

# 2014-15 Dedicated Schools Grant General Updates

Schools Forum

Date: 8<sup>th</sup> July 2014

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Author:	Head of Finance – Education and Innovation
Wards:	All
Locality Affected:	All
Settings Affected:	As the DSG is ring fenced funding provided by the DfE to meet the educational needs of early years, school age and all 0 to 25 year old high need pupils, any decisions on how the grant is utilised indirectly affects all settings.

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## 1. Purpose and Reasons

- 1.1 To provide Schools Forum members with updates relating to 2014/15 including the inclusion of all Swindon Academy pupils in our DSG, the outcomes of the 2014-15 High Needs places return, the latest 2014/15 DSG settlement, proposals regarding the Redoaks Learning Difficulties SRP, the latest position regarding equal pay and a proposed change to the pupil growth policy.

## 2. Recommendations

The Schools Forum is recommended to:

- 2.1 Note the latest position regarding the implications of Swindon Academy pupils being included in our schools block DSG and funded from the local formula
- 2.2 Note the latest position regarding our 2014/15 High Needs Block DSG funding which is that **£24.283m** is available. and that of this sum **£2.022m** is being earmarked to cover the costs of our new post 16 funding responsibilities
- 2.3 Note that the latest estimate of Swindon's overall 2014/15 DSG settlement is **£149.083m**
- 2.4 Confirm support for the Redoaks LDD SRP to increase from 6 to 10 places in September 2014 and agree that set up costs of **£29,300** are met from the DSG balance
- 2.5 Note the recent equal pay settlements of which approximately **£476,400** will need to be met from the 2014/15 centrally retained budget
- 2.6 Support the principle of using some of the DSG balance to pay off the centrally retained liability subject to further detailed proposals
- 2.7 Support a change to the pupil growth policy to provide up to **£120,000** of pre-opening start-up funding where a new primary school is opening with a nursery and note that Tadpole Farm School will require considerable pupil growth funding from 2015/16 onwards.

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## 3. Detail

### Swindon Academy costs and DSG implications

- 3.1 At the 21<sup>st</sup> January 2014 Forum meeting members were advised of changes to the scope of Swindon's DSG arising from the DfE ceasing current arrangements for the funding of part recoupment academies. For Swindon this meant that, for the first time, all Swindon Academy pupils would be included within our DSG calculation and all funding for the Academy would be derived from the local formula. This was viewed as a welcome change to end the rather complex partial recoupment arrangements whereby only some Academy pupils were included within the LAs DSG and local formula. Officers were however concerned that this could have a detrimental effect and on 19<sup>th</sup> February 2014 the EFA advised that this was the case as the additional DSG coming into Swindon would be based on the existing schools block funding rate of £4,102 per pupil ( $918 \times £4,102 = £3,765m$ ).
- 3.2 The problem with this approach is that approximately half of the Academy pupils are key stage 3 and 4 and that relatively high levels of deprivation and other funding are payable from the local formula. Overall additional costs charged to the local formula for the Academy's 918 pupils who are currently outside Swindon's DSG are £4.556m and there is therefore a gap between costs and funding of £0.791m.
- 3.3 The LA Finance team subsequently contacted EFA suggesting that this was unfair and that if SBC was effectively having to find an extra £0.8m of funding, someone must be gaining by the same amount as Swindon Academy would be unaffected. Clarity was also sought as to whether all mainstream school budgets could/should be recalled and reduced to meet the shortfall although in practice the only pragmatic (temporary) solution would be to meet the additional cost by utilising the unallocated DSG balance.
- 3.4 Following a subsequent telephone call on 20<sup>th</sup> February 2014 the LA became reasonably confident that the end of partial recoupment academies was not intended to cause any disadvantage for other schools and that a more equitable solution would be put in place to avoid this. This was the position reported to Schools Forum in March. EFA have subsequently advised that a revised schools block funding value will be retrospectively implemented for Swindon (and a few other LA's which have partial recoupment academies) in 2014/15.
- 3.5 Despite a number of follow up enquiries this has yet to be formally resolved and there remains a risk that some of the unallocated DSG balance may need to be used in 2014/15 and Schools Forum will be updated on this at the October meeting. The LA will not accept anything less than a cost neutral resolution to this matter and to leave the overall DSG position unaffected (i.e. to provide

