

## Schools Forum

Thursday 10 November 2022  
**14:00**

John Tradewell  
Director of Corporate Services  
2 November 2022

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### A G E N D A

#### Part One

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 14 July 2022** (Pages 1 - 8)
4. **Membership update and up-to-date membership list** (Pages 9 - 10)  

Lindi Nejrup has joined the Schools Forum as the 'All Primary (Maintained & Academy)' representative.

Dawn Freeman has joined the Forum as the 'All maintained nursery schools' representative.
5. **Matters arising**
6. **Decisions taken by the Chairman under delegated powers**
7. **Notices of Concern and Licensed Deficit Agreements** (Pages 11 - 12)
8. **Primary Behaviour Support Services - 2023-24 Financial Year** (Pages 13 - 24)
9. **Minority Ethnic Achievement Service (MEAS) 2023-24 Financial Year** (Pages 25 - 32)
10. **Schools Budget 2023-24: De-delegation, Central Expenditure and Education Functions** (Pages 33 - 48)



11. **High Needs Block**

(Pages 49 - 76)

- a) Deficit management plan report
- b) 0.5% Block Transfer Request

12. **Work Programme and date of next meeting**

(Pages 77 - 80)

<b>Membership</b>	
Stephen Drew	Vicki Lewis
William Wilson	Julie Rudge
Richard Sutton	Anne Tapp
Steve Swatton	Alison Parr
Kim Prince Anson	Abigail Rourke
Jane Rutherford	Mark Boughey
Philip Siddell	Carolyn Trowbridge
Richard Redgate (Chair)	Sarah Clark
Claire Shaw	Helen Baron
Kirsty Rogers	Jessica Roden
Chris Wright	Sadie Jones
Steve Barr (Vice-Chair)	Emily Verow
Kevin Allbutt	Craig Hodgson
Judy Wyman	Lindi Nejrup
Claire Evans	

<b>Local Authority Observers</b>
Jonathan Price
Mark Sutton

<b>Core Officers</b>	
Alison Barnes	Melanie Scott
Will Wilkes	David, Bingham
Andrew Marsden	Anthony Humphreys
Tim Moss	Carolyn Knight
Michelle Williams	Halit Hulusi

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

Present: Richard Redgate (Chair)

<b>Attendance</b>	
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**

## MEMBERSHIP – October 2022

Representing:		Name	Election date
Nursery	All maintained nursery schools	Dawn Freeman	Oct-25
Maintained Primary	All Maintained Primary	Steve Swatton	May-25
Maintained Primary	All maintained primary	Stephen Drew	May-25
Maintained Primary	All maintained primary	Vicki Lewis	May-23
All Primary (Maintained & Academy) <b>(Note 2)</b>	All Primary (Maintained & Academy)	Lindi Nejrup	Sep-26
Primary Academy	All primary academies	Jessica Roden	May-25
Primary Academy	All primary academies	Anne Tapp	May-23
Primary Academy	All primary academies	Helen Barron	May-25
Primary Academy	All primary academies	Richard Sutton	May-25
Primary Academy	All primary academies	Abigail Rourke	May-23
Primary Academy	All primary academies	Kevin Allbutt	May-25
Middle Schools Forum <b>(Note 1)</b>	All Middle schools	Chris Wright	May-23
Maintained Secondary	All secondary maintained schools	Carolyn Trowbridge	May-25
Secondary Academy	All secondary academies	Mark Boughey	May-25
Secondary Academy	All secondary academies	Sarah Clark	May-25
Secondary Academy	All secondary academies	Julie Rudge	May-23
Secondary Academy	All secondary academies	Emily Verow	May-25
Secondary Academy	All secondary academies	Will Wilson	May-25
Secondary Heads Forum	Secondary Heads Forum	Jane Rutherford	May-25
Special schools	All maintained special schools	Kim Prince Anson	May-25
Special schools	All academy special schools	Alison Parr	May-23
Pupil Referral Units	Maintained pupil referral units	Kirsty Rogers	May-25
Pupil Referral Units	All Alternative provision academies	Richard Redgate	May-23

**Note 1:** The Middle Schools representative is nominated by the Middle Schools Forum, and although the current representative is from an academy, their Forum agreed his nomination as a representative of all middle schools.

**Note 2:** The All Primary (Maintained & Academy) representative is nominated in lieu of a primary school headteacher forum nomination.

### Non-Schools Members (9 members)

Representing:	Name	Term of office expires
Lichfield Diocesan Board of Education	Claire Shaw	May-25
Birmingham Diocesan Schools Commission	Vacancy	
Prosperous Overview and Scrutiny Committee	Vacancy	
PVI (Early Years)	Philip Siddell	May-25
PVI (Early Years)	Sadie Jones	May-25
16-19 Education	Craig Hodgson	Sep-25
16-19 Education	Vacancy	
Schools' Consultative Groups	Steve Barr	May-25
Schools' Consultative Groups	Judy Wyman	May-23

#### Official positions:

Role:	Name		Term of office expires (elections in July)
Chair of the Forum	Richard Redgate	Academy Pupil Referral Units	Oct-23
Vice-Chair of the Forum	Steve Barr	Schools' Consultative Groups	Oct-23
Clerk to the Forum	Simon Humble	MaDs Officer	NA

#### Observers:

Role:	Name	
Official LA	Jonathan Price	LA representative
Official LA	Mark Sutton	LA representative
Unofficial	Alun Harding	Observer with right to speak – Forum approved July 21
Unofficial	Steve Breeze	Observer



## Schools Forum – 10<sup>th</sup> November 2022

### Notices of Concern

#### Recommendation

1. Members note the issue and withdrawal of Notice of Concerns to schools.

#### Report of the Deputy Chief Executive and Director for People:

##### PART A

#### Why is it coming here – what decision is required?

2. No decision required.

#### Reasons for recommendation

3. The agreed protocol for issuing a Notice of Concern includes the provision that information on the issue and withdrawal of a Notice of Concern will be provided to the Schools Forum on a termly basis.

##### PART B

#### Background:

4. Since last Forum, two new Notices of Concern have been issued; Flash Ley Primary School (deficit position and no recovery plan) and Moor First School (unable to set a balanced budget for 2022/23).
5. Licensed Deficit plans have also been put into place for Fulfen Primary School and St Leonards Primary School, Stafford.
6. The Entrust Schools Finance team continue to work with all schools who have existing Notice of Concern or Licensed Deficit agreement. The team are also continuing to work with several schools following the 2021/22 year end and 2022/23 budget setting process.

#### Report author:

Author's Name: Melanie Scott, Senior Education Accountant, Entrust Support Services Ltd  
Ext. No.: 07921 277815

#### List of background papers:

Schools Forum 7 December 2016 – Item 6 Notices of Concern: revised protocol  
School Forum

School Forum 28<sup>th</sup> March 2019 – Item 39 Update to the Staffordshire Scheme for  
Financing of Schools



## **Schools Forum – 10<sup>th</sup> November 2022**

### **Primary Behaviour Support Service**

#### **2021 – 2022 Financial Year**

##### **Executive Summary:**

- To inform Schools Forum of the current Primary Behaviour Support Service offer to Staffordshire maintained primary schools
- To update schools on the recommendations made in the Autumn term 2021 School Forum report and progress made
- To provide further recommendations to support the continued development of the Primary Behaviour Support Service

To seek agreement of continued de-delegated funding from maintained primary schools' delegated budgets

##### **Recommendation**

That Schools Forum:

1. Agrees to the continued de-delegated funding from maintained primary school's delegated budget for 2023-2024 financial year
2. Notes the continued improvements and development of the service over the last year and proposals for next year

##### **Report of Assistant Director for Education Strategy and Improvement Families and Communities**

##### **Background**

1. The Behaviour Support Service for Primary Schools was a centrally retained service until 2012/2013, when it became a de-delegated service under Exception 1 of the Funding Reform requirements. The maintained primary schools have since voted annually to agree that the service should be provided centrally. The service is managed by Entrust Education Services, Staffordshire County Council's joint venture partner.
2. The Primary Behaviour Support Service is available to primary Academies at a cost and can be purchased on a child by child basis or as a combined package of Behaviour Support and other services from the Entrust SENIS team.

## Context

3. Schools send their referrals for primary behaviour support to a central inbox, [behaviour@entrust-ed.co.uk](mailto:behaviour@entrust-ed.co.uk). Every Tuesday referrals are systematically reviewed and allocated to a consultant on the nature of the concern and specialist knowledge of the practitioner as well as geographical location.
4. During the academic year 2021-2022 the number of primary Behaviour Support requests in maintained schools has decreased as the number of maintained schools has reduced.
5. Figure 1 - Behaviour Support referrals from maintained Primary Schools

Academic Year	Behaviour Support referrals	Average number of referrals per maintained Primary school
2012 - 2013	416	1.4
2013 - 2014	444	1.6
2014 - 2015	362	1.4
2015 - 2016	382	1.6
2016 - 2017	369	1.8
2017 - 2018	209	1.2
2018 - 2019	129	0.9
2019 - 2020	163	1.2
2020 - 2021	199	1.6
2021 - 2022	141	1.25

The figures in the table above give the number of new referrals made to the service and do not include existing casework.

Figure 2 – Proportion of Maintained and Academy Primary Schools by academic year

Academic Year	Number of Academies in Staffs	Number of maintained schools in Staffs
2012 - 2013	13	301
2013 - 2014	29	285
2014 - 2015	45	269
2015 - 2016	75	239
2016 - 2017	101	213
2017 - 2018	132	182
2018 - 2019	162	152
2019 - 2020	177	135
2020 - 2021	185	127

2021 - 2022	195	117
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### **Update from last report to School Forum**

6. Our core support offer to schools is focused on effectively implementing a graduated response. The visit begins with a classroom observation which records the pupils' behaviour at minute intervals during a lesson. This is followed by a discussion with the class teacher and the completion of a Boxall profile. The interpretation of the Boxall profile gives a comprehensive picture of the behaviour of the child and identifies some of the reasons behind this. During this discussion, some recommendations are given to the class teacher. After the visit all the gathered information is disseminated into a comprehensive report which describes and explains the behaviour as well as providing strategies for the school to implement.
7. Following the first visit and report a follow up visit is frequently conducted with the school to support the school in writing a Pastoral Support Plan (PSP). Having this plan in place helps the school effectively support the pupil. At this point parent/carers are usually involved when the practitioner will meet with parent/carers and the school to discuss and plan the pupils needs.
8. We are also able to provide 1 to 1 support to model strategies and approaches for staff. As a service we are also able to provide alternative support depending on the needs of the pupil and school/staff, for example a programme of individual intervention to address SEMH difficulties such as anger management, bereavement, social interaction.

