

**Bristol Schools Forum**  
**DSG Overview 2019/20**

**Cabinet 22<sup>nd</sup> January 2019**  
**DSG budget report**  
**APPENDIX A.1**

<b>Date of meeting:</b>	16 <sup>th</sup> January 2019
<b>Time of meeting:</b>	5.00 pm
<b>Venue:</b>	Writing Room, City Hall

## **1 Purpose of report**

- 1.1 This report provides an update on the 2018/19 DSG position, as at Period 7 (adjusted).
- 1.2 It also explains the overall 2019/20 DSG position, taking account of the Schools Finance Settlement announced in December 2018, in the context of the developing strategy that has been discussed with Schools Forum so far.

## **2 Recommendation**

### **2.1 Schools Forum is invited to:**

- a) **note the 2018/19 financial position as at (adjusted) Period 7 set out in Table 1, which includes:**
  - i. **A revised and less tentative forecast for Early Years, which flows from a detailed analysis of the May and October 2018 pupil censuses and some sensitivity analysis of scenarios for the January 2019 pupil census;**
  - ii. **An improved financial position for High Needs due to the announcement by the Department for Education of an increase to the High Needs DSG for 2018/19 of £1.0m.**
- b) **note the 2019/20 position for the overall DSG which includes:**
  - i. **Schools Block final allocation reflects an additional 1,010 pupils, compared to the formula for 2018/19, which has increased the funding since the indicative DSG amount by £5.2m;**
  - ii. **Schools Block Growth Fund component has been confirmed as £3.9m for 2019/20, rather than the £5.2m that was included in the indicative DSG amount, an expected reduction of £1.3m.**
  - iii. **High Needs Block now includes £1.0m additional funding in 2019/20, which is the same amount that has also been provided for 2018/19.**

- iv. **High Needs Block has also increased by £0.7m, the main reason for which is the inclusion of a new special Free School.**
- v. **The transfers agreed by Schools Forum of £2.0m from Schools Block and £0.566m from School Central Services Block are proposed to proceed as planned.**
- vi. **The further transfer from Schools Block, agreed by Schools Forum, if the Growth Fund allocation is greater than £3.9m is not an option because there was no additional amount to consider.**
- vii. **The proposed budgets arising from these considerations, and how they are proposed to be funded, are set out in Table 2.**

### **3 Background**

- 3.1 In July 2018, the EFSA issued the operational guidance on schools funding for 2019/20. At the same time, the EFSA published provisional allocations for 2019/20 for the Schools Block, Central Services Block and the High Needs Block.
- 3.2 Early Years rates for 2019/20 and indicative grant on the basis of estimated participation levels were announced in November 2018.
- 3.3 The report to Schools Forum in November 2018 considered the emerging position, following consultation with schools, and agreed to the transfer of £2m from Schools Block and £0.566m from School Central Services Block to High Needs Block in 2019/20.
- 3.4 This report explains the latest forecast position for the DSG in 2018/19. It then explains how the latest DfE announcement in December 2018 affects the overall position on the DSG for 2019/20.

### **4 Budget monitoring 2018/19**

- 4.1 The previously reported position in November 2018 was a forecast £1.4m in-year surplus on the Dedicated Schools Budget for Period 6 2018/19. This would have reduced the brought forward deficit on the DSG from £1.0m to a £0.4m surplus.
- 4.2 The latest position overall is the same: a forecast £1.4m in-year surplus and a consequent £0.4m cumulative surplus. There have been two major changes affecting the underlying position in High Needs and Early Years.
- 4.3 The adjusted Period 7 position is set out in **Table 1** with more detail set out in **Appendix 1**.

**Table 1: Forecast position on overall DSG for 2018/19 at adjusted Period 7 (October 2018)**

	Brought forward 2018/19 £'000	Funding 2018/19 £'000	Adj Period 7 Forecast 2018/19 £'000	In-year variance £'000	Carry- forward 2018/19 £'000	Previous (P6) Forecast £'000	Change £'000
Schools Block		253,423	253,423	0	0		0
De-delegation	(357)				(357)	<b>(347)</b>	(10)
Schools Central Block		2,262	2,262				0
Early Years	(500)	36,574	36,089	(485)	(985)	<b>(1,865)</b>	880
High Needs Block	2,055	55,454	54,345	(1,109)	946	<b>1,814</b>	(868)
Funding	(182)	-347,713	-347,531	182			
<b>Total</b>	<b>1,016</b>		<b>(1,413)</b>	<b>(1,413)</b>	<b>(397)</b>	<b>(398)</b>	<b>(1)</b>

- 4.4 **De-delegated resources** is expected to underspend, particularly in the Schools in Financial Difficulties budget, as reported previously.
- 4.5 **School Central Services Block** continues to forecast a breakeven position.
- 4.6 **Early Years** budgets are forecasting an underspend of -£1.0m, rather than the previous tentative forecast of -£1.9m. The Early Years budget position is explained in more detail on the separate report on this agenda.
- 4.7 The forecast now includes the details of the participation levels and spend arising from the May 2018 and October 2018 pupil censuses. The January 2019 census is still to take place and it accounts for around one-third of the expenditure for the year and 7/12ths of the income for the year. The forecast included in Table 1 works on the basis that the participation levels in January 2019 will be the same as those for January 2018. If participation is 1% lower, the forecast would be adverse by £0.1m and if participation is 1% higher the forecast would produce a £0.1m larger underspend. In the context of more parents of 3 and 4 year olds taking advantage of the 30 hours offer, it would be a surprise if participation levels were lower than in January 2018.
- 4.8 While the figures may not work out quite as neatly as this, the forecast is now regarded as much less tentative. There is more confidence that, barring an unexpectedly low participation rate in the January 2019 census, there will be an underspend in Early Years for 2018/19.
- 4.9 **High Needs** budget has a headline in-year underspend of -£1.1m. With the brought forward deficit of £2.0m from 2017/18, this produces a forecast cumulative deficit of £0.9m.

4.10 The principal reason for the improvement in the position is that the DfE announced in December 2018 that there would be a supplement to the High Needs DSG for 2018/19 of £1.0m (which is repeated for 2019/20, too). This is a helpful recognition that pressures in the High Needs budget are a national issue, not just ones for local resolution. There is a separate report on this agenda which explains the position on the High Needs Budget for 2018/19 and beyond.

## 5 School Funding Arrangements 2019/20

5.1 Schools Forum considered the emerging position on the DSG for 2019/20 at its meetings in September and November 2018. It agreed, following consultation with schools, that £2.566m could be transferred to the High Needs Block. The July announcement had included £6m more funding than the prevailing 2018/19 DSG. The December 2018 DfE announcement from the DfE included a further £5.5m.

5.2 **Table 2** sets out the calculations for building the proposed Schools Budget for 2019/20. An explanation of each of the columns and the funding arrangements are included in the paragraphs to follow.

**Table 2: DSG Sub-Block budget build for proposed Schools Budget 2019/20**

DSG Blocks	DSG Budgets 2018/19 (P7) £m	Reversal of one-off transfers in 2018/19 £m	DfE notified changes for 2019/20 £m	Total DSG notified by DfE December 2018 £m	Transfers between blocks 2019/20 £m	Allocations from underspend or future years DSG £m	Proposed Schools Budget 2019/20 £m
Schools block	253.423	-1.400	9.422	<b>261.445</b>	-2.000	0.000	<b>259.445</b>
Central school services block	2.262	+0.566	0.067	<b>2.895</b>	-0.566	0.000	<b>2.329</b>
High needs block	54.471	-3.448	2.191	<b>53.214</b>	2.566	2.407	<b>58.187</b>
Early Years baseline (Provisional)	36,600	0	-0.167	<b>36.433</b>	0	0.517	<b>36.950</b>
<b>Total</b>	<b>346.756</b>	<b>-4.282</b>	<b>11.513</b>	<b>353.987</b>	<b>0.000</b>	<b>2.924</b>	<b>356.911</b>
<b>Funded from</b>							
Estimated brought forward DSG surplus from 2018/19 (Adjusted Period 7 forecast)							<b>-397</b>
DSG advised by ESFA up to 19 <sup>th</sup> December 2018							<b>-353.987</b>
Estimated carry-forward <b>DEFICIT</b> at end of 2019/20 (if spend is at budget level)							<b>-2.527</b>
<b>Total</b>							<b>-356.911</b>

- 5.3 **DSG Budgets 2018/19 (P7) Table 2** indicates that the Schools Budget funding as at Period 7 2018/19 (ie before adding the extra £1m High Needs DSG for that year) was **£346.756m**.
- 5.4 **Reversal of one-off transfers in 2018/19 (-£4.282m)** The 2018/19 budget includes one-off funds and transfers of £4.282m that need to be reversed. £4.1m of this is the contribution from the General Fund to increase the PFI factor. As the DSG will pick up this extra £4.1m cost from April 2019, this has a neutral effect on the Schools Budget. The other component is the £0.182m brought forward sum for Early Help in the High Needs Block, which can only be spent once.
- 5.5 **DfE notified changes for 2019/20 (£11.513m)** Between the July and December 2018 announcements from the DfE, there is £11.5m more funding in the DSG than for the previously advised 20198/19 DSG (ie before the new £1m for High Needs in 2018/19). The components of this are set out in **Table 3**.

**Table 3: Components of differences in DSG 2018/19 (at P7) – 2019/20**

<b>When announced</b>	<b>Description</b>	<b>Amount £m</b>
July	PFI spend in the Schools Block	£4.1m
July	Other increases in funding across Schools, Central and High Needs Block	£1.9m
December	Schools Block – 1,010 more pupils	£5.2m
December	Schools Block - Growth Fund, as expected, due to moving away from the historic basis of allocating growth funding to a new formulaic basis, with £3.9m as the protected amount for 2019/20	-£1.3m
December	High Needs – share of extra national allocation	£1.0m
December	High Needs – other changes, but principally the inclusion of Bristol Futures Academy in DSG from April 2019	£0.7m
December	Early Years – lower hourly rate for 3 and 4 year olds and minor changes to other elements	-£0.1m
	<b>TOTAL changes to DSG year-on-year</b>	<b>£11.5m</b>

- 5.6 **Total DSG notified by DfE December 2018** is, therefore, **£353.987m**.
- 5.7 **Transfers between blocks 2019/20 (Nil)** As agreed by Schools Forum in November 2018, £2.0m will transfer from Schools Block and £0.566m will transfer from School Central Services Block to the High Needs Block.

5.8 **Allocations from underspend or future years DSG (£2.924m)** There are two components to this. The first is the proposed use of unspent 2018/19 Early Years DSG for a continuation of the local Maintained Nursery School Factor (£0.517m). The second is a proposed use of £2.410m from the 2020/21 DSG for High Needs (ie future DSG)

5.9 **Proposed Schools Budget 2019/20** would therefore be **£356.911m**.

5.10 **Funding.** This budget would be funded from the brought forward surplus from 2018/19 of £0.397m (see Table 1), the 2019/20 DSG of £353.987m and the advance use of £2.527m of DSG from 2020/21.

5.11 By the end of March 2020, if we account for each block separately, these proposals would produce the following balances on each of the blocks, if spend was exactly to budget. The figures would not work out exactly like this. De-delegated items would spend part of their underspend and Schools Forum are set to decide at year-end whether there is scope to transfer any Early Years funding to High Needs.

**Table 4: Indicative impact of proposed 2019/20 budgets on the cumulative carry forward for each block by March 2020**

	Brought forward 2019/20 £'000	DSG Funding 2019/20 £'000	Spend to budget 2019/20 £'000	In-year variance £'000	Carry- forward 2019/20 £'000
Schools Block	0	259,445	259,445	0	0
De-delegation	(357)				(357)
Schools Central Block		2,329	2,329	0	
Early Years	(985)	36,433	36,950	517	(468)
High Needs Block	946	55,780	58,187	2,407	3,353
Funding		-353,987	-353,987	0	
<b>Total</b>	<b>(397)</b>		<b>2,924</b>	<b>2,924</b>	<b>2,528</b>

5.12 **Financial position of maintained schools.** The forecast position for the 75 maintained schools in Bristol for March 2019 is that 14 of them would have deficits of £2.5m, with the other 61 schools having surpluses in the region of £7.5m, suggesting a net position at year end of £5m surplus.

## Appendix 1

### Outturn position for Overall DSG 2018/19 as at Period P7 (Adjusted)

	Brought forward 1.4.18	Funding 2018/19	Outturn (as at Mar 2019) 2018/19	In-year movement	Carry forward 31.3.19
	£'000	£'000	£'000	£'000	£'000
Maintained Schools		(85,618)	85,618	0	0
Academy Recoupment		(165,219)	165,219	0	0
Growth Fund		(2,586)	2,586	0	0
<b>Schools Block</b>	<b>0</b>	<b>(253,423)</b>	<b>253,423</b>	<b>0</b>	<b>0</b>
<b>De-delegation Services</b>	<b>(357)</b>	<b>0</b>	<b>(0)</b>	<b>0</b>	<b>(357)</b>
Admissions		(461)	461	0	0
Centrally Retained		(1,800)	1,800	(0)	(0)
<b>Schools Central Services</b>	<b>0</b>	<b>(2,262)</b>	<b>2,262</b>	<b>(0)</b>	<b>(0)</b>
National Formula		(26,900)	28,137	1,236	1,236
Funding Accrued		(1,034)	0	(1,034)	(1,034)
2 Year Old Funding		(4,576)	3,897	(679)	(679)
Pupil Premium (EYPP)		(366)	366	0	0
Additional Support Services		(1,081)	1,088	6	6
SEN Top up		(913)	913	0	0
Staffing		(1,607)	1,591	(15)	(15)
Disability Access Fund		(97)	97	0	0
Committed reserve	(500)	0	0	0	(500)
<b>Early Years Block</b>	<b>(500)</b>	<b>(36,574)</b>	<b>36,089</b>	<b>(485)</b>	<b>(985)</b>
Commissioned Services		(2,440)	2,955	515	515
Core Place Funding		(8,315)	8,475	160	160
Staffing		(895)	934	39	39
Top Up		(21,640)	22,627	987	987
Placements		(8,556)	8,922	366	366
Pupil Support		(314)	585	271	271
Schools in Financial Difficulty		(307)	307	0	0
HOPE Virtual School		(236)	236	0	0
Committed reserve	2,055	0	0	0	2,055
Planned funding for historic deficit		(3,448)	0	(3,448)	(3,448)
Academy Recoupment		(9,305)	9,305	0	0
<b>High Needs Block</b>	<b>2,055</b>	<b>(55,454)</b>	<b>54,345</b>	<b>(1,109)</b>	<b>947</b>
<b>Early Help Project funding (allocated to High Needs)</b>	<b>(182)</b>	<b>0</b>	<b>182</b>	<b>182</b>	<b>0</b>
<b>Total</b>	<b>1,016</b>	<b>(347,713)</b>	<b>346,301</b>	<b>(1,413)</b>	<b>(397)</b>



**Bristol Schools Forum**  
**Schools Block 2019/20**

**Cabinet 22<sup>nd</sup> January 2019**  
**DSG budget report**  
**APPENDIX A.2**

<b>Date of meeting:</b>	16 <sup>th</sup> January 2019
<b>Time of meeting:</b>	5:00 pm
<b>Venue:</b>	City Hall

## 1. Purpose of report

- 1.1 To inform and seek agreement of the Schools Forum on the application of the funding formula for mainstream schools and academies for 2019/20, prior to final decision by Cabinet and submission of the Authority Proforma Tool to the Education and Skills Funding Agency.

## 2. Recommendations

Schools Forum is invited to:

- 2.1 Endorse the proposed arrangements for the 2019/20 mainstream funding formula, including the amount set aside for the Growth Fund;
- 2.2 Provide feedback, as appropriate, to Cabinet and Council, for their consideration in making final decisions on the Schools Budget for 2019/20.

## 3. Funding available

- 3.1 The DSG overview paper elsewhere on this agenda explains the overall strategy for schools finance for 2019/20. This indicates that the funding for Schools Block in 2019/20 is proposed to be £259.4m. **Table 1** sets out how it is proposed that this funding be calculated and applied.

**Table 1: Proposed Schools Block Budget 2019/20**

<b>Cost</b>	<b>£'000</b>	<b>Funding</b>	<b>£'000</b>
Minimum Funding Guarantee (0%) for 54,823 pupils	£238.7m	Pupil-led DSG funding (54,600 pupils)	£248.3m
Rates / Lump sums	£18.5m	Premises led DSG funding	£9.2m
Additional funding for distribution	£0.6m	Growth funding allocation	£3.9m
Growth Fund	£1.6m	Transfer £2m to High Needs Block	-£2.0m
<b>Schools Block Total</b>	<b>£259.4m</b>	<b>Schools Block Total</b>	<b>£259.4m</b>

- 3.2 The component elements of the calculation have been refreshed, now that the October 2018 census information has become available. Each of the components is explained below.
- 3.3 **Minimum Funding Guarantee (MFG) (0%) £238.7m.** This represents the sum of the minimum amount that the Authority is required to provide to all schools, based on an MFG of 0% using the October 2018 pupil numbers. This means that the amount of funding on funding factors within the MFG calculation is at least at the same value per pupil as 2018/19. This repeats the protection offered last year and still offers more protection than schools have received in previous years when the MFG has been set at -1.5% (ie 98.5% of the previous year's). This includes a new allocation for Trinity School, expected to open in September 2019. This amount also includes the cost of the PFI factor at £6.3m in 2019-20. As previously advised to Schools Forum, last year's strategy of recognising and including the General Fund contribution to the PFI costs in the mainstream schools formula was successful in that the DfE has recognised this higher true cost in the 2019-20 DSG Schools Block allocation
- 3.4 **Rates / Lump Sums £18.5m.** The Authority continues to fund school lump sums at £0.125m, rather than the £0.110m indicated in the National Funding Formula. The funding for rates is based on the expected 2019/20 rates bills for maintained schools and academies, as in previous years.
- 3.5 **Additional funding for distribution £0.6m** This is the difference between the total required funding for a standstill MFG of 0% , the premises factors, the growth fund and PFI commitments and the total DSG funding remaining available after the £2.0m transfer to High Needs.
- 3.6 **Growth Fund £1.6m** The final settlement of growth funding from the the DfE was at the lower £3.9m level. An assessment of the known expected commitment against the 2019-20 growth fund, along with the funding of the new and growing Trinity School in the main schools formula, as opposed to coming from the Growth fund itself, allows the budgeted value of the growth fund to be set at £1.6, based on the existing policy. Should a revised policy that excludes non-resident pupils from growth funding be implemented by Secretary of State's determination, then the budgeted requirement may be further reduced. A separate paper on the agenda discusses the potential growth fund policy from September 2019.
- 3.7 **Schools Block Total £259.4m.** This is the sum of the proposed allocations above.
- 3.8 **Pupil-led DSG funding 2019/20 £248.3m** This has been advised by ESFA on 17<sup>th</sup> December 2018 as the Schools Block component of the final DSG for 2019/20. The total is comprised of 36,218 primary age pupils multiplied by £4,117.36 plus 18,383 secondary age pupils multiplied by £5,395.30.
- 3.9 **Premises led DSG funding £9.2m** This is the component of the DSG that recognises costs not defined by NFF values, these being PFI, split site and NNDR factors.