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funding to meet new costs of £4.556m) our schools block funding rate would need to be amended as follows;

<b>Table 1 – Schools Block DSG Requirement 2014/15</b>			
	Pupils	Funding Rate	Schools Block DSG
Current schools block DSG – without all Swindon Academy Pupils	27,769	£4,102.23	£113.915m
New schools block DSG required – including extra 918 Swindon Academy pupils	28,687	£4,129.78	£118.471m
Change in DSG funding to match extra costs		£27.55	£4.556m

- 3.6 Elsewhere on today's agenda there is an update on the 2015/16 schools block DSG position which includes the good news that, follow lobbying by the F40 LA pressure group, DfE would be distributing an additional £350m across the lowest funded LAs next year including Swindon. Initial DfE estimates were that, based on our current schools block funding rate of £4,102 per pupil, we can expect to receive an increase of approximately £2.5m and the 2015/16 report provides options on how this additional funding should be distributed across the local formula. It became apparent from the last discussions with EFA that this was likely to change depending on the outcome of the outstanding Swindon Academy issue. There is therefore a possibility that Swindon could receive a lower or higher DSG increase than was first estimated depending on how the inclusion of the Academy pupils affects the DfE's new Minimum Funding Level calculations.

**Schools Forum is asked to note the latest position regarding the implications of Swindon Academy pupils being included in our schools block DSG and funded from the local formula**

## High Needs Block DSG update

- 3.7 Although the Schools Forum agreed LA proposals regarding proposed high need place numbers, top up rates, outreach/commissioned service funding for schools and external placements for 2014/15 at the March Forum meeting, the level of High Needs DSG funding remained outstanding. DfE had delayed announcing the outcomes from LA's submission of high needs returns but in order to set school budgets, proposals were framed on the basis that at least an extra £0.2m would be made available over and above the provisional High Needs Block DSG allocation of £23.866m. Although this enabled all high need school budgets to be set this still left FE college and ISP budgets outstanding as these were transferred to the LA from September 2013 and operate on academic rather than financial years for funding purposes.
- 3.8 As reported to the Forum in January and March the LA was concerned that the DfE were not fully recognising our demand for high need places for two reasons. A total of 77 pupils could not be included on our High Needs Return and 34

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pupils that were included on the return were deemed ineligible for funding purposes by the EFA. An update on these issues is as follows;

## 38 Pupils placed at Independent Special Schools

- 18 pre 16 pupils and 20 post 16 pupils in Independent Special School settings could not be included. The EFA Guidance for the High Needs return dated November 2013 states that *"Local authorities should not enter in this section any independent schools or independent AP (pre-16) providers, as these are currently funded solely from local authorities' high needs budgets rather than through the combination of place-led funding from the EFA and top-up funding."*
- The Local Authority included these pupils within the February 2014 Alternative Provision Census and assumed that this information would be included within the calculation of our High Needs Block Funding. This is not however the case and when the LA queried this the EFA response was as follows *"we can confirm the AP Census does not impact on the 2014 to 2015 high needs funding. High Needs funding is based upon your High Needs Template return, inclusive of SEN and AP places."*
- Prior to the introduction of the three block funding system the LA received a standard DSG per pupil value of £4,696.48 for all Swindon non post 16 pupils including those in early years settings, schools and the AP census. This is no longer the case and given that these pupils are very high cost to the LA it seems illogical and unfair that they are not recognised in our DSG.
- The DfE have never allowed LAs to include post 16 high need pupils in our DSG return on the basis that LAs received a notional post 16 SEN block grant to cover these costs. The LA explained to the EFA in 2012 that our costs of placing pupils at the Uplands sixth form and at other sixth form settings substantially exceeded the value of the block grant but the response was that the new DSG arrangements were not attempting to tackle the historic shortfall.
- We are awaiting complete confirmation of these issues from the EFA and a response was due by the 30<sup>th</sup> June. This is still outstanding at the time this report was completed.

