



THE LONDON BOROUGH
www.bromley.gov.uk

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DATE: 7 September 2023

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 Davis	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 14 SEPTEMBER 2023 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 13TH JULY 2023 (Pages 3 - 6)**
- 3 UPDATE ON THE CONSTITUTION (Pages 7 - 8)**
- 4 GLA FREE SCHOOL MEALS (Pages 9 - 14)**
- 5 EARLY YEARS CONSULTATION (Pages 15 - 22)**
- 6 ANY OTHER BUSINESS**
- 7 DATE OF NEXT MEETING**

THURSDAY 30TH NOVEMBER 2023

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SCHOOLS' FORUM

Minutes of the meeting held at 4.30 pm on 13 July 2023

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)
Chris Hollands	Primary Academy Head Teacher (Aquinas Trust)
Neil Miller	PRU Head Teacher/Governor Academy (Bromley Trust Academy)
Ian Travis	Special Head Teacher/Governor Academy (Glebe School)
Steve Whittle	Secondary Academy Head Teacher (Impact Multi Academy Trust)

Also Present:

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

19 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Andrew Ferguson proposed that David Dilling be appointed Chairman. The motion was seconded by Neil Miller, put to the vote and CARRIED.

David Dilling proposed that Andrew Ferguson be appointed Vice-Chairman. The motion was seconded by Neil Miller, put to the vote and CARRIED.

RESOLVED: That

- 1. David Dilling be appointed Chairman, and**
- 2. Andrew Ferguson be appointed Vice-Chairman.**

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Andrew Rees and Mr David Wilcox.

21 MINUTES OF THE MEETING HELD ON 26TH JANUARY 2023

The minutes of the meeting held on 26 January 2023 were approved and signed as a correct record.

22 CONSTITUTION OF THE SCHOOLS FORUM

Report CEF23034

The report provided an overview of the representation on the Schools' Forum. The Head of Children, Education and Families Finance introduced the report, explaining that the Constitution was reviewed every few years and would go on to be considered by the Children, Education and Families PDS Committee and ratified by the Portfolio Holder.

The Schools' Forum discussed proposals to reduce the Membership by two, removing one Governor/Trustee member from both Primary and Secondary. This proposal reflected the difficulty in obtaining a full cohort of membership and the changes proposed would help to ensure that meetings remained quorate. It was noted that this proposal would maintain the schools' membership at 70%, which was above the DfE guidance of two thirds of the overall membership being from the Schools' area.

The Head of Children, Education and Families Finance confirmed that following the implementation of the changes, which reduced the Membership of the Schools' Forum from fourteen to twelve, five vacancies would remain on the Forum.

Referring to Paragraph 6.2 of the Schools' Forum Constitution, the Forum also agreed to move the date of the election of the Chairman and Vice-Chairman to the first meeting of the municipal year, in June.

In response to a question, the Head of Children, Education and Families Finance confirmed that representation on the Schools' Forum was based on pupil numbers.

RESOLVED: That

- 1. The Membership of the Schools' forum be reduced by two, removing one Governor/Trustee member from both Primary and Secondary.**
- 2. The election of Chairman and Vice-Chairman take place each year at the first meeting of the new municipal year.**

23 SPENDING BY PRIMARY, SECONDARY AND SPECIAL MAINTAINED SCHOOLS IN 2022/23 Report CEF23035

The report provided information on all revenue and capital balances held by Primary, Secondary and Special Maintained Schools as at 31 March 2023, and also provided a comparison to the balances held at the same time in the previous

year. The Forum noted that report would be considered by the Children, Education and Families PDS Committee.

RESOLVED: that the balances be noted.

24 CEF PROVISIONAL OUTTURN
Report CEF23036

The report provided the CEF provisional outturn position for 2022/23. The Head of Children, Education and Families introduced the report noting that the Dedicated Schools Grant (DSG) remained in a deficit position. The Local Authority would be meeting with the DfE in the summer to discuss the deficit position and further recovery of the deficit.

The Director of Education explained that a deficit recovery management plan was in place, and this was regularly considered by the Children, Education and Families PDS Committee. Some positive progress had been made against the actions in the deficit recovery management plan. For example, eligibility guidance for EHCPs had been implemented and for the year to date the first reduction in the number of requests for statutory assessment had been seen. The Local Authority continued to work towards the establishment of the new Special Free School in the Borough which would add much needed specialist capacity into the Borough. There were other areas of challenge and steps continued to be taken.

