

CABINET

9 DECEMBER 2021

FAIR FUNDING FOR SCHOOLS 2022-23 – NATIONAL AND LOCAL FUNDING ARRANGEMENTS FOR SCHOOLS

Relevant Cabinet Members

Councillor M J Hart

Relevant Chief Officer

Director of Children's Services

Recommendation

1. **The Cabinet Member with Responsibility for Education recommends that Cabinet:**

- (a) has regard to the information provided to schools on 29 September 2021;**
- (b) notes the Department for Education policy for school and Local Authority funding for 2022-23 detailed in Appendix 1;**
- (c) notes the involvement of the Worcestershire Schools Forum members and schools during the engagement process;**
- (d) notes the views of the Worcestershire Schools Forum on the Local Schools Funding Formula issues for 2022-23 and other matters which are outlined in Appendix 2;**
- (e) approves the Local Schools Funding Formula for Worcestershire mainstream schools from April 2022 to apply for 2022-23 and other matters as detailed in paragraphs 32 to 42, to include the DfE Minimum Funding Levels (MFL's) for Primary £4,265; Key Stage 3 £5,321; Key Stage 4 £5,831; Secondary £5,525 having regard to feedback from schools and the views of the Worcestershire Schools Forum in Appendix 2, to be based as far as is practicable and affordable upon the Department for Education (DfE) National Funding Formula (NFF) parameters; and**
- (f) authorises the Director of Children's Services in consultation with the Cabinet Member with Responsibility for Education to make the required submission to the national executive body, the Education and Skills Funding Agency (ESFA) by 21 January 2022 for the approved Local Schools Funding Formula for 2022-23 taking account of any impact and change on the**

approved units of resource, Minimum Funding Guarantee and capping arrangements in paragraph 33 as a consequence of the October 2021 census and other 2021 data changes and the final 2022-23 Dedicated School Grant (DSG).

Background

2. The Council receives funding for schools and designated central services through the Dedicated School Grant (DSG). This is a ring-fenced grant and is allocated by the Department for Education (DfE) in 4 blocks – Schools, Central School Services, High Needs and Early Years. This is based on the DfE’s National Funding Formula (NFF) arrangements.
3. The majority of the Schools Block DSG is delegated to mainstream schools – Local Authority (LA) maintained and Education and Skills Funding Agency (ESFA) academies – through Worcestershire's Local Schools Funding Formula (LSFF). The amount remaining not delegated is centrally retained to provide a Pupil Growth Fund to support the revenue costs of the County Council’s basic needs requirements.
4. The Government made significant changes to the funding formula factors for schools from April 2013. The changes have had an impact both for the schools and designated central services. Cabinet has resolved each year between 2012 and 2020 to introduce a Local Schools Funding Formula (LSFF) for mainstream schools for 2013-14 through to 2021-22.
5. The Council is required to consult the Worcestershire Schools Forum (WSF) on any changes to the LSFF to comply with the national requirements for school and LA funding with the need to inform Governing Bodies of the consultation. However, the Council has always chosen to expand this requirement to consult with all schools, governing bodies and other interested parties to inform Cabinet's ultimate decision in recognition that changes could potentially impact upon the quality of education provision in schools.
6. From 2018-19 for the 4-year period 2018-19 to 2021-22, the Government introduced their National Funding Formula (NFF) arrangements for the DSG. Within this period Local Authorities (LA’s) were still able to set a local LSFF or consider moving to the NFF parameters. Following a detailed consultation and correspondence with schools in the Autumn Terms 2017, 2019 and 2020, Cabinet on 14 December 2017, 20 December 2019 and 10 December 2020, approved the LSFF for this to be based as far as practicable and affordable upon the DfE NFF parameters.
7. It was anticipated that a fully DfE prescribed NFF i.e. a ‘hard’ formula for schools would be in place for 2022-23. However, the DfE confirmed that LA’s would continue to be able to set a LSFF for 2022-23 within their policy parameters. Given the previous approvals, the WSF at its meeting on 23 September 2021, endorsed and approved the continuation of the current funding arrangements for 2021-22 into 2022-23. Consequently, a further local consultation was not required for the LSFF and other matters. On 29 September 2021, schools were provided with the details of the DfE’s policy for 2022-23 and that it was proposed to continue with the current arrangements for 2021-22 into 2022-23. As part of this schools were given the opportunity to comment on the proposals and there have been no contra indications received from schools on the continuation of the existing arrangements for a further year.

8. The Spending Review 2021 confirmed at a high level an additional £4.1bn by 2024-25 for the schools core budget, this includes public sector compensation for employer costs of Health and Social Care Levy (NICs).