## 39 pupils placed at Other Local Authority Schools

- 14 pre 16 SBC pupils are attending Special Schools within other Local Authorities areas and were excluded from the return. The EFA Guidance states that *"LA's should include data on institutions within their own geographical area only. Those places commissioned in other Local Authorities will be covered in the High Needs Return of those relevant areas"*.

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- This means that the Local Authority where these pupils will attend school will have the place funding allocated however Swindon will need to pay the top up costs but will not receive any DSG funding from the EFA.
- 25 SBC pupils are attending mainstream schools in other Local Authority areas but were excluded . As with other LA special schools this means that, whilst the EFA arrangements ensure place funding goes to the correct LA, this does not recognise that top up costs will also be payable.
- Overall this still leaves 77 high need pupils which the LA will be incurring costs on during 2014/15 but which do not attract any DSG funding. Our conclusion is therefore that there is a significant flaw in the EFA model for calculating the pupils who should be included within the High Needs Block. The DfE have acknowledged that the High Needs DSG distribution process does need review but no changes appear imminent.

## 34 Pupils were deemed ineligible

- 20 Uplands UET pupils are ineligible because this provider is not recognised as a registered Independent Specialist Provider which means no DSG is receivable towards any student costs and no place funding will be directly paid by the EFA. This was the position in 2013/14 and as things stand SBC will incur full placement costs without any funding being provided. The EFA have advised that this may change which the LA estimates could provide up to £320k of funding towards annual costs, which would broadly match the educational element of placement costs for these students.
- 13 Uplands 6<sup>th</sup> form pupils and 1 Mary Hare student were ineligible because they were continuing students aged 18 on the 31st August 2013 who would turn 19 in the 2014 to 2015 academic year. For 13 of these 14 students the exclusion was subsequently reversed and funding of £86,667 has been reinstated

3.9 Whilst some matters remain outstanding DfE have announced new High Needs Block funding which is summarised in the table below compared to 2013/14 and the December provisional estimate.

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**Table 2 – High Needs Block DSG settlement 2013/14 and 2014/15**

	2013/14	2014/15 Provisional	2014/15 Latest
<b>Continuing responsibilities</b>	£21.507m	£22.077m	<b>£22.261m (+£0.184m)</b>
<b>New post school post 16 responsibilities</b>			
• Part year funding in 2013/14 full year funding in 2014/15	£1.044m (7/12)	£1.789m (12/12)	<b>£1.789m</b>
• One off additional grant	£0.350m		-
• Adjustment re December 2013 return -15 additional places @ £5k			<b>£0.075</b>
	£1.394m	£1.789m	<b>£1.864m</b>
• General High needs allocation – share of national allocation proportionate to pupil numbers			<b>£0.158m</b>
<b>Proposed Funding for new responsibilities</b>	<b>£1.394m</b>	<b>£1.789m</b>	<b>£2.022m (+£0.233m)</b>
<b>Total High Needs DSG</b>	<b>£22.901m</b>	<b>£23.866m</b>	<b>£24.283m (+£0.417m)</b>

- 3.10 The LA has therefore been allocated an additional £0.417m of High Needs DSG since the initial December 2013 provisional announcement which provides sufficient funding to meet the £0.2m extra spending already assumed in 2014/15 special school and SRP budgets. The latest DSG settlement includes an extra £0.075m which specifically relates to growth in post 16 post school places plus a general additional allocation of £0.158m. Elsewhere on today's agenda is a separate report regarding proposed funding for FE colleges and ISP's which are based on containing 2014/15 spending within **£2.022m**. It is possible that further funding could be made available, particularly relating to the Upland Educational Trust should the EFA agree to fund these placements.
- 3.11 Forum members are reminded that in 2013/14 the EFA recognised that the introduction of a new post 16 high need formula (which allocates funding to LAs based on national average values) detrimentally affected Swindon as this gave a reduced overall spending power compared to the funding previously paid directly by EFA to Swindon providers. To partially mitigate this SBC was allocated a one off sum of £350,000 which ensured that at least £8,095 per post school post 16 high need learner was provided for the two terms of the 2013/14 academic year which fell in the 2013/14 financial year. For 2014/15 the EFA are not publishing comparable spending power per pupil figures and are not providing any on-going funding to recognise the 2013/14 baseline shortfall. This equates to a full year