In response to a question, the Director of Education confirmed that the Local Authority continued to see a sustained increase in the number of contacts and referrals into children's social care and this had been the case since coming out of lockdown. Bromley was not unique in its position; it was a national challenge. The Bromley partnership was moving towards Children and Family Hubs which would provide a single point of contact offering a number of services such as Early Help, greater integration of mental health aspects and more timely access to support for families. It was noted that the early signs around this were positive.

In response to a question, the Director of Education explained that there was a national shortage of LA foster carers. Bromley continued to work to recruit in-house foster carers although this would continue to be an area of pressure and a number of other options were being considered.

RESOLVED: That the projected position of the CEF Portfolio be noted.

25 ANY OTHER BUSINESS

Supplementary Grant for Early Years

The Schools' Forum noted that the supplementary grant for early years for 2023/24 would increase the hourly rate for funding for 2 & 3-year-olds and 3 & 4-year-olds and would start from September 2023. There were other minor increases – for example pupil premium. The funding did not form part of the DSG, it was a one-off supplementary one-off grant worth £2.5m (as a full year effect).

Mayor of London's Universal Junior Free School Meals

Funding for Bromley had been announced and would be in the region of £6m for the academic year.

The Director of Education explained the Mayor of London's Scheme extended the provision of universal Free School Meals to the Junior age range. The rate of funding was £2.65 per child, per day which many schools had highlighted was below the contractual rate. No contribution to capital costs was being made. As a result of the challenges to schools it was felt that it was important to offer an opt out mechanism if schools felt unable to offer the scheme (as a result of the cost of the shortfall in funding which some had estimated was in the region of £10,000). Final details of the final allocation for Bromley remained outstanding, but it was clear that the level of funding would assume a 90% take up. The GLA had now confirmed that the claw back mechanism would not be applied.

In response to a question, the Director of Education confirmed that as the claw back mechanism was not in place if take-up was below 90% there could be some additional funding for other costs associated with the scheme. The level of 90% had been based on the take-up of infant free school meals. If take up was significantly over 90% in a local authority area additional funding could be sought where evidence was provided. However, this would not help individual schools experiencing high demand in an area where overall take up was not significantly above 90%.

A Primary Head Teacher highlighted that schools had indicated that the capital costs involved in the scheme – the provision of new cookers etc – would exceed £10,000.

26 DATE OF NEXT MEETING

14 September 2023

The Meeting ended at 5.21 pm

Chairman

Report No.
CEF23049

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Schools Forum

Date: 14th September 2023

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

Title: **CONSTITUTION OF THE SCHOOLS FORUM**

Contact Officer: David Bradshaw, Head of Finance
Tel: 020 8313 4807 E-mail: david.bradshaw@bromley.gov.uk

Chief Officer: Jared Nehra, Director of Education

Ward: All wards

1. Reason for decision/report and options

- 1.1 Schools Forum considered a report on the Constitution of the Schools Forum at its meeting of 13th July. One change was made to the date for election of the Chair. Schools Forum recommended that the revised Constitution be submitted to the Children, Education and Families Policy Development and Scrutiny (PDS) Committee for ratification.
- 1.2 The PDS Committee is due to meet and consider a report on the Constitution of the Schools Forum at its meeting on 13th September 2023. Officers will provide a verbal update at the Schools Forum meeting on 14th September, confirming whether the revised Constitution was agreed/agreed with amendments/not agreed.

2. **RECOMMENDATION(S)**

Schools Forum is recommended to note the verbal update provided by Officers and provide any comments.

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Report No.
CEF23051

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Schools Forum

Date: 14th September 2023

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

Title: Greater London Authority Universal Free School Meals Scheme (Key Stage 2)

Contact Officer: David Bradshaw, Head of Finance
Tel: 020 8313 4807 E-mail: david.bradshaw@bromley.gov.uk

Chief Officer: Jared Nehra, Director of Education

Ward: All wards

1. Reason for decision/report and options

- 1.1 This report provides an update on the GLA Universal Free School Meals scheme for Key Stage 2 Pupils and the allocation of funding.

