

Central Retention and De-delegation Funding Consultation

**Maintained Schools Only
2023-2024**

The closing date for comments is **Thursday 6 January 2023**
<https://forms.office.com/e/9iiCemYJET>

Services for Maintained Schools Only

This consultation provides details of the funding mechanisms applicable to maintained schools only. Maintained schools' representatives on the Schools Forum are asked to agree that some services should be funded from the budget shares of maintained primary and secondary schools. The services and the proposed total amount to be funded are in respect of the following:

- **Central Retention:** Proposals for the central retention of services where the LA retains a statutory duty to undertake activity to support maintained schools only. These include a range of services such Financial and Audit Services, Asset Management and monitoring and moderating national curriculum assessments and that every school in BCP is Good or better. The LA also provides Governor Services and an LA Governor for every maintained school.
- **De-delegation:** Proposals for de-delegation of services applicable only to mainstream schools. These are services where schools retain the statutory duties, but better efficiency could be achieved through central delivery by the LA.

Central Retention

Central retention is applicable to both mainstream and specialist providers. These are services where the LA retains a statutory duty to undertake activity to support all maintained schools only. These services are to be funded from central retention of school budget shares on an amount per pupil or per place. Schools Forum maintained school representatives make the decision on behalf of all maintained schools collectively.

Following the withdrawal of the Education Services Grant (ESG) previously allocated to local authorities by the Government for the provision of statutory services in relation to schools, the DfE introduced a provision within the School Funding Regulations for local authorities to agree a contribution from LA maintained schools budget shares towards the cost of statutory services. This principle reflects the charge that most Multi Academy Trusts (MATs) place on their partner academies for central services. This means that with the agreement of maintained school members of the Schools Forum, Local authorities are able to fund some services relating to maintained schools only from maintained school budget shares. The relevant maintained school members of the Schools Forum (primary, secondary, special, and PRUs) should agree the amount the local authority will retain.

The guidance sets out that Local authorities should set a single rate per 5 to 16-year-old pupil for all mainstream maintained schools, both primary and secondary (and this is deducted from basic entitlement funding). It is important to note that the rate does not include early years or post-16 pupils who are funded through different formulae. Local authorities may choose to establish differential rates for special schools and PRUs if the cost of fulfilling the duty is substantially different for these schools. The rate is expressed per place rather than per pupil for special schools and PRUs. The proposed per pupil (mainstream) and per place (specialist) rates for central retentions for 2023-24 are set out in the table below (Table 1).

Table 1: Proposed Maintained School Central Retention Rates April 2023 - March 2024

	2021/22	2022/23	Proposed 2023/24
Mainstream School rate per pupil	23.17	23.17	23.15
Specialist Provider rate per place	98.46	98.46	98.37

The guidance sets out that Local authorities should provide sufficient evidence to their Schools Forum to enable them to make an informed decision on the amount of funding to be held centrally. In line with the DfE's guidance, table 2 sets out the planned total spending for

the 12 months period from April 2023. Spending is shown under maintained school service headings which align to statutory and regulatory duties of the Local Authority. **Appendix 1** provides details of maintained school duties with a comparison of those for all schools funded from the central school services block. Detail of the actual services provided locally by BCP are set out in **Appendix 2** along with the risks/consequences of the amount not being held centrally.

Table 2: LA Budget for Maintained School Statutory Duties April 2023 to March 2024

Statutory and Regulatory Duties	Central Budget Retained £000's
Education Services	58
Finance and Audit	70
Human Resources	15
Asset Management	50
Monitoring National Curriculum Assessments	20
Total Statutory & Regulatory	213

The guidance requires LA to provide details of the impact on individual school budgets, and their overall financial position. The amounts for each maintained school for the 12-month period (should they remain maintained throughout) based on 2022-23 pupils and projected 2023-24 place numbers (to be updated in final allocations) are set out in the table below.

