

## Minutes of the Schools Forum Meeting held on 14 July 2022

Present: Richard Redgate (Chair)

### Attendance

|                         |                |
|-------------------------|----------------|
| Stephen Drew            | Vicki Lewis    |
| William Wilson          | Anne Tapp      |
| Richard Sutton          | Alison Parr    |
| Steve Swatton           | Abigail Rourke |
| Kim Prince Anson        | Mark Boughey   |
| Jane Rutherford         | Sarah Clark    |
| Chris Wright            | Jessica Roden  |
| Steve Barr (Vice-Chair) | Sadie Jones    |
| Kevin Allbutt           | Emily Verow    |
| Judy Wyman              |                |

**Observers:** Councillor Mark Sutton (Official Observer), Councillor Jonathan Price (Official Observer), Steve Breeze and Alun Harding.

**Also in attendance:** Alison Barnes, Andrew Marsden, Tim Moss, Michelle Williams, Anthony Humphreys and Simon Humble

**Attended as substitutes:** Tim Hopkins for Philip Siddell, Lesley Morrey for Karen Dobson.

**Apologies:** Kate Cooke, Claire Shaw, Kirsty Rogers, Julie Rudge, Nadine Key, Carolyn Trowbridge and Helen Baron

### NOTED:

- a) The apologies and reasons for absence were formally accepted.

## PART ONE

### 72. Declarations of Interest

In relation to agenda item 9 - Tim Hopkins declared that he was the Vice-Chair of a Multi-Academy Trust Board that had received pre and post operating Revenue.

### 73. Membership update

Stephen Drew was welcomed to the Schools Forum.

Steve Barr noted that the membership list included on the Agenda referred to the Vice-Chairman and in other places it referred to the Vice-Chair. As the Vice-Chair he asked for continuity throughout documents and that the role be referred to as the Vice-Chair moving forwards.

Steve Barr also asked for an updated membership list of the Schools Forum members to be shared at the next meeting due to be held in October 22.

In reference to the election of Stephen Drew, Steve Barr noted that the length of tenure was three years rather than the usual four-year period. This was to ensure the future election of Stephen Drew's position fell in line with the normal election timetable. The Schools Forum constitution states that "*Schools Forum members are appointed to the Forum for a term of 4 years in most cases unless agreement has been reached to the contrary*". It was acknowledged that, as per the constitution, the item was raised and agreed at the Schools Forum meeting held in March 22, however, it was felt that there was no debate by Forum members and the item passed through largely unchallenged. It was suggested that "bringing the elections in line" was not considered a justifiable reason to reduce the length of tenure and that any future elected members must be appointed for the stipulated four-year period. When there was reason for this to be shorter, the item must be brought forward for discussion prior to formal agreement by the Forum.

**RESOLVED:**

- a. That Stephen Drew had joined the Schools Forum as the 'Maintained Primary' representative - to serve until May 2025.
- b. That an up-to-date membership list of the Schools Forum members and representations would be shared at the next meeting.
- c. That all future appointments to the Schools Forum be for the stipulated four-year period. When there is reason for this to not be the case, the item must be brought forward for discussion prior to formal agreement by the Forum.

**74. Minutes of the meeting held on 24 March 2022**

**Minute 67 - Pupil Referral Unit and High School Meeting Feedback** referred to Head Teacher's desire for a forum to be established to allow for open and transparent discussions to take place relating to the alternative provision available in primary and secondary schools. It was asked if the forum had been established and was confirmed that an update would be provided outside of the meeting as the appropriate officer wasn't in attendance.

**Minute 67 - Pupil Referral Unit and High School meeting Feedback** referred to a meeting to be arranged with PRU Headteachers. It was asked if the meeting had been arranged and was confirmed that an update would be provided outside of the meeting as the appropriate officer wasn't in attendance.

**RESOLVED:**

- a. That the minutes of the meeting held on the 24 March 2022 be confirmed as a correct record and signed by the Chair.
- b. That responses be provided in relation to the two requests noted above.

**75. Matters arising**

There were no matters arising on this occasion.

