement. In addition, meetings have been extended to schools predicting a deficit position in 2021/22 (known as amber deficits in the support and challenge framework).
- 7.5 Tailored support has been offered to individual schools following these deficit review meetings. This support includes peer review, detailed reviews of curriculum planning and support with more detailed forecasting for funding in future years in addition to the normal ongoing support provided by the schools Finance and HR SLAs.

Table 7: Position of Deficit Schools after Monitoring 1

School	BUDGET PLAN 2020/21 £m	MONITORING 1 2020/21 £m	VARIANCE 2020/21 £m	Status
Beacon Hill	(0.773)	(0.598)	0.175	In Deficit
Forest Hall Primary	(0.014)	(0.015)	(0.000)	In Deficit
Holystone Primary	(0.032)	0.020	0.052	Out of Deficit
Ivy Road Primary	(0.300)	(0.245)	0.055	In Deficit
Marden High	(0.494)	(0.475)	0.018	In Deficit
Monkseaton High	(5.164)	(5.090)	0.073	Structural Deficit
Norham High	(3.193)	(3.189)	0.004	Structural Deficit
Longbenton High	(2.610)	(2.610)	0.000	In Deficit
Benton Dene Primary	(0.022)	(0.010)	0.012	New Deficit
Greenfields Primary	(0.120)	(0.178)	(0.058)	New Deficit
St Mary's R C Primary N/S	(0.033)	(0.039)	(0.005)	New Deficit
Marden Bridge Middle	(0.067)	(0.042)	0.025	New Deficit
Rockcliffe First	0.017	(0.016)	(0.033)	New Forecast
Burradon Primary	0.003	(0.007)	(0.010)	New Forecast
TOTAL	(12.802)	(12.494)	0.308	

Recommendations

8.1 Schools Forum is asked to:

- Note the responses to consultation with all schools in relation to distribution of funding from the Schools Block;
- Confirm the option which Forum wishes to recommend to Cabinet to inform Budget engagement;
- Note the update on National Funding Formula and update on indicative allocations for each of the four funding blocks;
- Note the improvement in the budget monitoring position for schools following monitoring one; and
- Continue to review the position of the High Needs block, considering the work to keep children in schools, the SEND Review and reviews of ARPS and commissioned services which will consider value for money and the outcomes for children and young people and will implement change, where needed, following due process.



Item 6.1b

Briefing note

To: Schools Forum **Author:** Claire Emmerson

Date: 26 November 2020

Purpose of the Paper:

Information	√
Consultation	
Decision	√

Title of Briefing: Schools in Financial Difficulty

Purpose of Paper

- 1.1 At its last meeting, Schools Forum agreed to revise the criteria to which would allow greater flexibility for schools to apply for Schools in Financial Difficulty Funding. This paper provides a summary of the outcome from a further review of applications by the subgroup of Schools Forum.

Consultation Responses for Local Funding Formula Changes

- 2.1 The subgroup met virtually on 16 October 2020 to review the applications which had previously been excluded due to being ineligible under the previous criteria. Of the outstanding applications 4 were eligible under the revised criteria.

Each application was reviewed by the subgroup and only 2 applications were accepted for additional funding: -

- Benton Dene Primary School; and
- Marden High School.

- 2.2 Benton Dene Primary's application met all of the eligibility criteria and the school shows a strong recovery position once the funding has been allocated. All subgroup members agreed that their recommendation would be that the school should receive the full funding which had been requested, £41,000.

2.3 Marden High School also met all of the revised eligibility criteria and again the school shows a strong recovery position. The subgroup members recognised that there were reasons for the schools financial position which were out of the schools control and that the school had made continuous progress over a number of years to not only bring the school back into financial balance but to also reduce the deficit balance.

No decision was made at the initial meeting with regards to the level of funding that the subgroup would recommend to Schools Forum, a further meeting was therefore necessary to discuss this matter in more detail.

The further meeting was held on 18 November 2020 and 3 options for funding were put to a vote. The subgroup voted for Option 2 which was to recommend further funding of £161,026 to Marden High School.

Recommendations

8.1 Schools Forum is asked to:

- Allocation the funding as per the recommendations made from the subgroup for both Benton Dene Primary and Marden High School.



Item 6.1c

Briefing note

To: Schools Forum **Author:** Claire Emmerson

Date: 26 November 2020

Purpose of the Paper:

Information

Consultation

Decision

√

Title of Briefing: Proposed Revision to the Scheme for Financing Schools

1. Purpose of the Report

Please find attached a revised draft of the Scheme for Financing Schools, the key document that sets out the financial relationship between the Local Authority and its maintained schools.

2. Background

It is based on statutory guidance published by the Department for Education (DfE), the latest version of which is available at:

<https://www.gov.uk/government/publications/schemes-for-financing-schools>

Local authorities must take this guidance into account when schemes are revised.

4. Proposed Changes

There is one major revision in relation to school deficits, with the inclusion of a 5% threshold when measuring deficits, to be applied on balances at 31st March 2021 onwards. There are also a number of minor revisions, deletions and minor updates to

the scheme. These bring the North Tyneside Scheme in line with the national guidance. The following table lists revisions to the North Tyneside Scheme:

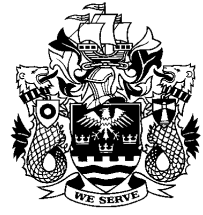
Table 1: revisions to North Tyneside Scheme for Financing Schools for 2020

Section	Revision
1	Update references to current scheme and regulations
2.3.1	Specify requirement for 3-year budget forecasts
2.4	Remove requirement to follow “authority’s purchasing, tendering and contracting requirements”
2.11	Clarity on procurement relationship of schools
4.5	Deficit threshold of 5% of budget added to definition of deficit, from 31 st March 2021 onwards
4.9	Inclusion of 5% into current deficit definition of £5,000
10.2	Inclusion of reference to Government Risk Protection Arrangements (RPA) for school insurance
11.3	Change reference from governors’ expenses to governors’ allowances, with presentational changes around budgets
13.18	Reference to RPA for school community facilities
13.25	Remove requirement to seek permission from secretary of state for loans in relation to community facilities, though requirement to follow local authority rules still applies

5. Recommendation

The Schools Forum is recommended to approve the report and adopt the proposed draft of the Scheme for Financing Schools.

ANNEX A: Proposed Draft of Scheme for Financing Schools



North Tyneside Council

SCHEME FOR FINANCING SCHOOLS

November 2020

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SECTION 1: INTRODUCTION

References throughout this statutory guidance to:

“the act” is the [School Standards and Framework Act 1998](#)

“the authority” is the local authority

“the regulations” are [School and Early Years Finance \(England\) Regulations 2020](#)

1.1 The Funding Framework: Main features

The **current** funding framework which replaces Local Management of Schools is based on the legislative provisions in sections 45-53 of the School Standards and Framework Act 1998.

Under this legislation, local authorities determine for themselves the size of their schools budget and their non-schools education budget – although at a minimum a local authority must appropriate its entire Dedicated Schools Grant to their schools budget. The categories of expenditure which fall within the two budgets are prescribed under regulations made by the Secretary of State, but included within the two, taken together, is all expenditure, direct and indirect, on an authority's maintained schools except for capital and certain miscellaneous items. Local authorities may centrally retain funding in the Schools Budget for purposes defined in regulations made by the Secretary of State under s.45A of the Act. The amounts to be retained centrally are decided by the authority concerned, subject to any limits or conditions (including gaining the approval of their School Forum or the Secretary of State in certain instances) as prescribed by the Secretary of State. The balance of the Schools Budget left after deduction of centrally retained funds is termed the Individual Schools Budget (ISB). Expenditure items in the non-schools education budget must be retained centrally (although earmarked allocations may be made to schools).

Local authorities must distribute the ISB amongst their maintained schools using a formula which accords with regulations made by the Secretary of State, and enables the calculation of a budget share for each maintained school. This budget share is then delegated to the governing body of the school concerned, unless the school is a new school which has not yet received a delegated budget, or the right to a delegated budget has been suspended in accordance with s.51 of the Act. The financial controls within which delegation works are set out in a scheme made by the authority in accordance with s.48 of the Act and regulations made under that section. All proposals to revise the scheme must be approved by the schools forum, though the authority may apply to the Secretary of State for approval in the event of the forum rejecting a proposal or approving it subject to modifications that are not acceptable to the authority.

Subject to any provision made by or under the scheme, governing bodies of schools may spend such amounts of their budget shares as they think fit for any purposes of their school* and for any additional purposes prescribed by the Secretary of State in regulations made under s.50 of the Act. (*Section 50 has been amended to provide that amounts spent by a governing body on providing community facilities or services under section 27 of the Education Act 2002 are treated as if they were amounts spent for the purposes of the school (s50(3A) of the Act.)

An authority may suspend a school's right to a delegated budget if the provisions of the school financing scheme (or rules applied by the scheme) have been substantially or persistently breached, or if the budget share has not been managed satisfactorily. A school's right to a delegated budget share may also be suspended for other reasons (schedule 17 to the Act).

Each authority is obliged to publish each year a statement setting out details of its planned schools budget and other expenditure on children's services, showing the amounts to be centrally retained and funding delegated to schools. After each financial year the authority must publish a statement showing out-turn expenditure at both central level and for each school, and the balances held in respect of each school.

The detailed publication requirements for financial statements are set out in directions issued by the Secretary of State, but each school must receive a copy of each year's budget and out-turn statements so far as they relate to that school or central expenditure.

Regulations also require a local authority to publish their scheme and any revisions to it on a website accessible to the general public, by the date that any revisions come into force, together with a statement that the revised scheme comes into force on that date.

1.2 The role of the scheme

The scheme sets out the financial relationship between the authority and the maintained schools within North Tyneside. The scheme contains requirements in relation to financial management and associated issues that are binding on both the authority and on schools.

1.2.1 Application of the scheme to the authority and maintained schools

The scheme applies to all schools maintained by the authority, i.e. all Community, Voluntary, Foundation (including Trust), Community Special or Foundation Special and Pupil Referral Units (PRUs). The schools are listed in annex A.

1.3 Publication of the scheme

A copy of the scheme, and any amendment to it, will be published on the North Tyneside Council website and made accessible to the general public. The date on which any amendments take effect will be published.

1.4 Revision of the scheme

Any proposed revisions to the scheme will be the subject of consultation with schools and will require approval by members of the Schools Forum representing maintained schools before implementation.

1.5 Delegation of powers to the Headteacher

The Governing Body is responsible for the sound financial administration of their school, and must consider the extent to which they wish to delegate their financial powers to the Headteacher, and to record its decision (and any revisions) in the minutes of the governing body.

The governing body must approve the first formal budget plan each financial year.

1.6 Maintenance of schools

The Local Authority is responsible for maintaining the schools covered by the scheme and this includes the duty of defraying all the expenses of maintaining them (except in the case of a voluntary aided school where some of the expenses are by statute, payable by the governing body). Part of the way an authority maintains schools is through the funding system put in place under sections 45 to 53 of the Schools Standards and Framework Act 1998.

SECTION 2: FINANCIAL CONTROLS

2.1.1 Application of financial controls to schools

Schools with delegated budgets remain an integral part of the authority and must ensure that financial control and monitoring procedures operate to the highest standards. Schools should comply with the requirements contained in more detailed publications produced by the authority e.g. Local Bank Account Scheme, Financial Regulations etc.

2.1.2 Provision of financial information and reports

Schools with and without their own bank account they must provide the authority with a financial statement detailing anticipated and actual expenditure and income for the financial year, on at least a termly basis, in a prescribed format. The statement must be produced consistently throughout the year and include an estimated outturn position. The LA will notify the school in writing if in its view the school's financial position requires more frequent submission.

The form determined by the LA for submission of information will so far as possible take account of the Consistent Financial Reporting framework and the desirability of compatibility with that framework.

2.1.3 Payment of salaries: Payment of bills

Policies and Procedures in respect of salaries and payments of bills shall be in accordance with the Council's Financial Regulations for Schools and Local Bank Account Scheme.

2.1.4 Control of assets

Each governing body shall be responsible for maintaining inventories of significant equipment, furniture, plant, tools and vehicles in such a form as shall be agreed with the Chief Finance Officer. The governing body in association with the Head of Information Technology should maintain inventories in respect of information technology equipment and associated hardware.

Inventories shall be maintained so that physical checks can be carried out in comparison with records held at any time. It shall be the responsibility of each governing body to record additions and deletions to the inventory and to carry out an annual check of all items on the inventory. Significant variations should be brought to the attention to the Chief Finance Officer. Schools are free to determine their own arrangements for keeping a register of assets worth less than £1000. A register must be kept in some form.

Items, which are to be disposed of by sale or destruction, must be appropriately authorised for disposal and where significant, should be sold following competitive tender. The Financial Regulations specify the requirements for obtaining consent and notification of disposals.

2.1.5 Accounting policies (including year end procedures)

All schools are required to abide by the accounting policies and procedures as issued by the authority including year-end procedures.

2.1.6 Writing off debts

All income due to the school for the supply of goods or services should be collected promptly. Where invoices are required to be raised for the collection of income, they should be issued

promptly. Any subsequent writing off of debt should comply with and be in accordance with the Financial Regulations.

2.2 Basis of accounting

The reports and accounts furnished to the LA are on an accruals basis with income and expenditure accounted for in the year in which it arises.

2.3 Submission of budget plans

Each school is required to prepare an annual budget plan and submit it in a format prescribed by the LA showing its intentions for expenditure and income for the financial year and the assumptions underpinning the budget plan.

Provisional budget plans are ideally required by the 31st March. These plans will be initially checked to ensure they are viable and will be an important aspect of the LA's role in monitoring school expenditure.