Table 3: Indicative Maintained School Central Retentions April 2023 to March to 2024

Maintained Mainstream	NOR	Central Retention
Christchurch Infant School	350	£8,101
Somerford Primary School	238	£5,509
Mundeford Community Infants' School	181	£4,189
Mundeford Junior School	262	£6,064
Burton Church of England Primary School	334	£7,731
St Katharine's Church of England Primary School	467	£10,809
Corpus Christi Catholic Primary School	432	£9,999
The Priory Church of England Primary School	211	£4,884
St Joseph's Catholic Primary School,	210	£4,861
Highcliffe St Mark Primary School	649	£15,022
St Walburga's Catholic Primary School	419	£9,698
St Edward's RC/C England School, Poole	909	£21,040
Poole High School	1608	£37,219
Maintained Specialist Places	Places	
Winchelsea Special	220	£21,641
Christchurch Learning Centre	48	£4,722
Linwood Special	422	£41,512
Proposed Contribution BCP		213,000

It is important to note that these amounts have remained the same for the last 3 years. As the Council's pressures intensify, it will be necessary to review the amounts centrally retained.

De-delegation of School Duties

De-delegation of services is currently applicable only to mainstream schools. These are services where schools retain the statutory duties, but better efficiency could be achieved through central delivery by the LA. The arrangements for maintained special and AP providers are currently the same as those for academies through traded services, except for school improvement services where de-delegation was implemented for the first time in 2022/23 when the grant from the DfE started to be withdrawn. Schools Forum makes the decision on behalf of all maintained schools by primary and secondary phases separately.

DfE guidance sets out that de-delegated services are for maintained mainstream schools only and that funding for de-delegated services must be allocated through the formula but can be passed back, or de-delegated for maintained mainstream primary and secondary schools with Schools Forum approval. Where de-delegation is agreed for maintained primary and secondary schools, local authorities typically offer the service on a buyback basis i.e. traded services to those schools/academies in their area which are not covered by the de-delegation and for their consideration individually. BCP currently offer a service level agreement for checking free school meal eligibility.

De-delegation does not apply to special schools, nursery schools, or PRUs. In the case of special schools and PRUs, the funding to buy such services will be included in any top-up payments. For this reason, special schools and PRUs will need to agree the charge on an individual basis.

Academy Conversion

In line with DfE guidance, arrangements for maintained schools on conversion to academy status are contained in **Appendix 3**.

New decisions will be required for any service to be de-delegated in 2023/2024. There are no specific proposals for new traded services, though the Council proposes to make up for further lost grant for the purposes of school improvement.

Core School Improvement Duties

The DfE previously funded the core school improvement duties through specific grant with the amount received by each council proportionate to the number of maintained schools in their area. BCP previously received the minimum allocation of £50,000 with this reducing for 2022/23 and then the grant ending. Following the government decision to end the grant in March 2023, an equivalent amount is amount required to be funded via de-delegation from maintained schools' budget share This enables the LA to fund core improvement activities. These include monitoring the performance of maintained schools, brokering school improvement provision and exercising the Council's statutory intervention powers. The core improvement activities are set out in Part 4 of the Education and Inspections Act 2006 (the 2006 Act) and in the Schools Causing Concern guidance. Part 4 of the 2006 Act provides councils with statutory powers to warn and intervene in schools causing concern, through issuing a warning notice setting out actions the governing body are to take. Further details are contained in **Appendix 4**.

The school improvement team also discharge the shared statutory responsibility for SACRE and the Agreed RE Syllabus under the 1948 Act. All support for the improvement of RE across all BCP maintained schools is free to access and will be delivered to all maintained schools with EIF supporting subject assessment and tools in January 2023.

Funding secured from selling of the syllabus to non BCP MATs and trusts has already re-couped funds which will secure a free primary school conference for the second time in BCP in June 2023.

As for 2022/23, it is proposed that de-delegation is done on a per pupil basis in the same way as the central retention to replace the amount of the previous grant attributable to mainstream schools. Specialist providers would need to buy into a traded service individually to replace the balance of the lost grant. Meeting the costs of providing the de-delegated services would equate to the following rates per pupil for mainstream schools:

Table 4: Proposed Maintained School De-delegation Rates April 2023 - March 2024

	Proposed 2022/23	Proposed 2023/24
Mainstream School rate per pupil	2.72	4.66

Indicative De-delegation Amounts 2023-2024

Table 5: Indicative Maintained School De-Delegation Amounts April 2023 – March 2024

Maintained Mainstream	NOR	De-delegation
Christchurch Infant School	350	£1,632
Somerford Primary School	238	£1,110
Mudeford Community Infants' School	181	£844
Mudeford Junior School	262	£1,222
Burton Church of England Primary School	334	£1,557
St Katharine's Church of England Primary School	467	£2,178
Corpus Christi Catholic Primary School	432	£2,014
The Priory Church of England Primary School	211	£984
St Joseph's Catholic Primary School,	210	£979
Highcliffe St Mark Primary School	649	£3,026
St Walburga's Catholic Primary School	419	£1,954
St Edward's RC/C England School, Poole	909	£4,239
Poole High School	1608	£7,498
Total		29,236

In respect of special maintained schools and PRUs, **De-delegation does not apply and therefore** special schools and PRUs will need to agree the charge on an individual basis. Based on a per pupil place rate (same multiplier as the central retention) these amounts are shown in the table below as referred to as SLA amounts. Special Schools, PRUs will be contacted individually to agree this.

