



THE LONDON BOROUGH
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To: Members of the
SCHOOLS' FORUM

- | | |
|---------------------------------|--|
| David Dilling (Chairman) | Primary Academy Governor (Charles Darwin Academy Trust) |
| Andrew Ferguson (Vice-Chairman) | Non-School Representative (Church of England)(Aquinas Trust) |
| Claire Bessa | Secondary Academy Head Teacher (E21C) |
| Tracey Davies | Non-Schools Representative(14-19 Partnership)(Bromley Academy Trust) |
| Patrick Foley | Primary Maintained Head Teacher (Southborough Primary School) |
| Clare Grainger | Non-Schools' Representative (Joint Teacher Liaison Committee)(Connect Multi Academy Trust) |
| Chris Hollands | Primary Academy Head Teacher (Aquinas Trust) |
| Neil Miller | PRU Head Teacher/Governor Academy (Bromley Trust Academy) |
| Andrew Rees | Secondary Maintained School Head Teacher (St Olaves Grammar School) |
| Brid Stenson | Non-School Representative (Early Years) |
| Ian Travis | Special Head Teacher/Governor Academy (Glebe School) |
| Steve Whittle | Secondary Academy Head Teacher (Impact Multi Academy Trust) |
| David Wilcox | Secondary Academy Governor (Darrick Wood School) |
| 1 x vacancy | Non-School Representative (Catholic Church) |
| 1 x vacancy | Primary Academy Head Teacher |
| 1 x vacancy | Secondary Academy Governor |
| 1 x vacancy | Special Head/Governor Maintained |
| 1 x vacancy | Primary Academy Governor |
| 1 x vacancy | Primary Academy Governor |

A virtual meeting of the Schools' Forum will be held via MS Teams on **THURSDAY 29 SEPTEMBER 2022 AT 4.30 PM** *

If you wish to view this meeting, please contact the Clerk to the Schools' Forum who will provide you with a link to the virtual meeting.

*** PLEASE NOTE STARTING TIME***

TASNIM SHAWKAT
Director of Corporate Services & Governance

A G E N D A

- 1 APOLOGIES FOR ABSENCE**
- 2 MINUTES OF THE MEETING HELD ON 7 JULY 2022** (Pages 3 - 6)
- 3 THE NATIONAL FUNDING FORMULA 2023/24** (Pages 7 - 24)
- 4 UPDATE ON HIGH NEEDS FUNDING REVIEW** (Pages 25 - 32)
- 5 PROPOSED CHANGES TO RECOUPMENT POLICY FOR ALTERNATIVE PROVISION** (Pages 33 - 40)
- 6 DSG DEFICIT RECOVERY MANAGEMENT PLAN** (Pages 41 - 44)
- 7 ANY OTHER BUSINESS**
- 8 DATE OF NEXT MEETINGS**

24 November 2022

26 January 2023

SCHOOLS' FORUM

Minutes of the meeting held at 4.30 pm on 7 July 2022

Present:

David Dilling (Chairman)	Primary Academy Governor (Charles Darwin Academy Trust)
Andrew Ferguson (Vice-Chairman)	Non-School Representative (Church of England)(Aquinas Trust)
Patrick Foley	Primary Maintained Head Teacher (Southborough Primary School)
Andrew Rees	Secondary Maintained School Head Teacher (St Olaves Grammar School)
Ian Travis	Special Head Teacher/Governor Academy (Glebe School)
David Wilcox	Secondary Academy Governor (Darrick Wood School)

Also Present:

Julie Crew	Head of Schools' Finance Support
Philippa Gibbs	Democratic Services Officer
David Bradshaw	Head of Children, Education and Families Service Finance
Jared Nehra	Director of Education
Jo Partridge	Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Chris Hollands (Primary Academy Headteacher) and Brid Stenson (Early Years Representative).

2 MINUTES OF THE MEETING HELD ON 20 JANUARY 2022

The minutes of the meeting held on 20 January 2022 were approved, and signed as a correct record.

3 IMPLEMENTING THE DIRECT NATIONAL FUNDING FORMULA - GOVERNMENT CONSULTATION Report CEF22045

The report provided details of the National Funding Formula consultation and the proposed approach.

The Head of Children, Education and Families Finance introduced the report and explained that the proposal was to submit a joint response from the Local Authority and the Schools' Forum. As such it was suggested that a working group be established to consider the Forum's response. The Chairman reported that it

was proposed that the first meeting of the working group would take place on 4th August 2022. Volunteers for the working group would be sought following the meeting.

The Forum noted that the consultation was seeking views on proposals that all schools be funded on consistent principles. The consultation confirmed that the National Funding Formula would progress from 2023/24 being fully implemented from 2027/28.

In response to a question, the Director Education confirmed that whilst the consultation could have an impact on the review of high needs provision being undertaken by the Local Authority, the reality was that it was likely that it would be some time before any changes arising from the Government consultation would impact at a local level. It was therefore important that the Local Authority continued with its review and where necessary took account of any national policy changes which may have an impact as and when they were announced.

In addition, the Forum noted that a consultation on Early Years Funding had recently been launched and a working group would be established to consider the response of the Schools' Forum. Since the deadlines for submission of the two consultations to the DfE were before the next meeting of the Schools Forum, the drafts produced by the Working Groups would be circulated to Schools Forum members for their consideration prior to submission to the DfE.

The Chairman highlighted that Members of the Schools' Forum should provide any general comments on the consultation to the Head of Children, Education and Families Finance.

RESOLVED: That a Working Group to consider the response to the Direct National Funding Formula Consultation be established.

4 SPENDING BY MAINTAINED SCHOOLS IN 2021/22 Report CEF22033

The report provided information on all revenue and capital balances held by Primary, Secondary and Special Maintained Schools as at 31 March 2022, and also provided a comparison to the balances held at the same time in the previous year.

In response to a question, the Director of Education confirmed that the Local Authority would seek to support any Bromley school facing financial difficulties and for maintained schools, the Local Authority had a duty of care to ensure a stable financial footing.

The Schools' Forum noted that since the publication of the report the Governing Body of Downe Primary School had unanimously resolved to apply for academy status with the consultation concluding in the next couple of weeks.

RESOLVED: That the report be noted.

**5 CEF OUTTURN 2021/22
Report CEF22044**

The report provided the CEF provisional outturn position for 2021/22.

The Forum noted the significant continuing financial pressures with deficits emerging in the Dedicated Schools Grant around High Needs. The deficits had been declared to the DfE and discussions were taking place around recovery plans to reduce the deficit. The Director of Education reported that a first meeting had taken place with the ESFA (Education Skills Funding Agency) and DfE and discussions had been positive with a recognition of the work that was ongoing on the Local Authority's deficit recovery plan. Bromley's deficit recovery plan was currently in draft form and would be presented to the Schools' Forum, the Children, Education and Families PDS Committee and the SEND Governance Board in September 2022.

The Forum discussed the systematic challenges to be addressed in respect of high needs funding, noting that 24 of the 32 London boroughs had entered a deficit position before LB Bromley. In addition, a number of local authorities had found themselves subject to the DfE's "Safety Valve" – directly accountable to the DfE on a set of challenging and robust deficit recovery arrangements.