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cut to Swindon's spending power in 2014/15 of approximately £600,000. EFA are recognising and funding additional places in 2014/15 but the continuing structural shortfall from 2013/14 remains as summarised in the table below

<b>Table 3 – Illustration of year on year funding reduction relating to post 16 post school funding between 2013/14 and 2014/15</b>	
<b>2013/14 (Two terms)</b>	
• Part year funding allocated in 2013/14 (7/12)	£1.044m
• Add Extra grant to ensure minimum funding @ £8,095 per pupil for 2 terms following SBC request	£0.350m
<b>Total 2013/14 funding</b>	<b>£1.394m</b>
<b>2014/15 (Three terms)</b>	
2014/15 equivalent funding required (£1.394m x 12/7)	£2.389m
<b>Actual 2014/15 baseline funding before review of places</b>	<b>£1.789m</b>
<b>Value of funding reduction</b>	<b>£0.600m</b>

- 3.12 The LA has passed the above information to the EFA but does not expect that any further funding will be forthcoming. As Schools Forum has previously agreed that other areas of the DSG should not be detrimentally affected by a nationally imposed post 16 post school funding change the LA will seek to secure placements with FE colleges and ISP's within the funding provided of £2.022m plus any additional funding that may arise relating to the Uplands educational Trust.

**Schools Forum is asked to note that Swindon's High Need Block DSG for 2014/15 has been announced at £24.283m and that of this sum £2.022m is earmarked to cover the costs of new post 16 funding responsibilities which are the subject of a separate report on today's agenda.**

## Final (Latest) Overall 2014/15 DSG Settlement

- 3.13 At recent Schools Forum meetings the LA has provided estimates of the 2014/15 DSG settlement as part of the annual budget setting process. At the 21<sup>st</sup> January 2014 Forum members were advised that for planning purposes a total of £148.666m was estimated although the High Needs element was based on a provisional figure announced by DfE that was subject to change. The High Need had still not been clarified by the time of the 11<sup>th</sup> March 2014 Forum meeting but has since been updated although the LA remains hopeful that further changes may occur when outstanding queries are resolved. As explained above there also remains a degree of uncertainty over how the schools block will be affected by the inclusion of Swindon Academy. The latest position is summarised in the table below;

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<b>Table 3 – Latest 2014/15 DSG Settlement</b>			
	Jan 2014 estimate	Latest estimate	Basis of grant / current issues
Early Years Disadvantaged 2 year olds (DfE)	£2.628m	£2.628m	Fixed cash allocation & no issues
Early Years 3 and 4 year olds (LA estimate of 2,177 FTEs / DfE estimate assumes only 2,017 - £7.842m)	£8.466m	£8.466m	Variable depending on Jan 2014 & Jan 2015 Early Years Census – funded at £3,888.06 per pupil
Schools Block (DfE figure is 28,687 less 918 Swindon Academy pupils = 27,769)	£113.915m	£113.915m	Fixed based on October 2013 school census – funded at £4,102.23.  LA anticipates that a further £4.962m will be forthcoming
High Needs Block (DfE cash allocation with various adjustments linked to place planning)	£23.866m	£24.283m	Previous year adjusted by DfE to reflect full year funding for post 16 post school places  LA is hopeful of further funding
Less DfE reduction relating to Schools Carbon Reduction Commitment	-£0.209m	-£0.209m	Permanent cut made by DfE to top slice school contributions towards CRC levy
<b>Total DSG</b>	<b>£148.666m</b>	<b>£149.083m</b>	

**Schools Forum is asked to note that the latest estimate of Swindon's overall 2014/15 DSG settlement is £149.083m.**

## Redoaks LDD SRP

- 3.14 At the 11<sup>th</sup> March 2014 Schools Forum meeting members were provided with a detailed report on the implications of moving to a more universal funding model for Special Schools and SRPs. One of the settings which was most detrimentally affected by the changes was the Redoaks LDD SRP which was facing a £40,400 funding reduction. Due to the relatively high staffing costs attached to the highly individualised timetables for the 6 pupils at the Learning Campus, this SRP could not continue within the reduced annual funding of £116,200.