Table 6: SLA Amounts Core School Improvement April 2023 - March 2024

	NOR	SLA Amounts
Winchelsea Special	220	£4,360
Christchurch Learning Centre	48	£951
Linwood Special	422	£8363
Total		£13,674

Traded Services

As in the current year, a number of services may be offered to maintained schools only, as provision centrally complements our statutory duties. This includes, for example, being within the council's group banking arrangements. It is also expected that all maintained schools will continue in the central insurance arrangements, although this funding is delegated to schools, until the end of the current contract period at which point schools individually will need to

consider whether to join instead the government scheme. Exceptionally, a school may not be able to join central schemes, it may depend on historic claims history, but in this event the council will support a separate procurement as the LA has a duty to ensure school arrangements are satisfactory. Insurance costs are charged to schools, largely according to pupil numbers.

Maintained schools also get traded services such as Evolve (trips and visits) which support our responsibility to a broad and balanced curriculum and Pobble (Writing publishing platform) for free as part of charged services for MATs. The latter support primary moderation and can also be used for KS3 assessment for learning.

How to make your views known and process of decision making

Maintained School headteachers are asked to comment on this consultation. The questionnaire can be accessed at the following link: <https://forms.office.com/e/9iiCemYJET>

The deadline for responses is Thursday 6 January 2023. All responses will be reported to the Schools Forum (maintained school forum members only) for a decision in January 2023.

Central Retention: The relevant maintained schools members of the schools forum (primary, secondary, special, and pupil referral units (PRUs)) should agree the amount the local authority will retain. 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.

De-delegation: Schools forum members for mainstream primary maintained schools and secondary maintained schools must decide separately for each phase whether the service should be provided centrally; the decision will apply to all maintained mainstream schools in that phase. Members must decide on fixed contributions for these services so that funding can then be removed from the formula before school budgets are issued.

Extracts from DfE guidance on Maintained School Funding is provided at **Appendix 5**.

Any queries in respect of this consultation may be sent to tanya.smith@bcpcouncil.gov.uk

Consultation Responses - Questions for all Maintained Schools

Please follow the MS Forms link to access the questionnaire electronically.

The closing date for comments is **Thursday 6 January 2023**.

<https://forms.office.com/e/9iiCemYJET>

Central Retention Questions 1a and 2b

QUESTION 1a

Do you support the proposals for the central retention?

Education Services	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Finance and Audit	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Human Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Asset Management	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Monitoring NC Assessments	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure

QUESTION 1b

Do you have any comments about the proposals for the central retention?

Questions for Mainstream Maintained Schools Only

De-delegation –Questions 2a and 2b

QUESTION 2a (for mainstream maintained schools only)

Do you support de-delegation of funding from mainstream maintained school budget shares to support the delivery of Core School improvement functions?

- Yes
- No
- Unsure

If no, can you suggest how these LA duties should be funded?

QUESTION 2b (for mainstream maintained schools only)

If the above is to be continued, is using pupil / place numbers the right approach?

- Yes
- No
- Unsure

If no, can you suggest an alternative with reasons?

