

Schools Forum Agenda

Thursday, 17 March 2016

4.30 pm – 6.30pm, Civic Suite - Committee Room 1
Lewisham Town Hall
London SE6 4RU

For more information contact: Janita Aubun tel 020 8314 7030
Email: janita.aubun@lewisham.gov.uk

| Item | Pages |
|--|---------|
| 1. Apologies and Acceptance of Apologies | |
| 2. Minutes of the Meeting 4 February 2016 | 1 - 5 |
| 3. Matters Arising | |
| 4. SEND Banding Review | 6 - 9 |
| This will consider the High Needs sub group report on the banding of pupils; it will look at the financial impact. | |
| 5. Alternative Provision Review | 10 - 20 |
| Consideration of the report of the High Needs Sub Group on Alternative Education Provision. | |
| 6. School Funding Reform | 21 - 24 |
| The Department for Education issued on 7 March two consultation documents on the reform of school funding. The consultations run until 17 April. This report is an overview of the proposed changes. | |
| 7. Financial Update and Budget Monitoring | 25 - 31 |
| To consider the current budget monitoring position, an update on the DSG budget for 2015/16 and the capital funding announcement. | |
| 8. Annual Review of the Scheme of Delegation and Finance Manual | 32 - 71 |
| This is the annual update of the scheme. The report will look at providing loans to schools rather than agreeing licensed deficits and the current debt policy. | |

9. Future Meetings and Work Plan for 2016/17

72 - 74

This will consider the planned work of the Forum over the coming year.

10. Education Commission

11. Any Other Business

Future Meetings

23 June 2016
06 October 2016
08 December 2016
09 February 2017
16 March 2017

All meetings will be held between 16.30 and 18.30

Sub Group Meetings

| High Needs Sub Group | Fund Task Group | |
|-----------------------------|------------------------|--------------|
| 29 February 2016 | 18 March 2016 | |
| 09 June 2016 | 14 April 2016 | |
| 22 September 2016 | 30 June 2016 | Provisional* |
| 04 November 2016 | 21 September 2016 | Provisional* |
| 24 November 2016 | 03 November 2016 | Provisional* |
| 02 March 2017 | 22 November 2016 | Provisional* |
| | 25 January 2017 | Provisional* |

*** These meeting dates will depend on whether the second national funding consultation document has been received.**

Agenda Item 2

LEWISHAM SCHOOLS FORUM

Minutes of the meeting held on Thursday 4th February 2016

Membership (Quorum = 40% i.e. 8) ✓ = present ✕ = absent a = apologies

| | | Attendance | | | | |
|---|---------------------------|------------|-------|-------|-------|-------|
| | | 04/06 | 01/10 | 10/12 | 19/01 | 04/02 |
| Primary School Headteachers | | | | | | |
| Liz Booth | Dalmain | ✓ | ✓ | ✓ | ✓ | ✓ |
| Paul Moriarty | Good Shepherd | ✕ | a | ✓ | ✓ | ✓ |
| Michael Roach | John Ball | ✓ | a | ✓ | a | ✓ |
| Sharon Lynch | St William of York | | ✓ | ✓ | ✓ | ✓ |
| Keith Barr | Kender | | ✓ | ✓ | ✓ | ✓ |
| Nursery School Headteacher | | | | | | |
| Nikki Oldhams | Chelwood | a | ✓ | ✓ | ✓ | a |
| Secondary School Headteachers | | | | | | |
| Jan Shapiro | Addey & Stanhope | | | ✕ | ✓ | ✓ |
| Bob Ellis | Conisborough College | ✓ | ✓ | ✓ | ✓ | a |
| David Sheppard | Leathersellers Federation | ✓ | ✓ | ✓ | ✓ | ✕ |
| VACANT | SECONDARY | | | | | |
| Special School Headteacher | | | | | | |
| Lynne Haines (Chair) | Greenvale | ✓ | ✓ | ✓ | ✓ | ✓ |
| Pupil Referral Unit Headteacher | | | | | | |
| Liz Jones | Abbey Manor | ✓ | ✓ | ✓ | ✓ | a |
| Primary School Governors | | | | | | |
| Rosamund Clarke | Perrymount | | | ✓ | a | ✓ |
| Dame Erica Pienaar (Vice-Chair) | John Ball | ✓ | ✓ | a | a | ✓ |
| VACANT | PRIMARY | | | | | |
| Secondary & Special School Governors | | | | | | |
| Pat Barber | Bonus Pastor | a | ✓ | ✓ | ✓ | ✓ |
| Jim Pollard | Addey & Stanhope | ✕ | ✓ | ✓ | ✓ | ✕ |
| Ruth Elliot | Watergate | | | | ✓ | ✓ |
| Academies | | | | | | |
| Declan Jones | Haberdashers' Aske's | ✓ | ✓ | ✓ | ✓ | ✓ |
| 14-19 Consortium Rep | | | | | | |
| VACANT | 14-19 Consortium | ✕ | | | | |
| Early Years Rep | | | | | | |

| | | | | | | |
|-----------------------------|---------------------------------------|---|---|---|---|---|
| Cathryn Kinsey | Clyde Nursery | a | ✓ | a | ✓ | ✓ |
| Diocesan Authorities | | | | | | |
| Rev Richard Peers | Southwark Diocesan Board of Education | ✓ | a | x | a | a |
| Stephen Bryan | Education Commission | ✓ | a | x | x | x |

| | |
|---------------------|--|
| Also Present | |
| Dave Richards | CYP Group Finance Manager |
| Hayden Judd | Principal Accountant |
| Selwyn Thompson | Head of Financial Services |
| Sara Williams | Executive Director for CYP |
| Matthew Eady | Service Manager – Estates Management & Catering Client |
| Heather Leatt | Strategic Lead - Secondaries |
| Kim Knappett | ATL |
| Janita Aubun | Clerk to Schools Forum |
| | |
| | |
| | |
| | |
| | |

1. Apologies and Acceptance of Apologies

Apologies received from Liz Jones, Bob Ellis, Nikki Oldhams and Father Richard Peers. Apologies accepted.

There were no substitutes.

2. Minutes of the Meeting held 19 January 2016

Schools Forum Action Summary -

Clarification to Forum regarding payment to individuals and its process – guidance on this is to be circulated in next week's Schools Mailing.

To circulate the High Needs Task Group member names and the dates of set meetings – Forum were informed that this has now been carried out.

3. Matters Arising

No other matters arising.

4. School Meal Charges

Matthew Eady, Service Manager- Estates & Catering Client, presented a report looking at the charges made to schools for the new catering contract and how the surplus from the previous catering contract, be distributed.

The contract with ARGENT was discussed and value for money issue raised by Forum.

Decision:

- Noted that revising the charging method would cause wide variations for Primary, Special and Nursery school.
- Agreed to continue to charge the above schools on the current basis of pupil numbers and FSM Ever 6 numbers for 2016/17.
- To ask officers to bring a report to Forum on the different charging methods.
- To Note charges to secondary schools being based on the new contract.
- Agree a £250k once-off charge be built into the catering contract costs to cover kitchen capital maintenance.
- Agree in principal the cost of paid meal increases to £2.30 over a number of years; the increase to be annually agreed.
- Price of a paid meal to increase to £2.00 from 2nd May 2016
- Agree the return to schools of the surplus of £224k on the former contract catering account.
- Agree the current balance on catering trading account be returned to schools on the basis of the proportion of payments into the contract over the last 2 years.

5. Schools Forum Constitution

This paper looked at Schools Forum memberships, the use of substitutes and their status at Forum.

Member attendance was raised and it was noted that consistency and attendance in the primary sector, has improved. Forum suggested Lewisham Southwark College (LeSoCo) be approached in relation to the 14-19 consortium representative vacancy.

Forum also agreed that the 6 and 9 month reminder policy regarding non attendance be maintained.

Forum request an explanation of the Nursery School Head and Early Years Representative categories.

Decision:

- The Forum agreed to allow substitutes to speak at the Forum meeting
- The Forum decided not to allow substitutes to vote on Schools Forum matters

- The Forum agreed the names of substitutes must be confirmed to the Clerk of the Forum prior to the meeting
- The Forum agreed that each voting member be provided with a nameplate to clarify who has voting rights
- The Forum confirmed observers can be invited to the table by the Chair to speak at Forum
- The Forum agreed to update the constitution as set out in Appendix B to the report apart from to allow substitutes to have voting rights

6. Financial Update

Forum were presented with a report that looked at the DSG budget monitoring position, considered the mutual funds held by the Forum and the proposals on the forecast overspend.

It was noted the revaluation of Beecroft Primary School backdated to March 2012 amounts to £275k.

It was noted that officers informed Forum that the maternity fund is likely to go into deficit but Forum to be updated in March 2016.

7. S251 Benchmarking Data

Forum were presented with a report showing how the spend on education services in the Borough compares with its statistical neighbours.

Decision

The Forum noted the report

No other business was raised.

Meeting closed 5:25pm

Date of next meeting:-

17 March 2016 4.30 to 6.30pm

SCHOOLS FORUM ACTION SUMMARY

| ITEM | ACTION TO BE TAKEN | OFFICER (S) RESPONSIBLE | OUTCOME/CURRENT POSITION |
|---|--|--------------------------------|---------------------------------|
| Minutes of 19 March 2015 | Follow up action re. Rushey Green backdated NNDR bill | Finance | On-going |
| Schools Forum 19 March 2015 – Financial Management | Report to be brought to Forum on Alternative Provision. | Kate Bond | To be brought to Forum 17/3/16 |
| Schools Forum 4 February 2016 – S251 Benchmarking Data | SEN Banding review - report | Officers | For Forum 17/3/16 |
| Schools Forum 19 March 2015 – Annual Internal Audit Report | Clarification to Forum regarding payment to individuals and its process. | Diane Parkhouse (HR) | Pending |
| Schools Forum Constitution | LeSoCo to be approached re. 14-19 Consortium | Finance | Pending |
| Forum Membership | Nursery School Head and Early Years Representative clarification sought. | Finance | Pending |

Agenda Item 4

Schools Forum
17 March 2016
Item 4

| Schools Forum | | | |
|---------------|----------------|----------|---------------|
| REPORT TITLE | Banding Review | | |
| KEY DECISION | Yes | Item No. | 4 |
| CLASS | Part 1 | Date | 17 March 2016 |

1. Purpose of the Report

To consider the recommendations of the High Needs Sub Group on the review of the banding structure to fund pupils with High Needs

2. Recommendation

The Schools Forum agree

- That the costing of the banding model takes place by December 2016, and the consultation on the model is delegated to the High Needs Sub Group as part of this process
- That the partial implementation in September 2016 be incorporated into the main implementation in April 2017

3. Background

- 3.1 The Schools Forum set up a Task Group in 2013 to consider the costs of funding high needs pupils. At that time there was concern about the funding being received for High Needs pupils and the costs being incurred. The forecasts in December 2015 indicated the shortfall in funding for 2016/17 was going to be £4.1m if no action was taken. At the budget setting meeting on both 10 December 2015 and 19 January 2016 Forum agreed proposals to cover the cost of this.
- 3.2 In 2015 the remit of the Task groups was extended to look at how High Needs pupils are funded with a specific requirement to consider the funding bands on which pupils are placed.
- 3.3 One of the key principles of the banding review was that any proposals should be **cost neutral** over all schools.
- 3.4 The other main principle was to ensure that there is greater clarity in the system of which band a pupil fits into and to make sure that the system was easy to moderate.
- 3.5 The current funding for placements in Lewisham is £35m.

4 New Banding Scheme

4.1 The rationale for having a new universal banding system is based on the following

- Current banding differential
- Lack of transparent top-up allocation
- Lack of moderation process
- Lack of equity due to funding variation for the same need between schools

4.2 The desire is to establish a process for banding which is:-

- Fair
- Equitable
- Transparent

4.3 The Department of Education published a set of characteristics of an ideal school funding system. The review has had regard to these characteristics which are as follows

- Distribute money in a fair and logical way
- Distribute extra resources towards pupils who need them most
- Be transparent and easy to understand and explain
- Support a diverse range of school provision
- Provide value for money and ensure proper use of public funds
- Covers provision expected for all pupils with SEND access, as well as additional support, which would lead to strategic borough wide agreement on the school local offer
- Provides a clear and transparent process for moderation of banding

4.4 The system that is currently used by Birmingham is felt to be the most appropriate. The Banding system has five categories

| Band | Descriptor |
|------|---|
| A | Speech and Language and Communication ASC |
| B | Cognition and Learning |
| C | Social, Emotional & Mental Health |
| D | Sensory |
| E | Physical |

4.5 For each of these bands there are a number of levels

| Level | Funding Source/Block | Description |
|--------|----------------------|---|
| Band 1 | Schools | Basic Entitlement - £4000 & Devolved Funding - £6000 |
| Band 2 | High Needs | Pupils with more complex needs, High cost needs |
| Band 3 | High Needs | Pupils with more significant complex needs, High cost needs |
| Band 4 | High Needs | Pupils with more severe complex needs, High cost needs |

4.6 Following an appropriate assessment each pupil will be placed on a band according to their primary need. Each band has a full descriptor of the child's needs and describes the provision required across key areas:-

- Assessment, Target Review
- Curriculum Access
- Grouping & Pastoral Care
- Equipment and Resources.

5. Funding Rates

5.1 While the Birmingham scheme has funding attached to each of the bands these funding rates are not suitable for Lewisham due to the extra costs of being in London.

5.2 There are two ways to determine the funding rates,

- To build the funding rate up based teacher to pupil ratio, learning support Assistant to pupil ratios, etc.
- Fitting the current funding rates into the new bands.

5.3 One of the current difficulties in calculating the funding rates is that until all the pupils have been moderated onto the new bands it is not possible to see that the funding will be cost neutral. To determine which of the new funding bands each high needs pupils would come under would take some time as there are about 1,500 pupils to allocate.

5.4 There is of course an alternative of keeping the funding for the current pupils the same and to only apply the new banding structure to new pupils. The disadvantage of this is that two pupils with the same need could attract different funding. It would also mean that the current

funding system would remain, albeit partially, in place for a number of years.

