

School funding reform:

Next steps towards a fairer system

Consultation Response Form

The closing date for this consultation is:

21 May 2012

Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education e-consultation website (<http://www.education.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential. ☐

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If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Consultation Unit by e-mail:

consultation.unit@education.gsi.gov.uk, by Fax: 01928 794 311, or by telephone: 0870 000 2288.

Please tick the box that best describes you as a respondent.

<input type="checkbox"/> Maintained School	<input type="checkbox"/> Academy	<input type="checkbox"/> Teacher
<input checked="" type="checkbox"/> Individual Local Authority	<input type="checkbox"/> Schools Forum	<input type="checkbox"/> Local Authority Group
<input type="checkbox"/> Teacher Association	<input type="checkbox"/> Other Trade Union / Professional Body	<input type="checkbox"/> Early Years Setting
<input type="checkbox"/> Governor Association	<input type="checkbox"/> Parent / Carer	<input type="checkbox"/> Other

If 'Other' Please Specify:

Simplification of the local funding arrangements

Basic per-pupil entitlement

In paragraphs 1.3.10 and 1.3.11 we discuss the basic per-pupil entitlement. The difference between providing education for Key Stage 3 compared to Key Stage 4 is sometimes significant due to the additional costs of practical work and examinations incurred in the latter Key Stage.

Question 1: Should local authorities and Schools Forums be able to agree separate rates for Key Stage 3 and Key Stage 4?

X Yes

☐

No

☐

Not Sure

Comments:

Swindon currently has 4 funding rates for secondary age pupils and although a flat rate across all secondary year groups would not cause problems if the numbers in each year group were the same it is felt that there are additional costs at KS4 arising from exams and a higher funding rate is considered appropriate – perhaps within a prescribed range e.g. KS3 plus 10%. Although Swindon does not currently have any middle schools they would be overfunded if only one KS AWPU rate was introduced

Swindon currently has 5 funding rates for primary age pupils with higher funding for reception age pupils. Although DfE seem committed to one rate for primary age funding It is suggested that some differentiation between Foundation / KS1 and KS2 funding rates should be allowed to recognise class size requirements, particularly as the cost/staffing structures for infant and junior schools varies. Again something such as a guideline that Foundation / KS1 AWPU rates are say KS2 plus 10% is suggested.

In para. 1.3.13 we consider setting a minimum threshold for the basic entitlement. There is an interaction between the amount of funding that goes through the basic entitlement and the amount remaining for other factors, such as deprivation and low-cost SEN. There are three options available:

- a) To require a minimum percentage to go through **the basic entitlement only** (and we think that 60% represents a reasonable starting point);*
- b) To require a minimum percentage to go through **all of the pupil led factors** (so would include the basic entitlement, deprivation, looked after children, low cost SEN and EAL). We think that 80% represents a reasonable amount for this threshold.*
- c) To not set a threshold at all and accept that there will be inconsistency in some areas*

Question 2 : Do you think we should implement option a, b or c?

☐

(a)

☐

(b)

X

(c)

☐

None

☐Not
Sure**Comments:**

Given that the wide disparity between LA DSG GUF funding rates is to a large extent based on historical local decisions aimed at recognising deprivation funding it would seem illogical to try to limit the value/proportion of AWPUP funding. For a highly funded LA with high deprivation it would be expected that their AWPUP pot will be a smaller % of their overall funding than would be the case in a less deprived LA.

Similarly if funding is to follow pupil needs allocations for LAC, EAL and low cost SEN must flex to meet local demand/needs and I cannot see the merit of having any notional capping arrangements. This is not a case of accepting inconsistency it is more a case of recognising and proportionately funding need.

Deprivation

In paragraphs 1.3.15 to 1.3.23 we discuss deprivation funding and the issue of banding. Our preference is to allow banding only for IDACI under a new system, and to keep it as simple as possible, for example by only allowing a certain number of bands with a fixed unit rate applied to each and a minimum IDACI threshold. We do not propose to allow banding for FSM.