The actual/final budget plan requires the approval of the governing body and should be submitted to the authority by 31st May each year. The plan must take full account of the estimated surplus /deficit at 31st March. To facilitate budget planning the LA will supply to schools budget guidelines and any key budget data required. The format of the budget plan will be set out by the authority and will, so far as possible, take into account the Consistent Financial Reporting framework.

Having approved the budget plan, governing bodies must approve any subsequent virement and receive regular financial reports during the year. In addition schools are required to notify the authority of any such in-year revisions to their budget plans on a termly basis.

Early in the Autumn Term, each year, schools should prepare an outline budget plan for the following financial year taking into account projected pupil numbers and any other anticipated changes.

2.3.1 Submission of financial forecasts

The authority may require schools to submit a financial forecast covering each year of a multi-year period. *From the 2021 to 2022 funding year each school must submit at least a 3-year budget forecast each year.*

The LA may request such forecasts which may be used for more than just confirming schools are undertaking effective financial planning or not. For instance: they could be used as evidence to support the authority's assessment of Schools Financial Value Standards and/or used in support of the authority's balance control mechanism. However, the requirement to submit a financial forecast would not place undue burdens on schools and would be proportionate to need. In requesting such forecasts the LA would state the purposes for which they intend to use this forecast: such a forecast may be used in conjunction with an authority's balance control mechanism.

2.4 Efficiency and value for money

Schools must seek to achieve efficiencies and value for money, to optimise the use of their resources and to invest in teaching and learning, ~~taking into account the authority's purchasing, tendering and contracting requirements.~~

It is for heads and governors to determine at school level how to secure better value for money.

There are significant variations in efficiency between similar schools, and so it's important for schools to review their current expenditure, compare it to other schools, and think about how to make improvements.

2.5 Virement

Once a school formally sets its budget at the beginning of the financial year it has the option to vire amounts between budget headings providing that the overall budget is not changed. (See 2.3)

2.6 Audit: General

Schools will operate within an audit regime determined by the local education authority as regards internal audit, and the LA external audit regime as determined by the Local Audit and Accountability Act 2014, and requires them to co-operate with it. This will require access to the schools records for both internal and external auditors.

2.7 Separate external audits

The Governing Body may spend funds from its budget share to obtain external audit certification of its accounts, separate from any LA internal or external audit process.

2.8 Audit of voluntary and private funds

The Governors may approve the operation of funds outside of the accounts maintained for delegated moneys. Where such funds exist Governors are required to ensure that accounting arrangements are no less rigorous than those required for official monies.

Schools are responsible for providing audit certificates in respect of voluntary and private funds held by schools and of the accounts of any trading organisations controlled by the school.

2.9 Register of business interests

The scheme requires the governing body of each school to have a register which lists for each member of the governing body and the head teacher:

- Any business interests they or any member of their immediate family have;
- Details of any other educational establishments that they govern;
- Any relationships between school staff and members of the governing body;

The register should be updated on an annual basis and be available for inspection by governors, staff and parents and the authority, and to publish the register, for example on a publicly accessible website.

2.10 Purchasing, tendering and contracting requirements

Schools are required to abide by the authority's financial regulations and standing orders in purchasing, tendering and contracting matters. This should include a requirement to assess in advance, where relevant, the health and safety competence of contractors taking account of the LA's policies and procedures. These regulations however do not require a school to:

- do anything incompatible with the provisions of this scheme, or any statutory provision, or any EU Procurement Directive;

- to seek LA officer countersignature for any contracts for goods or services for a value below £60,000 in any one year;
- to select suppliers only from an approved list;
- seek fewer than three or more written tenders or quotations in respect of any contract that exceeds £10,000 in any one year.

2.11 Application of contracts to schools

Where responsibilities and the corresponding funding are delegated, schools are free to opt out of contracts arranged by the authority, except where the scheme provides otherwise. Before entering into any new contracts, schools are encouraged to seek and follow the advice and guidance of the authority. For the purposes of the procurement directives schools are viewed as discrete contracting local authorities.

Where schools agree or have agreed to enter into a contract or service level agreement with the authority for services paid for out of delegated budgets schools may not make alternative arrangements until that contract or arrangement expires, except with the specific written agreement of the authority.

Under paragraph 3 of schedule 1 to the Education Act 2002 the Governing Body has the power to enter into contracts, but in most cases it does so on behalf of the authority as maintainer of the school and the owner of funds the funds in the budget share. However it is possible for the Governors to enter into a contract made solely on behalf of the Governing Body where it has clear statutory obligations, for example an Aided school offering a contract of employment.

2.12 Central funds and earmarking

The LA is authorised to make sums available to schools from central funds, in the form of allocations, which are additional to and separate from the schools' budget shares (e.g. SEN, Pupil Premium). Such allocations will be subject to conditions setting out the purpose or purposes for which the funds may be used: and while these conditions need not preclude virement (except, of course, where the funding is supported by a specific grant which the LA itself is not permitted to vire), this should not be carried to the point of assimilating the allocations into the school's budget share.

A requirement of such earmarked funding from centrally retained funds is that such funds are only spent on the purposes for which they are given, or on other budget heads for which earmarked funding is given. Schools should be able to clearly demonstrate (accounting mechanism) that this requirement has been complied with and be able to satisfy the necessary monitoring requirements.

Any earmarked funds must be returned to the LA if not spent in year, or within the period over which schools are allowed to use the funding, if this is permitted.

The LA will not make any deductions, in respect of interest costs to the LA, from payments to schools of devolved specific or special grant.

2.13 Spending for the purposes of the school

Although s.50(3) allows governing bodies to spend budget shares for the purposes of the school, this is subject to regulations made by the Secretary of State and any provisions of the scheme. As well as the various standard provisions LAs may wish to propose their own restrictions on this freedom, arising from local circumstances. By virtue of section 50(3A) (which came into force on 1st April 2011), amounts spent by governing bodies on community facilities or services under section 27 of the Education Act 2002 will be treated as if spent for any purposes of the school.

Under s.50(3)(b) the Secretary of State may prescribe additional purposes for which expenditure of the budget share may occur. He has done so in the School Budget Shares (Prescribed Purposes)(England) Regulations 2002 (SI 2002/378), which have been amended by the School Budget Shares (Prescribed Purposes)(England)(Amendment) Regulations 2010 (SI 2010/190). These allow schools to spend their budgets on pupils who are on the roll of other maintained schools or academies.

2.14 Capital spending from budget shares

The scheme does allow governing bodies to use their budget shares to meet the cost of capital expenditure on the school premises. This includes expenditure by the governing body of a voluntary aided school on work that is their responsibility under paragraph 3 of Schedule 3 of the SSAF Act 1998.

However if the expected capital expenditure from the budget share in any one year will exceed £15,000 or some higher sum, the governing body must notify the LA and take into account any advice from the Director of Children's Services as to the merits of the proposed expenditure. Where the LA owns the premises or the school have voluntary controlled status then the governing body should seek the consent of the LA to the proposed works. Such consent may be withheld for health and safety grounds. These requirements do not affect expenditure from the capital allocation made available by the LA outside the delegated budget share.

2.15 Notice of concern

The authority may issue a notice of concern to the governing body of any school it maintains where, in the opinion of the Chief Finance Officer and the Director of Children's and Adult Services, the school has failed to comply with any provisions of the scheme, or where actions need to be taken to safeguard the financial position of the local authority or the school. Such a notice will set out the reasons and evidence for it being made and may place on the governing body restrictions, limitations or prohibitions in relation to the management of funds delegated to it.

These may include:

- insisting that relevant staff undertake appropriate training to address any identified weaknesses in the financial management of the school;
- insisting that an appropriately trained/qualified person chairs the finance committee of the governing body;
- placing more stringent restrictions or conditions on the day to day financial management of a school than the scheme requires for all schools – such as the provision of monthly accounts to the local authority;
- insisting on regular financial monitoring meetings at the school attended by local authority officers;
- requiring a governing body to buy into a local authority's financial management systems; and
- imposing restrictions or limitations on the manner in which a school manages extended school activity funded from within its delegated budget share – for example by requiring a school to submit income projections and/or financial monitoring reports on such activities.

The notice will clearly state what these requirements are and the way in which and the time by which such requirements must be complied with in order for the notice to be withdrawn. It will also state the actions that the authority may take where the governing body does not comply with the notice.

2.16 Schools Financial Value Standard (SFVS)

All local authority maintained schools (including nursery schools and Pupil Referral Units (PRUs) that have a delegated budget) must demonstrate compliance with the Schools Financial Value Standard (SFVS) and complete the assessment form on an annual basis. It is for the school to determine at what time in the year they wish to complete the form.

Governors must demonstrate compliance through the submission of the SFVS assessment form signed by the Chair of Governors. The form must include a summary of remedial actions with a clear timetable, ensuring that each action has a specified deadline and an agreed owner.

Maintained schools that did not achieve the Financial Management Standard in Schools (FMSiS) must submit the form to the local authority before 31 March 2012, and annually thereafter.

All other maintained schools with a delegated budget must submit the form to the local authority before 31 March 2013 and annually thereafter.

2.17 Fraud

All schools must have a robust system of controls to safeguard themselves against fraudulent or improper use of public money and assets.

The governing body and head teacher must inform all staff of school policies and procedures related to fraud and theft, the controls in place to prevent them; and the consequences of breaching these controls. This information must also be included in induction for new school staff and governors.

SECTION 3: INSTALMENTS OF THE BUDGET SHARE; BANKING

For the purposes of this section, budget share includes any place-led funding for special schools or pupil referral units.

3.1 Frequency of instalments

Budget share allocations (including top up payments for pupils with high needs) will be made available to governing bodies at the beginning of each term – see 3.2.

3.2 Proportion of budget share payable at each instalment

The proportion of the budget share made available to schools is as follows

APRIL	40%
SEPTEMBER	45%
JANUARY	15%

The allocations are made net of estimated pay costs and annual rates bill.

3.3 Interest clawback

Where a school opts to operate an independent bank account, the budget share instalments paid into the account will be net of an amount equal to the estimated interest lost by the authority.

3.3.1 Interest on late budget share payments

For those schools operating an independent bank account the authority will add interest to late payments of budget share instalments, where such late payment is the result of LA error. The interest rate used will be the same as that used for clawback calculations.

3.4 Budget shares for closing schools

The budget shares of schools for which approval for discontinuation has been secured, to be made available until closure on a termly basis net of estimated pay costs, even where some different basis was previously used.

3.5 Bank and building society accounts

All maintained schools should have a current bank account into which their budget share instalments (as determined by other provisions) are paid.

New bank account arrangements may only be made with effect from the beginning of each financial year. Schools are advised to seek guidance on procedural matters from the Chief Finance Officer. Where a school opens a bank account the authority must, if the school desires, transfer immediately to the account, an amount agreed by both the school and LA as the estimated surplus balance held by the LA in respect of the schools budget share on the basis that there is then a subsequent correction when the accounts for the relevant year are closed.

3.5.1 Restrictions on accounts

Bankers are to be selected in accordance with Council Standing Orders and may only be selected from major clearing banks and building societies. The Chief Finance Officer will maintain a list of banks and building societies that have been verified as appropriate to open accounts with. Therefore schools must check with the authority in advance to confirm that the bank or building society selected is included on this list and advice must be followed where appropriate.

The accounts are to be opened by the Chief Finance Officer (on behalf of schools) in the name of the LA but specific to each school. Schools who formally request that account should be in the name of the school should still include in title the name of the LA for information purposes. Money paid by the LA and held in such accounts remains LA property until spent (s.49 (5) of the Act).

Budget share funds paid by the authority and held in school accounts remain authority property until spent (s.49 (5) of the Act).

Signatories for bank accounts must be either a LA employee or school employee and not governors who aren't members of staff.

Should a school opt to open an account other than through the current pooled arrangements, the authority will reserve the right to levy administrative costs of supporting such arrangements.

3.6 Borrowing by schools

The governing bodies may borrow money (which includes the use of finance leases) only with the written permission of the Secretary of State. The Chief Finance Officer must be notified at least ten working days before a request is made to the Secretary of State. The only exception to this is the use of the Salix scheme, which is designed to support energy saving and can currently be used without specific approval from the Secretary of State. Credit cards must not be used as they are regarded as borrowing. Schools are encouraged to use the authority's Purchase Card facility as detailed in the Local Bank Account Scheme.

3.7 Other provisions

For other requirements and indeed more detailed advice on holding and operating bank accounts schools are referred to the Local Bank Account Scheme.

SECTION 4: THE TREATMENT OF SURPLUS AND DEFICIT BALANCES ARISING IN RELATION TO BUDGET SHARES

4.1 The right to carry forward surplus balances

Schools shall carry forward from one financial year to the next any shortfall in expenditure relative to the school's budget share for the year plus/minus any balance brought forward from the previous year.

The amount of a surplus balance would be shown in the relevant out-turn statement published in accordance with directions given by the Secretary of State under s.251 of the Apprenticeships, Skills, Children and Learning Act 2009 (although there may be commitments against any figure shown in such a statement).

Where a school opens a bank account on the 1st April the estimated cash balance will be transferred to the school subject to the school's confirmation with the 1st instalment. Adjustments will be made and applied for the 2nd instalment of the financial year, after the school's accounts have closed and following a reconciliation.

