

SUPPLEMENT TO THE AGENDA FOR

Herefordshire Schools Forum

Friday 13 March 2015

9.30 am

The Shire Hall, St Peter's Square, Hereford HR1 2HX

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MEETING:	SCHOOLS FORUM
MEETING DATE:	13 MARCH 2015
TITLE OF REPORT:	PERMANENT FUNDING FOR SAFEGUARDING EDUCATION IN THE MULTI AGENCY SAFEGUARDING HUB
REPORT BY:	ADDITIONAL NEEDS SENIOR CASEWORK MANAGER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

County-wide

Purpose

To update Schools' Forum on the role of the Education Safeguarding Officer in the Multi – Agency Safeguarding Hub (MASH).

To seek sustainable funding to make the function permanent and to increase the capacity within the MASH.

Recommendation(s)

- THAT:**
- a) **Schools Forum support the proposal to apply to the secretary of state for approval to use the dedicated schools grant (DSG) to fund the education support function in the MASH;**
 - b) **Schools forum support the development of a service level agreement as a fall back position; and**
 - c) **Schools Forum receive a report for decision in June 2015.**

Alternative Options

- 1 To cease to fund an educational presence within the MASH. This would not be desirable nor supported by the feedback from headteachers.

Reasons for Recommendations

- 2 The recent Local Government Association Diagnostic (November, 2014) and the OFSTED inspection of the local authority (June 2014) reported positively on the work of the MASH, noting that responses to referrals were both timely and accurate. The provision of information by agencies was a key part in this. This improvement was part of the progress of the local authority moving to Requires Improvement in the 2014 inspection.
- 3 A recent survey of schools showed the positive impact of the Education Safeguarding Officer role in improving communication between schools and social care and in improving capacity to respond to safeguarding concerns within the schools.
- 4 The funding for the current post was from a DSG underspend. The national formula is now significantly more restrictive in the way funding can be allocated for central expenditure.
- 5 The rules in relation to de-delegation do not make allowance for a MASH or equivalent services.
- 6 Centrally retained funds could be used as a contribution to combined budgets (for example using DSG to fund social care expenditure that has a direct benefit on education). However, since April 2013 no new commitments are permitted under the national formula rules.
- 7 Permission for such a new expenditure can be granted, but an application to the Secretary of State for Education is required

Key Considerations

- 8 In September 2012, the local authority was judged inadequate in its ability to safeguard children in Herefordshire from harm. A key response to this judgement was to establish the MASH, with support from key agencies.
- 9 Given that all children are expected to access education, schools were seen as one of the key agencies to be involved. Following discussion in a number of arenas, including the Herefordshire Safeguarding Children Board (HSCB), agreement was given by Schools' Forum (25 January 2013) to fund a post at £60,000 per annum. The initial funding agreement was for a two year period which will end in July 2015.
- 10 The development was led by a group of primary, secondary and special school headteachers and a post, based in the MASH, was established. Following some line-management difficulties, professional line-management responsibility for the post was transferred to the Additional Needs Senior Casework Manager, with operational line-management resting with the MASH Service Manager.
- 11 The local authority was the subject of another inspection by Ofsted in May 2014 (report published June 2014). The outcome of this inspection was more positive and recognised the changes made in the interim period. Key amongst these was the MASH and its effectiveness in demonstrating that well-informed decisions were being

Further information on the subject of this report is available from
Steve Laycock, Additional Needs Senior Casework Manager on Tel (01432) 260816

made in relation to referrals to social care. The multi-agency nature of the information gathering process central to this.

- 12 In November 2014 a survey of schools' experiences of the MASH Education Safeguarding Officer role was conducted. Responses were received from 52 schools. Only one of the respondents had not had contact with the Education Safeguarding Officer. The responses were overwhelmingly positive. All respondents reported a good or outstanding experience of the role and the ability to access support from the post holder.

What impact has this role had on Safeguarding within your school?

Supporting improving communication between schools and social care	94% (47)
Developing further confidence in safeguarding issues within school	96% (48)
Receiving up to date information from the Education Safeguarding Officer to enhance knowledge, policy and practice within school.	94% (47)

- 13 When asked about priorities for the role in future, respondents suggested the priorities as:

- Being a voice for education with social care.
- Supporting education with issues around policies, procedures and training.
- Referral and guidance on safeguarding concerns.
- Continuing to enhance communication.

- 14 Consultation with the headteachers involved in defining the role also noted its positive impact on relations between schools and the referral and assessment part of social care that was now the MASH. Within the discussion there was also some comment that the role, whilst proving to be effective, had not reduced attendance at the HSCB strategic meetings as expected.

- 15 Discussion with Head of Service for Fieldwork, previously the MASH Service Manager, suggested that the role was functioning well and had developed over the 18 month period since inception. A key development was the participation of the Education Safeguarding Officer in the "Outward Facing Visits" (essentially school visits) with Service and Team Managers. These were seen as an important development of the MASH function and were valued by both schools and school staff.