In response to a question, the Director of Education confirmed that the Local Authority continually pursued the efficient use of public money and was seeking to reduce reliance on high cost out-of-borough independent placements. One of the key national policy issues was to address the disconnect between parental expectation and what could be afforded locally, especially going forward in the context of exponential cost rises associated with increasing inflationary pressures.

The Forum heard that whilst it was early days, the increased use of mediation appeared to be having a positive impact and additionally evidence of some progress in the tribunal decisions being reached.

RESOLVED: That the report be noted

6 HIGH NEEDS FUNDING BANDING REVIEW

With respect to the High Needs Funding Banding Review, the Schools' Forum noted that at this stage no decisions had been taken and the review process was ongoing. A further update would be provided in the new academic year.

7 ANY OTHER BUSINESS

The Director of Education drew the Forum's attention to recent concerns that had been raised regarding a decision taken by one Academy to raise the charges levied for wrap around care. Whilst recognising that it was not the role of the Local Authority to become involved in any decisions taken by academies around charging, the Schools' Forum noted that although there was no current Government Guidance on hardship funds, a number of schools did have Hardship Funds in place, and these were available to support families struggling with the

Schools' Forum
7 July 2022

cost of extracurricular activities. A Member of the Schools' Forum reported anecdotally that one such fund was in place at an Academy Trust and, to date, there had not been an enormous call on the fund.

8 DATE OF NEXT MEETING

The next meeting was scheduled to take place on 29 September 2022.

The Meeting ended at 5.25 pm

Chairman

Report No.
CEF22062

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOLS FORUM**

Date: **29th September 2022**

Decision Type: Non-Urgent Executive Non-Key

Title: **THE NATIONAL FUNDING FORMULA 2023/24**

Contact Officer: David Bradshaw, Head of Finance, Children, Education and Families
Tel: 020 8313 4807 E-mail: David.Bradshaw@bromley.gov.uk

Chief Officer: Director, Children, Education and Families

Ward: (All Wards);

1. Reason for report

1.1 This report provides details of the National Funding Formula for 2023/24 and the provisional allocations.

2. RECOMMENDATION(S)

2.1 The Schools Forum are asked to:

(i) Review and make any comments

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Health and Integration
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: CEF Portfolio
 4. Total current budget for this head: £327.8m
 5. Source of funding: DSG Budget
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Customer Impact

1. Not applicable
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 On the 19th July 2022, the Department for Education (DfE) published the illustrative 2023/24 funding for schools under the National Funding Formula. A technical note, published alongside the figures, sets out the design of the NFF for 2023/24 for the Schools, High Needs, and Central blocks. Illustrative allocations for Early Years funding have been published separately as part of the early years consultation published on the 4th July 2022 and have been circulated previously.

3.2 Final 2023/24 funding for the Schools, High Needs, and Central School Services Blocks will be calculated in December. This will be based on the latest pupil data available. The illustrative figures outlined in this paper do not represent actual allocations, they are based upon 2022/23 pupil numbers and will obviously be subject to change.

3.3 Overall picture

3.4 2023/24 is the first year of the transition to the 'direct' schools NFF, whereby all mainstream schools across England will be funded through the same national formula without allowing for adjustment through local funding formulae. Therefore, in 2023/24, local authorities will only be allowed to use NFF factors in their local formula and, excluding the locally determined premises factors, must use all NFF factors. Bromley are currently following the NFF as far as possible and this is not an issue. Highlight changes are:-

a) The 2022/23 supplementary schools grant will be rolled into the NFF by adding grant figures to the baseline data and uplifting the minimum per pupil values by the grant's basic per pupil values.

b) Local Authorities must move their local formula factor at least 10% closer to the NFF. Bromley are in the main already very close to NFF figures and this should pose no significant issues

c) Local authorities must identify a notional budget for their mainstream schools, that can help them comply with their duty to meet the special educational needs of their pupils. Bromley already does this through the APT

3.5 For the Schools, High Needs and Central Blocks the National average overall increase is 2.7%. Bromley's increase is 2.6%. The London average is 2.4%. Further details can be seen in appendix 1.

3.6 Schools Block

3.7 The 2022 to 2023 schools supplementary grant has been rolled into the schools NFF. The methodology used is trying to ensure that the additional funding schools will attract through the NFF is as close as possible to the funding they would have received if this funding was continuing as a separate grant. This is going to be achieved by adding the value of the basic entitlement, FSM6, and the lump sum parts of the grant to the corresponding factors. DfE will also add funding to the minimum per pupil funding levels, to reflect the average amount of funding these schools currently attract through the grant although this will only have a minor impact in Bromley. Also funding will be added to the baseline to increase the amount that schools whose allocations are determined by the funding floor will attract, reflecting the amount of funding these schools currently attract through the grant.

3.8 Illustrative increases in factors are as follows:-

a) 4.3% to free school meals at any time in the last 6 years (FSM6) and income deprivation affecting children index (IDACI)

b) 2.4% to basic entitlement, lower prior attainment (LPA), free school meals (FSM), English as an additional language (EAL), mobility, sparsity factors and the lump sum.

c) 0.5% to the floor and the minimum per pupil levels (MPPLs)

d) 0% on the premises factors, except for PFI which has increased by RPIX

3.9 Schools NFF funding is increasing nationally by 1.9% per pupil in 2023/24, compared to this year. The Bromley equivalent figure is 1.6%, with the London average being the same figure of 1.6%. DfE have stated that the Spending review front loaded the funding with the 2021/22 to 2023/24 comparative figure being an increase of 7.9%.

3.10 There are some transitional requirements being introduced for the Schools NFF. They are:-

a) Local authorities must use all NFF factors, except the locally determined premises factors.

b) Local authorities can only use NFF factors in their local formulae. The Looked after children (LAC) factor will no longer be an allowable factor.

c) The local formula factor values should be moved at least 10% closer to the NFF, subject to a 2.5% mirroring threshold.

These are not a particular issue for Bromley as we have been trying to follow the NFF as far as possible

3.11 Further detail is contained in appendix 1.

3.12 Further detail on the Funding factors are contained in appendix 2

3.13 High Needs Block

3.14 The structure of the high needs NFF is remaining largely unchanged in 2023/24. DfE have said that they want to ensure stability for local authorities and providers, pending more fundamental changes following the SEND and AP green paper consultation.

3.15 The 2023/24 high needs NFF includes a 5% funding floor to make sure that all local authorities receive an increase of at least 5% per head of their 2-18 population, compared to their 2022/2023 funding baseline.

3.16 Gains under the high needs NFF in 2023 to 2024 will be limited to 7%. The gains limit has allowed DfE to provide more local authorities with greater increases than would have been possible with a higher limit on the gains.

3.17 The national increase overall is a 6.4% increase on 2022/23. Bromley's provisional increases is 6.1%. The London average is 5.8%

3.18 Early Years Block

3.19 On 4 July DfE issued a consultation on updating the national funding formulae for the 2, 3 and 4 year old free childcare entitlements, and on the distribution of MNS supplementary funding. This included an announcement of an additional £10m funding for MNS from 2023/24.