- 5.5 It is proposed that a staged approach is undertaken to ensure that the banding is consistent across all pupils with High Needs. The first stage will be to consider special schools, then consideration will be given to resource bases, followed by other children with EHCP. Rather than start a partial implementation in September, it is proposed that all pupils are assimilated onto the new banding system. With 1,500 pupils involved it is felt it is better to delay implementation until April 2017.
- 5.6 Moderating all High Needs pupils will ensure that the proposals are cost neutral across all schools. While some schools will see funding gains, others will lose. The delay to April 2017 will allow schools more time to plan and implement the changes.
- 5.7 The first step under the revised timetable will be to set up a small working group consisting of special school head teachers and representatives of primary and secondary schools with the purpose of moderating their own pupils on to the new bands and to test out the impact of the funding. These meetings will take place during April and May and will look at Special School pupils initially. The outcome will be reported to the Forum in June.
- 5.8 The final stage will be in the Autumn Term which will look at to moderating the pupils in Primary and Secondary schools. The final results will be reported back to the Schools Forum in December.

6 Conclusion

The placements budget is significant it is important that any changes to the way in which it allocated are fully understood before any new system is implemented. While any delay is regrettable it is perhaps a better option than implement a system which creates inequality between pupils and schools.

Dave Richards

Group Finance Manager – Children and Young People

Contact on 0208 314 9442 or by e-mail at Dave.Richards@Lewisham.gov.uk

Agenda Item 5

Schools Forum
17 March 2016
Item 5

| Schools Forum | | | |
|---------------|------------------------------|----------|---------------|
| REPORT TITLE | Alternative Provision Review | | |
| KEY DECISION | Yes | Item No. | 5 |
| CLASS | Part 1 | Date | 17 March 2016 |

1. Purpose of the Report

To consider the recommendations of the High Needs sub group and to consider the high needs funding block for next year.

2. Recommendation

A. The Schools Forum agree to the following savings from the High Needs sub group for the funding of the Alternative Education provision

| Ref | Saving | £'000 | School/college |
|-----|--|-------|---------------------|
| 1 | Support for SEN Learners (£244k in 16/17 & £177k in 17/18) | 421 | Abbey Manor College |
| 2 | Intervention Funding (£158k in 16/17) | 158 | Abbey Manor College |
| 3 | Equalisation of funding bands (£170k in 16/17 & £120k in 17/18) | 290 | New Woodlands |
| 4 | Medical Programme (£70k in 17/18) | 70 | Abbey Manor College |
| 5 | Social Worker (£45k in 17/18) | 45 | Abbey Manor College |
| 6 | Social Worker (£45k in 17/18) | 45 | New Woodlands |
| 7 | Teenage pregnancy budget and excluded pupils (£97k in 17/18) | 97 | Abbey Manor College |
| | TOTAL | 1,126 | |

B. That of the above savings

£625k is applied to the High Needs budget pressure

and

£501k is applied to a central commissioning fund.

3. Background

- 3.1 The current forecast indicates a spending pressure of £2.9m on the High Needs Block in 2015/16. This grows to £4.1m in 2016/17. This forecast allows for growth in pupils numbers and accounts for inflation.
- 3.2 If no measures are taken to contain the growth in pupil numbers, together with inflation this would increase the shortfall in 2017/18 by £1.5m and total savings required would be £5.6m
- 3.3 There is a carry forward on the DSG from 2014/15 of £2.2m which can be used to offset part of this year's overspend. This leaves a balance of £0.7m. Ceasing the devolved funding to secondary schools for attendance and welfare from April 2015 leaves a balance of £0.5m to be found. The Schools Forum agreed at the meeting on 10 December 2015 to charge the balance to the schools contingency.
- 3.4 A Task Group was set up in 2013 by the Schools Forum to review the costs of funding high needs pupils. Specifically the group were asked to make recommendations on how the costs could be reduced to meet the funding provided by Central Government.
- 3.5 The task groups approach this year was to look at all the funding within the high needs block to examine where savings could be made or better value for money could be achieved. A number of work streams were set up.
- 3.6 The work streams are shown in Appendix 1 of this report. One of the workstreams considered Alternative Provision. Their review was presented to the Forum in December 2015 and the conclusions of the workstream on Alternative Provision are shown in Appendix 2
- 3.7 The recommendation from the High Needs Sub Group Alternative Provision workstream was that savings of between 20% - 30% should be anticipated. This recommendation was agreed by the Forum on the 10 December 2015. Sitting along side this was an Alternative Provision review being undertaken by a consultant and CYP officers. A full consultation with stakeholders was also held.

4. Alternative Education Review

- 4.1 Currently the evidence suggests that Lewisham may not be providing a sufficiently effective inclusive education for all children and young people or the appropriate range of alternative education pathways as we have:

- high levels of permanent exclusion compared to London and the national position;
- an increasing number of expensive out of borough placements, particularly for primary aged girls;
- increasing numbers of fixed term exclusions and short term intervention;
- concerns about the continuity of service as some alternative providers are financially vulnerable;
- alternative provision not registered with 'independent school' status; and
- at KS4 schools reliant on the local FE College for provision but this is unable to directly recruit 14-16.

4.2 The approach of the Alternative Provision workstream was to consider the overall budget for Alternative Provision as part of the Lewisham Alternative Provision Review.

4.3 The purpose of the Alternative Provision workstream of the HNB changes, agreed by Schools Forum, is to ensure equitable and transparent resourcing for AP in Lewisham at costs comparable with our statistical neighbours:

- Funding follows the pupil and the amount is based on pupil need.
- Pupil Place funding is based on national guidelines.
- Top up funding is based on a locally agreed banding arrangement that meets pupil need.
- The methodology for SEN / AP at NW and AMC should be in line with other specialist provision.

4.4 Current practice around intervention placements is under review to ensure value for money, effective use of the High Needs Block and appropriate placements for children and young people.

5. Approach to Savings

5.1 The approach has been to achieve the proposed savings and an additional allocation which will allow some resources to be redirected to provide for overall better service provision.

5.2 The proposed savings in summary over the next three years are as follows:

5.3 **For 2015/16 the budget from the HNB for New Woodlands School is currently:**

| Budget | £ |
|---|------------|
| Social Worker | £45,000 |
| Pupil places and top up funding (base budget) | £2,172,000 |

| | |
|---|-------------------|
| Total | £2,217,000 |
| Average funding per pupil (based on 112) | £20,000 |
| (Plus Outreach) | £585,000 |

5.4 **For 2018/19 budget for New Woodlands School: assumptions for budget planning purposes**

- Budget based on places: Base Funding at £10,000 (nationally set)
- Top Up based on banding approximately £6,800 (tbc but in line with special school banding)
- Building capacity = 140 places
- Average funding per pupil (max 140 places) £16,800
- (Outreach Service is separate)

5.5 **For 2015/16 the budget Abbey Manor College is currently (due to historically agreed allocations):**

| Budget | £ |
|--|-------------------|
| Support for SEN learners | £421,000 |
| Social Worker | £45,000 |
| Intensive Programme, Pupils not Permanently Excluded and Teenage Pregnancy | £97,000 |
| Pupil places and top up funding (base budget) | £3,000,000 |
| Total | £3,563,000 |
| Average funding per pupil (160) | £22,000 |
| (Plus Hospital and Home Tuition budget) | £235,000 |

5.6 **For 2018/19 budget for Abbey Manor College: assumptions for budget planning purposes:**

- Budget based on places (commissioned for PEX)
- Base Funding at £10,000 (nationally set)
- Top Up £8,000 (tbc but comparable with statistical neighbours and nationally PRUs of a similar size)
- Building capacity = 170 places (of which 125 Broadoak Campus and 45 John Evelyn Campus)
- Average funding per pupil (max 170) £18,000
- Exact places which will be commissioned by the LA and paid for by High Needs block will be agreed and confirmed following the Alternative Provision Review

5.7 Changes for 2016/17 and 2018/19

| | New Woodlands | Abbey Manor College |
|------------------------------------|--|---|
| Where we are now | Average funding per pupil (based on 112) @ £20,000 = £2,217,000 (Plus Outreach Service £585,000) | Average funding per pupil (based on 160) @ £22,000 = £3,563,000 (Plus Hospital and Home Tuition £235,000) |
| Where we want to be | Average funding per pupil (max 140) @ £16,800 = £2,352,600 Plus Outreach Service (£585,000) | Average funding per pupil (max 170) @ £18,000 = £3,060,000 |
| Savings (HN Block) | 16/17: £115,000 17/18: £165,000 | 16/17: £115,000 17/18: £200,000 Hospital and Home Tuition: £30,000 |
| LA resource / Commissioning | 16/17: £55,000 | 16/17: £287,000 17/18: £119,000 Hospital and Home Tuition: £40,000 |

5.8 This table shows a summary of proposed changes

| Ref | Saving | Amount £ | Establish |
|--------------------------------------|--|-------------|---------------------|
| 1 | Support for SEN Learners (£244k in 16/17 & £177k in 17/18) | 421 | Abbey Manor College |
| 2 | Intervention Funding (£158k in 16/17) | 158 | Abbey Manor College |
| 3 | Equalisation of funding bands (£170k in 16/17 & £120k in 17/18) | 290 | New Woodlands |
| 4 | Medical Programme (£70k in 17/18) | 70 | Abbey Manor College |
| 5 | Social Worker (£45k in 17/18) | 45 | Abbey Manor College |
| 6 | Social Worker (£45k in 17/18) | 45 | New Woodlands |
| 7 | Teenage pregnancy budget and excluded pupils (£97k in 17/18) | 97 | Abbey Manor College |
| High Needs Block Saving | | | |
| 2016/17 | | | 230 |
| 2017/18 | | | 395 |
| LA resource and commissioning | | | |
| 2016/17 | | | 342 |
| 2017/18 | | | 159 |

5.9 Rationale for savings

5.9.1 Support for SEN Learners (AMC)

Currently there is very limited SEN support because very few learners have high levels of identified SEND need. SEND funding should be allocated to Abbey Manor College learners in the same way as learners in other schools i.e. through EHC Plans. Therefore it is proposed to cease allocating this block sum as all required SEND funding should be allocated through place funding and Top Up.

Part of this saving will need to be recycled to improve coordination of placements into AP by the LA and also for commissioned places where AMC is not suitable.

5.9.2 Intervention Funding (AMC)

Intervention places should be fully funded by schools. Currently schools are paying for intervention places but there is a HNB allocation of £158,000 which is double funding. It is proposed to cease this HNB allocation from September 2016.

5.9.3 Equalisation of funding Bands (NW)

In 2014/15 the special school top up funding bands were standardised across all special schools. Prior to this an ASD pupil would have a different Top Up rate if they were placed in one school when compared to another special school. Largely the differences were minimal.

There was an exception to this for New Woodlands, where the standardisation of funding rates would create a reduction on funding of £290k. In 2014/15 it was decided at the time to protect the New Woodlands budget while work was undertaken to assess the nature of the pupil needs in the school.

It is now proposed to implement (over two years) the equalisation of special school funding for New Woodlands. This removes the additional funding for New Woodlands and brings the allocation in line with other special schools in Lewisham. The top up rate for the school would be £6,800.

5.9.4 Medical Programme (AMC)

A 30% withdrawal from the budget of the Hospital School and Medical Programme = £70,000. This is because the Home Tuition element does not meet statutory requirements and is being withdrawn. The Hospital School budget remains. This saving will need to be recycled into the LA budget for centrally commissioned places.

- 5.9.5 Social Worker – AMC
Removal of extra Social Worker budget = £45,000. AMC could consider funding such a post from their core budget but first discuss how best they can work with CSC and early help services.
- 5.9.6 Social Worker – NW
Removal of extra Social Worker budget = £45,000. NW will need to consider whether to fund from core budget.
- 5.9.7 Teenage pregnancy budget and excluded pupils (AMC)
Removal of the Intensive Programme, Pupils not Permanently Excluded and Teenage Pregnancy budget = £97,000 because these services are not being provided. Part of this saving will need to be recycled to improve coordination of placements into AP by the LA and also for commissioned places where AMC is not suitable.
- 5.9.8 This will not only achieve the saving required but will allow for modest investment in improving the system overall.
- 5.9.9 The Alternative Provision Review is considering the commissioning and funding models that will support the Lewisham Strategy to meet needs of the 'right pupils in the right provision'. AP review will make recommendations which will need to be discussed with AMC, NW and mainstream/special schools before they are finalised.
- 5.9.10 The proposal is to have a stronger and more strategic approach by the LA, clearer about what provision is required, better commissioning for need and with reporting back to Schools Forum for accountability of spend.
- 5.9.11 It is hoped that this workstream of the HNB savings is not seen as a cuts exercise but a proactive attempt to put AMC and NW onto a more sustainable footing going forward and also to improve the system to support Lewisham CYP needing AP.

6 High Needs Sub Group

The sub group discussed these proposals at their meeting on the 7 March 2016. They were keen to ensure that there was a clear rationale for the differences in funding between providers. This rationale should come from the banding review. The group felt that it was important that the process for determining the banding for each pupil was clear and transparent and that all funding followed the pupil.

The sub group discussed whether the funding should be linked to the age of the pupil but felt this needed more discussion.