2. **RECOMMENDATION(S)**

Schools Forum is requested to note the allocation of UFSM grant to Bromley schools and to note a further update will be provided at a future Schools Forum meeting.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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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.
-

Financial

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

Personnel

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: Non-Statutory:
 2. Call-in: Applicable:
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The GLA announced a scheme to provide grant funding to extend free school meals (FSM) to Key Stage 2 pupils not eligible for benefit related FSM for the 2023/24 academic year only.
- 3.2 The funding has been set at £2.65 per meal. Concerns have been expressed by Bromley school leaders at the level of funding being significantly below the current cost of providing school meals to pupils. A small number of schools also expressed concerns about the practical implications of delivering an extended FSM scheme at relatively short notice, including physical constraints and staffing implications. The Council wrote to Bromley schools with Key Stage 2 (Junior) pupils and provided an opportunity for schools to opt out of the GLA scheme. No schools chose to opt out.
- 3.3 The grant allocation for Bromley has been set at £6,036k. Despite repeated requests, the GLA has not to date provided a detailed breakdown of the funding calculation. The grant criteria indicates that the level of funding is based on a 90% take up of free school meals by eligible pupils, using Census data. The funding will be received in three tranches over the academic year. In the event that the Council can evidence a take up of greater than 90%, based on information from schools, additional grant funding can be sought from GLA.
- 3.4 An initial allocation of funding has been included within the September payments to applicable Bromley schools as shown in Appendix A. The allocations are based on a 90% take up rate of pupils not eligible for benefit related FSM according to May Census data.
- 3.5 Future allocations may be amended based on any further updates from the GLA. Officers are writing to schools and will review any feedback indicating a take up of higher than 90%

September
total

£ 2,895,855.08

School Number	School Name	Not Eligible for FSM	Eligible for FSM	Total pupils in Y3-6	90% of non-FSM eligible pupils	September allocation
2000	ALEXANDRA JUNIOR SCHOOL	195	37	232	176	£44,182.13
2002	BALGOWAN PRIMARY SCHOOL	331	25	356	298	£74,996.33
2003	HARRIS PRIMARY BECKENHAM GREEN	76	25	101	68	£17,219.70
2004	CHURCHFIELDS PRIMARY SCHOOL	206	48	254	185	£46,674.45
2006	HAWES DOWN PRIMARY SCHOOL	231	28	259	208	£52,338.83
2008	MARIAN VIAN PRIMARY SCHOOL	291	72	363	262	£65,933.33
2009	GRAYS FARM PRIMARY ACADEMY	131	98	229	118	£29,681.33
2010	OAK LODGE PRIMARY SCHOOL	285	40	325	257	£64,573.88
2011	THE PIONEER ACADEMY	181	52	233	163	£41,010.08
2012	WICKHAM COMMON PRIMARY SCHOOL	220	18	238	198	£49,846.50
2014	BURNT ASH PRIMARY SCHOOL	162	87	249	146	£36,705.15
2016	HARRIS PRIMARY ACADEMY KENT HOUSE	135	69	204	122	£30,587.63
2018	PICKHURST ACADEMY	459	42	501	413	£103,997.93
2022	SOUTHBOROUGH PRIMARY SCHOOL	177	62	239	159	£40,103.78
2023	HARRIS PRIMARY ACADEMY CRYSTAL PALACE	118	77	195	106	£26,735.85
2024	VALLEY PRIMARY SCHOOL	210	46	256	189	£47,580.75
2026	RED HILL PRIMARY SCHOOL	338	85	423	304	£76,582.35
2027	ST JOHN'S CHURCH OF ENGLAND PRIMARY SCHOOL	56	28	84	50	£12,688.20
2028	RAVENSWORTH PRIMARY SCHOOL	97	74	171	87	£21,977.78
2029	ELMSTEAD WOOD PRIMARY SCHOOL	89	65	154	80	£20,165.18
2031	HARRIS PRIMARY ACADEMY BECKENHAM	192	38	230	173	£43,502.40
2034	CHELSEFIELD PRIMARY SCHOOL	38	16	54	34	£8,609.85
2035	HARRIS PRIMARY ACADEMY SHORTLANDS	160	22	182	144	£36,252.00
2036	LA FONTAINE ACADEMY	184	28	212	166	£41,689.80
2039	DARRICK WOOD JUNIOR SCHOOL	347	32	379	312	£78,621.53
2041	DOWNE PRIMARY SCHOOL	39	3	42	35	£8,836.43

