



# Royal Borough of Kingston upon Thames

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## Updates 2025:

The Department for Education (DfE) no longer publishes the guide for the Scheme for Financing Schools as a separate document but instead have created an HTML page containing the guide.

[Scheme for Financing Schools Guidance](#)

This is version 16 of the statutory guidance;

Changes made from current published version of the Kingston Scheme to the latest draft version:

Section 8.3.21: addition of an extra item where a school's budget share may be charged: the cost of an undisputed invoice for energy where a school has entered into an agreement with the Secretary of State for the supply of energy and failed to pay such an invoice (Regulation 23 of the regulations)

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# Chapter Summary

## 1.1 About the Scheme and DfE guide

The scheme reflects issue 16 of the statutory guidance from the Department for Education (DfE) for local authorities on the scheme for financing schools. It relates to Section 48 of the Schools Standards and Framework Act 1998 and Schedule 14 to the act.

Local Authorities are required to publish schemes for financing schools setting out the financial relationship between them and the schools they maintain. The DfE guidance lists the provisions which a local authority's scheme must, should or may include.

In making any changes to the scheme, the local authority must consult all maintained schools in the area and receive the approval of the members of schools forum representing maintained schools. The authority must take the DfE guidance into account when revising the scheme in consultation with schools forum.

## 1.2 Directed revisions

The Secretary of State may by direction revise the whole or any part of the scheme as from such date as may be specified in the direction. In order to make a directed revision the Secretary of State is required, by provision in the Schools Standards and Framework Act 1998, to consult the relevant Local Authorities and other interested parties.

It is also possible for the Secretary of State to make directed revisions to schemes after consultation. Such revisions become part of the scheme from the date of direction.

**There are no directed revision within version 16.**



# The outline scheme

Within the Scheme and Guidance the following references apply:

- “the act” is the [School Standards and Framework Act 1998](#)
- “the authority” is the local authority
- “the regulations” are the [School and Early Years Finance \(England\) Regulations 2023](#)

The regulations state that schemes must deal with the following matters:

- the carrying forward from one funding period to another of surpluses and deficits arising in relation to schools’ budget shares
- amounts which may be charged against schools’ budget shares
- amounts received by schools which may be retained by their governing bodies and the purposes for which such amounts may be used
- the imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the management of their delegated budgets and of sums made available to governing bodies by the authority which do not form part of delegated budgets, including conditions prescribing financial controls and procedures
- terms on which services and facilities are provided by the authority for schools maintained by them
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- the use of delegated budgets and of sums made available to a governing body by the local authority which do not form part of delegated budgets
- borrowing by governing bodies

- the banking arrangements that may be made by governing bodies
- a statement as to the personal liability of governors in respect of schools' budget shares having regard to section 50(7) of the 1998 act
- a statement as to the allowances payable to governors of a school which does not have a delegated budget in accordance with the scheme made by the authority for the purposes of section 519 of the 1996 act
- the keeping of a register of any business interests of the governors and the head teacher
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- how complaints by persons working at a school or by school governors about financial management or financial propriety at the school will be dealt with and to whom such complaints should be made
- expenditure incurred by a governing body in the exercise of the power conferred by section 27 of the 2002 act

# Introduction

## 3.1 The funding framework

The funding framework which replaces Local Management of Schools is based on the legislative provisions in sections 45-53 of the School Standards and Framework (SSAF) Act 1998.

Under this legislation, the local authority determines the size of their Schools Budget and Local Authority Budget – although the Secretary of State has power to require an Authority to increase its Schools Budget to a prescribed level. The categories of expenditure which fall within the two budgets are prescribed under regulations made by the Secretary of State, but included within the two, taken together, is all expenditure, direct and indirect, on an authority's maintained schools. Local authorities may retain funding centrally in the Schools Budget for purposes defined in regulations made by the Secretary of State under s.45A of the Act. The amounts to be retained centrally are decided by the authority concerned, subject to any limits or conditions prescribed by the Secretary of State. The balance of the Schools Budget left after deduction of centrally retained funds is termed the Individual Schools Budget (ISB). Expenditure items in the Local Authority budget must be retained centrally (although earmarked allocations may be made to schools).

Local authorities may retain an unallocated reserve but must otherwise distribute the ISB amongst their maintained schools using a formula, which accords with regulations made by the Secretary of State, and enables the calculation of a budget share for each maintained school. This budget share is then delegated to the Governing Body of the school concerned, unless the school is a new school, which has not yet received a delegated budget, or the right to a delegated budget has been suspended in accordance with s.51 of the Act. The financial controls within which delegation works are set out in a scheme made by the Authority in accordance with s.48 of the Act and approved by the Secretary of State. All revisions to the scheme must be approved by Schools Forum, though the authority may apply to the Secretary of State for approval in the event of Forum rejecting a proposal or approving it subject to modifications that are not acceptable to the authority.

Subject to provisions of the scheme, Governing Bodies of schools may spend budget shares for the purposes of their school. They may also spend budget shares on any additional purposes prescribed by the Secretary of State in regulations made under s.50.

The Authority may suspend a school's right to a delegated budget if the provisions of the school financing scheme (or rules applied by the scheme) have been substantially or persistently breached, or if the budget share has not been managed satisfactorily. There is a right of appeal to the Secretary of State. A school's right to a delegated budget share may also be suspended for other reasons (s.17 of the SSAF Act 1998) but in that case there is no right of appeal.

The Authority is obliged to publish each year, under s.251 of the Apprenticeships, Skills, Children and Learning Act 2009, a Budget Statement setting out details of its planned Schools Budget and Local Authority Budget, showing the amounts to be centrally retained, the budget share for each school, the formula used to calculate those budget shares, and the detailed calculation for each school. After each financial year the Authority must publish a statement showing out-turn expenditure at both central level and for each school, and the balances held in respect of each school.

The detailed publication requirements for financial statements and for schemes are set out in regulations, but each school must receive a copy of the scheme and any amendment, and each year's budget and out-turn statements so far as they relate to that school or central expenditure.

Regulations also require the Authority to publish their scheme and any revisions to it on a website accessible to the general public, by the date that any revisions come in to force.

### **3.2 The role of the scheme**

This scheme sets out the financial relationship between the Local Authority and/or its designate (Achieving for Children) and all of the maintained schools that it funds. It contains requirements relating to financial management and associated issues, binding on both the Authority and on schools.

### **3.3 Application of the scheme to authority and maintained schools**

The scheme applies to all community, nursery, special, voluntary, foundation (including Trust), foundation special schools and pupil referral units (PRUs). A list of the establishments covered by the scheme is attached at Appendix 1.

### **3.4 Publication of the scheme**

The current scheme will be available on the authority's website which is accessible to the general public. Covered schools will be notified of any revisions.

### **3.5 Revision of the scheme**

Any proposed revisions to the scheme will be the subject of consultation with the governing body and the head teacher of every school maintained by the Authority before they are submitted to Schools Forum for their approval by the members of the Forum representing those schools.

### **3.6 Delegation of powers to the head teacher**

Governing Bodies must consider the extent to which it wishes to delegate its financial powers to the head teacher and must record its decision, and any revisions, in the minutes of the Governing Body.

Under the Education (School Government) (Terms of Reference) (England) Regulations 2000, budget plans must be considered by Governing Body.

### **3.7 Maintenance of schools**

The Authority is responsible for maintaining the schools covered by the scheme, and this includes the duty of defraying all the expenses of maintaining them (except in the case of a voluntary aided school where some of the expenses are, by statute, payable by the Governing Body). Part of the way the Authority maintains a school is through the funding scheme, put in place under sections 45 to 53 of the Schools Standards and Framework Act 1998.

# Financial Controls

## 4.1 General procedures

### 4.1.1 Application of financial controls to schools

Schools must comply with the Authority's requirements in the management and monitoring of their delegated budgets. This includes those requirements within this scheme and also those requirements contained in more detailed publications referred to in this scheme.

Schools are expected to comply with any reasonable request from the local authority.

### 4.1.2 Provision of financial information and reports

In order that the designated officer can fulfil their obligations under Section 151 of the Local Government Act 1972 to "make arrangements for the proper administration of their financial affairs" schools must comply with the budget monitoring and submission schedule detailed in Appendix 5.

### 4.1.3 Payment of salaries and payment of bills

Salaries and wages will be paid through the Authority's own bank account unless a separate contract has been agreed by a school with an outside bureau in which case separate arrangements will have to be reached between the bureau, the Authority and the school.

Bills payable by non-general ledger schools will be paid via local bank accounts in accordance with arrangements approved by the Director of Children's Services.

### 4.1.4 Control of Assets

Each school must maintain an inventory of its movable non-capital assets in a form agreed by the local authority for any asset worth over £1,000. For assets worth less than £1,000 schools must keep an inventory but are free to determine the format. Schools should ensure that anything that is portable and attractive; such as a camera, are registered.

Disposal of assets purchased from the schools delegated budget must be approved by the Governing Body and comply with any local authority procedures.

### 4.1.5 Accounting Policies (including year-end procedures)

All schools must abide by procedures issued by the local authority on accounting policies and year-end procedures.

### 4.1.6 Writing off debts

The Governing Body is empowered to write off debts providing the debt has been outstanding in excess of six months and the Governing Body is certain the debt is unrecoverable. The Director of Children's Services will write to schools each year asking for details of debts written off and this will be reported to the appropriate committee of the Authority.

## 4.2 Basis of accounting

Schools accounts furnished to the Authority must be on an accruals basis. But schools remain free to use whichever financial software they choose and may work on either an accruals or cash accounting basis, but returns must be provided in the output required by the Authority.

### **4.3 Submission of budget plans**

A school's own financial information requirements will be detailed, reflecting the many possible sub-headings, departments and cost centres between which funds may be allocated. However, the Authority's requirement is only for summarised information in the form of the Standard School Budget Plan.

Each school must comply with the schedule of submission found in Appendix 5. The budget plan must be approved by either the Governing Body or finance committee and signed by both the Headteacher and the Chair of Governors or Chair of the finance committee.

If a school considers they are likely to have to set a deficit budget they must notify the Director of Children's Services as soon as possible and not later than the deadline date specified in Appendix 5. This will allow ongoing discussion between the school and the Authority in order to agree a recovery plan.

For the Authority to manage its responsibilities to "make arrangements for the proper administration of their financial affairs" (Section 151 of the Local Government Act 1972), a school may be required to provide further information to support their Standard School Budget Plan.

#### **4.3.1 Submission of Financial Forecasts**

Schools are required to submit a financial forecast for the multi-year period specified in Appendix 5. This will be used to confirm schools are undertaking effective financial planning as well as evidence to support the authority's assessment of Schools Financial Value Standards (SFVS) and as part of the authority's balance control mechanism. The authority will provide as much information as is available to assist schools in projecting income for future years.

### **4.4 School Resource Management**

Schools must seek to achieve effective management of resources and value for money, to optimise the use of their resources and to invest in teaching and learning, taking into account the Authority's purchasing, tendering and contracting requirements.

