

TITLE OF REPORT: Contingency Criteria Wording Update

Purpose of the Report

The purpose of this report is to bring to Schools Forum the proposed updated wording for Gateshead's Contingency Criteria.

Background

Gateshead's Contingency Criteria has been in place for at least ten years and was last updated in 2008 when the financial difficulty criterion was revised when the Financial Difficulty Procedure was first developed. Schools Forum has discussed the criteria on several occasions, but no changes have been made.

The last time the contingency process was applied it was noted that the legislation quoted in the criteria were out of date. The legislation has now been updated and below in bold is the updated legislation, and the wording that has the double lines through is the proposed wording to be removed.

4. The provision of additional resources or other special support, temporarily, in response to a school **as described in the DfE guidance "Schools Causing Concern" issued March 2016, and in accordance with Section 44 of the Education Act 2005, sections 60, 61 and 62 of the Education and Inspections Act 2006** ~~found to be in need of Special Measures within the meaning of Part V of the Education Act 1993 and in accordance with DfE Circular 17/93.~~

6. For in-year allocations to schools in respect of the admission of pupils permanently excluded by other schools. Such allocations will be determined in accordance with Regulations made by the Secretary of State under Section 47 of the Schools Standards and Framework Act 1998.

Below is a link to the DfE Schools Causing Concern Guidance.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510080/schools-causing-concern-guidance.pdf

The complete proposed updated contingency criteria is attached at appendix 1.

Proposal

It is proposed that Schools Forum considers the suggested changes to the contingency criteria to ensure that the most recent legislation is being quoted.

Recommendations

It is recommended that School Forum approves the proposed changes to Gateshead's Contingency Criteria.

For the following reasons:

- To ensure that Gateshead's Contingency Criteria is up to date and quotes the most recent legislation and guidance.

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Appendix 1

Updated July 2016 Contingency Funding Criteria

The LEA will retain centrally contingency funding that **could** provide in-year support to schools for:

1. Cost pressures specifically identified and caused by a relatively large numerical change in pupil numbers, especially if it relates to a single age-group, where the change is outside the control of the governing body and where the timing of the change in circumstances prevents no opportunity to the school to plan accordingly (e.g. housing demolition or compulsory purchase orders, or reorganisation)
2. The correction of significant errors in the data or in the application of the resource allocation formula.
3. Emergency costs arising from incidents outside the control of the governing body of the school (e.g. flood or fire damage). The money allocated for these purposes will be earmarked for specific use.
4. The provision of additional resources or other special support, temporarily, in response to a school as described in the DfE guidance "Schools Causing Concern" issued March 2016, and in accordance with Section 44 of the Education Act 2005, sections 60, 61 and 62 of the Education and Inspections Act 2006.
5. For in-year allocations to schools in respect of pupils with new or revised statements of SEN, or for statemented pupils transferring between schools within the LEA.
6. For in-year allocations to schools in respect of the admission of pupils permanently excluded by other schools. Such allocations will be determined in accordance with Regulations made by the Secretary of State under Section 47 of the Schools Standards and Framework Act 1998.
7. Schools that are in financial difficulty, and can demonstrate that they have taken all reasonable measures to address financial issues, and that the current financial difficulties are not as a result of financial mismanagement. Schools must apply the LEA's "Model of Reasonableness" before making an application to demonstrate that they meet the criteria.

If contingency is given and a school ends the same financial year with a surplus balance in excess of 16% for primary and special schools or 10% for secondary schools the contingency payment, or a proportion of it, will be clawed back.