



## Schools Forum

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Paper

# B

Public

## School Revenue Funding 2017 to 2018

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### Summary

Schools Forum received a report on 24 November 2016 on changes to the Education Services Grant (ESG) funding, as first highlighted in the Government's 2015 Spending Review announcement on their intention to achieve a saving of £600 million from the removal of ESG general rate funding to local authorities and academies by 2019-2020.

A Task & Finish Group was established to consider the detail in the Government announcements on school revenue funding for 2017 to 2018. The group would seek to determine the amount of Dedicated Schools Grant (DSG) to be retained centrally in 2017-18 for the statutory duties required to provide continued support to maintained schools, previously funded through general duties ESG. The Task & Finish Group met on 6 December 2016 and 10 January 2017.

While originally proposed that the Task & Finish Group would have delegated authority to make the decisions on central retention, it was agreed following further discussion that the proposals should be brought to this meeting of the full Schools Forum given the significance of these proposals and their impact on schools, in particular maintained schools.

This report therefore presents a number of proposals on the retention of DSG in 2017-18 to fund the statutory duties for which formal Schools Forum approval is required.

### Recommendations

Schools Forum consider and agree to the recommendations presented in this report re the central retention of DSG in 2017-18, to provide continued support to maintained schools resulting from the removal of the general duties ESG funding from the local authority from September 2017.

## REPORT

### Background

1. Schools Forum considered a report on the Government's planned changes to the ESG in 2017-18 at their meeting on 24 November 2016, in particular the removal of the general duties ESG from local authorities from September 2017. The report was produced prior to a number of anticipated Government announcements in December 2016, including:
  - details on the statutory responsibilities coming under the retained and general duties elements of the ESG
  - guidance on securing Schools Forum approval to retain DSG for support services previously funded through general duties ESG
  - the transitional protection arrangements - April to August 2017 - for the general duties ESG
  - information on the new school improvement monitoring and brokerage grant for local authorities.
2. The Schools Forum Task & Finish Group were given delegated authority at the meeting to work through the detail of the planned changes - once received - and to make the key decisions on the central retention of funding to continue to provide essential education support services for maintained schools previously funded through general duties ESG. The deadline for submission of the Authority Proforma Tool (APT) on 20 January 2017, which sets the Shropshire funding formula for 2017-18, was the key reason for delegating authority.
3. The first meeting of the Task & Finish Group took place on 6 December 2016 (notes from the meeting are attached at Appendix 1). The group were able to consider the initial information received from the Government and form a general view, but in the absence of the required detail, they set another meeting date in the New Year. The group met again on 10 January 2017 to consider the detailed information received by officers on 20 and 22 December 2016, in the week after the end of the autumn term. The notes of the second meeting of the Task & Finish Group are attached at Appendix 2.
4. The lateness of the Government announcements, together with the submission date of 20 January 2017 of the APT, has allowed little time for local authority officers and members of the Task & Finish Group to undertake the detailed work necessary to properly assess the impact of the planned changes. Equally this has allowed no time at all to consult with the wider school community – particularly maintained schools – who will be directly affected by the proposals being presented in this report.
5. The Task & Finish Group, at their second meeting on 10 January 2017, agreed that the proposals put forward by officers should be brought forward to Schools Forum for fuller consideration and that the decisions on the central retention of DSG would be taken by Forum at this meeting. Given the significance and importance of these decisions, a briefing session for headteachers and chairs of governors (or finance) for all Shropshire schools and academies, has been arranged for Wednesday 8 February 2017 at the Lord Hill Hotel in Shrewsbury. Invitation letters have been sent out.

6. Officers have sought to provide, in the short time available, as much information as possible to help inform the decisions Forum is being asked to take. However, further work will be required on the costing and operational details as the way in which the Government's guidance presents the individual component parts of the statutory duties does not correspond with the way in which the local authority organises its service teams and budgets.
7. Schools Forum are being asked to make decisions on the best information available at this time, but to also consider the impact on maintained schools, noting that the changes in the funding of support services will impact from September 2017, part way through the financial year. Forum is asked to consider the financial year 2017-18 as a transitional year, to take into account the merits in securing continuity of provision of support services for maintained schools, and to note that further work on a service-by-service basis will be undertaken with the wider school community to determine the best way forward for Shropshire schools.