It is for heads and governors to determine at school level how to secure better value for money.

There are significant variations in efficiency between similar schools, so it's important for schools to review their current expenditure, compare it to other schools, and think about how to make improvements.

### **4.5 Virement**

Schools can vire freely between budget headings and accounts within their budget shares see 1.5. The revisions should be shown in the reports submitted to the Authority as in 2.1.2.

### **4.6 Audit: General**

For clarity, schools within the audit regime determined by the authority as regards internal audit, and the authority's external audit regime as determined by the Local Audit and Accountability Act 2014, are required to co-operate with them. This includes a requirement to provide access to the school's records for either internal or external auditors.

The local authority shall be responsible for maintaining a continuous internal audit of the financial records, operations and systems of each school. Schools are also subject to inspection by the Authority's external auditors. Schools must co-operate with both internal and external auditors as and when required.

Schools must ensure that they maintain an appropriate level of audit trail for all documentation and retain such documentation for a period of five years. Schools should make every effort to comply with any reasonable requests from either internal or external auditors.

#### **4.7 Separate external audits**

A school's Governing Body may also, if it wishes, spend part of its budget share to obtain external audit certification of any accounts containing school budget share funding. This would be in addition to the Authority's own internal and external audit process.

#### **4.8 Audit of voluntary and private funds**

Schools must provide appropriate audit certificates to the audit section on request in respect of voluntary and private funds held by them and of the accounts of any trading organisations or company controlled by the school. However the authority will not audit such funds.

#### **4.9 Register of business interests**

Each school's Governing Body is required to establish a register of business interests for each member of the Governing Body and the head teacher. The register should list any business interests they or their immediate families have. The register should be kept up to date and should be reviewed at least annually. The register should be available for inspection by governors, staff, parents and the Authority.

#### **4.10 Purchasing, tendering and contracting requirements**

Each school must abide by the Authority's financial regulations and standing orders regarding purchasing, tendering and contracting supplies and services.

Schools should also assess in advance, where relevant, the health and safety competence of contractors, taking account of the Authority's policies and procedures. The financial regulations and standing orders will not apply where they would require schools:

- to do anything incompatible with any of the provisions of the scheme, or any statutory provision;
- to seek Authority officer countersignature for any contracts for goods or services for a value below £60,000 in any one year;
- to select suppliers only from an approved list (Schools may wish to nominate suppliers for inclusion on lists of approved suppliers);



- to seek fewer than three tenders in respect of any contract with a value exceeding £10,000 in any one year.

Schools may seek advice on a range of compliant deals via 'Buying for Schools'; (<https://www.gov.uk/guidance/buying-for-schools> )

#### **4.11 Application of contracts to schools**

Schools have the right to opt out of Authority arranged contracts.

All existing contracts have been entered into freely by schools and are paid for from delegated budgets.

The Governing Body should be aware that they are empowered under paragraph 3 of schedule 1 to the Education Act 2002 to enter into contracts and in most cases they do so on behalf of the authority as maintainer of the school and the owner of the funds in the budget share. Be clear as to when they enter into contracts made solely on behalf of the governing body, when the governing body has clear statutory obligations -for example, contracts made by aided or foundation schools for the employment of staff.

#### **4.12 Central funds and earmarking**

The Authority will make sums available to schools from central funds, in the form of allocations that are additional to and separate from schools' budget share. These will be subject to conditions as to the purpose for which these additional funds can be used. In certain circumstances virement is acceptable (excluding specific grant items) between different types of earmarked funding. All these funds must be accounted for separately from the schools budget share. Any earmarked funds not spent in-year must be repaid to the Authority, or within the period which schools are allowed to use the funding if different.

#### **4.13 Spending for the purposes of the school**

Although s.50(3) allows governing bodies to spend budget shares for the purposes of the school, this is subject to regulations made by the Secretary of State and any provisions of the scheme. As well as the various standard provisions LAs may wish to propose their own restrictions on this freedom, arising from local circumstances. By virtue of section 50(3A) (which came into force on 1st April 2011), amounts spent by governing bodies on community facilities or services under section 27 of the Education Act 2002 will be treated as if spent for any purposes of the school.

Under s.50(3)(b) the Secretary of State may prescribe additional purposes for which expenditure of the budget share may occur. He has done so in the School Budget Shares (Prescribed Purposes)(England) Regulations 2002 (SI 2002/378), which have been amended by the School Budget Shares (Prescribed Purposes)(England)(Amendment) Regulations 2010 (SI 2010/190). These allow schools to spend their budgets on pupils who are on the roll of other maintained schools or academies.

#### **4.14 Capital spending from budget shares**

In addition to any capital allocation made available by the LA outside a school's delegated budget share, governing bodies are permitted to use their budget shares to meet the cost of capital expenditure on the school premises. This includes expenditure by the governing body of a Voluntary Aided school on work that is their responsibility under paragraph 3 of Schedule 3 of the School Standards and Framework Act (SSFA).

See Appendix 6 for any additional limitation.



The LA requires any capital spending from budget shares to be notified to the Director of Children's Services. Where the premises are owned by the LA, the governing body must first seek the consent of the LA to the proposed works, but such consent can be withheld only on health and safety grounds.

The reason for these provisions is to help meet responsibilities with the School Premises (England) Regulations 2012, the Workplace (Health, Safety and Welfare) Regulations 1992, the Regulatory Reform (Fire Safety) Order 2005, the Equality Act 2010, and the Building Regulations 2010.

On an annual basis schools will be required to report to the Authority on how they intend to spend their devolved capital and any other funds available for capital works.

#### **4.15 Notice of Concern**

The authority may issue a notice of concern to the governing body of any school it maintains where, in the opinion of the Director of Children's Services, the school has failed to comply with any provisions of the scheme, or where actions need to be taken to safeguard the financial position of the authority or the school.

Such a notice will set out the reasons and evidence for it being made and may place on the governing body restrictions, limitations or prohibitions in relation to the management of funds delegated to it. These may include:

- insisting that relevant staff undertake appropriate training to address any identified weaknesses in the financial management of the school
- insisting that an appropriately trained/qualified person chairs the finance committee of the governing body
- placing more stringent restrictions or conditions on the day to day financial management of a school than the scheme requires for all schools – such as the provision of monthly accounts to the authority
- insisting on regular financial monitoring meetings at the school attended by authority officers
- requiring a governing body to buy into an authority's financial management systems
- imposing restrictions or limitations on the manner in which a school manages extended school activity funded from within its delegated budget share – for example by requiring a school to submit income projections and/or financial monitoring reports on such activities.

The notice will clearly state what these requirements are and the way in which, and the time by which such requirements must be complied with in order for the notice to be withdrawn. It will also state the actions that the authority may take where the governing body does not comply with the notice.

#### **4.16 Schools Financial Value Standard (SFVS)**

All local authority maintained schools (including nursery schools and pupil referral units (PRUs) that have a delegated budget) must demonstrate compliance with the Schools Financial Value Standard (SFVS) and complete the assessment form on an annual basis. It is for the school to determine at which time of the year they wish to complete the form.

Governors must demonstrate compliance through the submission of the SFVS assessment form signed by the Chair of Governors. The form must include a summary of remedial actions with a clear timetable, ensuring that each action has a specified deadline and an agreed owner. **Governors must monitor the progress of these actions to ensure that all actions are cleared within specified deadlines.**

All maintained schools with a delegated budget must submit the form to the Authority before the end of the financial year.

#### **4.17 Fraud**

All schools must have a robust system of controls to safeguard themselves against fraudulent or improper use of public money and assets.

The Governing Body and Headteacher must inform all staff of school policies and procedures related to fraud and theft, the controls in place to prevent them; and the consequences of breaching these controls. This information must also be included in induction for new school staff and governors.

# Instalments of the budget share and banking arrangements

## 5.1 Frequency of instalments

The school's appropriate budget share will be advanced into the schools bank accounts in accordance with their selection in 5.2

## 5.2 Proportion of budget share payable at each instalment

The following options are available:

- Equal monthly instalments of total budget share i.e. including employee costs
- Monthly instalments (one of 4% and 12 of 8%) of non-employee budget share.

*Further details of these options are included in the appendix to the Schools Financial Regulations and Standing Orders*

## 5.3 Interest clawback

The Authority currently charges no interest for budget share instalments paid in advance.

The Authority will make no deduction for potential loss of corporate interest on instalments made to schools with a non-consolidated bank account.

## 5.4 Interest on late budget share payments

The Authority will add interest to late payments of budget share instalments on any school non-consolidated bank account, where such late payment is the result of Authority error. For schools within the consolidated bank account scheme, no interest is paid since interest is paid on year end balances. The interest rate used will be the Bank of England base rate.

## 5.5 Budget shares for closing schools

Schools where approval for closure has been given, may have their estimated non-employee budget share advanced on a monthly basis until closure.

## 5.6 Bank and building society accounts

All schools will have their budget share as appropriate (see 5.1) paid into an external bank account with a financial institution approved by the Director Children's Services. Any interest earned from such an account will be retained by the school. The account must be in the name of the school. Money paid by the Authority and held in such accounts remains Authority property until spent. The list of approved institutions is attached at Appendix 2.

Should a school open an external bank account, the Authority, if the school desires, will transfer immediately to that account an amount agreed by both the school and the Authority as the estimated surplus balance held by the Authority in respect of the school's budget

share. Any subsequent correction will be made when the accounts for the relevant year are closed.

Should a school open an external bank account, the Authority must be named as the owner of the account, be entitled to receive statements on request and, in the event of the Authority withdrawing a schools right to a delegated budget, control of the account is transferred to the Authority.

Further details of these options are included in the Schools Bank Account Scheme which is appended to the Schools Financial Regulations and Standing Orders.

## **5.7 Restrictions on accounts**

See Schools Financial Regulations.

## **5.8 Borrowing by schools**

Schools must not enter into any borrowing agreement unless the written permission of the Secretary of State has been obtained. This provision relates to borrowing from external financial institutions and not to internal loan schemes.

Schools are not allowed the use of credit cards and overdrafts, which are regarded as borrowing. However, they may use government approved procurement cards, as these cards can be a useful means of facilitating electronic purchase.

Schools are allowed the use of any scheme that the Secretary of State has said is available to schools without specific approval. An up to date list is available from the Government website.

### **5.8.1 Loans**

Schools may only borrow money with the prior written permission of the Secretary of State. For Government approved schemes this permission is deemed to already have been given. The school must inform the local authority of their intention prior to any loan application to a government approved scheme. Schools may borrow via a local authority internal loan scheme.

### **5.8.2 Overdrafts**

Schools are not allowed the use of an overdraft on any school account (either an official or unofficial account) as this would be regarded as borrowing. Schools should not apply for an overdraft but where one is automatically provided, it is the responsibility of the school to ensure the facility is not accessed. Schools should inform the local authority immediately upon accessing an overdraft or going overdrawn on any school account.

### **5.8.3 Debit Card**

Schools are not allowed the use of a debit card where they have a bank account consolidated to the Authority's account. A School with an external bank account must inform the local authority of their intention to apply for a debit card and obtain approval of the controls for the use of the debit card facility prior to applying to their bank account provider.