- 3.20 Many of the datasets used in the formulae to reflect the variation in costs and levels are in need of updated and this has been discussed in the consultation document.
- 3.21 Using the most current data is important to ensure the funding system is fair, responsive to changing needs and targeted to where it needed most. The proposals are:-
- a) To update the data and make some adjustments to the national formulae.
 - b) Mainstream the EY element of the Teachers' Pay and Pensions Grants, meaning this grant will be distributed through the EYNFF and MNS supplementary funding. There is also a consultation on plans to reform MNS supplementary funding which is proposing to introduce a funding floor and cap to correct the most extreme outliers.
 - c) There are no proposed changes to local level funding rules.
 - d) The consultation includes proposals for new year to year protections for local authority funding rates in 2023/24.
 - e) Illustrative modelling published as part of the consultation shows that all local authorities would see an increase of between 1% and 4.6% for the 3 and 4 year old entitlement, and between 1% and 8.6% for the 2-year-old entitlement. Bromley comparative rate increases are 4.6% for the 3 and 4 year olds and 8.6% for 2 year olds.
 - f) Bromley have submitted their response. DfE have said that they will publish the government response and the final rates for 2023/24 as soon as possible in the Autumn.

3.22 Central Schools Services Block (CSSB)

- 3.23 The CSSB provides funding for local authorities to carry out central functions on behalf of maintained schools and academies comprising of ongoing responsibilities and historic commitments.
- 3.24 Local authorities will be protected so the maximum per pupil year on year reduction in below the total value of the block will be -2.5%, with the gains cap at 5.86%.
- 3.25 Historic commitments funding has again been reduced by 20%, as in recent years. This does not affect Bromley.
- 3.26 DfE have protected local authorities from having a reduction that takes their total historic commitments funding, in recognition of time required for costs to unwind. This does not affect Bromley.
- 3.27 Nationally the decrease in funding is -4.1%. Bromley's reduction is -2.5% with the London average being -4.4%.
- 3.28 Links to the various documents, technical notes and provisional funding are below:-

National Funding formula for Schools and High Needs 2023/24

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091988/2023-24_NFF_Policy_Document_.pdf

NFF Summary allocation table 2023/24

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1091163%2F2023-24-NFF-summary-table.ods&wdOrigin=BROWSELINK

National Funding Formula technical notes

<https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2023-to-2024>

Early Years documents have been previously circulated as part of the recent consultation

Non-Applicable Sections:	Legal Implications Financial implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	Links attached to the paper

Total Illustrative Funding (excluding Early Years)

London Boroughs	2022-23	2023-24	Change
	£m	£m	%
Camden	179.1	184.0	2.7%
Hackney	288.8	293.5	1.6%
Hammersmith and Fulham	149.9	153.0	2.1%
Haringey	272.0	276.0	1.5%
Islington	186.3	191.6	2.8%
Kensington and Chelsea	104.8	108.4	3.5%
Lambeth	286.8	292.0	1.8%
Lewisham	300.2	307.8	2.5%
Newham	457.1	463.3	1.4%
Southwark	342.4	348.1	1.7%
Tower Hamlets	373.8	378.8	1.3%
Wandsworth	240.0	245.6	2.4%
Westminster	163.8	169.3	3.3%
Barking and Dagenham	305.5	312.2	2.2%
Barnet	374.1	383.4	2.5%
Bexley	257.3	265.5	3.2%
Brent	333.1	339.6	1.9%
Bromley	319.6	327.8	2.6%
Croydon	379.7	390.1	2.7%
Ealing	354.2	364.4	2.9%
Enfield	363.4	374.6	3.1%
Greenwich	327.2	335.1	2.4%
Harrow	234.9	240.7	2.5%
Havering	248.5	255.7	2.9%
Hillingdon	316.9	324.9	2.5%
Hounslow	290.9	299.5	2.9%
Kingston Upon Thames	154.8	159.0	2.7%
Merton	188.8	195.2	3.4%
Redbridge	333.5	340.1	2.0%
Richmond Upon Thames	172.9	177.0	2.4%
Sutton	244.0	251.0	2.9%
Waltham Forest	277.5	282.3	1.8%
London Total	8,821.7	9,029.6	2.4%

London Boroughs	2022-23	2023-24	Change
	£m	£m	%
Camden	127.8	129.6	1.4%
Hackney	228.0	229.2	0.6%
Hammersmith and Fulham	113.8	115.4	1.4%
Haringey	217.8	218.9	0.5%
Islington	142.9	146.2	2.3%
Kensington and Chelsea	80.6	81.9	1.6%
Lambeth	227.4	228.8	0.6%
Lewisham	226.9	231.0	1.8%
Newham	387.2	389.6	0.6%
Southwark	276.5	277.4	0.3%
Tower Hamlets	296.1	296.6	0.2%
Wandsworth	178.4	181.2	1.6%
Westminster	126.7	129.4	2.1%
Barking and Dagenham	254.5	257.9	1.3%
Barnet	304.1	309.3	1.7%
Bexley	210.6	216.2	2.6%
Brent	255.8	258.8	1.2%
Bromley	250.7	254.9	1.6%
Croydon	292.5	299.4	2.4%
Ealing	280.6	287.8	2.5%
Enfield	293.2	299.9	2.3%
Greenwich	259.0	263.7	1.8%
Harrow	190.4	193.9	1.8%
Havering	210.3	215.0	2.2%
Hillingdon	258.5	262.8	1.7%
Hounslow	223.4	228.2	2.1%
Kingston upon Thames	124.9	127.5	2.1%
Merton	143.3	147.4	2.9%
Redbridge	271.5	275.8	1.6%
Richmond Upon Thames	137.7	140.2	1.8%
Sutton	189.6	194.1	2.4%
Waltham Forest	224.0	226.2	1.0%
London Total	7,005.2	7,114.2	1.6%

London Boroughs	2022-23	2023-24	Change
	£m	£m	%
Camden	50.0	53.2	6.3%
Hackney	59.0	62.4	5.9%
Hammersmith and Fulham	33.2	35.1	5.7%
Haringey	51.3	54.4	6.0%
Islington	41.9	44.0	5.0%
Kensington and Chelsea	23.4	25.8	10.1%
Lambeth	58.3	61.9	6.2%
Lewisham	69.6	73.5	5.6%
Newham	67.5	71.3	5.6%
Southwark	64.0	68.8	7.5%
Tower Hamlets	74.2	79.0	6.5%
Wandsworth	58.9	62.0	5.2%
Westminster	36.1	38.9	7.8%
Barking and Dagenham	48.7	52.2	7.1%
Barnet	67.8	71.8	5.9%
Bexley	44.9	47.6	6.0%
Brent	75.2	78.7	4.7%
Bromley	66.8	70.9	6.1%
Croydon	81.9	85.9	4.9%
Ealing	71.0	74.1	4.3%
Enfield	67.7	72.3	6.7%
Greenwich	63.9	67.6	5.7%
Harrow	43.1	45.4	5.3%
Havering	36.5	39.0	6.9%
Hillingdon	55.9	59.6	6.7%
Hounslow	65.9	69.6	5.7%
Kingston upon Thames	28.8	30.4	5.7%
Merton	44.4	46.7	5.2%
Redbridge	57.0	60.0	5.4%
Richmond Upon Thames	34.2	35.7	4.6%
Sutton	52.5	55.1	4.9%
Waltham	51.9	54.5	5.1%
London Total	1,745.5	1,847.4	5.8%

