



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 2 June 2014**  
**Your comments must reach us by that date**

**Simplifying the administration of  
academies funding**

**If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>**

In order to help with the analysis of consultation responses please use the online system wherever possible. If for exceptional reasons you are unable to use the online system, for example because you use accessibility software that is not compatible with the system, you may use this version of the form.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

<b>Please tick if you want us to keep your response confidential.</b>	<input type="checkbox"/>
Reason for confidentiality:	

Name: <b>Keith Abbott, Director of School Resources</b>	
Please tick if you are responding on behalf of your organisation.	<input checked="checked" type="checkbox"/>
Name of Organisation (if applicable): <b>Kent County Council</b>	
Address: Sessions House, County Hall, County Road, Maidstone, Kent, ME14 1XQ <a href="mailto:keith.abbott@kent.gov.uk">keith.abbott@kent.gov.uk</a>	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the GOV.UK '[Contact Us](#)' page.

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

<input type="checkbox"/> Maintained school	<input type="checkbox"/> Academy	<input checked="" type="checkbox"/> Local authority
<input type="checkbox"/> Governor	<input type="checkbox"/> Bursar	<input type="checkbox"/> Parent
<input type="checkbox"/> Schools forum	<input type="checkbox"/> Trade union organisation	<input type="checkbox"/> Other

Please specify:

1 Do you agree in principle with our proposal to convert non-recoupment academies to recoupment academies in 2015-16?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not Sure
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Comments:

We fully support the Departments proposal in principle to simplify the administration of academy funding. The Departments rationale for change is well thought through, clear and we agree with the logic for bringing the process for non-recoupment academies in line with recoupment academies.

Whilst we appreciate the Government's proposals to simplify the arrangements for academy funding, we can see no rationale for continuing to fund some non-recoupment academies on estimated pupil numbers. We believe strongly that all state funded schools and academies should be funded on a consistent basis, i.e. the October census before the start of the year. We accept that special arrangements may be necessary for new or expanding schools but non-recoupment academies are very unlikely to fall into

either category.

- 2 Do you agree with our proposed methodology for calculating additional funding to be added to the local authorities' dedicated schools grant to take account of recoupment for former non-recoupment academies?

<input type="checkbox"/>	Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Not Sure
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Comments:

We agree with the proposed methodology for calculating the equivalent of the School Budget Share for each individual academy. This seems fair and reasonable. However, we are concerned that the proposal does not provide the LA with any additional funding for central expenditure. This is unacceptable if the responsibility for administration and more importantly paying of any other central funding to non-recoupment academies transfers to the LA, as set out in your consultation. Any transfer of responsibility from the EFA to LA's must be adequately funded.

- 3 Do you agree with our proposed treatment of minimum funding levels within that calculation?

<input type="checkbox"/>	Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Not Sure
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Comments:

We disagree with the methodology used to calculate the minimum funding levels and can see no justification for expanding this methodology to non-recoupment academies. Your proposal just exacerbates the unfairness!

- 4 Do you agree with our proposal for calculating recoupment for former non-recoupment academies, including treatment of the minimum funding guarantee?

<input checked="" type="checkbox"/>	Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Not Sure
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Comments:

Yes we agree with the proposed calculation for recouping the budget share for former non-recoupment academies, including treatment of the MFG. We think the proposal is fair and reasonable.

However on a related matter we are pleased that LA's have not been asked to take into consideration the current level of MFG funding enjoyed by most non-recoupment academies. Such levels of enhanced funding are unjustified and fly in the face of the Government's wish to see a funding level playing field between maintained schools and academies. Some academies are attracting eye watering level of MFG e.g. £1.044m in 2013-14, which means that the Department has ducked their responsibility of creating a level playing field and continued to provide some academies with unjustified levels of funding. The lack of any detail over how these figures have been calculated and how

they have become some large is unacceptable and at odds with the Governments own transparency agenda in public sector agenda. We have raised these points with both Chris Wormald, the Permanent Secretary to the DfE and Peter Lauener, the Chief Executive at the EFA and we have not yet received an explanation.

- 5 Do you agree with the proposal to recoup funding when pupils leave the local authority maintained sector (or other school funded through the dedicated schools grant) to join a new or expanding free school?

<input type="checkbox"/>	Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Not Sure
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Comments:

We strongly disagree with the proposal to recoup funding from the LA for expansion of pupils in free schools. This fundamental objection is based on the fact that the EFA has funded such expansions up until now from a national pot and is simply proposing to transfer these costs to LA's in the future without any additional funding. There is no mention of the value of the current EFA funding for such expansions, nor is there any mention of such funding transferring to LAs as part of the responsibility transfer. This would be logical and fair. Nor is there recognition by the Department that if there is significant growth in Free Schools nationally then this needs to be funded appropriately by the Treasury in the next spending review period. This should not be a pressure on LAs current DSG budgets, which are under extreme pressure following four years of flat cash settlements.

We disagree with the Department's claim that there is a strong rationale for recouping this funding. In fact we think the rationale is weak and poorly worded. We do not agree that the current system is double funding. What appears glaringly obvious to us but the Department may have unwittingly overlooked is that the two current systems are fundamentally different. The school and academy budget looks backwards for actual pupil numbers at a point in time (previous October census) whilst the expansion of free schools looks forward at estimated numbers. You cannot and should not link the two as they are completely different.

Furthermore, the funding given to a LA, which is then given to schools and academies, is the time lagged funding that they are entitled to under School Finance regulations. To state some of these pupils will transfer to an expanding free school is not backed up

by any evidence and even if it were, there is no justification for removing LA DSG which has already been applied to school & academy budgets in accordance with the Departments own rules.

The current growth budget has been set at a level consistent with our own local growth policy which takes into consideration the schools and academies that we have responsibility for funding from it. There is no funding within the Growth Fund for Free Schools. If these proposals came to fruition, the LA would be obliged to seek Forum approval to increase the size of the Growth Fund, by at best top slicing any available DSG headroom from future settlements, or at worst by reducing local formula funding rates affecting all schools and academies in Kent. This is wholly unacceptable, unfair and the Department must reconsider its proposal. LA's must be adequately funded for any new responsibility.

- 6 Do you agree that, if recouping funding when pupils leave the local authority maintained sector (or other school funded through the dedicated schools grant) to join a new or expanding free school, our proposal not to recoup in the first year is a fair solution?

<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

We disagree with the proposal to recoup funding from the LA for free school pupils in its entirety. Whether it's not in the first year or not is irrelevant and missing the point. This funding should not be recouped from the LA in the first place as the LA has never been funded for them.

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.

<b>Please acknowledge this reply.</b>	<input checked="" type="checkbox"/>
Email address for acknowledgement: <a href="mailto:simon.pleace@kent.gov.uk">simon.pleace@kent.gov.uk</a>	

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key consultation principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Completed responses should be sent or emailed by 2 June 2014.

Send by post to:

Anthony Wilson  
Department for Education  
Mowden Hall  
Area 2B  
Staindrop Road  
Darlington  
Co Durham  
DL3 9BG

Send by email to: [NRA.CONULTATION@education.gsi.gov.uk](mailto:NRA.CONULTATION@education.gsi.gov.uk)

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Co-ordinator, tel: 0370 000 2288 / email: [aileen.shaw@education.gsi.gov.uk](mailto:aileen.shaw@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**