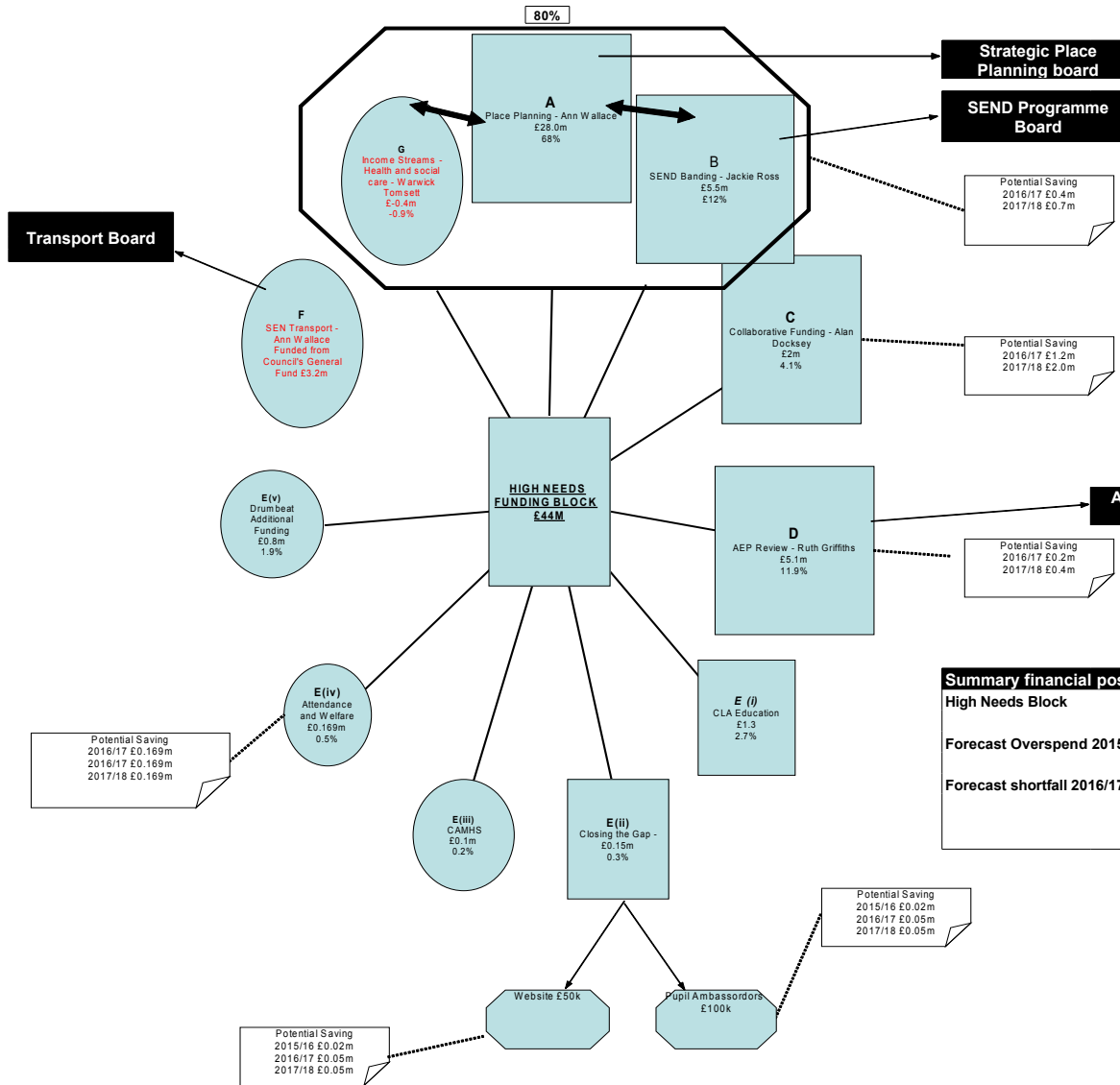
7 Conclusion

The Alternative Provision workstream proposals are only partly to meet the savings required, they are designed to deliver better value for money of the remaining funding by reconfiguring the service. This will allow greater flexibility and the targeting of provision.

Dave Richards

Group Finance Manager – Children and Young People

Contact on 0208 314 9442 or by e-mail at Dave.Richards@Lewisham.gov.uk



| High Needs savings Proposals | 2016/17 £'000 | 2017/18 £'000 |
|---------------------------------|------------------|------------------|
| Commissioned places | 400 | 700 |
| Collaborative Funding | 1,200 | 2,000 |
| Alternative Education Provision | 230 | 395 |
| CAMHS | 58 | 100 |
| Attendance and Welfare | 169 | 169 |
| Drumbeat central funding | 300 | 300 |
| Closing the gap | 50 | 50 |
| Pupil Ambassadors | 50 | 50 |
| | 2,457 | 3,764 |

| Summary financial position | |
|-----------------------------------|-----|
| High Needs Block | |
| | £m |
| Forecast Overspend 2015/16 | 2.9 |
| Forecast shortfall 2016/17 | 4.1 |

| LEWISHAM SCHOOLS FORUM HIGH NEEDS SUB-GROUP | | | |
|--|--|----------------------------|-------------------------|
| REPORT TITLE | Project Plan – Alternative Education Provision Review | | |
| | Yes | Item No. 7 Appendix | D |
| CLASS | Part 1 | Date | 26 November 2015 |

DRAFT AND CONFIDENTIAL

| | | | | | | | | |
|---|---|---|--------------------------|---------------|----------------------|-----------|------------------------|-----------|
| Work stream | D - Alternative Education Provision Review | | | | | | | |
| How is this service/workstream funded? Include all funding sources and identify if this service has already been subject to savings requirements | <p>The following budgets support the delivery of education and outreach support at Lewisham Southwark College, New Woodlands, Abbey Manor College, the Medical / Hospital Programme (initial mapping but to be confirmed) and will be considered as part of this work stream:</p> <p>Alternative Provision budgets</p> <ol style="list-style-type: none"> High Needs Block – Special Schools and PRUs (= £18,452, 000) £421,000 Abbey Manor College – Support for SEN £585,000 New Woodlands – Outreach Colleges placements budget = £144,000 Lewisham Southwark College FSW budget (= £100,000) £45,000 Abbey Manor College for Social Worker £45,000 New Woodlands for Social Worker Vulnerable Pupils budget (= £320,860) £97,000 Abbey Manor College for The Intensive Programme, Pupils not Permanently Excluded and Teenage Pregnancy Hospital and Home Tuition budget = £235,000 Abbey Manor College for Hospital School and Medical Programme Excluded Pupils budget = £9,000 Local Authority <p>TOTAL £1,581,000</p> <p>School Budgets - pupil places and top up funding</p> <ol style="list-style-type: none"> £2,172,000 New Woodlands - based on 112 places <table border="0"> <tr> <td>Base Funding £10k</td> <td>Places</td> </tr> <tr> <td>Top-up(i) £4k</td> <td>16</td> </tr> <tr> <td>Top-up(ii) £10k</td> <td>96</td> </tr> </table> <ol style="list-style-type: none"> £3,000,000 Abbey Manor College - based on 160 places Base Funding £10k Top-up £8k <p>TOTAL £5,172,000</p> <p>Total of budget to be considered by the Alternative Provision Review = £6,753,000</p> | | Base Funding £10k | Places | Top-up(i) £4k | 16 | Top-up(ii) £10k | 96 |
| Base Funding £10k | Places | | | | | | | |
| Top-up(i) £4k | 16 | | | | | | | |
| Top-up(ii) £10k | 96 | | | | | | | |
| Allocated funding from High Needs (HN) Block? | <p>When was this funding agreed with School Forum? The schools forum agreed New Woodland's budget in Dec 13. At the meeting the Forum agreed to protect the schools budget for 2014/15 at existing levels. For the rest of Special Schools the Forum agreed that all</p> | <p>What did School Forum agree to the money being spent on? Pupil Places and Top up, SEN Support, Outreach work, The Intensive Programme, Pupils not excluded, Attendance Worker, Social Workers, Teenage Pregnancies, Hospital and Home Tuition</p> | | | | | | |

Schools Forum
17 March 2016
Item 5 Appendix 2

| | | |
|--|--|--|
| | <p>special schools funding rates should be standard across all schools for children falling within a particular band. If this had been implemented for New Woodlands the school would have faced a loss of £291k and this funding has remained in the schools budget. The Forum asked for this to be reviewed.</p> <p>The Funding for social workers at New Woodlands and Abbey Manor was agreed by the Forum in 2008/9 and has been confirmed every year since at their budget setting meeting.</p> <p>The college placements budget has been subject to a contingency bid from the Forum. The latest funding was agreed at the October 16 meeting of the Forum.</p> <p>No specific approval for the approval of the rest of the budget has been sought from the Forum but included within the budget totals.</p> | |
| 2014 – 2015 HN allocation | Actual HN Spend | IMPACT of HN spend on pupil outcomes To be investigated as part of the Alternative Provision Review. |
| 2015 – 2016 HN allocation | Actual HN Spend £3,402,387 (as above) | IMPACT of HN spend on pupil outcomes To be investigated as part of the Alternative Provision Review. |
| Value for money/ price per pupil assessment? | As part of the Alternative Provision Review it is recommended that this work stream is investigated by a sub group that will focus on and review funding allocations being appropriately targeted, fitness for purpose, effectiveness of delivery and value for money with the view to making savings. | |
| Draft Recommendations including whether to continue to fund and identification of any possible savings from High Needs Block or other areas | <p>As part of the Alternative Provision Review this work stream will be considered and completed in full consultation with the providers and key stakeholders, and therefore final recommendations will be delayed until the end of the Review (March 2016).</p> <p>However, initially from this funding stream recommended savings of between 20% - 30% should be anticipated as part of the Review outcomes on the non school budgets. This equates to between £300k and £450k</p> | |
| Timescale for implementing any changes | The AEP Review will complete a final report in March 2016. Any budget amendments would then need to be agreed by the School Forum which would need to happen in the Summer Term. Once School Forum have agreed any amendments there may then need to be HR processes or other procedures to be followed before any savings can be delivered. Therefore the most realistic timeline for the implementation of any savings is not likely to be realised until April 2017 (although some savings may be able to be made in year, but this should not be relied upon). | |
| Risks and possible mitigation | The AEP Review will confirm and evaluate the expenditure against delivery and will then consider the risks and mitigation required to ensure that provision and service savings do not negatively impact on some of Lewisham's most vulnerable children and young people. | |
| Date: 23 October 2015 | Completed by: Ruth Griffiths | |

Agenda Item 6

Schools Forum

17 March 2016

Item 6

| Schools Forum | | | |
|---------------|-----------------------|----------|---------------|
| REPORT TITLE | School Funding Reform | | |
| KEY DECISION | Yes | Item No. | 6 |
| CLASS | Part 1 | Date | 17 March 2016 |

1. Purpose Of The Report

To update members on the consultation document issued by the Department for Education on the 7 March 2016 on the reforms to school funding, the High Needs Funding block, the future role of Schools Forum and Local Authorities and the Education Services Grant. **This report does not look at the consultation in detail** as this is the function of the task group set up by the Forum. It does though provide a summary overview

2. Recommendation

- The Schools Forum note the report
- The Forum delegate that task of responding to the consultation to the task group

3. Overview

3.1 Schools Funding Formula

The consultation sets out the Department for Education proposals to change the school funding system to deliver what they consider a fair, transparent system where the amount of funding children attract for their schools is based on need and is consistent across the country.

This consultation is the first of 2 planned consultations and seeks views on

- the principles that underpin a national formula
- the pupil characteristics and school factors in the formula

The Department for Education are also seeking views on the overall funding system in particular their proposals to

- introduce a school-level national funding formula where the funding each pupil attracts to their school is determined nationally

- implement the formula from 2017-18, allocating funding to local authorities to distribute for the first 2 years, and then to schools directly from 2019-20
- create a central schools block for local authorities' ongoing duties
- ensure stability for schools through the minimum funding guarantee and by providing practical help, including a restructuring fund.

3.2 High Needs Block

This part of the consultation seeks views on changes to the way that high needs funding is distributed, and other ways the Department feel they can support the administration of funding for pupils and students with special educational needs (SEN) and disabilities, and for those who are in alternative provision (AP). Specifically

- the overall design of a formula to fund high needs spend
- whether the formula factors are appropriate
 - Population
 - Health and disability factors
 - Low attainment
 - Deprivation factors
- how the formula should be phased in, to avoid disrupting the education of children and young people with SEN and disabilities, suggesting a 5 year period
- the ways the Department intend to help authorities address the cost pressures they face.

3.3 The consultations are in two stages. The current consultation is first stage and covers high level principles, key proposals and options on the way that high needs funding is allocated to local authorities. There are no details on the funding rates that will be attached to the formula and this will be considered in the second consultation.

3.4 Future Role Of The Local Authority

The consultation considers the future role of the local authority and proposes this should be around

- Securing sufficient school places
- Ensuring the needs of vulnerable pupils are met
- Acting a champions for all parents and families

The Local Authorities responsibility for school improvement will cease from the end of the academic year 2016/17. The Department for Education are planning to provide funding support to deliver their new strategy for school improvement and will provide details shortly on this.

3.5 Schools Forum

The current role of the Schools Forum will continue in 2017/18 and 2018/19. A review of the role, functions and membership of the Forum will take place to consider the long term future of the Forum.

3.6 Education Services Grant

The documentation talks about reducing the funding and links it to the revised role of Local Authorities. The consultation is however light on the exact details apart from the fact that some funding will move to the Dedicated Schools Grant

3.7 The consultation closes on the 17 April 2016.

4. Response to the consultation

A funding task group has already been set up to look at the consultation and to oversee the implementation of the changes.

The group will meet on the 18 March 2016 and the 14 April 2016 to consider the issues.

There is not another full Schools Forum meeting between now and the end of the consultation. With this in mind it is suggested that the responsibility for responding to the consultation is delegated to the task group.

The task group members are as follows but if any other members wish to join the group they are welcome.

| Name | Position | School |
|----------------------|-------------|------------------|
| Paul Moriarty | Headteacher | Good Shepherd |
| Rosamund Clarke | Governor | Perrymount |
| Debbie Tompkins | Headteacher | All Saints |
| Pat Barber | Governor | Bonus Pastor |
| Sara Sanbrook–Davies | Headteacher | St Bartholomew's |

| | | |
|------------------|-------------------------|-----------------------------|
| Yvonne Smithers, | Chief Finance Officer | Haberdashers Aske's Trust |
| Samantha Davies | School Business Manager | Prendergast Ladywell School |
| Theresa Fry | Finance Director | Bonus Pastor |

5 Consultation Documents

For information the link to the consultation documents is

<https://consult.education.gov.uk/funding-policy-unit/schools-national-funding-formula>

There are number of quite detailed documents contained within this link. The following link provides an overview

https://consult.education.gov.uk/funding-policy-unit/schools-national-funding-formula/supporting_documents/Summary%20and%20case%20for%20change.pdf

6 Conclusion

It is disappointing that the current consultation is only on principles and therefore it is still not known how it will impact on schools. The second consultation will provide more details on this and will be no doubt have a much high profile.

Dave Richards

Group Finance Manager – Children and Young People

Contact on 0208 314 9442 or by e-mail at Dave.Richards@Lewisham.gov.uk

Agenda Item 7

Schools Forum

17 March 2016

Item 7

| Schools Forum | | | |
|---------------|---|----------|---------------|
| REPORT TITLE | Financial Update and Budget Monitoring Report | | |
| KEY DECISION | Yes | Item No. | 7 |
| CLASS | Part 1 | Date | 17 March 2016 |

1. Purpose of the Report

This report looks at the budget monitoring position of the Dedicated Schools Grant, it considers the financial position of the mutual funds held by the Forum, it looks at the latest position on capital funding,

2 Recommendation

The Forum agree

- the contingency bid for Edmund Waller of £79k
- the use of contingency funds for the £313k backdated NNDR bill for Beecroft Primary

3. School Budget Monitoring Returns

3.1 The December budget monitoring returns were due by the end of January. The latest indications are that the schools carry forward at the end of the year will be £7.2m

3.2 This £7.2m compares with a forecast of £11.6m at December 2015. Indications from the returns in previous years would suggest there is an element of under forecasting of the year end balances. If we assume a degree of under forecasting for this year, the schools carry forward at the end of 2015/16 is likely to be around be £10m, which is lower than the 2014/15 figure of £13.9m.