- 3.10 **Growth funding allocation £3.9m** This funding is calculated on the change between pupils numbers in lower super-output areas, and is intended to meet the cost of both the growth fund and the additional cost of those pupils in growing schools not yet present in the school census (223 pupils).
- 3.11 **Transfer £2m to High Needs Block £2.0m** Schools Forum gave its consent to transferring £2m headroom to the High Needs Block at its meeting in November 2018.
- 3.12 **Contribution from General Fund £0.0m** As the PFI contribution from General Fund is now recognised in the DSG allocation there are no further transfers into the DSG from General Fund.
- 3.13 **Schools Block Total £259.4m** This is the net total of the funding and transfers.

#### 4. Funding formula

- 4.1 Schools Forum agreed the principles for the operation of the mainstream formula at its meeting in November 2018, including:
- Appropriate allocations are made for rates;
  - At least a Minimum Funding Guarantee of 0%;
  - No cap;
  - Factor values to be a function of the available funding, with a movement towards NFF values for the pupil-led factors;
  - The level of de-delegation for maintained primary and secondary schools.
- 4.2 As shown in Table 1 earlier, the remaining funding available for distribution after ensuring no school's per-pupil funding falls below 2018-19 levels (the 0% MFG) and meeting other commitments is just £0.6m.
- 4.3 Table 2 below demonstrates how the funding components combine to realise the £0.6m headroom, which represents 0.23% of the total cost of the standstill position.

**Table 2: Composition of the proposed Schools Block budget for 2019/20**

Component	A Schools Block for 54,600 pupils with Growth Fund 2019/20 (£m)	B Transfer to High Needs Block (£m)	C Amount of Growth Fund needed for Growing Schools	D = A+B+C Resulting Schools Block Totals (£m)	E Amount needed 2019/20 for a standstill position (£m)	F= (D-E)/D Comparison with standstill £m
<b>National Funding Formula values</b>	£257.5m	-£0.7m	+£1.0m	<b>£257.8m</b>	£257.2m	+0.23%
<b>Growth Fund</b>	£3.9m	-£1.3m	-£1.0m	<b>£1.6m</b>	£1.6m	0%
<b>Total Schools Block</b>	<b>£261.4m</b>	<b>-£2.0m</b>	<b>£0.0m</b>	<b>£259.4m</b>	<b>£258.8m</b>	<b>+0.23%</b>

- 4.4 Officers compared distributing the £0.6m across all schools by increasing the MFG, to the maximum possible +0.2%; however this resulted in schools generally only receiving £2k-£3k more on their total school allocations. It also does not recognise any changes in pressure brought about by increases in additional needs amongst pupils, nor does it make any attempt at movement towards the NFF values for deprivation, EAL or prior attainment.
- 4.5 Instead officers are recommending following Schools Forum's desire to move towards the NFF unit values for the pupil-led factors, as this does more fairly recognise changes in additional needs amongst pupils and prepares the ground for future movements towards NFF in future iterations of the funding formula, whether hard or soft.
- 4.6 The move towards NFF values for the pupil-led factors is a progression on the use of the local funding formula. As with 2018-19 formula there is no cap on gains.
- 4.7 The move towards NFF values has resulted in two particular changes of methodology, compared to the 2018-19 formula. The first is that the NFF uses both the FSM factor and the FSM Ever 6 factor. The 2019-20 formula as presented now uses both of these FSM factors. Pupils who were ever eligible for FSM in the last six years are recognised in school allocations, rather than just those currently eligible for FSM.
- 4.8 The second methodological change is the movement from EAL2 to EAL3. The NFF uses EAL3, meaning pupils with English as an Additional Language are funded for the first three years of schooling within England, whereas the 2018-19 local formula used EAL2, providing funding for the first two years of schooling only. In order to migrate the local formula from EAL2 to EAL3 a proxy unit value for EAL3 in 2018-19 was calculated based on the total EAL funding distributed in 2018-19.

- 4.9 The headroom is very modest in the overall formula (0.23%), yet the workings of the Minimum Funding Guarantee have helped move the local formula values half way (49.3%) towards the NFF values for deprivation, EAL and prior attainment. For example, the local formula unit value for Primary Free School Meals at 0% MFG with no headroom is £246.18, the proposed local value for 2019/20 is £341.13 and the NFF value for Bristol is £446.31. Proportionately, all the other deprivation, EAL and prior attainment factors are also around half way between the local standstill value and the NFF value.
- 4.10 **Appendix 1** sets out the summary of the formula in the Authority Proforma Tool and the proposed factor unit values alongside the 2018-19 unit values and the NFF unit values. The amounts distributed through the formula factors are set out in **Table 3**.

**Table 3: Summary of formula factor allocations 2018/19 APT**

	<b>Proposed formula 2019/20</b>
AWPU	£181.4m
Deprivation	26.5m
EAL	3.1m
Prior attainment	16.7m
Lump sum	£15.9m
Split sites	£0.6m
Rates	£2.6m
PFI	£6.3m
<b>total factor funding</b>	<b>£253.1m</b>
MFG cost	£4.8m
<b>Total formula funding</b>	<b>£257.8m</b>

- 4.11 **Appendix 2** provides a comparison of each school's 0% MFG standstill position to expected actual formula funding once the additional £0.6m has been distributed through the movement towards NFF values.
- 4.12 Officers have completed the proposed APT on the basis of the strategy agreed at the November meeting, using the proposed available funding. This forms the basis of the recommendations to Cabinet about the Schools Block budget and the formula values for 2019/20. If Schools Forum has any feedback about the proposed distribution of the available funding through the formula, it is invited to convey that to Cabinet in time for its meeting on 22nd January 2019.

## 5. Future funding arrangements

- 5.1 Whilst last year the DfE intended that the hard National Funding Formula should be introduced by 2020/21, with just one further year of a soft NFF in 2019/20, there is no sign of this becoming true. Instead it's felt more likely that any hard NFF will not be introduced before 2021-22 however this will depend on many uncertain and changeable factors, including the Government's spending review and any potential general election. This year, the proposal is to continue with a local funding formula, but with some migration towards NFF whilst preserving our preferred premises factors including the higher lump sum values.



Schools Forum Paper 7 Schools Block  
Appendix 1

<u>Formula totals</u>			
	2019-20 Proposed	2018-19 Actual	
Basic entitlement	181,366,849	182,690,599	
Deprivation	26,544,694	24,562,803	
EAL	3,085,858	3,267,499	
Prior attainment	16,701,693	12,829,696	
Lump Sum	15,947,917	15,875,000	
Split Sites	580,022	569,867	
Rates	2,574,119	2,335,800	
PFI	6,288,955	6,099,859	
<b>Basic formula allocation</b>	<b>253,090,107</b>	<b>248,231,124</b>	
Net MFG adjustment	4,754,894	3,191,876	
<b>Total Allocation</b>	<b>257,845,001</b>	<b>251,423,000</b>	
De-delegation	- 1,402,611 -	1,712,756	
<b>Post De-delegation budget</b>	<b>256,442,390</b>	<b>249,710,244</b>	
Growth Fund	1,600,000	2,000,000	

<u>Formula unit values</u>		Movement towards NFF = 49.28%		
	2019-20 Proposed formula values	2018-19 Local formula values	2019-20 NFF formula values	
Basic Entitlement (Primary)	2,868.25	2,955.05	2,786.35	
Basic Entitlement (KS3)	4,091.93	4,215.76	3,918.00	
Basic Entitlement (KS4)	4,315.33	4,445.92	4,448.66	
Free School Meals (Primary)	341.13	246.18	446.31	
Free School Meals(Secondary)	354.12	272.58	446.31	
Free School Meals Ever 6 (Primary)	269.90	n/a	547.74	
Free School Meals Ever 6(Secondary)	392.36	n/a	796.25	
IDACI (P F)	273.57	352.62	202.87	
IDACI (P E)	328.29	423.15	243.44	
IDACI (P D)	457.71	564.19	365.16	
IDACI (P C)	542.15	705.24	395.59	
IDACI (P B)	626.59	846.29	426.02	
IDACI (P A)	981.84	1,410.48	583.24	
IDACI (S F)	318.56	352.62	294.16	
IDACI (S E)	403.26	423.15	395.59	
IDACI (S D)	535.18	564.19	522.38	
IDACI (S C)	627.12	705.24	568.02	
IDACI (S B)	716.56	846.29	608.60	
IDACI (S A)	1,099.29	1,410.48	821.61	
EAL2 (P)	n/a	807.62	n/a	
EAL2 (S)	n/a	1,211.43	n/a	
EAL3 (P)	526.83	n/a	522.38	
EAL3 (S)	1,096.39	n/a	1,404.85	
Low Attainment (P)	858.74	706.67	1,036.65	
Low Attainment (S)	1,271.75	1,009.53	1,572.21	
Lump Sum	125,000.00	125,000.00	111,576.30	

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LAESTAB Name	MFG 0% - standstill	MFG 0% with factors moved towards NFF	Distribution of £0.6m
<b>LAESTAB Name</b>	<b>257,249,452</b>	<b>257,845,000</b>	<b>595,548</b>
8012001 Brunel Field Primary School	1,599,181	1,599,181	-
8012002 Cheddar Grove Primary School	1,652,278	1,652,278	-
8012003 Ashley Down Primary School	1,515,872	1,515,872	-
8012004 Ashton Gate Primary School	2,542,498	2,542,498	-
8012006 Nova Primary School	1,566,563	1,566,563	-
8012018 Broomhill Junior School	785,692	801,132	15,441
8012019 St Werburgh's Primary School	1,445,404	1,445,404	-
8012020 Chester Park Junior School	1,116,021	1,141,098	25,077
8012021 Chester Park Infant School	906,297	906,297	-
8012023 Hillcrest Primary School	1,450,356	1,450,356	-
8012027 Shirehampton Primary School	1,753,009	1,753,009	-
8012028 Two Mile Hill Primary School	2,184,294	2,220,279	35,984
8012037 Glenfrome Primary School	1,691,987	1,691,987	-
8012041 Henleaze Infant School	1,002,863	1,002,863	-
8012069 St Anne's Infant School	1,071,058	1,071,058	-
8012073 Sefton Park Infant School	734,633	734,633	-
8012074 Sefton Park Junior School	836,925	841,739	4,814
8012079 Southville Primary School	1,883,453	1,883,453	-
8012081 Summerhill Infant School	1,056,426	1,056,426	-
8012086 Upper Horfield Primary School	874,760	874,760	-
8012098 Holymead Primary School	2,231,053	2,250,870	19,817
8012109 Brentry Primary School	903,236	903,236	-
8012115 Broomhill Infant School & Children's Centre	716,313	716,313	-
8012130 Wansdyke Primary School	872,280	872,280	-
8012138 Elmlea Infant School	1,006,532	1,006,532	-
8012139 Cabot Primary School	1,010,461	1,010,461	-
8012299 Hannah More Primary School	1,609,845	1,609,845	-
8012312 Bishop Road Primary School	2,829,223	2,829,223	-
8012314 Blaise Primary and Nursery School	1,657,308	1,657,308	-
8012326 Fair Furlong Primary School	2,009,104	2,009,104	-
8012327 May Park Primary School	2,704,792	2,704,792	-
8012328 Whitehall Primary School	2,193,216	2,193,216	-
8013000 Avonmouth Church of England Primary School	869,158	869,158	-
8013008 Horfield Church of England Primary School	1,568,246	1,568,246	-
8013010 St Barnabas Church of England VC Primary Schc	767,191	773,274	6,084
8013013 St George Church of England Primary School	370,410	370,410	-
8013014 St Johns Church of England Primary School, Cliff	1,810,531	1,810,531	-
8013018 St Michael's on the Mount Church of England P	665,088	669,046	3,958
8013400 School of Christ The King Catholic Primary	1,049,356	1,049,356	-
8013401 Holy Cross RC Primary School	899,314	903,016	3,701
8013402 Ss Peter and Paul RC Primary School	832,341	833,699	1,358
8013403 St Bernard's Catholic Primary School	871,208	871,208	-
8013405 St Joseph's Catholic Primary School	907,054	907,054	-
8013412 Our Lady of the Rosary Catholic Primary School,	982,583	982,583	-
8013413 St Pius X RC Primary School	772,739	772,739	-
8013415 St Bernadette Catholic Voluntary Aided Primary	855,257	855,257	-
8013417 St Bonaventure's Catholic Primary School	1,488,436	1,488,436	-
8013433 Stoke Park Primary School	937,641	941,265	3,624
8013437 Bridge Farm Primary School	2,284,025	2,284,025	-
8013438 Knowle Park Primary School	2,436,390	2,436,390	-
8013439 Sea Mills Primary School	951,997	951,997	-
8013441 Air Balloon Hill Primary School	2,884,892	2,924,445	39,553
8013442 St Peter's Church of England Primary School (VC	1,827,266	1,827,266	-
8014603 St Mary Redcliffe and Temple School	5,380,959	5,380,959	-
8014801 St Bernadette Catholic Secondary School	3,809,816	3,809,816	-
8012005 Ashton Vale Primary School	800,415	802,066	1,651
8012010 Fonthill Primary Academy	938,011	938,011	-
8012013 Begbrook Primary Academy	2,208,105	2,208,105	-
8012017 Waycroft Academy	1,555,446	1,555,446	-
8012022 Cotham Gardens Primary School	1,979,320	1,989,728	10,408
8012029 Ilminster Avenue E-ACT Academy	1,503,399	1,503,399	-
8012030 St Ursula's E-ACT Academy	2,036,818	2,036,818	-
8012034 Filton Avenue Primary School	3,189,557	3,189,557	-
8012038 Oasis Academy Connaught	1,735,961	1,735,961	-
8012040 Henleaze Junior School	1,344,409	1,344,409	-
8012044 Hotwells Primary School	756,901	756,901	-
8012055 The Dolphin School	1,537,697	1,537,697	-
8012056 Oasis Academy Bank Leaze	924,775	924,775	-

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LAESTAB Name	MFG 0% - standstill	MFG 0% with factors moved towards NFF	Distribution of £0.6m
	<b>257,249,452</b>	<b>257,845,000</b>	<b>595,548</b>
8012061 Parson Street Primary School	1,713,692	1,723,526	9,834
8012062 Minerva Primary Academy	1,215,407	1,215,407	-
8012064 Frome Vale Academy	826,936	826,936	-
8012067 Fishponds Church of England Academy	1,637,202	1,637,202	-
8012077 Bannerman Road Community Academy	1,578,475	1,578,475	-
8012078 Henbury Court Primary Academy	1,465,849	1,466,843	994
8012080 Summerhill Academy	1,331,034	1,364,863	33,829
8012082 The Kingfisher School	658,581	662,494	3,913
8012087 Cathedral primary School	1,447,572	1,447,572	-
8012089 Redfield Educate Together Primary Academy	1,390,530	1,390,530	-
8012091 Westbury Park Primary School	1,441,112	1,441,112	-
8012092 Oasis Academy Marksbury Road	1,542,948	1,542,948	-
8012093 Fairlawn Primary School	1,189,512	1,189,512	-
8012094 Oasis Academy Long Cross	1,832,439	1,841,965	9,526
8012099 Headley Park Primary School	1,668,026	1,668,026	-
8012101 Easton Church of England Academy	2,291,919	2,291,919	-
8012106 Barton Hill Academy	1,976,624	1,976,624	-
8012107 Wicklea Academy	1,196,931	1,196,931	-
8012108 Woodlands Academy	817,329	828,045	10,716
8012110 Hareclive E-ACT Academy	1,938,888	1,938,888	-
8012112 Elmlea Junior School	1,268,185	1,275,280	7,095
8012114 St Mary Redcliffe Church of England Primary Sch	1,588,924	1,593,507	4,584
8012117 Badocks Wood E-ACT Academy	1,057,612	1,061,390	3,778
8012118 Perry Court E-Act Academy	1,501,129	1,507,286	6,157
8012119 Luckwell Primary School	774,305	788,805	14,500
8012120 Evergreen Primary Academy	1,008,405	1,008,405	-
8012320 Compass Point Primary School	946,130	946,130	-
8012324 Four Acres Academy	1,367,959	1,367,959	-
8013003 Christ Church Church of England Primary Schoo	1,418,829	1,418,829	-
8013025 Stoke Bishop Church of England Primary School	1,516,334	1,516,334	-
8013026 Westbury-On-Trym Church of England Academ	1,470,360	1,482,700	12,341
8013408 St Nicholas of Tolentine Catholic Primary Schoo	918,740	918,740	-
8013411 St Patrick's Catholic Primary School	908,454	908,454	-
8013414 St Teresa's Catholic Primary School	915,557	915,557	-
8013431 Greenfield E-Act Primary Academy	1,858,748	1,858,748	-
8013432 Little Mead Primary Academy	1,754,908	1,754,908	-
8013434 Oasis Academy New Oak	1,005,278	1,005,278	-
8013436 West Town Lane Academy	2,297,671	2,297,671	-
8013440 Victoria Park Primary School	1,639,551	1,639,551	-
8014001 Bristol Free School	4,363,833	4,363,833	-
8014003 Orchard School Bristol	5,160,463	5,196,292	35,829
8014007 Oasis Academy Brislington	5,396,092	5,396,092	-
8014010 The City Academy Bristol	4,469,698	4,469,698	-
8014011 Ashton Park School	5,305,715	5,305,715	-
8014031 Henbury School	4,572,665	4,572,665	-
8014037 Bedminster Down School	6,143,425	6,154,123	10,697
8014100 Cotham School	5,636,822	5,735,162	98,341
8014101 Fairfield High School	5,602,255	5,602,255	-
8014602 St Bede's Catholic College	4,572,081	4,572,081	-
8014627 Redland Green School	4,995,586	4,995,586	-
8016907 Bristol Brunel Academy	7,043,129	7,154,087	110,959
8016908 Bristol Cathedral Choir School	3,328,905	3,328,905	-
8016909 Colston's Girls' School	3,563,317	3,563,317	-
8016911 Oasis Academy John Williams	4,921,819	4,921,819	-
8016912 Oasis Academy Brightstowe	4,811,194	4,815,053	3,859
8016913 Bristol Metropolitan Academy	6,452,984	6,452,984	-
8014005 Bridge Learning Campus	5,743,005	5,743,005	-
8014006 Steiner Academy Bristol	1,609,399	1,643,324	33,925
8016910 Merchants' Academy	5,624,424	5,624,424	-
8019999 CST Trinity Academy	408,916	422,115	13,199

**Report for Schools Forum**  
**16<sup>th</sup> January 2019**

**Cabinet 22<sup>nd</sup> January 2019**  
**DSG budget report**  
**APPENDIX A.3**

**Central School Services Block**

<b>Date of meeting:</b>	16 <sup>th</sup> January 2019
<b>Time of meeting:</b>	5 pm
<b>Venue:</b>	City Hall

## **1. Purpose of report**

- 1.1 To inform Schools Forum of the Local Authority's Central School Services block allocation for 2019/20. To provide some wider context about spending on education by the Council, including those services funded by the General Fund and those activities undertaken by Trading with Schools.
- 1.2 To seek Forum's approval for the proposed use of the Central School Services block funding for 2019/20.