### **School Revenue Funding Settlement 2017 to 2018**

8. The announcements from Government on the school revenue funding settlement for 2017 to 2018 were released on 20 and 22 December 2016. These announcements provided the awaited detail to the earlier announcement on 30 November 2016, which included operational guidance on school revenue funding, including a section on centrally retained budgets. An extract from the guidance is attached at Appendix 3, which is helpful background to the decisions Forum is being asked to make.
9. The guidance recognises *'that local authorities will need to use other sources of funding to pay for education funding once the general funding rate has been removed'* and that regulations will be amended *'to allow local authorities to retain some of their schools block funding to cover the statutory duties they carry out for maintained schools which were previously funded through the ESG'*. Any sums retained *'will need to be agreed by the relevant maintained school members of the Schools Forum'*.
10. The guidance references the introduction of a separate school improvement grant for local authorities to support *'their statutory intervention functions and services such as monitoring and commissioning school improvement support'*. Local authorities will *'play a transitional role, as the school-led system of school improvement continues to mature and capacity in the system increases'*. As school improvement is not included in the ESG funded duties, the local authority will only have the new grant to fund its statutory school improvement functions, but can secure agreement from Schools Forum *'to de-delegate further funding for additional school improvement provision'*. The provisional level of grant funding allocated to Shropshire Council would suggest that de-delegated funding will be required to maintain the current service.

11. The key data determining the level of the funding reductions in 2017-18 is:
- the transitional general duties ESG for the period April to August 2017 to be funded at £27.50 per pupil in maintained schools, £116.88 per pupil in special schools and £103.13 per pupil in PRUs
  - the new school improvement monitoring and brokering grant for the local authority, provisionally set at £1,884 per pupil from September 2017
  - the current 121 maintained schools, which will reduce to 113 in April 2017, taking into account the schools currently in the academy converter pipeline.

Any recovery of grant funding from Shropshire's remaining special school (Woodlands) and PRU (TMBSS) would have to come from the High Needs Block, through which each of these settings is funded.

12. The table below shows the funding received from the two elements of ESG in 2016-17:

<b>2016-17 Education Services Grant as at December 2016</b>	<b>£</b>
Retained duties ESG @ £15.00 per pupil in maintained schools and academies	570,000
General duties ESG @ £77.00 per pupil in maintained schools, £327.25 per pupil in special schools and £288.75 per pupil in PRUs	1,945,810
<b>Total Education Services Grant</b>	<b>2,515,810</b>

13. The next table shows the estimated position for 2017-18, based on the data summarised in paragraph 11 above:

<b>Estimated 2017-18 grant funding as at January 2017</b>	<b>£</b>
Retained duties ESG @ £15.00 per pupil in maintained schools and academies (to be transferred to Schools Block)	570,000
Transitional general duties ESG for period 1 April 2017 to 31 August 2017 @ £27.50 per pupil in maintained schools, £116.88 per pupil in special schools and £103.13 per pupil in PRUs – based on 113 maintained schools as at 1 April 2017	611,016
New school improvement monitoring and brokering grant @ £1,884 per maintained school – based on 113 maintained schools as at 1 April 2017	212,940
<b>Grant funding to support statutory duties in maintained schools</b>	<b>1,393,956</b>

It should be noted that this is the maximum funding that will be received in 2017-18. It does not take into account any new Academy Orders issued up to 1 September 2017. Each converting school will result in a loss of £27.50 per pupil in transitional general duties ESG and £1,884 per school in school improvement monitoring and brokering grant. For a converting school with 200 pupils, £7,384 will be lost in grant funding to underwrite statutory duties for the remaining maintained schools, while for a school with 1,000 pupils, £29,384 will be lost.

14. The net effect of the planned changes is a minimum loss of grant funding for supporting maintained schools of £1,121,854 in 2017-18.

15. The planned reduction in general duties ESG is being applied to academies, but a tapered protection will be applied to provide continued protection against significant budget reductions as a result of the changes to the ESG rate. The guidance received in December does not detail these arrangements.
16. A reduction in Shropshire Council's ESG funding allocation is nothing new. The general duties funding rate per mainstream pupil has reduced year on year from £116.46 in 2013-14 to £77.00 in 2016-17. Shropshire Council's general duties ESG allocation has reduced by £2.250 million from £4.196 million in 2013-14 to £1.946 million in 2016-17. Some £1.422 million of this cut is attributable to a reduction in the general duties funding rate per pupil with the balance attributed to reduced number of mainstream pupils as schools convert to academy status. Shropshire Council has absorbed the full impact of this £2.250 million funding reduction to date, so the further loss of £1.122 million in 2017/18 would increase the total loss of funding to £3.377 million.