3.3 To date we have now received the following returns

| | Received | Under Query | Outstanding |
|----------------|----------|-------------|-------------|
| Primary | 63 | 10 | 3 |
| Secondary | 9 | 3 | 2 |
| Special | 5 | 1 | 0 |
| Nursery School | 2 | 0 | 0 |
| PRU | 1 | 1 | 0 |

3.4 The timetable for reminders to schools is as follows

| | |
|---|------------------------|
| Email from School Finance Team to school bursar | 1 week after deadline |
| Email from School Finance Team to Headteacher | 3 weeks after deadline |
| Letter will be sent from the Head of School Improvement | 5 weeks after deadline |

Note – there are two monitoring returns required each year, one at the end of September and the other at the end of December. A school is allowed one month to submit its return.

- 3.5 At the start of the year there were two secondary schools with deficit budgets, Sedgemoor and Deptford Green and one primary school, All Saints. The current budget monitoring returns from schools indicate the difficulties the Secondary schools face. There are likely to be 4 more secondary schools in deficit by the year end and one further primary school. Apart from one, the remaining secondary schools are only just balancing their budget.

4 High Needs SEN

The cost pressures on the High Needs Block remains. There are a number of issues being faced

4.1 Specialist Post 16 places located in other Local Authorities

Post 16 funding is similar to the funding of our special schools and resource bases. A local authority commissions the places (the base funding of £10,000) and a top-up is paid when a young person attends. The difference for post 16 is the local authority where the establishment is situated commissions all the places for not only their young people but also for all other local authorities who place young people at the college. Hence for Lewisham College we have to commission enough places for our own children as well as children outside of Lewisham.

The providers where we are placing our young people are saying enough places have not been commissioned by their own Local Authority and are demanding extra funds from us. The EFA do not allow changes to the commissioned numbers during a year and it is left to us to negotiate with the provider an appropriate part of the £10,000 amount.

- 4.2 Work continues to establish the cost being borne by Children's Social Care for the education element of residential placements, it is thought to be in the region of £300k.

4.3 Child and Adolescent Mental Health Services (CAMHS)
NHS England have been looking at the education element of their CAMHS provision and are now starting to charge the cost to Lewisham, which has not been the case in the past.

4.4 Commissioned places

Within next year's savings total there was a proposal to reduce the number of commissioned places in special schools and resources basis. The budget was built around an assumption that the places would reduce overall by 70 from September 2016. The likely reduction is now thought to be 18 which will leave a shortfall of £300k next year.

5. Post 16 funding

Schools have been notified of their post 16 funding. The funding is detailed below:

**Year On Year Impact Of EFA 6th Form Funding Notification
(Fin Year)**

| | 2016/17 Actual | 2017/18 Full Year Effect |
|---------------------------|-------------------|-----------------------------|
| Addey and Stanhope School | -106k | -63k |
| Forest Hill School | -162k | -70k |
| Prendergast School | -101k | -81k |
| Sedgehill School | -344k | -180k |
| Sydenham School | -45k | -25k |
| | -758k | -419k |

6. Mutual Funds

The Schools Forum has a number of mutual funds it manages on behalf of schools. At the end of the year any balances are returned to schools or rolled forward to the next year. The current position of the funds is described below:

| Fund | Budget | Spent or committed to date | Balance |
|----------------|--------|----------------------------------|---------|
| | £000 | £000 | £000 |
| Growth Fund | 1,792 | 1,572 | 220 |
| Contingency | 1,510 | 1,030 | 480* |
| Maternity Fund | 800 | 648 | 152 |

*£88k if proposals in this report are accepted.

6.1 Growth Fund

Growth Fund allocations for the year have been made in the following categories-

| | |
|-------|----------------------|
| £961k | Permanent Expansions |
| £353k | Bulge Classes |
| £258k | Ongoing Resources |

6.2 Contingency

No contingency de-delegation charge has been actioned in 2015/16 as Forum agreed that the brought forward balance would be sufficient for this year.

To date there have been five calls on the Contingency Fund

- £178k to cover the Growth Fund shortfall in 2014/15
- £99k falling rolls allocation for Sydenham (to maintain staffing levels during a temporary dip in pupil numbers)
- £115k backdated NNDR charge for the Rushey Green Primary rebuild.
- £120k EAL student placements at Lewisham College
- £518k of High Needs Block overspend

As reported to the last meeting of Forum, the NNDR charge has now been calculated for the new Beecroft School building. The cost is £313k and will need to come from the contingency. The level of the adjustment is high as the back dating is for so many years.

Over the past few months a number of issues have been identified by schools whereby they believe that they have been promised funding by the Local Authority. Evidence is sometimes scarce to corroborate this and each case is taken on merit. One such case is Edmund Waller and the funding of the partnership with Holbeach, where documentary evidence has been furnished. Funding was given to the school for the first two years of the partnership with a promise for the third year (2015/16).

A clear principle of clarity, consistency and transparency has been adopted. This will mean any allocations to schools beyond normal funding and outside the growth fund and fixed criteria will be reported to the Schools Forum to agree in the first instance. With this backdated case, the Forum is asked if they will agree the funding from the schools contingency. The sum involved for the Edmund Waller / Holbeach partnership is £79k.

If agreed, the Holbeach bid and the Beecroft NNDR charge will result in a contingency balance of £88k.

6.3 Non-Sickness Supply Fund

The de-delegation charge for non-sickness supply cover for 2015/16 is £800k. To date the summer and autumn term claims have been paid. These totalled £648k.

The Spring term claims have not yet been processed and forecasting future claims is difficult; the 2014/15 financial year bucked the previous trend, such as it was. However, it would seem certain that this fund will end 2015/16 overspent, especially as the number of claims received is greater than in previous terms

The summer and autumn term claims breakdown is as shown in the table below:

| Phase | Claim Type | Number | Amount £ | Average £ |
|------------|----------------|--------|-------------|--------------|
| Nursery | Maternity | 1 | 5,644 | 5,644 |
| Primary | Jury Service | 3 | 5,777 | 1,926 |
| | Maternity | 39 | 258,763 | 6,635 |
| | Paternity | 6 | 8,175 | 1,363 |
| | Suspension | 2 | 3,788 | 1,894 |
| | TOFTUA | 2 | 48,957 | 24,479 |
| | | 52 | 325,460 | 6,259 |
| Secondary* | Adoption Leave | 1 | 2,792 | 2,792 |
| | Jury Service | 1 | 1,325 | 1,325 |
| | Maternity | 32 | 263,340 | 8,229 |
| | Paternity | 7 | 10,824 | 1,546 |
| | Suspension | 2 | 5,683 | 2,841 |
| | | 43 | 283,964 | 6,604 |
| Special | Maternity | 3 | 29,694 | 9,898 |
| | Suspension | 1 | 3,662 | 3,662 |
| | | 4 | 33,356 | 8,339 |
| | | 100 | 648,424 | 6,484 |

* includes all-through schools

7. Capital Funding

- 7.1 The basis of the calculation of Devolved Formula Capital has remained unchanged. Every school will receive a fixed lump sum and a variable amount based on pupil numbers. The lump sum and per pupil rates will stay the same for the next 2 years. The pupil numbers used are based

on the previous January school census (i.e. 2016/17 DFC allocations use the Jan 2015 census data).

- 7.2 For Devolved Formula Capital, each institution gets a fixed lump sum of £4,000 and a variable amount based on their pupil numbers multiplied by the appropriate rate per pupil.

| | Per Pupil |
|-------------------|-----------|
| Nursery / Primary | £11.25 |
| Secondary | £16.88 |
| Post-16 | £22.50 |
| Special | £33.75 |

- 7.3 In 2015/16 the DFE introduced a new School Condition Allocation to replace the school maintenance allocation. It has three components:

- Core condition funding based on pupil numbers;
- High condition needs funding for those with disproportionately high needs; and
- Floor protections to provide some stability in the transition to the new system.

- 7.4 The funding allocations for this and last year are shown below

| | Devolved Formula Capital | | Maintenance | | Total |
|----------------|--------------------------|-----------------|----------------------------|-----------------|--------------|
| | Local Authority | Voluntary Aided | Local Authority | Voluntary Aided | |
| | £'000 | £'000 | £'000 | £'000 | £'000 |
| 2015/16 | 596 | 215 | 3,344 | 989 | 5,144 |
| | Devolved Formula Capital | | School Condition Allowance | | Total |
| | £'000 | £'000 | £'000 | £'000 | £'000 |
| 2016/17 | 605 | 217 | 3,345 | 990 | 5,157 |

- 7.5 Basic Need

Basic need funding is allocated on the basis of a comparison of forecast pupil numbers with school capacity, with shortfalls in capacity attracting funding. The allocations for financial year 2017-18 are based upon the projected need for new places by September 2018.

7.6 The allocation for Lewisham is as follows

| Total Basic Need allocations (announced February 2015) | Amount payable 2015-18 | | | |
|---|-------------------------------|---------------------------|----------------|---|
| | 2015-16 Top Up | 2016-17 Top Up | 2017-18 | Additional payment towards new primary schools / whole primary school expansions (to be paid in 2017-18) |
| 10,572,584 | 0 | 0 | 9,435,400 | 1,137,184 |

7.7 Additional allocations for 2015-17

The 2015-17 basic need funding included £300 million held back for those Local Authorities with unexpected increases in forecast pupils. This has been allocated, alongside the funding for 2017-18. Lewisham does not meet the criteria and will not receive any of this funding.

Dave Richards

Group Finance Manager – Children and Young People

Contact on 0208 314 9442 or by e-mail at
 Dave.Richards@Lewisham.gov.uk

Agenda Item 8

Schools Forum
17 March 2016
Item 8

| Schools Forum | | | |
|---------------------|---|-----------------|----------------------|
| REPORT TITLE | Annual Review of the Scheme of Delegation and Finance Manual | | |
| KEY DECISION | Yes | Item No. | 8 |
| CLASS | Part 1 | Date | 17 March 2016 |

1. Purpose of the Report

To consider revisions to the scheme of delegation and the debt policy within the finance manual.

2. Recommendation

- The Forum confirm the debtors policy.
- The Forum ask officers to remind schools of the policy.
- The Forum agree to incorporate into the Scheme of Delegation the facility for schools to have a loan from the schools carry forward to finance a budget deficit.
- To adopt the new Council's updated Whistleblowing policy in the Scheme of Delegation

3. Background

Prior to the start of each financial year the Forum undertakes an annual review of the scheme of delegation and finance manual. This is to incorporate any legislative changes required and any changes that the Forum consider desirable to make.

4. Debt Policy

- 4.1 At the Schools Forum meeting on the 4 February 2016 members asked officers to consider a possible approach to debt collection. A short survey of schools was made to see the extent and level of current debt
- 4.2 There were 22 returns, the average level of debt of the schools making the returns was £2,600. If this is replicated it would indicate across all schools the level of debt would be about £225k. This is much higher than when the last survey was undertaken. In monetary value terms the main debts are for after school clubs and school meals. Together they account for 80% of the debt.

- 4.3 Governors are responsible for ensuring that there is proper management of the financial matters of the school including the collection of monies due to the School. The current policy that schools can use if they so wish is shown in Appendix A. This policy was circulated to schools in September 2013. This policy covers the elements of financial control relating to the collection of income from debtors. It describes the procedures and processes for ensuring that the maximum level of income due to the school is received, and where this is not possible, to state the process for agreeing and writing off bad debts.
- 4.4 It is based on the principle that where possible the payment for all goods and services supplied by the school should be collected in advance or 'at the point of sale'.
- 4.5 It relies on schools taking all reasonable measures to vigorously collect debts as part of its management of public funds. A debt will be written off only after all reasonable measures, commensurate with the size and nature of the debt, have been taken to recover it.
- 4.6 The example school's debt recovery policy observes the relevant financial regulations and guidance set out in the 'Scheme for Financing Schools' and any other legal requirements.

5 School Meals Debt Policy

- 5.1 The collection of outstanding debt on school meals is a sensitive issue. It is possible for each school to draw different conclusions as to when the provision of meals should be stopped due to non-payment. Set out below is an approach that could be taken which is based upon good practice. The intention of the policy was not necessarily to say it should be adopted but to help facilitate a discussion amongst members on the contents of the policy and agree a recommended approach that schools can adopt if they so wish.

This policy was written to help schools adopt a consistent approach to debt and its collection. It provides clarity and consistency in managing debt and will also help parents clearly understand what is expected of them. Any flexibility should be in the context of how it works for a school not in the way parents want it to work for them.

- 5.2 There have been many discussions around whether a child should be refused a meal in school if they have not paid. In reality a school meals service is no different than any other business and the meals must be paid for by someone. The expectation is that all meals will be paid for in advance and thus debts will not accrue.
- 5.3 Any debt recovery system that works best is a 'zero tolerance' approach. It may seem a very hard stance in a school where there has been a culture of debt tolerance. Although this will be tough to implement it should become easy to maintain once parents realise

schools can only offer free meals to children whose parents qualify for the FSM entitlement. Every other meal must be paid for.

- 5.4 A 'zero debt policy' sounds harsh but any debt will fall on the school and will take funding away from the education of the children. On the other hand we have the potential for children to go hungry and the implications that may have.

6 Establishing a debt policy

Schools should first discuss this policy with staff and agree its debt policy with governors. Once agreed, schools should make parents aware of this policy. This could be by including it in one or more of the following:

- A letter to parents
- The school's newsletter
- The school brochure
- The school website

This will ensure that all parents get the same message in a consistent way. This should be done at least once each year, more often when it is first introduced.

All parents should be provided with a copy of the policy when their child joins the school.

An example policy and letters to parents are shown in Appendix B. The school should have a very clear policy on Dinner Money Arrears and money collection. It is expected that schools meals will be paid in advance, if a child as a one off is unable to pay through forgetting their dinner money then a meal will still be provided. If this continues for more than 10 days then the meal will be stopped and the child expected to bring sandwiches or be taken home for lunch.

- 6.1 Without a strict "no meal" policy, a debt will arise at some stage. Suggested below are three stages of monitoring, with timescales for action, to ensure that all money is paid on time and is not allowed to accumulate in arrears:

Stage 1 – Fees that have run into one week of arrears

A letter to the parents / carers will be sent by the school, informing them of their outstanding balance, and a deadline for payment.

Stage 2 – Fees that have run into arrears of two weeks

A letter informing parents of their outstanding balance and the school's intention to add a 10% administration charge on the outstanding amount will be sent, with a deadline for payment.

Stage 3 – FINAL STAGE – Fees that have run into arrears of roughly 10 weeks or £100

The debt will be passed to the council to consider collection and enforcement. Schools could ask the council to pursue debts on their behalf at a lower level but there would be a fee involved.