## **2. Recommendations**

- 2.1 That Schools Forum:
  - a. approve the proposed use of the Central School Services Block funding in 2019/20 for:
    - LA Core Functions £0.947m (as per Appendix 1);
    - School Admissions £0.479m;
    - Schools Forum £0.023m;
    - Combined Services £0.599m (as per Appendix 2).
  - b. note that the licences the LA is required to pay on behalf of all local schools is £0.281m.
  - c. note the composition of the LA Core Funding of £0.912m for 2018/19 that was initially agreed in January 2018 (as per Appendix 1).
  - d. note the wider context around Education spending and the operation of Trading with Schools.

## **3. Background**

3.1 The purpose of the CSSB is to provide funding for the statutory duties the LA hold for both maintained schools and academies. The CSSB brings together:

- funding previously allocated through the retained duties element of the Education Services Grant (ESG)
- funding for ongoing central functions, such as admissions, previously top-sliced from the schools block
- residual funding for historic commitments, previously top-sliced from the schools block

3.2 The LA must still seek Schools Forum approval for Central Services spend, apart from the item relating to school licences which must be repaid to the DfE on behalf of all maintained schools and academies.

#### 4. Budget proposals

4.1 The CSSB allocation for 2019/20 is £2.895m. This total is composed of two distinct components: on-going functions (£1.730m) and historic commitments (£1.165m)

**Table 1: Composition of Central School Service Block Allocations 2018/19 and 2019/20 and proposed allocation for 2019/20**

Type of funding	Component	Comparable 2018/19 DSG amount £'000	DSG Allocation 2019/20 £'000	Proposed 2019/20 budget £'000
Formulaic	LA Core functions	912	947	947
Formulaic	School Admissions	461	479	479
Formulaic	School Licences	267	281	281
Formulaic	Schools Forum	23	23	23
Historic	Combined Services	599	599	599
Historic	Prudential Borrowing	566	566	0
<b>Total</b>		<b>2,828</b>	<b>2,895</b>	<b>2,329</b>

4.2 In November 2018, Schools forum agreed that the uncommitted funding of £0.566m for Prudential Borrowing could be transferred to the High Needs Block. It is expected, at some future point, that the DfE will remove the £0.566m. For as long as it continues to be included, it is useful as a supplement for the High Needs Block.

4.3 The remaining £2.329m is proposed to be applied in full for 2019/20.

4.4 **LA Core Functions.** At the January 2018 meeting of Schools Forum, the schedule of services that comprise the LA Core Functions was not provided, pending the outcomes of an Education Review. That review

has subsequently been modified, but officers have not, so far provided a schedule of those services.

- 4.5 **Appendix 1** sets out the functions and services that may be included in the LA Core functions budget. The relevant costs for Bristol have been included against these line items. For 2018/19, this is for noting, to regularise the omission of these figures in previous meetings. For 2019/20, the analysis is proposed for agreement by Schools Forum.
- 4.6 **Admissions £0.479m.** The only change to this budget is that arising from the increase in CSSB generally, due to pupil number increases.
- 4.7 **School Licences £0.282m.** The DfE requires the Authority to pay licences on behalf of all maintained schools, academies and free schools in Bristol, to avoid the administration of delegating funding to and recovering the money from each school. The amount for 2019/20 has been advised as £0.282m. There is no requirement for Schools Forum to specifically approve this line of the budget.
- 4.8 **Schools Forum £23k.** This funding is used to support the writing of papers, clerking and hosting the meetings. It is proposed that this allocation remain at the 2018/19 level.
- 4.9 **Combined Budgets. Appendix 2** re-confirms the analysis of the £0.599m for Combined Services, which Schools Forum has agreed in the past and it is proposed for agreement again for 2019/20.

## 5. Wider context – Trading with Schools

- 5.1 When Trading with Schools (TwS) was established as a functional area, five principles were established:
1. Improved economy, efficiency and effectiveness in service delivery.
  2. Increased school satisfaction with the quality of service provision.
  3. Increase commissioning capability
  4. Maintain quality of statutory provision.
  5. Maintain level of Intelligence within the LA.
- 5.2 In 2014/15 the following strap line, mission, vision and values were agreed by the service.

***“Supporting you to deliver a first class education for all learners”***

### **Mission**

- To be the best provider of services to schools and settings and to generate income for the benefit of children and young people.

### **Vision**

- To develop and enhance a reputation for excellence whilst growing our business year on year.

### **Values**

- To be renowned for our integrity, expertise and commitment to customer service.

- 5.3 **How Trading with Schools works for schools.** School customers choose to buy TwS services, signing up to annual contract renewals, with a request of 6 months' notice to cease purchasing a service. These terms compare with other entities which require 3 year contracts
- 5.4 **How trading with Schools works for the LA** When TwS was established a range of LA services were transferred into the entity. The decision to establish TwS meant that the LA decided to bear any commercial risk including liability for the salaries, pensions and potential for redundancy costs for all colleagues if it were not a success. This risk still exists.
- 5.5 **Price rises.** A small number of TwS support services were incorrectly costed at the outset by the project team. Following a full unit costing/utilisation review of all services it became clear that overheads were not included within the calculations and that those services were operating at a loss.
- 5.6 The options considered were, do nothing, increase the price by 40%, step change the price increase, whilst encouraging customers to purchase alternative packages of support.
- 5.7 Subject to those exceptions price rises are minimal and reflect inflationary costs or less.
- 5.8 All price increases are approved annually by the Cabinet member for education. The aim is to remain competitive in the marketplace.
- 5.9 A very small number of customers have expressed their dissatisfaction at the increases
- 5.10 **Organisational arrangements.** TwS has moved from the Adults, Children and Education directorate into a new management area focusing on commercialisation. The aim is to locate TwS organisationally

where business processes and support functions aid efficiency. Part of that necessarily is customer focus, which is engrained in the approach to commercialism, and will continue to be embedded in links with schools as customers as well as through strong links with the Education, Learning and Skills directorate.

- 5.11 Sustainability of these functions is a key factor. All functions supporting schools have to pay their way. The aim for TwS is to reflect its original principles, to be both competitive and supportive, and ensure it remains so. To that end, where TwS makes a surplus, that covers overheads and marginal income targets as well as recognising the risks noted above, consistent with practice across the LA traded services.
- 5.12 The review of central services currently being undertaken by consultants is due to be completed at the end of January. Part of that will touch on elements of TwS, notably those connected with special educational needs and school improvement.
- 5.13 Schools Forum have received financial reports at recent meetings about the surplus generated each year by TwS: £0.834m in 2016/17 and £0.885m in 2017/18.
- 5.14 In the publicly available information reported to Cabinet about the General Fund budget, the Education budget for Period 7 is **£18.766m**, covering the services included in **Appendix 3**.
- 5.15 The modest surpluses, generated at the Council's risk, provide funding to the authority to assist it in fulfilling its responsibilities for educational services and functions.

**Appendix 1**

**Analysis of Core Statutory Education Functions**

<b>Category</b>	<b>Component permitted to be funded from central DSG, subject to Schools Forum agreement</b>	<b>BCC proposal?</b>	<b>Amount 2018/19 £'000</b>	<b>Amount 2019/20 £'000</b>
Statutory & Regulatory	<ul style="list-style-type: none"> <li>Director of children's services and personal staff for director (Sch 2, 15a)</li> <li>Planning for the education service as a whole (Sch 2, 15b)</li> </ul>	Central budgets for education planning that are not already charged to Combined Budgets or elsewhere in the DSG.	17	17
Statutory & Regulatory	<ul style="list-style-type: none"> <li>Revenue budget preparation, preparation of information on income and expenditure relating to education, and external audit relating to education (Sch 2, 22)</li> <li>Authorisation and monitoring of expenditure not met from schools' budget shares (Sch 2, 15c)</li> <li>Formulation and review of local authority schools funding formula (Sch 2, 15d)</li> </ul>	Accounting and finance staff directly supporting education budget setting and funding for all schools.	250	250
Statutory & Regulatory	<ul style="list-style-type: none"> <li>Internal audit and other tasks related to the authority's chief finance officer's responsibilities under Section 151 of LGA 1972 except duties specifically related to maintained schools (Sch 2, 15e)</li> </ul>	Estimated cost of internal audit time.	25	25
Statutory & Regulatory	<ul style="list-style-type: none"> <li>Consultation costs relating to non-staffing issues (Sch 2, 19)</li> <li>Plans involving collaboration with other LA services or public or voluntary bodies (Sch 2, 15f)</li> </ul>	Estimated cost of public consultation on service development (eg High Needs) and collaborative working.	45	80
Statutory & Regulatory	<ul style="list-style-type: none"> <li>Standing Advisory Committees for Religious Education (SACREs) (Sch 2, 17)</li> </ul>	Current budget for SACRE.	10	10
Statutory & Regulatory	<ul style="list-style-type: none"> <li>Provision of information to or at the request of the Crown other than relating specifically to maintained schools (Sch 2, 21)</li> </ul>	Legal Services staff support.	60	60
Education Welfare	<ul style="list-style-type: none"> <li>Functions in relation to the exclusion of pupils from schools, excluding any provision of education to excluded pupils (Sch 2, 20)</li> <li>School attendance (Sch 2, 16)</li> <li>Responsibilities regarding the employment of children (Sch 2, 18)</li> </ul>	Current budget for Education Welfare.	335	335
Asset Management	<ul style="list-style-type: none"> <li>Management of the LA's capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions (Sch 2, 14a)</li> <li>General landlord duties for all buildings owned by the local authority, including those leased to academies (Sch 2, 14b)</li> </ul>	Current budget for education property management and capital programme monitoring.	170	170
<b>TOTAL STATUTORY / REGULATORY FUNCTIONS OF LA</b>			<b>912</b>	<b>947</b>

## Appendix 2

### Combined Services Budget 2019/20

<b>Service</b>	<b>Total 2018/19 £'000</b>	<b>Total 2019/20 £'000</b>
Director of Education and Skills	122	122
Equalities	45	45
Governor Support	21	21
HR	25	25
Primary Services	178	178
Pupil Census	35	35
School Place Planning	90	90
Secondary Services	83	83
<b>Grand Total</b>	<b>599</b>	<b>599</b>

### Appendix 3

#### Bristol City Council budgets for General Fund activities in Education and Skills (Period 7 2018/19)

Service	Component	Revised budget
Early Years Learning	Children's Centres (net)	3,071
Early Years Learning	Other GF Early Years	693
School Partnerships	School Improvement	123
School Partnerships	Education Welfare	335
Education Management	School Pensions	4,258
Education Management	Team costs	730
Education Management	Grant contributions	(1,067)
Education Management	Unallocated savings from ESG	0
Education Management	Overheads charged to TWS / DSG	(983)
Additional Learning Needs	Home to School Transport	5,509
Additional Learning Needs	SEND support	1,712
Employment, Learning & Skills	Team costs	680
Trading with Schools	Service cost	(395)
Schools PFI	Contribution to DSG	4,100
<b>TOTAL</b>		<b>18,766</b>

**Bristol Schools Forum**  
**High Needs Block 2019-2020**

**Cabinet 22<sup>nd</sup> January 2019**  
**DSG budget report**  
**APPENDIX A.4**

<b>Date of meeting:</b>	16 <sup>th</sup> January 2019
<b>Time of meeting:</b>	5.00 pm
<b>Venue:</b>	City Hall, Writing Room

## **1. Purpose of report**

- 1.1 To update Schools Forum on the period 7 (adjusted) 2018/2019 forecast position.
- 1.2 To set out the proposed 2019/2020 High Needs Budget position in the context of the current provision and demand and the strategy for addressing the underlying budget shortfall and historic deficit in the medium term.
- 1.3 To provide an update to Schools Forum on the High Needs Block project plans and transformative work started for academic year 2018/2019.

## **2. Recommendations**

- 2.1 **To note the 2018/2019 High Needs budget position as at Period 7 (adjusted);**
- 2.2 **To note and comment on the proposed 2019/2020 High Needs Budget of £58.187m, drawing on £2.407m of High Needs DSG from 2020/21**
- 2.3 **To note the progress made with the High Needs Transformation Project Planning, and make comment.**

## **3. Summary and Context**

- 3.1 Schools Forum are aware of the pressures on the High Needs budget. The decision in November 2018 to support transfers of £2.566m into the High Needs Block for 2019/20 is recognition of this.
- 3.2 This paper provides an update on the latest 2018/19 budget position, which is an improvement in the forecast of £0.8m on the previously advised position. Most of this arises because the DfE has provided an extra £1m in High Needs DSG for 2018/19 and the same amount for 2019/20.
- 3.3 The forecast position for 2019/20 is still an expected £58.2m spend on high needs activities which is set out in detail in **Appendices 1 and 2**. What

has changed is the additional funding in the High Needs DSG. Even with this improvement and the transfers from other blocks, the service still expects to incur a cumulative deficit of £3.3m by the end of March 2020.

3.4 To ensure the High Needs Budget is well placed to match the acceleration in demands as currently envisaged it is proposed that £2.407m of High Needs DSG from 2020/21 will be accelerated. Should additional funding not be forthcoming from central government to ensure we can keep pace with the triple pressure of rapidly rising demand, rising prevalence rates and changing types of need this would leave a cumulative year-end deficit in the DSG of £3.3 million by 2020/21.

3.5 The updated annual gap between the spend level (actual or forecast) and the High Needs DSG is set out in **Table 1**.

**Table 1: Comparative Gross High Needs Budget allocations 2014/15 – 2019/20**

	Gross amount of High Needs Block DSG £m	Simple change on previous year £m / (%)	Comment on funding changes	Actual & Forecast Outturn of High Needs Block DSG £m	Difference between DSG allocation and total spend on High Needs £m
2019-20	£53.2m	£1.2m / 2.3%	+£0.7m for inclusion of new Free School within the total increase	£58.2m	£5.0m
2018-19	£52.0m	£1.4m / 2.8%	–£1.0m transfer of responsibilities for pupils in mainstream resource bases to Schools Block, so increase is £2.4m / 2.8%.	£54.3m	£2.3m
2017-18	£50.6m	£7.3m / 16.9%	£4.6m rebase plus £1.6m post-16, £0.75m population fund and £0.47m growth	£53.7m	£3.1m
2016-17	£43.3m	£0.7m / 1.6%	No change in scope of HNB between years	£50.1m	£6.8m
2015-16	£42.6m	£0.4m / 0.9%	No change in scope of HNB between years	£49.8m	£7.2m
2014-15	£42.2m			£44.7m	£2.4m

3.6 Schools Forum was keen to understand what the Authority’s strategy is for addressing this underlying shortfall in funding and the historic deficit. There are three strands to it.

- a) **Lobbying.** Officers and Members continue to lobby central government on the budget pressures in the high needs budget and a funding mechanism that ensures that funding increases as demand rises. The additional £1m provided to Bristol through higher High Needs DSG in each of 2018/19 and 2019/20 is an indication that central government are listening to the calls for more funding. A possible, part-solution to assist further would be a re-

basing of the high needs budget to reflect local spending levels (as happened during 2016/17).

b) **Transformation.** A high needs transformation programme has begun, with four constituent projects: top-up funding; alternative provision; hospital education; and support services. These are focussed on how best to improve outcomes for children and young people, but may result in lower spend over time, if investment is made in activities most likely to promote such outcomes. A position statement on the progress on the High Needs Transformation Programme is included in **Appendix 3**.

c) **Transfers.** Officers will continue to look for all opportunities to transfer funding from different blocks or funds to support the High Needs budget.