## **76. Decisions taken by the Chairman under delegated powers**

None taken by the Chair since the last meeting.

## **77. Update to the Staffordshire Scheme for Financing of Schools & Financial Regulations for Schools**

The Schools Forum received a report from the Director of Children and Families regarding an update to the Staffordshire Scheme for Financing of Schools (SSFS) & Financial Regulations for Schools.

The Forum heard that the SSFS, Financial Regulations and Procurement Regulations had been reviewed and updated. Any amendments made to these Regulations required approval from the Schools Forum.

There had been one amendment to the SSFS. The paragraph relating to the Salix loan scheme, in section 3.5 Borrowing by schools, had been removed following the closure of the current phase of the scheme.

Several changes had been made to the Finance Regulations to Schools, these were listed in Appendix A to the report. Changes made to the Procurement Regulations were listed in Appendix B to the report.

In response to a question from Steve Barr relating to ensuring that all updated documents are included on the Staffordshire Learning Net, it was confirmed that the relevant officer will make sure the updates are made available on the Staffordshire Learning Net.

**RESOLVED:** That the revised Staffordshire Scheme for Financing Schools (SSFS) Financial Regulations for Schools and Procurement Regulations are approved.

## **78. Notices of Concern and Licensed Deficit Agreements**

It was reported that there hadn't been any new notices of concern or licensed deficits issued since the last meeting.

## **79. Growth Fund - Allocation Funding 2022/23**

The Schools Forum received a report of the Director of Children and Families relating to the Growth Fund - Allocation of Funding 2022/23:

It was explained to the Forum that in accordance with the infant class size criteria, £43,992 would be allocated to two schools based on an agreed number of additional infant class teachers.

It was further explained that in accordance with the basic need growth criteria, £128,550 would be allocated to three schools that worked with the Local Authority to meet exceptional population growth locally by creating an additional class (in primary schools) or exceeding PAN by at least 5% (by middle and secondary schools).

Finally, the Forum heard that in accordance with the new schools' criteria, a total of £252,000 would be allocated for post-opening costs for five new free schools with an opening date between 2019/20 and 2022/23 and pre-opening costs for one new free school planned to open in 2023/24.

**RESOLVED:** That the allocations of Growth Fund for:

- a. funding for infant class size legislation - two primary schools, be noted.
- b. funding for exceptional basic need growth - one primary school and two secondary schools, be noted.
- c. funding for new schools - pre-opening costs for one new free school opening in 2023/24, and post-opening costs for five free schools opened between 2019/20 and 2022/23, be noted.

## **80. Schools Budget 2021/22 Final Outturn**

The Schools Forum received the Schools Budget 2021/22: Final Outturn Report of the County Treasurer. The following points were discussed:

- It was noted that the outturn position for 2021/22 was a £6.4m variance (2.2%) overspend on planned expenditure across all services.
- The Individual Schools Budget (ISB) was break even. This outturn related to budgets allocated to individual schools through the funding formula.
- The High Needs service had overspent by £8.2m (11.8%). The pressure areas in the service were: top up budgets which was overspent by £3.7m (mainstream £1.6m, special schools £2.1m), and expenditure on independent special schools which was overspent by £5.8m. This was offset by an underspend on Pupil Referral Unit top ups of c £1m and other SEN support services/Government grant of £0.3m.
- The Early Years budget was overspent by c £0.2m (0.4%); this included the redistribution of unspent 2020/21 contingency of £0.2m.
- The Central and de-delegated items had underspent by £2m (17.6% of the budget).
- As a result of the on-going overspend in the High Needs Block over the last few years the Dedicated Schools Grant (DSG) reserve had been fully depleted. There was no longer a buffer to fund this on-going pressure. At the end of 2020/21, the DSG reserve had gone into deficit by c £2m. At the end of the financial year 2021/22 the DSG reserve deficit is £8.6m, an increase of 6.6m.
- As of 31<sup>st</sup> March 2022, maintained schools held reserves of £24.3m; an increase of £1.8m from the position on 31<sup>st</sup> March 2021. There continued to be a number of approved licenced deficits (12 schools, with a value of £1.5m), a similar amount to the previous financial year.