7. School deficit loans

7.1 The current scheme of delegation permits schools to plan for a deficit budget in particular circumstances. The funding to allow such a deficit budget is provided from the collective surplus of school balances held by the LA on behalf of schools.

7.2 Within the current scheme of delegation there is provision for schools to take out a loan funded by the collective balances held by schools. All schools maintained by the LA are eligible to apply for a loan facility that can be for the:

- Purchase or replacement of equipment including computer equipment;
- Full or part funding of premises projects;
- Energy and environmental improvements;.

7.3 It is proposed to extend the loan facility to cover school deficits

7.4 When a school converts to an academy the schools deficit continues. Where a school is to join an Academy trust of an external sponsor and open as a sponsored academy, the deficit remains with the LA, to be funded from its core budget. While the regulations are not clear on the term core budget, it can be charged to the schools contingency. The rationale for this is that on joining an academy trust a school is deemed to have closed and there is an opening of a new school. Any loans are not written off and are still due after the conversion. If a school is a converter academy then the deficits remains with the school.

7.5 Converter academies are those that convert (whether as a standalone academy or as part of a multi academy trust) by means of an academy order (AO) made after an application by the governing body of the school. Schools which are eligible for intervention, within the meaning of Part 4 of the Education and Inspections Act 2006, and underperforming schools which the Secretary of State judges are not strong enough to become an academy without a strong sponsor are treated as sponsored academies, even where their route to becoming an academy is through an application for an AO by the governing body. The deficit then has to be written off by the Local Authority.

7.6 With the council having faced large scale reductions in its funding and with more reductions to come there would be little option but to charge it to the schools contingency which is allowable under the regulations.

- 7.7 Potentially a school could join an academy chain and leave its deficit for all the other schools to fund
- 7.8 Once a loan is in existence then the deficit would be written off, repayments could be interest free and by equal yearly instalments. Often on a deficit recovery plan large savings are required early on in the recovery period. With the loan system this would be eased with greater reductions in the later years. The current attractiveness of this especially in the secondary sector at the moment is pupil numbers would be rising and help offset the difficulty.
- 7.9 The proposed revised scheme can be found in Appendix C

8 Whistleblowing policy

The Standards Committee of the Council considered revising the whistleblowing policy on the 29 October 2015 (See Appendix Dii).

The report highlights the changes and reasons for such proposed changes to the policy. The reasons relate:

- to the clarification that the policy is to be used as a supplement to other avenues to complaint;
- the revised policy now requires that such initial review is conducted by the Monitoring Officer personally;
- spreading awareness among senior managers;
- provision in relation to schools;
- how anonymous complaints are to be dealt with;
- feedback requirements.

The Council's policy has been adopted by the Schools Forum in the past and included as part of in the Scheme of Delegation The latest version is shown in Appendix Di. It is proposed the latest policy is now included in the scheme.

Dave Richards

Group Finance Manager – Children and Young People

Contact on 0208 314 9442 or by e-mail at
Dave.Richards@Lewisham.gov.uk

| | | | |
|---|-------------|----------------------|---------------------|
| Schools Forum | | | |
| Annual Review of the Scheme of delegation and finance manual | | | |
| Yes | | Item No. 8 | 8 Appendix A |
| Part 1 | Date | 17 March 2016 | |

School **Debt policy**

1. General requirements

The school will take all reasonable measures to vigorously collect debts as part of its management of public funds. A debt will be written off only after all reasonable measures (commensurate with the size and nature of the debt) have been taken to recover it.

The school's debt recovery policy will observe the relevant financial regulations and guidance set out in the Scheme for Financing Schools and any other legal requirements. In particular:

- the Governing Body will not write-off any debt belonging to the school which exceeds £1,000.

Any sums above £1,000 will be referred to the Head of Resources, Director of Children and Young Peoples Services for approval for write-off.

The formal agreement of the Executive Director of Resources and Regeneration (Section 151 Officer) will be obtained before a debt exceeding £1,000 is written off. (If any debtor has a number of debts which together exceed the write-off limit then these will be treated as a total amount).

Debts greater than £5,000 can only be written off by the Executive member for Finance on advice of the section 151 officer.

- a formal record of any debts written off will be maintained and this will be retained for 7 years (the form of this record is specified below).
- the school will not initiate any legal action to recover debts, but will refer any debts which it has not been able to collect (unless a decision to write-off the debt is demonstrably a reasonable course of action) to the Council's debt recovery team to consider taking legal or other action to recover the debt.

- the school will NOT write-off any debt belonging to the Local Authority or another party, e.g. debts for school meals. If in doubt as to the appropriate action to collect any such debts the school will seek advice promptly from officers of the Local Authority.

In general payment for all goods and services supplied by the School should be collected in advance or 'at the point of sale'.

2. **Acceptable 'credit period'**

The Governing Body must determine the length of time they deem to as an acceptable 'credit settlement period' before the debt recovery procedures are applied.

The Governing Body may consider that an 'acceptable' credit period may vary between different income generating activities; for example;

- School lettings;
- School Meals;
- Trips and activities.

The Governors may have stipulated a maximum settlement period for school lettings in a separate 'Lettings policy'. However, in order to ensure a consistent approach and demonstrate transparency, the 'acceptable' period for each activity should be stipulated in this policy.

Debt recovery procedures should be applied in accordance with item 4 of this policy.

3. **Reporting of outstanding debt levels**

The Headteacher will ensure that the level of outstanding debt is regularly monitored.

Suitable records will be maintained to detail individual debts and the total value of debt to the school in order that it can be determined at any time and reported to the [relevant committee](#).

The [Headteacher / Finance Committee / Governing Body](#) will review the level of outstanding debts every [month / quarter / term](#) to determine whether this level is acceptable and whether action to recover debts is effective.

(Monitoring of outstanding debts may be differentiated by type, e.g. if school meal debts prove more of a problem than those for lettings of premises then the frequency and degree of monitoring should reflect this).

4. Debt Recovery Procedures

4.1 Where payment from the parent/guardian has not been received in advance, or 'at the point of sale', the following process should be applied.

- (a) An invoice should be issued for the full amount in order to officially set up the debt;

Where invoices are raised they should state the date by which payment is due [date/month/year](#).

- (b) In all other cases, such as;

- correspondence with parents, etc. the maximum period that the school regards as reasonable before payment is overdue should be clearly stated, for example contributions for a school trip should be received by [date/month/year](#).
- payment for items purchased should be sent to the school office by [date/month/year](#).
- If payment is not forthcoming the process detailed in 4.1(a) should be applied.

- (c) A record of all charges for goods and services will be maintained detailing:

- type of good/services supplied;
- value;
- date(s) good/services supplied; and;
- the identity of the 'debtor', e.g. child, parent, hirer, etc.

5. Verbal and Written Reminders

5.1 **Details of all reminders, whether verbal or in writing, should be maintained. Where a letter is issued, a copy must be retained on file.**

Should a debt need to be taken beyond two reminder letters, formal written evidence may have to be produced.

It is therefore important that at least one, but preferably two, written reminders are sent.

5.2 ***Initial 'overdue payment' reminder***

An initial reminder may be informal and can be made either in person (when a parent/guardian comes to collect/drop off the child), or by telephone.

In general, the *School Secretary / Administrator / Bursar / Finance Assistant* will notify the parent/guardian after having built up a good relationship with the parents.

The date of the initial reminder should be recorded.

5.3 First 'overdue payment' reminder letter

A formal reminder letter should be issued 2 weeks after the informal [reminder / the date of supply](#).

If action is to proceed further, it is necessary to prove that all reasonable attempts have been made to recover the debt, and that these attempts have been made in a timely manner, i.e. at the time that the debt first became overdue.

The date of the initial reminder should be recorded.

5.4 Second 'overdue payment' reminder letter

A second reminder letter will be issued 2 weeks after the First Reminder Letter.

The date of the initial reminder should be recorded.

6. Failure to respond to reminders / settle a debt

If after 2 reminders, a response or payment is not received, a letter will be sent to the debtor advising them that the matter will be referred to the Council's Legal Services Section.

At the discretion of the [Governing Body / Finance Committee / Headteacher](#) the debtor may be advised that they will be required to pay in advance for all future supplies or the supply will no longer be available to them.

This decision and its basis will be recorded and reported to the [Governing Body / Finance Committee](#)

7. Negotiation of repayment terms

Debtors are expected to settle the amount owed by a single payment as soon as possible after receiving the first 'overdue payment' reminder.

However, if people are unable to pay;

The School may reduce or cancel a debt in certain circumstances. A sensitive approach to debt recovery will be carried out, taking the following factors into account.

- Hardship – where paying the debt would cause financial hardship.
- Ill health – where our recovery action might cause further ill health.

- Time – where the debt is so large compared to the person's income that it would take an unreasonable length of time to pay it all off.
- Cost – where the value of the debt is less than the cost of recovering it.
- Multiple debt – where someone owes more than one debt to the School. In this situation an attempt to agree one repayment plan to include all debts will be established.

If a debtor requests for 'repayment terms' these may be negotiated at the discretion of the [Governing Body / Finance Committee / Headteacher](#).

A record of all such agreements entered into will be retained.

In all cases, a letter will be issued to the debtor confirming the agreed terms for repayment.

The settlement period should be the shortest that is judged reasonable.

The [Head teacher / Finance Committee / Governing Body](#) will decide whether any debtor who has been granted extended settlement terms will not be offered any further 'credit' and will, in future, be required to pay in advance.

This decision and its basis will be recorded and reported to the [Governing Body / Finance Committee](#)

8. Costs of debt recovery

Where the school incurs material additional costs in recovering a debt then the [Head teacher / Finance Committee / Governing Body](#) will decide whether to seek to recover such costs from the debtor.

The debtor will be formally advised in writing that they will be required to pay the additional costs incurred by the school in recovering the debt.

This decision and its basis will be recorded and reported to the [Governing Body / Finance Committee](#)

9. Bad debts

This debt recovery policy should be cross-referenced to the Scheme for Financing Schools.

Write-off of any debt requires the written approval of the [Finance Committee / Governing Body](#) up to a maximum of £1000.

A record of the write-off, the reason for it, and the approval for it, will be retained for 7 years.

10. Policy Review

This policy will be reviewed and approved annually by the [Finance Committee and reported to the Full Governing Body.](#)

Signed:

Chair of Finance Committee

Date:

Signed:

Chair of Full Governing Body:

Date:

RECORDS OF DEBTS WRITTEN OFF

| Debtor | Details of debt | Amount (£) | Invoice reference and date (<i>where applicable</i>). | Reason for write-off (<i>including brief details of measures taken to secure payment - as appropriate</i>). | Authorisation of write off – <i>name and signature of the authorising individual and date. Cross reference to entry in the accounts where applicable.</i> |
|--------|-----------------|------------|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | | |
|---|-----------------|----------------------|
| Schools Forum | | |
| Annual Review of the Scheme of delegation and finance manual | | |
| Yes | Item No. | 8 Appendix B |
| Part 1 | Date | 17 March 2016 |

Stage 1

Dear Parent / carer

Draft - School Meals Debt Policy for Parents

As from xx/xx/xxxx School has adopted a NO DEBT policy relating to the provision of school meals

If debts are incurred, then the school budget has to pay for them. This means that money which should be spent on the children's education is used to pay for debts incurred by parents. I am sure every parent will agree that this is unacceptable and we request that all parents give this policy their full support.

I am sure you would not take your child out for a meal and expect them to be given food without paying; the same applies at school. If parents believe that their children may qualify for entitlement to Free School Meals please contact the parent helpline number on 020 8314 6221. It is open 10am-4pm Monday to Friday.

Alternatively you can use the online application at

www.lewisham.gov.uk/freeschoolmeals

This allowance is a statutory right and it is important that you use it if you qualify. We will help you all we can with your application. You should also be aware that securing your free entitlement increases the funds available to your school.

Parent/s Carers must pay in advance for their children / children's school lunch using any of the methods of payment outlined below:

Children will not be provided with a school lunch unless it is paid for, except for those that are entitled to free school meals. If a parent genuinely forgets to pay in advance, the school may grant a debt allowance of 5 meals. However these must be paid for and any future meals must be paid for in advance.

If the debt is not cleared, parents must either provide a packed lunch or maybe take the child home for lunch. In a case when a debt payment is not received nor a packed lunch provided, the head teacher will phone the parent to ask them to come to school with the money. Otherwise they must provide sandwiches before lunch time or arrange to take their child home for lunch.

If payment of the debt is not received, the Headteacher reserves the right to begin legal proceedings against parents to recover the debt and ask you to attend a meeting to discuss the matter.

We hope that by implementing this debt policy we are able to help parents manage school dinner money better and at the same time ensure that all money that is for children's learning, is available.

If you have any concerns please don't hesitate to contact me.

Yours sincerely

Head Teacher

Stage 2

Draft first letter to parents having an outstanding debt

xxxxxxx Primary School

Parent or carer of xxxxxxxxxxxxxxxx

Xxxxxx

Xxxxxx

Xxxxxx

Xxxxxx

xxxxxx

Our records show that you have not paid dinner money for your child xxxxxxxxxxxxxxxx
Class: xx

As at 01/01/2013 your account is showing a debt of **£xxxx**

Please arrange for this money to be paid within 5 working days, once the debt is cleared
please ensure the account is always in credit.

You have x ways to pay:

1. In person to the School Bursar
2. Send a cheque to the school

The cost of a school meal is £x.xx per day - £xx per week.

If you have any queries regarding these arrears, please contact the school office
immediately.

Yours sincerely

Headteacher

Stage 3

Draft second letter to parents having an outstanding debt

xxxxxxx Primary School

Parent or carer of xxxxxxxxxxxxxxxx

Xxxxxx

Xxxxxx

Xxxxxx

Xxxxxx

xxxxxx

01/01/2013

Our records show that you have not paid dinner money for your child xxxxxxxxxxxxxxxx
Class: xx despite a previous written reminder and a telephone call.

As at xx/xx/xxxx your account is showing a debt of **£x**

Please arrange for this money to be paid within 5 working days,
You have 2 ways to pay:

1. In person to the School Bursar
2. Send a cheque to the school

Since non-payment for school meals affects the quality of service we offer to the children,
the school reserves the right to begin legal proceedings to recover the debt and to inform
social services of our concerns that you are not providing a meal for your child at lunch
time.

If you have any queries regarding these arrears, please contact the school office
immediately.

