



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 17 October 2014  
Your comments must reach us by that date**

# **School and Early Years Finance (England) Regulations 2014**

**If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

<b>Please tick if you want us to keep your response confidential.</b>	<input type="checkbox"/>
Reason for confidentiality:	

Name:Katy Adamson	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable):Nottinghamshire County Council	
Address:County Hall, Loughborough Rd, West Bridgford, NG2 7QP	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Gov.UK ['Contact Us'](#) page.

Please insert an 'x' into one of the following boxes which best describes you as a respondent.

<input checked="" type="checkbox"/>	Local authority	<input type="checkbox"/>	Schools forum	<input type="checkbox"/>	Governor
<input type="checkbox"/>	Other				

Comments:  
Responses to the consultation have been compiled from discussions with leads from the relevant areas.

Regulation 3 amends the Schools Forums (England) Regulations 2012 to add representation of special and alternative provision academies to schools forums, and to require local authorities to consult the schools forum on the commissioning of places and the local authority's arrangements for top-up funding.

1 a) Do you agree that special academies should be represented on schools forums?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

Although we currently only have two such establishments out of our eleven special schools, the eleven heads currently work very closely together & have congruent goals, therefore the advantages of the special academies having representation on the forum means added weight to decision making processes around issues affecting pupils with high needs & is unlikely to lead to conflict.

Presumably the representation will still be subject to it being representative of the pupil population they serve.

1 b) Do you agree that alternative provision academies should be represented on schools forums?

<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

In Nottinghamshire we are embedding a partnership approach to alternative provision, whereby responsibility for meeting a child's needs rests with the school regardless of

the establishment's status, if alternative provision academies were represented on the forum this would not necessarily be representative of the pupil population.

We do not currently have any AP academies in Nottinghamshire.

- 1 c) Do you agree that schools forums should be consulted about the commissioning of high needs places and the authority's arrangements for top-up funding?

<input checked="" type="checkbox"/>	Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Not sure
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Comments:

Strongly agree with this, by consulting the schools forum all schools will have a better understanding of the relationship between mainstream, specialist, & special provision & the impact of decisions, both financial & operational can be explored more fully as decisions are being made.

- 2 Regulation 14(1) and paragraph 18 of Schedule 2 – these changes would mean the Dedicated Schools Grant must not be used to fund places or top-up for 19-25 year olds in maintained special schools and special academies. Do you agree with these changes? What impact would they have on the availability of existing local provision for 19-25 year olds with Education, Health and Care (EHC) plans?

Comments:

Disagree – if the policy move is to 0-25 planning horizon for provision of services, then the funding arrangements should mirror that to enable consistent decision making & avoid creating false hurdles in processes – would need more detail on how this would be funded in order to comment more fully on the impact on provision.

- 3 Regulation 14(3) implements the change in value for an alternative provision place from £8,000 to £10,000 a year with transitional protection. It also clarifies that places in pupil referral units include those to be commissioned by schools. Local authorities will be responsible for funding these places. Do you agree with these changes?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

The figure of £10k is more realistic, given the current market cost of provision. By responsible for funding these places we take this to mean responsible for ensuring placements are funded at this level, & the funding from the EFA would be increased appropriately.

- 4 Regulation 21(2) amends the provision for the determination of budgets for new maintained schools and for schools that have opened in recent years and are still adding year groups. Local authorities will now have the flexibility to fund these schools on estimated pupil numbers if they so wish. Local authorities will reconcile any difference between estimated and actual pupil numbers the following financial year. Do you agree with these changes?

Agree

Disagree

Not sure

Comments:

Greater clarity is needed on how this would work in practice, as the LA has no funding provision for this. Therefore the funding stream from the EFA would need to be adjusted in line with monies being distributed to schools.

- 5 The other changes to the regulations reflect policies that we have already announced. For these changes we are therefore only consulting on the drafting of the regulations rather than the substance of the policy. Do you have any comments on the drafting?

Comments:

No

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

<b>Please acknowledge this reply.</b>	X
E-mail address for acknowledgement:katy.adamson@nottscc.gov.uk	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.



If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: [aileen.shaw@education.gsi.gov.uk](mailto:aileen.shaw@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed responses should be sent to the address shown below by 17 October 2014

Send by post to:

Ms Beth O'Brien  
Department for Education  
Great Smith Street  
London  
SW1P 3BT

Send by e-mail to: [2014SchoolFundingRegulations.consultation@education.gsi.gov.uk](mailto:2014SchoolFundingRegulations.consultation@education.gsi.gov.uk)