#### **5.8.4 Credit Card**

Schools are not allowed the use of a credit card. Schools may instead apply via the local authority for a government approved procurement card.

#### **5.8.5 Procurement Card**

Schools may apply via the local authority for a government approved procurement card. Schools must comply with the local authority guidelines for the use of a procurement card.

#### **5.8.6 Charge Card**

Schools are permitted to apply for a charge card with local authority permission on the understanding that no interest occurs as a result of any transaction. Schools must ensure that the balance is paid in full at the end of each billing period. Schools must seek permission of the local authority prior to making an application for a charge card and obtain approval from the local authority of the controls for the use of the charge card facility. Schools must inform the local authority immediately in the event that interest is charged to any transaction.

#### **5.8.7 Trade Account Card**

Schools are permitted to apply for a trade account card with local authority permission on the understanding that no interest occurs as a result of any transaction and a suitable business case is provided. Schools must ensure that the balance is paid in full at the end of each billing period. Schools must seek permission of the local authority prior to making an application for a trade account card and obtain approval from the local authority of the controls for the use of the trade account card facility. Schools must inform the local authority immediately in the event that interest is charged to any transaction. A trade account does not remove the requirement for the school to undertake appropriate checks against a supplier.

#### **5.8.8 Leases**

The introduction of IFRS16 for local authorities from 1 April 2024 ends the distinction between operating and finance leases at maintained schools for accounting purposes. Under the Education Act 2002, all leases will be classed as borrowing and will require the Secretary of State for Education's consent.

The Secretary of State has, however, agreed to provide blanket consent to a range of the most common leasing activities, as set out in the IFRS16 Maintained Schools Finance Lease Class Consent 2024. Leases not included in this Order will still require the written consent of the Secretary of State, and it remains the general position that schools will only be granted permission for other types of borrowing in exceptional circumstances. From time to time, however, the Secretary of State may introduce limited schemes to meet broader policy objectives.

#### **5.8.9 Removal of permissions**

The local authority has the right to remove permission for a school to hold a debit card, procurement card, charge card or trade account card(s) where a school has infringed on any of the criteria for holding any card, including breaches of their own controls or infringements relating to loans, overdrafts or leases. Schools should ensure that all internal controls on cards are reviewed annually and updated as necessary. All procedural changes need to be agreed with the local authority.

## **5.9 Other provisions**

See Appendix 3.

# Treatment of surplus and deficit balances arising in relation to budget shares

## 6.1 Right to carry forward revenue surplus balances

Schools will be allowed to carry forward from one financial year to the next any underspend relative to the schools budget share plus/minus any balance brought forward from the previous year, subject to controls on surplus balances (see below). A schools balance at 1 April of any financial year is equal to the balance as at 31 March in the previous financial year.

Any surpluses should be earmarked for specific future needs to ensure that pupil's benefit from a planned approach to spending that does not deprive them of resources in a given year. These earmarked surpluses should be clearly linked to the School Development Plan.

## 6.2 Control on Surplus Balances

The arrangements for surplus balances held by schools as permitted under this scheme have been revised.

As schools are moving towards greater autonomy, the Authority will not constrain schools from making early efficiencies to support their medium term budgeting in a tighter financial climate, and thus schools will not be burdened by bureaucracy.

Schools where either the Local Authority or Department for Education deem the surplus balance to be excessive, may be required to comment on the rationale employed. The authority may reclaim balances from schools where they deem them excessive. Appendix 6 gives details of the percentages used as a guide for each education phase.

## 6.3 Interest on Surplus Balances

Schools that have a bank account consolidated to the Authority's account will attract interest on any surplus balance at the year end.

The Interest rate will be the Treasury Management 7 day rate.

## 6.4 Obligation to carry forward deficit balances

If a school is in deficit (revenue and/or capital) on the 31 March in any one financial year, that deficit will be carried forward to the following financial year. A schools deficit balance at 1 April of any financial year is equal to the deficit balance as at 31 March in the previous financial year.

## 6.5 Planning for deficit balances

### 6.5.1 Deficit plans (setting a deficit revenue budget)

Governing Bodies must not set a deficit budget plan except with the express permission of the Director of Children's Services, and only when:

- the school is due for closure; or
- the school has had a reduction in their gross School Budget Share of 5% or greater from one financial year to the next; or
- other exceptional circumstances and only where the following procedures are followed:
  1. a recovery plan is agreed between the Governing Body of the school and the Director of Children's Services which consists of:
    - details of the measures that will be taken to bring the school back into a balanced budget situation
    - a forecast of future pupil numbers, school expenditure and school budget shares
    - forecast deficits at the end of each financial year and a timescale for bringing the budget into balance, usually not more than 3 years
  2. monthly budget monitoring reports are provided to the Director Children's Services in a format specified
  3. quarterly budget monitoring reports are provided to the Director of Children's Services
  4. the Director of Children's Services is consulted before any change to points of responsibility or the permanent staffing establishment
  5. any other such arrangements as the Director of Children's Services may require for the regular joint review of the plan.

The Authority will provide appropriate management support to any school in deficit.

The withdrawal of delegation may be considered if the terms of the recovery plan are not fulfilled.

More details are available in Appendix 6: Supplementary Information.

### **6.5.2 Deficit revenue balances (carryovers)**

Unforeseen circumstances in year may result in a projected end of year deficit (carryover). In such instances the school should report this to the Director Children's Services as soon as they become aware of such a situation.

The Authority's own monitoring procedures may also highlight situations of potential end of year deficit (carryover).

If such unforeseen circumstances do result in an end of year deficit balance (carryover), any deficit will be carried forward to the following financial year and schools are required to:

- report to the Director of Children's Services on the reasons for the end of year deficit (carryover);
- if appropriate, detail the management arrangements in place to ensure there is no repeat of the situation;
- detail the measures that will be taken to bring the school back into a balanced budget situation;



- any other such arrangements as the Director of Children's Services may require.

If a school is unable to bring the budget back into balance when setting the following year's budget it will have to provide a recovery plan (section 6.5.1).

The end of year balance is defined for this purpose as the school end of year balance (as notified to the school by the Director Children's Services).

## **6.6 Charging of interest on deficit balances**

The Authority will not charge interest on deficit balances.

## **6.7 Writing off deficits**

The Authority cannot write off the deficit balance of any school.

## **6.8 Balances of closing and replacement schools**

The Director of Children's Services in conjunction with the Governing Body of a closing school will ensure that the most efficient use is made of resources in the period prior to the closure of a school.

The balance (whether surplus or deficit) in respect of a school that closes or amalgamates will revert to the Authority.

Where in the funding period, a school has been established or is subject to a prescribed alteration as a result of the closure of a school, a local authority may add an amount to the budget share of the new or enlarged school to reflect all or part of the unspent budget share (including any surplus carried over from previous funding periods) of the closing school for the funding period in which it closes.

## **6.9 Licensed deficits**

The Authority does operate a licensed deficit scheme. More details are available in Appendix 6: supplementary Information.

## **6.10 Loan schemes**

Loans will only be used to assist schools in spreading the cost over more than one year of large one-off individual items of capital nature that have a benefit to the school lasting more than one financial or academic year. Loans will not be used as a means of funding a deficit that has arisen because a school's recurrent costs exceed its current income. If loans are made to fund a deficit and a school subsequently converts to academy status, the Secretary of State will consider using the power under paragraph 13(4)(d) of schedule 1 to the Academies Act 2010 to make a direction to the effect that such a loan does not transfer, either in full or part, to the new Academy school.

### **6.10.1 Credit union approach**

The Authority does not currently recognise a credit union approach. Schools wishing to adopt this approach should contact the Director of Children's Services.

## 7.1 Income from lettings

Schools may retain all income from lettings of the school premises that would otherwise accrue to the LA, subject to any alternative provisions arising from any joint-use or (Private Finance Initiative) agreement. Schools are permitted to cross-subsidise lettings for community and voluntary use with income from other lettings, provided the governing body is satisfied that this will not interfere to a significant extent with the performance of any duties imposed on them by the Education Acts, including the requirement to conduct the school with a view to promoting high standards of educational achievement.

Income from lettings of schools premises are not payable in to voluntary or private funds held by the school. However, where land is held by a charitable trust, it will be for the school's trustees to determine the use of any income generated by the land.

Schools are required to have regard to any directions issued by the LA as to the use of school premises owned by the LA, as permitted under the School Standards and Framework Act 1998 for various categories of schools.

### 7.1.1 Private lettings

All schools are recommended to produce a hiring and letting policy which is adopted by the Governing Body.

Any income raised through private lettings must be paid into the schools main bank account.

Private lettings should not displace agreed community lettings. However, schools may find it advantageous to have private lettings take place alongside their community lettings to reduce costs.

### 7.1.2 Use of schools for elections

Under elections legislation, community and voluntary aided schools are obliged to make accommodation available for polling stations. The Authority policy is that, if at all possible, schools should remain open on the day of the election.

Schools are reimbursed directly by the Authority for the costs incurred in making accommodation available for polling stations.

### 7.1.3 Use of schools for emergency plan

Any costs incurred by the school for emergency plan purposes will be reimbursed by the Authority.

## 7.2 Income from fees and charges

Schools can retain income from fees and charges except where a service is provided by the Authority from centrally retained funds. However, schools should have regard to any policy statements on charging produced by the Authority.

## 7.3 Income from fund-raising activities

Schools will be allowed to retain income from fund-raising activities.

#### **7.4 Income from the sale of assets**

Schools may retain the proceeds from the sale of assets except in cases where the asset was purchased with non-delegated funds, in which case the Authority will decide whether the school should retain the proceeds. If the asset is land or buildings forming part of the school premises and is owned by the Authority the proceeds must be paid to the Authority. Any retention of funds from the sale of land assets is subject to the consent of the Secretary of State, and any conditions the Secretary of State may attach to that consent relating to use of proceeds.

The retention of proceeds of sale from premises not owned by the local authority are not a matter for the scheme.

#### **7.5 Administrative procedures for the collection of income**

The procedures for collection of income are laid down in the Schools Financial Regulations and Standing Orders. These include guidance on charging of VAT on income.

#### **7.6 Purposes for which income may be used**

Income from sale of assets purchased with delegated funds must only be spent for the purposes of the school.

# The Charging of school budget shares

## 8.1 General provisions

A school's budget share may **only** be charged by the Authority without the Governing Body's permission in the circumstances permitted by this scheme (see 8.3 below). The Authority will consult the schools as to the intention to so charge and will notify schools when it has been done.

## 8.2 Charging of salaries at actual cost

Where a school hasn't elected to administer their own staff salaries via external payroll providers; the Authority will charge salaries of school based staff to school budget shares at actual cost.

