

**Report for:** Cabinet Member Signing 18<sup>th</sup> January 2018

**Item number:** 4

**Title:** Changes to Haringey Council's Local Schools Funding Formula for the 2018-19 financial year

**Report authorised by:** Tracie Evans – Deputy Chief Executive

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**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key

**1. Describe the issue under consideration**

This report seeks the Cabinet Member's approval for changes to the Council's local schools funding formula for the 2018-2019 financial year due to the introduction of the Schools National Funding Formula by the Department for Education (DfE).

In Summer 2017, the DfE informed all schools of their commitment to increase all schools' budgets by a minimum of 0.5% per pupil for 2018-19 compared to their 2017-18 school budget allocation.

Following consultation by the Council with all maintained schools and academy schools in the borough, and with Schools Forum, Schools Forum asked the Council to continue the existing local school funding formula during the two year transition to a 'hard' Schools National Funding Formula in April 2020. However, given the nature of the funding settlement, a number of adjustments are required to the local funding formula for the 2018-2019 financial year. These are set out in the recommendations below.

Cabinet Member signing will follow Schools Forum on 17<sup>th</sup> January 2018, where further discussion will be required. It will also follow further consultation by the Council with all maintained schools and academies in the borough on the current recommendations once modelling of the final funding allocation is complete. Final adjustments to the recommendations may need to be made in the light of that discussion and consultation. . The Council must then submit the final local funding formula to the Education and Skills Funding Agency (ESFA) by 19<sup>th</sup> January 2018.

**2. Cabinet Member Introduction**

The introduction of the National Funding Formula for schools has been a challenge up and down the country and Haringey has been at the forefront of campaigning to ensure that no schools lose out. Whilst this has led to an improved settlement, the increase in funding for schools in Haringey is still well below inflation, meaning our schools continue to face significant budget pressures.

I am pleased that we have been able to work closely with schools across the borough to ensure that the funding available is distributed as fairly as possible so that all Haringey schools can continue to deliver excellent outcomes for our children and

young people. Under these proposals every school will receive an increase of 0.5% per pupil. In addition, schools have agreed to move a significant amount of funding (nearly half a million pounds) into High Needs to support those with the greatest need when funding is tight. This is a reflection of the excellent leadership and collaboration that exists in Haringey, and I extend my thanks to everyone who has worked to achieve this in challenging circumstances.

### **3. Recommendations**

Following agreement at Schools Forum on the principles for distributing the 2018-19 Schools Block funding, the Cabinet Member is asked to agree the following changes to the local schools funding formula for the 2018-2019 financial year:

- (a) Minimum Funding Guarantee (MFG) to increase from -1.5% to +0.25% per pupil
- (b) Operate a cap of +0.25% per pupil increase at a scaling rate<sup>1</sup> of 100% on schools gaining compared with the 2017-2018 local funding formula.
- (c) Schools to receive the difference between +0.5% per pupil MFG with a cap of +0.5% per pupil increase at a scaling rate of 100%, and +0.25% per pupil MFG with a cap of +0.25% per pupil increase at a scaling rate of 100%, as a one off cash release from Schools Block DSG Reserves in 2017-18, to ensure all schools receive the +0.5% increase per pupil.

*Please note: this may need to be updated following the meeting with Schools Forum on January 17<sup>th</sup> 2018 and following completion on 17<sup>th</sup> January 2018 of consultation with maintained schools and academies in the borough.*

These changes require approval by the Council in line with its local scheme of delegation to complete the Authority Proforma Tool, as required by the ESFA. Such approval can be given on behalf of the Council by the Lead Member .

Alongside these changes to the formula, it should be noted that Schools Forum has agreed to transfer 0.25% (£488k) from the Schools Block to the High Needs Block.

### **4. Reasons for decision**

The Council will be legally required to set the local schools funding formula and must submit this to the ESFA by 19<sup>th</sup> January 2018.

The recommended changes to the local funding formula follow:

- (a) Consultation with schools on their preferred option (based on initial modelling from ESFA, which has since been revised) in November 2017
- (b) Discussion at Schools Forum in early December 2017, where the principles underpinning how the funding formula should operate were agreed and minuted in light of the response to the consultation
- (c) Once the final allocations have become clear, the modelling has been updated. This will have been sent out to all schools for comment and will be discussed at Schools Forum on 17<sup>th</sup> January 2018.