4.2 Reporting on and control of the use of surplus balances

Surplus balances held by schools as permitted under this scheme are subject to the following restrictions with effect from 1 April 2007:

- a. the authority shall calculate by 31 May each year the surplus balance, if any, held by each school as at the preceding 31 March. For this purpose the balance will be the recurrent balance as defined in the Consistent Financial Reporting Framework;
- b. the authority shall deduct from the calculated balance any amounts for which the school has a prior year commitment to pay from the surplus balance;
- c. the authority shall then deduct from the resulting sum any amounts which the governing body of the school has declared to be assigned for specific purposes permitted by the authority, and which the authority is satisfied are properly assigned. To count as properly assigned, amounts must not be retained beyond the period stipulated for the purpose in question, without the consent of the authority. In considering whether any sums are properly assigned the authority may also take into account any previously declared assignment of such sums but may not take any change in planned assignments to be the sole reason for considering that a sum is not properly assigned;

- d. if the result of steps a-c is a sum greater than 5% of the current year's budget share for secondary schools, 8% for primary and special schools, or £10,000 (where that is greater than either percentage threshold), then the authority shall deduct from the current year's budget share an amount equal to the excess.

Funds deriving from sources other than the authority will be taken into account in this calculation if paid into the budget share account of the school, whether under provisions in this scheme or otherwise.

Funds held in relation to a school's exercise of powers under s.27 of the Education Act 2002 (community facilities) will not be taken into account unless added to the budget share surplus by the school as permitted by the authority.

The total of any amounts deducted from schools' budget shares by the authority under this provision are to be applied to the Schools Budget of the authority.

4.3 Interest on surplus balances

The authority does not pay interest on balances held on behalf of schools, however schools may invest previous year's surplus in a Deposit account and receive interest.

4.4 Obligation to carry forward deficit balances

Where schools are carrying forward deficit balances, such deficits are to be deducted from the following years budget share. The deficit balance would be shown in the relevant out-turn statement published under s.251 of the Apprenticeships, Skills, Children and Learning Act 2009.

4.5 Planning for deficit budgets

Schools may not incur a budget deficit without the prior agreement of the Strategic Director of Children, Young People & Learning, in consultation with the Chief Finance Officer. Such deficits will only be approved in certain circumstances (see 4.9).

Schools must submit a recovery plan to the local authority when their revenue deficit rises above 5% at 31 March of any year. The 5% deficit threshold will apply when deficits are measured as at 31 March 2021.

4.6 Charging of interest on deficit balances

Interest will only be charged on a deficit incurred through mismanagement, this action will not preclude the possibility of further measures being taken by the Local Authority against those schools or colleges where there is evidence of mismanagement.

The Chief Finance Officer will determine the calculation of interest due and such interest due will be deducted from the following years budget allocation.

4.7 Writing off deficits

The authority cannot write off the deficit balance of any school. Funding to support schools in financial difficulty can only come from a de-delegated contingency for maintained mainstream schools.

4.8 Balances of closing and replacement schools

When a school closes any balance (whether surplus or deficit) reverts back to the LA. It cannot be transferred as a balance to any other school, even where the school is a successor to the closing school, except that a surplus transfers to an academy where a school converts to academy status

under section 4(1)(a) of the Academies Act 2010. The LA may add an amount to the budget share of the new or enlarged school to reflect all or part of the unspent budget share (including any surplus carried over from previous funding periods) of the closing school for the funding period in which it closes.

4.9 Licensed deficits

Approval will only be given to a school applying for a licensed deficit, if the school can produce suitable and robust financial plans for future years, which clearly demonstrate the ability to repay such a deficit in the stated time.

The following conditions apply to new deficit approvals from 2019/20:

- the maximum length over which schools may repay the deficit (i.e. reach at least a zero cumulative balance) **is three years**.
- a deficit which is in excess of £5,000 **or 5% of annual budget** must be approved by the LA. The maximum size of the deficits which may be agreed is 20% of the in year allocation.
- The Head of Health Education Care and Safeguarding and the Head of Resources (Chief Finance Officer) of the authority will agree any arrangements for individual schools.
- Agreements are to be signed by the officers mentioned in above as well Headteacher and Chair of Governors of the School.

Structural Deficits

A School is deemed to have a structural deficit if it is unable to produce suitable and robust financial plans for future years, which clearly demonstrate the ability to repay the full cumulative deficit balance in the three year time period. Individual arrangements will be made with each school with a structural deficit however, the Authority will expect all schools with a structural deficit to have a recovery plan to achieve in year financial balance within a three year period or earlier with a view to begin to repay the cumulative deficit by year 4.

4.10 Loan schemes

The authority does not operate a loans scheme.

SECTION 5: INCOME

5.1 Income from lettings

Schools are to retain income from lettings of the school premises, except where this service is provided by the LA from centrally retained funds or is subject to alternative provisions arising from any joint use or PFI arrangements. Schools are allowed to cross-subsidise lettings for community and voluntary use with income from other lettings, provided there is no net cost to the budget share. However, schools should be required to have regard to directions issued by the authority as to the use of school premises, as permitted under the School Standards and Framework Act 1998 for various categories of schools.

5.2 Income from fees and charges

Schools are to retain income from fees and charges except where a service is provided by the LA from centrally retained funds. However, schools should have regard to any policy statements on charging produced by the LA.

5.3 Income from fund-raising activities

Schools are allowed to retain income from fund-raising activities.

5.4 Income from the sale of assets

Schools are to retain the proceeds of sale of assets except in cases where the asset was purchased with non-delegated funds (in which case it should be for the LA to decide whether the school should retain the proceeds), or the asset concerned is land or buildings forming part of the school premises and is owned by the LA.

5.5 Administrative procedures for the collection of income

Schools should comply with the procedures set out in the Financial Regulations for Schools. This includes specifically VAT requirements.

5.6 Purposes for which income may be used

Income from sale of assets purchased with delegated funds may only be spent for the purposes of the school.

SECTION 6: THE CHARGING OF SCHOOL BUDGET SHARES

6.1 General provision

The scheme allows the budget share of a school to be charged by the Local Authority without the consent of the governing body only in circumstances expressly permitted by the scheme, and requires Local Authorities to consult schools as to the intention to so charge, and notify schools when it has been done.

The Local Authority may de-delegate funding for permitted services without the express permission of individual school governing bodies, provided this has been approved by the appropriate phase representatives of the Schools Forum.

6.1.1 The Local Authority will charge salaries of school-based staff to school budget shares at actual cost.

6.2 Other circumstances in which charges may be made

6.2.1 Where premature retirement costs have been incurred without the prior written agreement of the LA to bear such costs (the amount chargeable being only the excess over any amount agreed by the LA);

6.2.2 Other expenditure incurred to secure resignations where the school had not followed LA advice;

6.2.3 Awards by courts and industrial tribunals against the LA arising from action or inaction by the governing body contrary to the LA's advice;

- 6.2.4** Expenditure by the LA in carrying out health and safety work or capital expenditure for which the LA is liable where funds have been delegated to the governing body for such work, but the governing body has failed to carry out the required work;
- 6.2.5** Expenditure by the LA incurred in making good defects in building work funded by capital spending from budget shares, where the LA owns the premises or the school has voluntary controlled status;
- 6.2.6** Expenditure incurred by the LA in insuring its own interests in a school where funding has been delegated but the school has failed to demonstrate that it has arranged cover at least as good as that which would be arranged by the LA;
- 6.2.7** Recovery of monies due from a school for services provided to the school, where a dispute over the monies due has been referred to a disputes procedure set out in a service level agreement, and the result is that monies are owed by the school to the LA;
- 6.2.8** Recovery of penalties imposed on the authority by the Board of Inland Revenue, the Contributions Agency, HM Revenue and Customs, Teachers' Pensions, the Environment Agency or other regulatory authorities as a result of school negligence.**6.2.9** Correction of LA errors in calculating charges to a budget share (e.g. pension deductions);
- 6.2.10** Additional transport costs incurred by the LA arising from decisions by the governing body on the length of the school day, and failure to notify the LA of non-pupil days resulting in unnecessary transport costs;
- 6.2.11** Legal costs which the LA incurs because the governing body did not accept the advice of the LA (see also section 11);
- 6.2.12** Costs of necessary health and safety training for staff employed by the LA, where funding for training had been delegated but the necessary training not carried out;
- 6.2.13** Compensation paid to a lender where a school enters into a contract for borrowing beyond its legal powers, and the contract is of no effect;
- 6.2.14** Cost of work done in respect of teacher pension remittance and records for schools using non-LA payroll contractors, the charge to be the minimum needed to meet the cost of the authority's compliance with its statutory obligations;
- 6.2.15** Costs incurred by the LA in securing provision specified in an Education, Health and Care Plan (EHCP) where the Governing body of a school fails to secure such provision despite the delegation of funds in respect of low cost high incidence SEN and/or specific funding for a pupil with High Needs;
- 6.2.16** Costs incurred by the LA due to submission by the school of incorrect data;
- 6.2.17** Recovery of amounts spent from specific grants on ineligible purposes;
- 6.2.18** Costs incurred by the LA as a result of the governing body being in breach of the terms of a contract;
- 6.2.19** Costs incurred by the authority or another school as a result of a school withdrawing from a cluster arrangement, for example where this has funded staff providing services across the cluster;
- 6.2.20** Agreed contribution relating to any PFI project at a school, as set out in the PFI revenue agreement. (See Section 9);

6.2.21 Recovery of costs of statutory interest payable, (under the Late Payment of Commercial Debts (Interest) Act 1998), because of late payment of bills by the Governing Body or failure by them to submit such items in time for payment by the LA, by the due date (re invoice terms) or statutory time limit (30 days) beyond which interest falls due.

SECTION 7: TAXATION

7.1 Value Added Tax.

A summary of the procedures that schools should follow to reclaim VAT on expenditure relating to non-business activity is included in Local Bank Account (LBA) Scheme. Amounts re-claimed will be passed back to the school on completion of LBA returns.

7.2 CIS (Construction Industry Taxation Scheme)

Schools are required to abide by procedures issued by the authority in connection with CIS. See Local Bank Account Scheme.

SECTION 8: THE PROVISION OF SERVICES AND FACILITIES BY THE AUTHORITY

8.1 Provision of services from centrally retained budgets

The Local Authority will determine the basis upon which services from centrally retained funds will be provided to schools. The list of services will include existing commitments for premature retirement compensation (PRC) and redundancy payments.

The authority will not discriminate in its provision of services on the basis of categories of schools except where such discrimination is justified by differences in statutory duties.

8.2 Provision of services bought back from the authority using delegated budgets

Any arrangement with a school starting on or after 1 April 1999 to buy services or facilities from the LA is limited to a maximum of three years and a minimum duration of one year, and periods not exceeding five years to any subsequent agreements relating to the same services. For catering service contracts, this timescale is extended to seven years.

When a service is provided for which expenditure is not retained centrally by the LA under the Regulations made under section 46 of the Act, it must be offered at prices which are intended to generate income which is no less than the cost of providing those services.

8.2.1 Packaging

Any service which an LA is providing on a buy back basis must be offered in a way which does not unreasonably restrict schools' freedom of choice among the services available, and where practicable, this will include provision on a service by service basis as well as in packages of services.

8.3 Service Level Agreements

The terms of any services or facilities offered by the authority will be reviewed at least once every three years. Schools will be given a minimum of one month to consider the terms of the new agreement before the date of operation.

All schools to notify the LA of their intention to take up respective Service Level Agreements at least one month before the start of the financial year.

8.4 Teachers' pensions

Governing bodies of schools which provide payroll services should submit an annual return of salary and service to the LA. Governing bodies must also ensure that details of Additional Voluntary Contributions (AVCs) are passed to the LA within the time limit shown in the AVC Scheme.

In order to ensure that the performance of the duty on the authority to supply Teachers Pensions with information under the Teachers' Pensions Regulations 1997, the following conditions are imposed on the authority and governing bodies of all maintained schools covered by this scheme in relation to their budget shares.

The conditions only apply to governing bodies of maintained schools who have not entered into an arrangement with the authority to provide payroll services.

A governing body of any maintained school, whether or not the employer of the teachers at such a school, which has entered into any arrangement or agreement with a person other than the authority to provide payroll services, shall ensure that any such arrangement or agreement is varied to require that person to supply salary, service and pensions data to the authority which the authority requires to submit its annual return of salary and service to Teachers' Pensions and to produce its audited contributions certificate. The authority will advise schools each year to the timing, format and specification of the information required. A governing body shall also ensure that any such arrangement or agreement is varied to require that Additional Voluntary Contributions (AVCs) are passed to the authority within an agreed timescale so as to allow the authority to meet the time limits specified within the AVC scheme. The governing body shall meet any consequential costs from the school's budget share.

A governing body of any maintained school which directly administers its payroll shall supply salary, service and pensions data to the authority which the authority requires to submit its annual return of salary and service to Teachers' Pensions and to produce its audited contributions certificate. The authority will advise schools each year of the timing, format and specification of the information required from each school. A governing body shall also ensure that Additional Voluntary Contributions (AVCs) are passed to the authority within the time limit specified in the AVC scheme. The governing body shall meet any consequential costs from the school's budget share.

SECTION 9: PRIVATE FINANCE INITIATIVE (PFI)/PUBLIC PRIVATE PARTNERSHIPS (PPP)

Should the authority enter into a contract for a PFI/PPP project, the governing body of the school(s) concerned will be consulted about the terms of the financial arrangements as a result of this contract.

The agreement will formally set out the power of the LA to charge to the school's budget share amounts agreed under the PFI/PPP agreement entered into by the governing body of the school(s). See 6.2. 20

SECTION 10: INSURANCE

10.1 Insurance cover

If funds for insurance are delegated to any school, the LA may require the school to demonstrate that cover relevant to an LA's insurable interests, under a policy arranged by the governing body, is at least as good as the relevant minimum cover arranged by the LA if the LA makes such arrangements, either paid for from central funds or from contributions from schools' delegated budgets.

