

## SOLIHULL METROPOLITAN BOROUGH COUNCIL

<b>Report to:</b>	Solihull School Forum
<b>Meeting date:</b>	08 December 2020
<b>Subject/Report Title:</b>	<b>SCHOOL FUNDING 2021-2022 - GENERAL DUTIES</b>
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<b>Schools affected:</b>	<input type="checkbox"/> All Schools <span style="margin-left: 200px;"><input type="checkbox"/> All Primary</span> <input type="checkbox"/> All Secondary <span style="margin-left: 150px;"><input type="checkbox"/> All Special</span> <input type="checkbox"/> All Primary and Secondary <span style="margin-left: 50px;"><input checked="" type="checkbox"/> Maintained Schools Only</span> <input type="checkbox"/> Academy Schools Only <span style="margin-left: 100px;"><input type="checkbox"/> PVI Settings</span> <input type="checkbox"/> PRUs <span style="margin-left: 150px;"><input type="checkbox"/> Other (specify)</span>
<b>Type of Report</b>	For Forum to Decide
<b>Forum Voting</b>	Maintained School Members Only
<b>Public/Private report:</b>	Public

<b>1. Purpose of Report</b>
1.1 For School Forum to consider Local Authority General Duties and the resultant top slice to school budgets of all maintained Solihull schools.
<b>2. Decision(s) Recommended</b>
2.1 That Forum agree the level of funding from maintained schools for statutory duties previously funded by the General Rate of Education Services Grant as set out in para 4.1.
<b>3. Background</b>
3.1 School Forum has formal powers to approve the level of budget for certain centrally held expenditure. The operational guidance from the ESFA allows Local authorities to fund services previously funded from the general funding rate of the ESG (for maintained schools only) from maintained school budget shares with the agreement of maintained school members of the School Forum.
3.2 The amount to be retained by the local authority will need to be agreed by the relevant maintained schools members of the schools forum (primary, secondary, special and pupil referral units (PRUs). If the local authority and schools forum are unable to reach a consensus on the amount to be retained by the local authority, the matter can be referred to the Secretary of State.
3.3 This report sets out the details of services covered under the operational guidance

and regulations, the costs of these services and the proposed mechanism of funding.

- 3.4 The Finance Group considered this report on 26<sup>th</sup> November 2020 and supported the recommendations as set out in para 4.1.

#### **4. General Duties**

- 4.1 For 2020/21, School Forum approved the funding of General Duties which equated to: £66 mainstream schools (the DFE equivalent pupil rate), £165 special schools and £165 PRU's. The latter two charges were set at locally agreed rates which are substantially below the DFE's equivalent per pupil rates of £280.50 and £247.50 respectively. Total funding amounts to £1.219m against an estimated cost of £1.966m. This is set out in Appendix C.
- 4.2 Previous reports to Forum have set out the circumstances around the government's funding changes, the resultant impact and the requirement for the LA to seek schools funding for its statutory responsibilities. Nothing has changed in this regard.
- 4.3 It is worth noting again that the old grant was "un-hypothocated" – each LA 'does what it does' and has treated ESG as general income – no LA has put in place sophisticated systems to be concise about costs and nature of these activities in the way the DfE have defined them. The definitions do not reflect how local authorities classify their activities, team organisations or accounting systems. Overall local authorities spend much more on these activities than the ESG grant, and Solihull is no different.
- 4.4 As previously reported, Appendix A sets out the nature of services and responsibilities formerly defined as General Duties as set out in the operational guidance and underpinned by the School and Early Years Finance (England) Regulations 2020. These represent statutory functions Local Authorities hold for maintained schools.
- 4.5 Appendix B sets out in more detail the nature and costs of the services provided. The provision of these services ensures that statutory obligations are met, gives schools some safeguarding against risks but can also generate financial benefits. I will again give as an example, that the Director of Resources and Deputy Chief Executive has negotiated a second three year deal with the West Midlands Pension Fund from this year for a lower pension rate. This has previously saved maintained schools some £1m over the first three year period and will do likewise over the next 3 years.
- 4.6 Appendix C summarises the proposed services and costs.
- 4.7 As discussed last year, the LA still recognises that full cost recovery is neither feasible or, in the current climate for schools, realistic, despite increased funding allocated to schools for 2020/21. However, we still need to ensure that there is a contribution that reflects the duties we have to provide and maintains the valuable working relationship we have with our maintained schools and vice versa. This has without doubt been apparent through the current Covid 19 crisis.
- 4.8 Our proposal for next year is to maintain the rates at the current unit rate level. On this basis, the LA would in effect be subsidising general duties by some £0.747m. We will continue to absorb the impact of pay awards and other inflationary changes. This subsidy is in addition to that for Retained Duties and Central Services as set out in the separate report.