- 16 These visits, however, along with the support to schools in implementing their safeguarding policies, leave and sickness mean that there are periods when there is not an education representative within the MASH. This can lead to a reduction in the effectiveness of the MASH.

- 17 Other partners within the MASH, notably the police and health, have a presence in excess of one full time equivalent. This ensures their presence at all times. Consequently, it is recommended that resource be found to fund an additional 0.5 full time equivalent post. The additional cost would be £8,800.

- 18 The cost of management of the MASH has to date been covered by children's social care. However budget pressures have led to a request that partners within the MASH offer financial support to the Service Manager post at the rate of £6,620 per annum. This equates to 10% of the cost of the post. Social care will fund 60%, with the remainder being requested from partners.
- 19 As noted above interpretation of the current Schools revenue funding guidelines suggests new commitments are not possible without permission of the Secretary of State for Education. If Schools' Forum supports the continuation of funding for the role, such an application could be made.
- 20 An alternative option would be to develop, from September 2015, a Service Level Agreement (SLA) and invite schools to contribute. Approximate costings, based on the number of pupils in the county and the amount being sought might be £4 per pupil. This would be complemented by an "insurance" scheme where schools not part of the SLA might be charged at £50 per hour for support provided by the MASH Education Officer.

Community Impact

- 21 MASH supports safeguarding which provides significant support for all communities in Herefordshire. Hence the options to be considered for the continuation of funding.

Equality and Human Rights

- 22 The proposal supports the continuation of a service offer that enables equality of access and provision to all children and young people in Herefordshire and their families.

Financial Implications

- 23 The post is currently funded from an underspend of the DSG at £120,000 for two years from September 2013. This was supported by Schools Forum and agreed the Cabinet Member for Education in January/February 2013. this funding will be fully spent by the end of the summer term 2015.
- 24 The proposals in the paper are that £75,420 from the DSG be made available on an annual basis to continue to support the functioning of the MASH. This is equivalent to approximately £4 per pupil.
- 25 Permission from the Secretary of State, if successful would reduce school funding by approximately £4 per pupil. Alternatively an SLA with schools would cost a similar amount per pupil.

Legal Implications

- 26 As set out in the Schools Forums (England) Regulations 2012 and the Department for Education guidance (Schools Forums – Operational and Good Practice Guide October 2013) the Schools Forum generally has a consultative role.
- 27 This report asks that the Schools Forum supports the local authority in its endeavours to secure funding for the role of MASH Education Safeguarding Officer.

- 28 The DSG must be used to support the Schools Budget for the education and support of children and young people. The proposal set out in this report would fall within the definition of contribution to a combined service as set out in The School Early Years Finance (England) Regulations 2013. Such a contribution must be approved by the Schools Forum (as detailed in the Education Funding Agency's Section 251 Guidance to Local Authorities for 2015-2016). Permission for such expenditure of the DSG must be obtained from the Secretary of State.
- 29 Section 8(9) of the Schools Forums (England) Regulations 2012 states that subject to specific provisions (not relevant to this report) all members of the Schools Forum are entitled to vote on all matters. Section 8(11) further states that subject the specific provisions (not relevant to this report) members may determine their own voting procedure.

Risk Management

- 30 The education function within the MASH is a key part of its success. The issue highlighted in the report is how to fund this function, alongside how to improve it. The proposal also contains the suggestion of a service level agreement if secretary of state approval is not granted.

Consultees

- 31 Schools and Early Years settings were invited to respond to the questionnaire evaluating the Education Safeguarding Officer post.
- 32 Meetings were also held with the Headteachers who devised the role and key staff with the MASH.

Appendices

- None

Background Papers

- Schools revenue funding 2015 to 2016 Operational Guide Version 1: July 2014: Education Funding Agency.

**HEREFORDSHIRE SCHOOLS FORUM
BALANCE CLAW BACK PROPOSALS
SUMMARY OF SCHOOL RESPONSES**

Q1: Phase of school	Primary Y/N	Secondary Y/N
Please indicate LA maintained school	16	3
Please indicate if academy	2	3