## 8.3 Circumstances in which charges may be made

- 8.3.1** Where premature retirement costs have been incurred without the prior written agreement of the Authority to bear such costs (the amount chargeable being only the excess over any amount agreed by the Authority).
- 8.3.2** Other expenditure incurred to secure resignations where there is good reason to charge this to the school (see Annex B).
- 8.3.3** Awards by courts and industrial tribunals against the Authority or out of court settlements, arising from action or inaction by the Governing Body contrary to Authority advice.
- 8.3.4** Expenditure by the Authority in carrying out health and safety work or capital expenditure for which the Authority is liable where funds have been specifically delegated to the Governing Body for such work, but the Governing Body has failed to carry out the required work.
- 8.3.5** Expenditure by the Authority incurred in making good defects in building work funded by capital expenditure from budget shares, where the premises are owned by the Authority or the school has voluntary controlled status.
- 8.3.6** Expenditure incurred by the Authority in insuring its own interests in a school where funding has been delegated but the school has failed to demonstrate that it has arranged cover at least as good as that which would have been arranged by the Authority (see also 12.1).
- 8.3.7** Recovery of monies due from a school for services provided to the school, where a dispute over the monies due has been referred to a disputes procedure set out in a service level agreement and the result is that monies are owed by the school to the Authority.
- 8.3.8** Recovery of penalties imposed on the Authority by the board of Inland Revenue, the Contributions Agency, HM Revenue & Customs (HMRC), Teachers' Pensions, the Environment Agency or other regulatory authorities as a result of schools negligence.
- 8.3.9** Correction of Authority errors in calculating charges to a budget share (e.g. pension deductions).

- 8.3.10** Additional transport costs incurred by the Authority arising from decisions by the Governing Body on the length of the school day, and the failure to notify the Authority of non-pupil days resulting in unnecessary transport costs.
- 8.3.11** Legal costs which are incurred by the Authority because the Governing Body did not accept the advice of the Authority (see also section 11).
- 8.3.12** Costs of necessary health and safety training for staff employed by the Authority, where funding for training has been delegated but the necessary training has not been carried out.
- 8.3.13** Compensation paid to a lender where a school enters into a contract for borrowing beyond its legal powers, and the contract is of no effect.
- 8.3.14** Cost of work done in respect of teacher pension remittance and records for schools using non-Authority payroll contracts, the charge to be minimum needed to meet the cost of the Authority's compliance with its statutory obligations.
- 8.3.15** Costs incurred by the Authority in securing provision specified in an Education, Health and Care Plan (EHCP) where the Governing Body of a school fails to secure such provision despite the delegation of funds in respect of low cost high incidence SEN (prior attainment) and/or specific funding for a pupil with High Needs.
- 8.3.16** Cost incurred by the Authority due to submission by the school of incorrect data.
- 8.3.17** Recovery of amounts spent from specific grants on ineligible purposes.
- 8.3.18** Costs incurred by the Authority as a result of the Governing Body being in breach of the terms of a contract, e.g. opting out of a centrally managed contract without giving sufficient notice as specified in the contract.
- 8.3.19** Costs incurred by the Authority or another school as a result of a school withdrawing from a cluster arrangement, for example where this has funded staff providing services across the cluster.
- 8.3.20** Costs incurred by the authority in administering admissions appeals, where the local authority is the admissions authority and the funding for admission appeals has been delegated to all schools as part of their formula allocation.
- 8.3.21** Cost of an undisputed invoice for energy where a school has entered into an agreement with the Secretary of State for the supply of energy and failed to pay such an invoice (Regulation 23 of the regulations).

## 9.1 Value Added Tax

Schools will provide a monthly return showing the amounts of VAT paid out and charged. The Authority will reclaim the net VAT on non-business activities and the reclaimed amount will be paid into the schools bank account.

HM Revenue and Customs have agreed that VAT incurred by schools when spending any funding made available by the authority is treated as being incurred by the authority and qualifies for reclaim by the authority. This does not include expenditure by the governors of a voluntary aided school when carrying out their statutory duties to maintain the external fabric of their buildings. See also section 15.

## 9.2 CIS (Construction Industry Taxation Scheme)

Schools are required to abide by the procedures laid down by the Authority in connection with Construction Industry Taxation Scheme.

# The provision of services and facilities by the authority

## 10.1 Provision of services from centrally retained budgets

It is for the Authority to determine on what basis services from centrally-retained funds will be provided to schools. This includes Premature Retirement Compensation (PRC) and redundancy payments, where appropriate.

The Authority will not discriminate in its provision of services to schools on the basis of their category except in circumstances where (a) funding has been delegated to some schools only or (b) such discrimination is justified by differences in statutory duties.

## 10.2 Provision of services bought back from the authority using delegated budgets

Services can be bought back from the Authority using delegated budgets, the services available are contained within the Authority's current Service for Schools brochure.

Provision will be available on a service-by-service basis; it may be tailored to individual school needs and may form part of a package of services.

Services are renegotiated annually in the autumn term, with a pricing proposal sent to schools for consideration in December.

Final offers are confirmed in May when schools sign a Service Level Agreement setting out the terms and conditions of the Authority and the school.

### 10.2.1 Changes to services

- The service provider will give schools six months' written notice, with the option to withdraw from the service from the start of the revised specification.
- Schools wishing to withdraw should give three months' notice of withdrawal in writing to their Business Relationship Manager.

### 10.2.2 Termination of the service

- The service provider may terminate the agreement with a minimum of one terms' prior written notice.
- Either party may terminate the agreement immediately if the other party commits any serious or material breach of the terms of this agreement.
- Schools can terminate their agreement with the provider by giving six months notice in writing to their Business Relationship Manager.

- The exception to this is where the Authority negotiates a corporate contract on behalf of the schools with a third party; under these circumstances the school must give the full period of notice.

Any service provided to schools for which expenditure is not retainable by the Authority under the Regulations made under section 46 of the Act, are offered at prices which are intended not to generate income but cover the cost of provision.

The cost of providing the service is met by the income generated, even if schools are charged differentially.

### **10.3 Packaging**

Any services, which the Authority is providing on a buyback basis, will be offered in a way that will not unreasonably restrict schools' freedom of choice among the services available.

Provision will be available on a service-by-service basis with further freedom of choice available through a menu systems which offers individual elements of the services. Some services also offer packages of services, which may offer a more cost effective service.

### **10.4 Service level agreements**

Any SLA offered by the authority will comply with the terms specified in 10.2 above.

School will have a minimum of one month to consider the terms of any SLA offered.

Centrally arranged premises and liability insurance are excluded from any LA offered SLA.

### **10.5 Teachers' Pensions**

In order to ensure that the performance of the duty on the Authority to supply Teachers Pensions with information under the Teachers' Pensions Regulations 1997, the following conditions are imposed on the Authority and Governing Bodies of all maintained schools covered by this Scheme in relation to their budget shares. The conditions only apply to Governing Bodies of maintained schools that have not entered into an arrangement with the Authority to provide payroll services.

A Governing Body of any maintained school, whether or not the employer of the teachers at such a school, which has entered into any arrangement or agreement with a person other than the Authority to provide payroll services, shall ensure that any such arrangement or agreement is varied to require that person to supply salary, service and pensions data to the Authority which the Authority requires to submit its annual return of salary and service to Teachers' Pensions and to produce its audited contributions certificate. The Authority will advise schools each year of the timing, format and specification of the information required. A Governing Body shall also ensure that any such arrangement or agreement is varied to require that Additional Voluntary Contributions (AVCs) are passed to the Authority within the time limit specified in the AVC scheme. The Governing Body shall meet any consequential costs from the school's budget share.

A Governing Body of any maintained school which directly administers its payroll shall supply salary, service and pensions data to the Authority which the Authority requires to submit its annual return of salary and service to Teachers' Pensions and to produce its audited contributions certificate. The Authority will advise schools each year of the timing, format and specification of the information required from each school. A Governing Body shall also ensure that Additional Voluntary Contributions (AVCs) are passed to the Authority within the time limit specified in the AVC scheme. The Governing Body shall meet any consequential costs from the school's budget share.



# Private financial initiative (PFI) and public private partnerships (PPP)

## 11.1 PFI & PPP

Any school agreeing to be included within a PFI contract will be required to sign a 'Governing Body Agreement'. The agreement is between the Authority and Governing Body and sets out details of the services provided under the PFI contract and the schools financial contributions.

The current PFI contract in place for some Primary schools requires schools to pay a contribution based on their historical spend for the services now provided by the contractor under the PFI contract.

## 12.1 Insurance cover

Where funds for insurance are delegated to any school, the Authority will require the school to demonstrate that cover relevant to the Authority's insurable interests, under a policy arranged by the governing body, is at least as good as the relevant minimum cover arranged by the Authority, having regard to the actual risks which might reasonably be expected to arise at the school. (See also 8.2.6).

Governing bodies maintaining their own insurance cover in place of that arranged by the Authority must provide to the Director of Children's Services an up-to-date copy of the policy or policies, together with all premium receipts or other evidence of cover. Failure to provide documentary proof of a satisfactory level of cover within a reasonable period of such a request being made may result in the school's budget share being charged.

See appendix 4.

As from 1<sup>st</sup> April 2020, schools have an additional option. Schools may join the Secretary of State's Risk Protection Arrangement (RPA). They may do this individually when any insurance contract of which they are a part expires.

Primary and/or secondary maintained schools may join the RPA collectively by agreeing through Schools Forum to de-delegate funding.

## 13.1 Right of access to information

The Governing Body must supply all financial and other information which may be required by the Authority to satisfy itself that the school is properly managing its delegated budget share and any additional funds provided by the Authority.

## 13.2 Liability of Governors

Governors of maintained schools will not incur personal liability in the exercise of their power to spend the delegated budget share provided that they act in good faith.

## 13.3 Governors expenses

Under section 50(5) of the Act, only allowances in respect of purposes specified in regulations made under section 19 of the Education Act 2002 may be paid to governors from a school's delegated budget share. Schools are not permitted to pay any other allowances.

Schools with delegated budgets should only pay reasonable expenses. Schools may be required to provide details to the Authority of expenses paid.

### 13.3.1 New schools

Provision may be made to delegate funds for Governor's expenses to a school yet to receive a delegated budget. Only allowances as per Section 11 of the Schools Standards and Framework Act 1998 will be paid.

### 13.3.2 Special measures

Expenses paid to additional Governors to schools appointed by the Secretary of State under special measures must not be paid from a school's delegated budget share.

## 13.4 Responsibility for legal costs

Legal costs incurred by the Governing Body, although the responsibility of the Authority as part of the cost of maintaining the school unless they relate to the statutory responsibility of voluntary aided school governors for buildings, may be charged to the school's budget share unless the Governing Body acts in accordance with the advice of the authority. (see section 8).

The costs referred to are those of legal actions, including costs awarded against an Authority; not the cost of legal advice provided.

Where there is a potential conflict of interest, problems could arise for the Authority and the Governing Body in obtaining proper legal advice. In this situation, the Authority should be consulted and the Governing Body should consider obtaining independent legal advice.

### **13.5 Health and safety**

In expending the school's budget share the Governing Body must have due regard to duties placed on the Authority in relation to health and safety, and the Authority's policy on health and safety matters in the management of the budget share.