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- 3.15 Regrettably whilst the LA viewed the current provision as being high quality, this was in excess of the levels that other specialist settings were able to afford from their funding for pupils with similar needs. The service in its current format is not therefore sustainable. The LA consulted further with the school with a view to increasing places from 6 to 10 and making better use of their existing space to try to establish a model which operated more commensurate with staffing levels and running costs in other SRPs.
- 3.16 Increasing to 10 places from September 2014 would increase funding up to £169,600 in the 2014/15 financial year and up to approximately £205,000 (full year) for 2015/16. The proposal would necessitate some premises alterations originally estimated at £20,000 although this has since been revised to £29,300. The Forum was advised that a full business case / cost benefit analysis would be undertaken which recognised the PFI and logistical implications associated with modifications to internal spaces – this is attached at Annex A and the school have confirmed that they are confident in containing costs within the funding provided from the 2014/15 top up rates agreed by Schools Forum in March.

<p><b>Schools Forum is asked to support the changes to the Redoaks LDD SRP which will increase places from 6 to 10 from September 2014 and agree that one off premises alteration costs of £29,300 can be funded from the DSG balance.</b></p>
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## Equal Pay

- 3.17 Schools Forum members will be aware that substantial equal pay claims have been settled across the public sector over recent years and that single status agreements supported by job evaluation schemes have been implemented to avoid further claims being logged. Agreement was reached at the July 2010 Schools Forum that the LA would settle all claims relating to Swindon school staff and that payments would subsequently be recovered with the centrally retained DSG budget picking up 50% of all costs and individual schools picking up 50% of their costs. Schools are able to settle their liabilities by taking out a 20 year loan or by using school balances and the same funding options apply to Academies after conversion.
- 3.18 The LA has recently settled all outstanding claims including those relating to schools and, whilst it is possible that new claims could be lodged, this is unlikely and it is now possible for the full impact on school budgets and the centrally retained DSG budget to be quantified with a strong degree of certainty. Letters with supporting employee schedules have recently been sent to all schools which will be affected by the recent settlements and the total extra cost paid, including National Insurance etc. applicable to school staff is estimated at £952,800 of which half (£476,400) will need to be centrally funded from the DSG.

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- 3.19 Schools have been asked to consider whether they wish to repay their share via loan or lump sum and so far the LA has repaid its share of costs to match school decisions. The existing centrally retained budget is currently £160,000 and total liabilities, including the recently settled claims are estimated at £5m. As things stand the LA will clearly need to retain an annual budget for many years which is effectively a top slice on the annual DSG received.
- 3.20 Over the next few weeks, as schools notify the LA of their funding decisions the pressure on 2014/15 centrally retained equal pay budget can be assessed. If schools choose to make lump sum repayments the budget is likely to be overspent whereas if schools choose to take out loans the centrally retained budget is likely to need to be increased in future years. Elsewhere on today's agenda is an outturn report which identifies that the uncommitted DSG balance carried forward from 2013/14 is £1.4m and higher than expected. Having a reasonable level of DSG balances is clearly advantageous in meeting in year cost pressures (such as additional high need pupils) but it is difficult to allocate such funds to schools via the local formula as it cannot be repeated but could lock commitments into future years via the Minimum Funding Guarantee (MFG) protection scheme. This has been the case regarding the temporary primary BPPE increase where the local funding factor has been temporarily enhanced (in 2013/14 and 2014/15) by using the DSG balance carried forward to supplement the rates that could be afforded from the annual DSG settlement.
- 3.21 Forum members are therefore asked to consider in principle whether some of the existing DSG balance should be used to pay off some of the equal pay liability. For every £100,000 of liabilities funded by loan the LA needs to retain an annual budget of £7,870 for 20 years. By using say £700,000 (half of the available DSG balance) to repay liabilities as a lump sum this would free up £55,100 per year which could be permanently distributed as increased school budgets. Subject to Schools Forum support further work will be done to provide firmer financial implications to the October Schools Forum. This follows on from the decisions taken in January to allocate pupil growth funding to Orchid Vale and Even Swindon from the DSG balance rather than provide annual funding from future DSG settlements.

