

 <b>North Tyneside Council</b>	<b>North Tyneside Council</b> <b>SCHOOLS FORUM</b>
	Wednesday 7 July 2021 - 12:30 – 14:30
	The meeting will be held virtually and will be live streamed at the following link: <a href="https://youtu.be/N7DW54DqoH4">https://youtu.be/N7DW54DqoH4</a>

### 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	<b>Pages 5-10</b>	Chair
6.	Matters Arising:	<b>Verbal Update</b>	
6.1	Finance Update to include:- a. Provisional Outturn b. Financial Transparency in Maintained Schools c. Central Schools Services Block	<b>Pages 11-17</b> <b>Pages 19-64</b> <b>Presentation</b>	CE CE CE/DB
6.2	SEND Including Finance:- a. DSG – Management Plan, High Needs Recovery	<b>Presentation</b>	DB/KB/MT/CE
7.	Future meeting dates / arrangements	<b>Page 65</b>	Chair
8.	Any Other Business		
9.	Date of Next Meeting – Wednesday, 22 September 2021 (provisional)		Chair

North Tyneside Council Schools Forum,  
 Financial Services, Quadrant, The Silverlink North, Cobalt Business Park,  
 North Tyneside, NE27 0BY. Tel: (0191) 643 5991

North Tyneside Schools Forum Member Roles & Voting								<i>last updated September 2019</i>	
de-delegation Primary	de-delegation Secondary	scheme for financing schools	consultation on funding formula	General Duties	Retained Duties	all other matters			
1	2	3	4	5	6	7			
<b>Voting</b>							<b>Phase</b>	<b>Role</b>	
<b>School Members</b>									
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	
<b>Other School Members Non Locality Based</b>									
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	
<b>Non Schools Members Non Locality Based</b>									
		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	

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**Timetable & Forward Plan 2020/21**

<b>Date</b>	<b>Activity</b>	<b>Responsible</b>
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 – deferred to September 2021	Schools Forum

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North Tyneside Council

# Minutes

**Meeting** Schools Forum **Date** Thursday 10 March 2021

**Location** Via Microsoft Teams

**Present**

✓ Present D Deputy A Apologies O Absent
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Name	Organisation	Representing	13.01.21	10.03.21
Andrew James	St Aidan's Primary	Primary	✓	✓
Angi Gibson	Hadrian Park Primary	Primary	✓	✓
Candida Mellor / Claire MacLeod	Trade Unions	Trade Unions	Claire Macleod	Claire Macleod
David Baldwin	Churchill Community College	Secondary	N/A	N/A
David Bavaird	Norham High School	Governor - Secondary	✓	✓
David Watson	St Thomas More	RC Schools	✓	✓
Gavin Storey	Cullercoats Primary	Primary	✓	✓
Jill Wraith	Benton Dene Primary	Primary	✓	✓
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	✓	✓
Laura Baggett	Monkhouse Primary	Primary	✓	✓
Marie Flatman / Mo Dixon	Tyne Met	16-19 Provider	Marie Flatman	O
Fr Martin Lee	Diocese	C of E Diocese	✓	O
Matt Snape	Marden High School	Secondary	✓	✓
Michael Young	Spring Gardens Primary	Primary	✓	✓ *part meeting*
Paul Mitchell	Whitley Bay High School	Governor – Secondary	✓	✓
Paul Johnson	Churchill Community College	Secondary	✓	✓ *part meeting*
Peter Gannon	Silverdale School	Special	✓	✓
Peter Thorp	Redesdale Primary	Governor - Primary	A	O
Philip Sanderson	Kings Priory	Academy	✓	✓
Stephen Baines	Holystone Primary	Primary	✓	✓
Stephen Easton	Marine Park First School	First	✓ *Joined late	✓
Steve Wilson	Whitley Bay High School	High	✓	✓
Tim Jones	Langley First School	Primary	✓	✓
<b><u>In Attendance:</u></b>				
Mark Longstaff	Head of Commissioning & Asset Management	NTC	✓	✓
Claire Emmerson	Senior Manager - Finance Strategy & Planning	NTC	✓	✓
Noel Kay	Senior Business Partner, Finance	NTC	✓	✓

Diane Thompson	Finance	ENGIE	✓	✓
Christina Ponting	Senior Manager - Schools HR	ENGIE/NTC	✓	✓
Mary Nergaard	PA to Head of Commissioning & Asset Management	NTC	✓	✓
Diane Buckle	Assistant Director for Education	NTC	✓	N/A
Kevin Burns	Senior School Improvement Officer (Vulnerable Learners)	NTC	✓	N/A
Rob Smith	School Improvement Advisor, PE, Sport & Health	NTC	N/A	N/A

Item		Action
<b>1.</b>	<b>Apologies for Absence</b>	
	See Table above.  ML was asked to Chair the meeting on behalf of Peter Gannon and welcomed everyone to the Schools Forum.	
<b>2.</b>	<b>Attendance Register / Membership</b>	
	Fully appointed in terms of membership	
<b>3.</b>	<b>Public Meeting / Observers</b>	
	The Chair welcomed the public to the meeting	
<b>4.</b>	<b>Declaration of Interest</b>	
	None	
<b>5.</b>	<b>Minutes of the last meeting</b>	
	Minutes agreed as an accurate record of the meeting.	
<b>6.</b>	<b>Matters Arising</b>	
	No matters arising from the minutes of the previous meeting	
<b>6.1</b>	<b>Finance Update</b>	<b>Claire Emmerson</b>
	<p>CE talked through the PowerPoint presentation based on the briefing paper. Main points to note as follows:</p> <p><b>i. Finance Update:</b></p> <ul style="list-style-type: none"> <li>• 2019/20 outturn was £0.165m against a forecast budgeted deficit of £4.661m</li> <li>• Budgeted deficit at the beginning of 2020/21 was £6.755m. First monitoring showed an improvement to a £5.677m deficit which was improved again at the second set of budget monitoring to an estimated £2.900m</li> <li>• This a budget variance of £3.855m subject to changes following the resolution of a number of outstanding queries</li> <li>• This improvement is despite the impact of Covid-19</li> <li>• One additional school that was not previously forecasting a deficit, is now forecasting unauthorised deficits over £5000 in 2020/21 with a forecast position that is £0.028m worse than budget.</li> </ul>	