DfE Policy Decisions for School Funding 2022-23

9. On 8 July 2021, the Department for Education (DfE) issued a consultation detailing the next stages for implementing their National Funding Formula (NFF). The details are contained in the attached link: -

https://consult.education.gov.uk/funding-policy-unit/completing-our-reforms-to-the-nff/supporting_documents/Fair%20Funding%20For%20All%20Consultation.pdf

10. Details of the arrangements are summarised at **Appendix 1** and confirm that although the DfE have issued a stage 1 consultation document regarding their move to a 'hard' NFF, there is no significant change proposed by the DfE for 2022-23.

11. Also, the previous policy announcement made in October 2019 detailing the provisional 3-year Dedicated Schools Grant (DSG) for 2020-21 to 2022-23, would continue. That announcement confirmed year 3 of that settlement and funding will continue to be distributed to LAs using the DfE's Schools and High Needs National Funding Formulae (NFF). Also, both the DfE and ESFA have published several operational guidance and technical documents to support the national policy. These confirmed the national policy direction for the DSG and other funding matters for 2022-23.

12. In September 2021 schools, , were provided with details of the key headline issues confirmed in the ESFA statements. The School Funding Settlement 2022-23 will be announced later in December 2021 using the October 2021 and other 2021 data sets.

13. Beyond 2022-23, the DfE have indicated they will consult further at stage 2 on their NFF policy from 2023-24, as they move towards a 'hard' NFF for schools.

14. The Council in conjunction with all its key partners, particularly the F40 Group representing the lowest funded LA's, and the Society of County Treasurers, continues to lobby central Government for a fairer allocation of the total national allocation of funding as part of the continuing NFF process.

Consideration of Issues for 2022-23

15. In respect of proposed formula development for 2022-23, there was a balance of considerations between the need for stability given the number and scale of changes since 2012-13, the desire for a LSFF that can appropriately serve all schools in Worcestershire and the impact of the DfE NFF proposals.

16. Stability continues to provide a period of no change for individual schools, apart from the impact of changes in mix and number of pupils per school, other data changes and the continuing impact of the Minimum Funding Guarantee (MFG) and capping together with any other DfE prescribed policy changes.

17. LA's are required to consult on their LSFF and proposals for centrally retained services but given there is no local change proposed for 2022-23, it was agreed through the WSF to notify schools of this intention to continue with the existing arrangements.

18. As part of the provisional 2022-23 announcement, the DfE has continued its policy of making a significant change to the funding of the Central Services Schools Block (CSSB). Consequently, all LA's have seen a further reduction of 20% in their allocations for Historic Commitments. For Worcestershire this element provides funding for the Early Intervention Family Support Service (EIFS) and this funding has reduced from £1.5m in 2019-20 to £1.2m in 2020-21 to £0.96m in 2021-22 and to £0.768m in 2022-23. This will continue to result in significant operational and service delivery issues due to changes to the funding support arrangements given by the EIFS to schools. This will continue to be addressed through the budget process in 2022-23 to ensure any impact on services are fully understood and a longer-term sustainable solution is implemented.

Local Engagement with Schools for 2022-23

19. At its meeting on 23 September 2021, the Worcestershire Schools Forum (WSF) discussed in detail the DfE policy for 2022-23, LSFF issues including any potential for change together with decisions required on de-delegated and centrally retained services. The WSF concluded that stability was in the best interest of schools, so the current LSFF based upon the NFF should continue together with the current arrangements for de-delegated and centrally retained services. By doing this the Council and schools will be able to move more readily into the DfE's 'hard' NFF when it is fully implemented in the future.

20. As part of the national policy for 2022-23, the ESFA have confirmed that their NFF unit of resource rates will increase with the Average Weighted Pupil Unit (AWPU) rates Primary £3,217, Key Stage 3 £4,536 and Key Stage 4 £5,112.

21. Also, the DfE have confirmed that although in 2022-23 LA's are still able to continue to set their own LSFF, their parameters for the sector Minimum Funding Levels (MFL's) for Primary £4,265, Key Stage 3 £5,321, Key Stage 4 £5,831 and Secondary £5,525 will continue to be compulsory in LA's LSFF. The following table shows the required MFL's since the introduction of the DfE's NFF together with the amount of Schools Block DSG allocated:

Table: DfE MFL's and Schools Block Funding

MFL Rate Per Pupil	2018-19	2019-20	2020-21	2021-22 Note 2	2022-23	% Increase on 2021-22
Primary £	£3,300	£3,500	£3,750	£4,180	£4,265	2%
KS3 £	£3,950 Note 1	£4,600	£4,800	£5,215	£5,321	2%
KS4 £	N/A	£5,100	£5,300	£5,715	£5,831	2%
Secondary £	£4,600	£4,800	£5,000	£5,415	£5,525	2%
Schools Block DSG Allocated Note 4	£314.6m	£321.6m	£339.7m	£369.5m	£380.1m Note 3	2.86%

