

Item 5**TITLE OF REPORT: Disapplication of schools and Early Years Finance Regulations**

Purpose of the Report

1. The purpose of this report is to request that Schools Forum approves the application to the Secretary of State for Education to disapply the Schools and Early Years Finance Regulations to enable a positive minimum funding guarantee (MFG) to be set of up to a value of 0.5% for mainstream schools.

Background

2. On 14 September the Education Secretary announced the following:-

“Alongside the formula published for schools today, the government also confirmed reforms to funding for children and young people with high needs. Every local authority will see a minimum increase of 0.5% per head in 2018-19, and 1% per head in 2019-20. And underfunded local authorities will receive up to 3% per head gains a year for the next two years. Overall, local authorities will gain 4.6% on average on their high needs budgets.”

3. However under the current mainstream school funding operational guidance for 2018/19 the MFG for mainstream schools has a value range of -1.5% to 0%, and without disapplying the regulations it would be impossible to replicate the funding allocations published by the Department for Education (DfE) alongside the announcement, or provide additional funding for schools receiving MFG.
4. The DfE have issued additional guidance following feedback from LAs stating that if LAs want to set a positive MFG (of up to 0.5%) they must have had a disapplication request approved by the Secretary of State to disapply the regulations relating to MFG. The DfE issued a new Authority Proforma Tool (APT) to enable LA's to undertake modelling with a positive MFG of up to 0.5%.
5. Gateshead intends to apply to the Secretary of State to disapply the regulations to allow mainstream schools MFG to be set with an MFG range of between -1.5% and 0.5%.
6. The application form that the DfE have supplied for the disapplication of regulations (Appendix 1), asks if Schools Forum approval has been granted and if all schools have been consulted.
7. Consultation on the proposed changes to the mainstream school formula, and the intention to disapply the regulations will take place in due course together with information on how many schools the disapplication will apply to.

Proposal

8. It is proposed that Schools Forum approves an application to the Secretary of State to disapply the Schools and Early Years Finance (England) Regulations to extend the MFG range from -1.5% to 0% to -1.5% to 0.5%.

Recommendations

9. It is recommended that School Forum approves the application to the Secretary of State to disapply the School and Early Years Finance (England) Regulations to widen the MFG range from -1.5% to 0% to -1.5% to 0.5%.

For the following reasons:

- To enable Gateshead mainstream schools funding formula to have greater flexibility
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**School and Early Years Finance (England) Regulations
Local Authority Application to Disapply Regulations Form**

- 1 Please complete this form to formally apply to the Secretary of State for Education to disapply the School and Early Years Finance (England) Regulations. Please complete all relevant fields and return the completed form via an attachment on the [ESFA contact form](#).

When submitting this form via the ESFA contact form please ensure that you select **LA Funding Formula – Disapplication / exceptional factor request** from the drop-down list in the **2. Enquiry Details** screen

- 2 You may wish to include brief supporting attachments with your request such as forum minutes (if links not available) or spreadsheet calculations. Attachments should only be included as supplementary evidence and referenced in the 'details of the request' box.

- 3 In the 'details of request' box, you should include, where appropriate:

- What is the impact on the schools concerned?
- Do the schools benefit from the proposal?
- Will maintained schools and academies be affected in the same way?

- 4 In the 'Assessment of the equalities implication' box, please:

- Identify and assess the [equality] impact of the disapplication request, having due regard to the needs set out in section 149(1) of the Equality Act 2010.

Local Authority number	390
Local Authority	Gateshead
Funding year request relates to	2018/19
Type of request	Other
Which requirement in the Regulations does this request relate to?	Regulation 29
Number of schools affected	Not yet known
Have the schools affected by this request been consulted?	No
What are the views of the schools affected by this request?	
Does schools forum agree with this request?	
If yes, please provide link(s) to the minutes showing schools forum agreement	

Details of request (2,500 characters maximum)	Please note that if attached files are more than 2.5mb in size then please email them separately to academy.questions@education.gov.uk

Assessment of the equalities implication	Please note that if attached files are more than 2.5mb in size then please email them separately to academy.questions@education.gov.uk

Name of requestor	
Job Title	
Email address	
Date	

For Official use only

Request number	
ID	
Decision outcome	
Details of the Decision (including any conditions)	

Name	
Date	
Type of Notification	
If this notification type is listed as 'intention to approve' the Department will notify you when the regulations are laid.	