



Department  
for Education

# **Attaching conditions to the Local Authority School Improvement Monitoring and Brokering Grant**

**Government consultation**

**Launch date: 28 April 2021**

**Respond by: 26 May 2021**

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## Introduction

The purpose of this consultation is to seek views on the impacts to Local Authorities (LAs), schools and pupils of our intention, subject to the outcome of this consultation, to attach conditions to the payment of the Local Authority School Improvement Monitoring and Brokering grant, reflecting the urgent national priority of ensuring the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education.

## Who this is for

- LAs
- Schools and colleges
- Any other interested organisations and individuals

## Issue date

The consultation was issued on 28 April 2021.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team at:

- [SIMBgrant.consultation@education.gov.uk](mailto:SIMBgrant.consultation@education.gov.uk)

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

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in June 2021.

## About this consultation

In light of the unprecedented challenges posed by the Covid-19 pandemic on schools and pupils, and the national priority of ensuring that pupils are supported to overcome any adverse impacts of the pandemic on their education, we are intending to attach conditions to the Local Authority School Improvement Monitoring and Brokering grant (**‘the grant’**) in order to ensure that it is contributing, all across England, to the delivery of urgent school improvement priorities.

The purpose of this consultation is to seek views on the impacts of our intention to **attach conditions** to the payment of the grant, with the aim of ensuring that the grant is ring-fenced so that it can only be spent on LAs’ School Improvement (SI) functions and that, as part of delivering their SI functions, LAs in receipt of the grant are taking active steps to support the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education.

The proposals in this consultation relate to England only. Policy is devolved in Scotland, Wales and Northern Ireland.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

**By email - [SIMBgrant.consultation@education.gov.uk](mailto:SIMBgrant.consultation@education.gov.uk)**

### By post

SIMB grant consultation  
Department for Education  
Agora Building  
3 Cumberland Place  
Nottingham  
NG1 6HU

## Deadline

The consultation closes on 26 May 2021.

## Background: LA school improvement functions and the School Improvement Monitoring & Brokering grant

Part 4 of the [Education and Inspections Act 2006](#) provides LAs with a range of powers to first warn, and then intervene in, maintained schools where they have significant concerns (e.g. relating to performance, governance or pupil safety), for example by appointing an interim executive board or requiring the school to collaborate with another school.

Further to this, the [Schools Causing Concern \(SCC\) guidance](#) states that LAs should act as champions of high standards of education across their schools, and in doing so should:

- Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;
- Work closely with the relevant Regional Schools Commissioner (RSC), dioceses and other local partners to ensure schools receive the support they need to improve;
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards; and
- Encourage good and outstanding maintained schools to take responsibility for their own improvement; support other schools; and enable other schools to access the support they need to improve.

For clarity and consistency, in this consultation we refer to LAs' combined statutory SI functions under Part 4 of the Education and Inspections Act 2006 and their additional SI expectations in the SCC guidance set out above as "**SI functions**".

Since 2017, the Local Authority School Improvement Monitoring and Brokering grant (**'the grant'**) has been allocated to LAs to support them in fulfilling their SI functions. The grant is currently non-ringfenced (meaning it does not need to be spent on the SI functions for which it is provided).

Given the urgent challenges posed by Covid-19 on schools, and its impact on LAs' SI priorities, it is important that LAs use the grant solely for the purpose of delivering their SI functions as outlined above, and for which the grant is paid, and in doing so take active steps to support the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education.

## Proposal: Attaching conditions to the grant

The Covid-19 pandemic has brought unprecedented challenges for schools. At various points, national lockdowns have required our educational settings to adapt swiftly to deliver remote learning for the majority of their pupils, whilst restricting attendance to vulnerable children and the children of critical workers. From 8 March 2021, attendance of all pupils at school has been mandatory, with schools welcoming the return of all pupils to the classroom and beginning the task of addressing any adverse impacts brought about by the pandemic on their education, recognising that some children will have been more significantly impacted by the disruption to their schooling than others. As part of delivering their SI functions, LAs have a crucial role to play in supporting schools through this period, recognising some schools will find this more challenging than others.

We are clear that the successful return of all pupils to school is a national priority. This not only means ensuring that all children return to the classroom, but that they are supported in this transition and any adverse impacts of the pandemic on their education are addressed. Some schools will find this more challenging than others and, as such, this will continue to remain the most pressing SI priority for LAs, and it is where we believe the focus of the activities funded by the grant must now be. In delivering the functions supported by the grant, understanding how their maintained schools are performing, and ensuring these schools receive the support and intervention that they need, LAs are expected to support schools on this path, by taking active steps to support the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education.

It is imperative, therefore, that our resources are targeted as effectively as possible towards this national effort, so that those schools and pupils who require the most support are able to receive it. This means ensuring that the resources provided through the grant are used exclusively for SI purposes and are supporting the Covid-19 recovery effort.

Government has a long-standing commitment to provide funding to LAs on a non-ringfenced basis and remains committed to that principle. However, in view of these exceptional circumstances, we therefore intend, subject to the outcome of this consultation, to **ring-fence** the grant by attaching conditions, with the first being that it can be used only to fund their SI functions, for which the grant is intended. The second would be that, in doing so, LAs take active steps to support the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education. The third would be to enable the Secretary of State to enforce these conditions in the event of non-compliance with these conditions, including, as a last resort, the right to claw back grant or withhold future funding, where it is deemed appropriate on a case-by-case basis.