London Boroughs	2022-23	2023-24	Change
	£m	£m	%
Camden	1.3	1.2	-3.9%
Hackney	1.9	1.9	-0.9%
Hammersmith and Fulham	2.8	2.4	-13.8%
Haringey	2.8	2.7	-2.5%
Islington	1.5	1.4	-5.1%
Kensington and Chelsea	0.8	0.8	-4.4%
Lambeth	1.2	1.3	5.9%
Lewisham	3.7	3.3	-10.1%
Newham	2.3	2.4	2.4%
Southwark	1.9	1.9	2.5%
Tower Hamlets	3.5	3.2	-9.6%
Wandsworth	2.6	2.4	-8.7%
Westminster	1.0	1.0	-1.2%
Barking and Dagenham	2.2	2.1	-3.5%
Barnet	2.3	2.3	3.2%
Bexley	1.8	1.7	-0.7%
Brent	2.1	2.1	-1.6%
Bromley	2.1	2.0	-2.5%
Croydon	5.3	4.7	-11.0%
Ealing	2.6	2.5	-2.9%
Enfield	2.5	2.4	-1.7%
Greenwich	4.2	3.8	-9.1%
Harrow	1.4	1.4	2.4%
Havering	1.7	1.7	0.2%
Hillingdon	2.5	2.5	-3.1%
Hounslow	1.6	1.7	5.2%
Kingston upon Thames	1.1	1.1	-0.9%
Merton	1.1	1.1	2.7%
Redbridge	5.0	4.3	-12.7%
Richmond Upon Thames	1.0	1.1	4.1%
Sutton	1.9	1.8	-1.2%
Waltham Forest	1.5	1.6	2.1%
London Total	71.1	68.0	-4.4%

Funding Factors

Basic entitlement - This is a compulsory factor.

Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold. Based on pupil numbers, from reception to year 11, as per the October census/ APT

Funding is allocated according to a basic per-pupil rate

There is a single rate for primary, but there can be different rates for KS3 and KS4

The rolled-in basic entitlement element of the supplementary amounts should be added to basic per pupil rates.

Local authorities can choose to increase the pupil number count for schools with higher reception pupil numbers in the January census, rather than the October census. This flexibility will be removed as we move towards the direct NFF.

Minimum per pupil amount (MPPLs) - This is a compulsory factor.

The purpose of this factor is to ensure local authorities provide the minimum per pupil funding levels to primary and secondary schools.

The rates for the minimum per pupil funding levels for 2023 to 2024 are:-

- Primary: £4,405
- Secondary: £5,715 (£5,503 for KS3 and £6,033 for KS4)

Local authorities can request to disapply the use of the full NFF MPPLs, by exception and on affordability grounds only.

Additional needs factors – All are compulsory

These factors should all be brought 10% closer to the NFF, subject to the 2.5% mirroring threshold.

These factors allocate funding based on the additional needs of the specific child.

The factors are:-

- Deprivation factors, including free school meals (FSM), FSM6 and the income deprivation affecting children index (IDACI).
- Low prior attainment
- English as an additional language
- Mobility

Deprivation factors - These are compulsory factors.

Each of the deprivation factors must be used. Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold.

These factors allocate funding based on measures of economic disadvantage.

The factors are:-

- Free school meals (FSM)
- FSM6 - In 2023 to 2024, the rolled-in lump sum element of the supplementary amounts should be added to the local formula
- Income deprivation affecting children index (IDACI)

Low prior attainment - This is a compulsory factor.

Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold.

The low prior attainment factor acts as a proxy indicator for low level, high incidence, special educational needs:-

- primary pupils identified as not achieving the expected level of development in the early years foundation stage profile (EYFSP)
- secondary pupils not reaching the expected standard in KS2 at either reading or writing or maths

As there is no 2020 or 2021 assessment data due to Covid, LAs must use the 2019 data as a proxy for the missing 2020 and 2021 data.

English as an additional language (EAL) - This is a compulsory factor.

Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold.

Pupils identified in the October census with a first language other than English attract funding for three years after they enter the statutory school system. 3 years must now be used as an indicator, in line with the department's methodology for the NFF.

Separate values for primary and secondary.

If local authorities allocated funding using EAL 1 in 2022 to 2023, baseline factor values will be multiplied by one third before applying tightening criteria, and for those who used EAL2 the factor values will be multiplied by two thirds.

Mobility - This is a compulsory factor.

Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold.

The mobility factor allocates funding to schools with a high proportion of pupils who first joined on a non-standard date in the last three years.

To be eligible for mobility funding, the proportion of mobile pupils a school has must be above the threshold of 6%.

Funding is then allocated on a per-pupil amount to all mobile pupils above that threshold

School led funding

These factors include:-

- Sparsity
- Lump sum

- Split sites
- Rates
- PFI
- Exceptional circumstances, related to premise

Sparsity - This is a compulsory factor.

Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold.

Schools that are eligible for sparsity funding must meet two criteria:-

- they are in areas where pupils would have to travel a significant distance to an alternative school, should the school close; and
- they are small schools

The maximum sparsity values in the 2023 to 2024 NFF are £56,300 for primary schools and £81,900 for secondary, middle, and all-through schools.

There is some flexibility in the design of the factor, which can be done through the APT.

Lump sum - This is a compulsory factor.

Values must be brought 10% closer to NFF values, subject to the 2.5% mirroring threshold.

In 2023 to 2024, the rolled-in lump sum element of the supplementary amounts should be added to the local formula lump sum.

Local authorities can set a flat lump sum for all phases, or differentiate the sums for primary and secondary

All-through schools will receive the secondary lump sum value and middle schools will receive an average based on the number of primary and secondary year groups.

Split site - This is an optional factor.

The purpose of this factor is to support schools that have unavoidable extra costs because the school buildings are on separate sites.

Allocations must be based on objective criteria for the definition of a split site, and for how much is paid.

Values may be different for primary and secondary schools.

This is not available for schools sharing facilities, federated schools or those with remote sixth form or early years provision.

One of the proposals as part of the direct NFF consultation is for local authorities to identify which schools have a split site. This has not been agreed yet.

Rates - This is an optional factor.

As in 2022 to 2023, rates will be paid directly by ESFA to those billing authorities adopting the revised NNDR payment process on behalf of their maintained schools and academies.

In two tier areas, all billing authorities in that county must agree to adopt the new payment process to be able to implement the changes.

Billing authorities implementing the new payment process for April 2023, will submit rates data via the online portal. Adjustments will be submitted via this service too.