3.7 Taken as a whole, these strands may not fully address the historic deficit or any on-going shortfall in the High Needs Block in the medium term; many elements are not in the council's control. Close monitoring will continue and the approach will need to be reconsidered as appropriate.

3.8 Bristol's growth in HNB demands/needs reflects national trends and the extent to which high needs spending has been supported by additional funding from the Schools Block. This is supported by the research conducted for the Local Government Association report on Trends in Spending for Children and Young People with SEND in England: <http://www.isospartnership.com/uploads/files/LGA%20HN%20report%20published%2012.12.18.pdf>

#### 4. Budget Monitoring Position for Period 7 2018/2019.

4.1 **Table 2** sets out the adjusted Period 7 forecast for 2018/2019. The Period 7 position did not include the additional DSG for High Needs, so an adjusted version has been used for the purposes of this report.

904

**Table 2: High Needs Block budget forecast at adjusted Period 7 2018/19**

<b>Component</b>	<b>Period 6 Forecast 2018/19 £'000</b>	<b>Adjusted Period 7 Forecast 2018/19 £'000</b>	<b>Change (Adverse = +ive) £'000</b>
1. Places only	15,552	15,469	-83
2. SEN Top-ups	23,938	23,802	-136
3. AP Top-ups	890	806	-84
4. Other SEN provision	6,088	6,307	219
5. Other AP provision	4,648	4,816	168

6. Services	3,116	3,146	30
<b>Total Commitment</b>	<b>54,232</b>	<b>54,346</b>	<b>114</b>
Brought Forward	-2,055	-2,055	0
DSG Funding (gross) *	54,471	55,454	983
<b>Total Funding</b>	<b>52,416</b>	<b>53,399</b>	<b>983</b>
<b>Overspend (cumulative)</b>	<b>1,814</b>	<b>947</b>	<b>-783</b>

4.2 **1. Places only (-£0.083m improvement).** Places continue to be monitored through 6 weekly review cycles, forecasted 12 months as well as 5 years in advance and are dependent on the local area's needs, as well as having regard to parental preference.

**Table 3: Special School places available in Bristol**

<b>Placement type</b>	<b>Places 2014/15</b>	<b>Places 2015/16</b>	<b>Places 2016/17</b>	<b>Places 2017/18</b>	<b>Places 2018/2019</b>
Pre 16	737	740	767	749	802
Post 16	124	134	148	145	141
Total	861	874	915	894	943

4.3 SEND Capital Expenditure is focused on optimising specialist provision in Bristol for children and young people with the highest needs in order to ensure sufficient, suitable, accessible and safe accommodation is available meeting their needs and supporting inclusion.

4.4 **2. SEN Top-Up (-£0.136m improvement):** The reduced expenditure is due to a general fluctuation across provisions due to a net reduction in pupil numbers receiving Top Up in the new academic year, most notably in Pupil Referral Units which is not surprising bearing in mind this period is early in the academic year. The local authority received 63 applications for mainstream school age Top Up in November and December 2018 and the general further education colleges have also clarified their Top Up requests after period 7. 12.5 % of SEN Top Up goes to mainstream education settings for children and young people who have the highest needs.

4.5 **3. AP Top-up (-£0.084m improvement):** Top Up requests for this cohort were lower than originally projected, but again this is not unusual at this early stage of the academic year. However it is an area that requires regular scrutiny given the fact that most children and young people in Bristol's Alternative Provision present with SEMH as well as underlying communication and language needs. See **Table 4a** and **Table 4b** for primary needs in education settings.

**Table 4a: Primary needs in Primary Schools**

Local Authority	Specific Learning Difficulty	Moderate Learning Difficulty	Severe Learning Difficulty	Profound Multiple Learning Difficulty	Social Emotional and Mental Health	Speech Language and Communications Needs	Hearing Impairment	Visual Impairment	Multi Sensory Impairment	Physical Disability	Autistic Spectrum Disorder	Other Difficulty Disability	SEN support but no specialist assessment of type of need
Bristol	9.87	18.47	0.49	0.37	17.17	32.32	1.77	0.75	0.39	3.01	8.06	2.97	4.37
ENGLAND	9.53	22.25	0.64	0.27	15.89	29.82	1.71	0.95	0.31	2.87	7.32	4.05	4.40
Newcastle upon Tyne	7.26	26.92	0.12	0.18	15.84	34.32	2.44	0.97	0.18	2.29	6.23	1.41	1.85
Liverpool	13.21	12.70	0.55	0.26	16.07	30.21	1.39	0.51	0.15	3.06	10.52	7.43	3.91
Manchester	7.52	25.76	0.72	0.27	16.15	29.33	2.06	0.94	0.28	2.68	5.41	3.16	5.72
Leeds	6.33	25.10	1.16	0.42	14.79	37.89	2.43	0.82	0.10	2.45	3.47	3.82	1.21
Sheffield	8.04	17.58	0.72	0.13	12.82	38.89	2.45	0.98	0.17	2.18	11.46	3.38	1.21
Nottingham	6.02	25.17	0.72	0.13	18.22	23.82	1.72	0.92	0.18	3.02	13.27	4.30	2.50
Birmingham	2.97	41.14	0.42	0.12	9.78	22.96	1.57	0.88	0.17	2.54	8.03	2.67	6.76

**Table 4b: Primary needs in Secondary Schools**

Local Authority	Specific Learning Difficulty	Moderate Learning Difficulty	Severe Learning Difficulty	Profound Multiple Learning Difficulty	Social Emotional and Mental Health	Speech Language and Communications Needs	Hearing Impairment	Visual Impairment	Multi Sensory Impairment	Physical Disability	Autistic Spectrum Disorder	Other Difficulty Disability	SEN support but no specialist assessment of type of need
Bristol	23.26	14.42	0.20	0.13	18.95	13.83	2.12	0.93	0.10	3.08	9.82	10.85	2.32
ENGLAND	20.99	22.95	0.52	0.11	18.87	11.28	2.30	1.33	0.18	3.02	9.69	6.28	2.48
Newcastle upon Tyne	24.32	32.27	0.76	0.00	14.75	10.14	3.47	1.62	0.19	2.33	7.43	1.90	0.81
Liverpool	19.77	16.57	4.69	0.07	17.43	7.05	1.68	1.20	0.09	3.49	12.63	10.93	4.40
Manchester	12.65	22.27	0.62	0.11	21.62	13.97	2.28	1.40	0.08	2.39	6.96	9.97	5.69
Leeds	17.50	28.02	0.64	0.14	23.91	12.00	3.61	1.57	0.06	2.38	4.87	3.91	1.39
Sheffield	24.57	19.87	0.83	0.05	17.29	13.67	3.78	1.22	0.05	2.54	13.32	2.72	0.09
Nottingham	10.67	28.97	0.86	0.14	23.12	7.95	1.95	1.23	0.18	3.54	14.26	4.22	2.91
Birmingham	7.16	36.87	0.30	0.03	17.02	12.99	2.76	1.70	0.13	2.43	10.15	4.06	4.42

**4.6 4. Other SEN Provision (+£0.219m adverse):** The demand for Pre 16 jointly commissioned placements in Independent Non Maintained / Specialist settings (INMSS) for those with the highest level of needs has continued to increase but is below comparators. 56 Pre 16 aged children currently attend INM placements, 26 Post 16 aged young people attend INMSS placements and 6 Post 16 aged young people attend IS placements. See **Table 5a** and **Table 5b** below.

**Table 5a: Children and young people with EHCPs in INMSS (Education only commissioned)**

Number of INMSS Placements	2017/18	% YP Population	% YP Population	% YP SEND Population
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		(under 18)	(under 25)	(from DfE data)
Bristol	74	0.08%	0.05%	3.4%
Bournemouth	7	0.02%	0.01%	0.7%
Dorset	188	0.24%	0.18%	10.0%
North Somerset	95	0.22%	0.17%	11.1%
Swindon	63	0.13%	0.10%	3.5%
Wiltshire	135	0.13%	0.10%	4.5%

**Table 5b: Bristol Joint Commissioned INMSS placements**

Placement type	Places 2014/15	Places 2015/16	Places 2016/17	Places 2017/18	Places 2018/2019
Pre 16 INM	21	40	42	52	56
Post 16 INM	18	33	46	30	26
ISP	31	16	10	9	6
<b>Total</b>	<b>70</b>	<b>89</b>	<b>98</b>	<b>91</b>	<b>88</b>

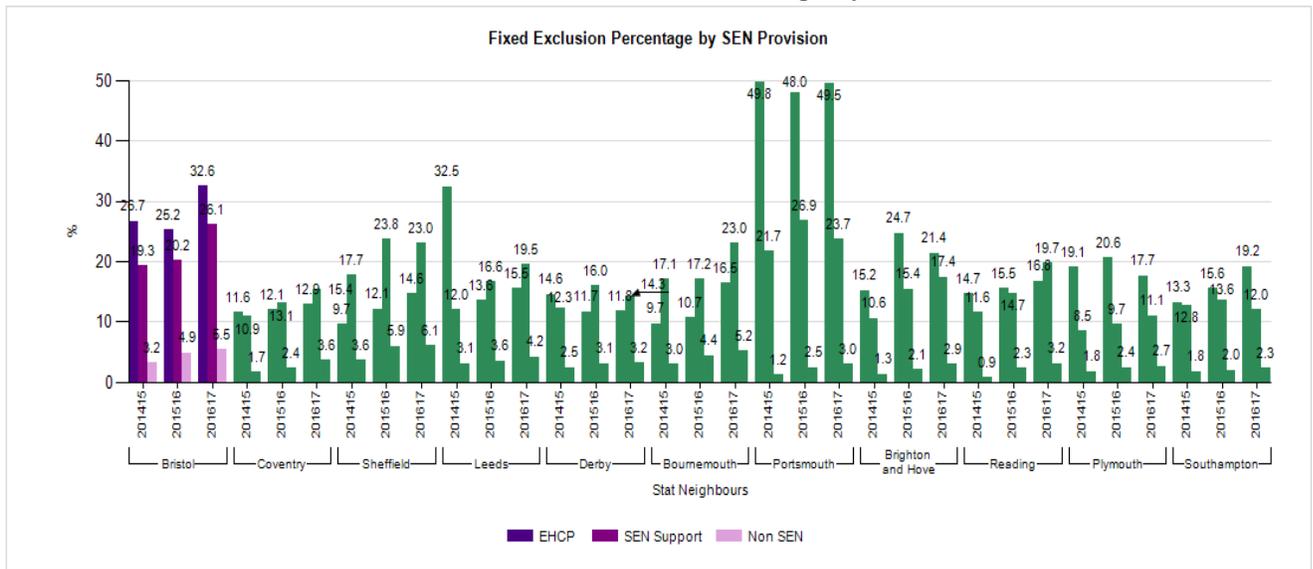
4.7 These figures are also indicative of the shortage of local specialist provision places in Bristol at present, which is being addressed with partners and providers in line with SEND Capital planning. It should be noted that these placements are quality assured by education, health and social care throughout the year to ensure provision and high aspirations, as well as achievement of education and other outcomes expected are delivered, whilst also providing the local authority with value for money.

4.8 Transition planning and access to local FE placements have meanwhile improved so that placements and progress in relation to preparation for adulthood and clear pathways into independence are the focus of EHCP reviews for children aged 14 years and over. This also ensures that children and young people who have SEND and the highest needs return to their communities as soon as is appropriate and access the right provision at the right time.

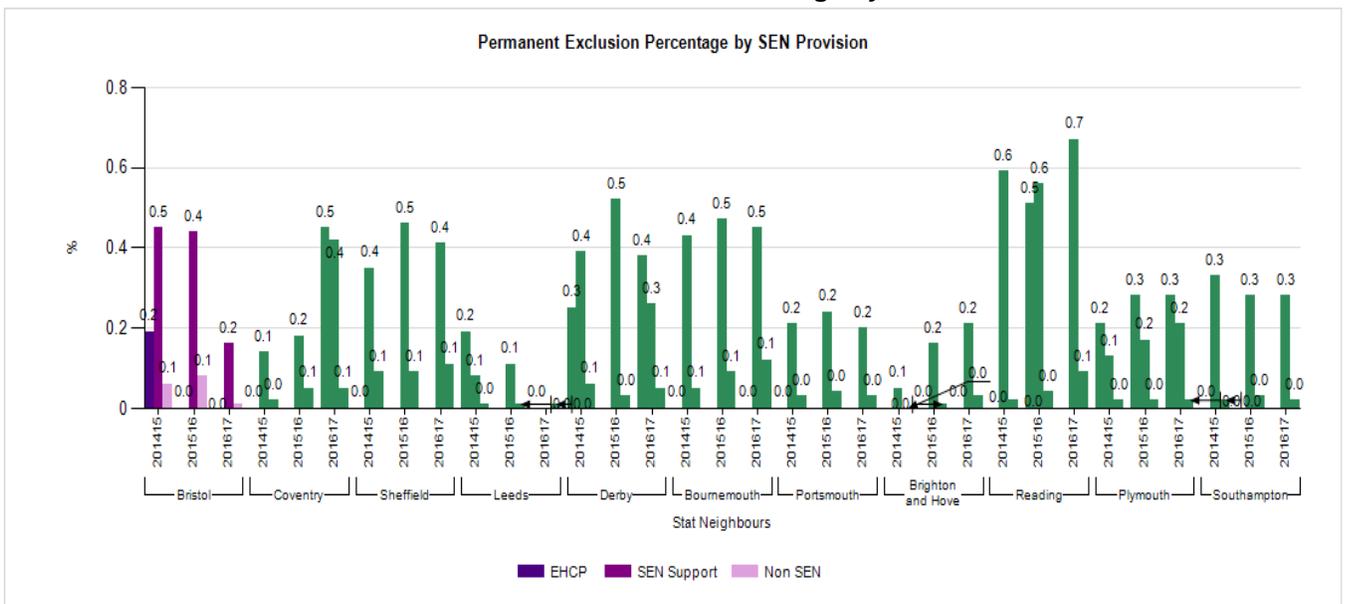
4.9 **5. Other AP Provision (+£0.168m adverse).** The demand for Early Intervention Bases support has remained high with an additional £0.168m being spent on this provision. These figures correlate with the actual spend on SEN Top Up within this period and comparative data for fixed term and permanent exclusions in comparison to statistical neighbours (set out in Tables 6a and 6b). Fixed term exclusions for children and young people with EHCPs have increased in recent years by 30% and 48% for those with SEN support. Permanent exclusions for those with EHCPs have reduced to zero in 2016/17 and that is still the case and for those with SEN support it has reduced by half.



**Table 6a: Fixed Exclusion Percentage by SEN Provision**



**Table 6b: Fixed Exclusion Percentage by SEN Provision**



4.10 **6. SEN services (+£0.030m adverse).** SEN Equipment and Therapy costs have increased in line with assessed needs (the numbers of children and young people who have SEND with specific equipment or therapeutic needs that are beyond core service offers) and inflation. Staffing figures have increased somewhat within High Needs Services in order to respond to the needs of the Local Area particularly to address timeliness of EHCP processes. This included an additional 6 fixed term SEND Casework Team staff, back-fill for a FTE SEND Operational and Planning Manager to undertake High Needs project work and an additional 65 hours of Educational Psychologist time for 12 months, agreed as of January 2019.

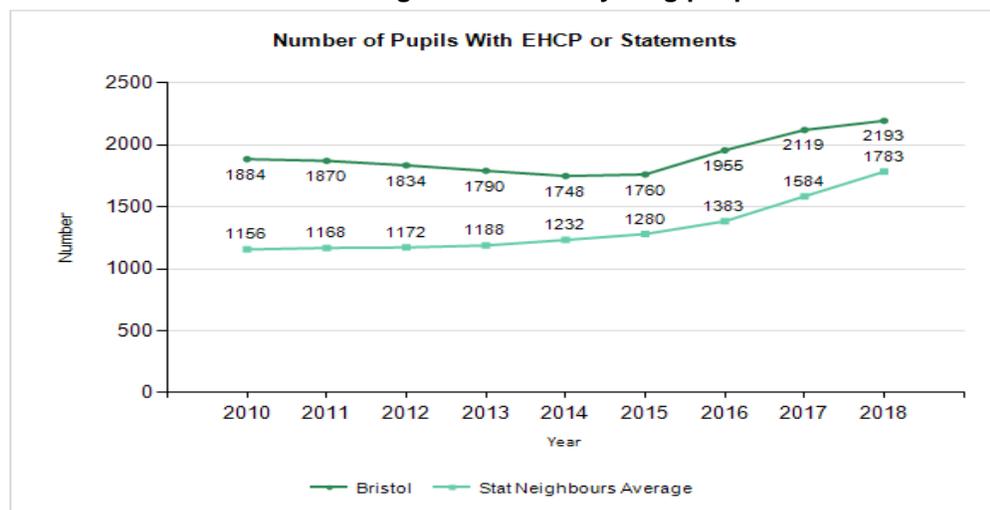
4.11 PeopleToo (a consultancy firm commissioned by the local authority to review High Needs Services and staffing capacity, among other educational things) is due to be complete its review by the end of January 2019 and feedback will be provided at the next Schools Forum meeting.

4.12 Bristol's cohort of children and young people who have SEND and high needs (**Tables 7a and 7b**) remains consistently high compared to statistical neighbours.