Q2: BALANCE CLAW BACK Please answer individually for each proposal	Please answer Yes or No
<p>Please indicate your preference for support of the balance claw back scheme proposals as follows</p> <p>Proposal A</p> <p>It is proposed to re-introduce the previous balance claw back scheme for financial year 2015/16 as follows;</p> <p>a secondary schools – to claw back balances in excess of 5% of the current year’s budget share or £50,000 whichever is the greater</p> <p>b special schools – to claw back balances in excess of 5% of the current year’s budget share (i.e. place plus top-up funding) or £30,000 whichever is the greater</p> <p>c primary schools – to claw back balances in excess of 8% of the current year’s budget share or £30,000 whichever is the greater</p> <p><u>Please note:</u> balance claw backs will be applied to school balances as at March 2016.</p> <p>Proposal B</p> <p>That the proposal A should be introduced more gradually so that schools can make an informed decision to reduce balances over a three step process as follows</p> <ul style="list-style-type: none"> 2015/16 that the balance claw back percentages be set at 25% for all schools 	<p style="text-align: center;">Yes 2 (incl 1 academy)</p> <p style="text-align: center;">No 20 (incl 4 academies)</p> <p style="text-align: center;">Yes 14 (incl 3 academies)</p> <p style="text-align: center;">No 8 (incl 2 academies)</p>

<ul style="list-style-type: none"> • 2016/17 percentages be set at 15% for all schools • 2017/18 Proposal A be fully implemented 	
<p>Proposal C That academies should be included in the balance claw back scheme on a voluntary basis.</p>	<p>Yes 13 (incl 2 academies)</p> <p>No 8 (incl 3 academies)</p>
<p>Q3 CLAW BACK SCHEME FOR HEREFORDSHIRE SCHOOLS If academy schools chose not to join the balance claw back scheme, do you wish the claw back scheme to</p> <p>A. go ahead but only for local authority schools?</p> <p>B. Not go ahead unless all academies are included?</p>	<p>Yes 4 (incl 2 academies) No 15 (incl 2 academies)</p> <p>Yes 15 (0 academies) No 6 (incl 3 academies)</p>
<p>Q4: ACADEMY CERTIFICATION In order that Schools Forum can have complete information on the willingness of Herefordshire academies to participate in the balance claw back scheme, academies are asked to sign the endorsement below if willing to be included in the balance scheme.</p>	
<p>3 academies certified as willing to participate (one was subject to the new headteacher's agreement).</p>	

GENERAL COMMENTS

1. My view is that it is reasonable and prudent for schools to have a balance of 5%-15% of budget share and therefore I would not claw back any balances under about 20%
2. I fully believe that clawback should be applied, however it would be very difficult to justify for LA schools only, if the resulting share-out was to include academies. Therefore very reluctantly I believe that the penalty of a clawback would not be able to be applied unless academies volunteer to take part.
3. It is inequitable for the claw back to be distributed to academies who themselves are not subject to the rules. They can therefore build up surpluses and still benefit from maintained schools' penalties for doing the same. Assuming an increase in the proportion of academies to maintained school, this inequality will increase with time. It could be construed as an incentive to convert.

I cannot imagine why an academy would voluntarily agree to join a scheme that can only be detrimental to their funding.

Where schools are increasing in numbers, surplus is required to fund additional staff whilst funding streams catch up with increases in number of classes – therefore penalising successful schools with sound financial management.

4. No consideration has been given to why schools may have surplus budgets – surely it would be a good starting place to meet with the HT's and Chairs of Governors for these schools.
5. The data shown does not include information about capital projects schools are planning to finance from balances held. This is a valid reason for holding back funds. It is particularly unfair for small schools, who receive additional funding, to be retaining high balances. This additional funding is at the expense of larger schools. It would seem fair for small schools with very high balances to cease to receive additional funding because of their size.
6. We are in uncertain political and financial times. Surely it is good practice to ensure that there is a financial cushion in place for a small school, so that there is some flexibility for whenever the time comes that it is needed? We are being penalised for sound financial management.
7. For the fairer funding initiative to be fully effective, the carry forward balances should reflect the correct level against income. Carry forward balances used as a cushion should not form part of a school's balance sheet any longer. The current situation is not in the best interests of this authority.
8. I agree with the clawback in principle however feel that it should be closer to 10% and be the same for all schools regardless of phase, size or type.
9. Believe in spending the schools' annual income on the children who are currently on role, to that end claw-back has a place. However, for smaller schools, an 8% cap on carry forward balances will limit the settings ability for forward planning on large scale projects

related to school improvement. I would propose that any claw-back limit should be set at 20% of the schools budget; this would support schools and their governance in prudent financial management, help to alleviate the risk of deficit whilst encouraging annual expenditure. With regard to Voluntary Aided Schools the necessity to transfer their c/f (set aside to help fund building projects) to the Capital Budget to avoid claw back would incur a 20% financial penalty and this cannot be considered to be prudent financial management. A prohibitive claw back may only encourage more schools to seek 'Academy' status and further weaken the position of the Local Authority.

If a claw-back is to be reintroduced a phased 're-entry' is essential in order to allow schools to achieve goals laid out in school development Plans etc. Consideration could be given to limiting the percentage increase on carry forward per annum to a maximum of 20% over 4 years. I would also suggest that a wider understanding is needed from schools as to how their carry forwards effect future funding applications to central government. This approach fosters understand and may have the same overall effect, i.e. reducing carry forwards.