2042	FARNBOROUGH PRIMARY SCHOOL	137	21	158	123	£31,040.78
2046	PRATTS BOTTOM PRIMARY SCHOOL	38	9	47	34	£8,609.85
2053	THE HIGHWAY PRIMARY SCHOOL	102	24	126	92	£23,110.65
2056	WARREN ROAD PRIMARY SCHOOL	461	17	478	415	£104,451.08
2057	ST MARY CRAY PRIMARY ACADEMY	73	61	134	66	£16,539.98
2059	TRINITY CHURCH OF ENGLAND PRIMARY SCHOOL	104	83	187	94	£23,563.80
2062	JAMES DIXON PRIMARY SCHOOL	131	76	207	118	£29,681.33
2064	LEESONS PRIMARY SCHOOL	90	101	191	81	£20,391.75
2066	MIDFIELD PRIMARY SCHOOL	178	63	241	160	£40,330.35
2067	WORSLEY BRIDGE JUNIOR SCHOOL	123	60	183	111	£27,868.73
2068	LANGLEY PARK PRIMARY SCHOOL	203	26	229	183	£45,994.73
2069	EDGEBURY PRIMARY SCHOOL	213	31	244	192	£48,260.48
2070	HARRIS PRIMARY ACADEMY ORPINGTON	111	83	194	100	£25,149.83
2071	SCOTTS PARK PRIMARY SCHOOL	186	32	218	167	£42,142.95
2072	OAKLANDS PRIMARY ACADEMY	220	55	275	198	£49,846.50
2074	CLARE HOUSE PRIMARY SCHOOL	225	15	240	203	£50,979.38
2075	GREEN STREET GREEN PRIMARY	210	36	246	189	£47,580.75
2079	PERRY HALL PRIMARY SCHOOL	220	35	255	198	£49,846.50
2080	POVEREST PRIMARY SCHOOL	164	81	245	148	£37,158.30
2082	BICKLEY PRIMARY	215	17	232	194	£48,713.63
2084	MANOR OAK PRIMARY SCHOOL	45	52	97	41	£10,195.88
3000	KESTON CHURCH OF ENGLAND PRIMARY SCHOOL	80	16	96	72	£18,126.00
3001	PARISH CHURCH OF ENGLAND PRIMARY SCHOOL	280	62	342	252	£63,441.00
3002	ST GEORGE'S CHURCH OF ENGLAND PRIMARY SCHOOL	204	16	220	184	£46,221.30
3003	UNICORN PRIMARY SCHOOL	235	17	252	212	£53,245.13
3004	CUDHAM CHURCH OF ENGLAND PRIMARY SCHOOL	26	8	34	23	£5,890.95
3005	ST PAUL'S CRAY CE PRIMARY	66	61	127	59	£14,953.95
3300	ST MARK'S CHURCH OF ENGLAND PRIMARY SCHOOL	183	44	227	165	£41,463.23
3301	ST NICHOLAS CHURCH OF ENGLAND PRIMARY	119	6	125	107	£26,962.43
3500	ST JOSEPH'S R.C.PRIMARY SCHOOL	115	9	124	104	£26,056.13
3501	ST VINCENT'S CATHOLIC PRIMARY	106	15	121	95	£24,016.95