### **13.6 Right of attendance for Chief Finance Officer**

Governing bodies must permit the Chief Finance Officer, or any officer nominated by the Chief Finance Officer, to attend meetings of the Governing Body at which any agenda items are relevant to the exercise of his/her responsibilities. The Chief Finance Officer or their nominee will give prior notice of such attendance unless impracticable to do so.

### **13.7 Special Educational Needs**

Schools must use their best endeavours in spending the budget share, to secure the special educational needs of their pupils.

### **13.8 Interest on late payments**

Under the Late Payment of Commercial Debts (Interest) Act 1998 all small company creditors must be paid within 30 days of the receipt of the invoice, unless there has been a dispute registered with the creditor. The creditor can, after such period has elapsed, submit a surcharge, on the original amount outstanding.

Published criteria change and Schools should ensure that they comply with the latest statutory requirement on this subject.

### **13.9 'Whistleblowing'**

Staff and Governors who wish to raise concerns about financial management or financial propriety at the school should contact either the Director of Children's Services, Director of Finance and Resources, Head of Schools Finance, Head of Internal Audit & Investigations. Procedures have been adopted by the Authority to protect individuals making disclosures in order to maintain confidence in public services.

Details of the Authorities "Whistleblowing" policy is available on their web-site.

### **13.10 Child Protection**

All maintained schools are required to have a designated member of staff for child protection (usually the head or deputy) and a named Governor. These people are required to attend the basic awareness Foundation Child Protection training course arranged by ACPC. The courses are free to all schools, however, any supply cover costs has to be met from the schools delegated budget.

### **13.11 Redundancy and early retirement costs**

The 2002 Education Act sets out how premature retirement and redundancy costs should normally be funded. Further guidance is provided in annex B.

The expectation on schools is that they will comply with local authority policy. It is expected that schools will be liable for redundancy costs within their school. Where a school believes that the cost of redundancy should be paid by the authority it should inform the Director of Finance at the earliest opportunity.

# Responsibility for repairs and maintenance

## 14.1 Responsibility for repairs and maintenance

Following on from this section is Appendix 7 showing the categories of work which Governing Bodies must finance from their budget. This covers both revenue (maintenance) and capital budgets.

The Authority will maintain a capital programme for items of capital expenditure set out in regulation 14.2 of the scheme. All other capital expenditure is the responsibility of the Governing Body to be funded either from the schools devolved capital grant, other capital funds or revenue contributions to capital.

## 14.2 Retained Expenditure

Only capital expenditure will be retained by the Authority. For these purposes, expenditure may be treated as capital only if it fits the definition of capital used by the Authority for financial accounting purposes in line with the CIPFA Code of Practice on local authority accounting.

### 14.2.1 De Minimis

De minimis limits are shown in Appendix 6

## 14.3 Voluntary Aided Schools

For voluntary aided schools, the liability of the authority for repairs and maintenance is the same as other maintained schools, and no separate list of responsibilities is necessary for such schools. However, eligibility for capital grant from the Secretary of State for capital works at voluntary aided schools depends on the de minimis limit applied by the DfE to categorise such work, not the de minimis limit used by the authority.

## Introduction

See Annex C

Schools now have greater opportunities to provide services for the community. An extended school is one that provides a range of services and activities often beyond the school day to help meet the needs of its pupils, their families and the wider community.

Governing bodies should read the DfE guidance publication “Extended Schools – providing opportunities and services to all” prior to seeking to establish community activities.

## Suspension of Delegated Budget

Mismanagement of community facility funds can be grounds for suspension of the right to a delegated budget.

### 15.1 Consultation with the authority: financial aspects

In every school and community there will be key groups who need to be consulted about activities. They should be involved in the planning process to ensure that extended school programmes are in demand, well organised and meet local needs.

The Governing Body has ultimate responsibility for deciding whether the school should offer additional activities and services and what form these should take. Before making decisions, governors need to be aware of any additional responsibilities that may result from providing additional services through the school. As with existing school activities, Governing Bodies can delegate the practical delivery of services to others, but they will keep ultimate legal responsibility.

Headteachers will need to be fully consulted in the development of additional activities and services in the school. Their school management experience can also be invaluable for the planning of new activities and services and in some schools, Headteachers may choose to be closely involved in the Leadership of additional activities and services.

Other school staff can also play a key role in the planning process. Most will have a clear understanding of the needs of pupils, families and the wider school community. They will also be able to advise on the day-to-day impact of additional services on the school premises, equipment, timetables and school community.

Whatever their level of involvement, all school staff should be kept informed and involved in any decisions that relate to the school premises, staff or pupils.

#### 15.1.1 Consult the Authority

Section 28(4) of the Education Act 2002 requires that before exercising the community facilities power, Governing Bodies must consult the Authority, and have regard to advice given to them by their Authority.

### **15.1.2 Approach the Authority**

Schools should initially approach the Authority for a strategic view on potential programmes. The Authority is well placed to help in assessing the ability of schools to offer additional activities. The Authority will take into account the school's resources, financial management abilities and other considerations.

### **15.1.3 Responses**

The Authority will issue an initial response to any approach from a school within four weeks. The Authority may request from any school operating community activities a report on any action taken following the advice.

## **15.2 Funding agreements: authority powers**

### **15.2.1 Funding Agreements**

The provision of community facilities in many schools may be dependent on the conclusion of a funding agreement with a third party which will either be supplying funding or supplying funding and taking part on the provision. A very wide range of bodies and organisations are potentially involved.

### **15.2.2 Authority review**

Any funding agreements with third parties should be submitted to the Authority for its comments prior to the Governing Body signing any such agreement so that the Authority can ensure that any agreement is not seriously prejudicial to the interests of the school or the Authority.

## **15.3 Other prohibitions, restrictions and limitations**

### **15.3.1 Additional requirement**

Where the Authority believes it appropriate they may require the use of community facilities power by a governing body, the governing body concerned to make arrangements to protect the financial interests of the Authority by carrying out the activities concerned through the vehicle of a limited company formed for the purpose, or by obtaining indemnity insurance for risks associated with the project in question, as specified by the authority.

### **15.3.2 Additional restrictions**

The Authority has the power to suspend a school's delegated budget if:

- a school undertakes the provision of community activities without consulting the Authority and which the Authority considers is seriously prejudicial to the interests of the school or the Authority;
- the Authority considers the financial management of community services provided by a Governing Body unsatisfactory; or
- the Governing Body is guilty of substantial or persistent non-compliance with any rules laid down by or under the Authority's Scheme for Financing Schools.

## 15.4 Supply of financial Information

All schools will need to make some adjustments to their financial procedures in order to extend their activities beyond pupils and the school curriculum.

Community activities must be self-financing, except study support for pupils. Study support is learning activities outside normal school hours which young people take part in voluntarily. The purpose of study support is to improve young people's motivation, build their self-esteem and help them become more effective learners and above all aims to raise pupil's achievement.

There are several basic principles for financial management of extended schools programmes.

- Additional activities and services should have separate financial accounts.
- Programmes must be self-financing and the school's delegated budget share cannot be used for funding additional activities and services, except study support for pupils.
- Before establishing community activities the Governing Body must prepare a four year business plan including cash flow forecasts. The business plan should demonstrate how the Governing Body would fund establishing any community activities and demonstrate that the activities are self-financing for the following three years. Once established a three year business plan should be maintained.
- Governing bodies may seek grant funding to establish community activities e.g. New Opportunities Funding for Out of School Clubs.
- The Governing Body may not borrow money for community activities without the written consent of the Secretary of State. This requirement does not extend to monies lent to schools by the Authority.
- If by providing community activities, it is felt that it is adversely affecting the Governing Body's main responsibility to educate pupils and promote high standards of educational achievement at the school, the Authority may withdraw the right for the Governing Body to operate such community activities.
- Failure to comply with regulations on financial procedures could lead to the removal of the Governing Body's power to discharge its delegated budget.

Community use of school facilities will need to be self-financing, either through alternative funding streams or charges to users.

It should be noted that activities such as study support are deemed as being for 'the purposes of the school' (i.e. for the educational benefit of the school's registered pupils). Therefore, such activities may be funded from the school's budget share and schools are encouraged to provide all study support activities free to all pupils.

The Governing Body should keep separate accounts for its community activities to ensure that the community costs incurred are fully covered by income such as fees and charges and kept distinct from the school's delegated budget.

Some schools may wish to encourage activities and services that they consider a priority, but which might not be self-financing. Activities and services that generate income can be used to help support other programmes. Equally, charges can be subsidised for individual users of services who might be unable to pay to participate, but who could benefit significantly from the activity or service.



### **15.4.1 Supply of Financial Information**

Any school operating community activities must provide the Authority with a financial report identifying income and expenditure received, accumulated balance brought forward from the previous financial year and projected year end financial position every six months.

If the Authority has concerns of the financial viability of any community activities a school may be required to provide a financial report identifying income and expenditure received, accumulated balance brought forward from the previous financial year and projected year end financial position on a quarterly basis.

If the Authority continues to have concerns of the financial viability of any community activities a school will be required to submit a recovery plan for the activity in question.

Schedule 3 of the Education Act 2002 inserts a new provision into Schedule 15 of the Act to make mismanagement of funds received for community facilities a basis for suspension of the right to delegation of the budget share.

### **15.4.2 Supply of Non-financial information**

Governing bodies may be required to provide some non-financial information to the Authority where any community activities form part of a corporate strategy for provision. The Authority will inform the Governing Body of any such requirements at the time of agreeing the establishment of such community activities.

### **15.4.3 Adjustment to frequency of financial reports**

If the Authority has concerns of the financial viability of any community activities a school may be required to provide a financial report identifying income and expenditure received, accumulated balance brought forward from the previous financial year and projected year end financial position on a quarterly basis.

If the Authority continues to have concerns of the financial viability of any community activities a school will be required to submit a recovery plan for the activity in question.

Schedule 3 of the Education Act 2002 inserts a new provision into Schedule 15 of the Act to make mismanagement of funds received for community facilities a basis for suspension of the right to delegation of the budget share.

## **15.5 Audit**

Schools community activities financial accounts must be made available for inspection by internal and external audit.

### **15.5.1 Access**

In concluding funding agreements with other persons pursuant to the exercise of the community facilities power, the Governing Body must ensure that such agreements contain adequate provision for access by the Authority to the records and other property of those persons held on the school premises, or held elsewhere insofar as they relate to the activity in question, in order for the Authority to satisfy itself as to the propriety of expenditure on the facilities in question.

## **15.6 Treatment of Income and Surpluses**

### **15.6.1 Retaining Net Income**

The school can retain all net income derived from community facilities except where otherwise agreed with a funding provider, whether that be the Authority or some other body.

### **15.6.2 Carrying forward Retained Net Income**

Such retained net income can be carried over from one financial year to the next as a separate community activities surplus. Such surplus funds should usually be retained to provide a contingency fund to cover any deficit generated on community activities in any year or are sufficient to cover any winding up costs should the activity cease. If the community activities surplus funds are such that they are not all required as a contingency to cover any potential deficit generated or potential winding up costs, the Authority may agree with the school transferring part of the surplus to the schools account for a specific purpose.

