

## **Schools Forum**

**October 17<sup>th</sup> 2014**

### **Schools and Early Years Finance (England) Regulations 2013**

This report relates to both maintained and academy schools

#### **Recommendation:**

#### **The Schools Forum is recommended to**

- 1.0 Note the changes to the Schools and Early Years Regulations
- 2.0 Add any comments for inclusion within the suggested response from Warwickshire

#### **1.0 Introduction**

1.1 Each year the schools finance regulations are updated to adapt to changes in the way schools and early years are funded following policy announcements.

1.2 The Department for Education are consulting on these amendments and the 6 main changes that relate to Warwickshire are as follows:

(the wording in this section is from the consultation document)

#### **1 Amendments to the Schools Forums (England) Regulations 2012.**

The principal changes to membership of the forum are:

- That if there are any special academies in the local authority's area, there must be at least one member representing them;
- That if there are any alternative provision (AP) academies in the local authority's area, there must be at least one member representing them.

The purpose of these changes is to strengthen the representation on the forum of special provision and AP respectively.

In addition, more specificity is added to the provisions for the forum to discuss SEN and AP matters. In both cases, the forum must discuss places to be commissioned by the local authority – and in the case of AP also by schools – and the arrangements for paying top-up funding. The purpose of these changes is to ensure that the forum discusses the detail of local SEN and AP arrangements.

## **2 Clarification that the dedicated schools grant must not be used to fund places or top-up for 19 to 25 year olds in maintained special schools and special academies.**

This reflects the current position that young people with statements cannot remain in special schools beyond age 19.

The SEN reform programme is a significant culture change. We want to allow time for the SEN reforms to bed in and for local authorities and existing further education and training providers to respond to these challenges. We consider that there are a number of risks associated with extending special school provision up to 25 which may cause uncertainty and volatility in the market as the SEN reforms are introduced.

Young people with EHC plans may need longer in education or training in order to achieve their outcomes and make an effective transition into adulthood. However, this position does not mean that there is an automatic entitlement to continued support at age 19 or an expectation that those with an EHC plan should all remain in education until age 25. For those that do need more time, the core aim of this further education must be on preparing them for adulthood within an adult orientated environment. This should include opportunities to experience the world of work and to develop as far as possible independent living skills and the ability to make independent choices and decisions in an adult context.

Special schools can still set up provision for 19 to 25 year olds that is a legally separate entity from the school through the Education Funding Agency's (EFA) market entry process. This ensures the policy objectives are embedded fully in new provision and helps manage the market.

As the reforms bed in we will keep the provision for 19 to 25 year olds with EHC plans under review.

## **3 Requirement for local authorities to pay the early years pupil premium (of 53p per hour) to all early years providers that are delivering Government-funded early education to eligible three-and four-year-olds.**

Children will be eligible if: they meet the eligibility criteria for free school meals; they have been looked after by the local authority for at least one day; they have been adopted from care; they have left care through special guardianship; or they are subject to a child arrangement order.

#### **4 Amendment relating to teachers' emoluments**

In circumstances where teachers have failed to complete induction satisfactorily, it is no longer regarded that this expenditure falls outside the schools budget.

#### **5 Extension to the regulations relating to early years expenditure held centrally cannot relate to an excluded provider.**

An excluded provider is defined as an independent school that: does not meet the spiritual, moral, social and cultural development of pupils set out in the Independent School Standards; does not actively promote fundamental British values; or promotes, as evidence-based, views and theories which are contrary to established scientific or historical evidence and explanations. A definition of excluded provider has been added to Regulation 1.

#### **6 The calculation of "sparsity" in the schools funding formula has been amended**

This reflects DfE new policy for 2015-16 of setting thresholds for average year-group size rather than school size to decide whether a school should receive funding through the sparsity factor. Detail of the new policy is in chapter 3 of Fairer schools funding arrangements for 2015 to 2016.

### **2.0 Warwickshire Response**

2.1 In most instances, the changes are not significant and merely match policy changes. However, it is officers view that the change to the Schools Forum regulations in terms of special school representation is not necessary. Our proposed response is as follows:

2.2 *In our experience, special schools in the LA work together in practice and any discussions or decisions made at the Forum are communicated by the existing Special School representative that already sits on the Schools Forum. Having an academy and a maintained special school representative on the Schools Forum would be over representation of this group of pupils compared to other groups.*

2.3 The consultation on proposed changes to the schools funding regulations closes on October 17<sup>th</sup>. Any comments made by the Forum will be reflected in the submission made directly following the meeting.

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