### **Impact of the Primary Behaviour Support Service**

9. Based on the service's experience of working with schools, feedback received, and three recommendations made in the 2021 Schools Forum report (included below), we have implemented some additional delivery from Autumn 2021. These additional functions provide schools with further support and advice on implementing the graduated response.

#### **10. Recommendation 1: Training to schools**

*We plan to offer the following to schools over the next academic year;*

*The impact of domestic abuse on children.* Based on training developed by Innovating Minds. The programme is structured to support pupils who have witnessed domestic abuse in the home. It

explores feelings and gives the pupils strategies to take away with them and practice with their primary carers. This is designed to enhance Staffordshire Safeguarding Children Boards training offer which is accessible via the Learning Zone on the Staffs Safeguarding Board website : [Staffordshire SCB \(event-booking.org.uk\)](http://Staffordshire SCB (event-booking.org.uk))

*Supporting SEMH using Nurture through a whole school approach*  
*Lego Training*  
*Attachment Training*  
*ADHD and Positive Behaviour Management strategies*  
*Functional Behavioural Analysis*

Progress to date up until the end of the academic year 2022 –

The team have delivered the following training sessions;

Title of training	Numbers of schools	Number of staff
ADHD	3	50
Attachment and Trauma	2	46
Lunchtime Supervisor training	1	10
Lego	11	122
Nurture provision	2	7
The use and interpretation of the Boxall Profile	1	8
De-escalation techniques	2	55
Positive Behaviour management	1	9
The impact of domestic abuse on children	1	delivered to 4 pupils over six one hour sessions

Feedback from the Lego training:

*Fabulous training, I think this will be really beneficial with my nurture/intervention groups*

*I thought it was very informative and showed me a new approach to talk with the children*

*Great building ideas to support children, focuses on a direct and positive way*

*Feel inspired and enthusiastic about working with Lego and enjoyed the session*

*Very informative, useful tips and ideas, good examples of strategies to use with different children, lots of resources and ideas*

Feedback from the De-escalation training for 2 schools:

*I found the informative and extremely useful, which we can adopt to support our behaviour policy*

*Excellent information on using a restorative approach in school*

*Highlighting good practice when dealing with behaviour*

*Really helped with my understanding of behaviour*

*Examples were given and it was really well explained*

Boxall profile training for 1 school. Feedback was as follows, with 100% of participants rating the training as excellent:

*Very knowledgeable and informative trainer.*

*A very good and informative course which will definitely help my practice in the future.*

## **11. Recommendation 2: To expand the roll out of behaviour audits for schools**

*As well as using exclusion data to identify target schools we will work collaboratively with SCC Inclusion Officers to establish which schools would benefit from this support and offer them a behaviour audit.*

12. In order to support maintained primary schools in the area of personal development, behaviour, and welfare it is vital to understand pupil behaviour. It is important that the practice in school reflects the Behaviour Policy which is in place. The Behaviour Audit which rag-rates the school against agreed criteria is a useful tool in addressing this. Observations are taken of pupils' behaviour and their attitudes to learning throughout the day including as the pupils arrive, during breaks and lunchtime and in lessons. Documentary evidence, such as policies, any exclusion data, records of rewards and sanctions, parental engagement/feedback. etc. are also reviewed. Discussions then take

place with senior leaders to develop an action plan to address any mutually identified development areas. In addition, good practice can be captured and shared. A follow up consultation could then be arranged to discuss progress towards achieving any action plan targets and any other support required.

This can be delivered virtually or face to face in school.

Progress to date up until the end of the academic year 2022 –

The Team have also carried out 6 whole school Behaviour Audits. One school provided the following feedback;

*I have found the whole process of the audit beneficial in giving direction, advice, training, and external validation. I was initially a bit daunted about having an audit but found the experience fair and supportive. It was also great that you both listened to our concerns/worries etc and put things in place. Thank you for getting back to me so promptly with any training dates, resources etc – we are always keen to act quickly, so to have the information we needed on the same day has been much appreciated.*

Headteacher Staffordshire primary school

We have worked with the Commissioner to identify 6 schools who would potentially benefit from undertaking a behaviour audit. For example, schools where there are high numbers of fixed term exclusions.

Overall, in some challenging situations, the team observed some excellent behaviour management being practised

### **Main findings of good practice**

- Schools turn to fixed term exclusions as a last resort and spend a great deal of time, effort, and resources into supporting students to avoid this outcome
- Schools use outside agencies and refer into their local SEND and Inclusion Hub where appropriate
- Positive behaviour management occurs through having a strong SLT and where staff are supportive of each other
- Positive behaviour management occurs where there is a consistent approach by all staff regardless of their role in school
- Schools are very supportive and non-judgmental of parents/carers and communication is good
- Where SLT are visible to the school community, parents/carers felt comfortable in approaching staff
- Schools are aware of the environmental context and the challenges within the community and are supportive

- Behaviour policies were up to date, available on the school website and generally reflected practice, however most action points arose from the clarity of wording within the behaviour policy

### **Main findings for development**

- Clarity is required around some of the wording of the Behaviour Policy
- Use of a consistent and positive reward system throughout the school by all staff, so that the focus is on rewards and not sanctions
- If a restorative conversation is going to be used as an approach, ensure staff are trained to use this appropriately and consistently
- Ensure that all areas of the school are monitored by school staff during breaktimes and lunchtimes

Schools have fed back the following:

- They have found the process to be fair, accurate and very supportive
- They were happy with what was included in the report
- They feel it is the support with the high-level behaviour that is needed, possibly through the development of nurture provision

### **13. Recommendation 3: To expand the delivery of behaviour clinics both face to face and virtually.**

*Where we have trialled this type of delivery school staff have found them incredibly useful as a sounding board and providing the ability to discuss several pupils during the consultation. We propose we expand this offer wider for schools and therefore provide us with the ability to reach and impact on more pupils. Schools will be able to book a visit with a consultant who can meet individually with numerous members of school staff and provide strategies and recommendations for pupils with SEMH needs.*

Progress to date up until the end of the academic year 2022 – the team have delivered four behaviour clinics alongside colleagues from Learning Support and schools have found this very useful. It is hoped to expand this offer over the coming year.

### **SENIS survey**

14. We survey schools at the end of each visit via a questionnaire. 201 school visits were delivered and 100% of respondents rated the service good or excellent. Questions also asked included:

- Is there any way in which the visit could have been improved? 98% responded no it could not have been improved in any way
- Has the service you received enabled you to identify and implement improvements in practice to support children? 100% responded yes, the support had enabled them to make improvements

15. This reflects on the service in the academic year 2021 – 22. During this academic year we have used a range of methods to promote the service and ensure that schools are aware of what is available to them free at point of delivery. This has included updates in the Entrust SENIS e-news, information going into the school bag and the Entrust website and our social media channels and attendance at the SEND and Inclusion Hubs where capacity allows. During the academic year 2021- 22 we attended 42 SEND and Inclusion Hubs.

### **Feedback from schools**

16. Below are examples of feedback on service delivery received from schools during 2021-2022 academic year:

*The service helped us identify behaviours that we had seen but also behaviours that we had not seen. This made communicating with parents much more specific as the report solely concentrated on behaviours displayed by that child for that lesson which as a class teacher you are unable to do.*

*The service that we have had from the team this year has been excellent. They have observed a number of pupils and have supported us as a school with one particular pupil with regards to parent meetings as well as giving us strategies to support the pupil's behaviour. The team are also excellent at replying to any queries we make via email. Thank you for all of your support this year!*

### **Case Studies:**

#### **17. Case study 1**

##### **Challenge faced:**

After completing a referral for a child, observation, consultation, and assessment the team had a conversation with the Head teacher as she had a number of children who were struggling at school. A discussion took place around which interventions could prove to be successful in supporting the school.

##### **Support provided:**

- Whole school behaviour audit was undertaken by the Behaviour Support team

- School rewrote the behaviour policy
- Nurture training and de-escalation training delivered to nurture staff
- Whole school LEGO training as an adapted teaching method.
- Reviewed the Behaviour Audit with Head Teacher:

**Outcome:**

- A Nurture Group started with 8 children on the verge of permanent exclusion and identified by the Boxall profile and Goodman's SDQ.
- A new lead practitioner started, and the group is running 5x a week (mornings), with a timetable in place.
- A nurture group policy has been written.
- The playground is being monitored more effectively
- Whole staff meeting about non negotiables in the classrooms directly from the Action point in the Behaviour Audit.

**Impact:**

Staff are work extremely well together. They are very experienced and notice small changes in the pupils' behaviour. They manage and co-regulate their emotions.

Children were observed supporting one another with their verbal interactions, helping one another with practical tasks and their listening skills have already improved.

**Operation and efficiency of the service**

18.The efficient referral system ensures visits/consultation are arranged quickly and contact is made with the school within 24 hours following the referral meeting. Delivery is face to face or virtual dependent on the schools wishes. Schools appreciate having a professional conversation with practitioners who understand behaviour issues and can confirm the effectiveness of the strategies they are already using and also suggest additional approaches.