Notes

1. KS3 in Middle Schools; no separate rate for KS4.
 2. Includes effect of the mainstreaming of the former pay and pension grants – primary £180 per pupil; secondary £265 per pupil.
 3. Final allocation to be confirmed late December 2021.
 4. Excludes Pupil Growth Fund.
22. For the LSFF key considerations include:
- The potential impact and affordability of the DfE NFF in terms of DSG and individual school allocations for LA's and schools.
 - The current policy of LSFF stability apart from annual data changes.
 - The Minimum Funding Guarantee (MFG) having to be set between +0.5% per pupil and +2.0% per pupil to be determined locally.
 - The continuing impact of budget and funding pressures for all schools.
 - The NFF policy from 2023-24 not yet being confirmed and how the NFF policy might or could change is unclear at this stage.
 - Although the NFF provides an increase in funding for the High Needs Block this area continues to be under significant pressure in terms of commissioned places, top up funding, post 16, post 19 and out County/Independent provision. To support this, the High Needs Block DSG will increase further in 2022-23 as part of the DfE's 3-year settlement and the DfE are continuing to allow LA's to consider transferring up to 0.5% of the Schools Block to High Needs (for the County Council approximately £1.9m). A transfer of up to 0.5% requires WSF approval but if the WSF do not approve the transfer LA's can apply for a disapplication to Secretary of State for Education. This also applies if LA's want to transfer more than 0.5%.
23. Given all the above DfE requirements and issues and in line with the previous policy of LSFF stability, the Council, the WSF and schools are all supportive to continue for a further year with the NFF as far as is practicable and affordable as the Council LSFF in 2022-23, together with the existing arrangements for no transfer of Schools Block DSG, de-delegated and centrally retained services.
24. The final allocations for schools in 2022-23 for individual schools will be affected and differ from the existing 2021-22 allocations and the DfE 2022-23 exemplifications due to:
- Data not yet available from the October 2021 data sets that must be used for the 2022-23 formula allocations.
 - Any MFG per pupil and associated capping calculation for 2022-23 having to be based upon this revised data.
 - For some academies the ESFA will use a different 2021-22 baseline for the calculation of the MFG and capping.
 - The final Schools Block DSG for 2022-23 will be based upon the October 2021 pupil numbers and NFF arrangements.
 - The final Schools Block DSG quantum for 2022-23 which will not be notified by the DfE until late December 2021.
25. A communication detailing the proposal to retain the continuing arrangements for 2021-22 into 2022-23 was circulated on 29 September 2021 to all schools and other key

stakeholders. There have been no contra indications received to this proposed policy direction.

Recommendations for the Worcestershire Local Schools Funding Formula (LSFF) for Mainstream Schools and Other Statutory Matters for 2022-23

26. The County Council recognises the diverse range of schools in the county and Cabinet has previously discussed the issues in endeavouring to have a LSFF that is appropriate for all schools. Having considered the issues, the views of the WSF in **Appendix 2** and Cabinet's strategic view, it is recommended that approval be given to continue as far as is practicable and affordable to use the DfE NFF parameters as the LSFF for 2022-23.

27. This approach will also continue to support the DfE intention to move to a prescribed 'hard' NFF in the future. The LSFF will then continue to be based as far as is practicable and affordable on the NFF parameters. In doing this it is recognised that applying all the NFF parameters will depend upon the amount of Schools Block DSG available in 2022-23, which will impact on how the NFF can be applied in the LSFF. The affordability or otherwise of the NFF will depend upon the impact of:

- The DfE mandatory sector mandatory Minimum Funding Levels (MFLs).
- The requirements for a minimum per pupil increase of up to 2%.
- The potential need to set a cap for gaining schools for affordability purposes.

28. Implementation of the NFF parameters as the LSFF may require a funding cap if the DSG quantum is not be able to fund the full NFF in 2022-23. Consequently, the DfE have indicated LA's can apply a cap, not part of their NFF, which can continue to be higher than the cash amount required for the MFG for the LSFF to be contained within the Schools Block DSG available.

29. On the potential to transfer Schools Block funding to support High Needs, Cabinet is conscious of the previous significant feedback from schools on this extremely important issue. Notwithstanding the significant budgetary pressures for High Needs the issues previously raised by schools are key to Cabinet in making its decision on a potential Schools Block transfer. It is imperative that the County Council and schools are united in continuing to make the case for increased high needs funding as well as developing changes in practise and collaborative working as part of the high needs' recovery programme over the next 3-5 years.