10.2 Government RPA scheme

Instead of taking out insurance, a school may join the Secretary of State's Risk Protection Arrangement (RPA) after 1st April 2020 for risks that are covered by the RPA. Schools may do this individually when any insurance contract of which they are part expires. All primary and/or secondary maintained schools may join the RPA collectively by agreeing through the Schools Forum to de-delegate funding

(See also 6.2.6)

SECTION 11: MISCELLANEOUS

11.1 Right of access to information

Governing bodies shall supply to the LA all financial and other information which might reasonably be required to enable the authority to satisfy itself as to the school's management of its delegated budget share, or the use made of any central expenditure by the authority (e.g. earmarked funds) on the school.

11.2 Liability of governors

The governing body of a school is a corporate body, and because of the terms of s.50 (7) of the School Standards and Framework Act, governors of maintained schools will not incur personal liability in the exercise of their power to spend the delegated budget share provided they act in good faith.

An example of behaviour, which is not in good faith, is the carrying out of fraudulent acts. Breaches of the scheme are not in themselves failures to act in good faith; neither is rejection of LA advice as to financial management.

11.3 Governors Allowances

Schools without delegated budgets

The LA shall have the power to delegate to the governing body of a school yet to receive a delegated budget, funds to meet governors' expenses.

Under schedule 11 of the School Standards and Framework Act 1998, only allowances in respect of purposes specified in regulations may be paid to governors from a school's delegated budget share. It is not permitted for the payment of any other allowances. Schools must not duplicate payment of expenses to those paid by the Secretary of State to additional governors appointed by him to schools under special measures.

Schools with delegated budgets

For schools with delegated budgets, local authorities may publish, separately from the scheme, a guide to what it considers to be reasonable expenses.

11.4 Responsibility for legal costs

Legal costs incurred by the governing body (although the responsibility of the LA as part of the cost of maintaining the school unless they relate to the statutory responsibility of aided school governors for buildings) may be charged to the school's budget share unless the governing body acts in accordance with the advice of the authority. If there is a conflict of interest independent advice should be sought from a suitably qualified person with sufficient professional indemnity cover who is not an employee of the authority.

11.5 Health and Safety

In expending the School's budget share the governing bodies are required to have due regard to duties placed on the LA in relation to health and safety, and the authority's policy on health and safety matters.

11.6 Right of attendance for the Chief Finance Officer

The governing bodies are required to permit the Chief Finance Officer of the authority or any other officer nominated by the Chief Finance Officer, to attend meetings of the governing body at which any agenda items are relevant to the exercise of her or his responsibilities.

11.7 Special Educational Needs

Schools are required to use their best endeavours in spending the budget share, to secure the special educational needs of their pupils.

11.8 Interest on late payments

The terms of the scheme cannot affect statutory requirements now introduced on this matter. (See 6.2.21)

11.9 Whistle blowing

Schools are encouraged to establish a basis on which staff can properly raise concerns about financial management or financial propriety at the school without prejudice to their personal position. Further information is contained within the current policy document on this matter.

11.10 Child protection

In expending their budget share, Governing Bodies must have due regard to the agreed Child Protection guidelines and the obligations these place on both the school and the authority.

11.11 Redundancy/early retirement costs

The 2002 Education Act sets out how premature retirement and redundancy costs should normally be funded. If the authority proposes to depart from this, then the scheme should contain a provision setting out the circumstances in which exceptions will be made.

The authority's scheme for funding redundancies and early retirements are provided at Annex B.

SECTION 12: RESPONSIBILITY FOR REPAIRS AND MAINTENANCE

12.1 From 1 April 1999 the LA delegated all funding for repairs and maintenance to schools. Therefore all repair and maintenance costs relating to existing buildings are to be met from

revenue and governing bodies will have to finance the costs of all such repairs from their budget shares.

- 12.2** Devolved Formula Capital Funding is allocated each year to nursery (maintained), primary and secondary schools' to address priority work on buildings, ICT and other capital needs. The grants may be used for improvements to buildings and other facilities, including ICT, or capital repairs/refurbishment in accordance with priorities set by each school and in line with the local asset management plan.
- 12.3** In addition to devolved formula capital some capital expenditure is retained by LA's. For these purposes, expenditure may be treated as capital only if it fits the definition of capital used by the local authority for financial accounting purposes and is in line with the CIPFA Code of Practice on local authority accounting.
- 12.4** Illustrative examples of capital in line with DfE interpretation of the CIPFA code of practice are included for information at Annex C. For voluntary aided schools, the liability of the authority for repairs and maintenance (albeit met by delegation of funds through the budget share) is the same as for other maintained schools. However, the eligibility for capital grant from the Secretary of State for capital works at voluntary aided schools depends on the de minimis limit applied by DfE to categorise such work, not the de minimis limit used by the authority.
- 12.5** The de minimus limits for capital are currently set at £20k for land and buildings and £6k for equipment. These thresholds apply to the total cost of the scheme and not individual items.

SECTION 13: COMMUNITY FACILITIES

Introduction

- 13.1** Any school that chooses to exercise the power conferred by Section 27(1) of the Education Act 2002 to provide community facilities will be subject to a range of controls. Firstly, Regulations made under Section 28(2), if made, can specify activities that may not be undertaken at all under the main enabling power. Secondly, schools are obliged to consult the authority and have regard to its advice. Thirdly, the Secretary of State will issue guidance to Governing Bodies about a range of issues connected with exercise of the power, and schools must also have regard to that advice.

However, under Section 28(1), the main limitations and restrictions on the power will be those contained in the school's own Instrument of Government and in North Tyneside's Scheme for Financing Schools made under Section 48 of the School Standards and Framework Act 1998. Paragraph 2 of Schedule 3 to the Education Act 2002 extends the coverage of schemes to the powers of Governing Bodies to provide community facilities.

Schools are therefore subject to prohibitions, restrictions and limitations in the Scheme for Financing Schools.

This section of the Scheme does not extend to joint-use agreements, transfer of control agreements, or agreements between the authority and designated schools to secure the provision of adult and community learning and Youth Service provision.

- 13.2** Schools are reminded that mismanagement of community facilities can be grounds for suspension of the right to a delegated budget.

Consultation with the authority: Financial aspects

13.3 In accordance with Section 28(4) of the Education Act 2002, before exercising the community facilities power, Governing Bodies must consult the authority regarding their proposals and have regard to their advice.

13.4 Schools are encouraged to seek the authority's advice and submit their proposals as soon as possible, but no later than 2 months before the intended start date. When submitting their proposals formally, schools must include a detailed business plan containing the following information:

- the school's vision and a detailed description of the service
- details of any capital expenditure and the sources of income to fund it
- a detailed profile of projected income and revenue expenditure over the first 12 months of operation of the project. In particular, this should include;
 1. one-off start-up costs
 2. details of staffing and associated costs (pay, on-costs, payroll and personnel overheads, etc)
 3. sources of revenue income and the assumptions underlying it
- an outline profile of the projected income and revenue expenditure in years 2 to 5 of the project
- the time it will take for the project to break-even and come into surplus, and if this is not expected within 12 months of starting, an explanation of why this cannot be achieved within this timescale
- how the Governing Body will cover any shortfall if the project fails and leaves a deficit
- details of the cash flow of the business, and how any shortfall will be met given that schools cannot borrow from external sources
- proposed banking arrangements
- proposed audit arrangements
- details of the Health and Safety arrangements and of the risk assessments the school has undertaken
- details of the analysis of insurance requirements for the venture and of any additional cover that is to be arranged
- whether or not VAT is to be reclaimed, the justification for this and what consultation there has been with the local VAT office.

Schools are encouraged to seek professional advice as they develop their plans and to ensure that any submission is complete before formally seeking the authority's advice about their proposals.

- 13.5** The authority will respond to the school's proposals as soon as practically possible, in most circumstances within 6 school weeks of receipt of complete information. Where the authority offers advice to a school, the school must inform the authority of the action it has taken in response to that advice before embarking upon the scheme.

Funding agreements: LA powers

- 13.6** Where the provision of community facilities in a school is dependent on the conclusion of a funding agreement with a third party which will either be supplying funding or supplying funding and taking part in the provision, the school shall not enter into such an agreement until it has submitted the proposed agreement to the authority and taken proper account of its advice and comments. Proposed agreements should be submitted to the authority as soon as possible, but no later than 3 months prior to the proposed date of signing. The authority will not be a signatory to any such agreement, unless this is a requirement imposed by the third party or by the Governing Body itself.
- 13.7** If such an agreement has been or is to be concluded against the wishes of the LA, or has been concluded without informing the LA, and in the view of the authority the agreement is seriously prejudicial to the interests of the school or the authority, that may constitute grounds for suspension of the right to a delegated budget.

Other prohibitions, restrictions and limitations

- 13.8** Whereas the authority does not have the right of veto to either funding agreements with third parties or other proposed uses of the community powers facility, the authority reserves the right in specific instances to require that the Governing Body shall protect the financial interests of the authority by either carrying out the activity concerned through the vehicle of a limited company formed for the purpose, or by obtaining indemnity insurance for the risks associated with the project, as specified by the authority.
- 13.9** The authority does not intend to impose any additional prohibitions, restrictions or limitations on the use of the community facilities power.

Supply of financial information

- 13.10** Schools that exercise the community facilities power are required to submit statements at least quarterly to the Chief Finance Officer. The format of the statement will be determined by the Chief Finance Officer and will include a summary of actual income and expenditure, and give an explanation of any significant variations indicated by the figures from the previously submitted planned profile. In addition, the statement will include projections of income and expenditure for the facilities in question for the following six months.
- 13.11** During the first six months of operation of any venture schools will be required to submit statements on a monthly basis. Furthermore, where the authority has given notice to the school that it believes that there is cause for concern as to the school's management of the financial consequences in the exercising of the community facilities power, schools will be required to submit statements on a monthly basis, and in addition submit a recovery plan to bring the activity back into financial viability. All statements and returns must be certified by the Headteacher and be sent to the Chief Finance Officer within two weeks of the end of the quarter (or month). All income and expenditure relating to the community powers facility must be included within the Consistent Financial Reporting Framework returns of the school. Schools should note that Schedule 3 of the Education Act 2002 inserts a new provision into Schedule 15 of the School Standards and Framework Act 1998 to make mismanagement of funds received for community facilities the basis for suspension of the right to delegation of the budget share.

Audit

- 13.12** Internal Audit has the right to visit any school, to inspect all records relating to the exercise of the community powers facility and to receive the co-operation of Governors and employees. Governors are required to respond in writing stating how they propose to address any matters raised in the audit report. The authority's external auditor will have the same rights of access and inspection as Internal Audit. Auditors will also report to the Chief Finance Officer on any matters of significance or where Governing Bodies fail to take appropriate remedial action.
- 13.13** Where schools enter into agreements with other persons or bodies pursuant to the exercise of the community facilities power, they shall ensure that such agreements contain adequate provision for access by the authority to the records and other property of those persons held on the school premises, or held elsewhere insofar as they relate to the activity in question, in order for the authority to satisfy itself as to the propriety of expenditure on the facilities in question.

Treatment of income and surpluses

- 13.14** Schools will retain all income derived from community facilities except where otherwise agreed with a funding provider, whether that be the LA or some other person. Where the authority ceases to maintain the school, any accumulated retained income obtained from exercise of the community facilities power reverts to the authority unless otherwise agreed with a third party funding provider.
- 13.15** Any surplus income over expenditure generated during the financial year will be carried forward over into the following financial year in the community facilities account. Similarly, any deficit accrued during the financial year will be carried forward over into the following financial year in the community facilities account. Where a school wishes to transfer all or part of any accumulated surplus and add it to the budget share balance, the school should seek the agreement of the authority before doing so. If a deficit arises from the provision of community facilities and the authority needs to recover funds to meet third party liabilities, the authority will recover the deficit from the Governing Body.

Health and Safety matters

- 13.16** When exercising the community facilities power, the Governing Body must discharge its Health and Safety responsibilities in the same way as it does in relation to the budget share. All the Health and Safety provisions of the main scheme apply to the community facilities power.
- 13.17** When exercising the community facilities power, the Governing Body are responsible for securing and meeting the costs of any necessary Criminal Records Bureau clearance for adults involved in the activity.

Insurance

- 13.18** When exercising the community power facility, the Governing Body must undertake an assessment of the insurance implications and costs, seeking professional advice if necessary, and demonstrate that it has made adequate arrangements for insurance cover. The school must seek the authority's advice before finalising any insurance arrangements. Instead of taking out insurance, a school may join the RPA for risks that are covered by the RPA.

13.19 The authority may undertake its own assessment of the insurance arrangements made by a school in respect of community power facilities, and if it judges those arrangements are inadequate, it will make the necessary arrangements itself and charge the resultant cost to the school.

Taxation

13.20 Schools must seek the advice of both the authority and the local VAT office on any issues relating to the possible imposition of VAT on expenditure in connection with any community powers facility, including the use of the authority's VAT reclaim facility.

13.21 Schools are also reminded that if any member of staff employed by the school or LA in connection with community facilities at the school is paid from funds held in the school's own bank account set up for the purpose (see section 11), the school will be liable for payment of income tax and National Insurance, in line with Inland Revenue rules.

13.22 Schools are reminded that they are required to follow the authority's advice in relation to the Construction Industry Scheme where this is relevant to the exercise of the community facilities power.

Banking

13.23 Where a school exercises the community power facility and the school already operates an independent bank account for its budget share, it shall open a separate independent bank account for transactions relating to community facilities. Where a school exercises the community power facility and the school uses the authority's banking facilities account for its budget share, it shall either open an independent bank account for transactions relating to community facilities or use the authority's banking facilities but ensure that all transactions are kept separate from budget share transactions.

