

Schools Forum

13 January 2022

Consultation on School Improvement De-delegation from 2022-23

This report relates to maintained schools and is for approval.

Recommendation

Schools Forum is recommended to:

1. Note the DfE has consulted on removing the DfE School Improvement monitoring and brokering grant and to allow LA's to fund all their school improvement activity via de-delegation from school's budget shares
2. Representatives from maintained schools to approve the de-delegation for School Improvement for 2022-23 budgets assuming the DfE grant reduces by 50%.
3. Representatives to note an increase in de-delegation may be required from 2023-24 if the DfE grant is fully removed.

1. Introduction

- 1.1 DfE have consulted on 'Reforming how LA school improvement functions are funded'. The deadline for responses closed on 26th November 2021 with the outcome due to be published in early January.

The consultation sought views on the following proposals:

- **Remove** the School Improvement Monitoring & Brokering Grant ('the Grant'), which is currently allocated to local authorities to support school improvement activities; and
 - **Make provisions** within the School and Early Years Finance (England) Regulations for the financial year (FY) 2022-23 to allow local authorities to fund all of their school improvement activity (including all core school improvement activities) via de-delegation from schools' budget shares
- 1.2 The premise for the consultation was that LAs SI role has changed significantly with the growth of school led approaches such as MATs, putting SI in the hands of the strongest schools and school leaders.

The consultation believes there is no longer a clear distinction between the core improvement activities the grant is provided for and the additional activity provided for by de-delegation. DfE believe that in practice activity is a continuum of wider improvement that councils may chose to undertake. Councils act before performance deteriorates in schools hence the reduction in the number of Financial Warning Notices (FWN) that are issued. Further to this is the Government ambition that all schools convert to academies within a strong MAT who will lead their own school improvement.

- 1.3 In line with other de-delegation decisions, the Secretary of State would retain the power to approve the de-delegation contrary to the decision of the Schools Forum, if satisfied that the council had demonstrated such de-delegation was necessary to ensure the council is adequately funded to exercise core improvement activities.
- 1.4 DfE feels this approach supports the overarching responsibility to ensure maintained schools and academies funding arrangements are more closely aligned.

2. School Improving funding

- 2.1 In the financial year 2021 the School Improvement team received £466k from the DfE Monitoring and Brokering Grant and £189k from de-delegated DSG approved by Schools Forum.
- 2.2 De-delegated DSG for school improvement buys in support from system leaders for schools where some intervention or assistance may be required. It does not support staffing but without the funding, the staff employed by the LA to carry out statutory intervention work would have no resources to offer practical support to schools, such as training and development, support for maintained school inspections or ad hoc advice and assistance. An example of the level of ad hoc support is one school which has received over £35k of system leader support across a 4 term period.
- 2.3 The consultation proposed reducing the DfE grant by 50% from April 2022 and ending in April 2023.
- 2.4 If the DfE consultation proposal is accepted from April 2023 and Schools Forum do not agree to de-delegation, the LA will not have funding to carry out its statutory functions. The risk would be to vulnerable maintained schools. The LA would apply to the Secretary of State to approve the de-delegation contrary to the Schools Forum decision. The LA would need to demonstrate it is necessary to ensure the council is adequately funded to exercise core improvement activities.
- 2.5 On December 16th DfE announced the schools supplementary grant for 2022 to 2023 (from 2023 to 2024 this will be incorporated into core budget allocations via the NFF). Schools will have the flexibility to prioritise their spending of the supplementary grant to best support the needs of their pupils and staff and address cost pressures, including those associated with the Health and Social Care Levy and

the reduction in 'the grant'. Warwickshire schools will receive an additional £11.6 million in 2022-23.

3. Consultation response

- 3.1 Responses to the DfE consultation have been shared across the West Midlands LAs, the LGA and other interested organisations. There has been unanimous rejection of the proposals. A copy of Warwickshire's response is contained in Appendix 1.

4. Risks

- 4.1 The Risk is that DfE funding alone is not enough to fund adequate School Improvement activities which become reactive and not preventative. More schools become vulnerable or decline from 'good' or better.