Should the Authority close any community or community special school, any accumulated community activities surplus of the school reverts to the Authority unless otherwise agreed with a funding provider.

### **15.6.3 Treatment of Deficits**

Any deficit must firstly be met from any accumulated community activities surplus and cannot be met from the school budget share unless such a purpose is prescribed by regulations made under s.50 (3) (b) of the 1998 Act.

If the accumulated community activities surplus is insufficient to cover any deficit this must be carried forward, if the business plan demonstrates that the deficit can be covered from future year's surpluses.

If the business plan demonstrates that the community activity is not viable long term the Governing Body are required to use any other funds under their control to cover the deficit. If this is still insufficient the Governing Body and the Authority should implement an action plan to cease any unviable community activity and the Governing body should formulate a recovery plan to recover any remaining deficit.

## **15.7 Health and Safety**

The health and safety standards for community activities should be the same as those to any other activities undertaken at the school.

### **15.7.1 Disclosure and Barring Service Checks**

The Governing Body must ensure that any adults involved in community activities have Disclosure and Barring Service clearance and the cost of such clearance should be met by the community activities accounts or funding partner as part of an agreement with that partner.

## **15.8 Insurance**

The Governing Body must ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Such insurance should not be funded from the school budget share. Instead of taking out insurance, schools may join the Secretary of State's Risk Protection Arrangements (RPA) for risks that are covered by the RPA.

### **15.8.1 Authority power to assess insurance arrangements**

The Governing Body must provide the Director of Children's Services with evidence that they have such insurance arrangements in place for community activities. The Director of Children's Services may also undertake their his/her own assessment of the insurance arrangements made by a school in respect of community activities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the schools community activities account. This provision ensures that the Authority can protect itself against possible third party claims.

## **15.9 Taxation**

The Governing Body should seek the advice of the Director of Finance and Resources and the local VAT office on any issues relating to the possible imposition of Value Added Tax on expenditure and income in connection with community facilities, including the use of the Authority VAT reclaim facility.

The Governing Body must abide with the requirements of the Scheme for Financing Schools in relation to all aspect of taxation (regulations under section 7 of the Scheme for Financing Schools).

### **15.9.1 Payment of income tax and National Insurance**

For any member of staff employed by the school or authority in connection with community facilities at the school is paid from funds held in a school's own bank account (whether a separate account is used for community facilities or not) the school is held liable for payment of income tax and National Insurance, in line with HM Revenue and Customs rules.

### **15.9.2 Construction Industry Scheme**

Schools should follow authority advice in relation to the Construction Industry Scheme where this is relevant to the exercise of the community facilities power.

## **15.10 Banking**

### **15.10.1 Separation of Accounts**

Although it is necessary for the school to keep a separate financial account for community activities this does not necessitate community activities being held in a separate bank account.

### **15.10.2 Bank Accounts**

If a school does decide to operate their community activities through a separate bank account, then it must be at a bank that is an approved institution as set out in requirement of the Scheme for Financing Schools (appendix 2).

## The funding framework main features

The funding framework which replaces Local Management of Schools is set out in the legislative provisions in sections 45 to 53 of the School Standards and Framework Act 1998.

Under this legislation, local authorities determine for themselves the size of their schools budget and their non-schools education budget, although at a minimum an authority must appropriate its entire dedicated schools grant to its schools budget.

The categories of expenditure which fall within the 2 budgets are prescribed under regulations made by the Secretary of State, but included within the 2, taken together, is all expenditure, direct and indirect, on an authority's maintained schools except for capital and certain miscellaneous items.

Authorities may deduct funds from their schools budget for purposes specified in regulations made by the Secretary of State under section 45A of the act (the centrally retained expenditure).

The amounts to be deducted for these purposes are decided by the authority concerned, subject to any limits or conditions, including gaining the approval of their schools forum or the Secretary of State in certain instances, as prescribed by the Secretary of State.

The balance of the schools budget left after deduction of the centrally retained expenditure is termed the individual schools budget (ISB). Expenditure items in the non-schools education budget must be retained centrally, although earmarked allocations may be made to schools.

Authorities must distribute the ISB amongst their maintained schools using a formula which accords with regulations made by the Secretary of State, and enables the calculation of a budget share for each maintained school.

This budget share is then delegated to the governing body of the school concerned, unless the school is a new school which has not yet received a delegated budget, or the right to a delegated budget has been suspended in accordance with section 51 of the Act.

The financial controls within which delegation works are set out in a scheme made by the authority in accordance with section 48 of the act and regulations made under that section.

All proposals to revise the scheme must be approved by the schools forum, though the authority may apply to the Secretary of State for approval in the event of the forum rejecting a proposal or approving it subject to modifications that are not acceptable to the authority.

Subject to any provision made by or under the scheme, governing bodies of schools may spend such amounts of their budget shares as they think fit for any purposes of their school and for any additional purposes prescribed by the Secretary of State in regulations made under section 50 of the Act.

Section 50 has been amended to provide that amounts spent by a governing body on providing community facilities or services under section 27 of the Education Act 2002 are treated as if they were amounts spent for the purposes of the school (section 50(3A) of the act).

An authority may suspend a school's right to a delegated budget if the provisions of the authority's financial scheme, or rules applied by the scheme, have been substantially or persistently breached, or if the budget share has not been managed satisfactorily.

A school's right to a delegated budget share may also be suspended for other reasons, under schedule 17 to the act.

Each authority is obliged to publish each year a statement setting out details of its planned schools budget and other expenditure on children's services, showing the amounts to be centrally retained and funding delegated to schools; after each financial year the authority must publish a statement showing outturn expenditure.

The detailed publication requirements for financial statements are set out in directions issued by the Secretary of State.

A copy of each year's budget and outturn statement should be made easily accessible to all schools.

Regulations also require a local authority to publish their scheme and any revisions to it on a website accessible to the general public, by the date that any revisions come into force, together with a statement that the revised scheme comes into force on that date.

## Responsibility for redundancy and early retirement costs

This guidance note summarises the position relating to the charging of voluntary early retirement and redundancy costs. It sets out what is specified in legislation and provides some examples of when it might be appropriate to charge an individual school's budget, the central Schools Budget or the local authority's non-schools budget.

Section 37 of the 2002 Education Act says:

*(4) costs incurred by the local education authority in respect of any premature retirement of a member of the staff of a maintained school shall be met from the school's budget share for one or more financial years except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met*

*(5) costs incurred by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.*

*(6) The fact that the authority have a policy precluding dismissal of their employees by reason of redundancy is not to be regarded as a good reason for the purposes of subsection (5); and in this subsection the reference to dismissal by reason of redundancy shall be read in accordance with section 139 of the Employment Rights Act 1996 (c. 18).*

The default position, therefore, is that premature retirement costs must be charged to the school's delegated budget, while redundancy costs must be charged to the local authority's budget. In the former case, the local authority has to agree otherwise for costs to be centrally funded, while in the latter case, there has to be a good reason for it not to be centrally funded, and that cannot include having a no redundancy policy. Ultimately, it would be for the courts to decide what a good reason was, but the examples set out below indicate the situations in which exceptions to the default position might be taken.

### Charge of dismissal/resignation costs to delegated school budget

- If a school has decided to offer more generous terms than the authority's policy, then it would be reasonable to charge the excess to the school.
- If a school is otherwise acting outside the local authority's policy.
- Where the school is making staffing reductions which the local authority does not believe are necessary to either set a balanced budget or meet the conditions of a licensed deficit.
- Where staffing reductions arise from a deficit caused by factors within the school's control.
- Where the school has excess surplus balances and no agreed plan to use these.
- Where a school has refused to engage with the local authority's redeployment policy.

## Charge of premature retirement costs to local authority non-schools budget

- Where a school has a long-term reduction in pupil numbers and charging such costs to their budget would impact on standards.
- Where a school is closing, does not have sufficient balances to cover the costs and where the central Schools Budget does not have capacity to absorb the deficit.
- Where charging such costs to the school's budget would prevent the school from complying with a requirement to recover a licensed deficit within the agreed timescale.
- Where a school is in special measures, does not have excess balances and employment of the relevant staff is being/has been terminated as a result of local authority or government intervention to improve standards

Costs of early retirements or redundancies may only be charged to the central schools services block of the schools budget, as a historic commitment, where the expenditure is to be incurred as a result of decisions made before 1st April 2013. Costs may not exceed the amount budgeted in the previous financial year.

The local authority can retain a central budget within the schools budget to fund the costs of new early retirements or redundancies by a deduction from maintained school budgets (excluding nursery schools) only, where the relevant maintained school members of the schools forum agree.

It is important that the local authority discusses its policy with its Schools Forum. Although each case should be considered on its merits, this should be within an agreed framework. It may be reasonable to share costs in some cases, and some authorities operate a panel to adjudicate on applications.

A de-delegated contingency could be provided, if the Schools Forum agrees, to support individual schools where "a governing body has incurred expenditure which it would be unreasonable to expect them to meet from the school's budget share".

For staff employed under the community facilities power, the default position is that any costs must be met by the governing body, and can be funded from the school's delegated budget if the governing body is satisfied that this will not interfere to a significant extent with the performance of any duties imposed on them by the Education Acts, including the requirement to conduct the school with a view to promoting high standards of educational achievement. Section 37 now states:

*(7) Where a local education authority incur costs—*

*(a) in respect of any premature retirement of any member of the staff of a maintained school who is employed for community purposes, or*

*(b) in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school who is employed for those purposes, they shall recover those costs from the governing body except in so far as the authority agrees with the governing body in writing (whether before or after the retirement, dismissal or resignation occurs) that they shall not be so recoverable.*

*(7A) Any amount payable by virtue of subsection (7) by the governing body of a maintained school in England to the local authority may be met by the governing body out of the school's budget share for any funding period if and to the extent that the condition in subsection 7(B) is met.*

*(7B) The condition is that the governing body are satisfied that meeting the amount out of the school's budget share will not to a significant extent interfere with the performance of any duty imposed on them by section 21(2) or by any other provision of the education Acts.*

*(8) Where a person is employed partly for community purposes and partly for other purposes, any payment or costs in respect of that person is to be apportioned between the two purposes; and the preceding provisions of this section shall apply separately to each part of the payment or costs.*



## **Application of schemes for financing schools to the community facilities power**

Schools which choose to exercise the power conferred by section 27 (1) of the Education Act 2002 to provide community facilities will be subject to controls. Regulations made under section 28 (2), if made, can specify activities which may not be undertaken at all under the main enabling power.

Section 88 of the Children and Families Act 2014, has removed the requirements in section 28(4) and section 28(5) of the Education Act 2002 for maintained schools in England. Under section 28(4) a school was obliged to consult its authority and under section 28(5) a school must have regard to advice or guidance from the Secretary of State or their local authority when offering this type of provision.