In response to a question relating to the maintained school's reserves, it was suggested that the main reason for the increase of £1.8m could possibly be as a result of schools

receiving Covid revenues in the past that have been unused and are still being retained in school balances.

It was raised that the report suggested a deficit management plan report would come forward to the Autumn Term meeting and it was requested that this be included in the Work Programme.

It was confirmed that a meeting had taken place with the Education and Skills Funding Agency, and not only don't we qualify for the Safety Valve scheme neither do we qualify for the Delivering Better Value scheme. Whilst the deficit was not significant compared to other authorities, it was a significant challenge to the authority.

In response to a question relating to the thresholds for the Safety Valve scheme and the Delivering Better Value schemes, it was confirmed that there weren't any published thresholds, but the Government were working with authorities where the deficit sat somewhere in the region of 5% of the DSG. Staffordshire was currently within 1% of the DSG.

In response to a question relating to whether the Education and Skills Funding Agency wipe deficits or work towards recovery plans, it was suggested that some money was put towards deficits, but authorities had to demonstrate they were able to balance "in-year books" before this would happen.

In response to a question relating to the membership of the deficit management plan group, it was confirmed that this was the responsibility of the Local Authority, but it would be shared with the Working Group and would be brought to the next Schools Forum meeting.

In response to a question relating to the proportions of spend in terms of sectors that funding is allocated to, and the ambitions to bring them into a particular percentage, it was confirmed that, in terms of mitigation, the deficit management plan would look at the work that had been undertaken previously in terms of the youngsters that are placed in the independent sector.

In response to the timescales of a consultation currently being undertaken to look at additional types of provision and resource spaces etc., it was confirmed that as part of this process there was a review of specialist provision. In terms of timeframes for putting it in place it was important to ensure that the review was undertaken so that the all the needs of the system were understood, it was suggested that this wouldn't necessarily be for the academic year.

In response to a question relating to the timescale for reviewing and feeding back on how SEND Hubs are working, it was confirmed that the review was taking place and a report would be brought back when it was ready in the future.

**RESOLVED:**

- a. That the 2021/22 Schools Budget financial outturn be noted.
- b. That the deficit management plan report be included in the Autumn Term meeting.

- c. That a report relating reviewing the SEND Hubs will be brought back to a future meeting.

## **81. High Needs Block (inc. Education Banding Tool update and SEND Contract Management Report - Academic Year 2022/21)**

The Schools Forum received a report from the Director of Children and Families relating to the High Needs Block.

It was explained that, for Staffordshire, the High Needs Block budget for 2022/23 would be £114.8m; an increase of £13.7m compared with 2021/22 (13.6%). It was made clear that none of this funding increase would be used to repay historical deficits. The Forum heard that the Council recognised the financial pressures schools across Staffordshire were facing and had increased funding this year for all state funded special schools, on a like for like basis, by a minimum of 2.5%.

It was explained that the forecast outturn for the 2022/23 High Needs Block was £6.0m overspent.

At the end of the last financial year the DSG reserve 'deficit' increased from £2m to £8.6m and would deepen further given the expected overspend in 2022/23. A 'deficit management plan' must now be brought forward.

### **Education Banding Tool (EBT)**

The Schools Forum heard that, from 14th March 2022, the Local Authority went live with the tool across maintained, academy and independent mainstream providers and maintained and academy specialist providers to calculate the education element of the high needs top-up funding for Staffordshire children and young people with an Education, Health and Care Plan (EHCP).

It was explained that work with Imosphere, the provider of the EBT, was continuing to prove productive and they were providing support in understanding the impact of the implementation of the model.

### **Send Contract Management**

At the meeting of Schools Forum in March 2022 an update on the contract management of independent and non-maintained placements was requested. The information set out in appendix 2 to the report indicated the full contractual agreements undertaken during the academic year 2020/ 2021, and the costs agreed for the agreement within the individual pupil/placement agreements (IPA).

It was summarised that during the academic year:

- 383 school placements had been agreed within the Independent Schools sector
- CYP requiring an IPA throughout the academic year has risen from 464 to 524
- the full contractual sum of £35,074,807 HNB funding was committed for the contractual placements.