- There were 12 schools who applied for a deficit agreement to a total value of £12.822m.
- 8 of these schools were in deficit in 2019/20 and 2 are in structural deficit
- Both monitoring 1 and 2 showed an improvement of £1.230m resulting in a reduced total deficit of £11.592m at monitoring 2
- Of the 12 schools, all bar one have reported an improvement with one school reporting that their pressures have increased. The Local Authority is working with closely with this school to improve this position

Discussion followed around:

- It was noted that a large percentage of the deficit is down to 3 schools. CE noted that 2 of those schools are in structural deficit and that the Local Authority continues to work proactively with both these schools. Discussions are ongoing to bring these schools into an in-year financial balance. 1 of the 3 schools is not a structural deficit school and it has been able to produce a recovery plan that will bring the school back into financial balance within the 3 years as outlined in the plan
- SW noted that the circa £4m variance stands out. CE noted that schools manage their own budgets and some schools may be overcautious and build in some risk to their budget planning whereas others may be more realistic, and this may account for some of the variance. There has historically been a positive movement throughout the year. The Local Authority does not have any part in that budget planning process other than working with those schools in deficit. It was noted that the accuracy of budget plans forms part of the Strategic planning and that decisions are made based on those budget plans.
- CE noted that a report was taken to Cabinet in January which she will share with Forum. It was noted in the appendix to this report that a large proportion of schools are in balance. This shows that the majority of schools are maintaining their budgets well. With regard to the deficit schools, other than the 3 schools highlighted, the other schools are also managing any deficits well
- A query was raised on Covid costs. CE noted that an online survey was carried out where schools were asked to submit their Covid costs. This may be something that the Local Authority can look at again
- A query was raised on what would constitute a structural deficit. CE noted that under the Scheme for Financing Schools, Section 4.9, it states that a structural deficit is a school that cannot submit a recovery plan that will bring them back to at least an in-year balance. Previously the scheme for financing school gave 5 years for schools to come back into balance. It was agreed by Schools Forum to reduce that to 3 years. The longer standing schools that were in deficit had to at least bring their budgets back into an in-year balance within that 3-year timeframe.

## ii. High Needs:

- The High Needs Block ended 2019/20 with a pressure of £4.542m. It should be noted that the High Needs Block forms part of the DSG which is ringfenced and does not form part of the general fund
- This pressure is in line with the national and regional picture

- The forecast at February 2021 shows that this pressure has worsened with an anticipated in-year pressure of £4.325m, resulting in a cumulative pressure of £8.867m, and reflecting a rise in demand for special school places and a general increase in the complexity of children supported in both special and mainstream schools
- A High needs recovery plan is currently being developed which will need to be agreed by Schools Forum
- As part of the workstreams that have been identified the Local Authority will be looking for reps from Schools Forum and the wider School Network to support the work in developing the recovery plan
- PG noted that the proposed new National Funding Formula (NFF) for High Needs has come out and there are some early indicative signs that this will be based on 2017/18 expenditure. This would not be a positive outcome for North Tyneside of the North East in general. CE noted that she will provide an update on the High Needs Consultation later in the meeting.

Discussion followed around:

- PM noted that this looks like we are heading for an unsustainable position for High Needs and that he welcomes the review
- CE noted that there are a number of factors that sit behind the deficit and that the DfE are looking at a review of SEND that could impact the way in which High Needs Funding is allocated.
- CE noted that we have seen a large increase in the number of children with EHCPs and that we recognise that there are things that we can do locally. However, this is a national issue.

### **iii. Budget Planning Tool:**

- The Local Authority has been looking at a new budget planning tool to assist schools with financial planning and monitoring
- System demonstrations have been offered and a number of schools have taken part
- A survey was also carried out with the survey results included in appendix A
- The majority of schools would like to see a new tool brought in
- Most schools were noncommittal about paying extra for any replacement tool, with more clarity around cost: benefits being required.
- A number of schools are already looking to approach providers themselves
- The Local Authority would like to undertake a procurement exercise on behalf of Schools that have not already bought into a budget tool
- Whilst this exercise would be carried out on behalf of schools in would need to be financed by Schools individually
- Following the procurement, the Local Authority would work with schools to set up the system and provide training with a view to using the tool for budget planning for 2022/23 and future years
- We recognise that this would have an impact on the finance SLA and we will work with schools over the summer and come back to Forum in September



**iv. High Needs Consultation:**

- An update was provided on the proposed changes to the High Needs National Funding Formula from 2022/23
- The proposed plan uses 2017/18 actual expenditure as the baseline as opposed to the planned expenditure
- They are proposing an increase percentage from 50% to 60% based on actual expenditure.
- In North Tyneside, we didn't have a pressure in High Needs at that time and our actual expenditure was less than the planned expenditure. Therefore, this would mean that we would receive less as a result of the changes in the baseline
- It is proposed that this tool would be used for 1 year only and this work is happening ahead of the SEND review
- There will be winners and losers and, in this case, North Tyneside would be a loser
- They are also asking for views on the use of proxy factors to reflect more local circumstances. i.e. free school meals, deprivation, prior attainment etc. This won't change the formula for 2022/23 but would influence the formula following the SEND review
- DfE consultation deadline is Wednesday 24 March. The Local Authority will use an online form to mirror the DfE's consultation questions which will go live today with a deadline of Friday 19 March
- CE is attending the Head Teachers drop-in session on Friday (12 March) and the Special Heads Officer Group (SHOG) is meeting on Wednesday 17 March to discuss the consultation response
- Using the results of the internal consultation, the Local Authority will submit a response on behalf of schools and Schools Forum
- SHOG will respond separately
- Schools/governing bodies can also submit their own responses if they wish