Under section 28(1), the main limitations and restrictions on the power will be those contained in the maintaining authority's scheme for financing schools made under section 48 of the School Standards and Framework Act 1998 as amended by paragraph 2 of Schedule 3 to the Education Act 2002.

This amendment extended the coverage of schemes to include the exercise of the powers of governing bodies to provide community facilities.

Schools are therefore subject to prohibitions, restrictions and limitations in the scheme for financing schools. This part of the scheme does not extend to joint-use agreements, transfer of control agreements, or agreements between the authority and schools to secure the provision of adult and community learning.

# Appendix 1 Schools List

## NURSERY SCHOOL

**Surbiton Children's Centre Nursery**, Alpha Road, Surbiton, KT5 8RS

## PRIMARY SCHOOLS

### Community Schools

**Alexandra School**, Alexandra Road, Kingston upon Thames, KT2 6SE

**Burlington Infant School**, Burlington Road, New Malden, KT3 4L

**Burlington Junior School**, Burlington Road, New Malden, KT3 4LT

**Coombe Hill Infant School**, Coombe Lane West, Kingston upon Thames, KT2 7DD

**Coombe Hill Junior School**, Coombe Lane West, Kingston upon Thames, KT2 7DD

**Ellingham Primary School**, Ellingham Road, Chessington, KT. 2JA

**Grand Avenue Primary School**, Grand Avenue, Tolworth,

**King Athelstan Primary School**, Villiers Road, Kingston upon Thames, KT1 3AR

**King's Oak Primary School**, Dickerage Lane, New Malden, KT3 3RZ

**Lovelace Primary School**, Mansfield Road, Chessington, KT9 2RN

**Malden Manor Primary School**, Lawrence Avenue, New Malden, KT3 5NB

**Maple Infants School**, Maple Road, Surbiton, KT6 4AL

**Tolworth Infant School**, School Lane, Tolworth, KT6 7SA

**Tolworth Junior School**, Douglas Road, Tolworth, KT6 7SA

### Voluntary Aided Schools

**Christ Church New Malden C of E Primary School**, Lime Grove, New Malden, KT3 3TW

**Christ Church C of E Primary School**, Pine Gardens, Surbiton, KT5 8LJ

**Corpus Christi RC Primary School**, Chestnut Grove, New Malden, KT3 3JU

**Malden Parochial Primary School**, The Manor Drive, Worcester Park, KT4 7LW

**Our Lady Immaculate RC Primary School**, 399 Ewell Road, Tolworth, KT6 7DG

**St. Andrew's & St. Mark's C of E Junior School**, Maple Road, Surbiton, KT6 4AL

**St. John's C of E Primary School**, Portland Road, Kingston upon Thames, KT1 2SG

**St. Joseph's RC Primary School**, The Fairfield, Kingston upon Thames, KT1 2UP

**St. Mary's C of E Primary School**, Church Lane, Chessington, KT9 2DH

**St. Matthew's C of E Primary School**, Langley Road, Surbiton, KT6 6LW

**St. Paul's C of E Primary School**, Orchard Road, Chessington, KT9 1AJ

**St. Paul's C of E Primary School, Kingston Hill**, Princes Road, Kingston upon Thames, KT2 6AZ

Foundation School

**St. Luke's C of E Primary School**, Elm Road, Kingston upon Thames, KT2 6HS

**Lime Tree Primary School**, South Bank Terrace, Surbiton, KT6 6DG

# **Approved Banking Institutions**

Approved Institutions for School Bank Accounts

(This list is based on the Authority's Treasury Management Policy)

The Authority will maintain a list of bank or building societies at which accounts may be held for the purpose of receiving budget share payments.

The current approved list is found below:

**BARCLAYS BANK**

**HSBC BANK**

**LLOYDS BANKING GROUP**

**Bank of Scotland**

**Lloyds TSB Bank**

**NATIONWIDE BUILDING SOCIETY**

**ROYAL BANK OF SCOTLAND GROUP**

**National Westminster Bank**

**Royal Bank of Scotland**

**SANTANDER UK plc**

For other banks and/or building societies contact the Authority's Treasury Management Officer.

# School Borrowing

## Introduction

The School Standards and Framework Act 1998 allow schools to borrow if they have the permission of the Secretary of State.

## Definition

Maintained school governing bodies may borrow money only with the written permission of the Secretary of State. This does not apply to Trustees and Foundations, whose borrowing, as private bodies, makes no impact on Government accounts, but any such debts may not be serviced directly from schools' delegated budget shares. However, schools are free to agree a charge for any service which the Trustees or Foundation may provide as a consequence of their own borrowing.

Credit cards count as borrowing and cannot be used for budget share expenditure by any school irrespective of whether the school uses its own or RBK bank account. However schools can use debit and credit cards in conjunction with voluntary accounts. Cheque Book schools can have debit cards provided that it is linked to the approved bank used by the school. There is no facility for General Ledger schools to use debit or procurement cards for budget share expenditure.

## Appendix **4 Insurance**

Please note that this is not a statement of cover provided under the Authority's policy.

### **1. MINIMUM INSURANCE COVER REQUIREMENTS: COMMUNITY AND FOUNDATION SCHOOLS**

Community and Foundations schools taking out their own insurance must secure, as a minimum, insurance coverage that is at least as good as those stated here.

These requirements do not include the optional computer extension, or motor insurance, which are currently provided for under the Council's current policy. Cover may be conveniently divided under the following headings:

#### **1.1 Fire, Lightening, Explosion, Aircraft, Riot and Civil Commotion, Storm, Flood, Malicious Damage, Earthquake, Escape of Water, Impact**

This covers Loss or Damage to the school building, fixtures, fittings and all other contents belonging to the school. This excludes the first £500 of any loss.

#### **1.2 Additional Expenditure**

This covers any additional expenditure incurred in avoiding or diminishing the interruption of, or interference with, the operation of the school, as a direct result of any of the insured perils, as listed above.

#### **1.3 Theft**

This covers the theft of school property, excluding the first £500 of any loss. The definition of theft includes forcible or violent entry to, or exit from, the school building.

#### **1.4 Employers Liability**

The Limit of Indemnity is £50,000,000. This indemnifies the Council, all staff, Governors and authorised volunteers in respect of their legal liability for accidental bodily injury to any person, or damage to property not belonging to the insured, that arises in the course of their official or voluntary duties.

#### **1.5 Public Liability**

The Limit of Indemnity is £50,000,000. This indemnifies the Council in respect of all sums which they may be legally liable to pay as damages, claimant's costs, and expenses for accidental injury to any person (other than a member of staff, Governor, or authorised volunteer), or accidental damage to property not belonging to the Insured.

#### **1.6 Officials Indemnity**

The Limit of Indemnity is £5,000,000. This indemnifies the Governors and all staff in respect of their legal liabilities for Financial Loss arising as a result of a negligent act, accidental error, or omission in the course of their official duties.

#### **1.7 Fidelity Guarantee**

The Limit of Indemnity is £5,000,000. This indemnifies the Governors and all staff in respect of money or other property belonging to the Council or school occurring as a direct result of any act of fraud or dishonesty committed by any member of staff or Governor. The first £500 of any loss is excluded.

### **1.8 Libel and Slander**

The Limit of Indemnity is £5,000,000. This indemnifies all staff and Governors in respect of all sums that they may become legally liable to pay as damages for libels (written) or slanders (spoken) arising out of, and in the course of, the discharge of their official duties.

Governors are required to bear 10 percent of all sums payable on their behalf. Losses arising from malicious falsehood or injurious falsehood are not covered.

### **1.9 Money**

Loss of money is covered, subject to suitable security arrangements being undertaken. The first £250 of any loss is excluded.

The limits for loss of money include the following, which is not an exhaustive list.

- a) From an approved locked safe – up to the individual limit as advised by the insurers
- b) From any other locked safe - £500
- c) From any other locked receptacle - £500
- d) In the custody of an employee in transit, or under the actual supervision of employees at the school - £7,500

### **1.10 Engineering**

- a) All schools that have pressure plant or lifting equipment must ensure that they comply with the Statutory Inspections.
- b) Engineering Insurance covers damage to boilers and other plant. The first £500 of any loss is excluded.

## **2. MINIMUM INSURANCE COVER REQUIREMENTS: VOLUNTARY AIDED SCHOOLS**

Voluntary Aided (VA) schools taking out their own insurance must secure, as a minimum, insurance coverage that is at least as good as those stated here. These requirements do not include the optional computer extension, or motor insurance, which are currently provided for under the Council's current policy. Cover may be conveniently divided under the following headings:

### **2.1 Fire, Lightening, Explosion, Aircraft, Riot and Civil Commotion, Storm, Flood, Malicious Damage, Earthquake, Escape of Water, Impact**

This covers Loss or Damage to the school building, fixtures, fittings and all other contents belonging to the school. This excludes the first £500 of any loss.

#### **2.1 Additional Expenditure**

This covers any additional expenditure incurred in avoiding or diminishing the interruption of, or interference with, the operation of the school, as a direct result of any of the insured perils, as listed above.

#### **2.2 Theft**

This covers the theft of school property, excluding the first £500 of any loss. The definition of theft includes forcible or violent entry to, or exit from, the school building.

#### **2.3 Employers Liability**

The Limit of Indemnity is £50,000,000. This indemnifies the Council, all staff, Governors and authorised volunteers in respect of their legal liability for accidental bodily injury to any person, or damage to property not belonging to the insured, that arises in the course of their official or voluntary duties.

#### **2.4 Public Liability**

The Limit of Indemnity is £50,000,000. This indemnifies the Council in respect of all sums which they may be legally liable to pay as damages, claimant's costs, and expenses for accidental injury to any person (other than a member of staff, Governor, or authorised volunteer), or accidental damage to property not belonging to the Insured.

#### **2.5 Officials Indemnity**

The Limit of Indemnity is £5,000,000. This indemnifies the Governors and all staff in respect of their legal liabilities for Financial Loss arising as a result of a negligent act, accidental error, or omission in the course of their official duties.

#### **2.6 Fidelity Guarantee**

The Limit of Indemnity is £5,000,000. This indemnifies the Governors and all staff in respect of money or other property belonging to the Council or school occurring as a direct result of any act of fraud or dishonesty committed by any member of staff or Governor. The first £500 of any loss is excluded.

#### **2.7 Libel and Slander**

The Limit of Indemnity is £5,000,000. This indemnifies all staff and Governors in respect of all sums that they may become legally liable to pay as damages for libels (written) or slanders (spoken) arising out of, and in the course of, the discharge of their official duties.

#### **2.8 Money**

Loss of money is covered, subject to suitable security arrangements being undertaken. The first £250 of any loss is excluded.

The limits for loss of money include the following, which is not an exhaustive list.

- a) From an approved locked safe – up to the individual limit as advised by the insurers
- b) From any other locked safe - £500
- c) From any other locked receptacle - £500
- d) In the custody of an employee in transit, or under the actual supervision of employees at the school - £7,500

#### **2.10 Engineering**

- a) All schools that have pressure plant or lifting equipment must ensure that they comply with the Statutory Inspections.