### **Proposals for meeting the loss of grant funding to support maintained schools in 2017-18**

17. At the Task & Finish Group on 10 January a number of proposals were presented to address the net loss of £1.12 million in grant funding in 2017-18 to underwrite statutory support to maintained schools. This section details each of the proposals and the decisions required from Schools Forum.

#### **Retained Duties ESG**

18. The funding allocated through the retained duties ESG will be transferred into the Schools Block in 2017-18. Local authorities, with the agreement of Schools Forum, will be able to fund central services previously funded through this grant. As indicated earlier in this report, the local authority does not account for these services in the same way as the guidance has presented them. Based on some provisional work undertaken by officers in corporate finance, the indicative application of this grant funding is as follows:

<b>Duties</b>	<b>£</b>
Statutory and regulatory duties	320,650
Education welfare	83,920
Asset management	165,430
<b>Total</b>	<b>570,000</b>

19. The Task & Finish Group support the continued central retention of the retained duties ESG allocation of £570,000 in 2017-18.  
**Recommendation 1** - Maintained and academy school representatives agree to the central retention of the ESG retained duties allocation for Shropshire in 2017-18, currently estimated to be £570,000.

## Redundancy

20. One of the functions funded through the general duties ESG is for premature retirement and redundancy of staff in maintained schools. Shropshire does not fund premature retirement and so the funding required in the future would be for redundancies in maintained schools. There will be strict but clear measures in place to govern how this funding can be applied.
21. In recent years the costs of redundancy in maintained schools have been: £573.6k in 2014-15, £362.2k in 2015-16, and is currently £454.1k in 2016-17 to date.
22. The Task & Finish Group supported the principle of retaining a central fund for redundancy costs, at least for 2017-18. Without the security of this centrally retained fund, individual maintained schools would be liable for all redundancy costs from September 2017. This could present too great a risk and potential financial challenge to maintained schools in the short term. However, it was acknowledged that with full consultation with schools later in the year, and a better understanding of the costs involved, the fund could be removed from April 2018.
23. Officers presented the Task & Finish Group with a proposal to reprioritise funding from another part of centrally retained DSG to mitigate the impact on maintained school budgets of funding redundancies. This relates to a specific line in the block of funding entitled 'Central Provision Within Schools Budget', details of which are provided in the table below:

<b>Central Provision Within Schools Budget</b>		<b>£</b>
1.4.1	Contribution to combined budgets	852,110
1.4.2	Schools Admissions	211,460
1.4.3	Servicing of Schools Forum	10,000
1.4.4	Termination of employment costs	994,920
<b>1.4.6</b>	<b>Capital Expenditure from Revenue (CERA)</b>	<b>512,720</b>
1.4.7	Prudential borrowing costs	295,350
1.4.12	Exceptions agreed by Secretary of State (deficit)	168,141
1.4.13	Other items (Copyright Licensing Agency fee)	19,679
<b>Total</b>		<b>3,064,380</b>

24. The proposal presented was to reassign the CERA funding of £512,720 (highlighted in the table above), given that there is flexibility in how this can be applied. The reallocation of this funding to underwrite most of the redundancy fund for maintained schools was accepted as a priority for the use of this funding in 2017-18. However, this block of funding is used to support both maintained schools and academies. In order to release this funding, the £512,720 has to be transferred into the Individual Schools Budget (ISB), to go out to all schools - including academies - through the funding formula. The funding to maintained schools will then be 'top-sliced' and centrally retained for the redundancy fund. Academies will be able to retain the £14.69 per pupil received through this transfer in 2017-18.

25. This transfer will secure £330,000 for use in mitigating the impact from the loss of general duties ESG on maintained school budgets in 2017-18. It was proposed and agreed by the Schools Forum Task & Finish Group that this transfer should be undertaken and that £300,000 should be earmarked for the redundancy fund and £30,000 to support statutory finance functions previously funded from general duties ESG.