13.24 Any independent bank account relating to community facilities expenditure can be in the name of the school or jointly in the name of the school and North Tyneside Council, and must be opened with one of the banks listed in paragraph 3.5.1 of the main scheme.

~~**13.25** Governing Bodies are reminded that they may borrow money from an external source only with the written permission of the Secretary of State. The Chief Finance Officer must be notified in writing of a school's intent to seek such permission at least ten working days before a request is made to the Secretary of State.~~

LIST OF SCHOOLS COVERED BY THE SCHEME

First, Primary and Nursery Schools	DfE No
Amberley Community Primary School	2048
Appletree Gardens First School	2042
Backworth Park Primary School	2032
Bailey Green Primary School	2054
Balliol Primary School	2077
Battle Hill Community Primary School	2068
Benton Dene Primary School	2078
Burradon Community Primary School	2086
Carville Primary School	2062
Christ Church C of E Primary School	3301
Collingwood Primary School	2076
Coquet Park First School	2059
Cullercoats Community Primary School	2000
Denbigh Community Primary School	2082
Fordley Primary School	2085
Forest Hall Primary School	2079
Greenfields Community Primary School	2083
Hadrian Park Primary School	2087
Hazlewood Community Primary School	2084
Holystone Primary School	2036
Ivy Road Primary School	2080
King Edward Primary School	2013
Langley First School	2060
Marine Park First School	2058
Monkhouse Primary School	2022
New York Primary School	2081
Percy Main Primary School	2008
Preston Grange Primary School	2026
Redesdale Primary School	2072
Richardson Dees Primary School	2069
Riverside Primary School	2021
Rockcliffe First School	2041
Shiremoor Primary School	2031
Sir James Knott Nursery School	1001
South Wellfield First School	2055
Southridge First School	2046
Spring Gardens Primary School	2016
St Aidan's RCVA Primary School	3318
St Bartholomew's C of E Primary School	3302

St Bernadette's RCVA Primary School	3319
St Columba's RCVA Primary School	3320
St Cuthbert's RCVA Primary School	3305
St Joseph's RCVA Primary School	3308
St Mary's RCVA Primary School (Forest Hall)	3315
St Mary's RCVA Primary School (North Shields)	3309
St Stephen's RCVA Primary School	3316
Star of the Sea RCVA Primary School	3317
Stephenson Memorial Primary School	2070
Wallsend St Peter's C of E Primary School	3321
Wallsend Jubilee Primary School	2065
Waterville Primary School	2004
Western Community Primary School	2088
Westmoor Primary School	2037
Whitehouse Primary School	2024
Whitley Lodge First School	2074

Middle Schools

Marden Bridge Middle School	4025
Monkseaton Middle School	4027
Valley Gardens Middle School	4026
Wellfield Middle School	5400

Secondary Schools

Burnside Business & Enterprise College	4032
Churchill Community College	4033
George Stephenson High School	4030
John Spence Community High School	4038
Longbenton Community College	4039
Marden High School	4006
Monkseaton High School	4034
Norham High School	4008
Whitley Bay High School	4029

Special Schools

Beacon Hill School	7008
Benton Dene School	7004
Silverdale School	7007
Southland School	7002
Woodlawn School	7001

Pupil Referral Units

Moorbridge	1100
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RESPONSIBILITY FOR REDUNDANCY AND EARLY RETIREMENT COSTS

This guidance note summarises the position relating to the charging of voluntary early retirement and redundancy costs. It sets out what is specified in legislation and provides some examples of when it might be appropriate to charge an individual school's budget, the central Schools Budget or the local authority's non-schools budget.

Section 37 of the 2002 Education Act says:

(4) costs incurred by the local education authority in respect of any premature retirement of a member of the staff of a maintained school shall be met from the school's budget share for one or more financial years except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met

(5) costs incurred by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.

(6) The fact that the authority have a policy precluding dismissal of their employees by reason of redundancy is not to be regarded as a good reason for the purposes of subsection (5); and in this subsection the reference to dismissal by reason of redundancy shall be read in accordance with section 139 of the Employment Rights Act 1996 (c. 18).

The default position, therefore, is that premature retirement costs must be charged to the school's delegated budget, while redundancy costs must be charged to the local authority's budget. In the former case, the local authority has to agree otherwise for costs to be centrally funded, while in the latter case, there has to be a good reason for it not to be centrally funded, and that cannot include having a no redundancy policy. Ultimately, it would be for the courts to decide what was a good reason, but the examples set out below indicate the situations in which exceptions to the default position might be taken.

Charge of dismissal/resignation costs to delegated school budget

- If a school has decided to offer more generous terms than the authority's policy, then it would be reasonable to charge the excess to the school
- If a school is otherwise acting outside the local authority's policy
- Where the school is making staffing reductions which the local authority does not believe are necessary to either set a balanced budget or meet the conditions of a licensed deficit
- Where staffing reductions arise from a deficit caused by factors within the school's control
- Where the school has excess surplus balances and no agreed plan to use these
- Where a school has refused to engage with the local authority's redeployment policy

Charge of premature retirement costs to local authority non-schools budget

- Where a school has a long-term reduction in pupil numbers and charging such costs to their budget would impact on standards
- Where a school is closing, does not have sufficient balances to cover the costs and where the central Schools Budget does not have capacity to absorb the deficit
- Where charging such costs to the school's budget would prevent the school from complying with a requirement to recover a licensed deficit within the agreed timescale
- Where a school is in special measures, does not have excess balances and employment of the relevant staff is being/has been terminated as a result of local authority or government intervention to improve standards

Costs of new early retirements or redundancies may only be charged to the central part of the Schools Budget where the expenditure is to be incurred as a result of decisions made before 1st April 2013. Costs must not exceed the amount budgeted in the previous financial year.

The LA can retain a central budget within the schools budget to fund the costs of new early retirements or redundancies by a deduction from maintained school budgets (excluding nursery schools) only, where the relevant maintained school members of the schools forum agree.

It is important that the LA discusses its policy with its Schools Forum. Although each case should be considered on its merits, this should be within an agreed framework. It may be reasonable to share costs in some cases, and some authorities operate a panel to adjudicate on applications.

A de-delegated contingency could be provided, if Schools Forum agree, to support individual schools where "a governing body has incurred expenditure which it would be unreasonable to expect them to meet from the school's budget share".

For staff employed under the community facilities power, the default position is that any costs must be met by the governing body, and can be funded from the school's delegated budget if the governing body is satisfied that this will not interfere to a significant extent with the performance of any duties imposed on them by the Education Acts, including the requirement to conduct the school with a view to promoting high standards of educational achievement. Section 37 now states:

(7)Where a local education authority incur costs—

(a)in respect of any premature retirement of any member of the staff of a maintained school who is employed for community purposes, or

(b)in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school who is employed for those purposes,

they shall recover those costs from the governing body except in so far as the authority agree with the governing body in writing (whether before or after the retirement, dismissal or resignation occurs) that they shall not be so recoverable.

(7A)Any amount payable by virtue of subsection (7) by the governing body of a maintained school in England to the local authority may be met by the governing body out of the school's budget share for any funding period if and to the extent that the condition in subsection (7B) is met.

(7B)The condition is that the governing body are satisfied that meeting the amount out of the school's budget share will not to a significant extent interfere with the performance of any duty imposed on them by section 21(2) or by any other provision of the Education Acts.

(8)Where a person is employed partly for community purposes and partly for other purposes, any payment or costs in respect of that person is to be apportioned between the two purposes; and the preceding provisions of this section shall apply separately to each part of the payment or costs.

LOCAL AUTHORITY CAPITAL / REVENUE SPLIT

ILLUSTRATIVE EXAMPLES IN LINE WITH DfE INTERPRETATION OF THE CIPFA CODE OF PRACTICE

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
Roofs		
<u>Flat</u>	Structure. New (not replacement) structure	Repair/replacement of small parts of an existing structure
	Structure. Replacement of all or substantial part of an existing structure to prevent imminent or correct actual major failure of the structure	Replace small areas of rotten or defective timber, make good minor areas of spalling concrete where reinforcing bars exposed
	Screed / insulation in a new building/extension	Repair/replacement of screed/ insulation where defective.
	Screed / insulation. Replacement/repair of substantially all. Improve effectiveness of insulation	Work to improve insulation standards, during work to repair/ replace small areas of roof.
	Finish on new build. Replacement of all/substantially all on existing roof	Replacement of roof finish on existing building. Re-coating chippings to improve life expectancy
	Edge Trim/ Fascia on new build	Repairs/ replacement. (uPVC) Repainting.
	Edge Trim/ Fascia, Replacement of all/substantially all on existing roof	Repairs/ replacement. (uPVC) Repainting.
	Drainage on new build	Clearing out gutters and downpipes. Replacement/repair/ repainting of/ individual gutters/pipes
	Other e.g. Flashings, Roof-lights on new build Replacement of all/substantially all on existing roof	Repair/Replacement/ cleaning of individual items

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
<u>Pitched</u>	Structure. New (not replacement) structure	Repair/replacement of small parts of an existing structure
	Structure. Replacement of all or substantial part of an existing structure to prevent imminent or correct actual major failure of the structure	Replace/ repair small areas of rotten/ defective joists, rafters, purlins etc. Not complete trusses
	Insulation in a new building/extension	Repair/replacement/ increasing thickness of insulation in an existing roof
	Insulation. Replacement /repair of substantially all. Improve insulation to current standards	
	Roof finish in a new building/extension, replacement of all/substantially all on existing roof	Replace missing/ damaged small parts
	Bargeboards/ Fascias in a new building/extension, replacement of all/substantially all on existing roof	Repairs/ replacement/Repainting
	Drainage in a new building/extension	Clearing out gutters and downpipes. Replacement/repairs of individual pipes/gutters
	Drainage. Replacement of all/substantially all on existing roof	
	Other e.g. Flashings, Roof windows in a new building/extension, replacement of all/substantially all on existing roof	Repair/ Replacement/cleaning
<u>Other</u>	Provide new covered link etc. between existing buildings	Minor repairs, maintenance to existing covered link
	Rebuild or substantially repair structure of existing covered link	
	Add porch etc. to existing building	Minor repairs, maintenance to existing structure

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
Floors		
<u>Ground Floor</u>	Structure and dpc in new building	Repair/replacement of small parts of an existing structure
	Structure and dpc - Replacement of all or substantial part of an existing structure to prevent imminent or correct actual major failure of the structure	
	Screed and finish in new build, replacement of all/substantially all on existing floor - e.g. replacement of most carpets/ tiles in a room	Replacement and repair of screed and finishes/ Replacement of Mats / mat-wells. Maintenance e.g. re- varnishing wooden floors.
<u>Upper Floor</u>	Structure - as ground floor	As ground floor
	Screed and Finish - as ground floor	Repairs of finishes/ Replacement - as ground floor
Ceilings		
<u>Top/ only storey</u>	Suspension	Repair/ replacement incl. From water damage, & necessary decoration
	Membrane	
	Fixed	Repair/ replacement inc. from water damage
	Access panels	Repair/ replacement
<u>Lower storeys</u>	Suspension	Repair/ replacement
	Membrane	
	Fixed	Repair/ replacement
<u>All</u>	Specialist removal/ replacement of damaged / disturbed Asbestos based materials, planned or emergency	Inspection/ air testing Applying sealant coats to asbestos surfaces for protection

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
External walls		
<u>Masonry/cladding</u>	Structure Underpinning/ propping for new build	Repairs Preventive measures e.g. tree removal
	External Finish on new build	Repair/replacement of small parts of an existing structure. e.g. re-pointing/ re-cladding a proportion of a wall where failure has occurred.
	External Finish on existing build here needed to prevent imminent or correct actual major failure of the structure. e.g. re-pointing/re-cladding work affecting most of a building/replacement build	
<u>Windows and Doors</u>	Framing - new build	Repair/ replacement of individual frames. Repainting frames
	Framing - structural replacement programme	Repair/ replacement of individual windows. Repainting frames
	Glazing - new build	Replacing broken glass
	Glazing Upgrading existing glazing	
	Ironmongery Improved security	Repair/ replacement, upgrading locks etc.
	Jointing including mastic joints	
	Internal and external decorations to new build	Internal and external decoration to include cleaning down and preparation.
<u>Masonry chimneys</u>	Structure	
	Jointing including expansion and mortar joints/ pointing/ DPC	Repair/ re-pointing

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
Internal walls		
<u>Solid</u>	Complete including various internal finishes, linings and decorations	Repairs and redecoration to internal plaster/ linings tiles, pin boards etc.
	Refurbishment and alterations	Minor alterations
<u>Partitions</u>	Complete structure including linings, framing, glazing, decoration etc.	Repairs and redecoration.
	Refurbishment and alterations	Minor alterations
<u>Doors & Screens</u>	Framing/ Screens/ Doors to new buildings including glazing, ironmongery, jointing and internal decorations	Internal maintenance and redecoration. Repair/ replacement of defective doors and screens
<u>All</u>	Glazing to meet statutory Health & Safety requirements	Replacement of broken glass
Sanitary Services		
<u>Lavatories</u>	In new buildings provision of all toilet fittings, waste plumbing and internal drainage.	Repair/ replacement of damaged sanitary ware, fittings, waste plumbing etc.
	Large scale toilet refurbishment	Small areas of refurbishment
	Provision of disabled facilities, and specialist facilities related to pupils with statements	Repair/ replacement of damaged fittings, waste plumbing etc.
<u>Kitchens</u>		
	Kitchens in new buildings, complete with fittings, equipment, waste plumbing and internal drainage. Internal finishes and decorations.	Maintain kitchen to requirements of LA Cleaning out drainage systems Redecoration
	General refurbishment	Repairs
	Large and costly items of equipment	Repairs/ replacement parts

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
Mechanical services		
<u>Heating/ hot water</u>	Complete heating and hot water systems to new projects, including fuel, storage, controls, distribution, flues etc.	General maintenance of all boiler house plant including replacement of defective parts. Regular cleaning. Energy saving projects
	Safe removal of old/ damaged asbestos boiler and pipe work insulation, where risk to Health & Safety.	Monitoring systems Health & safety issues
	Planned replacement of old boiler/ controls systems past the end of their useful life	Replacement of defective parts
	Emergency replacement of boiler plant/ systems	
<u>Cold water</u>	Provision of cold water services, storage tanks, distribution, boosters, hose reels etc. in major projects	Maintenance and repair/ replacement of defective parts such as servicing pipes. Annual servicing of cold water tanks.
<u>Gas</u>	Distribution on new and major refurbishment's, terminal units	Repairs, maintenance and gas safety All servicing
<u>Ventilation</u>	Mechanical ventilation/ air conditioning to major projects	Provision of local ventilation. Repair/ replacement of defective systems and units
<u>Other</u>	Swimming pool plant and its complete installation, including heat recovery systems	Repair/ replacement of parts to plant, pumps and controls. Water treatment equipment and all distribution pipework. Simple heat recovery systems. Solar heating plant and equipment.