19.Feedback from schools includes:

*The team provided us with incredible support through careful observation and sharing of knowledge. They recognised the support already in place in school which helped the class teacher and teaching assistant feel positive about the approaches they have applied. The advice, support, strategies, and recommendations going forward were extremely useful and clear. The parent of the young man referred was extremely grateful for this, particularly at how fast the team compiled their observation report and shared it with me. The parent wanted to pass on her gratitude to the team for visiting and sending the recommendations so quickly.*

20.As part of a wider SENIS team the service can also draw on additional expertise from MEAS where appropriate to support with particular cases. During this academic year, several joint visits between the Behaviour Support Service and the Minority Ethnic Achievement Service (MEAS)

have been made. These have supported schools in understanding what is causing the issues for the pupil and appropriate advice and guidance has been given to ensure behaviour and language needs are met.

21. The Behaviour support helpline is available every Tuesday and Thursday afternoon during term time on 0333 300 1900 option 6 ask for Behaviour Support. This phone line is open to all schools, both maintained and academies. We support schools with enquiries ranging from requests for training, advice on transition, support for pupils who are exhibiting aggressive behaviour in the classroom and general requests for advice and guidance on anything relating to behaviour. From December 2021 to July 2022, on average we received 12 calls a week seeking advice and support from a SEMH specialist. Examples of the type of support/advice requested within a sample week were as follows:

- Transition issues with a reception child
- Physical violence towards other pupils
- New child, who was showing signs of refusal and disengagement
- Violence towards staff
- ASC advice for a KS1 pupil
- Concerns for pupil in Reception

Going forwards this information will capture trend to support SEND & Inclusion Hubs

22. Attendance at the SEND hubs – this has enabled the team to bring to the Behaviour Support Service to the attention of schools and other multi-agencies. We are able to offer advice, signposting, and initiate pupil referrals.

23. We continue to produce a termly newsletter for schools which includes advice, guidance and resources and relevant articles and thought pieces.

[Entrust Behaviour Health and Wellbeing Team | Staffordshire Connects](#)

### **Recommendations for the financial year 2022/23 in addition to core delivery;**

24. **Recommendation 1: to extend the roll out of behaviour clinics** to provide us with the ability to reach and impact on more pupils. Schools will be able to book a visit with a consultant who can meet individually with numerous members of school staff and provide strategies and recommendations for pupils with SEMH needs.

25. **Recommendation 2: to target and provide support to Early Career Teachers (ECT's) and their mentors within Staffordshire.** We

would engage with schools to work with them to support their ECT's with implementing school behaviour policies and practice.

**26. Recommendation 3: to develop and expand our offer to schools to provide whole school LEGO training as an adapted teaching method.** Using LEGO or Duplo encourages children to express their thoughts and ideas and feelings symbolically. The method ensures a secure and non-judgemental process for solving problems, expressing personal feelings, and breaking down barriers that can affect achievement in curriculum-based topics for the future. Using this 3D external material can increase cognitive skills, concentration, problem solving and flexible thinking. It can be used in a collaborative way, sharing, negotiating, and building empathy. Adults can model new language, name feelings and emotions equipping children with lifelong skills. Teaching resilience by being confident and self-assured in this 'no model is ever wrong' approach.

**27. Recommendation 4: To expand the roll out of behaviour audits for schools.** We will continue to work with the Commissioner to identify schools who would potentially benefit from undertaking a behaviour audit. For example, schools where there are high numbers of fixed term exclusions. We will report on and cascade to schools aspects of good practice observed.

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**List of background papers:**



**Schools Forum – 10<sup>th</sup> November 2022**  
**Minority Ethnic Achievement Service (MEAS)**  
**2021 – 2022 Financial Year**

**Executive Summary:**

- To inform the Schools Forum on the delivery of the current MEAS offer to maintained schools
- To update schools on the recommendations made in the Autumn term 2021 School Forum report and progress made in delivering them
- To provide further recommendations to support the continued development of MEAS

**Recommendation**

That Schools Forum:

1. Agrees to the continued de-delegated funding from maintained primary school's delegated budget for 2023-2024 financial year
2. Notes the continued improvements and development of the service over the last year and proposals for next year

**Report of Assistant Director for Education Strategy and Improvement  
Families and Communities**

**Background**

1. The Minority Ethnic Achievement Service was a centrally retained service until 2012/2013, when it became a de-delegated service under Exception 1 of the Funding Reform requirements. The Schools Forum have since voted annually to agree that the service should be provided centrally. The service is managed by Entrust Education Services, Staffordshire County Council's joint venture partner.
2. The Minority Ethnic Achievement Service is available to primary and secondary academies at a cost and can be purchased on a pupil-by-pupil basis or as a combined package of Inclusion Support and other services.

## Context

3. Maintained schools are divided into two categories to determine the support they receive from MEAS.
  - EMAG (Ethnic Minority Achievement Grant) schools are identified annually based on a formula which considers the number of EAL pupils and also their country of origin. EMAG schools receive funding directly and are not entitled to support for new arrivals from MEAS. We have produced a good practice guide to support schools; [Minority Ethnic Achievement Service \(MEAS\) | Staffordshire Connects](#)
  - Non EMAG schools can refer new arrivals to MEAS and also receive a nominal funding allowance for each pupil, this is used to fund additional resources such as dictionaries, dual language books or apps.
4. All maintained schools who do not receive the EMAG funding are able to request support for pupils causing concern, i.e., those who are not making the expected progress in learning English.
5. All referrals for the Minority Ethnic Achievement Service are sent to a central inbox [MEAS@entrust-ed.co.uk](mailto:MEAS@entrust-ed.co.uk). Referrals are systematically reviewed daily and allocated to a caseworker based on the language spoken by the pupil.
6. Once pupils are allocated a consultant, the consultant will arrange a visit to the school. During this visit, the pupil will be observed in class and an assessment will usually be conducted. The nature of this assessment depends on the age of the pupil and the language spoken. Where the consultant worker speaks the pupil's language a home language assessment will be conducted. During the visit there will be a conversation with an appropriate person from the staff to identify any particular issues for the pupil and where possible with the parent/carer. Following the visit, a comprehensive report is sent to the school which includes strategies and resources which can be used to support the pupil.
7. In addition to the initial visit MEAS will also attend meetings with parents, this is particularly useful where the team member speaks the home language but can also be useful in other situations. For example, many parents do not understand the benefits of the child talking their own language at home or how the English education system works. The team's experience of working with EAL pupils can help to overcome these issues.
8. The number of referrals to MEAS have increased dramatically this academic year due to world -wide travel starting again after the COVID19 pandemic but also due to the political situation in Afghanistan, Hong Kong and Ukraine.

## 9. Figure 1 – Referrals from Maintained Schools

Academic Year	New Arrivals Primary	New Arrivals Secondary	Pupils causing concern Primary	Pupils causing concern Secondary
2015 - 2016	161	21	28	0
2016 - 2017	80	17	36	4
2017 - 2018	47	6	29	3
2018 - 2019	26	13	20	2
2019 - 2020	32	5	16	3
2020 - 2021	15	0	24	2
2021 - 2022	54	7	17	1

## Figure 2 – Comparison of Academy and Maintained Schools

Primary Schools				
Academic Year	Academies		Maintained	
	Schools	%	Schools	%
2015 - 2016	73	24.4%	226	75.6%
2016 - 2017	97	32.4%	202	67.6%
2017 - 2018	122	40.8%	177	59.2%
2018 - 2019	148	49.7%	150	50.4%
2019 - 2020	177	56.2%	135	43.8%
2020 - 2021	183	58.6%	129	41.4%
2021 - 2022	195	63.3%	113	36.7%
Secondary Schools				
2015 - 2016	36	51.4%	34	48.6%
2016 - 2017	42	60.0%	28	40.0%
2017 - 2018	47	67.1%	23	32.9%
2018 - 2019	53	74.6%	18	25.4%
2019 - 2020	55	78.5%	15	21.5%
2020 - 2021	58	82.8%	12	17.2%
2021 - 2022	58	82.8%	12	17.2%

## Countries of origin

Country	Number
Afghanistan	41 (13 maintained + 29 Academies)
Anglo-Dutch	1
Bulgaria	1
China	5
Hong Kong	8
India	3
Mexico	1
Poland	3
Slovakia	1

Syria	3
Thailand	1
Ukraine	48 (32 maintained + 16 Academies)
Vietnam	1
Total for maintained schools	79

10. Beyond the individual consultant support, schools are also supported to develop their provision for EAL learners through a range of approaches including learning walks, modelling good practice for staff and resources such as guidance for welcoming refugees.

### Update from last report to School Forum

11. **Working with families from Afghanistan** – a number of Afghan families arrived in the Newcastle district in September 2021 and the MEAS team supported schools as they welcomed these new arrivals. In all 11 schools were provided with support and the team worked with 41 individual pupils.

Some of the common challenges faced by Afghan evacuee pupils and schools were:

- a. New environment – different school systems and curriculum
- b. Learning EAL in a fully English-speaking environment – as opposed to language classes
- c. Different teaching styles - UK schools vs Afghan schools
- d. Culture – dress, food, behaviour norms
- e. Social expectations
- f. Preparing mid-term to receive the pupils
- g. Sorting logistics such as access arrangements/uniforms/resources/contacts
- h. Non-attendance after enrolment
- i. Potentially non-permanence of the pupils' enrolment in the school
- j. Staff being unfamiliar in supporting new arrivals

Support provided by MEAS for receiving schools;

- a. Regular contact with the schools, continuing to offer support dependant on the schools needs. For example, to provide resource and lesson plan guidance and curriculum progression
- b. Delivered staff sessions in how to welcome and work with newly arrived pupils, how school and pupils can support the EAL pupils. For example, support staff to reflect on the school's Difference and Diversity curriculum.
- c. Signposted both via email and during staff sessions to useful resources and websites
- d. Visited the schools to observe, assess and advise staff on how best to support the children
- e. Reports were written and sent in with recommendations of strategies which included, placing the newly arrived pupils with middle to high

ability pupils, to include children in all activities, use visuals where possible when teaching the children as well as pre-teach vocabulary on new topics, to use visuals to communicate their social needs, use of buddy systems etc.

- f. Delivered Diversity sessions around Migration and Islam and Christianity.