Question 3: Do you agree with our proposals on banding? How do you think they might be applied locally?

☐

Yes

X No

☐

Not Sure

Comments:

Swindon (and I believe other LA's) currently allocates a sizeable amount of deprivation funding to individual settings to cover their estimated annual cost of providing free school meals i.e. each settings estimated annual take up is multiplied by a standard average rate per meal. This appears to very specifically and accurately target some deprivation funding so that the delegated school budget does not have to subsidise the provision of meals to FSM pupils. We would suggest that this method of allocating deprivation funds should remain, perhaps with a national/regional value per meal.

Given that the Pupil Premium is being entirely FSM based, rather than leave scope for local conflict to determine a balance of IDACI v FSM would it not be better for non Pupil Premium deprivation funding to be allocated entirely on IDACI? For cultural reasons pupils in faith settings do not take up FSM and they invariably fair badly when FSM data is used to allocate funds. Whilst still a proxy measure IDACI / IMD data should be a more consistent measure across all settings.

For 2012/13 we locally agreed the redistribution of some former Standards Fund

grants using deprivation and whilst originally agreeing in principle that IMD should be used locally this ended up as being 50% of the pot on FSM and 50% on IMD. This was hardly scientific and I sense that this may well be the way forward for us in 2013/14 whilst other LA's may take a different approach. I believe that there is no right or wrong way to accurately measure deprivation either locally or nationally – just different subjective approaches. I think therefore that in this area a more prescribed approach may be appropriate.

Based on the Pupil Premium the Government would appear to view FSM ever as the best measure of allocating deprivation funding so why should existing locally determined deprivation funding be allocated any differently?

Alternatively, we believe that FSM is also flawed as a perfect measure of deprivation for reasons that are well known, so the use of IDACI for all local funding would seem appropriate – other than for the provision of actual free school meal costs as explained above.

With regard to the use of IDACI a simple banding system would appear sensible and whilst retaining the capacity to provide higher per pupil funding for primary and secondary age pupils is supported could this not be linked to AWPU values? This would allow extra funding to be calculated by agreeing that deprived pupils cost proportionately more to teach than non-deprived pupils and it would just be a case of setting the proportional additional funding to recognise banding levels in each setting. I think Schools would welcome the simplicity of linking deprivation funding to AWPU rates rather than a different set of values.

Lump Sums

In paragraphs 1.3.38 to 1.3.42 we discuss the issue of lump sums. Many local formulae currently allocate a lump sum to schools. We want to set the upper limit on the lump sum at a level no higher than is needed in order to ensure that efficient, small schools are able to exist where they are genuinely needed. We think that the upper limit should probably fall somewhere between £100k and £150k, and is certainly no higher than £150k.

Question 4: Where within the £100k-150k range do you think the upper limit should be set?

<input type="checkbox"/> £100k	<input type="checkbox"/> £110k	<input type="checkbox"/> £120k	<input type="checkbox"/> £125k	<input type="checkbox"/> £130k
<input type="checkbox"/> £140k	<input type="checkbox"/> £150k	<input type="checkbox"/> None	X Not Sure	

Comments:

We currently use a very complex system to allocate "flat rate" funding aimed at covering proportionate school fixed costs which range from £70k to £95k in primary settings whilst all our secondary settings are similar sized and attract £245k. In addition we also have a smaller school protection factor which effectively funds ghost

pupils in settings with less than 140 pupils.

Despite the potential turbulence of introducing upper limits this element of funding should be kept simple and be aimed at covering inescapable fixed costs of operating any school (which must recognise at least a Headteachers salary plus an administrator) and nothing to do with former grants etc. It is however relevant to consider that such costs are neither fixed nor variable and are actually subject to stepped increases (depending on the size of a school) which a very simple formula may not recognise in primary settings. This is particularly relevant to smaller primary schools which for demographic/geographic reasons are not financially optimum sizes.