LA Statutory Education Functions 2023-2024

Central Education Services, Governors, Finance, Audit, HR	
Responsibilities held for all schools	Responsibilities held for maintained schools only
<ul style="list-style-type: none"> • Director of children’s services and personal staff for director (Sch 2, 15a) • Planning for the education service as a whole (Sch 2, 15b) • Revenue budget preparation, preparation of information on income and expenditure relating to education, and external audit relating to education (Sch 2, 22) • Authorisation and monitoring of expenditure not met from schools’ budget shares (Sch 2, 15c) • Formulation and review of local authority schools funding formula (Sch 2, 15d) • Internal audit and other tasks related to the authority’s chief finance officer’s responsibilities under Section 151 of LGA 1972 except duties specifically related to maintained schools (Sch 2, 15e) • Consultation costs relating to non staffing issues (Sch 2, 19) • Plans involving collaboration with other LA services or public or voluntary bodies (Sch 2, 15f) • Standing Advisory Committees for Religious Education (SACREs) (Sch 2, 17) • To provide an LA governor for all schools including specialist and AP schools <p>17) & provision for maintained non-faith schools of the Agreed Syllabus for RE which will be delivered in January 2023</p> <p>Provision of information to or at the request of the Crown other than relating specifically to maintained schools (Sch 2, 21)</p>	<ul style="list-style-type: none"> • 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) • 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, 73) • 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	
Responsibilities held for all schools	Responsibilities held for maintained schools only
<ul style="list-style-type: none"> • Functions in relation to the exclusion of pupils from schools, excluding any provision to excluded pupils (Sch 2, 20) • School attendance (Sch 2, 16) • Responsibilities regarding the employment of children (Sch 2, 18) 	<p>Inspection of attendance registers (Sch 2, 79)</p>

Asset Management	
Responsibilities held for all schools	Responsibilities held for maintained schools only
<ul style="list-style-type: none"> • Management of the LA's capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions (Sch 2, 14a) • General landlord duties for all buildings owned by the local authority, including those leased to academies (Sch 2, 14b) 	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • appropriate facilities for pupils and staff • the ability to sustain appropriate loads • reasonable weather resistance • safe escape routes • appropriate acoustic levels • lighting, heating and ventilation to 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) • Management of the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012)

Monitoring national curriculum assessment	
Responsibilities held for all schools	Responsibilities held for maintained schools only
<ul style="list-style-type: none"> • Primary phase moderation has to be available and offered to all schools (only 1 trust opts out) 	<ul style="list-style-type: none"> • Monitoring of National Curriculum assessments (Sch 2, 75) and moderation of all assessments in primary phase

Premature retirement and redundancy	
Responsibilities held for all schools	Responsibilities held for maintained schools only
<ul style="list-style-type: none"> • No functions 	<ul style="list-style-type: none"> • Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch 2, 78) BCP does not fund these costs - see Scheme of Financing Schools

Services Provided by BCP Council

Central Budget Retention

Education Services - including appointment of governors, government data returns, functions under the equality act, legal services advice, handling complaints, academy conversion support.

- **Governors:** Advice and support by e-mail, telephone or in person to all those involved in governance in schools to enable governors to effectively fulfil their roles and responsibilities
- Access to governor/committee member training – free commissioned training for all maintained governors and governing bodies including briefings on major changes in education policy and legislation.
- Free bespoke training for all maintained governors, individual governors, clerks and chairs
- The LA provides support for governing bodies to recruit headteachers and deputies and provides induction and mentoring for new and aspiring leaders in maintained schools.
- Support for school governance, training and recruitment of school governors and offer of performance management of school leadership and SLT is incorporated into this work.
- Support focused on outcomes to assist governing bodies play a proactive role in raising standards as part of an experienced team working collaboratively with professional colleagues in school improvement
- Provision of recruitment of LA governor and support for Careers Governors in secondary phase and SEND/AP
- Access to Gold Service of NGA - governing body including legal advice underwritten by NGA.
- **LA Lead Contact:** Julia.Coleman@bcpcouncil.gov.uk

Legal Services and Complaints Handling Advice

- Employment law, Safeguarding matters arising under inter-agency arrangements including compliance with statutory responsibilities towards children protection, Neighbour disputes, property law, contractual issues and disputes, parental rights and responsibilities, pupil records, exclusions and other disciplinary sanctions, special educational needs and disabilities administration of medicines, Equalities and human rights issues, procurement issues, debt recovery and information compliance.
- Academy Conversion Support
- **LA Lead Contact:** Please contact Julia.Coleman@bcpcouncil.gov.uk and/or tanya.smith@bcpcouncil.gov.uk

Finance and Audit

- Production of budget schedules and payment of funding allocations and DfE grants, consolidation of annual accounts and quarterly returns.
- Advice, best value and procurement advice
- Scheme of financing maintained schools
- Internal audit including advice, guidance and assistance for control, risk and governance processes, specialists knowledge to assist in or lead fraud and irregularity investigations. Support governors and staff in the effective discharge of their responsibilities and advice in good practice approach
- Government Data Returns
- Banking and treasury activities, financial regulations adaptation for schools (for example delegation of some CFO approvals to school governors).
- **LA Lead Contact:** steve.ellis@bcpcouncil.gov.uk and tanya.smith@bcpcouncil.gov.uk