Discussion followed around:

- ML noted that it is important that we are clear and strong on the impact that this is having in North Tyneside and the challenges that we will face.
- LB asked if it would be better for all schools to respond individually as well as the Local Authority response to provide a larger voice. CE noted that the consultation is open to all schools, governing bodies and members of the public. ML noted that this is an ideal opportunity.
- LB asked if there was anything schools could do to support parents in providing a response and noted that a carefully worded campaign would be helpful to provide to parents. This was echoed by other Schools Forum members in that a consistent approach across all schools would be useful.
- **ACTION: CE to raise this at the HT briefing and feedback**
- A query was raised on whether or not we have a calculation of the amount that we would lose if this was to go through. DT noted that it would be just over £0.600m. In addition, a move from proxy factors to historic funding has been hinted that could take this up to £0.750m for North Tyneside.
- The building blocks that currently make up the High Needs Funding factor was shown on screen

CE

**Recommendations**

	<p>Schools Forum is asked to:</p> <ul style="list-style-type: none"> <li>Note the forecast position for schools after the second termly monitoring process; <b>Noted</b></li> <li>Note the latest position for the High Needs Block as reported in February; <b>Noted</b></li> <li>Approve the planned approach to secure a new budget tool for use in the 2022/23 to 2024/25 budget planning cycle. <b>Approved</b></li> <li>Note the High Needs Consultation deadline and response arrangements <b>Noted</b></li> </ul>	
<b>6.2</b>	<p><b>Central School Services Block</b> <span style="float: right;"><b>Claire Emmerson</b></span></p> <p>CE provided a verbal update as follows. Main points to note as follows:</p> <ul style="list-style-type: none"> <li>A reminder of the actions agreed in January was provided</li> <li>Diane Buckle has had the first initial meeting to look at the School Improvement Service</li> <li>CE is working on the statutory elements</li> <li>A report will be brought back in July</li> </ul>	
<b>7.</b>	<p><b>Any Other Business</b></p> <ul style="list-style-type: none"> <li>JN noted that he was concerned to receive an email from the Education Psychology service at the start of March outlining that unused SLA hours (from this year) are being 'written off'. This is a big loss to schools. Does Schools Forum support this decision?</li> <li><b>ACTION: ML noted that he is not sighted on this communication and agreed to raise this with the Education Psychology Service and Diane Buckle.</b></li> </ul>	<b>ML</b>
<b>8.</b>	<p><b>Date of next meeting</b></p> <p>Wednesday 7 July 2021 at 12:30pm</p>	



North Tyneside Council

## Briefing note

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

**Date:** 7 July 2021

**Purpose of the Paper:**

Information	√
Consultation	√
Decision	

### Title of Briefing: Finance Update

#### Purpose of Paper

- 1.1 This paper provides an outline of the overall school's provisional outturn position for 2020/21 pending the outcome of the external audit which is due to commence on 5 July 2021. A summary of the High Needs budget outturn position also included, with a brief summary of the High Needs Recovery Plan at March and the Early Years Position.
- 1.2 The paper also reviews the progress against additional funding to schools for growth, falling rolls and schools in financial difficulty
- 1.3 The paper will cover initial proposals for refinement of the National Funding Formula for 2022/23 and considerations in relation to the review of the free school meal factors