Yours sincerely

Headteacher

| | | |
|--|----------|---------------|
| Schools Forum | | |
| Annual Review of the Scheme of delegation and finance manual | | |
| Yes | Item No. | 8 Appendix C |
| Part 1 | Date | 17 March 2016 |

4.10 Licensed deficits

The LA will permit schools ~~which have no deficit at 31 March 2007~~ to plan for a deficit budget in particular circumstances. The funding to allow such a deficit budget shall be provided from the collective surplus of school balances held by the LA on behalf of schools² and will pass to the school in the form of a loan.

The detailed arrangements applying to this scheme are set in the "Licensed Deficit Scheme for Schools with Delegated Budgets" which is shown in Annex E.

NB The maximum proportion of the collective balances held by the LA which will be used to back the arrangement, shall not exceed 40%.

4.11 ~~Innovation Loan~~ Fund

Background

The ~~Innovation Loan~~ Fund seeks to change how major projects are implemented by allowing schools to incur the expenditure when a need is identified, then paying for the asset created or the school is facing a deficit budget situation. ~~At present schools 'save up' for special projects and the impact is to create a high level of balances overall.~~

Schools may only borrow from the LA this is because any borrowing by a school counts as borrowing by the LA, which is regulated by government i.e. schools may not borrow independently from banks.

Scheme Overview

The Authority to operate a loan scheme for schools funded by the collective balances held by schools as per 4.9.

All schools maintained by the LA will be eligible to apply for a loan facility that can be for the:

² although it is open to the LA, in circumstances where there is no such surplus, to make alternative arrangements if it can do so within the relevant LA finance legislation.

- Purchase or replacement of equipment including computer equipment;
- Full or part funding of premises projects;
- Energy and environmental improvements;
- if in the opinion of the Director of Children Young People and Learning a school could not otherwise achieve its improvement targets (there will still be a requirement of the governing body to demonstrate repayment),
-
- if in the opinion of the Director of Children Young People and Learning and Borough Treasurer a school could not reasonably be expected to effect immediately the savings required as a result of a significant reduction in pupil numbers or financial costs (there will still be a requirement of the governing body to demonstrate repayment),

The normal maximum loan will be up to 105% of the schools budget share, ~~in 2008-09 terms this equates to £72,100 for an average primary school~~. However, subject to a detailed business plan, the Authority may approve a loan in excess of this limit, provided it is satisfied that the school can meet the ongoing commitment.

It is generally assumed that the loans will be ~~for expenditure that is capital in nature and will be~~ between two and five years unless circumstances dictate otherwise.

Equipment loans will normally be for a maximum period of three years. Only in exceptional cases will loans for equipment be extended to a maximum of five years.

Other loans may be for longer and payments delayed

Approval Arrangements

- Loans up to £100,000 will be approved by the Head of Resources, Children and Young People;
- Loans between £100,000 and £500,000 will be approved by the Executive Director, Children and Young People following consultation with the Schools Forum;
- Loans over £500,000 will be approved by the Mayor and Cabinet following consultation with the Schools Forum.
- ~~These arrangements are in line with those for the approval of licensed deficits.~~
-
- ~~Loans will be advanced to the schools as revenue contingency budget allocations and repayments¹ by deduction from budget share (after calculating minimum funding guarantee).~~
- ~~Interest charges will be calculated at bank interest rate² + 1% upon commencement and will be fixed for the term of the loan and repayments will be~~

¹ DfE rules do not allow Devolved Formula Capital (DFC) to be used to repay loans.

² The interest rate given on schools' bank balances in credit

~~calculated on a monthly basis.~~

There will be no charge for arranging the loan or for early repayment of the loan.

Loans to schools from the Loan Innovation Fund will not exceed 420% of the collective balances held by schools of the total. ~~In 2009/10 that would be permit loans up to £1.8m to be made.~~

ANNEX C

LICENSED DEFICIT Financing SCHEME FOR SCHOOLS WITH DELEGATED BUDGETS

1 About the scheme

- 1.1 The licensed deficit scheme enables schools to apply to the LA for permission to end a financial year with a deficit, which will be eliminated in subsequent years. It is a way of carrying out works or making large purchases which some schools cannot fund out of their annual allocations and any budget surpluses they have set aside to date. The projects to be funded should make a demonstrable contribution to the achievement of the schools development plan.
- 1.2 A licensed deficit can also be granted where a school, has founds itself in a deficit position due to changes in circumstances e.g. significant fall in pupil numbers. The licensed deficit will be granted to reflect that cost reductions may not be possible immediately without detrimental impact on the curriculum. The deficit will be financed by a loan to the school
- 1.3 The scheme means that governing bodies would be authorised by the LA to set a deficit budget. Governing bodies may not set a deficit budget unless they have the written permission of the LA.
- 1.4 Before a planned deficit is financed approved, the school will need to be able to demonstrate that they will be able to eliminate the deficit-loan over the agreed timescale.

2 How the scheme is funded

- 2.1 The scheme is funded on the basis that there will be significant balances accumulated by schools. It is not likely that all the schools which have surpluses will spend them in the same financial year
- 2.2 The LA can use up to a maximum of 40% of the collective balances of all schools to fund the scheme. The LA will be responsible for monitoring the overall level of school balances and will not authorise deficits if the 40% limit would be exceeded

3 What the scheme can be used for

- 3.1 Where schools are in special measures the scheme is designed to ensure they can sustain a level of expenditure which will enable them to deliver the national curriculum.
- 3.2 Action plans which arise from OFSTED findings which require additional expenditure and where the school has no balances to fund the expenditure.

- 3.3. Schools that wish to invest in major equipment, projects or building works and who do not have sufficient balances to enable them to do this. These projects should be linked to either the School Development Plan or Asset Management Plan.
- 3.4 A licensed deficit can also be granted where a school, has found itself in a potential deficit position due to a change in circumstances e.g. significant fall in pupil numbers. The licensed deficit will be granted to reflect that cost reductions may not be possible immediately

4 How the process will work

- 4.1 As soon as the schools identifies the need for a Licensed Deficit they must formally notify the LA in writing and contact the Finance Team for the application forms.
- 4.2 The application forms will require the following information:
- The period of the deficit. This will be a maximum of 5 years for Secondary schools and 3 years for Primary schools.
 - The amount of the deficit. This can be no higher than 10% of the schools **ISB** budget.
 - A brief explanation of the purpose of the deficit.
 - A recovery plan. This will consist of a number of specific actions being taken by the school. ~~to bring the budget into balance.~~ The costed impact of each action must be shown for each year of the deficit.
 - A summary budget plan for the period of the deficit with cross reference to the recovery plan.
 - Be authorised and signed by both the Headteacher and Chair of Governors.
- 4.3 The completed application forms must be sent to the Finance Department. Finance Officers and School Improvement Officers will scrutinise the application before recommendation for approval is made.
- 4.4 The application will need the following authorisation
- Up to £100k the Head of Resources for Children and Young People
 - Up to £500k Executive Director for Children and Young People
 - Above £500k Mayor and Cabinet
- 4.5 Once approved a confirmation letter and copy of the authorised application will be sent to the school. The financing for **Aa** Licensed Deficit is not approved until this letter is received by the school agreed through a legal contract signed by the Mayor or his representative and the chair of governors.
- 4.6 The school must the produce revised budget plans, which must include a resolution of the Governing Body.

- 4.7 Both the school and the LA must continually monitor the schools budget to ensure the agreed amount of deficit is not exceeded.

5 LA Responsibilities

The LA will be responsible for ensuring that :-

the scheme is operated fairly

governors have satisfied themselves that the purpose for which the licensed deficit is sought is in the interest of the school and linked to the schools' development plans

the amount of the deficit will not exceed that which a school will be able to repay over the specified period

the medium and long term interests of the Council are safeguarded e.g. against over commitment

Requests for authorised deficits are accompanied by the appropriate forms and are checked for accuracy and compliance with guidance.

6 School Responsibilities

Governing bodies will be responsible for ensuring that :-

The Licensed Deficit finance will make a demonstrable contribution to the school

The proposals are consistent with the school's Development Plan

Background information and cost estimates are accurate to the best of their knowledge

Application forms are completed and signed by the Headteacher and chair of governors

Deficit funds are used for the specified purpose

7 Timing

- 7.1 Schools are required to submit budget plans to the LA before the end of the summer term and once their budget balance from the previous year has been verified. Applications for authorised deficits will need to be made and approved before the school sets a deficit budget by the end of May.

- 7.2 ~~If a potential deficit is identified throughout the financial year, then the application must be made and approved before the end of the financial year.~~

WHISTLEBLOWING POLICY: OCTOBER 2015

1. INTRODUCTION

- 1.1 The Council is committed to openness, probity and full accountability for the services it provides. It seeks to achieve the highest standards of conduct and has in place detailed rules and procedures to ensure such standards are observed. However, sometimes malpractice or wrongdoing may occur. The Council is not prepared to tolerate any malpractice or wrongdoing and this policy is intended to be a clear and unequivocal statement that whenever malpractice or wrongdoing by the Council, its employees, contractors or suppliers is reported, it will promptly investigate. If malpractice or wrongdoing has occurred, the Council will take appropriate action to rectify, if possible, and investigate means of preventing it in future.
- 1.2 This policy is one of a number of corporate policies ¹ which together demonstrate the Council's commitment to the prevention of malpractice in public life. Those documents can be found on the Council's website.

2. Principles

- 2.1 The overriding principle underpinning this policy and its implementation is that the Council will act fairly and in the public interest.

3. Aims

- 3.1 This policy aims to encourage people to feel confident to come forward with serious concerns
- to ensure that those concerns are properly and promptly investigated;
 - where concerns are well founded that appropriate action is taken; and
 - that feedback is given to the whistleblower about the outcome of the investigation.

¹ **Employee Code of Conduct** – <http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/Documents/EmployeeCodeConduct.pdf> **Member Code of Conduct** – <http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/Pages/council-ethical-standards.aspx> **Anti-Fraud and Corruption** - <http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/Pages/Report-fraud.aspx>

4. Scope

4.1 This whistleblowing policy is intended to cover major concerns that fall outside the scope of other procedures. It is intended that the whistleblowing policy be a supplement to and not a substitute for other avenues through which complaints or matters of genuine concern may be raised. Examples of the issues which it might be appropriate to raise through the whistleblowing policy include:

- Conduct that is a criminal offence or a breach of law
- Disclosures relating to miscarriage of justice
- Health & safety risks to the public and/or employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud or corruption
- Sexual or physical abuse of clients, or
- Other unethical conduct

4.2 Concerns may also be raised under this whistleblowing policy where the nature of an allegation means that it would not be appropriate to use those other avenues of complaint, for example, where the allegation relates to a more senior officer, or the whistleblower fears reprisals should they make a complaint through other channels.

5. Grievance Procedure

5.1 There are existing procedures to enable employees to lodge a grievance relating to their own employment, including allegations of bullying, harassment, or breach of the Council's equal opportunities policy. Disclosures relating to an employee's own contract of employment will not normally be investigated under this policy, unless there are compelling public interest reasons to do so.

6. Complaints about the conduct of Council Members

6.1 Complaints about malpractice/wrongdoing against Council members will be handled in accordance with the Council's procedure for handling complaints of breach of the Council's Member Code of Conduct.

7. Making a Complaint

7.1 Anyone may make a complaint under this policy, including councillors, employees, and members of the public. Anyone considering making a complaint under this policy should first consider whether another avenue to raise the complaint is more appropriate. If so, they are urged to use it. Details of other avenues for complaint are set out in paragraph 11 below. If none of these avenues is appropriate, then concerns should be raised with the Head of Law who is the Council's whistleblowing officer. Concerns may be raised verbally or in writing. The Head of Law – Monitoring Officer is Kath

Nicholson and she can be contacted at kath.nicholson@lewisham.gov.uk or monitoring.officer@lewisham.gov.uk or by telephone on 0208 314 7648.

- 7.2 Anyone making a written report is invited to mark the envelope “to be opened by addressee only” and to set out the background and history of the concern, giving relevant dates. Whistleblowers should also set out the reason why they are particularly concerned about the situation.
- 7.3 The earlier a concern is expressed, the easier it is to take action.
- 7.4 Whistleblowers are not expected to prove the truth of an allegation. However, they will need to demonstrate to the Head of Law that there are reasonable grounds for the concern.
- 7.5 The Head of Law will provide advice/guidance on how to pursue a matter of concern under the whistleblowing policy to anyone who asks.

8. The Council’s response

- 8.1 The Head of Law will acknowledge in writing any complaint brought to her attention and record the complaint in a register kept specially for the purpose.
- 8.2 The Head of Law, or in her absence her deputy, will make an initial assessment of the complaint to decide whether an investigation ought to take place and if so, how. This initial consideration will allow the Council to decide on the appropriate method of enquiry and to ensure that resources are not wasted where investigation would not be in the public interest.
- 8.3 Unless the issue is raised anonymously, then the Head of Law will generally interview the whistleblower as part of this initial assessment.
- 8.4 Once this initial assessment is complete, the Head of Law will write to the whistleblower to inform them of the outcome of that assessment. If an investigation is to ensue, then the Head of Law will inform the whistleblower of that fact and inform them who will be conducting the investigation (either the Head of Law personally, or an investigating officer nominated by her to do so).
- 8.5 The Head of Law will inform the whistleblower that the investigation should normally be completed within 28 days, though this will depend upon the nature of the complaint and its complexity. If it proves not to be possible, the investigating officer will write to the whistleblower with a time estimate for completion and in the event of a protracted investigation will inform the whistleblower of progress at least every 3 months. Copies of this correspondence from the investigating officer to the whistleblower will also be sent to the Monitoring Officer and details entered in the register.
- 8.6 In the most serious cases it may be that a police enquiry will ensue, or an independent investigation may be called for. In some cases the issue will be referred for a management investigation, possibly by the Chief Executive, or another officer nominated to act on his behalf. Allegations of fraud,

corruption, or financial irregularity will be referred to the Special Investigations Manager for investigation. In any investigation conducted by or on behalf of the Council the provisions of paragraph 8.5 above will apply so that the whistleblower is kept updated on the progress of the investigation.

- 8.7 Once the investigation is complete the Head of Law will inform the whistleblower of the outcome and this will be noted in the register. She will also ask the whistleblower for feedback about the way their complaint was handled.
- 8.8 A flowchart of the procedure to be followed appears at Appendix 1.
- 8.9 In appropriate circumstances, the Head of Law will prepare a report for the Standards Committee and/or Council dealing with the outcome of a particular investigation, and any action taken in response to rectify the situation and/or prevent a recurrence

9. Safeguards

9.1 No Victimisation

The Council recognises that the decision to blow the whistle can be a difficult one to make, not least if there is a fear of reprisal from those who may be perpetrating malpractice, or others. The Council will not tolerate any victimisation of a person who raises a concern in good faith and will take appropriate steps to protect them, including where appropriate, disciplinary action.