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
Electrical services		
<u>General</u>	Main switchgear and distribution in major projects.	Testing/ replacement of distribution boards. The repair and maintenance of all switchgear and interconnecting cables including that in temporary buildings.
	Replacement of obsolete and dangerous wiring systems, including distribution boards	All testing, earthing and bonding to meet Health & Safety. All servicing.
<u>Power</u>	Control gear, distribution, fixed equipment, protection etc.	All testing, repair and replacement of small items of equipment
<u>Lighting</u>	Provision of luminaires and emergency	Replacement of luminaires, all testing, adjustments and improvements to emergency
<u>Other</u>	Lightning protection in new build	Repair/ replacement
	Alarm systems, CCTV, lifts/ hoists etc.	Repair and maintenance
	New installation of communication systems, radio/ TV, call, telephone, data transmission, IT etc. and provision in new build.	Repair/ replacement/ maintenance, including all door access systems
External Works		
<u>Pavings</u>	Provision of new roads, car parks, paths, court, terraces, play pitches, steps and handrails, as part of major project, including disabled access	Maintenance and repair Car park and playground markings.
<u>Miscellaneous</u>	Provision of walls, fencing, gates and ancillary buildings as part of major project	Maintenance and repair of all perimeter/ boundary/ retaining walls, fencing and gates.
<u>Drainage</u>	Drains, soakways, inspection chambers and sewage plant as part of new projects	Maintenance and repair of drains, gullies, grease traps and manholes between buildings and main sewers. Cleaning of the above and unblocking as necessary.

ELEMENT	CAPITAL: AS CIPFA CODE OF PRACTICE	REVENUE: REPAIRS & MAINTENANCE
<u>Open air pools</u>	Structure, Hygiene/ safety in new build	Hygiene, cleaning, maintenance and repairs, including replacement parts. Simple energy saving systems.
<u>Services distribution</u>	Heating mains gas mains water mains electricity mains, renewal of any above.	Annual servicing
Equipment		
<ul style="list-style-type: none"> • display screens/ boards • tables & chairs • office furniture/ book cases • storage units/ containers • indoor play equipment • TVs/ projectors • IT equipment • signage • hand dryers • classroom/ educational equip e.g. for CDT/ science prep room etc • access controls • cookers – for kitchen refurbishments 	May be considered as capital if purchased as part of a wider scheme where the whole scheme exceeds the deminimus level.	If purchased individually and below deminimus level.

Notes

This illustrative list is the DfE interpretation of the CIPFA Code of Practice.



North Tyneside Council

Item 6.2

Briefing note

To: Schools Forum **Author:** Christina Ponting

Date: 17th November 2020

Purpose of the Paper:

Information	√
Consultation	√
Decision	

Title of Briefing: Annual Review of the North Tyneside Schools Forum Constitution

Background

Schools Forum have a Constitution in place and the document is reviewed on an annual basis to ensure that it continues to be in line with ESFA national guidance issued annually.

Current Position:

The North Tyneside Schools Forum has been reviewed in line with updated ESFA advice and guidance as at 11th November 2020 and there are no material changes needed. Changes that are needed are noted in the attached document and highlighted for ease of reference for members.

Recommendations:

Schools Forum having read this report and clearly understanding the information provided consider this report and note the following:

1. Members are asked to consider the changes to the document and to confirm if they are clear on the changes and if they are happy for the document to be updated a noted.
2. If Schools Forum members are in agreement the updated document would replace the current document provided to members and noted on the Schools Forum website.
3. The North Tyneside Schools Forum Constitution will be reviewed again in September 2021 or asap thereafter once ESFA guidance is updated/ provided.

Date Effective: September 2020¹

The following document notes how the North Tyneside Schools Forum (NTSF) will operate from September 2020. The document will be reviewed annually or as and when guidance/updates necessitate.

Introduction

The 2002 Education Act amended the Fair Funding Legislation and the School Standards and Framework Act 1998 and therefore subsequently required each Local Authority (LA) in England to establish a Schools Forum in accordance with 'The Schools Forums (England) Regulations 2012' (2012 Regulations).

The function of a Schools Forum is to provide advice to the LA on matters relating to the schools budget. The Forum acts as a consultative body on some issues and a decision making body on others. The Education Skills Funding Agency (ESFA) Schools Forum: a guide for Schools and Academies (March 2015) notes the role of a Schools Forum as being:

The role of the schools forum

Representatives from schools and academies make up the schools forum. There is also some representation from non-school organisations, such as nursery and 16-19 education providers.

The forum acts as a consultative body on some issues and a decision making body on others.

The forum acts in a consultative role for:

- changes to the local funding formula (the local authority makes the final decision)
- proposed changes to the operation of the minimum funding guarantee
- changes to or new contracts affecting schools (school meals, for example)
- arrangements for pupils with special educational needs, in pupil referral units, and in early years provision

The forum decides:

- how much funding may be retained by the local authority within the dedicated schools grant (for example, providing an admissions service, or providing additional funding for growing schools)
- any proposed carry forward of deficits on central spend from one year to the next
- proposals to de-delegate funding from maintained primary and secondary schools (for example, for staff supply cover, insurance, behaviour support)
- changes to the scheme of financial management

The Schools Forum in North Tyneside operates in this way acting as a consultative body between the Local Authority (LA) and schools within the Borough. Although made up mainly of representatives of head teachers and governing bodies, it also has non-school members representing relevant organisations. Non-school members may number no more than one third (1/3rd) of the Schools Forum membership (excluding observers). The meeting is held four times per annum and is chaired by an elected representative from amongst the members on an annual basis whose role and responsibility is noted within the 2012 Regulations. All members of the NTSF are clear that they "have a responsibility to represent the interests of their peer group rather than the interests of their own individual school"²/ sector.

¹ The document was originally drafted in September 2018, in accordance with NTSF good practice the document is reviewed every year in accordance with ESFA guidance. ESFA guidance remains unchanged from 2018 (with the exception of a temporary amendment in May 2020 to provide for virtual meeting in line with the response to the COVID19 Pandemic which has not been incorporated into this document are there are separate arrangements in place for this) and therefore except for a date change and removal of one reference document that the ESFA have withdrawn (previously noted in reference documents on page 2 - ESFA SF: A guide for Schools & Academies) this document remains unchanged (as 11.11.20).

² Schools Forum: A guide for schools and academies; ESFA March 2015

The North Tyneside Schools Forum (NTSF) was established in 2003 in accordance with the 2012 Regulations, has in place a Constitution which takes into account original guidance alongside updates to good practice guidance issued since 2012.

Reference Documents issued to all Members:

To support each NTSF member in their role each member will be provided at appointment and then as updates require a member pack containing. Members are expected to use these packs to support them to clearly understand/ seek clarity on the role they are undertaking and to support them in their role:

- 1) ESFA³ Operational Good Practice Guide (September 2018) for Schools Forums
- 2) ESFA Schools Forums: Structure (September 2018)
- 3) ESFA Schools Forums: Powers & Responsibilities (September 2018)
- 4) Statutory Instrument 2012 No2661 Education, England: The Schools Forum (England) Regulations 2012
- 5) North Tyneside Schools Forum Self-Assessment (current)
- 6) Meeting dates (including the Forward Plan) and times including when papers are to be published.
- 7) Membership and Voting
- 8) Details of Key contacts

All new members in addition to a copy of the above will supported with an induction into their role and responsibilities as a NTSF member. All other members are welcome to attend new member training and / or periodic updates/ training for members.

Next Review Date: September 2021

³ Education & Skills Finding Agency

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The ESFA Schools Forum: Operational Good Practice Guide (14th September 2018) has been used to draft this document.

1. Establishment of a Schools Forum

North Tyneside Council (NTC) has an established Schools Forum and maintains this in accordance with the requirements of the Schools Forums (England) Regulations originally published in 2012 and subsequently amended and any previous North Tyneside Schools Forum (NTSF) Constitutions are replaced and amended by this Constitution and Guidance with effect from September 2018.

Any dispute in respect of interpretation of this document shall be determined by primary legislation, the Schools Forum Regulations and the Education & Skills Funding Agency (ESFA) Schools Forums: operational and good practice guide. These Regulations shall take precedence over any previous document and the Regulations provide that proceedings of the Forum are not invalidated by defects in:

- a) Election or appointment of any member
- b) Appointment of the Chair
- c) Any vacancy among the members

2. Schools Forum Powers

2.1 NTSF Decision Making

The NTSF has both a consultative and decision making role as defined within the ESFA Schools Forum Powers & Responsibilities. The overarching area on which the NTSF makes decisions on LA proposals are:

- De-delegation from mainstream maintained schools budgets
- Create a fund for significant pupil growth to support LA duty for place planning
- Create a fund for falling rolls for good or outstanding schools'
- Agreeing other centrally retained budgets, including LA statutory responsibilities
- Funding for central early years expenditure
- Authorising a reduction in schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services

The schools block is ring-fenced and LA's require approval from the NTSF in order to move up to 0.5% from the schools block to other blocks.

The LA does have the ability to appeal to the Secretary of State if the NTSF rejects its proposal.

2.2 Local Authority Delegation

The Local Government Education Act 2000 restricts delegation of LA decisions and therefore the LA cannot delegate its decision making powers to the NTSF, for example decisions on the funding formula.

2.3 Consultation with NTSF

The Regulations state that an LA must consult with its schools forum annually in connection with various schools budget functions. This is in place and the LA consults annually with the NTSF on the following:

- Amendments to the school funding formula
- Arrangements for the education of pupils with special educational needs including commissioned places and arrangements for top-up funding

	<ul style="list-style-type: none"> • Arrangements for the use of pupil referral units and the education of children otherwise than at school including commissioned places and arrangements for top-up funding • Arrangements for early years provision • Administrative arrangements for allocation of central government grants paid to schools <p>Additionally, the LA will consult with the NTSF in the event that it was proposing a contract for supplied and services which are to be funded from the schools budgets and is in excess of the EU procurement thresholds as appropriate. The LA will inform Governing Bodies of all maintained schools of the results of any consultations in relation to the above.</p> <p>In addition the NTSF shall also act as an informal consultative body for the LA with respect to:</p> <ol style="list-style-type: none"> a) Capital allocations and consultations regarding Asset Management; b) Key strategic plans.
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2.4 Role of the Secretary of State

	In the event that the LA wished to present proposals to the Secretary of State to vary a number of factors, including variance the MFG, sparsity factor, move more than 0.5% from the schools block; then discussions with the NTSF will take place before any proposals are presented.
--	---

2.5 ESFA Schools Forum Powers & Responsibility

	The table below summarises the respective roles and responsibilities in accordance with the ESFA published guidance on schools powers and responsibilities (@ 14 th September 2018) :		
Function	Local Authority	Forum	DfE
Formula change	Proposed & decides	Must be consulted	Check for compliance with the regulations
Contracts	Proposes	Gives a view	None
Financial issues relating to pupils with SEN, use of PRU's, EY provision and allocation of central government grants ⁴	Consults annually	Gives a view	None
Central spend and De-delegation for mainstream schools	Proposes	Decides (by phase where appropriate)	Adjudicates
Scheme of financial management	Proposes	Approves	Adjudicates
Minimum Funding Guarantee	Proposes any exclusions	Gives a view	Approval
Membership length of office	Decides	Gives a view	None
Voting Procedures	None	Determines	None
Chair	Facilitates	Elects	None
Services previously funded by the Education Services Grant general duties rate to maintained schools	Proposes	Decides (relevant maintained school group members)	Adjudicates

⁴ SEN – Statement of Education Need. PRU – Pupil Referral Unit. EY – Early Years

3. Membership

3.1 Schools Forum Structure

The Schools Forum Regulations 2012 provides a framework for the structure of schools forums noting that Schools Forum members must be elected to schools forum by the members of the relevant group or sub-group they represent, e.g. :

- representatives of nursery schools (where there are any such schools in the LA area),
- representatives of primary schools other than nursery schools,
- representatives of secondary schools (where there are any such schools in the LA area),
- representatives of special schools (where there are any such schools in the LA area),
- representatives of pupil referral units (PRU) (where there are any such schools in the LA area).