#### Schools Outturn Balances in 2020/21

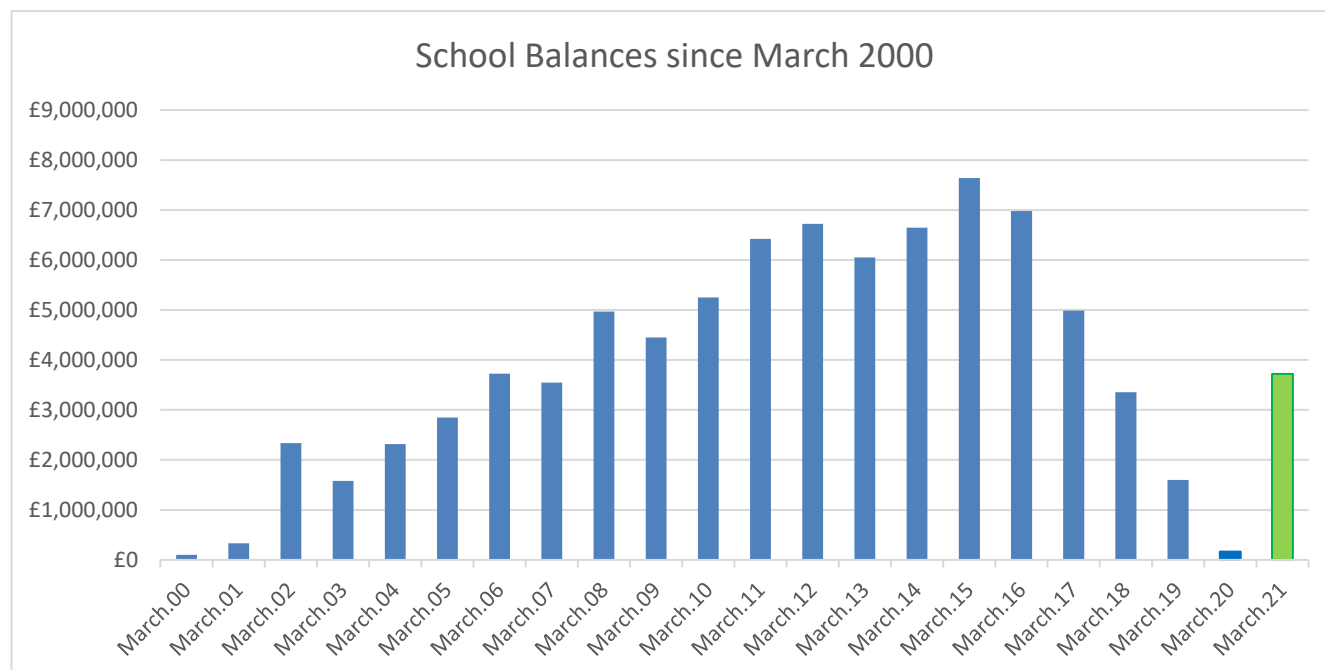
- 2.1 Schools have concluded their 2020/21 accounts closure in line with the Local Scheme for Financing Schools and the Authority's revised year-end timetable. Collective school balances in North Tyneside maintained schools increased from a surplus of £0.165m at the start of the year to a closing surplus of £3.721m. This position is significantly better, by £10.476m than the forecast at the start of the year, when the anticipated outturn based on information provided by schools was expected to be an overall deficit of £6.755m. The most recent set of monitoring performed with schools during the year and completed in early February 2021 showed an overall forecast deficit balance of £2.900m.
- 2.2 The final position for schools is reported in the Authority's statutory accounts and is before any commitments are taken into account, in a normal year school commitments are around £4.500m (the full value of commitments for 2020/21 is still to be confirmed and won't be known until late July 2021). The reported position across 2020/21 is shown below in Table 1 by phase:

2.3 **Table 1: Total School balance position against plan Surplus/ (Deficit) - uncommitted**

Phase	Outturn 2019/20 £m	Budget Plan 2020/21 £m	Monitoring 1 2020/21 £m	Monitoring 2 2020/21 £m	Provisional Outturn 2020/21 £m	Annual Movement £m
Nursery	0.127	0.053	0.086	0.099	0.124	(0.003)
First	0.746	0.665	0.619	0.910	1.291	0.545
Primary	3.497	2.271	2.693	3.232	6.055	2.558
Middle	0.437	0.276	0.338	0.523	1.013	0.576
Secondary	(5.549)	(9.679)	(9.766)	(8.056)	(5.577)	(0.028)
Special / PRU	0.907	(0.341)	0.353	0.392	0.815	(0.092)
<b>Total</b>	<b>0.165</b>	<b>(6.755)</b>	<b>(5.677)</b>	<b>(2.900)</b>	<b>3.721</b>	<b>3.556</b>

2.4 The outturn position for 2020/21 is significantly better than predicted during the year, this is the first year since 2015 that school balances have improved in North Tyneside. This is partly due to the impact of the Governments imposed lockdowns during the year, but it is also due to schools being unable to carry out various committed activities that are anticipated to be slipped into 2021/22 along with the relevant committed funding. Chart 1 below sets out the long-term trend:

2.5 **Chart 1: Long-Term Trend in School Balances within North Tyneside**



## Covid-19 Impact

- 2.6 Schools have been impacted significantly by the Covid-19 outbreak, especially during the various lockdowns in 2020/21. Whilst this has had an impact on their ability to operate effectively it has also led to an improved financial position with a positive impact on balances. The Government has met some of the costs of the impact of the Covid-19 outbreak with £1.881m being met by funding from the Department for Education (DfE) and partially from budget savings due to schools being closed.
- 2.7 The Authority has recognised that whilst open and carrying out their duties, schools have had to meet the costs of having to contain the spread of Covid-19 from their own balances. As stated above, overall, schools have in the main shown improved balances due to being closed for parts of the year, they have had to meet exceptional costs of containing the spread of the Covid-19 outbreak when operating.
- 2.8 The Authority's Recovery Coordinating Group (RCG) has agreed to provide containment funding to mitigate some of this impact for the latter half of 2020/21 and has set aside £0.450m. The Authority has also proposed a further £0.500m for the first half of 2021/22. Schools have been asked to retrospectively apply for funding in 2021/22 to offset the qualifying costs they have already absorbed for October 2020 to March 2021, making their submissions by 30 June 2021.
- 2.9 RCG will be reviewing the claims submitted and will make recommendations on how best to aggregate the funding to schools. Once RCG has confirmed the funding for 2021/22 schools will be notified of allocations that have been made.

## School Deficits

- 2.10 Schools Forum will recall from earlier updates that some individual schools expected to face significant financial challenges. During the year, the Authority and Schools Forum paid particular attention to those schools with approved deficits.
- 2.11 There were twelve schools with identified with potential deficits in 2020/21, three of these schools received funding from Schools Forum for schools in financial difficulty and therefore did not require deficit approvals, shown in table 2.

