



# **Title of report: Request to the Secretary of State to Disapply the School Finance Regulations**

**Meeting: Herefordshire Schools Forum**

**Meeting date: Friday 21 November 2025**

**Report by: Head of Strategic Finance (Deputy S151)**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To request the continued support of Schools Forum in respect of a Disapplication request to the Secretary of State for Education for exceptional circumstances for Eastnor Primary School's rent of additional classrooms.

## **Recommendation(s)**

**That:**

- a) To consider the request to disapply the Regulations which is outlined within this report; and**
- b) Schools Forum to advise the Corporate Director, Children & Young People of Schools Forum's support or otherwise.**

## **Alternative options**

1. If a disapplication is not approved, then this would put the lease at risk due to insufficient funds available within the existing school budget, as the transfer of additional funds would no longer be permissible. This would negatively impact on quality of educational delivery at the school.

## Key considerations

2. The funding of schools is prescribed by the Department for Education (DfE) through the School and Early Years Finance (England) Regulations 2025.
3. The Local Authority (LA) may submit an application to the Secretary of State for Education to disapply these regulations with the support of Schools Forum. In exceptional circumstances the LA may also submit a request with the support of Schools Forum.
4. If a request to disapply the regulations is approved by the Secretary of State for Education, then the approval is for that year only and further requests will be required to be submitted in future years if disapplication of the regulations is to continue.
5. Disapplication requests for 2026/27 financial year must be submitted on or before 17 November 2025.
6. Schools Forum is requested to continue to support the disapplication request for 2026/27 financial year for £17,000 to be set as exceptional funding to support the rent payment of additional classroom space. This request was previously supported by Schools Forum in 2024/25 and 2025/26.

## Community impact

7. Increasingly schools funding is directed by government, and the council can only allocate funding given by government. School governing bodies retain the responsibility to spend the school budget on meeting pupil needs. Schools, colleges and post-16 providers and potentially parents will need to be consulted on any changes to the high needs services.

## Environmental impact

8. This is a consultation with Schools Forum on school funding and will have no direct environmental impacts. School governing bodies and trustees are responsible for deciding on expenditure and they will be encouraged to minimise waste and resource use in line with the Council's Environmental Policy.

## Equality duty

9. The Public Sector Equality Duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations and demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services.
10. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows: A public authority must, in the exercise of its functions, have due regard to the need to – (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. In relation to school finance, it is the responsibility of individual governing bodies to commit expenditure according to individual pupil need. Changes in high needs provision will require consultation with users, and further advice from legal services will be sought should this be necessary. However, the decisions of the school forum should have regard to this duty and the potential implications of any decisions made.

## **Resource implications**

12. The school's budget is fully funded by Dedicated Schools Grant (DSG).

## **Legal implications**

13. The Schools Forum is a statutory decision making and consultative body constituted in line with the School Standards and Framework Act 1998, and its associated regulations, including the Schools Forum (England) (Coronavirus) (Amendment) Regulations 2020, to enable members of the local school community to work in partnership with Herefordshire Council when making decisions about school funding and finances.
14. The funding of schools is prescribed by the Department for Education (DfE) through the School and Early Years Finance (England) Regulations 2025.

## **Risk management**

15. Budget Working Group (BWG) reviews all reports and proposals in detail prior to making recommendations to the Schools Forum. This two-stage process helps to ensure greater scrutiny of budget proposals and mitigate against any risks that may be identified. Any identified risks will be monitored and managed by the Children and Young People directorate jointly with the Schools Forum.

## **Consultees**

16. Budget Working Group (BWG) was consulted on 7 November 2025 regarding the disapplication request and recommended the disapplication of £17,000 be approved by Schools Forum at the meeting on 21 November 2025.

## **Appendices**

Budget Working Group presentation 7 November 2025.

## **Background papers**

None.

## **Glossary of terms, abbreviations and acronyms used in this report**

BWG	Budget Working Group (of Schools Forum)
DfE	Department for Education
DSG	Dedicated Schools Grant
LA	Local Authority