For April 2023, it remains optional for billing authorities to implement the revised payment process. Local authorities whose billing authority remains under the current arrangements will not see any changes.

DSG allocations will include the NFF NNDR amount and this funding will be included in school's budgets as under current regulations, NNDR remains part of the school's budget share

Local authorities whose billing authority is not adopting the revised payment process will include adjustments in the 2023 to 2024 APT.

Local authorities whose billing authority is adopting the revised payment process will only include adjustments in the 2023 to 2024 APT for the last quarter of 2021 to 2022, where there have been revaluations for their maintained schools. We do not expect any adjustments for academies.

Billing authorities will confirm by January 2023 which payment process they will implement from April 2023.

Payments for new claims will be made in a single lump sum in June. October 2023 and March 2024 are for in-year adjustments.

PFI - This is an optional factor.

The purpose of this factor is to support schools that have unavoidable extra premises costs, because they are a PFI school, and to cover situations where the PFI 'affordability gap' is delegated and paid back to the local authority.

There is no change to the PFI factor for 2023 to 2024.

Exceptional Circumstances (premises) - This is an optional factor.

Local authorities can apply to the ESFA to use exceptional factors relating to school premises costs, for example, for rents, or joint-use sports facilities.

Local authorities should only submit applications where the value of the factor is more than 1% of a school's budget, and applies to fewer than 5% of the schools in the local authority's area.

If local authorities received approval from 2018 to 2019 onwards, the approved factors can still be used if the criteria are met. If approval was received prior to this, a new disapplication request is required.

London fringe - This factor is compulsory for the 5 local authorities it applies to.

The purpose of this factor is to support schools that have higher costs because they are in the London fringe area, and only part of the local authority is in this area

The multiplier is applied to the 7 pupil-led factors, the lump sum factor, and the sparsity factor

The 10% tightening requirement will be calculated in respect of the factor values for the part of the local authority with the lowest ACA value. This year, no tightening criteria are being applied to the parts of the local authority with the highest ACA value.

Minimum funding guarantee (MFG)

Local authorities must set a pre-16 MFG in their local formulae, to protect schools from excessive year-on-year losses.

Local authorities can choose to set an MFG between +0.0% and +0.5% per pupil.

Local authorities will need to consult on the level of the MFG, as with the rest of the formula.

Funding representing funding allocated through the 2022 to 2023 schools supplementary grant (SSG) for reception to year 11 pupils must be included in the baseline. The post-16 and early years element of the SSG will continue as a separate grant this year.

The MFG protection for special schools is changing, but this is covered in the high needs funding operational guide, and a separate workshop.

MFG exemption - There are exceptional circumstances where local authorities may want to disapply the MFG if there is a significant change in a school's circumstances or pupil numbers. For instance:-

- schools that previously qualified for a split site, PFI or exceptional factor, but are no longer eligible (or vice versa)
- where the normal operation of the MFG would produce perverse results for very small schools with falling or rising rolls
- secondary schools that are admitting primary age pupils who would otherwise be over protected at the secondary age weighted pupil unit of funding
- where over protection would otherwise occur, for example where additional funding has been distributed in the previous year and the authority can demonstrate that the funding is genuinely one-off

Capping and scaling

Local authorities can choose to cap gains schools receive this year through the local formula, unlike NFF where no gains cap is applied.

Capping and scaling must be applied on the same basis to all schools. Local authorities and their schools forums will need to agree the levels.

ESFA will apply caps and scales to academy budgets on the same basis as for maintained schools.

Growth fund

Funding is within the schools block DSG allocations.

Local authorities are responsible for funding the following growth needs for all schools in their area, for new and existing maintained schools and academies. The growth fund can only be used only to:-

- support growth in pre-16 pupil numbers to meet basic need
- support additional classes needed to meet the infant class size regulation

- meet the costs of new schools

To meet this responsibility, most local authorities set aside funding to cover this growth. The amount of the fund can vary depending on the local authority's predictions of growth. Growth fund

Local authorities are required to produce criteria on which any growth funding is to be allocated, which must be agreed by the schools forum.

Criteria must include:-

- details that the growth fund is available to both schools and academies
- details that the growth fund is available to meet basic need growth as opposed to popular growth
- details of the methodology of distributing funding

Falling rolls fund

Local authorities may set aside schools block funding to create a small fund to support good and outstanding schools with falling rolls, where local planning data shows that the surplus places will be needed within the next three financial years.

Criteria for allocating falling rolls funding should contain clear objective trigger points for qualification, and a clear formula for calculating allocations. Differences in allocation methodology are permitted between phases.

Notional SEN budget

Local authorities are required to identify a notional budget for mainstream schools, to help with their duty to meet the special educational needs (SEN) of their pupils

This is not a separate budget. It is within a maintained school's budget share and an academy's GAG.

It is calculated by local authorities using local mainstream schools formula factors, and is intended to meet the costs of support for children with SEN up to £6,000 per pupil per annum. High needs top-up funding covers costs over £6,000, and local authorities can also supplement some of their schools' notional SEN budgets with targeted high needs funding.

Separate guidance has been published to help you review your budget calculations and to help schools understand what the budget is for. This is available on the same web page as the Schools Operational Guide for 2023-24.

School improvement

Local authorities currently receive the school improvement monitoring and brokering grant to support them in delivering their school improvement functions in maintained schools. These are to:-

- monitor the performance of maintained schools
- broker school improvement provision
- exercise their statutory intervention powers

From 2023 to 2024, the school improvement monitoring and brokering grant will no longer be paid to local authorities. Local authorities are now able to deduct funding from maintained school budgets for this activity instead.

Dedicated schools grant (DSG) deficits and high needs exceptional funding

The department now runs three programmes offering direct support to ensure effectiveness and sustainability of local authorities' high needs systems:-

- 1. Safety valve
- 2. Delivering better value in SEND (DBV)
- 3. ESFA support programme

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Agenda Item 4

Report No.
CEF22064

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOLS' FORUM**

Date: **Thursday 29 September 2022**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **UPDATE ON HIGH NEEDS FUNDING BANDING REVIEW**

Contact Officer: Robert Bollen, Head of Strategic Place Planning
Tel: 020 8313 4697, E-mail: Robert.Bollen@bromley.gov.uk

Chief Officer: Jared Nehra, Director of Education

Ward: (All Wards);

1. Reason for decision/report and options

This report provides an update on the High Needs Funding Banding Review that commenced on September 2021

2. **RECOMMENDATION(S)**

That the Schools Forum agree the new objectives and deliverables for the Funding and Estates Review

Impact on Vulnerable Adults and Children

1. Summary of Impact: The review aims to ensure that funding to meet the needs of CYP with an EHC Plan is sustainable both for educational settings and LBB.
-

Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- :
-

Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: *N/A*
 4. Total current budget for this head: £N/A
 5. Source of funding: DSG High Needs Block
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Property

1. Summary of Property Implications: To be determined via the review
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
-

Customer Impact

1. Estimated number of users or customers (current and projected): Latest published data 2,879 CYP (SEN2 2021), current number is 3,450 (August 2022)
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

- 3.1 Local authorities have statutory responsibilities to keep the special educational provision in their area under review, working with parents, young people and institutions (as set out in chapter 4 of the SEND Code of Practice). This includes the mechanisms and processes for agreeing top-up funding.
- 3.2 The High Needs Banded Funding Review commenced in September 2021 to consider top-up levels for education settings across the 0-25yrs age range for children and young people (CYP) who have EHC Plans.
- 3.3 The review was designed to examine the existing High Needs Banded Funding models and calculations, as well as explore the outcomes expected from the funding and link complexities of need and expected provision to the different bands of funding. Having clear descriptors of need and/or provision linked to funding bands, creates a transparent funding model that allows clear comparison between CYP and the funding they receive. The review seeks to create a funding model that:
- Provides equity of funding and support
 - Ensures transparency of funding and the expectations of provision
 - Enables settings to employ a workforce with the right skills to deliver good quality provision that in turn ensures good outcomes for CYP with EHC Plans.