3503	ST PHILOMENA'S CATHOLIC PRIMARY	99	18	117	89	£22,430.93
3504	ST.ANTHONY'S R.C PRIMARY	45	26	71	41	£10,195.88
3505	ST PETER AND ST PAUL CATHOLIC PRIMARY ACADEMY	94	28	122	85	£21,298.05
3507	ST JAMES' ROMAN CATHOLIC PRIMARY SCHOOL	123	5	128	111	£27,868.73
3508	BLENHEIM PRIMARY SCHOOL	65	46	111	59	£14,727.38
3510	BIGGIN HILL PRIMARY SCHOOL	198	42	240	178	£44,861.85
5200	CROFTON JUNIOR SCHOOL	643	71	714	579	£145,687.73
5201	HOLY INNOCENTS CATHOLIC PRIMAR	120	10	130	108	£27,189.00
5202	ST MARY'S CATHOLIC PRIMARY	202	24	226	182	£45,768.15
5204	HIGHFIELD JUNIOR SCHOOL	347	21	368	312	£78,621.53
5205	HAYES PRIMARY SCHOOL	357	25	382	321	£80,887.28
5206	RAGLAN PRIMARY SCHOOL	229	24	253	206	£51,885.68
5207	TUBBENDEN PRIMARY SCHOOL	363	40	403	327	£82,246.73
7000	BROMLEY TRUST ALTERNATIVE PROVISION ACADEMY	8	6	14	7	£1,812.60
7001	BROMLEY BEACON ACADEMY	4	32	36	4	£906.30
7005	MARJORIE MCCLURE SCHOOL	12	11	23	11	£2,718.90
7012	RIVERSIDE SCHOOL	61	51	112	55	£13,821.08

Report No.
CEF23050

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Schools Forum

Date: 14th September 2023

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

Title: DFE EARLY YEARS CONSULTATION

Contact Officer: Caren Boiling, Interim Head of Service Early Years, School Standards and Adult Education
Tel: 0208 461 7206 E-mail: caren.boiling@bromley.gov.uk

Chief Officer: Jared Nehra, Director of Education

Ward: All

1. Reason for decision/report and options

- 1.1 This report provides Schools Forum with an update on the DfE Early Years consultation on the extension of the free entitlements.

2. **RECOMMENDATION(S)**

Schools Forum is recommended to note the update and consultation response provided to the DfE.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The outcomes of the DfE's consultation will ultimately determine the level of funding and methodology for vulnerable children aged up to 5 in Bromley.
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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.
-

Financial

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

Personnel

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:
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 In March 23 The Chancellor of the Exchequer announced the government's plans to extend Early Years Education funding to children aged nine months and over, for working parents. The government plan to expand the funding in a staged approach over an eighteen month period starting in April 24.
- 3.2 DFE is currently consulting with all Local Authorities on the way that the funding formula is calculated. This consultation opened on 21 July 2023, and closed on 8 September 2023.
- 3.3 DFE will use the agreed formula to allocate an hourly rate to each Local Authority across all of the new funding streams.
- 3.4 DFE is also consulting on how local Authorities will distribute the new funding streams for children under the age of two.
- 3.5 DFE are proposing to use the following data markers in the Hourly rate calculations, which would be similar to the funding formula for children aged three and four:
- A universal base rate.
 - FSM data.
 - EAL data.
 - DLA data.
 - An area cost adjustment.
 - IDACI data, this will be a new measure used in the funding formula for DFE as the FSM data is not reliable on its own.
- 3.6 DFE is also consulting on the idea to extend the current supplements paid to three and four year old, to be applied to all funding streams, this will mean that children as young as nine months old could be entitlement to EYPP funding or even DAF.
- 3.7 DFE is consulting on the pass through rate for Local Authorities, currently in Bromley the two year funding stream is overpaid to providers, and Bromley are able to retain up to 5% of Universal funding, DFE are consulting on Local Authorities being able to retain up to 5% across all funding streams, during the expansion, however this may reduce to 3% once the expansion to Early Years funding is under way.
- 3.8 This consultation is also seeking comments on an expansion of SEND funding, and if an inclusion fund needs to be established for children from nine months of age, DFE are also seeking comments from Local Authorities if additional guidance on the use of SENIF funding would be the way to ensure younger children with needs are supported in this expansion of funding. DFE are looking to reduce the bureaucracy and streamline SENIF funding processes.
- 3.9 Officers liaised with London Heads of Early Years to inform the Bromley response and sent the consultation out to local Early Years providers.
- 3.10 A copy of Bromley's response to the consultation is provided at Appendix A. Due to the time constraints of the DfE's consultation over the summer period, this response had to be sent by the deadline of 8 September 2023.

Early Years funding – extension of the entitlements consultation questions

Section 1: National funding distribution for entitlements for children aged 2-years-old and under

Introduction:

These questions relate to proposals regarding the national funding formula that will be used to distribute funding to local authorities for 2-year-olds and under from April 2024 in light of the new entitlements. There are also questions in this section relating to proposals to extend eligibility for the disability access fund (DAF) and early years pupil premium (EYPP) to all children accessing the entitlements from April 2024.