Once the final Schools Block allocation was confirmed by the ESFA in late December 2017, the following considerations have had to be taken into account:

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<sup>1</sup> The scaling rate refers to the proportion of any gain in funding above the cap which is held centrally and redistributed (ie 100% scaling means all money beyond the cap would be held centrally and redistributed)

- (a) The Council is not able to deliver the promise of an increase to all Haringey's school budgets unless the MFG is changed from -1.5% to +0.5% per pupil.
- (b) The change in MFG from -1.5% to +0.5% per pupil is not affordable under the available 2018-19 Schools Block Dedicated Schools Grant. A further change to the cap of 2.5% per pupil increase to 0.5% per pupil increase, at a scaling rate of 100% instead of 40%, is required in order to ensure all Haringey's schools will receive a minimum of 0.5% increase in their funding.
- (c) The Council's Schools Forum has had to revise its initial allocation to Growth Fund to £1M for 2018-19 to allow the Council to continue to deliver future years local schools funding formula within the available funding envelope.

## 5. Alternative options considered

Following consultation with the Schools Forum on 14<sup>th</sup> November 2017, all schools in Haringey were consulted on the proposed changes for 2018-2019 to the Council's Schools Funding Formula, with a deadline of 29<sup>th</sup> November 2017 for responses from Headteachers and Chairs of Governors. The following options – based on modelling of the Schools Block with the latest available information – were consulted upon:

- Option A Pure National Funding Formula Values with £1.1M deducted for Growth Fund and 0% per pupil MFG
- Option B Existing Schools Funding Formula with £1.1M deducted for Growth Fund and +0.47% per pupil MFG
- Option C Existing Schools Funding Formula with 0.25% transferred out of Schools Block to High Needs Block, £1.1M deducted for Growth Fund and +0.21% per pupil MFG
- Option D Existing Schools Funding Formula with 0.5% transferred out of Schools Block to High Needs Block, £1.1M deducted for Growth Fund and -0.12% per pupil MFG

By the deadline, 32 responses had been received of which two were from School Business Managers who were not eligible to vote. The remaining 30 are summarised below.

Question: Which is your preferred option?	Option B	Option C
Headteacher Votes	2	16
Chair of Governors Votes	1	11
Total Votes	3	27

The returns were overwhelmingly in favour of Option C, which is to run the Council's 's 2018-19 Schools Funding Formula by deducting £1.1m for Growth Fund, transferring 0.25% out of Schools Block to High Needs Block and allocating the remainder of Schools Block to all schools using +0.21% per pupil Minimum Funding Guarantee, on the ESFA's Authority Proforma Tool.

Discussion at December's Schools Forum accepted Option C but recognised that further work would be needed to reach the final funding formula once the ESFA confirmed the final allocation.

## **6. Background information**

In July 2017, DfE announced an updated position on schools funding, which covered both the amount of money available to schools and changes to the mechanism by which school funding is distributed.

A new National Funding Formula for Schools, High Needs and the Central School Services Block will be introduced from April 2018.

The Secretary of State announced an additional £1.3bn of funding for schools and high needs across 2018 to 2019 and 2019 to 2020, which was designed to ensure a redistribution of funding nationally towards places with lower pupil funding. However, the additional investment also meant the Secretary of State was able to produce a minimum guarantee of per pupil of £3,300 for primary and £4,600 for secondary in 2018-19, and £3,500 for primary and £4,800 for secondary in 2019-20, together with guidance that this would mean putting in a floor for all schools of a minimum amount of growth in their budgets of 0.5% per pupil in 2018-19 and cumulatively of 1% per pupil by 2019-20.

The policy document which sets out the background and principles of the new National Funding Formula for schools can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/648532/national\\_funding\\_formula\\_for\\_schools\\_and\\_high\\_needs-Policy\\_document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/648532/national_funding_formula_for_schools_and_high_needs-Policy_document.pdf)

For 2018-19 and 2019-20 this remains a 'soft' version of the National Funding Formula, which means that the National Funding Formula will set notional allocations for each school, which will be aggregated, and used to calculate the total Schools Block received by each local authority. The Schools Block is then distributed by the local authority to schools according to a locally determined formula.

There are some other important changes. The DSG is currently divided into three notional blocks: Schools, High Needs and Early Years. In 2018/19, the DfE is introducing a fourth block: the Central School Services Block.