The Role of the Worcestershire Schools Forum (WSF)

30. As required, the WSF continues to fulfil its statutory role as the principal consultation body for matters relating to school funding. There is a statutory requirement to consult them on these funding proposals.

31. The WSF has met on 23 September 2021 and 18 November 2021. These meetings formally endorsed the formal recommendation for the LSFF for 2022-23 together with their approvals for the required statutory decisions on no transfer of Schools Block DSG, de-delegated and centrally retained services.

32. Details of these discussions and outcomes at the meetings are attached at **Appendix 2**.

Cabinet's Detailed Approvals

33. Approve for 2022-23 the LSFF as supported by the WSF to continue to be based as far as is practicable and affordable on the DfE NFF parameters, with the **estimated** units of resource detailed below.

34. Approve the following as the factors for inclusion in the LSFF for Council mainstream schools – LA maintained and ESFA academies – to be based upon required DfE data sets from the October 2021 and other 2021 DfE data sources, including any in year or prior year changes and the final DSG for 2022-23 when this is confirmed.

35. Approve the model to contain from April 2022, the following formula factors and **estimated** units of resource using the prescribed DfE data sets from the October 2021 and other DfE 2021 data sources, including any in year or prior year data changes, and estimated data as required for schools changing their age range from September 2022:

Age Weighted Pupil Unit (AWPU): [The same per pupil amount for the following age groups]

Primary £3,217; Key Stage 3 £4,536; Key Stage 4 £5,112

Sector Minimum Funding Levels (MFL's)

Primary £4,265; Key Stage 3 £5,321; Key Stage 4 £5,831; Secondary £5,525

Deprivation:

Free School Meals (FSM) Annual: Primary £470; Secondary £470

Free School Meals (FSM) Ever 6: Primary £590; Secondary £865

Income Deprivation Affecting Children Index (IDACI) [6 bands A to F]:

Primary £640; £490; £460; £420; £270; £220

Secondary £890; £700; £650; £595; £425; £320

Low Cost/High Incidence Special Educational Need (SEN) – Low Prior Attainment:

Primary £1,130

[Combination of Early Years Foundation Stage Profile – New Profile % to be determined; Old Profile 78 Points];

Secondary £1,710

[Not achieving level 4 Key Stage 2 English or Maths]

English as an Additional Language (EAL) – maximum of 3 years:

Primary £565; Secondary £1,530

[Pupils with a first language other than English]

Lump Sum for Every School:

All School Phases £121,300

Sparsity based on a NFF or tapered approach:

Primary £55,000; Secondary £80,000

Split Site:

An individual school cash sum allocated via the approved 2022-23 formula with schools having to meet the qualifying criteria

Rates:

Actual Costs individual to each school to be directly funded by the ESFA direct to the relevant rating authority

Private Finance Initiative (PFI):

Agreed Costs for those schools in the PFI contract

Exceptional Premises Costs:

An individual school cash sum for those qualifying schools as approved by the ESFA

Minimum Funding Guarantee (MFG):

+2% per pupil in each year on a formula as prescribed by the ESFA

Capping:

At the required % level, if required, to scale back gains for some schools to fund the LSFF using the NFF parameters prescribed by the ESFA

[The final % rate, if required, is to be determined following the School Block DSG settlement for 2022-23 using a scaling factor of 100%].

36. Approve that the current **estimated** LSFF units of resource as detailed above and **estimated** MFG and capping % can be adjusted in January 2022, as required, to take account of the impact of the:

- October 2021 census and requirements including use of estimated data for changes in school age ranges if required.
- Other DfE prescribed 2021 data and changes including those from prior years.
- Final Schools Block DSG for 2022-23.
- Statutory requirements relating to the MFG/Capping and/or the School and Early Years Finance (England) Regulations.