Q1: Do you agree that we should introduce IDACI as a new proxy, and use it alongside FSM as a basket of measures for deprivation in the additional needs factor in the new national funding formula for 9-month-olds to 2-year-olds?

Yes, we agree in principle by adding IDACI figures it will give another measure alongside free school meal data.

There are some concerns that there are flaws in the IDACI data, some post codes within London are affluent homes, but rented to families on benefits which would not be recognised through IDACI.

Could the IMD (Index of Multiple Deprivation) be used as a measure alongside IDACI data?

There are some concerns for London, with parents not needing to register for FSM, as meals are being funded by The Mayor for the 23/24 academic year. This may reduce the overall data for London for this whole academic year at least, as families will not need to register.

Q2: Do you agree that we should continue to use EAL and DLA as proxies in the additional needs factor in the new funding formula?

Yes

We are supportive of EAL and DAF as measures. The data should come to DfE from DWP directly with data of children eligible rather than LA level take up.

Will DfE consider using data from Health where children are notified from Health to SEN via a Health Early Notification form, as these children will be eligible but not yet claiming DAF? There needs to be an early indicator of eligibility for DAF for children from nine months of age if this is to be rolled out to all funding streams.

Q3: Do you agree with our proposed approach to the area cost adjustment in the new national funding formula?

Yes – in principle however it may be difficult to quantify this without any take up data.

10% for London premises costs are quite low for London.

Q4: Overall, do you agree with our proposed approach of following the same structure and weightings for the new national funding formula as in the existing 3-and-4-year-old formula?

Yes

There are no planned changes to 3 & 4 year olds formula as part of this consultation, the current rate is not a sustainable rate for providers due to increasing costs.

There is a concern by lowering the single rate for vulnerable two year olds from April it will impact negatively for providers in terms of long term sustainability.

There may also be an impact on the funding expansion if parents fall out of work these children will lose all funding at the end of the grace period.

We have a concern that the DfE may use the current two year old data to fund in the first year, which may not reflect actual take-up in year 1. We suggest there should be in year adjustments to take account of a fluctuating uptake.

Q5: Do you agree that we should extend DAF eligibility to all children accessing the entitlements from April 2024?

Yes - for eligible children.

Few children will have DLA under the age of three, clarification required whether the funding criteria will be the same.

Clarification required on children with emerging needs.

A child born with needs, should be able to access DAF before DLA is awarded, once a child had a known diagnosis, to be able to access early before DLA is awarded. (We suggest the DfE looks at the eligibility criteria for DAF under the funding expansion)

Q6: Do you agree that we should extend EYPP eligibility to all children accessing a free childcare entitlement from April 2024?

Yes, we agree. However, it is unclear how this will be managed during the year. The guidance needs to be clear regarding any in-year adjustments to take account of this spend.

Section 2: Impact of proposals

Introduction:

Alongside the consultation document, we have published modelling which provides illustrative 2024-25 funding rates and allocations for the entitlements for 2-year-olds and under.

We propose to give each local authority rates in 2024-25 for the 2-year-old and 9-month-old up to 2-year-old entitlements calculated using the formula set out above. These funding rates are for a new working parent entitlement for under 2s, and for a new mixed cohort of the disadvantaged 2-year-old entitlement and the new working parent entitlement for 2-year-olds, and they will be calculated using a new funding formula. This means that there is no baseline against which they should be compared.

Year-to-year protections for these funding rates may be desirable in future years. We will keep this under review and consider whether any protections are appropriate when we are setting rates for 2025-26.

Q7: Do you agree with this approach?

Yes, however there is a concern that there is no review for the 3 and 4YO rates, following last year's consultation.

There still needs to be flexibilities for LA's on the passthrough rates.

We will need to encourage childminders to offer funded places, they are worried about the drop in the hourly rates payable between a two year old and a three year old.

Section 3: Local authority funding formulae for childcare entitlements

Introduction:

With the expansion of the entitlements, we are proposing to extend the current framework of rules for the distribution of entitlements funding by local authorities to the existing offer for disadvantaged 2-year-olds and to the new offers for working parents of children aged 2-years-old and under. The questions in this section focus on the key features of this framework as well as seek views on the current processes around SEND funding and options for change.