We believe therefore that any new formula should recognise schools as falling within different bandings for lump sum funding, particularly smaller schools who literally have very little flexibility on how funds are spent and have severe financial pressure arising from uncontrollable issues such as maternity and sickness absence. If funding is to be aimed at fixed costs the proposed upper limit of £150k does not appear to be sufficient as I can't see that a starting point of less than £70,000 would be sufficient;

This could be kept simple e.g.

- Up to 150 pupils – fixed amount at say £70k
- 151 to 250 pupils – fixed amount at say £85k
- 251 to 400 pupils – fixed amount at say £100k
- 400 to 600 pupils – fixed amount at say £120k
- 600 to 850 pupils – fixed amount at say £150k
- 851 pupils plus – fixed amount at say £200k

Free Schools, University Technical Colleges (UTCs) and Studio Schools

In paragraphs 1.8.12 to 1.8.14 we discuss the funding of Free Schools, UTCs and Studio Schools. We have decided that Free Schools, UTCs and Studio Schools, like other Academies, should move across to be funded from 2013/14 through the relevant local simplified formula. One consequence of this is that confirmed funding levels for new schools will not be available until the spring prior to a September opening.

Question 5: What sort of information do Free School, UTC and Studio School proposers need, and at what stages, to enable them to check viability and plan effectively?

Comments:

Swindon thoroughly welcomes the harmonisation of funding across all settings.

Until actual pupils join any LA school or academy it is only possible to estimate broad levels of funding as this cannot be determined until their deprivation and SEN's etc. have been assessed. However given that the majority of funding is already pupil number led via AWPU's – with clear moves to increase this in future years via simplification – it would seem reasonable for LA specific "averages" to still be relatively easy to obtain. I could readily provide average funding per Swindon pupil in each sector now as could anyone accessing S251 returns. This could be further refined to cover say primary schools with XX to xx pupils. Although a Free School, UTC or studio School would in future be funded on the basis of their actual pupil needs (rather than an Average rate which is unlikely to) I would not expect this to vary significantly and a simple range of financial plans under different scenarios should suffice.

Given that the adoption of LA formulas would result in funding being more relative to actual rather than average need I would have thought this would actually improve the planning process. If a new Free School actually had higher levels of deprivation it could receive higher funding more commensurate with its spending needs and vice versa.

LA's have had to estimate funding for new and expanding schools in the past with a degree of uncertainty and I cannot see why a Free School would be unable to plan with any less. Historic per pupil funding trends could be determined in all LA's but, particularly at a time when school funding is effectively frozen, the uncertainty of inflation is also removed. Estimating pupil numbers is likely to remain a bigger risk than being accurate over funding rates.

Improving arrangements for funding pupils with high needs

In Section 3 and Annex 5a, b and c we discuss the new arrangements for funding pupils with high needs. In Section 3.8 we discuss the roles and responsibilities under the new place plus approach, specifically those of providers, commissioners and the EFA. We want to ensure that unnecessary bureaucratic burdens are not placed on providers and that there is clarity as to the respective roles and responsibilities of the EFA and local authorities.

Question 6: What are the ways in which commissioners can ensure responsibilities and arrangements for reviewing pupil and student progress and provider quality can be managed in a way that does not create undue administrative burdens for providers?

Comments:

Recognising that Providers will need to deal with a number of commissioners we would suggest that

- Common commissioning framework and standard documentation*
- Common standards and timescales for provider monitoring in all settings*

LA's already have systems in place to both formally and informally monitor the performance of its special schools and SRP's and has established forums to collaborate with the special sector to determine strategies and services which are in the best interests of SEN pupils.

In section 3.9 we discuss transitional protection for providers. We want to ensure that the transition from the current funding system to the new arrangements is as smooth as possible. In the document we set out a number of ways we intend to provide support through the transitional period and enable commissioners and providers to become accustomed to the new approach

Question 7: Are there other ways that we can help to ensure a smooth transition for commissioners and providers to the reformed funding approach for high needs pupils and students?