Scope of the review

- 3.4 This project's initial scope was to look at the banded and top up funding for the following settings:
- EY settings, both Private and Voluntary Independent Sector (PVI) and Maintained Nursery Schools in Bromley
 - Special schools
 - Mainstream schools (primary and secondary)
 - Primary and secondary ARPs
 - Hearing Impairment bases
 - Further Education colleges
- 3.5 The project also looked to consider the environmental aspects of settings through linking with a review of the 'SEN Estate' to ensure that they meet the requirements for our children and young people and align where possible with DfE guidance on SEND and AP premises. The SEN Estates review will carry out a strategic review and assessment of existing and potential SEN provision, identifying opportunities to improve and expand SEN provision in both mainstream and special schools.
- 3.6 While the SEN Estate review was initially launched as a separate project, following requests from schools, it was agreed to formally join the two projects in January 2022. Combining the projects brought a closer focus to the quality of provision and outcomes achieved for CYP with EHC Plans, as the joint project expanded its focus to the three elements of funding, environment and quality and how they influence and affect provision.
- 3.7 The SEN Estate review will identify a range of options for capital investment for consideration from the capital funding allocated by central government. The 3 key outcomes of the estates review are to increase capacity of SEN provision, improve the quality of SEN environments and use capital funding to support inclusive practice in mainstream settings. LBB will be developing a quality matrix to measure the impact and quality of provision for CYP with EHC Plans to help prioritise funding decisions. Recognising that the teaching environment can impact the quality of provision (both positively and negatively) will be a key aspect of the quality matrix.

3.8 As the two projects are now combined, funding and how it impacts on quality of provision will also be included in the quality matrix – and the three elements combined will be the key elements for all of the project work.

Green Paper

3.1 The launch of both the School's White Paper and SEND Green Paper earlier this year have also influenced the development of the funding and estates project. Both papers require schools and settings to be more inclusive, and for mainstream schools to support CYP with more complex needs. Local areas will be required to create Inclusion Dashboards to evidence how well schools and settings are supporting CYP with SEN, including those with EHC Plans. The project working groups have already begun working on some key measures for the Inclusion Dashboard, including:

- Parity
- Attendance (levels as well as support offered)
- Outcomes (progress against EHC Plan outcomes as well as overall progress)
- Co-production
- Training and development

3.10 These measures will be included in the planned quality matrix. The Dashboard and matrix will help Bromley to evidence how well each school and setting is supporting CYP with SEN and EHC Plans in a consistent and fair way that can show comparisons and contrasts.

3.11 Integral to the Green Paper is a national system of descriptors of bands of need; service standards to meet those needs; and a banded funding system to fund the provision needed over and above the National Funding Formula. Bromley is embracing these elements and will now develop local descriptors, service standards and banded funding formulas with the existing working groups to create a local system that can merge with the national system once it is developed.

3.12 Achievements to date on the funding project will contribute to the development of this system.

Update for schools and new timeline

3.13 There will be an information session held for schools to review the objectives and priorities for the combined funding and Estates project on Tuesday 11th October at 9.30am. The event will detail the key stages and actions for the project over the next academic year, with a clear timeline for the deliverables across the project. The principles of parity, equity and transparency continue as the key principles of the combined project.

3.14 A draft quality matrix will be presented at the information session to enable schools to feedback on the proposed measures to ensure the matrix is accurately measuring quality of provision and provides a fair measure of success.

3.15 A timeline for visits to all settings will also be shared at the information session. The visits will incorporate a quality assurance element to collect and clarify information for the proposed quality matrix and Inclusion Dashboard as well as begin discussions on potential developments and/ or improvements to the setting.

3.16 Before meeting with schools a self-evaluation form will be provided that will need to be returned to Bromley in advance of the meeting and help inform discussions at the first meeting.

- 3.17 Following this initial meeting the Council will follow up with an estates visit including the Council's consultant who will review existing provision in line with BB104 the DfE Guidelines on SEN and AP premises and BB103 the DfE's guidance on mainstream premises (where relevant). The consultants will review the current space and facilities at the school and make recommendations with regards options for increasing capacity and improving premises.
- 3.18 The review will be delivered across 4 terms from autumn 2022 and the initial review and feasibility at each school within the review will take approximately 3 months to complete.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 This Review focusses on funding provided to educational settings to meet the needs and outcomes specified in EHC Plans. All CYP with EHC Plans have Special Educational Needs and/ or Disabilities (SEND) and therefore are vulnerable. The review aims to develop a funding model that is sustainable for both educational settings and LBB.

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 The need to provide placements for children with Education Health and Care Plans. The quality of those places and their efficient organisation is a priority within the Council's strategy Making Bromley Even Better 2021-31; 'For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.' In seeking best value in the delivery of school places this proposal will be the priority; 'To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.' The proposals contained within this report also contribute to key targets within the Children, Education and Families Portfolio Plan.
- 5.2 Through reviewing the future funding of SEN places and the specialist estate the review supports the Children's Services and Education Workstream of the Council's Transformation Programme.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications arising from this report.
- 6.2 The financial impact of this review will not be known until the new banding funding model has been developed and modelled. This will be reported back to the Forum in due course.
- 6.3 Any recommendations from the review will need to be made in the context of the increased scrutiny and pressures on the Dedicated Schools Grant (and the High Needs Block in particular), whilst also recognising the actual costs to schools to deliver the provision specified in EHC Plans.

7. LEGAL IMPLICATIONS

- 7.1 The Council has a statutory duty to secure sufficient school places to meet demand in its area under the Education Act 1996. This report details how the Council plans to address need.
- 7.2 Local authorities are responsible for all children and young people with SEN in their area under Part 3 of Children and Families Act 2014.

8. PROCUREMENT IMPLICATIONS

- 8.1 There are no procurement implications to be considered as part of this report. Any procurement implications that arise as a result of the estates review will be subject to future reports.

Education Skills Funding Agency (ESFA) High Needs Funding Guidance is clear that formal procurement processes are not required when placing a child with an EHC Plan in an educational setting.