### 2.12 Table 2: Provisional Outturn – Schools no longer in deficit

Schools Out of Deficit 2020/21	Deficit Approval £m	Provisional Outturn £m	Improvement £m
Benton Dene Primary	0.000	0.083	0.083
Holystone Primary	0.000	0.059	0.059
Marden Bridge Middle	0.000	0.096	0.096
<b>Total</b>	<b>0.000</b>	<b>0.238</b>	<b>0.238</b>

- 2.13 The remaining nine schools, including two classed as structural deficits, were supported with a total approved deficit value of £12.675m. Schools Forum and senior officers worked closely and collaboratively with these schools during the year, with all schools

bar one improving their closing position against their budgeted deficit and contributing to an improved outturn of £10.570m, a movement of £2.105m. Three of these schools ended the year in a surplus position. The progress of individual schools is outlined in Table 3 below:

2.14 **Table 3: Provisional Outturn – Deficit Schools**

<b>Deficit School Positions 2020/21</b>	<b>Deficit Approval £m</b>	<b>Provisional Outturn £m</b>	<b>Improvement £m</b>
Forest Hall	(0.014)	0.037	0.051
Greenfields	(0.120)	(0.131)	(0.011)
Ivy Road	(0.300)	(0.165)	0.135
St Mary's (NS)	(0.033)	0.068	0.101
Marden High	(0.468)	0.078	0.546
Norham High	(3.193)	(3.064)	0.129
Longbenton High	(2.610)	(2.334)	0.276
Monkseaton High	(5.164)	(4.815)	0.349
Beaconhill	(0.773)	(0.244)	0.529
<b>Total</b>	<b>(12.675)</b>	<b>(10.570)</b>	<b>2.105</b>

2.15 Forum should note that six schools are expected to remain in deficit for 2021/22. In addition to these schools with planned deficits, three schools have warned the Authority that they expect to need to apply for a licenced deficit agreement in 2021/22. The Authority is currently working with these schools and it is not anticipated that deficit approval will be required. Initial deficit challenge sessions have taken place during June 2021, with plans put in place to reduce the need for licenced deficits by reviewing recovery plans and making best use of additional funding available via growth, falling rolls, schools in financial difficulty funds and the containment grant mentioned above.

**2020/21 Dedicated Schools Grant (DSG) Outturn**

3.1 After allowing for school allocations, the 2020/21 DSG account of £149.419m (after removing academy funding) is showing a net deficit balance of £7.932m. This compares to a deficit of £3.262m in 2019/20. Schools Forum will recall that in 2019/20 the DfE issued guidance that any shortfall in dedicated schools grant should not be supported using funds from the General Fund.

3.2 Within the individual blocks of the DSG, the closing balance on the High Needs block at the end of 2020/21 is a pressure of £8.720m, which increased by £4.175m in 2020/21 from £4.545m in 2019/20. This is partially offset by an underspend of £0.199m on the Early Years block and an underspend of £0.589m on Centrally Retained and de-delegated items which mainly relates to the headroom, growth funding and falling roles funding. As the DSG is a ringfenced account, any balance is carried forward into the next financial year.

## Early Years Block

- 4.1 The Early Years block ended the year with a cumulative surplus of £0.199m. This included a brought forward surplus balance of £0.435m from 2019/20. The 2019/20 surplus included £0.394m generated on the 3- and 4- year-old funding, which was returned to providers of the 3- and 4- year-old entitlement as was agreed with Schools Forum.
- 4.2 The Early Years sector has been supported through the various stages of the Covid-19 pandemic by flexing the local funding policy each term. For Summer 2020 settings were funded based on pre-Covid estimates, Autumn 2020 funding based on the higher of Autumn 20 or Autumn 19 pupil numbers, with the refund of surplus funds mentioned above also being applied.
- 4.3 An adjustment to funding takes place each May/June when the DfE reviews initial funding estimates in relation to the numbers of pupils actually taking place compared to the initial funding estimates based on the January pupil census prior to the financial year. The Authority is anticipating a clawback of funding as a result of this review.

## High Needs Block outturn 2020/21

- 5.1 Forum will recall that the High Needs block outturn in 2019/20 was an overspend of £4.545m. This pressure has continued in 2020/21 in line with national trends. The provisional 2020/21 in-year outturn was £4.175m, with a cumulative pressure of £8.720m.
- 5.2 The overall pressure in the High Needs block is in line with the national and regional picture and results from additional places required in special schools, out of borough placements and in relation to top up payments as outlined in Table 4 below:
- 5.3 **Table 4: Breakdown of High Needs Pressures at March 2021**

Provision	Budget £m	Provisional Outturn Variance £m	Comment
Special schools and PRU	12.797	2.186	Pressure on places for children with Profound, Multiple Learning Difficulties, Social Emotional and Mental Health problems and Autism Spectrum Disorder
ARPs/Top ups	3.655	1.198	Pressures in mainstream top-ups (including Norham ARP)
Out of Borough	2.515	0.730	Additional costs of the most complex children currently not able to be supported in the Borough
Commissioned services	3.957	0.061	
<b>Subtotal</b>	<b>22.924</b>	<b>4.175</b>	
2019/20 brought/forward balance		4.545	
<b>Cumulative Outturn</b>		<b>8.720</b>	

- 5.4 The DfE guidelines state that Schools Forum can approve a transfer of up to 0.5% of the Schools block to support other blocks of the DSG. Transfers have been made to the High Needs block from the Schools block in previous years. The Authority did not request a transfer for 2020/21 and has not requested one for 2021/22 pending the completion of the High Needs Recovery Plan.