## **12. Working with families from Ukraine**

During the Spring term, due to the political situation in Ukraine and the response of the British Government, a number of families arrived in Staffordshire. The response from MEAS mirrored that offered to the families from Afghanistan.

To date (5/9/2022) 122 primary aged pupils are attending Staffordshire schools. We have received 48 referrals for individual pupil support (32 maintained + 16 Academies) which is just over 39% of the total number of pupils.

## **Impact of the MEAS service**

- 13. Based on the service's experience of working with schools, feedback received, and the five recommendations made in the 2021 Schools Forum report, (detailed below) we have implemented some additional delivery from September 2021. These additional functions have provided schools with further support and advice on implementing the graduated response.

## **14. Recommendation 1: Training for schools**

*Produce a webinar on Supporting pupils with Emotional Health and Wellbeing.*

Progress to date up until the end of the academic year 2022 – this will be ready for the autumn term and the link sent out in the Autumn term Newsletter.

In response to the arrival of families and children from Ukraine, MEAS ran a webinar in June "Meeting the needs of newly arrived EAL students". This was attended by 9 schools. MEAS will repeat the webinar during the Autumn term.

## **15. Recommendation 2: Follow up on EMAG action plans**

*Provide training for staff around how to support EAL children and families effectively.*

Progress to date up until the end of the academic year 2022 – To date 18 schools have returned their action plans from a possible 28 schools which is a return rate of 64%. Reminders have been sent to the 10 schools outstanding. The team have put together a Good Practice guide and action plan template which was sent to the schools to showcase excellent practice and provide further ideas for schools. [Minority Ethnic Achievement Service \(MEAS\) | Staffordshire Connects](#)

One school requested a staff meeting focussing on strategies to support learning for EAL pupils.

### **16. Recommendation 3: Expand the Difference and Diversity workshop offer**

*Provide a new workshop for schools around racism.*

Progress to date up until the end of the academic year 2022 – this will be ready for the autumn term and the link sent out in the Autumn term Newsletter.

Since September 2021, the team have delivered 126 sessions over 29 schools. Sessions include; Journeys, focussing on refugees arriving to this country, Lady in Black, Focus on Islam, Chinese calligraphy, and an Introduction to Urdu.

Feedback from schools who have received the Difference and Diversity sessions;

*We included this as part of a multi-faith day, and it definitely addressed misconceptions about why some people cover their hair/face and move to another country.*

Primary school in Tamworth

*Thank you for a brilliant morning. The children gained so much knowledge and have a great time taking part in your practical approaches which were fun and engaging.*

Primary School in Cannock

*Excellent activity that was thought provoking.*

Primary school in Staffordshire Moorlands

### **17. Recommendation 4: Provide a MEAS support helpline**

*Provide a MEAS telephone helpline for 1 session per week, to help improve accessibility to the service for all schools.*

Progress to date up until the end of the academic year 2022 – the phone line commenced in May 2022 and schools were notified via the summer newsletter, information sent to the SEND and Inclusion hubs and by team members.

The helpline is available every Friday morning during term time on 0333 300 1900 option 6 ask for MEAS. This phone line is open to all schools, both maintained and academies. Enquiries range from support for pupils who are new to school, requests for training, advice on transition, where to find appropriate resources and working with parents and carers.

To date the average number of calls received per session is 6 - 10. The majority of calls currently are concerning support for families from Afghanistan and Ukraine.

## **18. Recommendation 5: Provide MEAS support to Afghan resettlement programme**

*Provide information, advice, and guidance to schools around supporting Afghan refugees as part of the services core offer and as required and directed by Staffordshire County Council.*

Progress to date up until the end of the academic year 2022 – 41 referrals were made into the service. 13 referrals came from maintained schools, the rest from academies.

## **19. Additional delivery**

Contact was made with the 28 EMAG schools requesting data on newly arrived pupils learning through English as an additional language in Staffordshire.

The letter explains that as an EMAG school there is no longer the need to complete a Notification of New Arrival form (NONA) and a funding form for each new arrival. EMAG schools will receive a lump sum for the year, comprising a minimum allocation of £1500. This is a “one off” payment to meet the specific needs on entry to school.

At the end of the year each school will be asked to submit information on the number of new arrivals they have received.

EMAG schools are still eligible to apply for additional funding to meet the needs of asylum seeking/refugee children and the school can access support from MEAS if they have an EAL pupil who is causing concern. This may be a new arrival or a pupil who has been in school for some time.

EMAG schools were requested to submit their action plans for analysis detailing how they were utilising their EMAG funding. To date 18 schools have returned their action plans from a possible 28 schools which is a 64% return rate. Reminders have been sent to the 10 schools outstanding. The team have put together a Good Practice guide and action plan template which was sent to the schools to showcase excellent practice and provide further ideas for schools.

The team continue to support schools with advice and strategies in dealing with concerns over racist incidents. Two schools contacted us and were offered Difference and Diversity sessions. The following feedback was received:

*Thank you so much for your visit we thoroughly enjoyed it. The structure for the day was brilliant. From being in the hall and answering the questionnaire, to being able to go back to class and unpick each question. The children were able to challenge stereotypes and reflect on their own misconceptions and stigmas. The Q and A aspect of the session worked really well, as the children at this point felt comfortable asking questions and exploring their own curiosity. The children also commented on how much they loved the interactive aspects, trying on the traditional wear and playing who wants to be a millionaire, to consolidate their learning. Thank you so much for your visit. I am sure the children will remember this experience for a long time.*

20. The team produced 10 top tips for Transition for schools which was included in the summer edition of the termly newsletter for schools. [Minority Ethnic Achievement Service \(MEAS\) | Staffordshire Connects](#)
21. Production of a termly newsletter for schools which includes advice, guidance and resources and relevant articles and thought pieces. [Minority Ethnic Achievement Service \(MEAS\) | Staffordshire Connects](#)
22. Attendance at the SEND hubs – this has enabled the team to bring MEAS to the attention of schools and other multi-agencies, e.g. Inclusion officers, schools who have not accessed MEAS historically and has led to more enquiries.

**Recommendations for the financial year 2022/23 in additional to core delivery;**

23. **Recommendation 1: To continue to promote and provide a MEAS telephone helpline** for 1 session per week, to help improve accessibility to the service for all schools. This will be monitored, and sessions added should there be sufficient demand.
24. **Recommendation 2: To produce training for schools** around ways to promote oracy and opportunities to talk for EAL learners. This will consist of whole school, classroom, and homework strategies.
25. **Recommendation 3: Continue to provide MEAS support to pupils from Ukraine** Provide information, advice, and guidance to schools around supporting pupils from Ukraine as part of the services core offer and as required and directed by Staffordshire County Council, including providing a termly training webinar for schools.

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**List of background papers:**

## Schools Forum – 10 November 2022

### School Budget 2023-24: De-delegation, Central Expenditure & Education Functions

#### Executive Summary

- This report asks for approval from Schools Forum for the Local Authority (LA) to retain DSG funding to deliver services on behalf of schools and Early Years.
- The budget areas proposed for de-delegation for 2023-24 are the same as those in previous years.
- Funding for Historic Commitments has been reduced by a further 20% from 2022/23
- As in previous years, the LA is proposing to use growth funding to help fund the National Funding Formula and make payments as per the growth fund policy. Any underspend will contribute to DSG balances.
- The LA is asking for £1.9m of Early Years funding to be retained centrally.
- The LA is asking for approval of a provisional levy of £56.47 per pupil from maintained schools to fund Education Functions previously funded by the Education Services Grant.

#### Recommendations

1. That the Schools Forum members from maintained schools only, vote on each de-delegated budget heading on behalf of the schools they represent.
2. That the Schools Forum approve the indicative allocations for both historic commitments and ongoing functions within the Central School Services Block be retained centrally for this purpose.
3. That the Schools Forum approve the continued use of the formula driven Growth Funding allocation.
4. That the Schools Forum approve £1.9m of Early Years funding to be retained centrally.
5. That the Schools Forum members from maintained schools only, approve a levy per pupil in 2023-24 to fund statutory duties performed by the Local Authority and previously funded by the Education Services Grant.

## **Report of the County Treasurer**

### **PART A**

#### **Why is it coming here – what decision is required?**

6. The Schools Forum has oversight of the Schools Budget and is required by the Finance Regulations to annually approve central expenditure (ongoing and historic commitments)
7. Maintained school members only are required annually to:
  - Vote on each de-delegated budget heading by phase
  - Approve a levy per pupil to fund duties performed by the Local Authority and previously funded by the ESG general duties rate.
8. If the Local Authority and Schools Forum are unable to reach consensus on the amount to be retained by the Local Authority for services previously funded by the ESG general duties rate, the matter will need to be referred to the Secretary of State.

### **PART B**

#### **Background**

9. For 2023-24 DSG allocations to Local Authorities will again be made using the National Funding Formula. DSG allocations will not be known until December, and Local Authorities need to submit school budgets to the ESFA by 20 January. This timescale means decisions on the budget areas in this report need to be made at this time to enable schools and services time to plan for their budgets and responsibilities for 2023-24.

#### **De-delegation**

10. Under the national funding arrangements, the government wants schools to have the opportunity to have as much funding and responsibility delegated to them as possible. Each year the Schools Forum representatives for maintained primary and secondary schools are required to vote on behalf of the schools they represent to determine whether or not a range of costs currently met centrally will transfer to maintained schools for them to manage themselves. The budget for these costs would also transfer to schools on a formula basis.

11. The maintained schools' members vote by phase on any areas proposed for de-delegation by the local authority and the outcome of that vote is binding for all maintained schools within the phase.
12. Academies are not part of these arrangements since these responsibilities and the funding for them are automatically delegated to academies through the ESFA use of the local funding formula.
13. The budget areas de-delegated last year following the equivalent vote are set out in the table below. Insurances are now provided by the DfE's Risk Protection Arrangement (RPA). Budget values are estimated for all primary and secondary schools (i.e. including academies) to provide the context of values involved. Actual figures for 2023-24 will be finalised over the next few months as the settlement and school census become available.
14. Supplementary information on the impact of delegation of each area is included in Appendix 1. The authority proposes that these areas are subject to the de-delegated vote for 2023-24.