Comments:

Inevitably Special Schools have had to be cautious in managing their budgets and many have carried forward relatively high levels of balances to ensure sustainability . Schools have had to retain balances to mitigate against them having new pupils placed with them who may have high needs. Under the new arrangements their “bankable funding” will reduce significantly which may result in unstable staffing levels and a move towards more temporary and short term contracts being awarded as and when new places are commissioned – this may be more cost effective but could be detrimental to the quality of service provision.

The LA welcomes the transfer of responsibility and funding from the EFA for post 16 high needs learners. At Swindon we believe that the cost of post 16 provision in our successful and highly regarded maintained special schools sixth form is being heavily subsidised from DSG as the historic formula driven SEN Block Grant is insufficient.

Preliminary discussions with the YPLA indicated that additional funding could be secured if a robust evidence based case was made – does this still apply otherwise the baseline may be insufficient?

In Annex 5a, paras 38 to 41 we discuss the level of base funding for AP settings and suggest that £8,000 would be an appropriate level of base funding.

Question 8: Do you agree that £8,000 per-planned place would be an appropriate level of base funding for AP settings within a place-plus funding approach?

☐

Yes

☐

No

☐

Not Sure

Comments:

Both Swindon PRU's are not formula funded as I believe is mostly the case elsewhere in the country and this change will be extremely difficult to introduce. My experience is that Leadership Teams in PRU's are, perhaps due to extreme service issues, not strong on financial management and need extensive LA support in managing their share of the centrally retained budget. Under and overspends are frequent but can be effectively managed within the scope of the overall retained budget.

Alternative Provision covers a variety of different needs with different cost structures so it is difficult to assess whether £8,000 is a suitable base funding level but it seems low. AP settings experience considerable pupil changes with associated cost implications throughout the year and £8,000 per place fixed funding would provide little stability.

In Annex 5a paras 42 to 46 we discuss the top-up funding for AP settings. For short-term and part-time placements, we propose that appropriate pro rata arrangements would be put in place for calculating top-up funding and that it would be sensible to calculate top-up funding for short-term placements on a termly or half-termly basis, while part-time placements could be calculated on a daily rate. For very short-term placements, for example those that lasted less than ten days in an academic year, we would envisage that AWPU would not be repaid by a commissioning mainstream school and that the commissioner would pay an appropriate level of top-up funding to reflect this.

Question 9: Do you agree that it would be sensible to calculate pro rata top-up payments for short-term placements in AP on a termly or half-termly basis?

☒ Termly

☐ Half-termly

☐ Not Sure

Comments:

To avoid excessive bureaucracy and staff time being spent on invoicing functions a balance will need to be struck on this.

*In terms of **calculations**, to be fair to the provider, this must surely be based on an agreed daily rate. The Provider will need to maintain detailed records of due income and the mainstream setting or Academy will also have to maintain their commitment records.*

*In terms of **actual payments**, if the base funding is sufficiently high there should be no undue pressures to transfer cash and I would suggest that termly settlements would be appropriate.*

Question 10: Do you agree that it would be sensible to calculate pro rata top-up payments for part-time placements in AP on the basis of a daily rate?

☐ Yes

☐ No

☐ Not Sure

Comments:

As above why would a distinction need to be made between short term and part time placements?

In Annex 5a paras 47 to 52 we discuss hospital education. Hospital schools occupy an important place in the education system and we need to think carefully about how hospital education is funded within the parameters of a new approach to high needs funding. Hospital education is not an area where commissioners plan education provision and where pupils and their families exercise choice about the institution in which they will be taught. In funding terms, our aim must be to ensure that high-quality education provision is available whenever a pupil has to spend time in hospital.

Question 11: What are the ways in which hospital education could be funded that would enable hospital schools to continue to offer high-quality education provision to pupils who are admitted to hospital?