Table A sets out Haringey's Dedicated Schools Grant allocations for 2017-18, the rebased DSG baseline allocation for 2018-19, the National Funding Formula DSG allocations for 2018-19 and the illustrative National Funding Formula for 2019-20.

**Table A – Haringey's Dedicated Schools Grant**

Dedicated Schools Grant	2017-18 DSG allocations as at 10 Oct 2017	2018-19 Minimum DSG baseline allocations as at 4 August 2017	2018-19 Provisional NFF funding as at 14 Sep 2017	2018-19 Funding allocation as at 19 Dec 2017	2019-20 Illustrative NFF
	£M	£M	£M	£M	£M
<b>Schools Block</b>	195.29	192.53	193.38	195.30	194.24
<b>Central School Services Block</b>	0.00	3.14	3.07	3.09	2.99
<b>Early Years Block</b>	18.67	18.67	18.67	20.26	18.67
<b>High Needs Block</b>	35.85	35.47	35.82	35.80	35.93
<b>Total DSG</b>	<b>249.81</b>	<b>249.81</b>	<b>250.94</b>	<b>254.46</b>	<b>251.82</b>

No more than 0.5% of the Schools Block funding can be transferred to other blocks within the DSG. The approval of the local authority's Schools Forum will be required.

Money that was previously centrally retained is now contained in a new and separate Central Schools Services Block which is held by the local authorities and will continue to deliver similar services as in the past under centrally retained funds.

As in previous years, any decisions by maintained schools to de-delegate funding in 2018-19 will need to be taken through Schools Forum.

The DfE have not committed to the future arrangements, but the expectation is that a 'hard' NFF will be introduced – i.e. without a local formula applied - from 2020-21.

Following the results of the consultation with all maintained and academy schools, Schools Forum met on 7<sup>th</sup> December 2017 and agreed the following principles for the local funding formula in 2018-2019:

- (a) revise the Growth Fund down to £600,000
- (b) move an initial 0.25% out of the Schools Block into the High Needs Block
- (c) set the MFG at +0.5% per pupil
- (d) after which, if there was a surplus, to move any further amounts necessary to increase the amount to be transferred from the Schools Block into the High Needs Block up to the maximum of 0.5% permissible.

This has since required updating with the final figures from the ESFA. Points (b) and (c) have been maintained. Point (c) has been maintained in that all schools will get +0.25% per pupil MFG in 2018-2019, and the remaining +0.25% per pupil as a cash release from 2017-18 Schools Block DSG Reserves. In relation to (a) the Growth Fund

has been revised to £1M. In relation to (d) there is no remaining surplus to transfer to additional funding beyond the initial 0.25%.

## 7. Contribution to strategic outcomes

The local school funding formula is an important element in delivering the best possible outcomes for Haringey's children and young people under Priority 1 / Best Start in Life in the Corporate Plan.

## 8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

### Finance

The recommended changes to the Council's local schools funding formula are for a Minimum Funding Guarantee (MFG) of +0.25% per pupil, together with a cap of +0.25% per pupil increase and a scaling rate of 100% compared with the funding formula for 2017-2018. These changes are required to deliver the Government's promise to all Haringey schools within the Council's 2018-19 Schools Block Dedicated Schools Grant (DSG) funding envelope.

2018-19 Schools Block Dedicated Schools Grant funding settlement	£195,299,098.60
Transfer 0.25% from Schools Block to High Needs Block	-£488,247.75
Growth Fund for 2018-19	-£1,001,837.00
Funding available for Schools Block Formula	£193,809,013.85
APT Proforma applying +0.25 MFG +0.25% Cap at 100% Scaling	£193,809,013.85
Remainder	£0.00

There are no direct implications from this decision in relation to the Council's General Fund. This does not relate to any savings set out in the Medium Term Financial Strategy.

### Procurement

There are no procurement issues associated with this decision.

### Assistant Director of Corporate Governance comments

There are at present no regulations in force governing local authorities' financial arrangements in relation to the funding of maintained schools in England for the financial year 2018-2019. The last set of regulations- the School and Early Years Finance (England) Regulations 2017- only applied to the 2017-2018 financial year. However it is reasonable to assume that in line with previous years regulations will be made, coming into force by 1<sup>st</sup> April 2018, that govern those financial arrangements for the 2018-2019 financial year. It is also reasonable to assume that these regulations will implement most if not all of the requirements placed on local authorities by the Education and Skills Funding Agency's Operational Guide "Schools revenue funding 2018 to 2019" (December 2017).