5. School Improvement reserves

- 5.1 As at December 2021 School Improvement has remaining reserves of £512,000. Historically these reserves were built up from the annual DfE grant to secure funding to staff the school improvement team and some project work. Staffing costs were transferred to core budgets under the transformation programme in 2018/19. The School Improvement Team are now able to spend these reserves on school improvement activity which they are doing.
- 5.2 Given the future of the school improvement role is not clear from DfE the team retains a proportion of the reserves to allow the continuation of the LA's ability to meet its statutory duties. This funding was reviewed as part of the Medium Term Financial Strategy (MTFS) review. Strategic Finance confirmed in December School Improvement reserves will not currently be taken into general reserves.
- 5.3 Note: the reserves built up to June 2021 are subject to DfE Section 31 grant expectations and could be used for anything else the LA is legally entitled to do. From July 2021 onwards, the grant is ringfenced for School Improvement purposes.

6. De Delegation for 2022/23

- 6.1 Schools Forum are asked to vote on de delegation for 2022/23 remaining at same level as in 2021/22. The funding will buy in support from system leaders for schools where some intervention or assistance may be required. It does not support staffing but without the funding, the staff employed by the LA to carry out statutory intervention work would have no ongoing resources to offer practical support to

schools, such as training and development, support for maintained school inspections or ad hoc advice and assistance.

- 6.2 Delegation for 2023/24 will be dependant on the outcome of the DfE Monitoring and Brokering Grant consultation.
- 6.3 School Improvement Reserves will be retained and used to support wider SI activities but this is at the discretion of Strategic Finance.

Sophie Thompson
School Improvement Networks Lead Officer

Author Contact Details

Email: sophiethompson@warwickshire.gov.uk

Tel: 01926 746961

Annex 1:

Warwickshire response to DfE Consultation – Reforming how LA school improvement functions are funded, deadline 26 November 2021.

Consultation available here: <https://consult.education.gov.uk/simb-grant-team/local-authority-school-improvement-funding-reform/>

1. We believe that instances of councils exercising formal intervention powers remain relatively low, and that since its introduction, this grant has primarily supported improvement functions such as early support and challenge to improve individual school performance, which overlaps with wider (non-core) improvement provision.

Do you agree that this is the case? If not, please explain.

We agree that in Warwickshire our rate of issuing FWNs is relatively low. However, we believe the rate of formal interventions would increase without the work funded by the Monitoring and Brokering grant. We believe this because:

- Our risk assessment and preventative work means we do not issue many FWNs as we are able to prevent problems escalating. This preventative work includes: system leader identification, quality assurance, training and co-ordination; school categorisation; new headteacher induction; identification of aspiring headteachers and provision of CPD to encourage recruitment and retention in the County; support for headteacher well-being; support for schools with predicted deficit budgets, both immediate and those forecast for the next three years; ad hoc support for schools where the LA acts as a conduit of soft intelligence and is able to carry out timely actions to avoid leadership breakdown in a school.
- The above work not only improves the performance of Schools of Concern (as per our statutory duty) but also strengthens and improves those schools who have a Good or Outstanding Ofsted judgement.
- We also focus our spend on supporting and strengthening school to school support through the establishment and facilitation of local school improvement networks. The work of these networks supports the system leader model. Importantly the system of governance in Warwickshire includes maintained schools, academy schools (MATs and standalone), special schools, Early Years, Teaching School Hubs and Universities.
- Through our work with Warwickshire schools we are able to retain a comprehensive overview of the whole education system which enables us to provide information when requested by Ofsted, RSC, DfE. This knowledge also enabled us to work closely with our schools, both maintained and academy, and keep them open during a national emergency. All schools were responsive to our advice and guidance because of the established relationships we have through our networks.

