

Central Retention and De-delegation Funding Consultation

Maintained Schools Only 2025-2026

The closing date for comments is **Friday 10 January 2025** <u>https://forms.office.com/e/daKhiaf04z</u>

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 2025-26 are set out in the table below (Table 1).

	2024/25	2025/26
Mainstream School rate per pupil	24.86	31.89
Specialist Provider rate per place	105.64	135.54

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 2025. 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. Details 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.

Statutory and Regulatory Duties	Central Budget Retained £000's
Education Services	61
Finance and Audit	73
Human Resources	15
Asset Management	53
Monitoring National Curriculum Assessments	21
Total Statutory & Regulatory	223

Table 2: LA Budget for Maintained School Statutory Duties April 2025 to March 2026

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 based on numbers on roll are set out in the table below.

		Central Retention
Maintained Mainstream	NOR	
Burton Church of England Primary School	282	£8,993
Corpus Christi Catholic Primary School	419	£13,362
Highcliffe St Mark Primary School	604	£19,262
Mudeford Community Infants' School	181	£5,772
Mudeford Junior School	254	£8,100
Somerford Primary School	166	£5,294
St Edward's RC/C England School, Poole	901	£28,734
St Joseph's Catholic Primary	196	£6,251
St Katharine's Church of England Primary	433	£13,809
St Walburga's Catholic Primary School	421	£13,426
The Priory Church of England Primary	203	£6,474
Total		£129,479
Maintained Specialist*	Places	
Christchurch Learning Centre	48	£6,506
Linwood Special	422	£57,197
Winchelsea Special	220	£29,818
Total		£93,521

Table 3: Proposed Maintained School Central Retentions April 2025 to March to 2026

Proposed Contribution BCP	£223,000

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.

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. The school improvement team also discharge the shared statutory responsibility for SACRE and the Agreed RE Syllabus under the 1948 Act.

As in previous years, 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 2025 - March 2026

	2024/25	2025/26
Mainstream School rate per pupil	4.89	6.29

	U	
		De-delegation
Maintained Mainstream	NOR	
Burton Church of England Primary School	282	£1,774
Corpus Christi Catholic Primary School	419	£2,637
Highcliffe St Mark Primary School	604	£3,801
Mudeford Community Infants' School	181	£1,139
Mudeford Junior School	254	£1,598
Somerford Primary School	166	£1,045
St Edward's RC/C England School, Poole	901	£5,670
St Joseph's Catholic Primary	196	£1,233
St Katharine's Church of England Primary	433	£2,725
St Walburga's Catholic Primary School	421	£2,649
The Priory Church of England Primary	203	£1,277
Total		£25,547
Maintained Specialist*	Places	
Christchurch Learning Centre	48	£1,284
Linwood Special	422	£11,286
Winchelsea Special	220	£5,883
Total		£18,453

Proposed Contribution BCP £44,000

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.

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. Maintained schools also get traded services such as Evolve (trips/visits).

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: <u>https://forms.office.com/e/daKhiaf04z</u>

The deadline for responses is Friday 10 January 2025. All responses will be reported to the Schools Forum (maintained school forum members only) for a decision in January 2025.

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.

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

Consultation Responses - Questions for all Maintained Schools

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

The closing date for comments is **Friday 10 January 2025** <u>https://forms.office.com/e/daKhiaf04z</u>

Central Retention Questions 1a and 2b

QUESTION 1a

Do you support the proposals for the central retention?

Education Services	□Yes	□No	□Unsure
Finance and Audit	□Yes	□No	□Unsure
Human Resources	□Yes	□No	□Unsure
Asset Management	□Yes	□No	□Unsure
Monitoring NC Assessments	□Yes	□No	□Unsure

QUESTION 1b

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

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?
<u>QUESTION 2b (for mainstream maintained schools only)</u>
QUESTION 2b (for mainstream maintained schools only) If the above is to be continued, is using pupil / place numbers the right approach?
If the above is to be continued, is using pupil / place numbers the right approach? Yes No
If the above is to be continued, is using pupil / place numbers the right approach? Yes No Unsure
If the above is to be continued, is using pupil / place numbers the right approach? Yes No Unsure
If the above is to be continued, is using pupil / place numbers the right approach? Yes No Unsure
If the above is to be continued, is using pupil / place numbers the right approach? Yes No Unsure

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

The closing date for comments is **Friday 10 January 2025** <u>https://forms.office.com/e/daKhiaf04z</u>

LA Statutory Education Functions

	Central Education Services, Governors, Finance, Audit, HR				
	Responsibilities held for all schools	Responsibilities held for maintained schools only			
•	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, To provide an LA governor for all schools 17) & provision for maintained non-faith schools of the Agreed Syllabus for RE	 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 do conditions of service for nonteaching 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, 70) Functions under the Equality Act 2010 (Sch 2, 71)			

Appendix 1

Education Welfare		
Responsibilities held for all schools	Responsibilities held for maintained schools only	
 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) 	Inspection of attendance registers (Sch 2, 79)	

Asset Management			
Responsibilities held for all schools	Responsibilities held for maintained schools only		
 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) 	• appropriato acquetic lovale		

	Monitoring national curriculum assessment		
	Responsibilities held for all schools		Responsibilities held for maintained schools only
•	Primary phase moderation has to be available and offered to all schools (only 1 trust opts out)	•	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	
•	No functions	• Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch 2, 78) BCP does not <i>fund these costs - see Scheme of Financing Schools</i>	

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: <u>Julia.Coleman@bcpcouncil.gov.uk</u>

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.
- LA Lead Contact: Please contact <u>Julia.Coleman@bcpcouncil.gov.uk</u>
- Academy Conversion Support: <u>tanya.smith@bcpcouncil.gov.uk</u>

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: <u>steve.ellis@bcpcouncil.gov.uk</u> and <u>tanya.smith@bcpcouncil.gov.uk</u>

Human Resources

- Employee investigations,
- pension administration,
- pay scales and conditions of service,
- TU negotiations for local government employees
- LA Lead Contact: <u>hrservice.delivery@bcpcouncil.gov.uk</u> and <u>recruitment@bcpcouncil.gov.uk</u> 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 as follows:

- 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 nonemployees 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 lonising 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.

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: jason.moors@bcpcouncil.gov.uk

Monitoring National Curriculum Assessments

- QA of the assessment process
- Visits and moderation
- LA Lead Contact: <u>Julia.coleman@bcpcouncil.gov.uk</u>

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: <u>Julia.Coleman@bcpcouncil.gov.uk</u>

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