Human Resources

- Employee investigations,
- pension administration,
- pay scales and conditions of service,
- TU negotiations for local government employees
- **LA Lead Contact:** hrservice.delivery@bcpcouncil.gov.uk and recruitment@bcpcouncil.gov.uk and payroll.team@bcpcouncil.gov.uk

Asset management

Services and functions provided by BCP in order to discharge the General landlord duties for all maintained schools (Schedule 2, 79a & b (section 542(2)) Education Act 1996; School Premises Regulations 2012) is commissioned by the Education and Skills Service working with BCP Property Services and the Corporate Health and Safety team. The central budget provides a contribution towards the costs of staffing, property professional fees, survey and membership costs. The actual staffing costs alone exceed the nominal central budget retained.

Arrangements for the management of the school estate include the following:

Health and Safety: Statutory H&S services for BCP maintained schools are provided by BCP Corporate Health and Safety team. A summary of the service provided is contained in Appendix 2b attached.

LA Lead Contact (Health and Safety): rebecca.lawry@bcpcouncil.gov.uk

Hard Facilities Management comprising re-active and planned maintenance functions as follows:

- **Reactive maintenance management:** Access to emergency helpdesk/call out 24 hours/365 days per year, access to urgent works team.
- Access to urgent works/reactive maintenance fund in the capital programme above affordable levels as indicated by school's devolved formula capital allocations.
- Advice and guidance from BCP property professionals including surveyors and structural engineers
- Support/assistance from a Client Project Officer from Education and Skills Service
- **Planned and backlog maintenance – Implement a plan of cyclical maintenance management:** Access to Predictive/Planned Maintenance fund in the capital programme identifying cyclical maintenance works necessary for statutory compliance and planned lifecycle replacement to ensure properties remain safe, compliant and fully operational
- Advice and assurance to achieve statutory compliance for example lighting, heating, ventilation, asbestos, H&S requirements.
- Regular/updated surveys of School Buildings identifying works in priority order.
- **School Estate:** Preparation of returns to the DfE and submission of nominations for funding under School Rebuilding Programmes.
- Submission of Section 77 applications in respect of School Playing Fields as necessary.
- **LA Lead Contact:** tanya.smith@bcpcouncil.gov.uk

Monitoring National Curriculum Assessments

- QA of the assessment process
- Visits and moderation
- **LA Lead Contact:** julia.coleman@bcpcouncil.gov.uk

Consequences if the proposed central retention was not approved

The proposal to charge for services from maintained school budgets is to enable the council to continue to undertake these functions/maintain a central education function in relation to maintained schools. This operates in much the same way as multi-academy trusts might top-slice budgets of individual academies to pay for central functions. Specifically, the school's budget share in most cases provides a contribution towards staffing costs. Importantly, the council is obliged to carry out a number of statutory duties, for example in relation to financial regulation and asset management and, in the event that the proposed retention is not agreed, the Council would:

- fail to discharge its duties and this would impact the effective operation of education support services in BCP;
- find it difficult to set a balanced budget without making cuts to other vital services

Statutory H&S services for BCP maintained schools provided by BCP Corporate Health and Safety team

- Comprehensive advice and support from Health & Safety team in response to H&S enquiries/concerns raised by school (by phone, email or visit to school where necessary)
- periodically undertake full or part audits of school facilities and/or safety management systems at a frequency based on risk
- Provide access to the BCP Council Corporate Health, Safety and Welfare policy
- Provide a model school-based health and safety policy, including, a statement of policy, roles and responsibilities and arrangement sections
- Provide assistance with the reporting of serious accidents / incidents involving employees and non-employees to the Health and Safety Executive under the RIDDOR regulations
- investigation of serious accidents and other incidents, in association with the school's management team (as appropriate)
- Where specific H&S training need has been identified and agreed between school and H&S team, facilitate/provide basic health and safety training for school staff (at a cost to be agreed if applicable). School will be notified of the cost prior to any training being delivered.
- Where necessary, signpost to or refer to relevant BCP teams on matters related to school buildings and premises safety or BCP Fire Safety team on fire safety matters
- Signpost to or contact other specialist advisors within BCP Council where required so that suitable assistance can be given
- Provide and inform schools of their membership of CLEAPSS, which provides H&S information and services regarding the safe delivery of science, design technology and art in schools as stated below:
 - To support governing bodies/schools in their responsibilities to provide effective safe working and learning conditions in the areas of Science, Design & Technology and Art for all staff, pupils and visitors to school.
 - Provide access information to the CLEAPSS website giving access to guidance, risk assessments, updates etc (log on details provided on purchase)
 - CLEAPSS telephone and email helpline (all year round not just term time) for expert subject advice
 - HAZcards and recipe cards containing advice on use of chemicals in lessons
 - Provide CLEAPSS Radiation Protection advice service (Secondary schools only)