- As an LA we are able to support delivery of DfE projects acting as the central point of contact e.g. NHS mental health training and trail blazers.
- Our retention of ‘the big picture’ enables us to provide information to and maintain relationships with the 3 Warwickshire Teaching School Hubs (TSHs), MATs and other education alliances who support Warwickshire schools. This in turn enables us to support the DfE vision for the future model of school improvement delivery.
- We use this fund to drive innovative projects in our schools (of all Ofsted gradings) e.g. whole school coaching projects (School Genie) and bespoke EEF projects delivered in partnership with our local Research School.
- How would we support SEND without this funding? Local area review of SEND needed intelligence on schools we wouldn’t have without School Improvement.
- There are concerns with the lack of maturity of Teaching School Hubs. LA’s have a comprehensive overview of the education system, TSH will only have a view of their own schools and only those who are choosing to engage with them. TSHs were told by DfE to keep their CPD offer lean and consequently reduced their programmes locally.
- There are not enough system leaders locally, the LA is able to identify system leaders to support the work of NLEs and quality assures their work and provide good quality training (CPD) for them. This would not take place without the LA.
- Warwickshire School Improvement Partnership school improvement partners are the 3 local TSHs, previous teaching school alliances, local University, local independent school improvement company and MATs. They do not have the capacity to carry the system leadership work, QA and other support for schools that the LA does using this grant.

2. We are proposing to (i) remove the Grant (Proposal 1), and (ii) enable councils to de-delegate funds via their schools forum to ensure they are sufficiently funded to exercise all of their improvement activities, including all core improvement activities (Proposal 2). Do you agree that, taken together, these proposals will allow councils to continue to ensure they are adequately funded for core improvement activities; and therefore do not impose a new burden? If not, please explain.

We do not agree for the following reasons:

- Funding levels for DSG would need to be increased, in this financial year we have received £466,846 SI monitoring and brokering Grant for 2020/2021 compared to £189,591 top sliced DSG. These figures are simply not comparable.
- Schools are struggling to meet their duties with the funds that they have – particularly for SEND and vulnerable children. They could well be reluctant to de-delegate further funds to the LA which would mean that there would be applications

to the Secretary of State for statutory application.

- Warwickshire currently has a high number of primary schools who remain LA maintained (62%), many do not wish to become academies. The table below shows the number of maintained and academy schools currently in Warwickshire.

School Phase	Total	Academy	Maintained
Nursery*	6	0	6
Primary	194	73	121
Secondary	36	35	1
Special	10	8	2
All through	1	1	0
Total	247	117 (47%)	130 (53%)

*Note maintained nursery schools cannot convert to academy status

- Even if DfE forced all schools to become academies (see our question below), the process would take several years and in this period, we would still need to exercise our statutory duties. Furthermore, we have schools in deficit who cannot convert to academy status until they have a balanced budget.

3. Bearing in mind Proposals 1 and 2, are there any aspects of our guidance to councils on their role in school improvement which could usefully be clarified to aid understanding of what councils are accountable for with respect to improvement and how it should be funded?

(For example, our Schools Causing Concern guidance.)

- DfE need to restate clearly, transparently and without opaqueness LA statutory duties to enable us to fully understand the implications of these proposal.
- The Ofsted Handbook needs amending to clearly define and understand the LA role with triangulation between LAs, DfE and Ofsted. This follows a recent inspection in Warwickshire where Ofsted asked a school if the LA had been in touch with them.
- What is DfE's short/medium/long term intention for those schools are do not wish to become Academies?
- What is DfE's short/medium/long term intention for the expansion of duties of Teaching School Hubs and any related funding increase to enable them to expand their duties?
- What is the future of capital funding for both maintained schools and academies, including Special Schools?
- When will a decision be made on the proposed statutory "hard" National Funding Formula and when will it be introduced? What will the impact of this be on the

Monitoring and Brokering Grant?

- Are there any plans to address the misbalance in funding formula in Maintained Nursery Schools, which the LA continue to support as part of their statutory duties?

4. The Public Sector Equality Duty (PSED) requires that public bodies consider the potential effects of key decisions on groups with protected characteristics. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age.

Please let us know, providing evidence where possible, if you believe any of the proposals set out in this consultation will have the potential to have an impact on specific groups, in particular those with relevant protected characteristics.

A reduction in any funding will inevitably have an impact on any of the above groups in schools, whether the Monitoring and Brokering Grant is reduced and/or whether schools' budgets are top sliced – either way there will be less money in school budgets to meet the needs of these groups.