## How we propose to implement these changes

### Applying the grant conditions

The objective of introducing conditions will be to: (i) ensure the grant is used by LAs for the sole purpose of carrying out their SI functions, as set out above, for which the grant is provided; (ii) place a clear obligation on LAs, that as part of delivering these functions, they take active steps to support the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education; and (iii) enable the Secretary of State to enforce those conditions in the event of non-compliance including, as a last resort, the right to claw back grant or withhold future funding, where it is deemed appropriate on a case-by-case basis.

Our purpose in introducing these conditions is not to change the purpose of the grant. Instead, the purpose of attaching conditions would be to ensure that LAs spend the grant on those SI functions. Taking active steps to supporting the successful and sustained return of all pupils to schools and in addressing any adverse impacts of the pandemic on their education supports these SI functions, given this is likely to be the overriding SI challenge for schools at this time.

Furthermore, we do not intend to introduce new reporting requirements for LAs beyond routine certification of the use of funds (against the conditions) in each LA's annual Chief Financial Officer's return, in line with the existing annual assurance process for other such grants. To supplement this, our routine engagement with LAs as carried out by Regional Schools Commissioners' offices, alongside any relevant published material, will also support the Department's understanding of how the objectives of the grant, and the conditions imposed, are being met. As such, we consider that the imposition of conditions on the grant will not create a 'new burden' for LAs.

Finally, we have considered whether placing these conditions on the grant is likely to have any impact on persons who share any of the particular protected characteristics as defined under the Equality Act 2010. Our preliminary analysis suggests that there is little evidence that introducing these conditions of grant would have any disproportionate negative impacts on persons who share a particular protected characteristic compared to others. There could potentially be some negative impacts if this leads to reallocation of resources away from other sources of support to groups who share a particular protected characteristic, such as SEND. However, there may potentially be some positive impacts for disadvantaged pupils (who are disproportionately from ethnic minority backgrounds) if the introduction of conditions leads LAs to reallocate more resources to SI activity, as evidence suggests the education of these pupils has been disproportionately impacted during the pandemic. At this stage, we think any impact is likely to be limited and justifiable in view of our overall objective to ensure grant expenditure is directed exclusively towards SI functions, and in ensuring that LAs in receipt of the grant are taking active steps to support the successful and sustained

return of all pupils to school, and in addressing any adverse impacts of the pandemic on their education.

## Timing

The grant has previously been allocated in two tranches per financial year – in April and October. In FY 2021-22, we will be paying this first tranche in two instalments. The first instalment will be paid by the end of April 2021, and will be distributed to LAs as now, on a **non-ringfenced** basis and **without conditions**. While LAs will remain able to spend this instalment as they wish, the Secretary of State has made clear his expectation that, as part of LAs’ SI functions supported by this grant, these funds should be used to support the successful return of pupils to school and the needs of those children who require the most help in recovering from the impact of the pandemic. The second instalment, to be paid by the end of July 2021 at the latest, would, subject to the outcome of this consultation, be paid on a **ring-fenced** basis, **with the conditions of payment attached** (to come into effect from the date of the second payment). An updated grant determination will be issued, with conditions as above.

From October 2021, we intend to reduce the amount of the grant paid to LAs to reflect the reduction in the number of maintained schools since the grant was introduced in 2017. Funding will therefore revert to being based on per school funding levels in 2017 when the grant was established.

A proposed timeline for introducing these changes is provided in Table 1 below.

**Table 1: Proposed timeline for implementation**

Date	Proposal
April 2021	Grant instalment paid on a non-ringfenced basis, <b>without conditions</b> .
July 2021	Grant instalment paid on a ringfenced basis, <b>with conditions</b> of payment attached.
October 2021	Grant paid on a ringfenced basis, <b>with conditions</b> of payment attached (covering the period to March 2022) and based on 2017 per school funding levels.

We will keep the performance of the grant and its future beyond March 2022 under continual review.



## Questions

**Question 1:** We intend to attach a condition to the payment of the grant that the grant must be used exclusively to support LAs' SI functions for which the grant is paid.

What would be the impact of making this change for LAs, in particular for schools and pupils, and on LAs' ability to deliver their SI functions? Please provide evidence where possible.

**Question 2:** We intend to attach a condition to the payment of the grant that, in fulfilling their existing SI functions, LAs in receipt of the grant must take active steps to support the successful and sustained return of all pupils to school and in addressing any adverse impacts of the pandemic on their education.

What would be the impact of making this change for LAs, schools and pupils, in particular on LAs' ability to deliver their SI functions? Please provide evidence where possible.

**Question 3:** We intend to attach a condition to the payment of the grant enabling the Secretary of State to take action to enforce the conditions referred to in questions 1 and 2 in the event of non-compliance, including as a last resort, the right to claw back grant or withhold future funding where appropriate on a case-by-case basis.

What would be the impact of making this change for LAs, schools and pupils, in particular on LAs' ability to deliver their SI functions, and how can we help to mitigate any negative impacts? Please provide evidence where possible.

**Question 4:** In exercising their functions, the Public Sector Equality Duty (PSED) in section 149 of the Equality Act 2010, requires Ministers to have due regard to the need to eliminate discrimination, victimisation, harassment and other conduct prohibited by or under the Equality Act 2010, and to the need to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age.

Please let us know, providing evidence where possible, if you believe any of the proposals set out in this consultation will have the potential to have a positive or negative impact on particular groups, in particular those who share protected characteristics, compared to others.



Department  
for Education

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