**Areas proposed for de-delegation for 2023-24:**

<b>Budget Area</b>	<b>Primary £m</b>	<b>Secondary (including middle) £m</b>
Insurances (mainly premises related provided by RPA)	1.200	0.932
Staff costs (Maternity Pay)	1.261	1.072
Staff costs (Union Duties)	0.151	0.064
School Specific Contingency	0.390	0.185
Support for ethnic minority pupils or under-achieving groups	0.948	0.345
Licences and Subscriptions	0.601	0.236
Behaviour Support Services	0.572	Delegated
FSM eligibility	0.066	0.035

**Do maintained Forum members agree for these budget areas to be de-delegated for 2023-24?**

## **Central School Services Block**

15. There are some areas of central expenditure which need to be considered by the Schools Forum.
16. Funding in the Central School Services Block is split into Historic Commitments and Ongoing Functions.

### **Historic Commitments**

17. For historic commitments the following rules apply:
  - a. The budget cannot exceed the value agreed in the previous funding period
  - b. The expenditure against these budgets must be as a result of arrangements that already existed before 1 April 2013
  - c. The Schools Forum must approve the amount of the budget set for each heading
18. Historic commitments funding has again been reduced by 20% compared to 2022-23. The provisional allocation for historic commitments for Staffordshire for 2023-24 is £1.3m
19. The only heading under which Staffordshire retains funding for historic commitments is prudential borrowing. The indicative budget for 2023-24 is £924,130. Any remaining historic commitment funding will be transferred to the DSG reserve which is currently in deficit.
20. School Forum approval is also required for the SEN transport budget of £250,140. This is now funded from the High Needs Block.

### **Does the Schools Forum approve the use of the Historic Commitments funding as set out above?**

### **Ongoing Functions**

21. Ongoing Education Functions are funded by a combination of council tax and DSG. There is an annual liability for Teachers Pensions Added Years of c.£7.6m which is funded by council tax.
22. The estimated cost for other ongoing education functions for 2023-24 is £3.9m. These functions are funded by DSG through the Central Schools Services Block (CSSB). Any underspend on the CSSB will be transferred to the DSG reserve.

23. These functions are provided to all schools and are listed in the table in Appendix 2.

**Do Schools Forum members approve the ongoing functions allocation in the Central Schools Services Block be used to fund these services?**

### **Growth Funding**

24. Included within the Schools Block allocation is an amount for growth funding, which since 2019-20 has been formula driven. The formula allocates growth funding based on the differences between the primary and secondary numbers on roll in Middle Super Output Areas (MSOA) in the local authority on the October 2021 and October 2022 school censuses. This will fluctuate from year to year and is difficult to estimate.

25. Latest estimates of number on roll indicate the growth funding allocation for 2023-24 will be around £4.3m. The actual allocation will not be announced until December.

26. As in previous years it is proposed that the growth funding allocation is used to fund pupil growth in the National Funding Formula (approx. £2m in 2022-23), and allocations as per the Growth Fund and Infant Class Size policies (approx. £740k). Any underspend will be transferred to the DSG reserve.

**Does the Schools Forum approve the continuing use of the Growth Funding allocation as set out above?**

### **Central Early Years Expenditure**

27. The requirement here is for the Schools Forum to approve the central expenditure. This is not the expenditure provided to settings for their running costs in providing the free entitlement for two, three and four year olds but is in respect of support services for providers of early years education.

28. Following the introduction of the Early Years Funding Formula, central overheads are limited to 5% of the Early Years Block Funding for 3 and 4 year olds. For 2023-24, the authority is asking for £1.9m (4.0%) to be retained centrally.

29. The £1.9m funds Statutory functions, along with Back office administration and overheads. The breakdown of costs between these activities is shown below:

	<b>£'000</b>
Statutory functions; Collection and Submission of Early Years Foundation Stage (EYFS) profile data, Quality Liaison and Business Support and Market Development	1,000
Back office administration - Early Education & Childcare Team, Early Education Funding Team, portal, database system and finance Support	776
Overheads	120
<b>Total Cost of SCC overheads</b>	<b>1,896</b>

30. SCC will provide the following statutory functions:
- a. Collection and Submission of Early Years Foundation Stage (EYFS) profile data.
  - b. Quality Liaison: Under S13 of the Childcare Act 2006, LA's are required to provide information, advice and training to providers.
  - c. Business support and market development: Under Section 6 of the Childcare Act 2006, LA's have a duty to secure sufficient childcare for working parents and Section 7 sets out a duty to secure early years provision free of charge. This element of the SDA is a vital function to ensure sector capacity and sustainability across the county.
31. In back office administration terms, the allocation funds a team to undertake transactions, financial processes, auditing and managing queries so all providers receive prompt payment.
32. The allocation also funds management capacity, sufficiency analysis, the provider portal and database, oversight of eligibility checking for funded places, compliance and Information, Advice and Guidance for providers, parents and professionals in accordance with the Statutory Guidance for Early Education and Childcare.
33. The Overheads cover the cost of general support to the back office administration. General support includes costs of ICT, Property, Legal, Web Team and the Customer Service Centre

**Does the Schools Forum approve the proposed level of central support services for early years' provision?**

**Education Functions for Maintained Schools Only**

- 34. The functions provided to maintained schools only are listed in Appendix 3, along with the levy per pupil that will be required to fund each of these services.
- 35. If maintained school members do not agree to the levy required for any of the services listed, the funding and associated responsibilities for providing this service will be delegated to schools.

**Do maintained Schools Forum members agree to the levies per pupil presented in Appendix 3 to fund the costs of the associated services?**

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## Further Information on Areas Affected by the Schools Forum Vote on De-delegation

### Maintained Primary and Secondary Schools Only

#### Background

1. The arrangements set out in this note apply to **maintained primary and secondary schools only**.
2. Under the national funding arrangements the government want schools to have the opportunity to have as much funding and responsibility delegated to them as possible. Each year Schools Forum representative is required to vote to determine whether or not a range of costs currently met centrally will transfer to schools for you to manage yourselves. The budget for these costs would also transfer to schools on a formula basis.
3. The vote is taken by maintained schools representatives only, as academies automatically have the funding and responsibilities for these areas. The vote is binding by phase – so for example if primary school representatives voted for the budget for one of the headings to be delegated then it must be delegated for all primary schools.
4. This note sets out some further information on the affected areas. Budget values are indicative and represent the total for primary and secondary schools, including academies.

#### Insurance (£2.132m)

5. Maintained Schools currently receive their insurance provision from the Risk Protection Arrangement (RPA) provided by the Department for Education. Insurance cover provided includes:
  - a. Material Damage
  - b. Business Interruption
  - c. Employers' liability
  - d. Third party liability
  - e. Governors' liability
  - f. Professional indemnity
  - g. Employee and third party dishonesty
  - h. Money
  - i. Personal accident
  - j. UK travel
  - k. Overseas travel
  - l. Legal expenses
  - m. Cultural assets
6. If this area is delegated, schools will have a choice to purchase their insurance cover from the RPA or seek an alternative arrangement from another provider.
7. Schools would be required to ensure that any external arrangements meet the authority's minimum standards of cover. The County Council would also need to assure itself that the cover was compliant. A small administrative fee will therefore be charged to any school opting to insure with another provider.
8. Most providers would offer cover over a long term arrangement, say 3 or 5 years. Insurers will normally offer a discount for long term arrangements. Agreements over longer periods would mean that for most schools a full tender procedure would have

to be carried out in order to be compliant with schools procurement regulations. The current RPA policy runs until the 31 March 2023, and therefore, if schools opt for delegation they would need to commence a procurement exercise in good time to ensure that cover was in place by 1 April 2023.

9. Under a delegated arrangement wherever schools purchase their cover from, the premium rates would normally include up to 5 years claims history for each individual school.
10. It is likely that the cost of insurance would be higher if procured at individual school level due to loss of economies of scale experienced by the RPA.

#### Maternity pay (£2.333m)

11. At present, episodes of maternity leave for school teachers are funded centrally from the schools' budget. An individual school therefore need only consider how they replace the teacher on maternity leave. Costs are recorded at individual school level.
12. This is an unpredictable budget and under a delegated arrangement schools would be responsible for meeting all the costs associated with an episode of maternity leave.
13. The impact of this may be greater for smaller schools where one staff member comprises a larger proportion of the workforce and the potential cost of maternity pay. Schools should also consider the possibility of there being multiple maternity episodes within the same year.
14. In the event that this particular item was delegated schools may wish to consider schemes from other providers which offer an insurance arrangement.

#### Union duties (£0.215m)

15. Following the report to Schools Forum in October 2015, 80% of the fund will cover the following four professional teaching associations:
  - a. Association of School and College Leaders (ASCL)
  - b. National Education Union (NEU)
  - c. National Association of Head teachers (NAHT)
  - d. National Association of Schoolmasters Union of Women Teachers (NASUWT)

The remaining 20% of the fund will support the Green Book Support Staff Trade Unions.

16. The budget provides funding to enable association representatives to work with the Local Authority on developing policy and related matters. It also provides for Association representatives to support individual colleagues in disputes or other employee related matters.

#### School Specific Contingencies (£0.575m)

17. This budget provides a safety net where unanticipated and significant costs occur, which it would not be reasonable for the school to meet. At present staff suspensions are covered from this budget, as are significant teacher pension arrears which can run

to several thousand pounds. Other examples could include where a school has been presented with a significant utility bill or emergency premises works.

18. Under a delegated arrangement, individual schools would be responsible for meeting the full cost of such events. The impact of this is likely to be greater for smaller schools.