Comments:

The problems associated with this type of provision are covered in the reform paper and despite, these difficulties; LA's currently make satisfactory local arrangements. It is difficult to see how any model or formula could apply and this relatively small area would be best left at the discretion of LA commissioners to manage with adequate resources provided via DSG.

In Annex 5a paras 53 to 56 we discuss the base level of funding for specialist providers. Under the place-plus approach there will be a simple process, with clear responsibilities and transparent information, for reviewing and, if appropriate, adjusting the allocation of base funding for specialist placements. The key components of this process are set out in the document.

Question 12a: Do you agree with the proposed process for reviewing and adjusting the number of places for which specialist settings receive base funding?

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Yes

☐

No

X Not Sure

Comments:

*As an area with annual increased pupil numbers a proportion of whom inevitably have SEN, Swindon is concerned that the paper suggests at 2.2.11 and elsewhere that 2013/14 funding will be based on 2012/13 spend – with a **possibility** that this will be update for 2013/14 population projections. In setting recent years budgets significant additional funding has had to be provided to secure increased provision in special schools, SRP's and to a lesser extent in external provision. It is essential that this continues otherwise mainstream AWPU funding rates in Swindon will need to be reduced.*

With regard to the question this may vary depending on LA circumstances but at Swindon, due to sustained pupil growth, we review SEN planned places on an annual basis as negotiations need to take place to build extra capacity (often involving LA capital funding) in Special Schools and in mainstream SRP's.

Appropriate additional places need to be secured and it is unreasonable to expect a setting to take an extra high needs pupil but have to wait up to 2 years before the place funding is provided.

Question 12b: Are there any other ways in which this process could be managed in a way that is non-bureaucratic and takes account of local need and choice?

Comments:

Simplifying arrangements for the funding of early years provision

In paragraphs 4.5.1 to 4.5.5 we discuss the 90% funding floor for three year olds. Current funding for three year olds is based on the actual number of three year olds who take up their entitlement to free early education or an amount equivalent to 90% of the estimated three year old population doing so, whichever is higher. We now think the time is right to phase out the floor so it is removed entirely from 2014-15. We also think it is right that we use 2013-14 as a transition year. Removing the floor from 2014-15 will require a level of transition support for local authorities, enabling them to increase participation levels. There are various options for how this transitional protection could operate but we think the most obvious way is to lower the floor in 2013-14 from 90% to 85%.

Question 13: Do you have any views on the move to participation funding for three year olds, particularly on how transitional protection for 2013-14 might operate?

Comments:

A move to 85% in 2013/14 then nil in 2014/15 seems sensible and appropriate. If LA's build capacity they will attract extra funding to pay providers.

In paragraphs 4.6.1. to 4.6.3 we discuss free early education provision in academies. A small number of Academies with early years provision which existed prior to September 2010 continue to be funded by the Young People's Learning Agency (YPLA) through replication. We believe there is a strong case to be made for bringing together free early education funding for three and four year olds for all providers. This would mean that wherever a child accesses their free early education they would be funded and paid by local authorities through the EYSFF. This would further support simplicity and transparency in funding for free early education.

Question 14: Do you have any views on whether free early education in all Academies should be funded directly by local authorities?

Comments:

We absolutely agree with this proposal as the different arrangements for pre September 2010 sponsored Academies cause all sorts of uncertainties. All settings early years settings should be paid by the LA from the same formula.

Question 15: Have you any further comments?

Comments:

LA Funding

As an F40 Authority, Swindon retains the view that the single most significant reason for there being discrepancies between school funding across the country is the wide disparity in the value of base DSG Guaranteed units of Funding received by each LA.

With low funding it is perhaps not surprising that some LA's have developed what have become overly complex local formulas but the requirement to operate "fair funding" implies that an assessment of various relative needs is required.