9. PROPERTY IMPLICATIONS

9.1 This review covers within its scope the Council properties at Riverside School (St Paul’s Crays, Beckenham and West Wickham sites), the Griffin Centre, Hawes Down Centre, the former Duke Youth Centre and the current Marjorie McClure when it returns to Council ownership in January 2023. All other sites with the review are either owned by the multi academy trust/governing body or let on a 125-year academy lease.

<p>Non-Applicable Headings:</p>	<p>PERSONNEL IMPLICATIONS</p> <p>CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS</p> <p>CUSTOMER IMPACT</p> <p>WARD COUNCILLOR VIEWS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>[Title of document and date]</p>

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Report No.
CEF22063

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOL FORUM**

Date: **Thursday 29 September 2022**

Decision Type: Non-Urgent Executive Non-Key

Title: **RECOUPMENT FOR ALTERNATIVE PROVISION**

Contact Officer: Scott Bagshaw, Head of Service, Access to Education
scott.bagshaw@bromley.gov.uk 0208 313 4442

Chief Officer: Jared, Nehra, Director of Education
jared.nehra@bromley.gov.uk 0208 313 4501

Ward: All Wards

1. Reason for decision/report and options

To outline proposed changes to recoupment policy for Alternative Provision in line with “money following the child” principles and Government guidance

2. **RECOMMENDATION(S)**

That the Forum supports the specified amendments to school funding agreements to enable “money to follow the child” in AP provision as agreed in March 2021

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Transformation Policy

1. Policy Status: Existing Policy:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
 2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
-

Customer Impact

1. Estimated number of users or customers (current and projected): c200
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No

2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 A strategic review of Alternative Provision (AP) provision in Bromley was carried out in 2019. It found that the system in Bromley was generally working well, but there were some areas that would benefit from change to improve the outcomes achieved for our pupils.
- 3.2 An update on the work done to respond to the review was presented to the School's Forum on 23 March 2021. At that time, the Forum:
1. Noted the actions taken to date to implement the recommendations from the Strategic Review including the new Design Principles for Bromley's AP System;
 2. Endorsed the 5-year commissioning plan and its overarching aim to shift provision in line with the Design Principles into earlier intervention;
 3. Noted the intention to move into a 5-year agreement with London South East Academies Trust to provide relational and financial assurances to support their significant shift in provision (type and volume) in line with the 5-year commissioning plan; and
 4. Endorsed the principle of "money follows the child" as ratified by the Bromley Inclusion Partnership and agreed that the principle be included in school funding agreements.
- 3.3 The Council has now entered into a 5-year partnership arrangement with London South East Academic Trust to deliver an improved AP system, based on the findings of the review. These improvements include:
- A shift from Setting-based provision to school-based support, skilling up staff in mainstream settings to increase schools' overall capacity to manage behaviour
 - A significant increase in the BTA Outreach offer, expanding the service to secondary schools and embedding a whole school training and learning offer and focus
 - Introduction of short-term/ "turnaround" placements in BTA Settings as a stand alone offer as well as part of the BTA Outreach offer, creating more dual registered placements

Changes to the AP system outside of the LSEAT arrangement

Home and Hospital Tuition Service (HHTS)

- 3.4 In addition to the changes in the provision delivered by LSEAT (via Bromley Trust Academy), the 5-year Commissioning Plan outlined an expansion of the HHTS to broaden the support offered to pupils with significant SEMH needs and develop a continuum of provision for these pupils linked to BTA Blenheim. This was in line with the recommendations of the Emotionally Based School Avoidance (EBSA) working group. This expansion was agreed to recognise the increased level of support required by pupils with SEMH and EBSA.
- 3.5 This expansion was to be supported by an increase in funding that would in part be offset by a newly agreed income stream based on the principle of money following the child. The net increase in investment to the HHTS was incorporated into the overall costs of the 5-year Commissioning Plan.
- 3.6 The Covid pandemic has increased the volume of pupils needing specialist SEMH support and has led to a significant increase in demand for the HHTS over and above that which was outlined in the Commissioning Plan. In order to create the increased capacity needed to address this demand, the Council added £200k to the HHTS budget in 2021/22. This funding was over and above the agreed AP funding in the Commissioning Plan. The demand pressures have continued into the 2022/23 year.

- 3.7 The Council is now looking to formalise the income stream expected in the Commissioning Plan to help support this expansion and reduce the impact on the High Needs Block.

Pupils with SEND in AP

- 3.8 The new Green Paper outlines a single national SEND and AP system with local SEND Partnerships to be established with a responsibility to plan and develop local AP systems focussed on early intervention. Through its review of the AP System in 2019, Bromley has already implemented many of the proposals and principals for AP outlined in the Green Paper.
- 3.9 The Green Paper recognises that approximately 80% of CYP in place funded AP provision have an SEN, most commonly SEMH. This is reflected in Bromley, with 75-82% of children in BTA sites either under a Statutory Needs Assessment or with an EHC Plan. Local discussions have agreed that by the nature of needing a placement in a BTA site, all children have a Special Educational Need.
- 3.10 The SEND system has faced significant increases in demand over the past 5 years, which has been further exacerbated by the Covid pandemic and children's increased levels of SEMH as they return to school. This has led to shortages of specialist placements in Bromley and surrounding boroughs, which has delayed some children with EHC Plans from moving on from BTA (particularly BTA Midfield) in a timely manner.
- 3.11 The Council has agreed to develop a new funding requirement from the SEN service to contribute to AP costs for these children. This new funding may be used to increase the number of places commissioned from BTA Midfield for the 2022-23 school year, ensuring sufficient capacity across the system where other alternatives have been exhausted.

Proposed recoupment approach

- 3.12 Recoupment linked to AP provision is currently only applied to pupils who are permanently excluded, and the value of recoupment is limited to AWPU (pro rata). Current School Operational Guidance allows for a wider remit in recoupment which the Council is now looking to incorporate into its school funding agreements to embed the agreed principle of money following the child. The proposed changes will support the expansion of the AP system, more than doubling the number of pupils being supported. These are:
- Including pupils who leave a mainstream school for reasons other than permanent exclusion and are receiving education funded by the local authority other than at a school (Section 23.1)
 - Deducting not just the basic entitlement (AWPU) but also the relevant amounts for pupil-led factors, such as free school meals or English as an additional language, where the pupil would attract funding through those criteria. (Section 24)

Dual registered pupils

- 3.13 As the focus of the AP system shifts to earlier intervention and place-based provision is targeted at respite and turnaround placements (rather than PEX), there is a need to expand the recoupment criteria to include dual registered pupils. This is partly in acknowledgement of the expected reduction in the number of pupils who are PEX that is the cornerstone of the new AP system (and the subsequent reduction in current recoupment options) and partly to support the expansion of the AP system.
- 3.14 Recoupment would be pro rata based on the time each pupil is dual registered.