#### Support for ethnic minority pupils or under-achieving groups (£1.293m)

19. This budget covers both the funding devolved to individual schools through the locally agreed formula, which is the majority of the funding, and the MEAS team. Under a delegated arrangement the services currently provided to schools through the MEAS team would have to be offered on a traded basis, where charges to individual schools reflected the actual cost of delivery to that individual school. The funding currently devolved to schools through the local formula would also cease. Instead schools would receive a formula allocation using the government permitted formula basis which would not target resources in the same way.
20. The government framework allows a maximum period of targeting resources to EAL pupils of their first three years within the English school system. However, it often takes pupils much longer than this to acquire the academic language needed for success in national tests and assessments. The locally agreed formula uses a different basis to allocate funding to schools and takes account of under-achieving groups as well as EAL pupils, as not all EAL pupils attain lower than the indigenous population. In this way it targets funding at under-achieving groups much more closely than the national framework would allow.
21. Whilst the number of EAL pupils currently in Staffordshire secondary schools is relatively low the number is increasing rapidly in the lower age groups and without sufficient support these pupils are likely to arrive at secondary schools behind their white British peers.
22. In the event of delegation the funding currently allocated to individual schools would not be automatically protected through the MFG since it is outside the delegated budget.

#### Licences and Subscriptions (£0.837m)

23. A number of licences are currently funded centrally on behalf of schools. These include:
  - a. Consortium of Local Education Authorities for the Provision of Science Equipment (CLEAPSS) Subscription
  - b. My Finance licences
  - c. SIMS annual maintenance charge
24. Forum members agreed to extend the existing SIMS contract for 5 years (until 31/03/2024) at the July 2018 meeting.
25. The County Council currently benefits from bulk-purchasing and real costs for individual schools are likely to be higher because of the additional administrative burden placed on both the licensing agency and schools.
26. Schools could incur penalties directly if they failed to renew their licences.

Behaviour Support Services (BSS) (Primary phase schools only, £0.572m, already delegated for secondary schools including middles)

27. Schools need to consider the time, resources and expertise required to undertake behaviour support type interventions directly. In addition, the BSS brings the objectivity of a team not directly employed by the school. De-delegation ensures that early intervention is not neglected. If schools/settings have unlimited, universal access to support and advice, they are more likely to request it at an early stage, therefore having a greater impact and reducing the likelihood of difficulties escalating.
28. The current BSS team consists of specialist qualified staff providing high standards of service. They are able to meet the needs of a large County despite relatively low staffing levels. There is a risk that access to specialist staff will be lost if the service is delegated or schools choose to manage their own risk.
29. Meeting the needs of all vulnerable children and young people in a community requires schools not only to be effective individually, but also to collectively consider needs and resources across an area to ensure that vulnerable children or young people have a school place that meets their needs, including taking collective responsibility for the education of children at risk of exclusion or permanently excluded pupils.
30. The Behaviour Support funding may already have been allocated when pupils are permanently excluded from one school but then placed in another school.
31. There is also the risk of delay in securing support leading to an escalation of the difficulties and making successful remediation more difficult, lengthy and expensive (both monetarily and in terms of educational outcomes for pupils).

Assessment of eligibility for Free School Meals (£0.101m)

32. Under delegation schools could buy into a Service Level Agreement with the Staffordshire Free School Meals Entitlement Checking Service, or make their own arrangements to handle all aspects of free school meal claims without any assistance from the Authority
33. Schools who buy into the SLA have access for their parents to make applications through our online form which gives an instant yes or no response and carries out rechecks on those not found as entitled. The service confirms initial and ongoing entitlement, applies the present entitlement criteria as a result of the introduction of Universal Credit and the transitional protection for claims announced by the government, and will also apply the necessary changes when the transitional protection ends. The service also manages all contact with parents to resolve any issues and a web-based reporting system is provided for schools to access reports for their claim information. Schools admissions and pupil premium information is also used to move claims between Staffordshire schools or identify those who may be entitled for schools to target for an application to be made.
34. Schools who do not buy into the service must make their own arrangements to handle all queries and communication with parents, applying the law and any changes to that law as they occur. They would also need to identify themselves any new pupils who are or may be entitled to free school meals.

## Responsibilities Local Authorities hold for all schools

	2022/23 Amount (£)	2023/24 Amount (£)
<b>Statutory &amp; Regulatory Duties</b>		
Director of Children's Services and personal staff for Director (Sch 1, 20a)	111,737	120,650
Planning for the education service as a whole (Sch 1, 20b) & Admissions	1,239,582	1,338,457
Revenue budget preparation , preparation of information on income & expenditure relating to education, and external audit relating to education (sch1, 20d)		
Administration of grants (sch 1, 20e)	471,815	509,449
Authorisation and monitoring of expenditure not met from schools' budget shares (sch1, 20fi)		
Formulation and review of local authority schools funding formula (sch 1, 20g)		
Internal Audit and other tasks related to the authority's chief finance officer's responsibilities under section 151 of LGA 1972 except duties specifically related to maintained schools (Sch1, 2i)	56,166	60,646
Standing Advisory Committees for Religious Education (SACREs) (Sch 1, 24)	10,081	10,886
<b>Total Statutory &amp; Regulatory Duties</b>	<b>1,889,380</b>	<b>2,040,087</b>
<b>Education Welfare</b>		
Statutory Education Welfare activities	516,278	557,458
<b>Total Education Welfare</b>	<b>516,278</b>	<b>557,458</b>
<b>Asset Management</b>		
General landlord duties for all buildings owned by the local authority, including those leased to academies.e.g. checking that statutory compliance testing has been completed annually	250,829	257,981
<b>Total Asset Management</b>	<b>250,829</b>	<b>257,981</b>
<b>Overheads</b>		
Legal Services related to education functions (sch1, 20u)	240,894	260,109
HR Overheads	67,021	72,366
<b>Total Overheads</b>	<b>307,915</b>	<b>332,476</b>
<b>Other Ongoing Duties</b>		
Licenses negotiated centrally by the Secretary of State for all publicly funded schools (sch2, 8) This does not require schools forum approval	663,483	716,405
Maintenance & Servicing of Schools Forum	13,126	14,173
<b>Total Other Ongoing Duties</b>	<b>676,609</b>	<b>730,578</b>
<b>Total Ongoing Education Functions</b>	<b>3,641,010</b>	<b>3,918,580</b>
Total amount included within provisional Central Schools Block allocation for ongoing functions	<b>3,920,740</b>	<b>4,086,711</b>



## Responsibilities Local Authorities hold for Maintained Schools

	2023/24 Amount (£)	Amount per pupil 2023/24 based on Oct 21 Census (£)	2022/23 Amount per pupil (£)
<b>Regulatory Duties</b>			
Functions related to local government pensions and administration of teacher's pensions in relation to staff working at maintained schools under the direct management of the head teacher or governing body (Sch 1, 20m) Transaction costs of administering compensation benefits	45,000	1.58	1.38
Compliance with duties under Health & Safety at Work Act (Sch 1, 20s)	20,750	0.73	0.69
Establish and maintaining computer systems including data storage (Sch1, 22)	165,000	5.79	5.54
Appointment of governors (Sch1, 26)	27,769	0.97	0.93
<b>Total Regulatory</b>	<b>258,519</b>	<b>9.07</b>	<b>8.54</b>
<b>Asset Management</b>			
Management of the LA's capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions (Sch1, 10a)	87,006	3.05	3.15
<b>Monitoring national curriculum assessment</b>			
Statutory Monitoring of national curriculum assessments (Sch 1, 23)	119,008	4.18	3.98
<b>Asset Management</b>			
Statutory landlord duties for all maintained schools (Sch 1, 10a (section 542 (2) Education Act 1996; School Premises Regulations 2012) including compliance testing for water, gas, electricity and asbestos. This budget was previously held centrally but was delegated to schools at December 2016 Schools Forum	894,294	31.39	27.24
<b>Premature retirement and redundancy</b>			
Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch1, 25) This budget was previously held centrally to meet 30% of redundancy costs but was delegated to schools at the December 2016 Schools Forum	250,000	8.77	7.65
<b>Total General Duties</b>	<b>1,608,827</b>	<b>56.47</b>	<b>50.56</b>



## Schools Forum – 10<sup>th</sup> November 2022

### High Needs Block update

#### Executive Summary:

- The forecast outturn for the 2022/23 High Needs Block is £6.0m overspend.
- At the end of the last financial year the DSG reserve is in deficit by £8.6m and will deepen given the expected overspend in 2022/23.
- Indicative Government funding next year will see Staffordshire's High Needs Budget increase to £122m (c 6%). However this is insufficient to close the gap and it is likely that a further overspend will arise in 2023/24 of c £8m [there is a risk this could be significantly worse given clarifications in the HNB Operational Guide 23/24 regarding the funding of other authority 'Looked After Children']
- Left unaddressed the accumulated DSG Deficit is forecast to worsen over the next 4 years to between £70m and £100m by 2026/27.
- A 'Deficit Management Plan' (DMP) has been worked up, based on the Council's SEND Strategy, that aims to develop a more inclusive system where more CYP with SEND access mainstream education - wherever possible within their local community - and if appropriate with specialist support. This will provide for a more sustainable model, with better outcomes for our CYP and reduce reliance on the non-maintained and independent sector.
- This will take time to impact and, in order to limit the extent of the accumulated deficit arising over the next few years, the DMP also includes a range of interventions and policy reviews that will provide for additional resource / reduce costs in the short and medium term.
- Given the continuing SEND demand, and growing deficit, Schools Forum are being asked to approve the transfer of 0.5% funding from the schools block for high needs in 2023/24. This forms a key part of the Council's DMP.
- The DMP will be monitored going forward and brought forward regularly to Schools Forum as part of the routine HNB update report.