<b>5.</b>	<b>List of Appendices Referred to</b>
5.1	Appendix A: Schools Revenue Funding 2021/22- Operational Guide July 2020 (ESFA Education & Skills Funding Agency) extract showing Forum approval requirements for former General Duties.
5.2	Appendix B: Narrative on General Duties functions across services.
5.3	Appendix C: Summary Schedule of General Duties.
<b>6.</b>	<b>Background Papers and Web Links Used to Compile this Report</b>
6.1	Schools Revenue Funding 2021/22 : Operational Guide July 2020.
6.2	Schools and Early Years Finance Regulations 2020.
<b>7.</b>	<b>List of Other Relevant Documents</b>
7.1	N/a

## Appendix A

### Extract from: Schools Revenue Funding 2020/21 Operational Guide September 2019 With reference to the Schools and Early Years Finance Regulations 2018

#### Responsibilities held for maintained schools only

##### Statutory and regulatory duties

- • Functions of LA related to best value and provision of advice to governing bodies in procuring goods and services (Sch 2, 57)
- • Budgeting and accounting functions relating to maintained schools (Sch 2, 74)
- • Authorisation and monitoring of expenditure in respect of schools which do not have delegated budgets, and related financial administration (Sch 2, 58)
- • Monitoring of compliance with requirements in relation to the scheme for financing schools and the provision of community facilities by governing bodies (Sch 2, 59)
- • Internal audit and other tasks related to the authority's chief finance officer's responsibilities under Section 151 of LGA 1972 for maintained schools (Sch 2, 60)  
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- • Functions made under Section 44 of the 2002 Act (Consistent Financial Reporting) (Sch 2, 61)
- • Investigations of employees or potential employees, with or without remuneration to work at or for schools under the direct management of the headteacher or governing body (Sch 2, 62)
- • Functions related to local government pensions and administration of teachers' pensions in relation to staff working at maintained schools under the direct management of the headteacher or governing body (Sch 2, 63)
- • Retrospective membership of pension schemes where it would not be appropriate to expect a school to meet the cost (Sch 2, 76)
- • HR duties, including: advice to schools on the management of staff, pay alterations, conditions of service and composition or organisation of staff (Sch 2, 64); determination of conditions of service for non-teaching staff (Sch 2, 65); appointment or dismissal of employee functions (Sch 2, 66)
- • Consultation costs relating to staffing (Sch 2, 67)
- • Compliance with duties under Health and Safety at Work Act (Sch 2, 68)
- • Provision of information to or at the request of the Crown relating to schools (Sch 2, 69)
- • School companies (Sch 2, 70)
- • Functions under the Equality Act 2010 (Sch 2, 71)
- • Establish and maintaining computer systems, including data storage (Sch 2, 72)
- • Appointment of governors and payment of governor expenses (Sch 2, 73)

##### Education welfare

- • Inspection of attendance registers (Sch 2, 79)

##### Asset management

- • General landlord duties for all maintained schools (Sch 2, 77a & b (section 542(2)) Education Act 1996; School Premises Regulations 2012) to ensure that school buildings have:
  - appropriate facilities for pupils and staff (including medical and accommodation)
- the ability to sustain appropriate loads
- reasonable weather resistance

- safe escape routes
- appropriate acoustic levels
- lighting, heating and ventilation which meets the required standards
- adequate water supplies and drainage
- playing fields of the appropriate standards
- - General health and safety duty as an employer for employees and others who may be affected (Health and Safety at Work etc. Act 1974)

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- Management of the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012)

### **Central support services**

- Clothing grants (Sch 2, 53)
- Provision of tuition in music, or on other music-related activities (Sch 2, 54)
- Visual, creative and performing arts (Sch 2, 55)
- Outdoor education centres (but not centres mainly for the provision of organised games, swimming or athletics) (Sch 2, 56)

### **Premature retirement and redundancy**

- Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch 2, 78)

### **Monitoring national curriculum assessment**

- Monitoring of National Curriculum assessments (Sch 2, 75)

### **Therapies**

- This is now covered in the high needs section of the regulations and does not require schools forum approval