**Table 7a: Number of children with SEN as at October 2018 census**

Level	Number of children with SEN
EHCP	2,437
SEN Support	7,542
Disability without SEN	1,189
<b>Total</b>	<b>11,168</b>

**Table 7b: Bristol's School Age children and young people with EHCPs:**



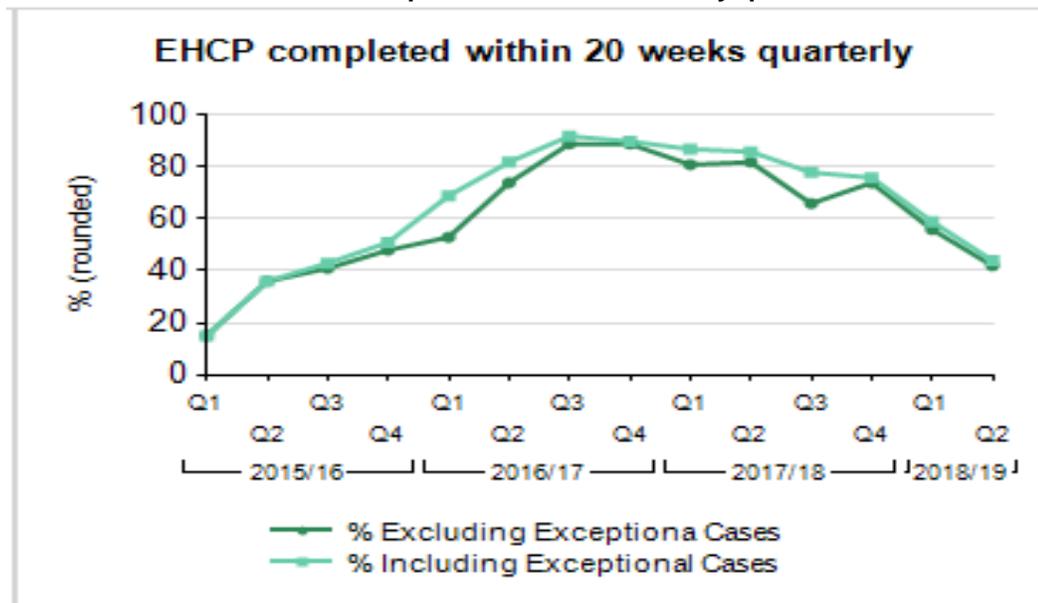
4.13 Requests for statutory EHC Needs Assessments have continued to increase which continues to place an equally high level of demand on children and adult education, health and social care services, who along with young people and families are all involved in this process. **Table 8** indicates the increased complexity of needs reflected in the higher proportion of assessments meeting the agreed thresholds.

**Table 8: Numbers of requests for Education, Health and Care Assessments**

Year	2016	2017	2018	2019
Total requests received	514	427	570	9
Yes to Statutory EHC Needs Assessment	239	238	428	0
No to Statutory EHC Needs Assessment	275	189	66	0
Awaiting Panel decision	N/A	N/A	N/A	94

4.14 **Table 9** below demonstrates the impact that this has had on Local Area EHCP timescale performance. In order to address performance issues, we have increased the Educational Psychology resources and for SEND case workers, further action will be taken in the light of the consultants' review. Information from the new SEND Data Dashboard will also be available to Schools Forum.

**Table 9: EHC Plans completed within 20 weeks by quarter since 2015/16**



## 5. High Needs assessed financial position for 2019/20

5.1 **Table 10** sets out the anticipated High Needs Budget position for 2019/20, which shows an unchanged gross spend of £58.187m from the last Schools Forum update in November 2018.

**Table 10: High Needs Budget position for 2019/20**

<b>Component</b>	<b>Adj Period 7 Forecast 2018/19 £'000</b>	<b>Forecast 2019/20 £'000</b>	<b>Change (Adverse = +ive) £'000</b>
1. Places only	15,469	16,942	1,473
2. SEN Top-ups	23,802	25,714	1,912
3. AP Top-ups	806	1,039	233
4. Other SEN provision	6,307	6,568	261
5. Other AP provision	4,816	4,624	-192
6. Services	3,146	3,300	154
<b>Total Commitment</b>	<b>54,346</b>	<b>58,187</b>	<b>3,841</b>
Brought Forward	-2,055	-947	1,108
DSG Funding (gross) *	55,454	55,780	326
<b>Total Funding</b>	<b>53,399</b>	<b>54,833</b>	<b>1,434</b>
<b>Overspend (cumulative)</b>	<b>947</b>	<b>3,354</b>	<b>2,407</b>

5.2 **Appendices 1 and 2** include more detail about the activity levels, cost drivers and risks associated with each of the six main areas of the high needs budget.

5.3 There are additional changes with the Secretary of State's announcement of £350m of additional funds to High Needs DSGs, with Bristol allocated £0.983m for the remainder of this financial year as well as for 2019/2020. This will improve the underlying position by £2m in the short term only. Taking into account the Free School additional funding which will adversely impact on the HNB, the previously forecasted deficit in November 2018 of £4.9m (after taking account of £2.566m transfers agreed at that meeting) is now a £3.3m deficit at the end of financial year 2020.

5.4 The £2m funding provided so far was from the first £250m of the £350m announced by the DfE in December 2018. The remaining £100m is for SEN capital funding and details about it are yet to be released. <https://www.gov.uk/government/publications/letter-from-the-secretary-of-state-to-local-authorities>

5.5 The Secretary of State invited authorities to revisit any decisions that had already been made to transfer funding between blocks for 2019/20 in the light of this additional High Needs DSG.

5.6 Whilst we welcome the additional funding made available from the Department for Education, we have been calling on national government to increase the SEND budget to support children and young people with the highest level of needs. Current funding levels have meant Bristol continues to face a funding shortfall and is looking at how we can sustain our services and provision during a period of increasing demand. Although this new announcement represents a much needed injection of funds, it does not provide the long-term national commitment we need to sustain the services and statutory financial commitments for many years ahead. Therefore, the authority is not proposing to reverse this decision.

## **6. High Needs Transformation Project Work Reflecting these Pressures**

6.1 As discussed at the previous Schools Forum in November 2018 report, we will be carrying out four co-produced and collaborative High Needs project-based reviews throughout this academic year to continue to drive improvements and deliver transformation plans that are aligned with Social Care and the CCG. Schools Forum as well as Local Authority Governance Boards will continue be updated throughout the process. A progress report is detailed in **Appendix 3**.

6.2 All High Needs Transformation projects involve:

- Full project plans
- Stakeholder engagement/ surveys
- Data analysis
- Equalities Checks and Impact assessments which are updated as the projects progress
- Progression of drafts through Council Decision Pathways (Governance) for sign-off by Finance, Legal, HR and Public Relations
- Public consultation, with alternative formats were necessary
- Sign off of final models through Council Decision Pathways (Governance)
- Workforce development prior to implementation
- A period of review following implementation in order to assess and evaluate impact.

## **7. Conclusions**

7.1 The consequences of increasing demand and cost pressures have significant implications for the already overspent High Needs Block. Mitigating actions, as detailed in the report and outlined in the High Needs Strategy and Transformation Programme mean that after taking account of the 2019/20 High Needs DSG, the forecast overspend from

2018/19 and the transfers from other blocks for 2019/20, the headline **cumulative deficit by the end of March 2020 would be £3.3m.**

## Glossary of Terms

**City Outcome:** *What is the proposed outcome for the city and how does this contribute to the Corporate Plan?*

- **Empowering and Caring:** Safeguarding and promoting the welfare of children and young people with SEND and equipping the children and young people in our care with the skills and tools to live fulfilling, successful, and rewarding lives.
- **Fair and Inclusive:** Demonstrating due regard to the need to eliminate discrimination, advance equality of opportunity and continue to improve outcomes across education, health and social care for children and young people with Special Educational Needs and/ or Disabilities aged 0-25 years. To ensure everyone has access to a high quality education with appropriate levels of support and resources. Reducing in the gap between disadvantaged pupils (including pupils with special educational needs, disability and children in care) and the Bristol Average at Key Stage 4. An increase in the proportion of young people who have experience of work/apprenticeship by school age 16.
- **Well connected:** Supporting social inclusion and community cohesion for children and young people with SEND, and their families.
- **Wellbeing:** Children and young people with SEND aged 0-25 years and their families will have access to appropriate support for their needs from birth and will be better able to co- ordinate support around the child, achieve better outcomes and make firm plans for their future. Encourage life-long learning in environments where both academic and emotional development are understood and delivered together and increase overall educational performance.

**Health Outcome summary:** not applicable

**Sustainability Outcome summary:** not applicable

**Equalities Outcome summary:** No savings are planned and therefore these proposals and processes employed aim to minimize any impact on protected groups within the next financial year. All project work streams have completed equalities checks and draft initial Equalities Impact Assessments that will evolve as each project progresses.

**Impact / Involvement of partners:** consultation with schools as well as wider stakeholders and partners is indicated in the report

**Consultation carried out:** This report is part of the engagement with schools and other partners prior to this matter being considered by Cabinet and Council.

**Legal Issues:**

**Financial Issues:** The forecast financial position suggests a continued budget pressure in this area. A strategy has been outlined, but there are no guarantees that this will resolve the underlying shortfall in the budget, nor address the historic deficit.

The proposal to use 2020/21 DSG in advance is permissible under the DSG regulations. It would not normally be regarded as a prudent measure to commit future funding in advance. Nonetheless, there is an acceptance that the available funding for the High Needs budget, taking the brought forward position, the High Needs DSG for 2019/20 and the transfers from other blocks is below the level of expected spending on High Needs. There are no savings proposals included in the budget. Spending is based on current policies and current rates of payment to schools, taking account of expected changes to numbers of children. In theory, £58.2m is the forecast spend on these principles, so increasing the budget ought to be neutral to the outturn, which points to a cumulative deficit of £3.3m.

The main benefit of using 2020/21 DSG in advance is that this allows the authority to include the full expected spend in the Section 251 submission of schools budgets to the DfE, providing evidence of the shortfall between spend and DSG, should the DfE decide to undertake a re-baselining exercise during 2019/20.

# Appendix 1

## Forecast High Needs DSG position 2019/20

- Appendix 1 and Appendix 2 look at the components of the High Needs Forecast for 2019/20, which is proposed to be the budget for approval.
- It has then considered, for each component:
  - Activity based costs
  - Underlying position for 2019/20
  - Cost drivers
  - Any natural changes

Component	Period 7 (adj) Forecast 2018/19 £'000	Forecast 2019/20 £'000	Difference £'000
1. Places only	15,469	16,942	1,473
2. SEN Top-ups	23,802	25,714	1,912
3. AP Top-ups	806	1,039	233
4. Other SEN provision	6,307	6,568	261
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<b>Total Commitment</b>	<b>54,346</b>	<b>58,187</b>	<b>3,841</b>
Brought Forward	-2,055	-947	1,108
DSG Funding (gross) *	55,454	55,780	326
<b>Total Funding</b>	<b>53,399</b>	<b>54,833</b>	<b>1,434</b>
<b>Overspend (cumulative)</b>	<b>947</b>	<b>3,354</b>	<b>2,407</b>

Note \*: Includes budget agreed by Cabinet in October 2018 and EFSA High Needs Block for 2019/20 and agreed transfers.

# Appendix 2.1 Core Place Funding

2019/20 Forecast  
**£16.942m**

## Activity Based Costs

2019/20	No. of places April 19	No of places Sep-19	Rate (£)	Forecast Cost 2019/20 £'000
Special Schools (Pre-16)	944	964	£10,000	£9,557
Special Schools (Post-16)	116	106	£10,000	£1,102
EiBs (Pre-16)	15	15	£10,000	£150
Resource Bases (Pre-16) filled places	177	165	£6,000	£1,020
Resource Bases (Pre-16) unfilled places	25	24	£10,000	£244
Resource Bases (Post-16)	51	43	£6,000	£278
FE places	484	475	£6,000	£2,868
Pupil Referral Units	181	166	£10,000	£1,723
Total of £10k places	1,323	1,309	£10,000	£12,776
Total of £6k places	670	634	£6,000	£4,166
<b>Total</b>	<b>1,993</b>	<b>1,943</b>		<b>£16,942</b>

Schools Forum – 16<sup>th</sup> January 2019

High Needs Budget Paper



# Appendix 2.1 Core Place Funding

2019/20 Forecast  
**£16.942m**

## Considerations

Cost Drivers	Risks
<ul style="list-style-type: none"><li>• Number of planned places at £10k each for pre-16 and all Special Schools and £6k each for post 16.</li><li>• Import/Export adjustment implemented for Special School settings where OLA occupy spaces. This does not apply to resource bases.</li><li>• The free school funding is now allocated to LAs as per the guidance and spend is included within the forecast</li></ul>	<ul style="list-style-type: none"><li>• The rates are determined by the EFA.</li><li>• Places filled by out of authority pupils must still be funded by the LA area that the school is in.</li><li>• High levels of occupancy could result in in-year increases.</li><li>• FE numbers are particularly difficult to predict.</li></ul>

## Appendix 2.2 SEN Top-ups

2019/20 Forecast  
**£25.714m**

### Activity Based Costs – Summary of all SEN Top-ups

Summary forecast	No of pupils	Average	Total cost
			£'000
Special	869	£18,025	£15,664
Resource Base	206	£9,238	£1,903
Mainstream	909	£4,269	£3,881
Other Local Authorities	126	£11,905	£1,500
Further Education	537	£4,955	£2,661
Provision for additional E2 cases			£105
<b>Total forecast for 2019/20</b>			<b>£25,714</b>

## Appendix 2.2

# SEN Top-ups

# 2019/20 Forecast

## £25.714m

## Considerations

### Cost Drivers

- Actual pupils while they are in the school at full cost of their additional SEN, less £6k for the Element 2 which is to be met by the school. For specialist settings it is the combined unit cost of the facility at a particular occupancy level, less £10k for elements 1 & 2.
- DfE expect the funding to go to the setting only for as long as they are there in as near to real time as possible.
- The current forecast includes an element of growth – data suggests that of the potential 250 EHCP conversions likely to occur in 19/20 100 would be new draws on top up funding. Of these 40% would be in special settings at average rate of £18k and 60% mainstream at average £5k per top up.
- Also a further 89 fte non-EHCP cases are forecast to require funding during 2019/20 at a cost of £0.4m.
- Numbers of GFE are increasing from 461 to 537 including internships

### Risks

- The Local Authority is responsible for the Element 3 cost of every High Needs pupil, in accordance with the LA's assessment of need (usually through the Education Health and Care Plan).
- Actual numbers of pupils who are eligible for funding support will vary.

**Schools Forum – 16<sup>th</sup> January 2019**

High Needs Budget Paper



## Appendix 2.3 AP Top-ups

2019/20 Forecast  
**£1.039**

### Activity Based Costs -PRU

	No of Places Apr to Aug	No of Places Sept to Mar	Band 3 rate	PRU Total costs 2019/20 £'000
Total pupil units	111	99	£10,000	£1,039

## Appendix 2.3 AP Top-ups

2019/20 Forecast  
**£1.039m**

### Considerations

Cost Drivers	Risks
<ul style="list-style-type: none"><li>• The cost of the place at the PRU, less the £10,000 elements 1&amp;2 provided to the PRU.</li><li>• DfE expect the funding to go to the setting only for as long as they are there in as near to real time as possible.</li><li>• The Bristol improvement panel actions have contained costs within 18/19 and it has been assumed this will continue in 19/20.</li><li>• It is assumed that occupancy levels will be at 85% and at band 3.</li></ul>	<ul style="list-style-type: none"><li>• The Commissioner is responsible for meeting the Element 3 cost.</li><li>• Volatility of these placements makes it difficult to predict the spend.</li><li>• There is a national picture of increasing demand for alternative provision.</li></ul>

## Appendix 2.4 Other SEN Provision

2019/20 Forecast  
**£6.568m**

### Activity Based Costs – Independent and Non-Maintained Schools

	Pupils	Average rates	Total costs 2019/20 £'000
Independent Non-maintained Schools – Pre 16	51.3	£67,105	£3,442
Independent Non-maintained Schools – Post 16	33.0	£59,909	£1,977
INM Prevent inc Direct payments	-	-	£345
Individual Specialist Places	9.5	£74,555	£708
SEN Equipment	-	-	£96
<b>Total forecast for 2019/20</b>	<b>93.8</b>		<b>£6,568</b>

## Appendix 2.4 Other SEN Provision

2019/20 Forecast  
**£6.568m**

### Considerations

Cost Drivers	Risks
<ul style="list-style-type: none"><li>• Agreed price for a place between the LA and the setting</li><li>• Agreed proportion of the overall costs where the placement involves health and/or social care, too.</li><li>• Providers have made early indication of inflationary increase of 2%, consistent with corporate assumptions.</li></ul>	<ul style="list-style-type: none"><li>• The market will determine what providers are willing to accept as a price.</li><li>• Cost of a place in the DSG is often accompanied by a transport cost to the GF.</li><li>• The forecast is based on 18/19 cohort plus indexation. There is limited availability of placements in the independent market. There are pressures within Social care placements which may have an impact on Education placements.</li></ul>

## Appendix 2.5 Other AP Provision

2019/20 Forecast  
**£4.624m**

### Activity Based Costs - Alternative Provision

	Pupils	Average rates	Total costs 2019/20 £'000
Hospital Tuition	-	-	£2,155
Alternative Provision – Block contracts	90	£11,950	£1,075
Alternative Provision – Spot contracts	119	£7,992	£943
Early Intervention Bases	37	£10,000	£450
<b>Forecast 2019/20</b>	<b>246</b>		<b>£4,624</b>

## Appendix 2.5 Other AP Provision

2019/20 Forecast  
**£4.624m**

### Considerations

#### Cost Drivers

- Hospital Tuition is largely staffing costs, but funding levels do not seem to be linked to actual numbers of pupils
- Early Intervention Bases are paid a fixed sum per place
- Spot contracts are a price per actual pupil in provision plus 2% inflationary increase
- Block contracts are an agreed total price for a set number of places plus 2% inflationary increase.
- The Bristol improvement panel actions have contained costs within 18/19 and it has been assumed this will continue in 19/20.

#### Constraints

- Funding for hospital tuition is subject to the MFG, but this is on an amount per place basis.
- Block contracts mean that costs are incurred, regardless of whether places are filled.
- There is a national picture of increasing demand for alternative provision.