#### Recommendations:

That Schools Forum notes:

1. the High Needs Block budget 2022/23 and latest forecast outturn
2. the latest budget assumptions 2023/24 and going forward
3. the Deficit Management Plan 2022/23 – 2026/27
4. the outcomes of the Council's consultation with schools regarding the 0.5% funding switch in 2023/24.
5. **That Schools Forum agrees to the 0.5% transfer from the Schools Block of the DSG to the High Needs Block (HNB) in 2023/24.**

Report of Director for Children & Families

## Background

6. The financial risk of the High Needs Block (HNB) has been a standing agenda at Schools Forum. The increase in demand on the High Needs Block has been reported regularly. Pressures on the High Needs block are ongoing due to the continued increase in a range of areas. These include:
  - Additional needs requests
  - Increase in pupil numbers requiring EHCPs,
  - Extension of age group to 25 for those with EHCPs,
  - Increase in independent placements and costs,
  - Increase in Matrix funding for special schools,
  - The funding of increased numbers of pupils educated 'other than at school' (EOTAS)

## Budget 2022/23 and Forecast

7. For 2022/23 the Government initially confirmed an increase in the overall High Needs Block of £780m; however, as part of the 2021 Autumn Spending Review further funding of £325m has been confirmed in recognition of the significant service and cost pressures impacting in this area. This follows many years of government underfunding that has led to a severe crisis in this area nationally where funding has failed to keep pace with costs and demand.
8. For Staffordshire the High Needs budget 2022/23 is £114.8m; an increase of £13.7m compared with 2021/22 (13.6%). There has been no transfer of funding from the Schools Block this year to supplement the HNB budget.

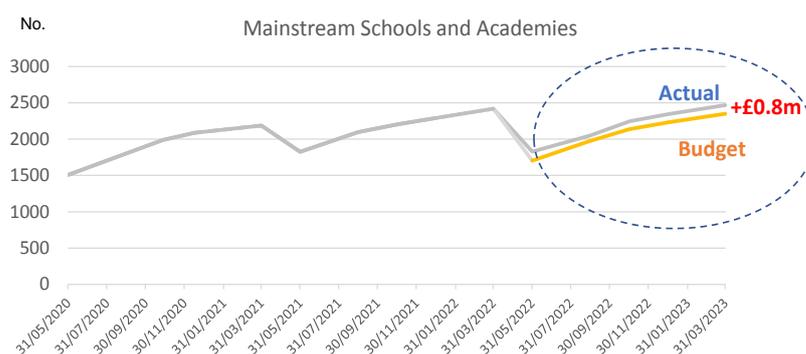
This increase has been passed on in full for the provision of SEND and high needs; none of this funding increase will be used to repay historical deficits. For 2022/23 Special School budgets 22/23 have been set based on:

- a Minimum Funding Guarantee of 2.5% (higher than the MFG set by Government of 0%); ensuring that funding for all Special Schools, on a like for like basis, increased by a minimum of 2.5%.
  - no capping of school gains
9. Whilst the additional Government funding is recognised, rises will only keep pace with rises in cost and demand and are insufficient to 'close the gap'. The forecast overspend this year is circa £6.0m (a more detailed overview of the HNB budget is provided within Appendix 1):

<b>High Needs Budget 2022/23</b>	Budget 22/23 £m	Outturn £m	Over / (Under) spend £m
Planned Places	33.1	33.1	0.0
Top Up Budgets	40.6	42.5	1.9
<b>Non Top Up Budgets</b>			
Independent Schools (Mainstream & Special)	25.7	28.8	3.1
Alternative provision (inc Hubs)	3.7	3.8	0.1
Post 16	4.7	5.4	0.7
Other	7.0	7.5	0.5
<b>Total Net Spend</b>	<b>114.8</b>	<b>121.1</b>	<b>6.3</b>
<b>Total Funding</b>	<b>(114.8)</b>	<b>(115.1)</b>	<b>(0.3)</b>
<b>Net Outturn</b>	<b>0.0</b>	<b>6.0</b>	<b>6.0</b>

## 10. Key variances arising

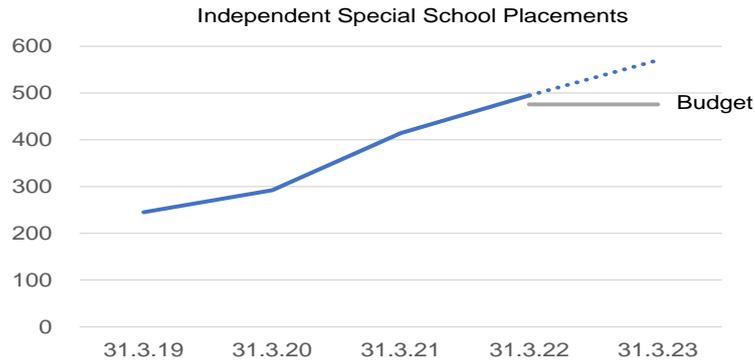
- i. An overspend of c £1.9m against the school 'top up' budgets, largely a result of:
  - the number of children with EHCP/AEN support in Mainstream Schools and Academies leading to a £0.8m overspend:



- An overspend of £1.0m in special schools and academies, arising as a result of both an increase in demand and a rise in the proportion of children receiving higher levels of top ups as a result of increasing needs.

	2022/23		
Top Ups	# fte		£m
Matrix 1	513	23%	0.1
Matrix 2	771	34%	1.3
Matrix 3	977	43%	8.3
School Specific	2261		2.7
Additional Places			0.7
Enhancements			3.0
Exceptional Need			0.7
Residential			1.8
Adjustments (part time / backdated)			0.2
EBT (1-10)	61		0.6
EBT (school specific)			0.1
Allowance for more growth			3.0
<b>Total Spend</b>			<b>22.4</b>
Budget			21.4
Variance			1.0

ii. An overspend of c £2.8m in Independent Special Schools



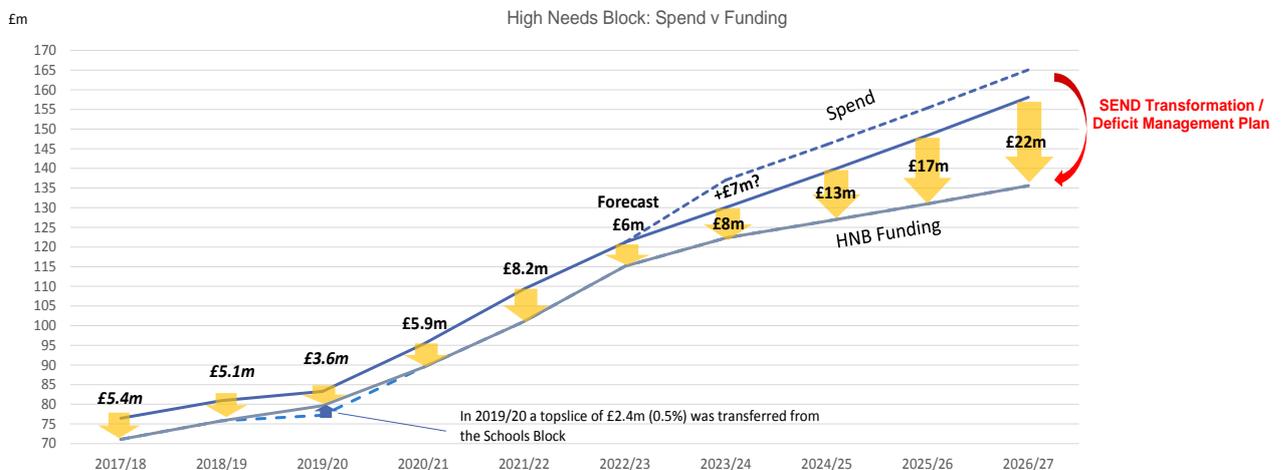
iii. Other net overspends of c £1.3m due to increasing demand, most significantly for Post 16 provision (£0.7m) and Early Years (SEN Inclusion fund) (£0.4m).

Budget 2023/24 and Going Forward

11. In 2023/24, based on initial estimates, Staffordshire’s high needs budget next year will increase to c £122.3m (an increase of 6% compared to 2022/23).

This is lower than in previous years and it is unrealistic to assume Government funding will continue to increase in line with recent levels. The assumption is that, going forward, the High Needs Block will increase annually by c 3% p.a. from 2024/25.

12. Whilst the additional Government funding is recognised, increases in recent years have been passed on in full for the provision of SEND; none has been used to repay historical deficits. As such rises have only kept pace with rises in cost and demand and have been insufficient to ‘close the gap’. It is anticipated there will be a further significant overspend next year of at least £8m and – left unaddressed – will likely increase annually going forward:



[Note: in the latest HNB Operational Guidance 2023/24 (section 17.1) a clarification has been brought forward regarding the maintenance and funding of EHCPs for other authority 'Looked After Children' but residing within Staffordshire e.g. fostering. This requires further investigation but, based on initial estimates, there is a risk that this could lead to a significant additional burden of c £7m p.a. and will increase the overspend to c £15m in 2023/24 rising to £29m in 2026/27]

### DSG Reserve and Deficit Management Plan

13. As a result of the on-going overspend in the HNB, over the last few years the DSG reserve has been fully depleted and at the end of last year (21/22) there is an accumulated deficit of c £8.6m. Given the latest forecast overspend 2022/23 of £6m that deficit is likely to increase this year and, after the transfer of anticipated surpluses from Growth Fund and Central Block, is forecast to be £12.8m in deficit at the end of the current year:

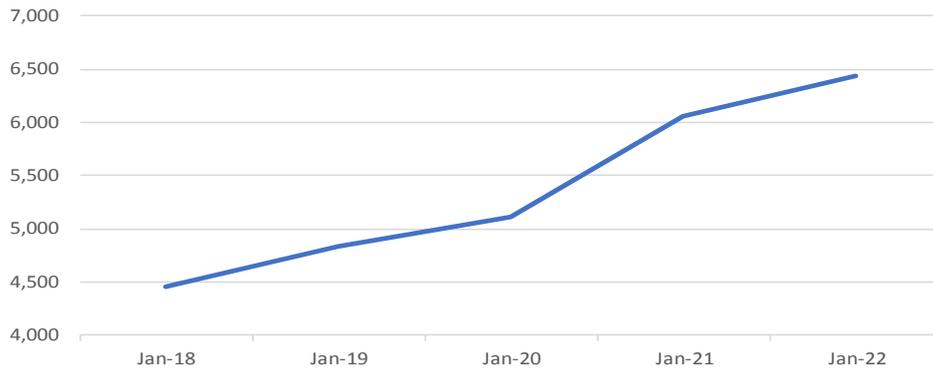
	<u>£m</u>
Accumulated deficit end of 21/22	8.6
- Forecast HNB Overspend 22/23	6.0
- Forecast Growth Fund surplus 22/23	-1.5
- Forecast Central Block surplus 22/23	-0.3
Forecast Accumulated deficit end of 22/23	<u>12.8</u>

14. The HNB overspend – and accumulated deficit - is mainly due to increased demand for Special Educational Needs provision and in particular:
- i. the rise in demand for Education, Health and Care plans (EHCPs) following national reforms from 2014;
  - ii. increasing complexity of children's needs; and
  - iii. the rising demand and costs for out of county (Independent) placements.