9.2 Vexatious complaints

Just as the Council seeks to protect those who raise complaints in good faith, it will seek to protect those against whom claims are made which turn out to be unfounded. No action will be taken against anyone who reasonably raises a concern in good faith which transpires to be unfounded. However, the Council will take disciplinary action against any employee who makes a vexatious claim. In either case, where it turns out that a claim was without foundation, the Council will use its best endeavours to ensure that any negative impact upon the person complained of is minimised.

9.3 Confidentiality

Wherever possible, the Council will protect the identity of a whistleblower who raises a concern and does not want his/her name to be disclosed. When a whistleblower has requested that their identity be kept confidential all reasonable efforts will be made to obtain evidence which is pertinent to the claim without disclosing the whistleblower's identity. However, it may not be possible in all circumstances to keep the identity of the whistleblower confidential, for example, if the matter needs to be referred to the police, or it is not possible to obtain other corroborating evidence. The very fact of the investigation may serve to reveal the source of the information and the

statement of the whistleblower may be needed as part of evidence against the perpetrator. Where a whistleblower has requested confidentiality but it is not possible to continue the investigation on that basis if the investigation is to proceed, the Head of Law/investigating officer will discuss this with the whistleblower before doing so.

10 Anonymity

- 10.1 Complaints which are made anonymously are usually more difficult to investigate. However, the Council prefers anonymous complaints to be made, rather than serious concerns to go unreported. Whether or not an anonymous complaint can be investigated will depend upon the circumstances of the case. If there is sufficient detail provided to enable an investigation to be carried out without knowing the identity of the whistleblower an investigation will ensue, provided it is in the public interest to do so. Where an anonymous complaint raises serious concerns every effort will be made to investigate thoroughly.

11. Alternative avenues for complaint

- 11.1 Where an appropriate internal avenue exists to deal with a concern, people are urged to use it. This policy is intended to supplement rather than replace existing channels. Where practicable existing internal channels should be used. These include:

Service Managers/Directors

Anyone with a complaint about Council services is encouraged to contact the manager directly responsible for that service or the relevant Executive Director. In most cases where there is concern this avenue will be the first point of reference. If a complaint relates to an Executive Director, it should be referred to the Chief Executive.

The relevant contacts are:

Community Services: Mark Watson (Complaints Manager) on extn.48974 or alternatively communityservices.casework@lewisham.gov.uk

Children & Young People: David Tominey (Complaints & Access to Records Manager) on extn.46930 or alternatively cyp.casework@lewisham.gov.uk

Customer Services & Resources & Regeneration: Angelique Golding (Service Manager) on extn.46029 or alternatively customerservices.casework@lewisham.gov.uk

The Council's Complaints Procedures

The Council has a corporate complaints procedure by which it invites any person to raise a complaint they may have about Council Services. Information about this procedure is available from Rachael Phillips (Corporate

Complaints & Quality Officer) on extension 48761 or alternatively rachael.phillips@lewisham.gov.uk

Local Councillors

Members of the public are encouraged to refer matters of concern to their local Councillor who can then either identify the best point of contact for them to report the matter or take up the issue on their behalf. Information about how to contact local Councillors is available from Governance Support at Lewisham Town Hall on extension 49455.

Anti-fraud Procedures

The Council's Anti-Fraud & Corruption Team (A-FACT) investigates all allegations of fraud within and against Lewisham Council and is part of the Audit & Risk Group based within the Resources and Regeneration Directorate. The team has specialist officers covering housing fraud, employee fraud, fraud relating to contractors, blue badges etc.

The Council's Financial Regulations state that it is the responsibility of any employee discovering or having reasonable suspicion of any irregularity, misconduct or fraud immediately to notify the relevant Executive Director or Head of Corporate Resources. When so informed, the Executive Director will appraise the circumstances and shall notify and discuss the action to be taken with the Head of Corporate Resources. All information shall be treated in complete confidence.

Reports of suspected fraud, corruption or other financial irregularity can also be made to the Anti-Fraud & Corruption Team Manager who will conduct an investigation and make recommendations for appropriate action. Further information about this procedure can be obtained from Carol Owen ext. 47909. carol.owen@lewisham.gov.uk

Benefit Fraud

All allegations of Benefit fraud should be made to Carol Owen, Anti-Fraud & Corruption Team Manager, preferably by email to, carol.owen@lewisham.gov.uk.

Tenancy Fraud

The Council has a dedicated Housing Investigator who investigates fraudulent applications for housing. They also receive allegations of subletting on behalf of Lewisham Homes and other housing providers. All allegations of housing related fraud should be made to Juliet Bennett, Housing Investigation Practitioner, preferably by email to, juliet.bennett@lewisham.gov.uk

Any reports of suspected, corruption or other financial irregularity may also be made to reportfraud@lewisham.gov.uk or to the team's 24 hour freephone Hotline on 0800 0850119.

Statutory Officers

In addition the officers who have particular responsibility for regulating the conduct of the Council and its activities. They are as follows:

Chief Executive – Head of Paid Service – Barry Quirk ext 46444

Responsible for overall management of workforce.

Executive Director for Resources & Regeneration – Janet Senior ext 48013

Chief Finance Officer - The Council's officer with responsibility for the financial management, audit and financial probity of the Council.

Head of Law – Monitoring Officer – Kath Nicholson ext 47648

Dealing with advising on the probity and legality of the Council's decision making. The Head of Law, as Monitoring Officer, is the Council's Whistleblowing officer.

Employees with serious concerns about Councillors should in the first instance raise them with the Head of Law.

Children & Vulnerable Adults

Concerns about the safety and wellbeing of children and vulnerable adults may be raised either with Sara Williams, Executive Director for Children and Young People on 020 8314 8527, email: sara.williams@lewisham.gov.uk or Aileen Buckton, Executive Director Community Services, 020 8314 8107, email: aileen.buckton@lewisham.gov.uk

Remember,

We encourage people to bring complaints to our attention, but the whistleblowing procedure is appropriate only if other channels of complaint are not. As well as the channels set out above, further information about making a complaint is [set out on the Council's website](#).

The Standards Committee

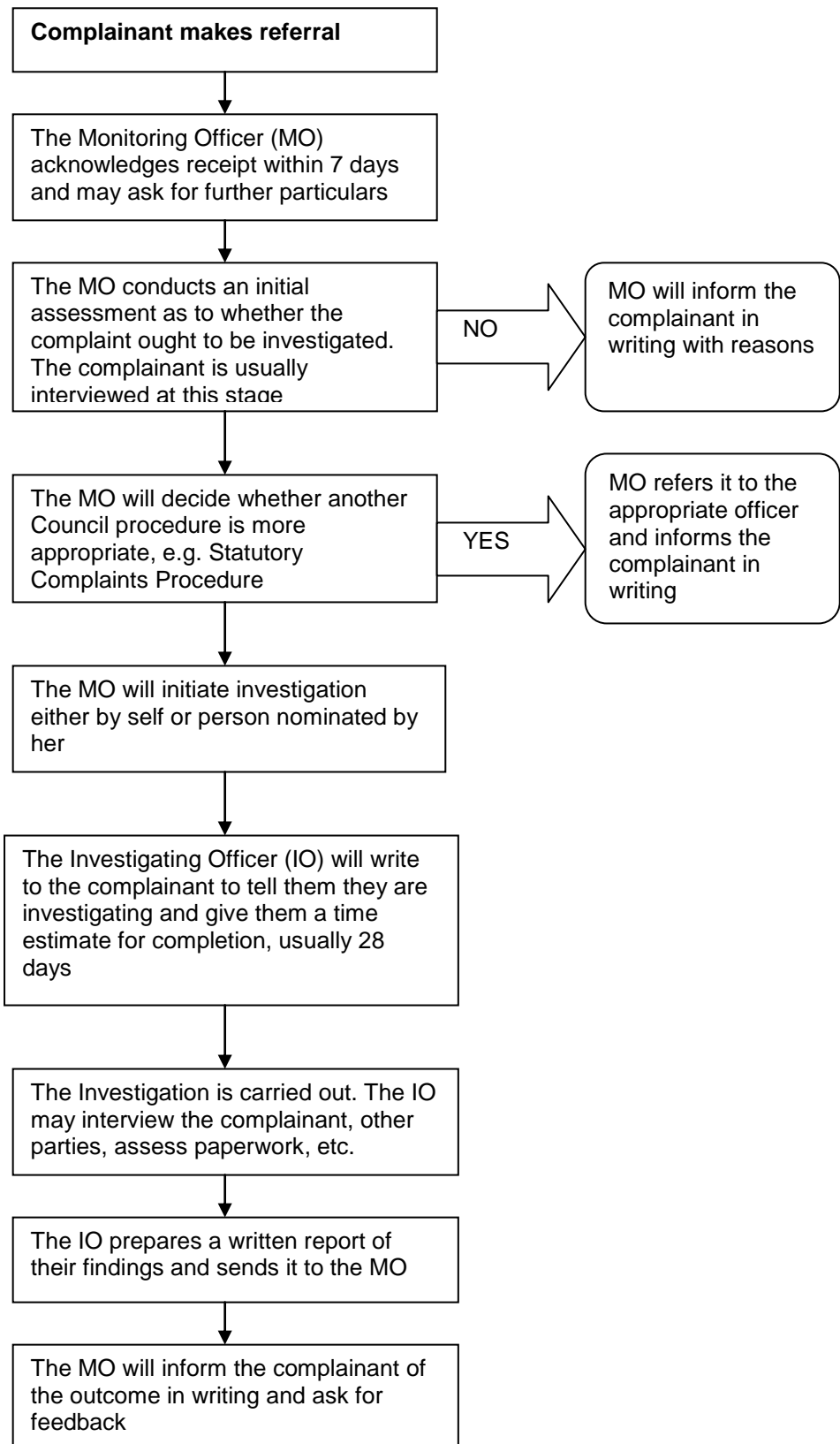
The Council also has a Standards Committee made up of councillors and independent people. The role of the Standards Committee is to promote the highest standards of ethical conduct amongst members.

11.2 If anyone is unhappy with the process or outcome of an investigation and the Council's response, they may wish to raise the matter externally with:

- The Council's auditors Grant Thornton LLP, Darren Wells, Director on 01293 554 120, email: Darren.j.wells@uk.gt.com for all matters relating to fraud, corruption or misuse of public money.
- The Local Government Ombudsman on 0300 061061
- The Whistleblowing Helpline for NHS and Social Care on 08000 724725
- The independent charity "Public Concern at Work" on 020 3117 2520, email: whistle@pcaw.org.uk

11.3 If an employee does choose to take a concern outside the Council, then it is their responsibility to ensure that confidential information is not handed over (i.e. confidential information, in whatever format, must not be handed over to a third party, unless in line with the Data Protection Act 1998). If clarification is required on this, the advice of the Head of Law should be taken.

Procedure for dealing with whistleblowing referrals



| REPORT TO STANDARDS COMMITTEE | | |
|--------------------------------------|------------------------------|-----------------------------|
| Report Title | WHISTLEBLOWING REVIEW | |
| Key Decision | N/A | |
| Ward | All | |
| Contributors | Head of Law | |
| Class | Part 1 | Date 29 October 2015 |

1 Summary

This report reviews the Council's whistleblowing policy and makes proposals to amend it with a view to improving it.

2 Purpose of the Report

To ensure that the whistleblowing policy remains fit for purpose and up to date.

3 Recommendations

To consider whether to agree the proposed amended whistleblowing policy appearing at Appendix 2 to this report and the measures set out in this report for its operation.

4 Background

- 4.1 The Council was among the very first to do so when it introduced its whistleblowing policy approximately 20 years ago. A copy of the current policy appears at Appendix 1. Under the policy, complaints of malpractice or wrongdoing by members, employees, Council contractors or suppliers can be made by any person. The policy is widely publicised, is available on the Council website and is explicitly referred to in induction for employees and in the guidance for Council contractors
- 4.2 Since the inception of the Standards Committee, an annual report has been submitted to the Committee about the cases that have been looked into under the policy. In the last 13 years, there have been 28 referrals and in 4 instances, the complaint was held to be well founded and appropriate action taken. Even where the complaint was not well

founded on two occasions the investigation led to recommendations for amended practice

- 4.3 In considering each annual report, members are also asked to consider whether to update the policy, but subject to some amendments to reflect changes in personnel and changes to the law such as the introduction of the Bribery Act in 2011, there have been few substantive changes.
- 4.4 At the most recent meeting of the Standards Committee, members asked that the policy be fundamentally reviewed. Officers have carried out that review and now make proposals for some changes to the policy to make it clearer and to deal with practical issues that have arisen in the operation of the policy to date.
- 4.5 Having reviewed a number of similar policies in other boroughs both in and out of London, there are a number of features in those policies and in Lewisham's which the Council would want to affirm strongly. These include:
- A commitment to high standards of probity
 - Encouragement to staff and others to disclose malpractice
 - A commitment to investigate thoroughly and promptly
 - The policy to be a supplement to other avenues of complaint not a substitute
 - Safeguards to protect a whistleblower who reasonably raises concerns in good faith, even if they are unfounded
 - Agreement to keep the identity of the whistleblower confidential if requested and possible, without a guarantee that confidentiality will always be possible (e.g., if referral to police is necessary)
 - Anonymous complaints are more difficult to investigate but depending on the nature of the complaint and the possibility of obtaining other evidence they may still be investigated, particularly if the allegation is serious
 - Disciplinary action to be taken against any employee who makes a vexatious complaint under the policy
 - The whistleblower to be kept informed of progress and the outcome of the investigation

The above matters are explicitly reflected both in the existing and proposed amended whistleblowing policy.

5. Scope

- 5.1 The existing policy makes it clear that the Council intends that the whistleblowing policy be used as a supplement to other avenues for

complaint to enable matters not covered by other procedures to be investigated. It is also stated that the whistleblowing policy should not be used to deal with matters pertaining to an employee's own contract which would be covered under the grievance procedure.

5.2 However there have been several disclosures under the existing policy where the whistleblower has not fully appreciated this distinction, nor that the disclosure would not necessarily halt ongoing disciplinary investigation. Officers therefore suggest that this be clarified by exemplifying the sort of matters intended for investigation under the whistleblowing policy as follows:

- Conduct that is a criminal offence or a breach of law
- Disclosures relating to miscarriage of justice
- Health & safety risks to the public and/or employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud or corruption
- Sexual or physical abuse of clients, or
- Other unethical conduct

5.3 It is proposed that any serious concerns the whistleblower may have about any aspect of service provision, the conduct of officers or members, or others acting on behalf of the Council can be reported under the policy. This would cover anything which the whistleblower believes to be against the Council's standing orders or policies, falls below established standards of practice, or amounts to improper conduct. If there is a more appropriate channel for investigation the Monitoring Officer will direct the complaint to that channel, unless for some reason it is not appropriate to do so (for example, the whistleblower fears reprisals if that were done).