**Recommendation 2** – Maintained and academy school representatives agree to the CERA allocation of £512,720 in the Central Provision Within Schools Budget being transferred into the ISB in 2017-18.

**Recommendation 3** – Maintained school representatives agree to the ISB being top-sliced for maintained schools, with £300,000 allocated to a redundancy fund and £30,000 allocated to central finance support for maintained schools.

26. The Task & Finish Group debated the required size of the redundancy fund. Based on current costs of redundancies in maintained schools (see paragraph 21 above), funds of £400,000, £450,000 and £500,000 were considered. Any additional monies for the fund (over and above the £300,000 secured above) would have to be funded through a top-slice of maintained school budgets. A 'top-up' of £100,000 would cost £3.95 per pupil, £150,000 - £5.94 per pupil and £200,000 - £7.90 per pupil.

**Recommendation 4** - Maintained school representatives agree to a top-slice of maintained school budgets to 'top-up' the redundancy fund for maintained schools. The options presented are:

- (i) £100,000 at a cost of £3.95 per maintained school pupil
- (ii) £150,000 at a cost of £5.94 per maintained school pupil
- (iii) £200,000 at a cost of £7.90 per maintained school pupil.

### **Human Resources and Health & Safety**

27. There are a number of statutory and regulatory functions funded through the general duties ESG that fall in the area of human resources and occupational health and safety. These responsibilities primarily relate to the fact that the local authority is the employer of staff in maintained schools, with the exception of voluntary aided schools who directly employ their own staff. While maintained schools are able to secure advisory support through annual service level agreements, either through Inspire to Learn or another service provider, the functions currently funded from general duties ESG have always been embedded within the schools HR service level agreements.
28. At this point it is not possible to set out the specific human resources and occupational health and safety functions funded through ESG. However, set out below are key functions undertaken by the HR and Health and Safety teams which are covered under the statutory obligations and so either rely upon the ESG funding either in full or to supplement service level agreement costs.

Currently the Council's Occupational Health and Safety team provide a significant service to schools under its employer function obligations, as the employer has accountability to fulfil its statutory provision for health and safety. Currently there is no cost to schools for this service as the Occupational Health and Safety team is funded through the base budget received from the Council, part of which is from the ESG.

### Health and Safety Team

There is currently one Health and Safety Officer almost exclusively working with schools providing advice, via phone, email and on-site. The team also provide policies and guidance specific to schools as well as providing general risk assessments and specific risk assessments tailored to individual schools. Accident reporting is administered and accidents are monitored, investigated and reported to Health and Safety Executive when required under legislative requirements. Inspections and audits are undertaken to monitor compliance and support is offered pre-Ofsted inspections. Regular termly health and safety bulletins are provided as well as workshops to highlight accident trends, new legislation and guidance and best working practices. On site mandatory and essential health and safety training is delivered by a Health and Safety Training Officer on fire safety, health and safety awareness and manual handling.

In addition, the Health and Safety Manager has significant involvement with school health and safety issues. There are seven other members of the Council's Health and Safety team, all of whom have significant proportions of their roles working with schools to provide a daily telephone advice service, support with workstation safety, stress management, playground equipment, school equipment and school specific queries

### Occupational Health Team

The team of Occupational Health Advisers deal with significant numbers of specific referrals of school staff in accordance with the Managing Sickness Policy. It also receives all pre-employment health clearance forms from schools in accordance with the Safer Recruitment Policy. As with the Health and Safety service above, there is currently no cost to schools for this service.

### Recruitment, Payroll & Contracts Team

This team deals with a number of areas from within the ESG statutory responsibilities list. In addition to specific payroll and pensions statutory functions an example is that the team ensures all suitability and pre-employment checks are completed for schools staff for whom the Council is the employer. This includes DBS checks. The statutory responsibility would be to ensure the check is undertaken and fund the charge for the certificate (currently £44.00) and if applicable an external ID verification process (currently £2.75), however under the current service level agreement the team provides an enhanced service to schools over and above the statutory responsibility. This includes provision of guidance, advice and support for school staff on the completion of DBS applications, overseas code of conduct issues, single central record, processing of volunteer disclosures and positive disclosure administration.