### **High Needs Recovery Plan**

- 6.1 North Tyneside continues to experience a significant increase in the number of children with Special Educational Needs and Disabilities (SEND). Increases since 2018/19 have made the Authority a national outlier in terms of the proportion of Education Health and Care plans maintained and the rate of increase. These plans, in excess of what would be seen to be typical, are placing the services that work with children and young people with additional needs under considerable pressure. All local authorities have a statutory responsibility to keep High Needs provision under review. Officers from the local authority are working with stakeholders to develop a pragmatic four-year recovery plan with a core objective to ensure that all children and young people are enabled to thrive within their local communities. It will continue to involve the Authority working with School's Forum, the Special School Heads Group, Primary Learning Partnership (primary headteachers), Education Improvement Partnership (secondary headteachers), the NTCCG, NHS Foundation Trust Therapeutic Services, the Parent Carer Forum and other stakeholders.
- 6.2 The new SEND Inclusion strategy has a clear focus on enabling children and young people with additional needs to live a 'gloriously ordinary' life and key to that is maintaining them where they will have most success and the evidence shows that this is accessing resource within their local community.
- 6.3 Our initial plans to strengthen the graduated approach in mainstream schools, strengthen the gatekeeping around access to High Needs top-up funding and to improve management of demand for out of borough placements by looking at the reasons behind current requests for an external placement have been impacted by the pandemic. Plans are underway to re-launch and more firmly embed the ambition of this work that will aim to increase the depth and breadth of the universal offer for all children and young people who may need support to have success in their local schools. This work will be ongoing in 2021/22.
- 6.4 An initial meeting has taken place with the ESFA on 16 June 2021 to discuss the Authority's approach to developing a DSG Management plan. The Authority will be required to submit a draft plan to the ESFA week commencing 9 August 2021. Consultation will take place with schools as required during this process.

### **Falling Rolls, Growth and Schools in Financial Difficulty**

- 7.1 The current expectations for these funding streams are:
- 5 schools eligible for falling rolls with an expected value of £0.082.
  - 5 schools eligible for growth funding with an expected value of £0.525m; and
  - 3 schools are expected to submit a Schools in Financial Difficulty (Headroom) application.



- 7.2 The decisions for funding falling rolls, growth and schools in financial difficulty will be reported to Schools Forum in September, following review by the finance sub-group.

### **National Funding Formula Consultation for 2022/23**

- 8.1 As in previous years, the Authority will need to determine the local formula to distribute funding to mainstream schools and academies for the financial year 2022/23. The formula will apply directly to maintained schools for the financial year, and for academies it will form the basis for their funding, distributed by the Education, Skills and Funding Agency, for the year starting 1 September 2022. The local formula must comply with statutory guidance, but within these confines the final decision on the formula rests with the Authority after consultation with schools and the Schools Forum.
- 8.2 In 2021/22, in consultation with Schools Forum and the Authority's maintained schools, the Authority made the decision to move the Local Funding Formula (LFF) 100% in line with the NFF, with a Minimum Funding Guarantee (MFG) of 0.7% and Capping of 5.6%. This altered the ratio of funding per pupil to 1:1.30 in favour of secondary schools.
- 8.3 No modelling has been under-taken at this stage but the Authority are expecting an indicative funding allocation towards the end of July. Once this allocation has been received the Authority will consider modelling a potential option to remove the requirement for capping and maximise MFG by reviewing the FSM/FSM6 deprivation factors. Guidance states that a local authorities Local Funding Formula can incorporate one or both of the Free School Meals factors; North Tyneside have previously allocated funding to schools based on both FSM and FSM6 eligibility. The 2022/23 modelling would include only the FSM6 element (being the higher of the 2 factors).
- 8.4 Recommended modelling scenarios will be presented to Schools Forum in September, in advance of the formal consultation with schools during October/November.

### **Recommendations**

- 9.1 Schools Forum is asked to:
- acknowledge the provisional 2020/21 outturn position on all DSG balances;
  - acknowledge the school budget plans overall summary position and the Deficit Schools positions for both 2020//21 and 2021/22;
  - acknowledge the forecasts for DSG positions in 2021/2/21 and the likely impact of Covid-19 on school balances; and
  - acknowledge the current pressure on the High Needs block, noting the requirement for the Authority to submit a DSG Management plan week commencing 9 August 2021.

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North Tyneside Council

## Briefing note

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

**Date:** 7 July 2021

**Purpose of the Paper:**

Information	√
Consultation	
Decision	√

### Title of Briefing: Financial Transparency in Maintained Schools

#### Purpose of Paper

- 1.1 This report sets out some changes in financial reporting for local authorities and maintained schools following the Department of Education (DfE) consultation on financial transparency of local authority maintained schools which reported in July 2020.
- 1.2 The outcome of the consultation has resulted in the Secretary of State directing a revision to the Scheme for Financing Schools which sets out the financial relationship between the local authority and the schools it maintains. The changes are set out in this report for approval.

The changes set out in this report apply only to local authority maintained schools and are not applicable to academies where similar requirements are already in place either through the Academies Financial Handbook or Funding Agreements.

#### Background

- 2.1 The DfE launched a consultation which ran from 17 July to 30 September 2019 which put forward a number of proposed changes to the financial transparency arrangements for local authorities and maintained schools with the objective of aligning processes with those already in place in academy trusts. The consultation reported in July 2020 and implements a number of new requirements some of which apply to the 2020/21 financial year with others will be applicable from 2021/22.
- 2.2 The change to be implemented are:
  - The DfE will publish the names of local authorities if they fail to meet 3 or more deadlines for the following returns. It should be noted that a) and c) are dependent upon schools making a timely submission of information to the LA.

- School Financial Value Standard (SFVS)
- Dedicated Schools Grant assurance statement
- Consistent financial reporting
- Section 251 Budget
- Section 251 Outturn.

The DfE will collect information on the number of maintained schools with suspended budgets or operating under a Notice of Financial Concern.

The DfE will collect information of the amounts recovered by the LA following fraud investigations.

A directed revision to the Scheme for Financing Schools to make it a requirement for maintained schools to submit three-year budget plans.

Schools will be required to report any Related Party Transactions through their SFVS submission.