Engineering Insurance covers sudden and unforeseen damage or breakdown to boilers and other plant. The first £500 of any loss is excluded.



# Budget monitoring and Submission Schedule

In order that the designated officer can fulfil their obligations under Section 151 of the Local Government Act 1972 to “make arrangements for the proper administration of their financial affairs” schools must provide the designated officer with a copy of their budget monitoring report submitted to their Governing Body on at least a termly basis.

The Authority will aim to provide to schools by the 28 February of the previous financial year indicative financial information on which schools can base their draft budgets and final/confirmed financial information by 31 March of the previous financial year.

Each school must submit, by the 31 March of the previous financial year, a provisional school three year budget plan to the Director of Children’s Services. The budget plan must be approved by either the Governing Body or finance committee and signed by both the Headteacher and the Chair of Governors or Chair of the finance committee. The provisional school budget plan will be used to calculate schools April cash advances where appropriate.

Each school must submit as early as possible and no later than by the 1 May of the relevant financial year a Standard three year School Budget Plan to the Director of Finance and Resources. The budget plan must be approved at a full Governing Body meeting, minuted as such, and signed by both the Headteacher and the Chair of Governors.

If a school considers they are likely to have to set a deficit budget they must notify the Director of Children’s Services by 1 May. This will allow ongoing discussion between the school and the Authority in order to agree a recovery plan.

For the Authority to manage its responsibilities to “make arrangements for the proper administration of their financial affairs” (Section 151 of the Local Government Act 1972), a school may be required to provide further information to support their Standard School Budget Plan.

# Supplementary Information

If the expected capital expenditure from the budget share in any one year exceeds £20,000, the governing body must notify the Authority and take into account any advice from the Director of Children's Services as to the merits of the proposed expenditure.

The Authority requires any capital spending from budget shares to be notified to the Director of Children's Services. Where the premises are owned by the Authority, the governing body must first seek the consent of the Authority to the proposed works, but such consent can be withheld only on health and safety grounds.

## **Schools Budget Share Carry forward Balance recommended percentages:**

Primary            16% of delegated budget

Secondary        10% of delegated budget

Special schools and alternative provision: 30% of delegated budget

N.b. The base used to calculate the permissible level of contingency fund is the new year's delegated budget, e.g. the total revenue carry forward balance as at 31<sup>st</sup> March 2020 will be compared to 10%, 16% or 30% of the 2020/21 delegated budget, made up of the issued Delegated Schools Block, Delegated Early Years Block, and Delegated High Needs Place Funding - Including EY SRPP as notified to schools as their budget allocations.

## **Schools Deficit Process**

Schools should insure that they contact the AfC Schools Finance Team as early as possible where they believe they may potential need to set a deficit budget.

The schools finance team will notify the appropriate local authority groups and act as liaison between the school and the local authority.

AfC will work with the school to support the production of projected income and expenditure and cash flow forecasts for the short, medium and long term.

The School will be required to submit a formal detailed deficit recovery plan. AfC will provide advice/assurance to the authority on the sustainability of the proposed recovery plan.

A formal sign off of all arrangements will be required by the Assistant Director - Commissioning Corporate Policy and Strategy and the Director of Finance and Corporate Services.

### Deficit arrangements

Deficit arrangements may only be permitted where budgets cannot be balanced in year without extreme significant damage to the curriculum.

The maximum period over which schools must balance their budget is normally three years.

Where a School has to set a deficit budget or AfC is alerted to an in-year deficit which requires intervention:

- AfC Schools Team will provide advice and guidance in putting together a Deficit Recovery Plan for submission to the Council.
- AfC advises the Council on the feasibility of a Deficit Recovery Plan, timescales and any alternative options with associated costs where possible.
- AfC will agree appropriate school improvement services with the school and Council.
- AfC will provide agreed milestone updates on progress against the plan

### **Licensed Deficit Scheme**

- In considering whether to approve a licensed deficit and associated cash flow support the DCS will consider the competence and commitment of the school leadership to recover the position, the viability of the plan presented by the school and the reasonableness of the request;
- The school must be able to explain why the deficit has occurred and what action will be taken to recover the position in the shortest practicable timescale;
- A general a licensed deficit would be agreed for a period of no-more than three years, but a school would be expected to resolve the deficit as soon as possible;
- The school must be able to show a plan to resolve the deficit within a three year period. A longer repayment period for the Dedicated Schools Grant funding advanced may be agreed in exceptional circumstances;
- The school would be advanced amounts of their future delegated grant funding to support cash flow and the amount would be deducted from futures year's allocations once the school has reached a sustainable financial footing or if it wishes to convert from maintained school status (For the avoidance of confusion, any school within the licensed deficit scheme converting to academy status, would carry the liability of repaying any advance back to the authority within the timescales agreed at the time the licensed deficit was approved);
- The Deficit Recovery Plan should include a cash flow analysis clearly detailing the repayment period;
- The total advance would be capped as a percentage of the schools projected school budget share and subject to annual review. The percentage will be set by the Director of Children's services or their representatives when the licensed deficit is agreed;
- The school and governors would be subject to additional reporting requirements which would include termly meetings with a council designated deficit support team to look at progress made, including performance indicators. If insufficient progress is made the licensed deficit may be removed and the Council may impose further controls;
- The school would be subject to restrictions on expenditure until it has reached a financially sustainable position and repaid amounts advanced. This would include expenditure on capital works and the school would need to seek permission to commit to revenue or capital spend over and above the minimum needed to run the school.

# Appendix 7 Document Retention

The information supplied within this appendix is a guide under audit requirement. Where it is unclear how long a document should be retained the default length should be six years after the current year.

<b>Payment of Creditors</b>	<b>6 Years</b>	<b>2 Years</b>
Paid Accounts – Invoices (VAT invoices to be kept by the School)	yes	
Petty Cash vouchers (VAT vouchers to be kept by the School)	yes	
Official Copy Orders		yes
Delivery Notes and Goods Received Notes (where provided)		yes
Paid cheques (i.e. presented cheques where returned to the School by bank) filed with their counterfoils		yes
Signed cheque listings		yes
<b>Bank Account Records</b>		
Bank Statements	yes	
Evidence of Bank Reconciliation's		yes
Cheque Advice Slips/Cancelled or Spoilt cheques		yes
Bank Paying-in Books	yes	
Deposit Books		yes
Direct Debit Notification Slips		yes *
Completed Copy Receipts and Authorisations		yes
<b>Other Financial Records</b>		
Invoices raised by the School	yes	
Cheque Control Sheets		yes
Computerised Accounting Detailed Reports	yes	
Contracts	yes **	

## **Pupil Records**

All pupil records should be kept at least until pupils reach 22 years of age. This is on the basis that there is, legally, an allowance of 3 years in which to bring claims. If not brought by a parent or guardian, the pupil can bring a claim themselves, but only after they reach the age of 18.

The main exceptions to this rule are SEN records, records for those pupils with an exclusion or truancy history, incidences of bullying and safety incident reports which should all be kept indefinitely.

## **Notes**

\* the last direct debit payment is made, but with the date of cancellations clearly marked on the notification slip.

\*\* In the case of contracts by means of a deed, records should be kept for 12 years.

## Responsibility for Revenue and Capital Maintenance & Improvement

### LA continuing responsibility

Following delegation of the revenue budget for R&M, the property maintenance role of the LA has diminished. In future, the Authority will focus principally on major capital works and strategic asset management. In exercising its “landlord” and employer function at Community schools, and in respect of its liabilities at other schools, the Authority will monitor the upkeep of premises by governing bodies in order to satisfy itself that standards are maintained and regulatory functions are undertaken.

### Governors' responsibilities for premises

The effect of the general delegation of this budget is that from April 1999 all schools have the main responsibility for the upkeep and maintenance of premises. Headteachers and Governing Bodies are required to maintain their premises to a reasonable and acceptable standard with due attention to Health and Safety and regulatory requirements. Schools are expected to address all structural R&M (responsive and planned), and execute routine contractual and servicing works necessary to ensure the safe and proper operation of plant and systems.

The responsibilities of schools includes the following:

All responsive repairs, maintenance and renewals All planned repairs, maintenance and renewals  
 Fire and Security Service contracts (alarms, extinguishers etc.) Heating and ventilation service contracts  
 Maintenance and inspection of hot water cylinders Maintenance of energy controls  
 Safety treatment to water services Testing and inspection of stage lighting  
 Periodic testing and inspection of mains electrical services and systems Periodic testing of emergency lighting systems  
 Periodic testing of lightning conductors Periodic testing of portable electrical equipment Lift maintenance  
 service contracts  
 Maintaining asbestos records  
 Establishing/maintaining envirosafe record systems (water services) Safety glazing upgrade works  
 All tree works

This list is not intended to be exhaustive but covers the main areas of responsibility.

The Authority will establish a definition of the division between Revenue and Capital expenditure in line with the CIPFA Code of Practice.

The Authority will consider Capital Bids except where those bids are below stated financial limits. The current figures are £20,000 for Primary and Special Schools and £30,000 for Secondary Schools. These amounts may be altered in subsequent years.

All individual works up to the value of these figures are the total responsibility of the school. Schools are able to refer individual works in excess of the threshold limits to the Authority as a Capital Bid.

In addition, some works without financial limit will be the responsibility of schools, e.g. internal and external decoration, all glazing repairs, swimming pools, and all floor finishes. Further information will be made available to schools on this division of liability.

The Authority recognises that some schools might not wish to take on direct premises management and might elect to enter into a 'pooling' arrangement in collaboration with other schools (see 'Pooled Schemes' below). This would not, however, form any part of the delegation scheme and it must be stressed that each governing body retains separate responsibility for ensuring adequate premises maintenance and repair of its premises from its delegated budget share.

#### Arrangements for managing delegated R&M funding

The general delegation of the structural R&M revenue budget involves a substantial shift of responsibility for the upkeep of schools to Headteachers and Governors. It necessitates schools needing, in many cases as direct clients for the first time, to seek professional advice and guidance in order to discharge their duties and responsibilities.

All schools should give consideration to their local arrangements and obtain advice about ongoing professional technical support. Where appropriate, schools are advised to engage consultants to advise on and possibly to manage all or part of their building maintenance expenditure.

#### 'Pooled' Schemes

Where governing bodies elect to collaborate with others in a 'pooling' arrangement for the management of their structural R&M budget, the Authority advises that agreed mechanisms should be established at the outset for the management of such a scheme and for any pre-planned (programmed) works.

The pooling could be based on set contributions from each participating school for responsive maintenance and ongoing service contracts, but separate commissions from individual schools might also need to be initiated (outside of the pooling arrangement) for some pre-planned work.

Schools choosing to enter into a pooling arrangement would probably find it necessary to establish a Steering Group or Management Committee to work in conjunction with the Authority's consultants, or other contractor in order to oversee the general operation of the pool, give directions about practices and procedures to be adopted and agree payment and monitoring arrangements. Authority officer involvement would probably need to be agreed also, as 'arbiter' or 'honest broker' to the scheme.