## Appendix 2.6 Services

2019/20 Forecast  
**£3.299m**

### Activity Based Costs - Services

	Total costs 2019/20 £'000
TWS Commissioning – Educational Psychology	£558
Therapies	£300
Additional Learning Needs Team costs (offset by buyback)	£973
Hope Virtual School	£235
ALN Commissioning – ASDOT	£278
ALN Commissioning – Sensory Support	£591
ALN Commissioning – Youth Offending Team	£57
PFI	£307
<b>Forecast position 2019/20</b>	<b>£3,299</b>

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## Appendix 2.6 Services

2019/20 Forecast  
**£3.299m**

### Considerations

#### Cost Drivers

- The four commissioned services are mainly Council services mostly comprising staffing costs.
- ALN and Hope are staff and operating costs
- Therapies
- Tribunal costs are fees

#### Constraints

- There will be an element of ALN team costs that is necessary to manage, co-ordinate and develop policy in the High Needs sector.

## Appendix 3: High Needs Transformation Programme

### Bristol's approach to raising aspirations and achieving improved outcomes for children & young people who have Special Education Needs and or Disabilities (SEND) and High Needs.

**Outcome:** Children and Young People (CYP) who have SEND and high needs are appropriately supported, safe from harm, have high quality learning opportunities and have the skills for life leading to meaningful paid employment and fulfilment in their independent lives.

Why promote inclusion?	Outputs of successful inclusion	Activities: what do we need to do to get there?	January 2019 progress review
<ul style="list-style-type: none"> <li>Improve Early Years, Schools Age and Post 16 educational provision for children and young people who have SEND and high needs</li> <li>Improve educational attainment and outcomes for children and young people who have SEND and high needs</li> <li>Improve attendance and reduce persistent absence as well as fixed term exclusions for children and young people who have SEND and high needs</li> <li>Improve life opportunities for children and young people who SEND on leaving education</li> <li>Ensure Preparation for Adulthood is planned from the earliest years</li> <li>Improve pathways into employment or meaningful adult activity for children and young people who have SEND and high needs</li> <li>Ensure that the views and aspirations of all children and young people who have SEND and those of their families are understood and is central to person-centred planning</li> </ul>	<ul style="list-style-type: none"> <li>Children and young people who have SEND can attend their nearest most appropriate local education setting</li> <li>Consistent standard and approach to identifying and supporting children and young people who have SEND and high needs at SEN Support level using the Bristol SEN Support Plan and appropriate Multi-Agency involvement</li> <li>Early Years, School Age and Post 16 education settings confidently and successfully support children and young people who have SEND and high needs and that the impact of support is evidence by improved personal progress</li> <li>Consistent standard and approach to reviewing SEN Support Plans</li> <li>Transparent approach to awarding high needs funding for identified needs and those who have the highest needs</li> <li>Consistent standard and approach to issuing high quality personalised EHC Plans</li> <li>Consistent standard and approach to reviewing EHC Plans</li> <li>Fewer out of area education and social care placements</li> <li>Increased choice &amp; control through using personal budgets</li> <li>Empowered children, young people &amp; parent carers – emphasis on hearing, understanding and acting on views and aspirations</li> <li>Ensure that the children and young people who need it most are prioritised for Top Up funding which is focused on meeting their individual needs</li> <li>Parents, carers, young people and professionals have a clear, shared understanding of how all children and young people, including those who have SEND and the highest needs, should be supported by the education settings they attend, and the additional support available across the Local Area</li> </ul>	<p><b><u>'Investing in our high needs children and young people' initial engagement survey.</u></b>  <a href="https://bristol.citizenspace.com/adults-children-and-education/high-needs-children-and-yp-2018/">https://bristol.citizenspace.com/adults-children-and-education/high-needs-children-and-yp-2018/</a></p> <p><b><u>Top Up Funding</u></b></p> <ul style="list-style-type: none"> <li>Review the Bristol Universal Descriptors, so that all education settings from 0-25 have clear guidance on Quality First Teaching, Graduated Approach, early identification and early intervention of special educational needs which may require an EHC Needs Assessment and or Education Health and Care plan.</li> <li>Review the process of application, panelling and funding of Top Up for all mainstream and specialist Early Years, School Age and GFE/ Post 16 Top Up arrangements for all education providers.</li> </ul> <p><b><u>Early Intervention Base Review</u></b></p> <ul style="list-style-type: none"> <li>Review of the EIB Pilot which ended in July 2018, considering the impact of EIBs and Alternative Provision help the children or young people they support as well as whether they provide effective short-term therapeutic support, impact and value for money for both the council and schools. Key areas to include whether attending EIBs or alternative provision helps to reduce fixed term exclusions and persistent absence, improves academic achievement and improves school attendance.</li> </ul> <p><b><u>Hospital Education Service Review</u></b></p> <ul style="list-style-type: none"> <li>Review service to see how BHES is helping the individuals it supports to make progress despite their medical conditions and identify any areas for improvement to delivery.</li> </ul> <p><b><u>Sensory Support Service Redesign</u></b></p> <ul style="list-style-type: none"> <li>We need to ensure that children and young people with hearing impairments, visual impairments or dual/ multi-sensory impairments get the best possible support from Local Area services across Bristol, North Somerset, South Gloucestershire and BANES so that higher numbers of these individuals are successfully prepared for adulthood, experience authentic inclusion in mainstream education as well as the public sector in order to go on and successfully complete further or higher education, training and employment.</li> </ul>	<ul style="list-style-type: none"> <li>Engagement Survey on four key High Needs transformation areas went live 30/11/18 and closes on 13/01/2019. At the time of writing (09/01/2019) we have received 215 responses.</li> <li>BCC Facebook has had 4724 hits and 220 'engaging' with survey.</li> <li>Top Up Stakeholder Engagement Events running on 15<sup>th</sup> &amp; 16<sup>th</sup> January 2019, with wide range of local area professionals including education, health, social care, finance and parent/carer groups.</li> <li>Early Years SEN rates will be considered as part of this work.</li> <li>Inclusion in Education Group will be updated on 31/01/19 on the Top Up survey and engagement event findings.</li> <li>Public consultation is projected to commence in February 2019 and will run for 8 weeks with alternative formats available and events held.</li> <li>Schools Forum will receive full update April 2019.</li> <li>EIB Stakeholder Engagement Event taking place on 25<sup>th</sup> January 2019.</li> <li>Inclusion in Education Group will be updated on 31/1/19 on the survey and engagement event findings.</li> <li>Public consultation is projected to commence in February 2019 and will run for 8 weeks with alternative formats available and events held.</li> <li>Schools Forum will receive full update April 2019.</li> <li>Staff recruitment requirements within the LA means that this work will commence April 2019 – additional staffing and resources agreed as of January 2019 from section 151 reserves</li> <li>Survey feedback will be provided to Inclusion in Education Group in January 2019 and Schools Forum in April 2019.</li> <li>Options appraisal goes to the Joint Operational Group and four commissioners on 28<sup>th</sup> January 2019</li> <li>Inclusion in Education Group will be updated on 31/1/19 on the survey and engagement event findings.</li> <li>Schools Forum will receive full update April 2019.</li> <li>Public consultation will take place in March to May 2019.</li> <li>Proposal and recommendations will go through Bristol, North Somerset, South Gloucestershire and BANES governance pathways in July 2019, along with a full management of change.</li> <li>Workforce development will take place between September and December 2019 across the four local authorities, ready for a new service start in January 2020.</li> </ul>

**Bristol Schools Forum**  
**Early Years DSG Funding 2019/20**

**Cabinet 22<sup>nd</sup> January 2019**  
**DSG budget report**  
**APPENDIX A.5**

<b>Date of meeting:</b>	16 <sup>th</sup> January 2019
<b>Time of meeting:</b>	5 pm
<b>Venue:</b>	City Hall

## **1. Purpose of report**

- 1.1 This report sets out the latest financial position for Early Years DSG for 2018/19 and the proposed budget for 2019/20.
- 1.2 A consultation with settings on the formula to be used for 2019/20 and the priorities for any unspent resource took place in December 2018 until 6<sup>th</sup> January 2019.

## **2. Recommendations**

- 2.1 Schools Forum is invited to:
  - a) Note the arrangements for the Early Years Block for 2018/19 and 2019/20, in particular the point that levels of spend are dependent on levels of participation at future pupil censuses, so budgets will need to allow for this;
  - b) Agree on the proposed use of the £1.504m centrally retained funding within the permitted 5% cap;
  - c) Endorse the proposed formula values and budgets for 2019/20, including the continued inclusion of a local Maintained Nursery School factor;
  - d) Note the support for changes to the rates for Early Years SEN, a matter which will be referred to the High Needs Transformation project on top-ups.

## **3. Early Years budget position 2018/19**

- 3.1 Forecasts for the Early Years budget during 2018/19 have been flagged as “tentative” because of the uncertainties about participation levels and how that would translate into actual costs and income for the year.
- 3.2 Officers have completed an analysis of the May 2018 and October 2018 pupil censuses and have identified the majority of costs arising

from those. 5/12ths of the EY DSG income is generated by the January 2018 pupil census, so that information is known.

- 3.3 The forecast for Period 8 2018/19 incorporates an assumption that participation levels in the January 2019 census will be the same as that for January 2018. The outcome of this analysis is set out in **Table 1** and it suggests that there would be a cumulative surplus on Early Years of £0.985m at the end of March 2019.

**Table 1: Summary forecast of Early Years DSG at Period 8 2018/19**

Component	Funding forecast £'000	Expenditure forecast £'000	Comment
Income 3 and 4 year olds	-31,282		Based on participation in Jan 18 and no change for Jan 19
Income 2 year olds	-3,988		Based on participation in Jan 18 and no change for Jan 19
Mainstream Universal & Extended		9,673	Based on participation in May / Oct 18 no change for Jan 19
Mainstream Deprivation		377	Based on average cost of 19p per hour for mainstream forecast
PVI Universal & Extended		16,641	Based on participation in May / Oct 18 no change for Jan 19
PVI Deprivation		239	Based on average cost of 7p per hour for mainstream forecast
2 year olds expenditure		3,897	Based on participation in May / Oct 18 no change for Jan 19
Central Team		1,480	Based on latest forecast
SEN		1,244	Based on budget
Quality Supplement		881	Based on budget
MNS national factor	-854	1,207	Based on latest forecast
DAF	-97	97	Based on budget
EYPP	-354	354	Based on budget
b/f from 2017/18	-500		Actual brought forward agreed from 2017/18
<b>TOTAL</b>	<b>-37,074</b>	<b>36,089</b>	
<b>Surplus forecast at end of 2018/19</b>		<b>-985</b>	

- 3.4 The January 2019 pupil census has not yet taken place, so the assumption that participation levels will be the same as in January 2018 may not be correct. Nonetheless, 1% less participation than Jan 18 would mean that the surplus was around £0.1m less than indicated in Table 1. Likewise, 1% more participation than Jan 18 would mean that the surplus increased by around £0.1m.

- 3.5 Families are continuing to take advantage of the 30 hours funded provision and officers would be surprised if participation levels in January 2019 were lower than those in January 2018. Table 2 provides some indication of levels of participation in each of the terms.

**Table 2: Participation levels for 3 and 4 year olds January 2018 – January 2019**

Age	January 2018 Part-time equivalent (pte) children	May 2018 Pte children	October 2018 Pte children	January 2019 Pte children (estimated)
3 & 4 YO	9,628.05	11,533.11	7,014.37	9,628.05

3.6 Participation varies between terms. Summer term has the highest level of participation, October the lowest (because 4 year olds will be in Reception classes) with January somewhere in the middle.

3.7 On the basis of this forecast, and the sensitivities around how activity levels will affect the final position, it would appear to be a reasonable conclusion that Early Years will have an underspend at the end of 2018/19.

#### 4. Funding 2019/20

4.1 Schools Forum considered the funding arrangements for Early Years for 2019/20 at its meeting in November 2018. The DfE has confirmed the allocations for 2019/20 which are set out in **Table 3**.

**Table 3: Comparison between latest indicative Early Years DSG for 2018/19 and 2019/20.**

Component	2018/19 EY Block Latest DSG (July 2018)			2019/20 EY Block December 2018 announcement			Difference DSG £'000
	Rate per hour	Part-time equivalen t pupils	Latest DSG £'000	Rate per hour	Part-time equivalen t pupils	Possible DSG £'000	
3&4 Year Old <15 hour provision	£5.70	7,185.35	23,345	£5.69	7,185.35	23,304	-41
3&4 Year Old Supplementary 15 hour provision	£5.70	2,442.70	7,936	£5.69	2,442.70	7,922	-14
2 Year Old provision	£5.43	1,288.40	3,988	£5.43	1,288.40	3,988	0
EY Pupil Premium			354			354	0
Disabled Access Fund			97			100	+3
Maintained Nursery Supplement			854			765	-89
<b>Total indicative EY DSG</b>			<b>36,574</b>			<b>36,433</b>	<b>-141</b>

4.2 The Early Years National Funding Formula has been reducing Bristol's allocation from £6.30 per hour for 3 and 4 year olds in 2016/17 at a rate of 5% a year. This reduction was designed to reach the target value of

£5.69, which is what the pure EYNFF produces. 2019/20 is the point at which the £5.69 per hour figure comes into effect.

- 4.3 For 2 year olds, there is, for another year, no change to the hourly rate for this cohort of children.
- 4.4 For planning purposes, the DfE indicative participation levels for 2, 3 and 4 year olds have been used. Actual DSG funding for 2019/20 will be based on 5/12ths January 2019 census, and 7/12ths January 2020 census. Actual payments to settings will be based on participation levels in each of the May 2019, October 2019 and January 2020 censuses.
- 4.5 No assumptions have been made about funding for Early Years Pupil Premium, Disabled Access Fund or Maintained Nursery Supplement.
- 4.6 The Authority is required to distribute the available funding on the basis of an agreed formula, corresponding to the requirements of the Early Years National Funding Formula. The guidance on how to allocate that funding is explained in the next section.

## **5. How funding must be distributed.**

- 5.1 DfE Guidance on funding for Three and Four Year Olds states that Local authorities:
  - should set a single funding rate (including the same base rate and supplements) for both the universal 15 hours, and the additional 15 hours for working parents of three and four year olds
  - must plan to spend at least 95% of their three and four year old funding from government on the delivery of the government entitlements for three and four year olds
  - must use a deprivation supplement in their local three and four year old formula, and any other supplements used must fall within one of the allowable categories
  - must not channel more than 10% of their funding for three and four olds through funding supplements
  - can continue to use 'lump sums' to distribute Government funding, including the supplementary MNS funding for Maintained Nursery Schools to enable the protection of their 2016 to 2017 funding rates
  - must provide a SEN Inclusion Fund (SENIF) for three and four year olds (which does not count towards the 10% for supplements)
  - must pass on the Early Years Pupil Premium (EYPP) in full to providers for eligible three and four year olds
  - must pass on the Disability Access Fund (DAF) funding in full to providers for eligible three and four year olds

- 5.2 DfE Guidance on funding for disadvantaged Two Year Olds states that:
- there is no 'pass-through requirement' for two year olds
  - there are no compulsory supplements for two year olds, and local authorities are encouraged to fund providers on the basis of a flat hourly rate for all providers
  - Local authorities are not required to establish a SEN Inclusion Fund for two year olds. However, they may wish to do so as part of their provision for children with Special Educational Needs.
- 5.3 DfE Guidance on Funding supplements explains that funding supplements are amounts of funding paid to providers in addition to the base rate to reflect local needs or policy objectives. The total value of funding supplements used must not be more than 10% of the total value of planned funding to be passed through to providers. The allowable supplements are:
- deprivation (mandatory supplement); local authorities must use this supplement to recognise deprivation in their areas
  - rurality or sparsity (discretionary supplement); to enable local authorities to support providers serving rural areas less likely to benefit from economies of scale
  - flexibility (discretionary supplement); to enable local authorities to support providers in offering flexible provision for parents
  - quality (discretionary supplement); to support workforce qualifications, or system leadership (supporting high quality providers leading other providers in the local area); any system leadership supplement should be open and transparent in terms of the process for choosing the 'leaders', the funding arrangements, and the support to be provided
  - English as an additional language (EAL) (discretionary supplement)

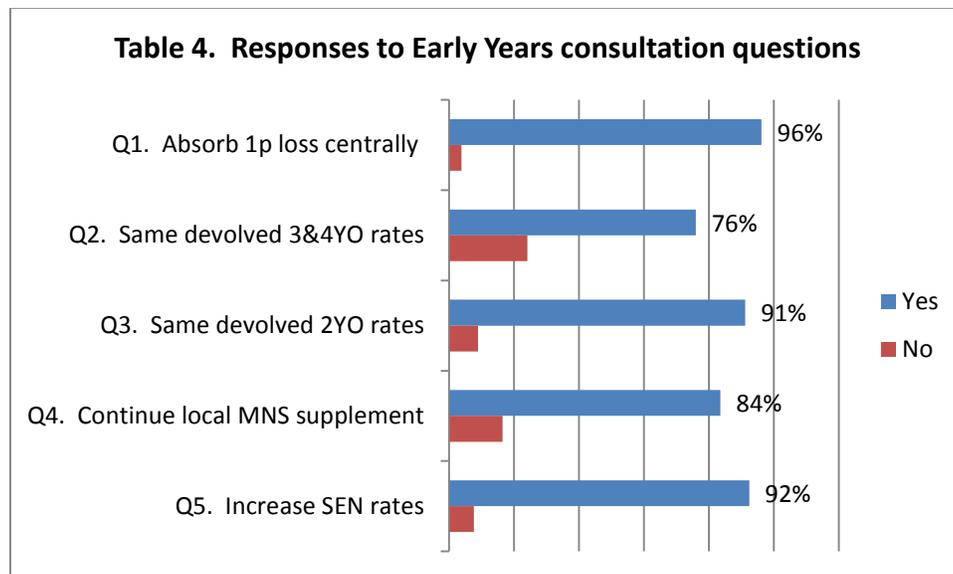
## 6. Funding arrangements for Bristol 2019/20

- 6.1 All Early Years settings were consulted on the funding arrangements for 2019/20 during December 2018, up to 6<sup>th</sup> January 2019. Largely, the proposals were to keep the devolved funding levels the same as those for 2018/19, with the 1p per hour reduction for 3 and 4 year olds being deducted from the funding for the centrally retained sum.
- 6.2 Settings were also consulted about priorities for spending if there were to be unspent funds within the Early Years DSG for either 2018/19 or 2019/20. There were two specific proposals:
- **Local Maintained Nursery School Factor.** During 2018/19 financial year, a sum of £0.5m was earmarked from unspent funds

brought forward from 2017/18 to create a local Maintained Nursery supplement. This was to recognize that the DfE National Supplement for Maintained Nursery Schools had reduced from its original value of £1.297m and was expected to get lower; the December 2018 notification was £0.854m. The most recent 2018/19 cost of the overall factor was calculated to be £1.282m for the 12 maintained nurseries; £0.854m funded from the DfE EY DSG and £0.427m funded from the brought forward amount. The proposal was to continue to include this local factor during 2019/20.