I know many schools feel that funding is not currently distributed evenly; however I would be concerned if a causal link was made between funding and carry forward, I would suggest that at best it is a correlation and that some of the school with carry forwards have them for good reason.

10. I don't believe a 'Claw back' system will work, particularly as we would be taking money from LA schools and then redistributing it to all schools, including Academies who may already be holding large budgets.

I do believe the current funding formula and the move to reduce primary lump sums and increase secondary lump sums is making it almost impossible to manage financially in smaller schools, particularly where there are other primary schools close by.

We are full (PAN of 15 with 105 on roll), we do not have a deputy head but do have lots of experienced staff and teachers on UPS. We cannot manage with the continual year on year cut to our budget.

We need to consider how we can ensure there is a future for all our schools. The range of balances shown on page 1, would suggest unfairness in the current distribution of monies to school.

11. I agree there should be a phased in clawback to 12% to allow schools to manage their own budgets more effectively.
12. The issue was discussed at a Governing Body meeting and a majority of the Governors were not in support of the claw back scheme.
13. We do not agree with any of the proposed options and would like an alternative option to be added as follows:

Q4: Put on hold the process to introduce a Claw Back Scheme for the year 2015/16.

Instead start a consultation with any individual LA school with a surplus balance above the threshold to discuss their 3 year financial planning forecast for the reduction of their school balances over a 3 year period.

14 Q. What consultation was there before Herefordshire Schools Forum made the decision to re-introduce the claw back scheme? What benefit was there to having it before?

Equality should be ensured across LA and Academies. If Academies are not included in the claw back scheme they should not benefit from recovered balances.

Academies are in a position to access funding i.e. Buildings, LA schools should be able to build reserves to support future projects as they do not have such funding streams (equality)

15.

- *The college governors oppose any clawback scheme where academies could only join on a voluntary basis which they could not be bound to under any regulations in future.*
- *Q14 of the SFVS, the regulatory document for maintained schools, already requires the governing body to confirm that a school's balances are reasonable. Where the council disagrees with the response this should be a matter between the individual school and the council, and should be within the scope of monitoring work by the council to ensure schools are operating their finances in accordance with current guidelines.*
- *The requirement to adhere to a fixed % of balance removes the flexibility for schools to plan their budgets over the longer term and adjust over time for fluctuation in student rolls. In our particular case the nature of our surplus balance is very temporary and our current expenditure now exceeds income with the balance being used as an instrument to bring staff levels down in a controlled and manageable way.*

The previous clawback scheme led to artificial activity in schools around the yearend to eliminate the risk of losing cash. Technical issues – for example this year's short notice of a lower limit of £5k on individual accruals, or a late Easter causing engineering contractor work to take place in the following financial year – could drop a school into the clawback zone when in fact that excess balance has been committed to goods or services already purchased or work about to take place.

16. I would like schools to be able to manage any underspend they have themselves. If the LA wished to ensure schools were doing this effectively, they could introduce a scheme whereby schools could put forward a strategic plan to justify carrying funds forward from year to year. The LA could monitor effective use of the carry forward and ensure that schools are accountable.

17. Having carefully considered the proposals as stated in this document, the Governors are not in favour of the claw back scheme. We think that the level of 5% is too low for a special secondary school with the numbers of students, and complexities of need together with the fact that we run off two sites. 10% would represent a more realistic level of reserves. The Governors are not in favour of holding large reserves and agree that funds received should be spent on the current children in school, but of course, maintaining a realistic level of reserves for planned spend and emergencies.

- If Academies opt in on a voluntary basis then what does this mean in practice – does it mean that they can opt out at any point?

- We are mindful of the fact that any funds clawed back will be made available to all school (including Academies) and the ethical issues around that. However we would welcome clarification about the benefits of joining the scheme.
- We do think there needs to be more discussion and would be happy to feed back our concerns and thoughts through our special schools representative on School's Forum.

18. I believe that this will ensure that no schools are building up excessive reserves. However, our school does have a reserves policy that stipulates certain additional carry-over to account for anticipated larger scale spending that could not be effectively accounted for within one year's worth of formula allocation. For example, our last 5-year electrical check resulted in remedial works totalling £10,000. The school budget cannot cope with a one-off spend of this magnitude without saving money year-on-year to prepare for this spend. The same goes for ICT equipment and its lifetime (5-6 years). We cannot afford to replace 25 PCs or 22 laptops in a year. Therefore, funds have to be put aside to ensure that we can afford to replace units year-on-year. As long as we will be able to continue with this prudent policy to ensure the school remains in 'the black' then we agree with the principle of the 'claw-back' scheme.

The scheme should not be introduced if Academies do not have to take part, but will reap the reward of re-distributed funding.

Please return the questionnaire by 12 noon 6th March 2015 to:
school.funding@herefordshire.gov.uk