- 3.15 This amendment would expand the services that recoupment apply to (currently BTA Hayes and BTA Midfield only), and include HHTS; BTA Blenheim; other AP commissioned by LBB (where BTA are unable to meet needs); and managed moves, where LBB fund provision while a new school place is found. BTA Hayes and BTA Midfield would continue to be included, however, all pupils placed in the provisions will be eligible for recoupment under these proposed changes.
- 3.16 Based on existing pupils, the potential number of additionally pupils this amendment would apply to each year are:
- BTA – 39
 - HHTS – 45
 - Other AP commissioned by LBB – 3
- 3.17 The proposed changes will also include pupils who are supported via the Managed Move process. For these pupils, recoupment would be made from their original school when they move off site, and payment made to the receiving school when they move onto their roll.

Funding elements recouped

- 3.18 In line with the Guidance, the Council now intends to expand the amount of funding recouped to include:
- Free school meals
 - Free school meals Ever6
 - English as an additional language
- 3.19 As the funding elements are individual to each child, it is not straightforward to estimate the potential impact of this change. For the current pupils in BTA provisions, just over half are eligible for free school meals. If this percentage is applied to the number of dual registered pupils currently (87), then it is likely that 43 pupils would have this funding applied to the recoupment figure.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The purpose of the system re-design is to expand the number of CYP that our AP provision supports. These are CYP who are at risk of exclusion or disruption to their education due to behavioural issues and a lack of engagement in education. The 5 year plan sets an ambitious target of supporting significantly increase the number of CYP the system currently does (593 compared to 327 – an 81% increase).
- 4.2 A key design principle of the new system is to build capacity to manage behaviour successfully in school. This expands the focus of interventions from the CYP to the school and the environment they learn in. By skilling up school staff to enable them to carry on the successful interventions from AP provision and review and redesign the learning environments they provide, we will be creating a system that achieves sustainable change and improvements in outcomes for CYP at risk of exclusion.

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 The Transforming Bromley Roadmap 2019-2023 sets out several key commitments including; *“Ensure the delivery of Children’s Services and Education is sustainable and helps our children and young people at the earliest point of need.”*

5.2 This new approach to the AP system does exactly that and will help more children access the support they need earlier and in an affordable way. It introduces a nuanced approach to support allowing flexibility with graduated interventions tailored to individual children's needs.

6. FINANCIAL IMPLICATIONS

- 6.1 The 5-year commissioning plan specifies a phased increase of recoupment to support the funding needed to expand the AP system, based on the agreed change to recoupment to ensure that "money follows the child".
- 6.2 At the time of the plan being written, the Council was recouping approximately £96k per year from pupils who were permanently excluded. As the new AP system is embedded, it is expected that this income will decrease, as the numbers of pupils who are permanently excluded decrease.
- 6.3 The plan introduced recoupment from dual registered placements from the 2022/23 academic year.
- 6.4 There is now a need for the Council to implement this agreed change to school funding agreements to ensure that sufficient money is in the system to fund the expanded and enhanced AP system currently commissioned.

<p>Non-Applicable Headings:</p>	<p>7. [PERSONNEL IMPLICATIONS</p> <p>8. LEGAL IMPLICATIONS</p> <p>9. PROCUREMENT IMPLICATIONS</p> <p>10. PROPERTY IMPLICATIONS</p> <p>11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS</p> <p>12 CUSTOMER IMPACT</p> <p>13 WARD COUNCILLOR VIEWS List any of headings 4 to 13 that do not apply.]</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>23 March 2021 School Forum meeting Report and minutes: Agenda for Schools' Forum on Tuesday 23 March 2021, 4.30 pm (bromley.gov.uk)</p> <p>Schools operational guide: 2023 to 2024 - GOV.UK (www.gov.uk)</p>

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Report No.
CEF22065

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOL FORUM**

Date: **Thursday 29 September 2022**

Decision Type: Non-Urgent Executive Non-Key

Title: **DSG DEFICIT RECOVERY MANAGEMENT PLAN**

Contact Officer: Scott Bagshaw, Acting Head of Service, SEN
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Chief Officer: Jared, Nehra, Director of Education
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Ward: All Wards

1. Reason for decision/report and options

To update Schools Forum on the production of Bromley's Dedicated Schools Grant (DSG) Deficit Recovery Management Plan (DRMP) and to invite members comments on the key areas being considered under the development of the DRMP.

2. **RECOMMENDATION(S)**

- 2.1 That the Forum comments on the on the proposed areas being considered under the DSG Deficit Recovery Management Plan.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Transformation Policy

1. Policy Status: Existing Policy:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Not Applicable
2. Ongoing costs: Recurring Cost
3. Budget head/performance centre: Children, Education and Families portfolio budgets
4. Total current budget for this head: £322,038k (DSG 2021/22)
5. Source of funding: Dedicated Schools Grant (DSG)

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
-

Customer Impact

1. Estimated number of users or customers (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 An update on the Dedicated Schools Grant was considered by Schools Forum at its meeting in January 2022 and it was noted that the DSG faced significant pressures resulting in a deficit position which is projected to grow without mitigating actions. The budgetary pressures are primarily arising from increased High Needs block costs, including the increased costs of independent non-maintained provision and the sustained increase in the number of children and young people with an Education, Health and Care Plan. It was noted that Bromley was one of the last London boroughs to enter into a deficit position on the DSG, however the deficit had grown in 2021/22 to c£7m.
- 3.2 Forum noted that Officers would be working with the Department for Education on a DSG Deficit Recovery Management Plan and provide a further update.
- 3.2 Officers have undertaken initial discussions with the DfE and other local authorities with an existing deficit recovery management plan and reviewed publicly available examples.

Headline areas for DSG Deficit Recovery Management Plan

- 3.4 A summary of the key headline areas is provided below for Forum's comments. These areas for consideration have been drawn from initial discussions with the Department for Education and following review of publicly available deficit recovery management plans from local authorities receiving 'safety valve' support from DfE.
- Demand management
 - Review commissioning of services to drive down cost
 - SEN inclusion
 - Maximising joint/tri-partite funding
 - Reduce the cost of independent non-maintained placement costs
 - Increase capacity of Bromley specialist settings
 - Increase independence of children and young people through effective transition planning

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The DSG High Needs block funds a wide range of statutory support services for vulnerable children and young people, including those with SEND and those requiring Alternative Provision. It is intended to achieve the necessary reduction in DSG expenditure through transformation, rather than any direct reduction in services, thus minimising any impact on vulnerable young adults and children. An EQIA screening will be undertaken as necessary.

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 The Transforming Bromley Roadmap 2019-2023 sets out several key commitments including; *"Ensure the delivery of Children's Services and Education is sustainable and helps our children and young people at the earliest point of need."*

6. FINANCIAL IMPLICATIONS

- 6.1 The DSG Deficit Recovery Management Plan will seek to reduce the pressure on the DSG and ultimately to reduce the deficit to zero over a five-year period. Future DSG funding is unknown at this stage and detailed actions will need to be considered in the context of anticipated increases in DSG funding in future years.

Non-Applicable Headings:	Personnel, Legal, Procurement, Property, Carbon Reduction/Social Value, Customer Impact
Background Documents: (Access via Contact Officer)	None