## **Schools Forum is asked to**

- note the recent equal pay settlements of which approximately £476,400 will need to be met from the 2014/15 centrally retained budget**
- support the principle of using some of the DSG balance to pay off the centrally retained liability subject to further detailed proposals.**

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## Pupil Growth Policy Proposed Revisions

3.22 As required by the new school finance regulations the Schools Forum has agreed a pupil growth policy which determines eligibility for additional funding which goes out to new and expanding schools over and above their annual delegated budget. This policy covers the following

- Pre- opening start- up funding for new schools of up to £100,000
- Set up cost funding for infrastructure at £35,000 per Form of Entry and £11.500 per additional class
- In year trigger funding relating to new classes which open to meet planned LA expansions where additional BPPE funding is provided for every extra pupil (with funding for at least 21 pupils in new reception classes).

3.23 Since the start of 2014 the LA has been in discussions with the Headteacher of Tadpole Lane Farm and the Church of England Diocese to discuss the new school's financial position in light of the LA's pupil growth policy. Initial spending plans were significantly above the levels of funding available but following a series of meetings and numerous budget revisions we are close to agreeing their first year budget position but this will require Schools Forum to agree a relatively minor changes to the existing pupil growth policy arising from the requirement for this school to open with a nursery.

- When discussing pre-opening start up staffing the Diocese were, after negotiations, reasonably satisfied with the £100,000 available for the school but were also proposing the early appointment of staff specifically related to the establishment of the nursery. The LA's funding model is essentially based on the experience of costs at the new Croft School which were agreed with the White Horse Federation but did not reflect provision of a nursery. Schools Forum is therefore asked to agree the following
  - **That pre-opening start-up funding of up to £100,000 will be provided at a new school or up to £120,000 will be provided for a new school which the LA supports as needing a nursery**
- The LA is working with the school to establish an initial 3 year plan as early estimates from the school showed that a substantial first year deficit would arise based on estimated reception and nursery pupils. Following a series of budget reductions the school is now reasonably confident that a break even position will be achieved in 2014/15 although this is very much dependant on pupil and nursery numbers. It is relevant to note that as a new school their first year funding is based on estimated September 2014 numbers of 60. From 2015/16 onwards the school's delegated budget will be calculated on a lagged basis in the same way as other schools based

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on their October 2014 census. Given that an additional 60 pupils are expected to join the school in October 2015 a substantial allocation of trigger funding will need to be set aside in the 2015/16 pupil growth budget but this cannot be quantified at this stage.

**Schools Forum is asked to agree the above policy changes regarding pre-opening start-up costs and to note that Tadpole Farm School will require considerable pupil growth funding from 2015/16 onwards.**

## 4. Alternative Options

- 4.1 Alternative options are described throughout this report where applicable.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 Various financial implications are included in this report relating to management of the retained DSG budget

### Legal and Human Rights Implications

- 5.2 There are no legal or human rights implications arising from this report.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 This report does not make any recommendations that affect these areas.

### Links to One Swindon, Plans and Policies

- 5.4 Utilisation of the DSG has a direct link to two of the Council's five priorities – "Right skills, right jobs in the right place" and "Make the best use of Swindon's resources inside and outside the Council".

### Diversity Impact Assessment

- 5.5 As there are no proposals in this report, a DIA has not been completed.

### Risk Management

- 5.6 There are no specific risk management implications not highlighted in the body of the report.

## 6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer), Director of Law and Democratic Services (Monitoring Officer) and Board Director Commissioning (Director of Children Services) are consulted in respect of all reports.

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## **7. Background Papers**

7.1 None

## **8. Appendices**

8.1 Annex A – Redoaks LDD SRP Business Case / Cost Benefit Analysis