The Regulations allow a considerable degree of discretion in order to accommodate local priorities and practices and allow for both head teacher and governor members. Academy schools must also have an elected representative of the proprietor of the academy on schools forum and it is for the proprietor bodies to select their representatives. The Regulations also provide for non-schools members and these are in place to represent both post 16-19 providers and early year providers. The LA may also choose to appoint additional non-schools forum members to represent the interests of other bodies, but prior to making such appointments the LA must also consider whether Diocesan Board of Education and the Bishop of Roman Catholic Diocese for any part which is situated in the LA area and for any other school or Academies with the LA area having a religious character designated under appropriate Acts.

In addition the ESFA have also issued subsequent good practice guidance which notes that it is relevant for Schools Forums to consider the inclusion of other members on Schools Forum to again allow for local proprieties to be accommodated. The NTSF operates within the Regulations and the ESFA good practice guidance framework and therefore provides for a number of membership categories in 3 main areas⁵:

1. Schools – maintained including – nursery, primary, first, middle, secondary, high, pupil referral units, special.
2. Academies – mainstream, special, alternative provision – inclusive of free schools,
3. Non-schools

The table noted in 3.3 provides further detail on the membership relating to each of the categories.

3.2 Role of the Schools Forum Representatives

In accordance with the ESFA good practice guidance members are aware that when they are elected and appointed on to the NTSF they do not represent their own organisation. All NTSF members are:

- Appointed to represent the interests of their peer group rather than the interest of their own individual school,
- Canvass schools to ensure that views and feedback is available from those that they represent,
- Ensure that they are aware of the NTSF business and make their views known about decisions affecting schools finance’.

Schools and Governors should also ensure that the representatives they choose to appoint are competent to act as their advocates.

⁵ As noted in ESFA Schools Forum: a guide for schools and academies

3.3 Proportionate Representation

There is no maximum size of a schools forum, there is a need however to have full representation for various school types and non-schools members and must be broadly proportionate based on the total number of pupils registered to school phase or type. For maintained schools, governors and head teachers (or their representatives) are elected by the appropriate phase.

The LA have determined in consultation with the NTSF that the following membership composition is appropriate:

Member	Headteacher	Governor	Other	Total
First/Primary	8	2	0	10
Secondary/Middle/High	5	2	0	7
Academies	0	0	2	2
Special	1	0	0	1
Nursery	1	0	0	1
Pupil Referral Unit (PRU)	1	0	0	1
Total school members	16	4	2	22
16-19 Providers	0	0	1	1
Early Years (EY) Private Voluntary and Independent (PVI) providers	0	0	1	1
Church of England Diocese (CofE)	0	0	1	1
Roman Catholic Diocese (RC)	0	0	1	1
EOTAS/ LAC	0	0	1	1
Trades Union (TU)	0	0	1	1
Total non-school members	0	0	6	6
Total membership	16	4	8	28

This was last reviewed in May 2018 and ensures that there is sufficient representation of each type of school member to allow for debate within the forum that is both balanced and representative. Membership also effectively that there is no in-built bias towards any one phase or group.

Where there is at least one school in a particular category, there must be at least one representative for that group. Middle Schools do not form a category of schools in their own right, for the operation of the NTSF they are deemed to be Secondary.

3.4 Levels of Membership

The representation noted in 3.2 ensures that all categories are represented on the NTSF. The 2012 Regulations note 'representative means either a head teacher or a senior member of staff representing'. For Primary, Secondary, Nursery, PRU, Special members it has therefore been agreed that the role will be held by the Head teacher.

For Academies, PVI, 16-19, Trade Union, EOTAS/LAC, RC Diocese, CofE Diocese it is for those organisations to determine who is most appropriate to attend.

For Governor representatives these are elected from a group of their peers to represent their sector.

3.5 Deputising

The NTSF preference is that the role is not delegated to another member of the senior leadership from within the same school, and deputising should be provided from another Head teacher from within the locality or phase.

	<p>It is accepted should the need occur and another Head teacher from within the locality/ phase is not available the individual may be from within the same school but must be a senior member of staff, e.g. the deputy head teacher, bursar or other person responsible for financial management in accordance with the 2012 Regulations.</p> <p>For Governors deputising this should follow a similar route and should not ideally be from within the same school. For Academy and other representatives it is for those bodies to determine an appropriate protocol.</p>
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3.6 Review of Membership

	<p>The schools forum structure within NTSF reflects good practice and membership is reviewed annually in September or as/when applicable, in addition membership is considered as part of the standard agenda items at each meeting again in accordance with good practice.</p>
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3.7 Skills & Competency of Members

	<p>The LA ensures that NTSF hold the skills and competencies to manage Forum business and to take a strategic view across the whole education state whilst acting as representatives of the groups that has elected them. As a group they are supported by the LA to ensure that they are easily contactable, are pro-active in raising the profile of issues and communicating decisions and the reasons behind them effectively.</p> <p>In addition, to support them in their role the LA provides both induction and periodic training to all NTSF members to support them in their role. Additionally all members are issued with a members pack of guidance and reference as noted in the introduction to this document.</p>
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4. Terms of Office

4.1 Duration

	<p>The term of office for membership of the NTSF is applied consistently across all member types/ categories, the LA may choose to exercise its discretion as appropriate to put in place varied terms of office should continuity of experience need to be considered.</p> <p>The NTSF operates on the basis that all members shall be elected/ appointed on the same term of office which is three (3) years. Additionally all elections will take place in a timely manner so that a vacancy does not remain unnecessarily and the expectation is that vacancies will be filled within the following term.</p> <p>The term of office has been set at such a length that it does not hinder the requirements for the structure of schools forum. The LA will support the NTSF with appointments to ensure that where vacancies arise they are appointed to via an established transparent election and appointment process.</p>
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4.2 Notification to Schools, Academies & Stakeholders of membership of Schools Forum

	<p>Membership of Schools Forum will be notified annually to each Head teacher and Chair of Governors for all maintained schools within North Tyneside at the beginning of each Academic year – this will take place in September of each year (or as and when changes are made).</p> <p>Additionally within one month of the appointment of any member nominated in accordance with the above, the LA shall inform schools maintained by them of the name of the member and of the relevant body in respect of that which they represent.</p>
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4.3 Cessation of Eligibility to be a Schools Forum Member

	Individuals cannot be members of the NTSF where they resign from the role or no longer occupy the office which made them eligible for elections/appointment. This will include school conversions/ change of status, governors ceasing to hold office (in totality of for the representative group) or changes to/ removal from role.
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4.4 Resignation

	A member may resign by giving notice to the Clerk to the Schools Forum within the LA.
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5. Election & Nomination of School Representatives

5.1 Responsibility for Appointment

	The relevant group or sub-group will lead on the appointment of their members to the NTSF. In accordance with good practice the LA has supported each group to have a process to ensure that they are able to appoint via a nomination and election process.
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5.2 Appointments

	<p>The NTSF have in place a process to ensure that the relevant school within a group or a sub-group ensures that every eligible member of the group or sub-group has the opportunity to be involved in the determination of their groups election process, is given the opportunity to stand for election if they choose to do so and is involved in the election of their representative.</p> <p>This established process ensures that where a vacancy arises amongst a represented group the respective group nominates and appoints its own elected member(s) restricted to the group in question, e.g. a Head teacher phase group can vote for its own Head teacher excluding academies as academy members form a separate group.</p> <p>Further clarity is noted below.</p>
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5.3 Schools Members – Head teachers

	<p>The appointment of Head teacher members shall be determined by the Head teachers of all the schools of each category of schools listed in section 3 and will involve an elective process.</p> <p>The selection process established for the NTSF ensures:</p> <ul style="list-style-type: none">a) A Head teacher from each locality is selected; in each of the First/ Primary/ Nursery and Secondary/Middle/High phases;b) At least 1 Head teacher is selected from a Primary school and a First school; andc) At least 1 Head teacher is selected from a Middle school and a First school.
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5.4 Schools Members - Governors

	<p>The appointment of Governor members is determined by an elective process, administered on behalf of the NTSF by a representative of the LA⁶. The NTSF have determined that they will have:</p> <p>4 Governor representatives at any one time on the NTSF and that is to be split equally, resulting in there being:</p>
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⁶ Which may or may not include one of their commercial partners

	<ul style="list-style-type: none"> • 2 Primary (inclusive of First & Primary) and • 2 Secondary (inclusive of Middle, High & Secondary). <p>All Governors will be appointed via an election process open to all Governors within those school sectors. Governors, alongside all NTSF members will be able to demonstrate the skills and competencies as noted in Section 3.</p>
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5.5 Single Role

	It is not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, e.g. being a governor in both a primary and a secondary school.
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6. Election & Nomination of Academy Members

	<p>Academy members must be elected by the proprietor bodies of the academies and they are best placed to determine the process. Academy members represent the proprietor bodies of academies and are not restricted to principals, senior staff or governors, however within the NTSF the academy representatives have determined that Head teachers will undertake this role and that deputising in the first instance will be by another academy Head teacher unless that is not practicable. In the event that Head teacher deputising is not possible a member of the senior leadership team in any of the academy schools may undertake this role.</p> <p>It is for each of the proprietor academies – mainstream, special or alternative to elect their representative, it is not appropriate for academy phase groups to be represented unless the academy proprietors wish to have this in place. There is no requirement for academies to be split into primary and secondary sub-groups; however the LA does encourage the academies within the NTSF to consider the pupil proportions across all academies when electing their representatives.</p>
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7. Non-School Members

7.1 16-19 Providers

	The NTSF has ensured that this category elect their representatives and determine their own election process. This includes those within the FE sector (FE and 6 th form colleges) and other post-school institutions that specialise in special education needs (SPI) where 20% or more of their students reside in the LA area.
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7.2 Early Years Private, Voluntary and Independent Providers (EY PVI)

	The LA will appoint to the NTSF at least one person to represent this sector, this is due to the fact that early years funding for free entitlement for three and four year olds and eligible two year olds comes from the dedicated schools grant (DSG) and all settings are funded through the early years single funding formula.
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7.3 The Church of England (CofE) and Roman Catholic (RC) dioceses

	The LA has ensured that those schools or academies in group are represented on the NTSF. The diocesan authorities will nominate members for appointment as non-schools members and to determine what type of representative would be most appropriate. The NTSF support the appointment of both schools-based (e.g. a Head teacher or governor) or a non-schools based (e.g. someone linked more generally with the diocese, a member of the education board) to the role.
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7.4 Other Groups

	<p>The NTSF operates with good practice to ensure that the needs and interests of all the pupils in the LA area are adequately represented by the members of schools forum. The interests of pupils in maintained schools are represented by those schools forum members, however, some pupils are not in maintained schools but instead are educated in hospitals, independent schools and non-maintained special schools. It is recognised that non-schools members can play an important role in representing the interest of these groups of pupils and in representing the interests and views of services that support those groups of vulnerable and at risk pupils who are on the roll of maintained schools, such as looked after children (LAC) and children with special educational needs (however this latter point is not to be confused with the role noted above for Special Schools).</p> <p>The NTSF have agreed that the following groups of pupils will therefore be represented by having a nominated representative on schools forum and the LA will on behalf of the NTSF oversee/ manage this election/ appointment process.</p> <ul style="list-style-type: none">i. Educated other than at school/ vulnerable/ at risk pupilsii. Special Educational Needs & Disabilities <p>As noted the purpose of non-schools members is also to bring greater breadth of discussion to schools forum meetings and to ensure that stakeholders and partners other than schools are represented the following group will also be represented on the schools forum. Again the LA will on behalf of the NTSF oversee/ manage this election/ appointment process.</p> <ul style="list-style-type: none">iii. Trades Union
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8. Other Membership Matters

8.1 Restrictions

	<p>Elected members who are appointed to executive of the LA (e.g. a lead member/ portfolio holder), Director of Children's Services (or an LA officer who works under their direction), those with the specific role in management of and/or advise on funding for schools cannot be non-school members of the NTSF.</p> <p>This process ensures that the NTSF where it has the power to approve a limited range of proposals from the LA does not have a conflict of interest between the proposing body (the LA) and the approving body (the schools forum).</p> <p>Head teachers or teachers and those who directly manage a service who provides education to individual children and/or advice to schools are exempted from this exclusion.</p> <p>A non-executive elected member can be a schools member (by virtue of their being a school governor), an academies member or a non-school member.</p>
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9. Recording of Schools Forum business

	<p>A written record of the composition of the NTSF is maintained by the LA. This record details number of schools members and by which group of sub-group they were elected, the number of academy members and the number of non-school members, their terms of office, how they were chosen and whom they represent. This is noted in section 3 above, provided to all members and stakeholders and published on the NTSF website.</p>
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10. Observers

All Schools Forum meetings are open to the public. Observers do not have an automatic right to speak at meetings, but the Chair may allow contributions where appropriate.

The updated practice provides that the Secretary of State can appoint an observer to attend and speak at schools forum meetings.

11. Participation of Local Authority (LA) Officers

The NTSF ensures that specific officers can speak at meetings of the NTSF. These officers are:

- Director of Children’s Services (or their representative)
- Chief Finance Officer (or their representative)
- Any person invited by the NTSF to provide financial or technical advice
- Any person presenting a paper to the NTSF but their ability to speak is limited to the paper they are representing.

LAs must publish all schools forum papers well in advance of each meeting, it has been agreed within the NTSF that this will be two weeks (10 days) prior to the meeting. LA officers also attend the meeting to provide specific officer support and other LA officers responsible for items to be discussed will attend as required for specific items of business. The LA has agreed to facilitate and support this.

12. Public Access

All NTSF meetings have open access; any person may attend the meeting as a member of the public / observer – please see 10 above for further information.

13. Working/ Sub-Groups

The NTSF will set up a working/ sub-groups of members on either an on-going or a project basis to discuss specific issues, to produce draft advice and recommend decision to the NTSF for consideration. The working/ sub-groups may also include wider representation.