5.4 It is also suggested that the exclusion of grievance procedure matters be given more prominence in the whistleblowing policy to prevent any further misunderstanding.

5.5. For the amendments relating to the scope of the policy, members are referred to paragraphs 4.1 and 4.2 of Appendix 2.

6. Initial Review

6.1 The existing policy provides for initial review by the Monitoring Officer to establish whether the matter ought to be investigated and if so how. In practice, the Monitoring Officer has passed all complaints for investigation to the person appointed to look into the matter (often a senior manager in the relevant service directorate). In future it is

proposed that the Monitoring Officer conduct this initial review herself, or ask the Deputy Monitoring Officer to do so. This will ensure that she is in a position to advise whether the matter should be investigated and if so how, with potential timescales. It would also enable her to advise whether there are elements of the complaint that do not fall within the ambit of the policy. Members' attention is drawn to paragraph 8.2 of Appendix 2 where this is dealt with.

7. Timescales and Informing the whistleblower

- 7.1 The existing policy states that investigations will normally be completed within 28 days. Depending on the complexity of the investigation and the commitments of the investigating officer, this may not always be possible. Officers suggest that the Monitoring Officer inform the whistleblower in writing when an investigation is being undertaken and that the intention is that it be completed within 28 days. If however that proves not to be possible, it is proposed that the investigating officer will write to the whistleblower before the expiry of that 28 day period to update on progress and offer an updated estimated date for completion of the investigation. The investigating officer will update the whistleblower in writing at least every 28 days if there is further delay. Copies of all such correspondence must also be sent to the Monitoring Officer.
- 7.2 Once the investigation is complete, the Monitoring Officer will inform the whistleblower of the outcome in writing and will ask for feedback about the way their referral has been handled.

Section 8 of Appendix 2 applies.

8. Register of referrals

- 8.1 In practice, the Monitoring Officer has kept a file containing the paperwork relating to disclosures under the policy and used this as a "register" of referrals and the source documentation for annual reports to the Standards Committee. Though this is comprehensive it is not the most useful management tool to enable her to check on the progress of ongoing investigations. There have been several instances where investigations by some managers asked by the Monitoring Officer to investigate on her behalf have taken longer than would be expected and in one most recent case not been pursued at all before the annual report to the Standards Committee. Though this latter case involved a whistleblowing matter in a school and arguably did not fall completely within the remit of the policy, it is unacceptable that there was no response to a request to investigate. The regular use of a formal register should enable a more systematic check on progress by

providing a more effective management tool to monitor progress of investigations. Also the proposals set out in paragraph 7 above should ensure that there is no repetition of this failure.

9. Spreading awareness among senior managers

- 9.1 As the whistleblowing policy has been in place for several years it is appropriate now that its profile, especially given any amendments made, is re-emphasised. It is proposed that the Monitoring Officer carry out a refresher seminar for all service heads to highlight the existence of the policy and their duties under it. It is also proposed that an annual report on the implementation of the whistleblowing policy be submitted not only to the Standards Committee as now, but also to the Council's executive management team to ensure that it is given support at the highest officer level.

10. Other avenues for complaint

- 10.1 Whilst many internal avenues for complaint remain the same as in the current policy, some amendments are needed to reflect changed circumstances. Paragraph 11.1 and 11.2 of Appendix 2 refers. Changes to external avenues for complaint in the event of a whistleblower being dissatisfied with the outcome of any investigation are also reflected in Appendix 2 at paragraph 11.3.

11. Schools

- 11.1 Some referrals under the whistleblowing procedure relate to activities within schools. In these cases it is proposed that the Monitoring Officer will conduct a preliminary investigation into the complaint and then refer the matter, if it warrants investigation and depending on the nature of the complaint, either to the Headteacher or Chair of Governors of the school and to the Executive Director for Children & Young People. If the complaint exposes a potential safeguarding issue in any event it would be referred through the Council's safeguarding procedures. Where investigations involve schools it will be for CYP to report on progress of the investigation to the Monitoring Officer as set out in paragraph 7 above.

12. Anonymity

- 12.1 The proposed policy as in the existing one will emphasise that anonymous complaints are more difficult to investigate. However, where a serious complaint is raised anonymously every effort will be made to investigate it. In deciding whether to investigate it will be important to consider whether it is possible to obtain other evidence in relation to the complaint without knowing the identity of the person

raising it. This is dealt with in the policy at paragraph 10 of Appendix 2.

13. Feedback

- 13.1 In response to a recent request by the Standards Committee officers on completion of an investigation now ask the whistleblower for their views about the way the matter they raised was handled. This is already practice and it is now proposed that it be reflected in the amended policy. This is dealt with at paragraph 6.6 in appendix 2.

14. Financial Implications

- 14.1 There are no specific implications arising from this report.

15. Legal Implications

- 15.1 The Public Interest Disclosure Act 1998 (PIDA) as amended sets out a framework for public interest whistleblowing which protects workers from reprisals because they have raised a concern about malpractice. The Act provides protection where a disclosure relates to one of the broad categories of malpractice qualifying for protection under the Act. For a disclosure to be protected the whistleblower must make the disclosure in good faith and before making any external disclosure the concerns should have been raised internally or with a prescribed regulator. The Council's whistleblowing policy and the procedures for dealing with disclosures made under it are designed to comply with PIDA.
- 15.2 Disclosures about the actions of Councillors can be made under the whistleblowing policy. However, in accordance with the with the statutory framework for doing so, the Council has a Member Code of Conduct and a procedure for handling allegations of breach of that code. There is a statutory element to investigations of breaches of the Member Code of Conduct, including the involvement of an Independent Person. Any complaints about member conduct made under the whistleblowing policy will be dealt with under those procedures.
- 15.3 Similarly, there are statutory procedures in relation to vulnerable children and adult services and, where appropriate, allegations made under the whistleblowing policy will be directed for investigation in accordance with those statutory requirements.
- 15.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment,

marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

15.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

15.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

15.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

15.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

15.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to

meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

15.10 There are no specific equality implications arising from this report.

16. Crime & Disorder Implications

16.1 The whistleblowing policy is designed to enable anyone to bring to the surface any allegation of malpractice or wrong doing so that it can be investigated thoroughly and appropriate action can be taken. This is consistent with the Council's duties under the Crime & Disorder Act as amended. By keeping the profile of the policy high and encouraging complaints to come forward the intention is to create a culture which promotes the highest standards of probity.

17. Environmental Implications

There are no specific implications arising.

18. Conclusion

18.1 It is clear that the whistleblowing policy has been used since its introduction. This is evidenced by the number of cases that have been referred and the fact that, where appropriate, action has been taken to rectify malpractice. However, officers recognise that the time is ripe for the Council's approach to whistleblowing to be reinvigorated and for an amended policy to be relaunched with training for senior officers and members as well as a series of publicity initiatives. Members are asked to consider the contents of Appendix 2 and to approve it, subject to any amendments the Committee may approve.

Agenda Item 9

Schools Forum
17 March 2016
Item 9

| | | |
|---|-----------------|----------------------|
| LEWISHAM SCHOOLS FORUM | | |
| Proposed Dates For Future Meetings And The Work Plan For The Coming Year | | |
| Yes | Item No. | 9 |
| Part 1 | Date | 17 March 2016 |

1. Purpose Of The Report

To provide the dates and the work plan for future meetings of the Forum over the coming year.

2. Background

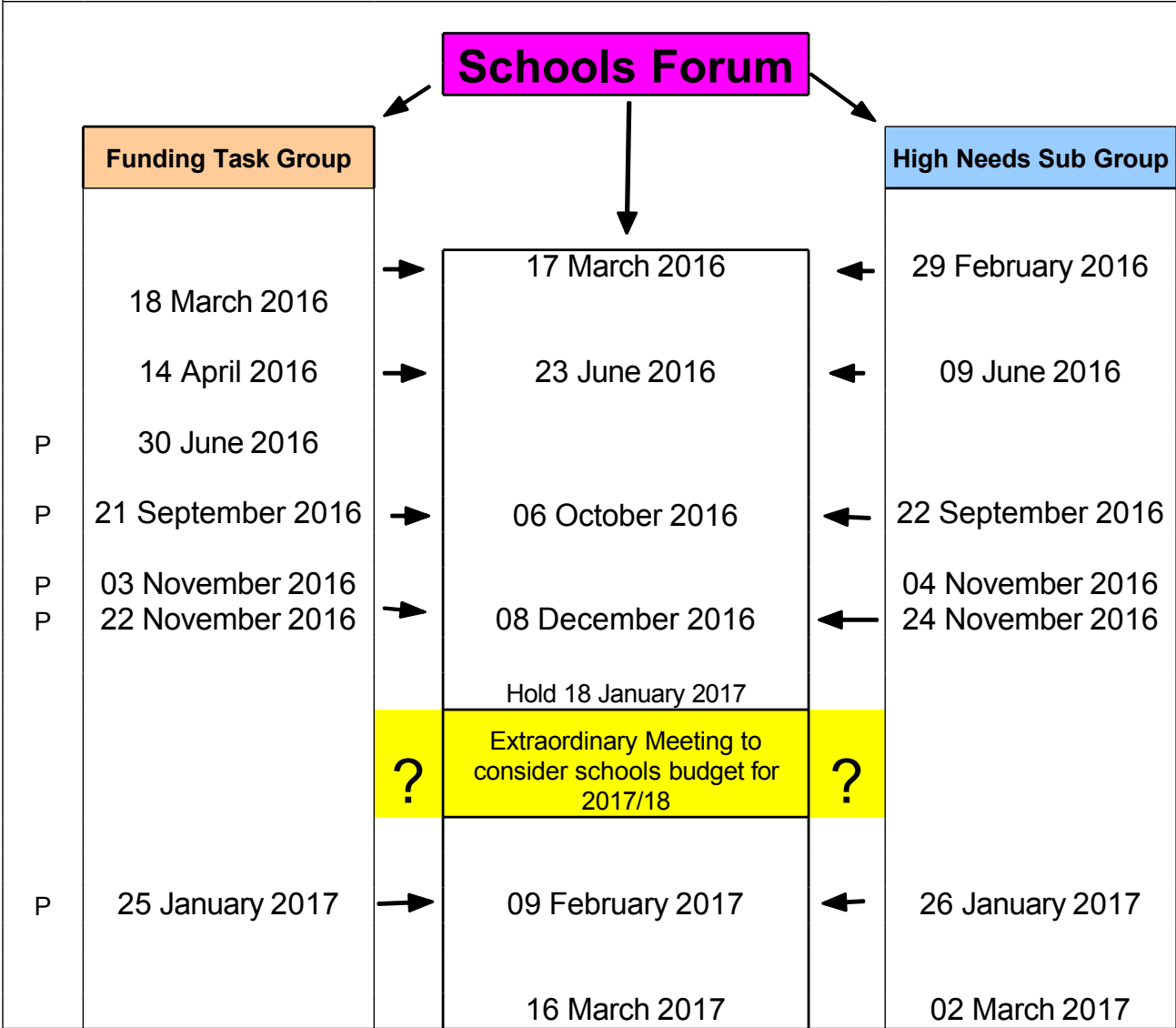
- 2.1. The work of the Forum is considerable, complex and involved. It is important that over the coming year it is planned in a logical and structured way. Attached is a suggested programme of work.
- 2.2. The fact that an item is not on the plan does not preclude it from being added after this meeting through the wishes of the Forum
- 2.3. It is expected that in the latter months of the plan a considerable number of items will be added to the work programme during the year.
- 2.4. The Forum now has two sub groups, the High Needs sub group and the Funding Task Group, that will look at the changes to the changes to the national funding formula and how it is implemented. The dates for the coming year have been set so that the sub groups meet just before the full Forum meetings. This will allow reports and minutes to be reported back to the full Forum in a timely fashion.
- 2.5. Whilst we have the first consultation document on the new national funding formula, the dates of the second consultation still have to be confirmed. The dates of the Funding Task group are provisional and maybe subject to change.

Dave Richards

Group Finance Manager – Children and Young People

Contact on 0208 314 9442 or by e-mail at Dave.Richards@Lewisham.gov.uk

Schools Forum - Calendar 2016/17



P = Provisional - Subject to the receiving the consultation documents

| Proposed Date | Agenda Items | Purpose |
|-----------------------|---|---|
| 2016/17 Calendar Year | | |
| 23 June 2016 | School Balances National Funding Formula consultation Education Commission Report Traded Service Report Budget monitoring Report Absence report by school Spending review of selected DSG budgets Deferred Admission Schools Forum constitution and membership | To confirm the capping of those schools with excess balances To consider the response to the consultation on school funding To receive the report of the Education Commission To receive the report of the Traded Service Review To inform members of spending patterns and address issues To update members on the latest school position Value for money assessment of various budgets Funding was agreed last year as a one off and the policy needs to be re-considers To review the current constitution |
| 06 October 2016 | Election of Chair and Vice-Chair Budget Monitoring Report Statutory maintenance reports Annual Internal Report Catering contract annual report Health and Safety Report 30 hours childcare Spending review of selected DSG budgets Commissioning of high needs places and the authority's arrangements for top-up funding Council Savings And Service Level Agreement Charges for 2016/17 | To inform members of spending patterns and address issues To update members on the latest school position To receive a report about the outcomes of school audits Annual review and monitoring of catering contract To receive a report about the outcomes of school audits To consider the implementation Value for money assessment of various budgets New requirement for the Schools Forum to be consulted on the proposals To update members on the latest position |
| 08 December 2016 | Budget monitoring Report High Needs Group Report Fundng task group report Budget Setting | To inform members of spending patterns and address issues To consider the sub group proposals for next year To consider the teask group proposals for next year To consider and develop next years budget proposals |
| 09 February 2017 | Budget Setting S52 Benchmarking Budget monitoring Report Charging for School Meals | To consider and develop next years budget proposals To inform members of spending patterns to provide a more informed debate on the budget To inform members of spending patterns and address issues |
| 16 March 2018 | Budget monitoring Report budget and capital update Scheme of delegation Finance Manual Work Plan | To inform members of spending patterns and address issues To consider details of the programme Annual update of the document Annual update of the document To agree the draft work plan for the coming year |

All meetings will take place at 16.30 and finish at the latest by 18.30