- **Early Years SEN Rates.** There are two issues about the SEN rates. The first is that the rates are not sufficient to cover the cost to settings of the Foundation Living Wage. The second is that the range of SEN needs funded by the Early Years DSG goes beyond the “emerging needs” which is expected and includes some aspects of what the High Needs budget should pay for. The proposal was to increase the Early Years SEN hourly rates to settings.

6.3 **Appendix 1** sets out the consultation paper and the responses to it. There were 79 respondents to the consultation and a majority of respondents were supportive of each of the proposals, as set out in Table 4.



6.4 The appendix includes the comments made and Schools Forum is invited to consider these. The key issues to emerge are set out below.

- **General comments** – there is a recognition that central Government have a responsibility to increase funding rates to a realistic level and that the Early Years National Funding Formula (EYNFF) should be

index linked so that funding for EY settings can keep pace with inflation. It was suggested that Bristol City Council should take a more proactive lead in campaigning nationally for a better system. A useful suggestion was that the Free Early Education Entitlement (FEEE) should be promoted as 'funded' rather than 'free' hours to manage the expectations of parents. Without increased flexibility for settings to use 'top-up' funding, feedback implies that there is a risk that settings could close or withdraw from the free childcare offer.

- **Two Year Olds** - a recognition that this offer is under-funded and a suggestion to use the underspend to increase the base rate for two year olds as a few other authorities, including Newham, have done.
- **Quality Supplement** – although broadly accepted, a better understanding of the System Leadership model is needed so that settings can see how they benefit, both directly and indirectly, from the Quality Supplement. There is a real commitment to quality across the sector but releasing staff for Continuing Professional Development (CPD), including network and cluster events, is a genuine challenge for settings – perhaps we could make this a focus of a potential funding bid to the DfE Early Outcomes Fund.
- **Deprivation Supplement** – positive comments on the principle of directing additional funding to areas of deprivation but a request for more information (in an accessible format) on how this factor is calculated.
- **SEND** – a general consensus that more funding is needed to appropriately support children with SEND, and agreement to this proposal as long as Private, Voluntary and Independent (PVI) settings are included. Some schools are providing SEND places at a significant 'loss' so that children can access the offer locally.
- **Maintained Nursery School Supplement** – there is still a lack of understanding regarding MNS funding and the rationale for the supplement, with some responses indicating that MNS already receive a higher hourly rate (which was the case before the introduction of the EYNFF, but is no longer so) - improved communication around this is needed and the key role of MNS through the System Leadership model, including support for children with SEND placed in neighbouring PVI settings.

6.5 In the light of the consultation and the reassessment of the potential underspend for 2018/19 in Early Years DSG, the following budgets are proposed at this stage for 2019/20.

- Funding for 3 and 4 year olds at **£31.226m**, as per **Table 5**, including £1.482m retained centrally. The formula to be used for settings is the same as for 2018/19.
- Funding for 2 year olds at **£3.988m**, as per **Table 6**, including £22k retained centrally. The formula to be used for settings is the same as for 2018/19.
- Pupil Premium to be paid at national rates, with a budget of **£0.354m** for 2019/20.
- Disabled Access Fund to be paid at national rates, with a budget of **£0.100m** for 2019/20.
- Maintained Nursery Supplement to continue to be based on protecting the 12 nursery schools at the 2016/17 rate for universal (and extended) hours plus deprivation. The cost of this will vary depending on pupil numbers, but **£1.282m** to be budgeted for 2019/20, funded £0.765m from the DSG and £0.517m from expected unspent Early Years DSG in 2018/19.

**Table 5: Proposed funding rates and estimated budgets for 2018/19 and 2019/20  
(3 and 4 Year olds)**

<b>Component of 3 and 4 year old funding</b>	<b>2018/2019 Hourly rates (£p)</b>	<b>Original 18/19 Allocation based on 9,093.66 pte pupils £'000</b>	<b>Revised 18/19 allocation based on 9,628.05 pte pupils £'000</b>	<b>Proposed 2019/20 Hourly rates (£p)</b>	<b>Proposed 19/20 Allocation based on 9,628.55 pte pupils £'000</b>
3 and 4 year olds base allocation per part-time equivalent pupil (15 hours)	£4.88	£25.295m	£26.781m	£4.88	£26.781m
Deprivation Supplement (part of 10% devolved limit)	£0.13	£0.674m	£0.713m	£0.13	£0.713m
Quality Supplement (part of 10% devolved limit)	£0.16	£0.881m	£0.878m	£0.16	£0.878m
Emerging SEN	£0.25	£1.244m	£1.372m	£0.25	£1.372m
LA centrally retained funding (5% of gross funding)	£0.28	£1.451m	£1.537m	£0.27	£1.482m
<b>Total funding for each pte pupil</b>	<b>£5.70</b>	<b>£29.545m</b>	<b>£31.282m</b>	<b>£5.69</b>	<b>£31.226m</b>

**Table 6: Proposed funding rates and estimated budgets for 2018/19 and 2019/20  
 (2 Year olds)**

Component of 2 year old funding	2018/19 Hourly rates (£p)	Original 18/19 allocation based on 1,486.40 pte pupils £'000	Revised 18/19 allocation based on 1,288.40 pte pupils £'000	Proposed 2019/20 Hourly rates (£p)	Allocation based on 1,288.40 pte pupils £'000
Retained to administer 2 year old arrangements	£0.03	£0.025m	£0.022m	£0.03	£0.022m
2 year olds base allocation per part-time equivalent pupil (15 hours)	£5.40	£4.575m	£3.966m	£5.40	£3.966m
<b>Total funding for each pte pupil</b>	<b>£5.43</b>	<b>£4.600m</b>	<b>£3.988m</b>	<b>£5.43</b>	<b>£3.988m</b>

6.6 **Emerging SEN.** At this stage, a decision on changes to the SEN rates for Early Years is not proposed for two reasons:

- **Certainty of the underspend.** While it is expected that there will be an underspend in Early Years for 2018/19, the size of it cannot be guaranteed. Moreover, the further erosion of the DSG for Maintained Nursery Schools supplements by £0.1m has increased the cost of this proposal. If Early Years does underspend and a decision is made to proceed at that point, changes to the SEN rate could be backdated to 1<sup>st</sup> April 2019.
- **High Needs strategy.** Early Years DSG should only be paying for emerging needs, not high needs. Any changes to High Needs funding should be consistent with the overall approach and should emerge from the top-up project within the High Needs Transformation programme. This matter should be considered there.

6.7 **Retained budget.** The amount of funding retained centrally within the budget proposals is £1.504m, as per Table 7. Schools Forum needs to confirm their agreement about this budget.

**Table 7: Components of 2018/19 and provisional 2019/20 central spend**

<b>Component</b>	<b>Allocation 2018/19 £'000</b>	<b>Allocation 2019/20 £'000</b>	<b>Change £'000</b>	<b>Comment</b>
Early Years Central Team	£1.276m	£1.304m	+£0.028m	More funding due to higher participation levels; 1p less per hour, pending any new funding for EYDSG
Speech and Language Therapy	£0.200m	£0.200m	Nil	
Contingency / unallocated	£0m	£0m	Nil	
<b>Total central spend</b>	<b>£1.476m</b>	<b>£1.504m</b>	<b>+£0.028m</b>	The 2018/19 figure includes the £1.454m from 3&4 year olds and the £22k from 2 year olds

## 7. Risks

- 7.1 Accommodating the local maintained nursery school supplement from within any unspent Early Years DSG funds in 2018/19 or 2019/20 will create a pressure if such underspends do not materialise.
- 7.2 Funding rates for early years settings have reduced for 3 and 4 year olds in recent years. In 2017/18, the local universal hourly rate was £5.02, for 2018/19 it has been £4.88 and these proposals maintain that rate for 2019/20. Early years settings have to absorb cost pressures like other parts of the education service, so this would represent a real terms reduction in funding.
- 7.3 Proposed funding rates for 2 year olds would represent no change since 2017/18. Again, settings providing early years education for 2 year olds face cost pressures, too.
- 7.4 Additional budget pressures could be created if large numbers of children taking up the 30 hours entitlement are living in areas of deprivation and therefore attracting a higher hourly funding rate.
- 7.5 Take up of the Early Years Free Entitlement is not consistent across the academic year, with fewer children accessing their place in the Autumn Term. It is therefore difficult to predict with any accuracy what the annual take up rate will be.

## 8. Financial implications

- 8.1 The strategic financial position on the Early Years DSG is dependent on linking the levels of activity (eg numbers of part-time equivalent pupils, actual profile of deprivation allocations etc) against the income that will be generated from the variable DSG, sometimes in future terms. Higher levels of participation will generate some leeway for central spend, SEN and quality components of the formula; lower participation than anticipated may produce financial difficulties if the differences are material.
- 8.2 While there is a forecast underspend in Early Years for 2018/19, this is heavily dependent on levels of participation in the January 2019 census. Even if Early Years were to underspend, Schools Forum is expected to consider at year-end whether any such underspend might be used to offset pressures within the High Needs Budget.
- 8.3 The basis for funding early years settings must be established before the start of the financial year, meaning that these risks have to be managed through the year.

## Appendix 1

Early Years Funding consultation took place between Friday 7<sup>th</sup> December 2018 and Sunday 6<sup>th</sup> January 2019. All relevant early years settings were consulted on the issues.

**Table: Number of respondents by type of setting.**

Type of setting	Number of respondents
Academy Nursery Class	3
Childminder	22
Independent School Nursery Class	3
Nursery School	7
Private Nursery	24
School Nursery Class	5
Stand-alone Children's Centre (not on a school site)	5
Voluntary Nursery	10
<b>Grand Total</b>	<b>79</b>

**Question 1. The Department for Education will reduce The Council's hourly rate from £5.70 to £5.69 per hour child in 2019 to 2020. The Council proposes to absorb the 1p reduction from the Central Spend budget (i.e. from the Early Years Team, not from Providers). This is to protect the current EYNFF Provider base rate and supplements. Do you agree?**

Yes = 76 (96%)

No = 3 (4%)

### Comments

Response	Comment
Yes	It is unfair that the council have to absorb the money as the rate of pay received should increase in line with increases on taxes and minimum wage.
Yes	Would be even more sustainable if we had an increase as costs of salaries etc are increasing.
No	"Protecting" the rate would also necessitate indexation to compensate for cost inflation (well above CPI due to NLW changes).
Yes	I don't understand if the council gets £5.69 per hour per child, why do we only get £4.88??
Yes	Bristol would still be "skimming" 14.24% from the hourly rate provided from DfE. I know of other councils who only "skim" 5.11%. There should be scope to absorb the 1p/hour deduction.

Response	Comment
No	For 3 year olds it is only £4.88 per hour whereas almost all childminders need to charge more than this for their business to be viable ( my fees are £5.50 per hour).
Yes	I agree to the support from BCC thank you, but not to the overall cut,
Yes	National funding is woefully inadequate but I believe this is the best the LA can do in response to this particular question.
Yes	I think it is good that the Local Authority are stepping in to absorb the reduction
Yes	We're glad to see BCC absorb the cut and appreciate that effort. We would like to emphasise, however that the rate that is paid to cover 'free' hours is far less than the rate needed to provide the service. Wage inflation is high, particularly in the early years sector, which has a shortage of qualified staff. The cut that central government is imposing will make it even more difficult to make ends meet, risking closure of settings – or withdrawal from the free childcare system.
Yes	It is not clear when minimum wage rises are 4.8% and pension contributions are rising how any cut by central Government can be justified.
Yes	It is not clear when minimum wage rises are 4.8% and pension contributions are rising how any cut by central Government can be justified. I have put yes because you don't give any other options (which presumably is because there aren't any, except reducing by the 1p)

**Question 2. The Council proposes to keep the current base rate for all providers the same in 2019 to 2020: £5.40 per hour per child for Eligible 2 year olds, and £4.88 per hour per child for 3 and 4 year olds Do you agree? (If NO, please add comments)**

Yes = 60 (76%)

No = 19 (24%)

### Comments

Response	Comment
No	I don't think £4.88 is enough to sustain a business providing mostly free places
No	It is unfair that the council have to absorb the money as the rate of pay received should increase in line with increases on taxes and minimum wage.
No	This will only bring added cost to parents/carers as businesses can't run at a loss. Everything else increases food, salaries etc, being in a

Response	Comment
	deprived area it will become difficult to keep offering completely free places.
No	Settings' fixed costs are increasing by above inflation every year. The rate should also be indexed. Current approach delivers a real terms rate reduction every year. Settings also expected to pick up more and more of BCC's responsibilities - so you're asking for more services for less money.
No	£4.88 is below what most childminders are charging per hour right now. Which means less childminders willing to offer the 30 hours or being able to offer only one space.
Yes	With increases in Minimum Wage and Employer pension contributions introduced by the Workplace Pension, it would have been good to see an increase in our funding rates to reflect this but this increase should come from the Government. The money they have received back from under-spend on the TFC should have been redistributed to providers rather than central government
No	Costs are increasing, to name just a few: National Living wages increase by approximately 4.8% (over 25s) Employer pension contributions increase by 1% (3% total) Utilities are due to increase. Insurance will increase. etc
No	For 3 year olds it is only £4.88 per hour whereas almost all childminders need to charge more than this for their business to be viable ( my fees are £5.50 per hour).
No	I believe the rate for 3 and 4 year old should be the same as for 2 year olds.
Yes	Our hourly rate to parents is £5.50. As the payment does not cover costs fewer providers will be willing and able to provide the free hours
No	I would agree if this was 'subsidised childcare' but for any parent who sees this as 'Free' childcare (which is how it has been set up by the Government) and who are not willing to voluntarily top up fees to match my hourly rate, I as a childminder am expected to subsidise childcare for parents which impacts on my own family income. The sooner the government rebrands this as subsidised childcare the better.
No	A rise would be realistic, to be in line with other increases (on costs), but if there is to be no increase from the Government, it will have to stay the same.
No	This is really not a big enough amount for us to cover costs, particularly for the 2-3 year olds. We have a heavily subsidised rent and we still cannot make a profit on this provision with the funding stuck at this rate.

Response	Comment
No	This is much lower than almost all childminders charge.
No	it is getting increasingly hard to manage on this funding, we are finding we are having to send considerably more time on administration required by the council and attending meeting which could be reduced therefore giving us more money to spend on staff working directly with the children.
No	I feel the amount should be higher to truly reflect the cost of childcare in our area.
Yes	I would recommend the LA to increase the base rate for two year olds as a few other authorities, including Newham, have done. Underspend could be used to finance this.
Yes	The rate is still very low and does not cover our costs as a nursery school.
Yes	It would be beneficial for Local Authorities to received increased funding from Central Government
No	It costs more than this per hour to provide Early Years provision.
No	The rates are inadequate to meet the costs of providing the service. To match the direct-payment rate they need to be at least £6.20 per hour. The gulf is huge – on a 4-hour session it is £5.22 per child lost to the setting. Meal charges and other work arounds can't make up that difference.
No	It still doesn't meet the true cost of provision
Yes	It is not clear when minimum wage rises are 4.8% and pension contributions are rising how any cut by central Government can be justified and how the argument for fixing the base rate can be reasonable.
Yes	I charge £5.50 an hour so you pay me under my hourly rate
No	With increased costs particularly staffing costs, we would like to see an increase in funding rates to reflect this. In particular the 2 Year Old rate has for many years been insufficient to cover costs.
No	There are many increases for small private business and this will not be reflected in keeping the base rate the same.

**Question 3. The Council proposes to keep offering the two current supplements and continue to use the same methods of applying them both in 2019 to 2020 for 3 and 4 year olds. Deprivation (Measuring the January Census against the IDACI) Quality (System Leadership Model) Do you agree?**

Yes = 72 (91%)

No = 7 (9%)

**Comments**

<b>Response</b>	<b>Comment</b>
Yes	Please send us details of the System Leadership Model
No	Same as previous comments costs to run rise but we won't be receiving extra income to cover these costs. Again will make it more difficult to offer completely free places.
No	Deprivation is poorly calculated and does not benefit settings in a meaningful way - even after last year's changes. Quality supplement is indefensible as System Leadership provided to link settings is in no way proportionate to the funds raised and paid to link settings. Value of offering should be proportionate to size and therefore Quality supplement funds generated.
No	I do not know what these supplements are, I do not receive them
No	The Quality supplement should be used for those providers that show continued self improvement evaluation through Quality Assurance Schemes, employing Early Years Teachers, attending cluster meetings etc and QIF. Everyone works so hard to maintain quality and positive outcomes for children
No	I say no because it depends on the data (which i have not seen) Is the IDACI post code method working/ is the gap between between children in poverty and affluent children reducing? I have worked with BANES who recently consulted & revamped their delivery of the deprivation supplement because the gap was not reducing. Now all providers receive a minimal deprivation supplement and EYPP children receive a much larger amount due to an additional deprivation supplement. Something to consider.
Yes	MNS meet entirely different standards as we are schools with all that that implies statutorily. Bristol MNS currently accept and support many more children with moderate, severe and complex needs than PVI settings, as well as supporting - through the System Leadership model- those children with SEND who are placed in neighbouring PVI settings.
No	Deprivation. The principle of directing additional funding to areas of deprivation is sound. We're unclear about how that is applied. For example is it done by the postcode of the setting or of the children

Response	Comment
	attending the setting? Is it weighted to reflect participation in the panel process for those families in deprived circumstances? Our setting has seen a reduction in the rate it is being paid, despite taking a full role in panels and taking a large number of referred families. It would be helpful to see greater transparency of how the rate is applied. Quality. This system seems to funnel money into Children's Centres with no apparent benefit to independent settings. We engage degree qualified teachers and deliver high-quality provision, but we receive not additional funding through this mechanism.
Yes	It is not clear when minimum wage rises are 4.8% and pension contributions are rising how any cut by central Government can be justified and how the argument for fixing the base rate can be reasonable.
No	Deprivation yes Quality ?