In response to a question relating to the workstreams that are being put into place to reduce the growing deficit and the loss of money/children into the independent sector, and also in encouraging mainstream schools to become more inclusive, it was confirmed that it was a multi-faceted issue that needed a multi-faceted plan. There was a response to the Ofsted action plan that would review the strategy for special provision across the county within mainstream as well as special schooling. This would look to drive forward on an ambitious and evidence-based agenda that would increase the enhanced provision in mainstream schools. This was to try and avoid the capacity issues in special schools, which has resulted in children being placed in the independent sector rather than maintained schools. This work had already started, and strategy recommendations were due, as per the Ofsted requirement, in April 23.

Additional work included considering the decision-making process at panels, looking for opportunities to expand provision in our special schools, and working with our special schools to consider the “art of the possible” when considering additional provision. There had been several productive conversations with special schools relating to creatively expanding provision.

In response to a question relating to how District Hubs are being quality assured and what metrics are being used to judge how successful they are, it was confirmed that additional information would need to be provided, but the structure around the Hubs was considered to be good.

A question was raised relating to the personalised experience and the need of school's to be increasingly inclusive at all times. It was felt that there was a disjunct between that agenda and the current Ofsted regime and the metrics schools are currently governed by. Forum members wanted to know if the Local Authority was engaged in these discussions. It was confirmed that when the white and green papers were published one of the first discussions between the Local Authority and regional colleagues was around the tension between the two papers. The response to the green paper consultation highlighted this issue and these conversations continue to take place.

In response to a question asking whether the regulators ever seek representatives from schools and multi-academy trusts to engage in the conversations, it was confirmed that the opportunity wasn't available but that the Local Authority shared schools' information with the Regional Director.

Awareness of issues with Early Years was raised, specifically relating to pre-school parents who have advised that schools are only offering shortened timetables for children with additional needs. In response it was suggested that the issues of Covid were coming to fruition with regards the early development of children preparing for mainstream school. Discussions had taken place regarding the increased spend for Early Years Funding, and this had been justified because of the magnitude of need that was coming through. The issue may be here for 5–10 years, but it was being considered, it was featured in the Strategy for Special Provision and everything is being done to address the issues.

In response to a question asking if the vision was to create targeted or generic resource bases, it was explained that the intention was to move away from the notion of generic Special Schools. The Strategy would be co-produced with schools, parents, and young

people. Boundaries would need to be determined in terms of resource-based provision which would be specialist by type of additional need. At the same time there was a need to increase capacity and upskill the mainstream school as teachers will inevitably come across children with similar needs in the future. This Piece of work would be commencing more readily in September.

In response to a question relating schools ability to meet need in a timely manner and to be able to see the broad landscape as it evolves so they can understand where resource bases are emerging, it was confirmed that timeliness of identification of need was part of a larger workstream that would look at education, health, and care pathway.

The costs of transporting children between resource bases was raised. It was suggested that there would be a need to ensure that resource bases were located where there was need. It was understood that there would be additional costs and part of the wider workstream remit was to model out what the provision would look like, how they were accessed, what the entry and exit criteria would be and the resourcing mechanism that would need to be in place to make it happen.

**RESOLVED:**

- a. That the High Needs Block budget 2022/23 and latest forecast outturn be noted.
- b. That the latest update on the roll out of a new Education Banding Tool be noted.
- c. That the latest update on the SEND Contract Management programme be noted.

**82. Work Programme**

The future work programme, date of next meeting and future meetings were discussed.

**Work Programme**

The future work programme was presented to the Forum.

**RESOLVED:**

- a. That the Work Programme be noted.
- b. As per minute 80, that the deficit management plan report be included in the Autumn Term meeting.

**Date of next meetings**

- 20 October 2022 – face to face meeting – Council Chamber, County Buildings, Stafford.
- 12 January 2023
- 23 March 2023
- 13 July 2023
- 19 October 2023

**RESOLVED:** That the date of the next meeting be noted.

**Chairman**