The Operational Guide states that "local authorities must engage in open and transparent consultation with all maintained schools and academies in the area, as well as with their Schools Forums, about any proposed changes to the local funding formula including the method, principles and rules adopted". It also says that "Any consultation



should include a demonstration of the effect of modelling such changes on individual maintained schools and academies”. It goes on to say that local authorities must report their local funding formulas to the ESFA on a combined modelling tool and proforma, the Authority Proforma Tool (APT), and that they must submit their final APT by 19<sup>th</sup> January 2018. It also points out that “the local authority is responsible for making the final decisions on the formula, and each authority’s process must ensure that there is sufficient time to gain political approval before the APT deadline in January 2018”. It notes that the Schools Forum does not decide on the formula.

The Regulations governing the 2017-2018 financial year placed a duty on the local authority to consult its Schools Forum and schools maintained by it about any proposed changes to its local school funding formula, in relation to the factors and criteria taken into account, and the methods, principles and rules adopted. It is highly likely the Regulations governing the 2018-2019 financial year will place a similar duty on local authorities. It is not clear if the latter Regulations will put a duty on local authorities also to consult with academies in their area. However, if the Council has a settled practice of consulting academies in Haringey over proposed changes to its local school funding formula, then those academies can argue they had a legitimate expectation of such consultation, and take action by way of judicial review proceedings to require such consultation if it does not take place.

Where statute or previous practice establishes an obligation on a decision-maker prior to making a decision, the following principles established in case-law apply:

- (a) The consultation must take place while the proposals are still at a formative stage (ie when the results of the consultation may still make a difference)
- (b) The consultee must be given sufficient information about, and reasons for, the proposal to be able to respond in a meaningful and intelligent way and sufficient time to be able to respond
- (c) Depending on the circumstances of the particular case, it may also be necessary to consult about other options that have been rejected.
- (d) There must then be sufficient time for the responses to be considered properly, and the responses must be considered conscientiously, in the course of taking the ultimate decision.

It is also established in case-law that where, following consultation, the decision-maker decides that it wishes to adopt a different proposal to that which was consulted on, then there only need to be re-consultation if there is a fundamental difference between the proposals consulted on and those which the consulting party subsequently wishes to adopt. The current proposals differ from all of the proposals previously consulted on (options A to D) and arguably there is a fundamental difference between them and all of options A to D. Therefore it is arguable there needs to be further consultation on the current proposals with all maintained schools and academies in the borough, and with Schools Forum.

The further consultation by the Council with all maintained schools and academies in the borough on the current proposals will only give them a week in which to respond. Given the deadline of 19<sup>th</sup> January 2018 by which the Council is required to submit its schools funding formula to the ESFA, given the ESFA only confirmed the Council’s final funding allocation in late December 2017, and given the previous consultation, there are strong arguments that in the circumstances a week is a sufficient time for schools and academies to respond to the current proposals.

### **Equalities comments**

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant characteristic and people who do not share it .

A “relevant protected characteristic” is age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status also apply to the first part of the duty.

The report proposes to change the Council’s schools’ funding formula’s Minimum Funding Guarantee (MFG) to +0.25% per pupil , with a cap of +0.25% per pupil increase with 100% scaling. This is in line with the Department for Education’s School Budget allocation. The further proposal to pay all schools the difference between the +0.5% per pupil MFG with a cap of + 0.5% per pupil increase at a scaling rate of 100%, , and +0.25% per pupil MFG with a cap of +0.25% per pupil increase at a scaling rate of 100%, out of 2017-18 Schools Block DSG Reserves, means that all schools in Haringey will receive a proportionate increase in their annual budgets as per pupil funding increases by +0.5%. No options are available to provide differential funding to schools in relation to the proportion of pupils with protected characteristics. There are no particular equalities considerations arising from the rationalisation of the Growth Fund.

#### **9. Use of Appendices**

Appendix 1 sets out the additional +0.25% per pupil all Haringey schools will receive from 2017-18 Schools Block DSG Reserves to this report.

#### **10. Local Government (Access to Information) Act 1985**

The following information was used in compiling this report:

- Department for Education, The national funding formula for schools and high needs (2017):  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/648532/national\\_funding\\_formula\\_for\\_schools\\_and\\_high\\_needs-Policy\\_document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/648532/national_funding_formula_for_schools_and_high_needs-Policy_document.pdf)