A directed revision to the Scheme of Financing Schools requiring schools to submit a recovery plan to the local authority when their deficit rises above 5%.

The DfE will collect information on the number of recovery plans from each local authority.

The DfE will formalise an approach to working with local authorities in respect of these requirements and the manner in which they manage schools with deficit budgets which may include;

- Sharing published data on school balances
- Using data and evidence-based requests from local authorities to ensure support is focused where it is needed.
- Requesting action plans from local authorities in which the number or proportion of deficits over 5% is above a certain level.

Maintained schools will be required annually to publish the number of individuals earning over £100k in £10k bandings.

Maintained schools will be required to publish a link to the schools financial benchmarking website annually on their own website.

The consultation also considered implementing changes to local authority's internal audit processes but has not implemented this aspect.

Most changes will apply to the 2020/21 financial year, further details and guidance will be provided to schools on their role in the implementation of these new measures.

### 2.3 The North Tyneside Scheme for Financing Schools.

Changes to the Scheme for Financing Schools are made in two ways 1) revisions are 'directed' by the Secretary of State, local authorities have no power to amend these and 2) local changes to reflect local systems and processes. The approval for any local changes in the Scheme for Financing Schools (the Scheme) is needed by the Schools

Forum. Changes in the Scheme apply only to maintained schools, therefore decisions are taken only by maintained schools representatives of the Schools Forum.

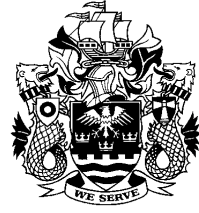
- 2.4 The proposed Scheme is set out in Appendix 1 of this report with all changes highlighted in a 'Tracked Changes' format. The changes enact to the two directed revisions as set out above;
1. The requirement for maintained schools to submit three year budget plans to the local authority
  2. The requirement for maintained schools to submit recovery plans where deficits in any one year exceed 5%.
- 2.5 A further change responds to an earlier directed revision in relation allowing maintained schools to enter into the DfE's Risk Protection Arrangements which was previously only available to academies.
- 2.6 The Scheme has been reviewed to ensure that all terminology is up to date and that its provisions appropriately reflect the current financial and management environments and some minor changes in wording have been made

### **Resource Implications**

- 3.1 The changes implemented through the financial transparency requirements will increase the workload of local authorities. The DfE have stated that a direct grant will be made available to reflect this increased workload although no details are known on how this will be allocated. An assessment to the resource need as a result of these changes is underway.

### **Recommendations**

- 4.1 That Schools Forum note the new reporting requirements for both local authorities and maintained schools
- 4.2 That Schools Forum approve the revised Scheme for Financing Schools and its retrospective application from 24 August 2020.



**North Tyneside Council**

**Item 6.1b  
Appendix 1**

# **SCHEME FOR FINANCING SCHOOLS**

July 2021

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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.)

The 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 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 31<sup>st</sup> 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 31<sup>st</sup> May each year. The plan must take full account of the estimated surplus /deficit at 31<sup>st</sup> 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.

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 Mismanagement Under Scheme (changed from Notice of Concern)**

The 1998 Act gives the Authority the power to suspend a school's right to a delegated budget if the provisions of this Scheme (or rules applied by the Scheme) have been substantially or persistently breached, or if the budget share has not been managed satisfactorily. All stages of this process 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.

The process by which this will be undertaken is set out in a four-stage approach to enable a school the opportunity to take corrective action and prevent further escalation. The four stages are:

- Letter of Concern;
- Warning Notice;
- Failure to Comply with Warning Notice letter;
- Notice of Intervention

It is a requirement of the Department for Education that when a local authority send a letter to a School under the above stages 2 to 4, that both the DfE and the Regional Schools Commissioner (RSC) receive a copy of the notification.

### **2.15.1 Letter of Concern**

The authority may issue a letter 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.



These may include:

- insisting that relevant staff undertake appropriate training to address any identified weaknesses in the financial management of the school;
- 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 given by the letter to be withdrawn. It will also state the actions that the authority may take where the governing body does not comply with the letter.

### **2.15.2 Warning Notice**

Once it has been determined that a local authority or RSC will issue a warning notice to a maintained school, they must give the warning notice in writing to the governing body of the school. The notice must set out:

- The matters on which their concerns are based;
- The action the governing body is required to take in order to address the concerns raised;
- The period within which the governing body must comply or secure compliance with that action (the compliance period); and
- The action the local authority or RSC is minded to take (under one or more of sections 63 to 69 of the Education and Inspections Act 2006 or otherwise) if the governing body does not take the required action.

In addition to giving the governing body a warning notice, the local authority or RSC must give a copy to the headteacher; and in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority; and in the case of a foundation or voluntary school, the person who appoints the foundation governors.

### **2.15.3 Failure to Comply with Warning Notice letter**

When a governing body has failed to comply with a warning notice to the satisfaction of the RSC or local authority within the compliance period, and the issuing local authority or RSC has given reasonable written notice that they propose to intervene, a school is eligible for intervention and further action may be taken.

#### **2.15.4 Notice of Intervention**

Under section 60B of the Education and Inspection Act 2006, a maintained school becomes eligible for intervention where it :

- Fails to comply with a warning notice ; and / or
- Is judged inadequate by Ofsted

The range of statutory powers available under the 2006 Act include :

- Section 63 – power to require the governing body to enter into arrangements;
- Section 64 – power to appoint additional governors;
- Section 65 – power to appoint an interim executive board (IEB); and
- Section 66 – power to suspend the delegated budget.

A school's right to a delegated budget share may also be suspended for other reasons under Section 17 of the School Standards and Framework Act 1998.

#### **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 of schools supported by the Authority’s finance service via SLA at the beginning of each term – see 3.2.