All governing bodies/secondary schools have a statutory duty to ensure they have a Radiation Protection Adviser (RPA) affiliated to their school for the purposes of overseeing the safe storage and use of radiation sources. This falls within the Ionising Radiation Regulations 1999.

This service provides an alternative less costly way of complying with these regulations by acting as an identified link with the RPA.

The role of Radiation Protection Officer (RPO) is an approved method for schools to use as an 'official intermediary'. The RPO is in regular contact with the RPA and acts on his/her behalf and under their direction. The Corporate H&S team act as the RPO.

The service includes:

- annual membership to the CLEAPSS LA run RPA scheme
- a site visit every 2-3 years (dependant on historical risk assessment) to carry out monitoring of the school's implementation of the L93 CLEAPSS guidance booklet
- access via the RPO to a named RPA for both proactive and reactive expert advice

School responsibilities

To ensure that effective services can be provided, there is a responsibility for schools to:

- provide BCP Corporate Health and Safety team with a named contact
- seek early advice on complex health and safety issues
- comply with all relevant Health and Safety legislation
- provide access to the Governing Body as necessary
- access the CLEAPSS website where appropriate and use the resources within it.

Delivery of Service

The corporate Health & Safety team comprises Health and Safety professionals and Health and Safety / Regulatory Team Managers. Expertise of staff is maintained and developed through a programme of continuing professional development, other training and liaison with fellow professionals. The team have online access to up to date legislation and codes of practice.

Conversion to Academy Status Extract from DfE Guidance

2023 to 2024 de-delegation arrangements for schools converting to academy status are as follows:

- conversion date on or before 1 April 2023 – no de-delegation
- conversion date between 2 April 2023 and 1 September 2023 – local authority retains any de-delegated funding until 1 September 2023
- conversion date between 2 September 2023 to 21 March 2024 – local authority retains any de-delegated funding until 31 March 2024

After the dates specified, the academy will receive the full formula allocation and the department will recoup this from the local authority.

The local authority should continue to provide the services to new academies where funding is de-delegated, if they are asked to do so. If the local authority is unable to provide the requested service, the department expects the local authority and the academy to come to an arrangement to pay the funding directly to the academy.

Exceptions to this would be in cases where contractual arrangement to pay services in advance have already been made, and the local authority does not have the ability to continue to provide this service.

Where there has been agreement that a school is entitled to receive an allocation from a de-delegated contingency fund, that agreement should be honoured if the school converts to an academy at any point in the year.

Where a school converts to an academy in the period 2 April 2023 to 1 September 2023, local authorities will have an opportunity to present an evidence-based case to request a recoupment adjustment for the period 2 September 2023 to 31 March 2024.

Local authorities should report any unspent de-delegated funding remaining at year-end to their schools forum.

Local authorities can carry funding forward to the following funding period as with any other centrally retained budget and can choose to use it specifically for de-delegated services.

The Schools Causing Concern guidance sets out expectations that councils should:

- Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress.
- Work closely with the relevant Regional School Commissioner (RSC), diocese and other local partners to ensure schools receive the support they need to improve
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards.
- Encourage good and outstanding maintained schools to take responsibility for their own improvement.
- Support other schools; and enable them to access the support they need to improve.
- **LA Lead Contact:** Julia.Coleman@bcpcouncil.gov.uk

Funding for Maintained School Education Services (Central Retention) Extract from DfE Guidance