Q8: Do you agree a pass through rate of 95% should be applied to each funding stream in 2024-25: the 3-and-4-year-old universal and 30 hours offer; the two-year-old disadvantaged and working parent offers; and the 9 months to two-year-old offer?

Yes – this will enable core staff costs and support to providers to fund support to check entitlements. DFE need to be clear how will LA's need to record the passthrough rates, as a total spend and 95% passthrough as a whole, or detailed return on each of the new funding streams. DFE should publish a clearer timeframe as early as possible to be able to go through the school's forum process and still be able to account for a 95% passthrough rate before March 24. No concerns overall and supportive of this, 95% needs to be maintained for a period of time to allow time to know what resources are needed to support the overall expansion of the new entitlements. Can DFE give some clarity on how long LA's can retain 95% once the funding expansions start to allow LA's to be able to judge the take up and the impact on local funding rates set.

Q9: Do you agree that the same list of allowable supplements should be applied to every entitlement funding stream, capped at a maximum 12 percent of planned funding for that entitlement?

No concerns but needs to remain flexible for LA's, in agreement locally via the school's forum process.

Q10: Do you agree that the deprivation supplement should be mandatory for every entitlement funding stream?

Yes, we have no concerns, this should be across all funding streams.

Q11: Do you agree with our proposal that local authorities should establish a special educational needs inclusion fund for children aged 9 months to 2-years-old who are taking up the entitlements?

Yes – the SEN needs of children to be supported may increase with the expansion of funded hours.

DFE need to be clear around the use of SENIF funding from the DSG Grant. Should it just give funding for the hours of funding, or for children to support hours that are not funded.

Q12: What more can be done to support local authorities and providers to reduce bureaucracy and streamline SENIF processes whilst also ensuring the system remains fair and financially sustainable?

Sentinel our funding system has made SENIF more available to providers, applications still need to be made to the SEN team for assessment and award for support. Very often ECHP funding is paid directly to providers monthly, but not for all children.

DFE should issue clear guidance to LA's as the SENIF funding is for low levels and emerging needs, higher SEND needs should be supported by the high needs block via ECHP funding, it would be useful to have clear guidance on the allocation of funding for SENIF, as the funding pot will need to increase with more children accessing funded hours.

Q13: Would local authorities and providers find it helpful for the Department to be more prescriptive about the operation of local SENIFs?

Yes – with some flexibilities, but more clarity is needed in the guidance. There are more children with emerging needs within Early Years.

Section 4: Equalities Impact Assessment

Introduction:

The Public Sector Equality Duty requires public authorities to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Public authorities include the Department for Education, local authorities, governing bodies.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

Q14: Do you have any comments about the potential impact, both positive and negative, of our proposals on individuals on the basis of their protected characteristics? Where any negative impacts have been identified, do you know how these might be mitigated?

Positive impact - that the age range is being lowered for children to access funding, to support working families.

Negative impact - There will be a cohort of two year olds that will not be eligible for either stream of funding within this mixed cohort. This may lead to this cohort of children being at a disadvantage when they become eligible for universal funding. Mitigation may be to consider an element of universal two year funding for all children, in line with three and four year olds.

Negative impact – there may be a possibility that disadvantaged two year olds may be pushed out of a place for working families of two year olds. This may be due to working parents requiring more hours paid for outside of funded hours.

Any Other Comments

Q15: Are there any other comments that you would like to make about our proposals set out in this consultation?

The base rates for three and four year olds are too low, and providers are struggling to afford to run a setting, they are losing staff as they can barely afford to pay minimum wage.

There needs to be clarity on the reduction of the pass through rate to 97% pass through rate and the timeframe. There also needs to be enough time given to the rollout of the funding expansions to be in and to be clear on the projections of take up to ensure that the local funding formulae are correct.

New burden funding is required to be allocated to LA's to support the expansion of the funding streams and to support the roll out locally.

Sufficient time needs to be given to publish the revised statutory guidance, to give enough time to develop funding systems to be able to process the funding. In Bromley we have a unique funding system, but it will need to be updated before the end of the spring term, to allow providers to make the checks for the first cohort of funded two year olds of working families in the Summer 2024.