Whilst the requirement to simplify local formulas will eliminate what could be described as spurious accuracy, for Swindon and many other LA's this is essentially just a re-slicing of the same cake when the problem is that the cake is not big enough to start with. If this wider issue is not addressed I fear that we may cause unnecessary turbulence (i.e. winners and losers) simply by following a less locally determined distribution mechanism that is based on local knowledge and needs. If the Government truly acknowledges that redistribution at an LA level is required and will be addressed at some stage we may be forcing some of our schools to unnecessarily reduce their spending only to reinstate this when a more just DSG distribution mechanism is eventually introduced.

Timescales

Implementing the required changes, including necessary modelling and consultation is going to be extremely challenging in the timescales required at a time when LA funding and staffing levels are being severely cut. For mainstream school formula funding, whilst a considerable piece of work in its own right, this should not be too problematic although gaining consensus will not be easy. The whole area of SEN and Alternative Provision however appears to have very considerable implications and some consideration should perhaps be given to phase in these changes over a longer timescale. There is a real risk that these issues may not be thought through sufficiently by relevant stakeholders in the timescales proposed.

For SEN in particular there would appear to be a pressing need for some sort of national banding system to be agreed – particularly if consistency, simplification and low bureaucracy are to be achieved. Swindon has developed a 7 tier SEN banding formula based on a neighbouring LA but for the SEN top up funding system to work as intended a national agreement would seem to be the answer.

DSG Values

This may just be unclear wording but para 2.2.1 states that "2013-14 DSG will be calculated based on LA planned 2012-13 budgets constrained to the total DSG received in 2012-13 and will represent the totality of what is funded through DSG". This implies that funding will not reflect actual pupil numbers and with significant annual pupil growth this would be detrimental to Swindon and other growing areas. The paper goes on to talk about the use of October census data – can you confirm that 2013/14 DSG will be based on DSG eligible pupils in October?

School Funding Notifications

Para 2.2.4 states that the October census will enable maintained schools and Academy Budgets to be notified by 31st March as if this is a step forward. LA's are

already required to provide funding allocations by this date by estimating with confidence the DSG settlement value. We notified our schools of their 2012/13 funding on 12th March this year and using the October rather than January census should bring the timetable forward by 3 months? This suggests that the time that should have been saved to enable earlier allocations to be issued has actually been taken up with unnecessary bureaucracy associated with the requirement for the LA to liaise with the EFA. Is this necessary? Is this localism?

Role of the EFA

Steps must be taken to avoid duplication and error between the role and responsibilities of LAs and the EFA and this is unclear in many areas of the reform paper.

With regard to EFA policing local formulas this is considered a reasonable independent check which would give assurances to LA's and their Forums that arrangements are robust. However it is felt that the role of EFA on School Forums could be problematic and could damage LA and Sector relationships. The extent to which individual schools engage with their own sector representatives on the Schools Forum varies considerably as does Headteachers knowledge of general school funding. There is a risk that an aggrieved Headteacher may bring in the EFA to try to resolve an issue that has already been subject to sector wide and Schools Forum consideration. The reality is that some schools don't always engage in issues and only get agitated after a due process has been followed. Some do not appear to take Borough wide issues into account and having the EFA as an outlet for their frustrations may cause unnecessary delays.

Schools Forums

Given that LA officers do not vote I cannot see why attendance should be restricted and would have thought the DCS would wish to provide as much guidance and advice as possible to the Schools Forum.

The requirement for the Lead Member to attend seems strange. Our Leads Member attends as an invited member but has no vote and would not wish to have one. I thought that the original constitution of Schools Forums was intended to restrict/eliminate elected member input to school issues?

Swindon School Forum's operate exactly the same as Cabinet and other formal meetings and I cannot see any benefit at all in moving to having an independent secretariat. Papers are issued and published in accordance with Council procedures and formal minutes are drafted and reviewed at the start of each meeting. What problems are perceived that an independent secretariat would resolve?

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

Please acknowledge this reply ☐

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

X Yes

☐

No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 738060/ email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 21st May 2012

Send by e-mail to: schoolfunding.consultation@education.gsi.gov.uk

Send by post to:

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