The NTSF cannot delegate actual decisions or the finalisation of advice to a working/ sub-groups and as such all work/ recommendations of the working/ sub-groups must be referred back to the NTSF for a final decision/ ratification.

14. Urgent Business

Unscheduled urgent meetings may be called where the business of the NTSF is urgent. The Clerk shall arrange such meetings, with appropriate consultation from each of the members.

The Chair of the NTSF cannot take a decision on behalf of the forum, no matter how urgent the business.

15. Appointment of Chair & Vice-Chair

15.1 Election of the Chair & Vice-Chair

	The NTSF will elect the Chair and Vice-Chair annually at the first meeting of the autumn term. Nominations shall be sought prior to the first meeting of the academic year and approved by a simple majority of votes cast by individual members during that first meeting. During this procedure nominees shall be required to leave the meeting room until a decision is reached.
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15.2 Chair & Vice Chair – Term of Office

	The Chair and Vice-Chair will serve office for 12 months and hold the role until the first meeting of the autumn term in the following year.
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15.3 Chair & Vice Chair - Eligibility

	To be able to hold the role of Chair and Vice-Chair the individual must be a current serving member of the Forum. Where a Chair or Vice Chair is no longer a Forum member a re-election for the role will need to take place at the immediately following schools forum meeting.
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15.4 Chair & Vice-Chair - Resignation

	In the case of a resignation of the Chair or Vice Chair, election of a replacement will be for the remaining period up to the end of the current Academic year and may therefore be for a period of less than 12 months.
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15.5 Chair & Vice-Chair - Responsibilities

	The Chair (or Vice Chair in his/ her absence) is responsible for chairing and managing meetings of the Forum with advice and support from the representatives present whose roles it has been agreed are to support the NTSF. In addition the Chair of the Forum must decide upon an agenda for the meeting following consultation with members – the NTSF operates a forward plan which ensures that scheduled business is noted, this is discussed at the end of each meeting in preparation/ planning for the next meeting and members can at any time (either within or outside of the meeting) make a request via the Chair for other matters to be placed on the agenda that are relevant/ appropriate for Schools Forum to consider.
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15.6 Chair & Vice-Chair - Absence

	If both the Chair and Vice-Chair are absent from the meeting, the members present at that particular meeting will elect an Acting Chair – this role may be undertaken by one of the representatives present who support the NTSF. Should a representative not be present/ be able to undertake this role or another Forum member does not step forward/ agree to Chair the meeting the meeting will be postponed until appropriate arrangements can be made for a Chair/ Vice Chair to be in place.
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16. Member Substitutions/ Absence

	<p>Any member of the NTSF may nominate an alternative/ substitute individual from their sub-group to attend meetings in their absence. This individual shall be entitled to attend and if applicable vote in place of the member.</p> <p>Any member who is unable to attend a meeting for whatever reason must notify the Clerk at the earliest available opportunity (but ideally before the meeting is due to commence) and inform the Clerk of any substitute who will attend (and carry their voting rights) in their absence.</p> <p>Member who do not regularly attend meeting or who fail to attend 2 meetings may forfeit their right to continue to be a NTSF member, a decision regarding the reasons for absence/ continuation in role will be determined by the NTSF member.</p>
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17. Meeting – Dates & Organisation

17.1 Number of Meetings Per Annum

	The NTSF will meet at least four times a year or as is otherwise necessary in order to ensure the smooth running of the schools forum business. The NTSF has agreed from September 2018 to meet up to 5 times per year, with meetings being set in September, December, April and July. A 5 th meeting may also take place in January of each year with the specific purpose of providing for schools forum members an update on the National Funding Formula, this will be a single agenda meeting without papers.
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17.2 Dates of Forum Meetings

	Dates for the meetings of Schools Forum are published in September of each Academic Year for the following 12 months, issued to all members, notified to all Head teachers and Chair of Governors, stakeholders and published on the NTSF website.
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17.3 Forward Plan

	The NTSF operates an annual forward plan to ensure that items that need to be discussed within the remit of NTSF are regularly agenda. Members of the Forum and LA officers can also request for relevant/ appropriate items to be placed onto the agenda.
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18. Quorate

	<p>The Regulations stipulate that a meeting is only quorate if 40% of the total membership is present, excluding any observers. Members who are substitutes as they carry voting rights will count towards the 40% attendance criterion.</p> <p>In the event of a meeting not being quorate, the meeting may still proceed, but the LA reserves the right to choose not to take account of any recommendations arising from that meeting.</p>
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19. Voting Procedures

19.1 Principles of Voting

	<p>The following applies to the principles of voting within the NTSF:</p> <ol style="list-style-type: none">a) a member cannot carry votes for other members who are not able to attend the meeting.b) all member votes hold an equal value.c) the chair and vice chair do not hold a casting vote.d) where a proposal is made by Schools Forum and a result is not carried:<ol style="list-style-type: none">I. a further vote(s) may be undertaken within the same meeting.II. a further vote may be undertaken at a future meeting.III. where a vote cannot be agreed the status quo will be maintained/remain in place.e) individuals who are not elected to be members of the NTSF members cannot vote, e.g. LA officers/ support do not hold/ are not eligible to vote.
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19.2 Majority Voting

	<p>Where the NTSF is voting on matters before them decisions will be determined by a simple majority of members present. Voting is limited to the roles that each member is there to undertake and all members are advised on which matter they are eligible to vote. However, in general terms, voting on:</p> <ul style="list-style-type: none">• funding formula is limited to school members, academy members and PVI representatives
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	<ul style="list-style-type: none"> • de-delegation is limited to specific the specific phase: e.g. <ul style="list-style-type: none"> • Primary (including First and Nursery) and • Secondary (including Middle and High). <p>Members who can vote on these elements include locality based representatives (Head teacher) and none locality based representatives (other Head teachers⁷, Governors and Academy representatives.)</p>
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19.3 Voting Restrictions

	<p>Voting is limited to the roles that each member is there to undertake and all members are advised on which matter they are eligible to vote. However, in general terms, voting on:</p> <ul style="list-style-type: none"> • funding formula is limited to school members, academy members and PVI representatives • de-delegation is limited to specific the specific phase: e.g. <ul style="list-style-type: none"> • Primary (including First and Nursery) and • Secondary (including Middle and High). <p>Members who can vote on these elements include locality based representatives (Head teacher) and none locality based representatives (other Head teachers⁸, Governors and Academy representatives.)</p> <p>Non-school members (e.g. 16-19 Providers, EY & PVI, Church (both CofE and RC) Trust and TU) are allowed to vote on all other matters. Please see the table later in this section for further information.</p>
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19.4 Voting Remit

	<p>Only specific school member representatives can vote certain items⁹</p> <p><u>Maintained school</u> can vote on de-delegation items that relate to their sector of representation, e.g.:</p> <ul style="list-style-type: none"> • Only primary can vote on primary de-delegation related matters; • Only secondary can vote on secondary de-delegation related matters; and <p>can vote on the scheme for financing schools and any other schools forum business including the consultation on the funding formula. Maintained school members can also vote on items relating to general duties and retained duties.</p> <p><u>Academy members</u> cannot vote on de-delegation or the scheme for financing schools. All academy members can vote on any other schools forum business including the consultation on the funding formula but can only vote on retained duties.</p> <p><u>Non-School Members</u> cannot vote on de-delegation or the scheme for financing schools. Only PVI members can vote on the consultation on the funding formula. All non-school members can vote on any other schools forum business but cannot vote on either general duties or retained duties.</p> <p>In accordance with the Regulations 2012 note that substitutes can attend to vote on behalf of a member, non-Schools Forum Members other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the LA to determine the amounts to be allocated to schools and early years providers and with these exceptions. The 2012 Regulations</p>
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⁷ Nursery, PRU, Special

⁸ Nursery, PRU, Special

⁹ In accordance with the ESFA Schools Forum Structure September 2018

also note that subject to the above members of the Schools Forum may determine their own voting principals.

Please see table below for further clarity.

Type of Member	De-Delegation Primary	De-Delegation Secondary	Scheme for Financing Schools	Other Schools Forum Business ¹⁰	Consultation on Funding Formula	General Duties ¹¹	Retained Duties ¹²
Primary ¹³	√		√	√	√	√	√
Secondary ¹⁴		√	√	√	√	√	√
Academy				√	√		√
PRU			√	√	√	√	√
Special			√	√	√	√	√
Nursery			√	√	√	√	√
EY PVI				√	√		
16-19				√	√(*)		
Diocese – CofE				√			
Diocese – RC				√			
EOTAS/LAC				√			
TU				√			

(*locally agreed by Schools Forum)

19.5 Tied Voting

In the event of a tied election there will be a requirement for the representative groups to undertake an additional vote. Where a vote cannot be carried the LA will appoint to the role/ use a casting vote.

The LA may choose to appoint someone else rather than one of the candidates and may choose to take into account experience or expertise of the individuals and the balance between the different types of school represented on NTSF. However, it would not undertake this without updating the relevant group regarding its intentions.

19.6 Substitutions/ Carried Voting

Where it is necessary for a vote to be undertaken members (or their deputies) must attend the meeting to vote in person. A member cannot carry a vote for another member.

20. Defects & Vacancies

The Regulations provide that proceedings of the NTSF are not invalidated by defects in the election or appointment of any member or the appointment of the Chair. Nor does the existence of any vacancy on the NTSF invalidate proceedings.

¹⁰ Excluding consultation on the Funding Formula

¹¹ Applies to maintained schools only

¹² Applies to maintained and academy schools

¹³ Including Governors

¹⁴ Including Governors

21. Rules of Conduct

21.1 Code of Conduct

	<p>Members of the NTSF are required to act in accordance with the seven principles of public life:</p> <ul style="list-style-type: none">• selflessness,• integrity,• objectivity,• accountability,• openness,• honesty, and• leadership. <p>All members are expected to operate within these principles.</p>
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21.2 Declaration of Interest

	<p>Interests whether personal or prejudicial should be declared in the Declaration of Interest, as a reminder for all members there is a standing agenda item to remind members of their obligation to declare interests on items proposed for consideration.</p>
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22. Administration

	<p>The LA will support the administration of the smooth running of the Schools Forum. A number of LA officers will be in attendance by agreement of the NTSF to undertake this role/ roles. One of these nominated roles will provide secretarial duties whilst others will provide wider/ specialist support with and oversee the smooth running of the NTSF. The advisors to and clerk to the NTSF work with schools forum to ensure that the NTSF work is well organised and provide administrative/ clerical support to meetings as follows:</p> <ul style="list-style-type: none">a) secretarial support will ensure that:<ul style="list-style-type: none">I. meetings are arranged (once dates have been agreed with the NTSF), ensure that members are notified of meetings, receive a full agenda and ensure that supporting papers are made available to members at least 14 calendar days prior to a meeting by electronic distribution and/ or publishing on the NTSF website.II. Appropriate and accurate recordings of the proceedings at meetings are maintained and will ensure they are made available to NTSF members within three weeks of a meeting.b) advisors who attend the NTSF will collectively ensure that appropriate advice and guidance is provided to the NTSF and/ or individual members and assists the Chair/ Vice-Chair with the management of meetings of the Forum.c) advisors who attend Forum and/ or the administration /secretarial support will also be responsible for ensuring that:<ul style="list-style-type: none">I. governing bodies and Head teachers are informed of the outcome of the work of the NTSF to support this once papers are published on the Forum website,II. posting of the approved minutes on the website within 14 days of the meeting... <p>The administration/ secretarial support will be responsible for the following:</p> <ul style="list-style-type: none">a) arranging the venue of the meeting;b) provide the route by which members can access further information and co-ordinate communication to NTSF members outside of the formal meeting cycle;
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	<ul style="list-style-type: none"> c) ensure that queries about the business of the NTSF from others who are not members of the NTSF are directed to the appropriate Forum Advisor for response; d) be responsible for ensuring that contact details of all members are kept up to date; e) maintain the list of members on the Forum and work alongside a Forum Advisor who will offer advice and guidance on membership issues in general; f) support the keeping of the NTSF website up to date by posting the latest minutes and papers; g) ensure that an accurate record of the meeting has been taken, including recording the outcome of any votes, decisions and key points. <p>The cost of the clerking/ administration services and support provided to NTSF shall be set-aside from within the NTSF budget.</p>
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23. Communication to Non-Forum Members

23.1 Publication of Papers

	The Forum will ensure that all its agenda, minutes and papers are publicly available through the North Tyneside Schools Forum website.
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23.2 Consultation

	Schools Forums have the responsibility of informing the governing bodies of all schools maintained by the LA of the results of any consultations carried out by the LA relating to a number of matters. The 2012 Regulations note that it should be carried out as soon as it reasonably can. There is no specific definition of the consultation level/ requirements therefore the NTSF will be guided by the LA as to what is appropriate in each of the circumstances including determining the appropriate level of detail to needed to generate sufficiently informed response from Schools Forum.
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24. Indemnity

	The LA will indemnify members of the Forum against any reasonable legal costs and expenses reasonably incurred by them in connection with any decision or action taken by them in good faith in pursuance of their functions as members of the NTSF.
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25. Expenses

	All claims for reasonable expenses from Schools Forum members in connection with the attendance at meetings shall be considered by the Chair of the Forum and if agreed met by the Schools Forum budget.
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26. Resources of Schools Forum

	The costs of NTSF fall in the central school services block of the DSG. It is appropriate for the LA to charge the running costs of the NTSF to this budget including any agreed and reasonable expenses for members attending meetings, the costs of producing /distributing papers, costs of room hire / refreshments and the clerking of meetings.
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