## HR Advice

The remaining statutory responsibilities are embedded within the HR advice service level agreement and delivered as part of that service level agreement. The statutory responsibilities are significantly enhanced through the service level agreement, as without this enhancement the service would be the minimum statutory responsibility required. To highlight this an example would be the statutory duty for the local authority to be present at a hearing to dismiss a school employee. The statutory responsibility would be for a local authority representative to present and provide procedural advice during the hearing only and to provide advice to governors regarding their decision, to safeguard the position of the Council as the employer. The service level agreement provided by HR enhances this role considerably by providing advice and support throughout a process from the point in which a conduct concern arises, which can include undertaking an investigation on behalf of the school.

29. The best estimate at this stage on the costs of these functions is around £100,000 - £3.95 per pupil in maintained schools. To date the HR service as a whole received this amount as part of its 'base budget', and the costings of the school service level agreements were then developed to meet the cost of providing the current levels of service to **all** schools.
30. In the event this funding is not top-sliced, one other option available is for the 2017-18 HR Advice and Development and the Occupational Health & Safety service level agreements to be amended to take into account the loss of retained duties ESG, and that schools opt to procure the service from September 2017. This carries significant risks where schools do not opt in, or are not able to afford the increased costs, such as failure to fulfil employment and health and safety legislation, which could give rise to employment tribunals, prosecutions and a potential to create unsafe environments and practices
31. In this period of transition to a new way of funding, and to secure a better understanding of the implications of the changes while retaining continuity of provision for maintained schools in 2017-18, it is proposed that the £100,000 is top-sliced from maintained school budgets. Further detailed discussions would take place with maintained schools over the next financial year, which could result in the statutory functions being fully reflected within the service level agreements from April 2018 onwards. The Task & Finish Group did not put forward a recommended view on the way forward.  
**Recommendation 5** - Maintained school representatives agree to a top-slice of £100,000 from maintained school budgets (£3.95 per pupil in maintained schools) in 2017-18 to support the statutory and regulatory duties of the local authority in respect of human resources and health & safety functions.

## Education Welfare

32. Funding for education welfare, delivered in Shropshire through the Education Access Service (EAS), is currently part funded through both the retained duties and the general duties elements of the ESG. The service also trades successfully with academies through Inspire to Learn.
33. The retained duties are detailed in the guidance as: functions in relation to the exclusion of pupils from schools, excluding any provision to excluded pupils; school attendance, and; responsibilities regarding the employment of children. The general duties are listed simply as inspection of attendance registers.
34. The gross cost of the service in 2016-17 is £524,390, funded as follows:

	£
Retained duties ESG	83,920
General duties ESG	254,700
Traded and other income	185,770
<b>Total</b>	<b>524,390</b>

35. The proposal considered by the Task & Finish Group was for the loss of general duties ESG in 2017-18 of £254,700 to be recouped through a top-slice from maintained school budgets to retain a continuity of provision during this first transitional year. This would cost £10.06 per pupil in maintained schools. Detailed discussions would be held with maintained schools in the summer and autumn terms with a view to moving to a fully traded service from April 2018. This top-slice would provide access for maintained schools to all EAS support including education welfare, attendance and inclusion/exclusion officers, access to a gypsy, Roma and traveller (GRT) teacher, child employment and performance licensing.
36. The alternative to this would be to move to a fully traded arrangement from September 2017. Initial indicative costs of a service level agreement for education welfare would be based on daily rates of £210 per day over 38 weeks, according to the requirements of individual schools plus fees for inclusion services (currently £60 per session/meeting). A secondary school, for example, would require between 1 and 2 days per week education welfare support for an academic year.
37. The risks of going straight to trading would be around inequality of access to services. Pupils 'belong' to all of us and if one school trades but another does not it could lead to a 'two tier' system which is not needs based. At any given time *any* school in the county could receive in complex families with multiple needs and should be mindful of the resources required in these instances.
38. The risk to schools of not opting in may be that they do so without knowing fully the information and guidance they rely upon from the Education Access Service. A school would need to be confident that they have got the skills and knowledge of underpinning issues in house or if they have not, where they would obtain this information and support from elsewhere, and at what cost.