**Question 4. The Council proposes that, should there be an underspend in the 'Early Years Block' of the Dedicated Schools Grant, the supplement for the Maintained Nursery Schools Grant will operate in the same way as it has for 2018/19; protecting budget levels in 2016/17. Do you agree?**

Yes = 66 (84%)

No = 13 (16%)

#### Comments

Response	Comment
Yes	Not best placed to answer question on Nursery Schools but agree to their budgets should be protected. Note : dates appear wrong in the question.
No	As a private setting trying to afford staff training, salaries for cover when staff attend BCC meetings, covering SEND duties etc it would be good if this underspend was shared to us also.
No	As the majority of the sector is now PVI, any system that seperately funds or prioritises the maintained settings beyond the standard EYNFF is unjustifiable and antiquated.
Yes	I don't think this applies to childminders
No	Any underspend should be available to all providers not just Maintained Nursery Schools - we all need to maintain our budgets
No	I believe NS should learn to stay within their budgets the same as every other provider in the city. I believe that if this approach is agreed then there is an incentive for the council to underspend their budget so that they can offset Nursery School overspends. There is

Response	Comment
	a clear conflict of interest here. It is also a very risky strategy given the accuracy (or lack of it) in predicting underspends. Ref underspends in 201-2018.
Yes	Maintained nursery schools already receive a higher funding rate than PVI's, so why should they receive a further increase, unlevel the playing field further.
No	I don't understand what this means so not in a position to agree or disagree
No	More money should be spent on SEN which is very much underfunded.
No	You should increase the funding offered to providers
No	if there is an underspend more money should be allocated to help SEND teams to offer more support to providers and children
Yes	MNS meet entirely different standards as we are schools with all that that implies statutorily. Bristol MNS currently accept and support many more children with moderate, severe and complex needs than PVI settings, as well as supporting - through the System Leadership model- those children with SEND who are placed in neighbouring PVI settings.
No	We would like to better understand the justification for additional benefits to the maintained settings.
No	I don't understand what you are asking
No	Any underspend should be used for the whole sector.
No	Underspend should be allocated to the whole sector
No	Dates don't seem right?

**Question 5. The Council proposes that, should there be an underspend in the Early Years Block of the Dedicated Schools Grant, the SEN Inclusion Funding rates for all providers be increased from £9.12 to £9.50 per hour and, for settings which pay all staff the Living Wage, they would be paid at a higher rate of £12.00 per hour. The higher rate is needed due to the higher salaries some providers are contracted to pay staff as well as 'on costs' consisting of higher pension costs etc. Do you agree?**

Yes = 73 (92%)

No = 6 (8%)

### Comments

Response	Comment
Yes	Why this distinction about the living wage only in this section?
Yes	Never knew about this would like more information please
No	The council has chosen to adopt this non-compulsory position. My

Response	Comment
	staff do not benefit from this elevated wage so I am not sure what BCC staff should. The policy basically discriminates in favour of SEN children who happen to go to BCC settings.
Yes	Any increase is good, provided PVI's are included. I assume the council would want proof that we pay the living wage, which would require additional admin work.
No	I don't understand what this means so not in a position to agree or disagree
No	You should do this sooner, most of already pay living wage and pensions which are due to increase soon. Current funding rate is not viable, there should be no underspend if you manage budgets effectively now. I agree with increased funding for SEN.
Yes	In our school, 18% of our current roll of children require 1:1 support for more than 50% of their session. To employ support workers fairly, we make a significant 'loss'. It is important to us to serve the local community and that means including these children, who live very locally. This proposal would help to alleviate this huge financial burden.
Yes	This will make a significant difference in covering our costs. Thank you.
Yes	Yes - the previous SEN payments were unrealistic in terms of salary vs provision.
No	The principle of increasing the rate for SEN inclusion is sound. It is unfair and unrealistic to expect settings to achieve the pay rates set by the Living Wage Foundation at the same time as cutting the rate paid on free places. The Living Wage rate has gone up by 3% this year alone. Where is the additional money supposed to come from?
Yes	But acknowledgement of higher wage costs here rather conflict with maintaining base rates. It's not logical.
Yes	But acknowledgement of higher wage costs here rather conflict with maintaining base rates. It's not logical.
No	Need to have a lot more information about this point, in order to make a more informed opinion

**6. This consultation only pertains to certain areas of the funding for 3 and 4 year olds. To reassure you about the other funding available, The Council confirms: Disability Access Fund remains at £615 per child per year Early Years Pupil Premium remains at £0.53 per universal hour per child Thank you for taking the time to complete this consultation about the EYNFF. If you would like to comment on anything not covered by this consultation, please add your comments below.**

### Comments

Again - renewing a contract without indexation is a real-terms reduction in funding to all settings and should have to be announced as a rate cut. Inflation to settings' primary costs goes up by more than inflation each year, so the current flat and unlimited term model is unsustainable and unjust. Settings desperately need clear communication about the next review date and potential increase to be able to plan their finances properly.

EYNFF has been a wholesale failure in design and delivery, either demonstrating total naivety from its architects or a worrying confidence that settings would be incapable of realising how bad a deal it is and complaining. Funding rates are now factually worse than they were before EYNFF, when Government and LAs were warned that they needed complete overhaul and proper investment to save the sector from collapse. The short-term benefits of an entirely temporary fix are now well behind us and no lasting change or improvement has been delivered - yet more work is offloaded on settings every year. 30 hours has only compounded these problems and has reduced income streams from other areas, so urgent action is again required before it is too late. Any setting that doesn't realise the downward financial spiral they're in is either not doing the sums properly or charging exorbitant private fees to make ends meet.

Just the usual about the low rate of funding provided from the EYNFF. I know Bristol is one of the councils who receive/ pay a more reasonable rate, but it still barely covers costs. We still need to put pressure on government to get the funding rate increased. Also change the "free" hours to "funded" hours and manage the expectations of parents

1. Completely agree about the higher rate for those that pay a living wage to their employees.

I have withdrawn from offering the 30 hours funding because I don't agree that I should have to offer a free place when the hourly rate for funding (£4.88) is significantly lower than my hourly rate (£5.50). I am a childminder and my income directly affects my family. If I had a child claiming 30 hours of funding a week with me for 38 weeks a year, I would be subsidising their childcare by £706.80 a year by offering a free place. If all 3 of my childminded children were claiming 30 hours of funding, that would be £2,120.40 a year less money that I would have as my annual income. How can this possibly be fair? In addition I am aware that there is more admin involved with the 30 hours claims, and it is always down to the provider to meet deadlines for claims and we get absolutely

nothing for doing any of this. I am considering withdrawing from Universal Funding too.

The city could coordinate a campaign to central government to recognise the true cost of childcare. There are two actions that could be taken to make the system work:

- 1) Increase the rate paid such that it better reflects the cost to the setting of providing the childcare
- 2) Relax the rules around the system to allow settings to charge top-ups and administration fees.

The latter approach would seem to have more pragmatic chance of success. We can see no political justification for offering completely free childcare (particularly on the extended, 30 hr, offer, which is only available to families with two working parents who should be able to afford to pay a top-up to the hours they claim). We would like to see BCC take a more proactive lead in campaigning for a better system.

I would like questions written in a way that people from the PVI sector could understand and relate to their setting

I think Bristol City do a good job in difficult circumstances and manage effectively. However, the acceptance that wage rises should push hourly rates up for SEND allowances, but not for base rate instantly undermines the argument for maintaining a fixed level of base rate. The fact that the Government rate is falling doesn't reflect the reality of their other policies to see practitioner incomes rise.

**Bristol Schools Forum**  
**Growth Fund**

**Cabinet 22<sup>nd</sup> January 2019**  
**DSG budget report**  
**APPENDIX A.6**

<b>Date of meeting:</b>	16 <sup>th</sup> January 2019
<b>Time of meeting:</b>	5.00 pm
<b>Venue:</b>	City Hall

**1. Purpose of report**

1.1 To confirm Growth Fund policy.

**2. Recommendation**

2.1 That Schools Forum:

- a) notes the information, and
- b) agrees that the Growth Fund policy for 2019/20 be unchanged from that which operated during 2018/19.

**3. Summary**

3.1 DSG growth fund has been discussed in Schools Forum since March 2018, with a question arising about a change aiming to restrict growth fund to pupil growth arising from Bristol City Council residents only. Legal advice was sought on the wording of such a policy, and from that several issues arose. They are:

- a) Growth fund is an LA policy, which is subject to agreement of Schools Forum; the policy cannot be implemented without the agreement of both parties, failing which it would be for the Secretary of State to determine;
- b) A key point informing the restrictive proposal (which is not the LA's proposal) was that it was *necessary* for compliance with regulations on growth fund, which rule out its application to expansion arising from popularity, in favour of basic need growth only;
- c) The LA agrees with the latter principle, but does not see that pupil admissions to a designated school must be classified as due to popularity merely because the home address is outside the LA, and in such a way as to rule out the allocation of growth fund;

- d) Exploration has identified no other LA proposing such a restrictive policy, so the current policy is clearly *de facto* permitted, routinely used, and in the LA's view is allowed by the regulations;
- e) Diligent challenge on this gave rise to questions about process, consultation and discrimination, with concerns about schools with admissions policies reasonably militating for wider catchments, and those near LA borders;
- f) It is not unusual for school catchments to cross LA borders; the majority of the catchment may even be outside the home LA. LAs have worked collaboratively in such circumstances, in the interests of children and families;
- g) Whilst it had questioned the point, the LA is satisfied it has discretion on this matter, but that Forum is entitled to take a different view. The LA's view is that it does not support a change to restrict growth fund as indicated.

## 4. Background

### Previous Reports

- 4.1 Schools Forum discussed a paper on 20 March 2018 which invited members to keep, amend or end the current growth fund policy, the amendment in question reflecting previous forum discussions about the purpose of growth fund and its possible restriction to pupils resident in Bristol. The report indicated schools admitting pupils from outside Bristol: those with more than 10 were: Orchard (15); Bristol Cathedral Choir School (26); Colston's Girls' School (52); St Bede's Catholic College (83). The last three were noted as operating admissions policies having the effect of admitting a proportion of pupils from outside the city.
- 4.2 Each is also affected by growth: the choir school's being funded by Education & Skills Funding Agency (ESFA), Colston having been made aware of a possible change to the growth fund policy before their decision to admit additional pupils, and St Bede's noted as the school most affected by any change, with around 40% of places offered to non-resident pupils. The report confirmed that expansion of that school was agreed with Governors under the current policy and any change would therefore affect the funding that the school has planned for in setting their future budget plans.

- 4.3 It was noted that funding of schools is generally based on the number of pupils irrespective of their home address: both the school census and capital planning for basic need operate on that basis, and elements of admissions law incidentally support cross-border policies, clarifying that applicants must be treated equally, whether they reside inside or outside the authority.
- 4.4 That last point is a matter of school admissions, not funding. However it has also been observed that no other LA is known to have a growth fund policy which excludes out-of-authority residents, and ESFA commented informally that the proposal appeared unprecedented, although they later confirmed it would not be illegal in principle. For those reasons as well as the perceived benefit for managing growth by agreement with own-admission-authority schools, the LA supports continuation of the existing (unchanged) policy.
- 4.5 The March report and indeed verbal comment from the director could have made clearer what has subsequently been confirmed. Growth fund is an LA policy, but one which to be ratified must have the support of Schools Forum, and is subject to determination by the secretary of state where there is a conflict referred for resolution. Neither the LA nor Forum can decide the policy without the agreement of the other body. There would appear to be a potential conflict between the LA's preference set out now, and the previously expressed view of Forum; that has so far only been referred for legal advice to officers, reflecting the Schools Forum decision of May 2018.
- 4.6 The May forum received a paper to consider the wording of the amendment, and agreed to accept the proposed wording subject to approval from BCC Legal. During the discussion representation was made on behalf of schools which would be adversely affected by this change. The then Director of Education, Learning & Skills Improvement agreed to meet with schools concerned.

#### Legal advice and issues arising

- 4.7 The legal advice has raised further issues: is the change potentially discriminatory, and should it be subject to consultation. Additionally the point has been made and confirmed that regulations prescribe growth fund for supporting basic need and proscribe its use for popularity, but the categorisation of extra-district growth as inevitably due to popularity is questioned.

#### Discrimination

- 4.8 Figures in the report demonstrated that a change in policy would affect St Bede's college significantly more than any other. The school has an established pattern of admissions recruiting pupils from other LAs. As a faith school it may include adherence in its admissions policy, the effect of which is routinely to widen catchment areas for Roman Catholic schools. Whilst the growth fund policy is not in itself focused on any group, its impact is thus uneven, with a negative impact on a RC school which is not replicated in others in Bristol.
- 4.9 Legal advice suggests that this could be indirect discrimination, permissible if BCC could show that the proposed criteria are a proportionate means of achieving a legitimate aim.
- 4.10 The aim of growth fund is to enable the LA to manage growth where providers may decide or not to expand in order to help the LA meet its obligations to secure sufficient school places. This could be a legitimate aim. The March report confirmed that several schools had agreed expansion with the LA, St Bede's included.
- 4.11 The aim of the change that had been considered was to ensure that growth funding is confined to funding places for pupils resident in the Bristol area only. Considering BCC has a duty to provide school places to the children within its area, this could be a legitimate aim.
- 4.12 Specifically, the proposal would focus or save money, estimated at £55k which would not be paid to St Bede's in the changed circumstances. Officers were advised to be cautious about justifying discrimination solely on the basis of cost savings or arguing that to discriminate is cheaper than not discriminating.
- 4.13 Proportionality would apply if criteria are 'reasonably necessary' in order to achieve the legitimate aim. Given that discrimination by residence for this purpose appears to be considered necessary by no other known LA and has been ruled as unlawful for the analogous purpose of school admissions, it appears that test is not passed.

### Consultation

- 4.14 Public bodies also have a duty to act fairly, a point made in Bristol's 2018 Judicial Review judgement. In this case, a potentially disproportionate policy might well be deemed unfair, particularly when St Bede's agreed expansion had been planned in expectation of the application of growth fund according to the current policy.

- 4.15 Consultation is a general requirement for changes in the funding formula and officers were advised that it would be prudent to inform all schools of the proposed change.
- 4.16 The importance of consultation may relate to the salience of the matter for the consultee: the more serious the impact of a decision on those affected, the more important it is that the right decision is reached and that those affected feel that their concerns have been considered by the decision maker.
- 4.17 The impact of a decision will be most severe in circumstances where an existing benefit is unexpectedly taken away, especially where the recipient has acted in reliance on that benefit. This will be the case with St Bedes Catholic College which is in the process of expanding (consistent with the LA's wish) and is reliant on the Growth Fund in doing so. St Bedes currently allocates 40% of its places to non-resident pupils and therefore the proposed change in the funding criteria will have a substantial impact.
- 4.18 Officers were advised that the proposed changes would carry less risk if they were introduced on a phased basis and did not impact the schools which had already acted in reliance on the Growth Fund policy in its current form (as these schools would have most incentive to bring a challenge). However, a proper consultation was still advised. Such consultation might be consistent with the fact that representations were made on behalf of affected schools at the May Forum meeting.

### Popularity

- 4.19 On the matter of basic need / popularity, it is clear that growth fund is for the former and not the latter. Attention has been drawn to a Devon policy, which seems intended to avoid adverse effects on neighbouring schools from schools' competition for applications. That seems to relate to issues arising from popularity, but there is no evidence that applies in the BCC case. The circumstances under consideration are not those where schools might compete for limited numbers of pupils, but where the LA determines growth is needed, where as consultee or admissions authority it supports an increased Planned Admission Number, and/or where it prioritises capital investment. The March report referred to cases of expansion agreed with the LA, which would not agree unless it was necessary, given that capital funding for expansion is limited and the LA has a general interest in supporting the viability of all schools.

## **5. Conclusions**

- 5.1 It appears the proposed change is not explicitly ruled out as a possible course of action, but implementation would need to have regard to the legal issues above. In the light of those it is not clear that the process as it stands is secure, although it has been argued that relevant consultation has taken place. Neither is the status quo ruled out on grounds on non-compliance with regulations. There is discretion - to be exercised with caution.
- 5.2 A cautionary note is sounded by the observation that the proposed course of action appears to be unprecedented. The implication is that other LAs have not considered the need for it, albeit cross-border admissions arrangements are not uncommon. It is not needed on regulatory, financial or operational grounds, but an effective funding policy *is* needed to support basic need growth. The great majority of that in our case will be for Bristol children. The LA would not wish to see resource unnecessarily withdrawn from children in a Bristol school on account of their address.

## 5. Financial Implications

As indicated in the report.

## 5. Glossary of Terms

LA	Local Authority
ESFA	The national agency allocating funds to LAs and providers for education and training
PAN	Planned Admission Number eg for a 4 form entry school is 100
RC	Roman Catholic
BCC	Bristol City Council
Judicial Review	Challenge through the courts to a public sector decision