1. Local authorities can fund some services relating to maintained schools only from maintained school budget shares, with the agreement of maintained school members of the schools forum.
2. The relevant maintained schools members of the schools forum (primary, secondary, special, and PRUs) should agree the amount the local authority will retain.
3. 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.
4. Local authorities should set a single rate per 5 to 16-year-old pupil for all mainstream maintained schools, both primary and secondary. In the interests of simplicity, this should be deducted from basic entitlement funding.
5. The department will not allow adjustments to other factors, and the rate will not include early years or post-16 pupils, who are funded through different formulae.
6. Local authorities can choose to establish differential rates for special schools and PRUs if the cost of fulfilling the duty is substantially different for these schools. The rate will be expressed per place rather than per pupil for special schools and PRUs [\[footnote 1\]](#).
7. As with de-delegation, the amount to be held by the local authority will be determined after MFG has been applied. If a school converts to academy status, the department will recoup the amount retained for that school from the local authority's DSG for the remaining months of the financial year that the school is an academy. The academy will be reimbursed in its monthly general annual grant payment from the point of conversion.
8. Unlike for de-delegated services, there will be no phased transfer of funding following conversion so there will be immediate recoupment of this part of the budget. For example, if a school converts on 1 January 2022 (3 months prior to the end of the financial year), the department will recoup 3 twelfths of the retained amount relating to that school.
9. Local authorities can fund some administrative functions, (as previously funded in the ESG), relating to maintained schools out of the DSG, with the agreement of either the schools forum or the Secretary of State. For expenditure to be funded out of the DSG, it has to be defined as part of the Schools Budget. This definition is set out in [School and Early Years Finance \(England\) Regulations 2022](#), regulation 6(1) and includes the whole of schedule 2 to the regulations. From 2018 to 2019, some elements that used to be defined in schedule 1 (non-schools education budget) were transferred to schedule 2.
10. At the same time, local authorities may not wish to fund these administrative functions out of the DSG, but to fund them out of general funds.

De-delegated Services Extract from DfE Guidance

1. De-delegated services are for maintained schools only. Funding for de-delegated services must be allocated through the formula but can be passed back, or de-delegated, for maintained mainstream primary and secondary schools with schools forum approval.
2. De-delegation does not apply to special schools, nursery schools, or PRUs. Where de-delegation has been agreed for maintained primary and secondary schools, the department's presumption is that the local authority will offer the service on a buyback basis to those schools and academies in their area which are not covered by the de-delegation.
3. In the case of special schools and PRUs, the funding to buy such services will be included in any top-up payments. Any decisions made to de-delegate in 2022 to 2023 related to that year only, new decisions will be required for any service to be de-delegated in 2023 to 2024.
4. From 2022 to 2023, schools forums have been able to agree to de-delegate funding for local authorities' core school improvement activities in relation to maintained schools. In addition, since 2017 to 2018, schools forums have been able to agree to de-delegate further funding for additional school improvement provision for maintained schools. From 2023 to 2024, the school improvement monitoring and brokering grant will no longer be paid to local authorities.
5. Schools forum members for primary maintained schools and secondary maintained schools must decide separately for each phase whether the service should be provided centrally; the decision will apply to all maintained mainstream schools in that phase.
6. They must decide on fixed contributions for these services so that funding can then be removed from the formula before school budgets are issued
7. There may be different decisions for each phase. The services which may be de-delegated are:
 - school improvement services
 - contingencies (including schools in financial difficulties and deficits of closing schools)
 - behaviour support services
 - support to underperforming ethnic groups and bilingual learners
 - free school meals eligibility
 - insurance
 - RPA
 - museum and library services
 - staff costs supply cover (for example, long-term sickness, maternity, trade union and public duties)
 - licences and subscriptions; except for the following, which are paid for by the department:
 - Christian Copyright Licensing International (CCLI)
 - Copyright Licensing Agency (CLA)
 - Education Recording Agency (ERA)

- Filmbank Distributors Ltd. (for the PVSL)
- Mechanical Copyright Protection Society (MCPS)
- Motion Picture Licensing Company (MPLC)
- Newspaper Licensing Authority (NLA)
- Performing Rights Society (PRS)
- Phonographic Performance Limited (PPL)
- Schools Printed Music Licence (SPML)

Local authorities should make a clear statement of how the funding is being taken out of the formula for each de-delegated service. For example:

- primary insurance £20 per pupil
- secondary behaviour support services £30 per FSM pupil

There should be a clear statement of how contingencies and other resources will be allocated. Academies will continue to receive a share of funding for these services in their delegated budget.

Where de-delegation is agreed, middle schools will potentially be subject to 2 different decisions, and the unit value for de-delegation can be different for primary and secondary age pupils. For example, if the primary sector agreed to de-delegate a service but the secondary sector did not, middle schools in the local authority would have their formula allocation reduced only for their primary pupils at the agreed primary school rate.