39. A top-slicing of £254,700 would allow the Education Access Service to continue to provide a joined up service that benefits all pupils in Shropshire, through allocating resources to work flexibly on cases where they appear.
40. The Task & Finish Group did not have the detailed information provided above and so did not propose a recommendation to Schools Forum. To secure continuity of provision and to allow further detailed discussions with maintained schools, it is recommended by officers to top-slice in 2017-18.
- Recommendation 6** - Maintained school representatives agree to a top-slice of £254,700 from maintained school budgets (£10.06 per pupil in maintained schools) in 2017-18 to support the statutory and regulatory duties of the local authority in respect of education welfare.

### **School Improvement**

41. As indicated in paragraph 10 above, the local authority's role in terms of school improvement will be a transitional one from September 2017. It is worth noting that, based on current numbers of academies and those in the converter pipeline, 75% of Shropshire's schools will still be maintained by the local authority in April 2017.
42. The ESG funded duties in 2017 to 2018 will no longer include school improvement. The Government will be introducing a school improvement monitoring and brokering grant from September 2017, provisionally set at £1,884 per maintained school. Any additional funding for school improvement support for maintained schools would have to be met from de-delegation of maintained school budgets, from new service level agreements for statutory functions or a combination of the two.
43. The gross cost of the core Education Improvement Service (EIS) in 2016-17 is £504,310. This does not include any traded services.
44. The core service is currently delivered by 5.5 FTE advisers (reduced in December 2016 from 6.0 FTEs). It also includes a small element of administrative support. The support for maintained schools includes, but is not limited to:
- monitoring, challenge, support and – where necessary – intervention to ensure high standards of provision and outcomes in line with the Shropshire School Performance Monitoring Policy
  - leadership and co-ordination of strategic groups including primary and secondary CPGs, primary and secondary headteacher briefings/ workshops/forums and network meetings for secondary school leaders and primary/secondary middle leaders
  - additional school support including: Ofsted preparation, during and post inspection; resolution of SEN and admissions issues; critical incidents involving pupils and staff; 121 advice and support, and; support for structural change (federations and academisation)
  - local authority reviews/inspection support for governors in receipt of a pre-warning notice (5 have been issued since September 2015).

45. In terms of time, the core team provides the following levels of support to individual schools, based on their performance categorisation:
- Low support schools – minimum of 1 visit annually
  - Medium support school – minimum of 1 visit termly
  - High support school – minimum of 2 visits termly
- At present 25% of maintained schools are receiving medium support and 6% receiving high support.
46. The provisional allocation of school improvement monitoring and brokering grant for 2017-18, based on the projected number of maintained schools as at 1 April 2017, is £212,940 (see table in paragraph 13 above). If the local authority was to secure no additional funding this would support a core EIS team of 2.56 FTE advisers, including administrative support. This would have significant implications on the support that could be offered to maintained schools.
47. This grant allocation is the maximum that would be available. It is impossible to predict the number of academy conversions that will take place in the coming year, but it is almost certain that further Academy Orders will be received before 1 September 2017, which will reduce the allocation of grant. For every 21 schools that convert, £20,000 in grant funding will be lost.
48. Unlike the other decisions being presented in this report, maintained school representatives on Schools Forum are being asked to agree to de-delegate additional funding for school improvement services in 2017-18. Primary and secondary school representatives will vote separately.
49. The Task & Finish Group considered a proposal to de-delegate an additional £200,000 for school improvement services (£7.90 per maintained pupil). The group did not provide a recommendation and deferred the decision to this meeting, at which additional information would be available. Current estimates are that this would provide for a core team of 4.96 FTE advisers, including administrative support. It was acknowledged that further detailed work is required on the levels of support to individual maintained schools this would provide, recognising that service level agreements would need to be provided for some aspects of support that the Government grant and de-delegated funding does not underwrite.
50. The proposal being presented to Schools Forum is to de-delegate £200,000 in additional funding for school improvement services. It is proposed to split the £200,000 on the basis of the levels of school improvement services provided to primary and secondary maintained schools.
- Recommendation 7a** - Maintained primary school representatives agree to de-delegate £189,190 from maintained primary school budgets (£10.94 per pupil in maintained primary schools) in 2017-18 to provide additional funding for school improvement services.
- Recommendation 7b** - Maintained secondary school representatives agree to de-delegate £10,810 from maintained secondary school budgets (£2.26 per pupil in maintained secondary schools) in 2017-18 to provide additional funding for school improvement services.