Budget share allocations (including top up payments for pupils with high needs) will be made available to governing bodies of schools not supported by the Authority’s finance will be monthly in arrears once the funding made available has been reconciled per school .

## 3.2 Proportion of budget share payable at each instalment

The proportion of the budget share made available of schools supported by the Authority’s finance service via SLA are as follows

APRIL	40%
SEPTEMBER	45%
JANUARY	15%

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

For schools not supported by the Authority’s finance service funding payments will be made monthly in arrears once the funding made available has been reconciled per school.

## 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 1<sup>st</sup> April the estimated cash balance will be transferred to the school subject to the school's confirmation with the 1<sup>st</sup> instalment. Adjustments will be made and applied for the 2<sup>nd</sup> 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 Director of Children's and Adult Services, 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 1<sup>st</sup> 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.

## **SECTION 14: FINANCIAL TRANSPARENCY**

### **Introduction**

**13.1** The Department for Education are increasing the transparency of school finances by making changes to the scheme for financing. Two of these changes have already been incorporated in the scheme during 2020 and the remainder will be incorporated in 2021. The changes are:

- Change 1: Publish names of LAs on gov.uk if they fail to comply with deadlines for returns to the Department.
- Change 2a: Collect the number of schools with suspended budgets and notices of financial concern through the existing DSG assurance statement signed by the LA Chief Financial Officer (CFO) at the end of the financial year.
- Change 2b: Add a new section to the DSG assurance statement that captures the amounts that LAs have recovered from investigating fraud.
- Change 3: (Already incorporated in 2.3.1) Directed revision to LAs' schemes for financing schools - now a requirement for maintained schools to provide LAs with three-year budget forecasts.
- Change 4a: Make schools append a list of Related Party Transactions (RPTs) to their response to the question in the Schools Financial Value Standard (SFVS) about their arrangements for managing RPTs. In addition, we will insert additional columns into the CFO Assurance Statement, so that the number of RPTs and value for each can be disclosed.
- Change 6a: (Already incorporated into 4.5) Revision to LAs' schemes for financing schools, requiring schools to submit a recovery plan to their maintaining authority when their deficit rises above 5%.
- Change 6b: Collect information on the number of recovery plans in each LA through the DSG annual assurance return from the CFO.

- Change 6c: Formalise the approach to working with LAs and include a request for high level action plans from some LAs. This will be achieved by:
  - Sharing published data on the school balances in each LA.
  - Requesting high level action plans from LAs in which the number or proportion of school revenue deficits over 5% is above a certain level.
- Change 7: Require all LA maintained schools to publish annually on their websites the number of individuals (if any) earning over £100K in £10K bandings.
- Change 8. Require LA maintained schools to publish a link to the schools financial benchmarking website, where the Consistent Financial Reporting (CFR) statement of income, expenditure and balances is already published, instead of requiring them to publish the CFR statement annually on their own website.

## LIST OF SCHOOLS COVERED BY THE SCHEME

<b>First, Primary and Nursery Schools</b>	<b>DfE No</b>
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
Holy Cross RCVA Primary School	3318
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 has 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 1<sup>st</sup> 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
<b>Roofs</b>		
<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

<b>ELEMENT</b>	<b>CAPITAL: AS CIPFA CODE OF PRACTICE</b>	<b>REVENUE: REPAIRS &amp; MAINTENANCE</b>
<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

<b>ELEMENT</b>	<b>CAPITAL: AS CIPFA CODE OF PRACTICE</b>	<b>REVENUE: REPAIRS &amp; MAINTENANCE</b>
<b>Floors</b>		
<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
<b>Ceilings</b>		
<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

<b>ELEMENT</b>	<b>CAPITAL: AS CIPFA CODE OF PRACTICE</b>	<b>REVENUE: REPAIRS &amp; MAINTENANCE</b>
<b>External walls</b>		
<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

<b>ELEMENT</b>	<b>CAPITAL: AS CIPFA CODE OF PRACTICE</b>	<b>REVENUE: REPAIRS &amp; MAINTENANCE</b>
<b>Internal walls</b>		
<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 &amp; 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
<b>Sanitary Services</b>		
<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
<b>Mechanical services</b>		
<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.


<b>ELEMENT</b>	<b>CAPITAL: AS CIPFA CODE OF PRACTICE</b>	<b>REVENUE: REPAIRS &amp; MAINTENANCE</b>
<b>Electrical services</b>		
<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
<b>External Works</b>		
<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
<b>Equipment</b>		
<ul style="list-style-type: none"> <li>• display screens/ boards</li> <li>• tables &amp; chairs</li> <li>• office furniture/ bookcases</li> <li>• storage units/ containers</li> <li>• indoor play equipment</li> <li>• TVs/ projectors</li> <li>• IT equipment</li> <li>• signage</li> <li>• hand dryers</li> <li>• classroom/ educational equip e.g. for CDT/ science prep room etc</li> <li>• access controls</li> <li>• cookers – for kitchen refurbishments</li> </ul>	May be considered as capital if purchased as part of a wider scheme where the whole scheme exceeds the de minimus level.	If purchased individually and below de minimus level.

### Notes

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



 <b>North Tyneside Council</b>	<b>NORTH TYNESIDE COUNCIL</b>  <b>Schools Forum</b>  <b>Schedule of Meetings 2021/2022</b>  <b>TBC</b>
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<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>2021</b>		
Wednesday 22 September	12:30	Langdale
Wednesday 24 November	12:30	Langdale
<b>2022</b>		
Wednesday 12 January	12:30	Langdale
Wednesday 23 March	12:30	Langdale
Wednesday 13 July	12:30	Langdale