37. Approve not to transfer Schools Block Funding to support High Needs.

38. Approve the initial delegation of the following centrally retained services for all mainstream schools in 2022-23 as in 2021-22:

FACTOR	SERVICE
Basic Per Pupil	School Specific Contingencies (not Early Years) Staff Costs Supply Cover
Deprivation (Free School Meals)	FSM Eligibility
EAL	Support for Minority Ethnic Pupils
Low Prior Attainment	Support for Underachieving Groups

39. Approve the decision of the WSF maintained mainstream school members to continue in 2022-23 the delegation and de-delegation (centrally retained) of the above services for LA maintained mainstream schools only by phase:

Phase/Service	Primary Delegation	Primary De-delegation
School Specific Contingency	No	Yes
Support for Schools in Financial Difficulty	Yes	No
14-16 Practical Learning Options	N/A	N/A
Behaviour Support Services	N/A	N/A
Schools Insurance	Yes	No

Support for Minority Ethnic Pupils or Underachieving Groups – EAL	No	Yes
Support for Minority Ethnic Pupils or Underachieving Groups – Travellers Children	No	Yes
Free School Meal Eligibility	No	Yes
Staff Costs Supply Cover – Civic Duties	No	Yes
Staff Costs Supply Cover – Trade Union Duties	No	Yes
Staff Costs Supply Cover – HR Related Duties	No	Yes
School Improvement	No	No
Former General Duties ESG	N/A	No
Phase/Service	Secondary Delegation	Secondary De-delegation
School Specific Contingency	No	Yes
Support for Schools in Financial Difficulty	Yes	No
14-16 Practical Learning Options	Yes	No
Behaviour Support Services	Yes	No
Schools Insurance	Yes	No
Support for Minority Ethnic Pupils or Underachieving Groups – EAL	No	Yes
Support for Minority Ethnic Pupils or Underachieving Groups – Travellers Children	No	Yes
Free School Meal Eligibility	No	Yes
Staff Costs Supply Cover – Civic Duties	No	Yes
Staff Costs Supply Cover – Trade Union Duties	No	Yes
Staff Costs Supply Cover – HR Related Duties	No	Yes
School Improvement	No	No
Former General Duties ESG	N/A	No

40. Approve for those services subject to de-delegation using the formula factors by reducing the formula amounts in 2022-23 for LA maintained mainstream schools only on the basis detailed above.

41. Approve the decision of the WSF to the continued central retention in 2022-23 of the centrally retained services as detailed below either limited to the 2017-18 budget level or as prescribed by the DfE (indicative budgets are shown either limited to previous year levels or **estimated** with final funding subject to clarification and change) for:

- Copyright Licensing Agency (CLA) and Music Publishers Association (MPA) licences (subject to DfE prescription) – £0.41m **estimated**.
- Contributions to Combined Services – the Early Intervention Family Support (EIFS) service budget – £0.768m **actual** (reflecting the 2021-22 amount being reduced by a further 20% because of the DfE reduction to all LA's Central Services Schools Block DSG).
- Co-ordinated admissions scheme – £0.60m **estimated**.
- Servicing of the Schools Forum – £0.06m **estimated**.
- Services previously funded by the retained rate of the Education Services Grant – £1.26m **estimated**.

42. The final LSFF units of resource and capping for 2022-23 are subject to final confirmation with the ESFA and may change when the impact of the October 2021 and other 2021 DfE data and prior year data changes and the final Schools Block DSG for 2022-23 are confirmed.

43. As in previous years the LSFF for 2022-23 will **not** include factors for:
- Pupil Mobility – although part of the DfE NFF this is not deemed to be a significant issue.
 - Looked After Children (LAC) – not part of the DfE NFF and previous funded reflected in the previous increase in the separate LAC Pupil Premium Grant.
 - Higher Teacher Costs – only applies to London fringe LA's.

Legal, Financial and HR Implications

44. The Council is required to adhere to the DfE prescribed arrangements for school and LA funding in 2022-23. These will be contained within the yet to be published School and Early Years Finance (England) Regulations 2022. It is anticipated these will be laid before Parliament in early 2022.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

45. Not applicable in this case.

Risk Implications

46. Given the recommendations in 2022-23 for the LSFF, Schools Block DSG and the arrangements for de-delegated and centrally retained services are made based upon the existing approved local policy for 2021-22 there are no such implications.

Equality and Diversity Implications

47. Given the recommendations in 2022-23 for the LSFF, Schools Block DSG and the arrangements for de-delegated and centrally retained services are made based upon the existing approved local policy for 2021-22 there are no such implications.

Supporting Information (available electronically)

- **Appendix 1** – DfE confirmed funding arrangements for 2022-23 – summary of Issues (electronic only)

- **Appendix 2** – Fair Funding Discussions 2022-23 Worcestershire Schools Forum Issues, Decisions and Recommendations 23 September and 18 November 2021 (electronic only).

Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

Fair Funding Communication Document to Schools – September 2021

Agenda and background papers for the meetings of the Cabinet held on 18 October 2012, 7 November 2013, 16 October 2014, 15 October 2015, 17 November 2016, 14 December 2017, 20 December 2019 and 10 December 2020 [Browse meetings - Cabinet - Worcestershire County Council \(moderngov.co.uk\)](#)