In particular there has been a significant increase in demand for those CYP with a primary need of Social, Emotional and Mental Health (SEMH), Speech, Language and Communication (SLC), or Autism Spectrum Conditions (ASC) and there is an increasing population of CYP presenting with anxiety and associated mental health conditions which are preventing attendance at school, placing increasing pressure on the Alternative Provision element of the HNB due to the additional use of tuition and EOTAS.

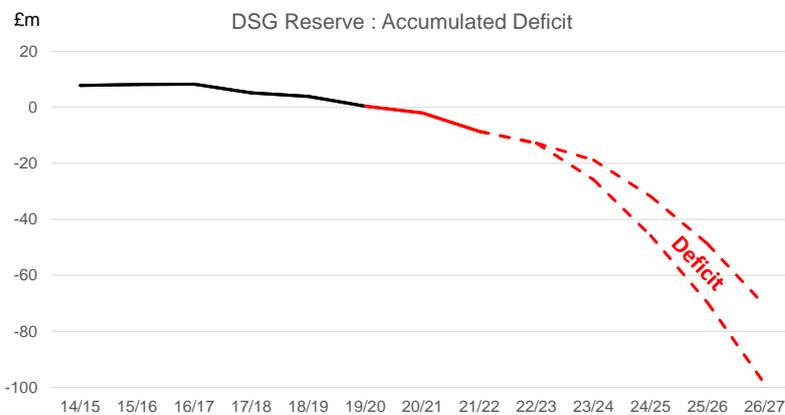
15. The following shows the rise in demand for EHCPs within Staffordshire over the last 4 years; whilst increases are in line with national trends data also indicate that we have too many Children and Young People (CYP) with EHCPs educated in the specialist sector:

Staffordshire EHCPs (January census)



	Jan-18	Jan-19	Jan-20	Jan-21	Jan-22
Staffordshire	4,456	4,835	5,117	6,056	6,437
Year on Year change		8.5%	5.8%	18.4%	6.3%
Nationally	319,819	353,995	390,109	430,697	473,255
Year on Year change		10.7%	10.2%	10.4%	9.9%

16. Pressures on the HNB and resulting accumulated DSG deficit is a key risk faced by the Council and is being monitored closely as part of its corporate finance and performance reporting and risk register. Going forward it is anticipated that demand – and costs - will continue to increase in line with historic rises. Given the anticipated annual HNB overspend, this could see the overall accumulated DSG deficit increase to between £70m and £100m by the end of 2026/27:



### Deficit Management Plan

- Background

17. Under Department for Education (DfE) guidance, as outlined in the DSG Conditions of Grant, any local authority with an overall deficit on its DSG account “must co-operate with the DfE in handling that situation”. In particular, the authority must:

- provide information as and when requested by the department about its plans for managing its DSG account
- provide information as and when requested by the department about pressures and potential savings on its high needs budget

- meet with officials of the department as and when they request to discuss the authority's plans and financial situation
- keep the schools forum regularly updated about the authority's DSG account and plans for handling it, including high needs pressures and potential savings

The Secretary of State reserves the right to impose more specific conditions of grant on individual local authorities that have an overall deficit on their DSG account, where they are not taking sufficient action to address the situation.

18. The DfE acknowledges the pressures which local systems are experiencing delivering SEND services and has brought forward two intervention programmes for those authorities with the largest deficits:

- i. Safety Valve; a programme of targeted support / 'bail out' agreements for those authorities with the greatest DSG deficits. These agreements will hold the local authorities to account for delivery of reforms to their high needs systems, so that they can function sustainably and therefore in the best interests of the CYP they serve. These local authorities will be expected to reach an in-year balance on their DSG as quickly as possible, and over time eliminate their deficits. The DfE have indicated that, if conditions are not met, then it "will not hesitate to withhold payments".
- ii. Delivering Better Value (DBV) for SEND; a programme of support for local authorities to improve delivery of SEND services for CYP while ensuring services are sustainable. This optional programme is currently providing dedicated support and funding to 55 local authorities – chosen based on those with the greatest deficits as at 2020-21 (after those authorities that have already been invited to join the DfE's safety valve programme).

At a meeting with ESFA earlier in June earlier this year it was confirmed that the programmes are available to those local authorities with the greatest DSG deficits and it is unlikely Staffordshire would be invited to join either programme.

19. Given the current level of 'DSG deficits' within the system, a further intervention has been brought forward – this time by DLUHC – requiring authorities to hold DSG deficits in a separate reserve in the authorities accounts<sup>1</sup>. This is a temporary 'statutory override' for the 3 years 2020/21 to 2022/23 and effectively restricts the Council from applying its general resources to help support the High Needs Block. However this accounting treatment is only allowed up to and including the accounts for 2022/23 beyond which time authorities will need to demonstrate their ability to cover DSG deficits from their available reserves; it is therefore crucial that authorities' high needs systems move to a more sustainable position. Further guidance is expected shortly regarding how DSG deficits should be treated after 2022/23.

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<sup>1</sup> The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2020

- Key themes

20. Our SEND strategy vision is:

“All children and young people with SEND are given the opportunity to achieve everything that they can. They engage with the right support at the right time from their parents/carers, the community and the professionals that work with them to make this happen.”

21. Staffordshire is a large geographical area and has a diverse population so we will strive for consistency throughout Staffordshire with education settings encouraged to be inclusive, needs met as early as possible, independence skills encouraged at every stage and children at the centre of every decision. We have set 4 priorities to focus on to help achieve our vision:

- i. We communicate well with each other
- ii. We work in partnership to meet the needs of CYP
- iii. We ensure that the right support is available at the right time
- iv. We encourage communities to be inclusive

22. No single action alone will be sufficient to mitigate the existing deficit, but this will only be addressed through a combination of interventions. A longer term financial management plan to recover the deficit, using the ESFA recommended ‘deficit management plan’ template, has been developed that is consistent with the actions and objectives outlined in the Council’s Accelerated Progress Plan and wider SEND Strategy. This is summarised below based on two key themes: Managing Demand and Sufficiency of Places; and Financial Management.

- Managing Demand and Sufficiency of Places

23. Strategies developed as part of the Accelerated Progress Plan;

- will continue to support multi-agency working to enable true coproduction that is based on the principle of holistic outcomes. This will provide support prior to and a review of the Education, Health and Care Needs Assessment (EHCNA) pathway so that a ‘team around the child’ approach is developed as part of the graduated response. The intention is to ensure the appropriate level of early intervention is available and robust decision making is in place to determine who requires an EHCNA.
- A central EHCNA panel has been established to ensure a robust and consistent review and challenge of initial requests and graduated approach prior to assessment.
- A review of specialist provision (mainstream, special and alternative provision) including enhanced provision in mainstream schools (Enhanced Resource Bases) to ensure there is sustainable provision across the county that meets current and future needs and demands. It is our strategy:
  - to increase the number of CYP with EHCP who access mainstream education- wherever possible within their local community and if appropriate with specialist support
  - to provide additional capacity within our specialist sector for CYP who require a more specialist/tailored provision targeted at the increasing trend of SEMH and ASC
  - reduce reliance on Independent Specialist Provision

#### 24. Early Intervention;

- SEND & Inclusion District (Hubs) model; Staffordshire is continuing to embed the SEND and Inclusion District model which:
  - provides mainstream education providers, at a local level, with multi agency support and challenge as well as promoting inclusive practice
  - builds on and promotes the early help model and graduated<sup>2</sup> approach as a key tool for inclusion and meeting the needs of CYP at the earliest opportunity and before they escalate and require an EHCNA / EHCP to access support.

The Council has earmarked c £3m for Inclusion and SEND Partnership Boards across the county based on the District SEND and Inclusion model. There are 8 ISPBs and funding has been allocated for i) AEN funding – allocated and commissioned at a local level - to provide support and mentoring etc for CYP pre statutory processes to meet needs; and ii) additional funding to provide support to schools as part of specialist outreach in order to avoid escalation and provide early intervention and funding to provide support for alternative provision to avoid permanent exclusion - this is targeted at those CYP at risk of permanent exclusion.

This is a necessary investment now to achieve the capacity and cultural changes required to deliver a longer term sustainable model. This will take time to impact and, for now, is an additional burden on the existing HNB budget which is already overstretched. The proposal therefore (see below) is that this programme is financed from the Schools Block Transfer of 0.5%.

- SEND Inclusion Fund; There has been a significant increase in demand for support to Early Years (pre-school) children pre EHCP. Accordingly the Council has made significant additional investment through the SEND Inclusion Fund to provide early support and intervention that prevent needs from escalating.

#### 25. Capital investment; Staffordshire has approved a capital programme of c £16.4m to deliver new places and improve existing provision, within education settings, for CYP with special educational needs and disabilities (SEND). This is in accordance with the Vision and Priorities outlined in the Staffordshire Special Educational Needs and Disabilities (SEND) Strategy 2021-2026.

Following a public consultation earlier in the year (June-July 2022) it has been agreed that resources should be prioritised to:

- Increase access to mainstream placements for CYP with high needs (who might otherwise require more specialist provision) with the development of resource bases

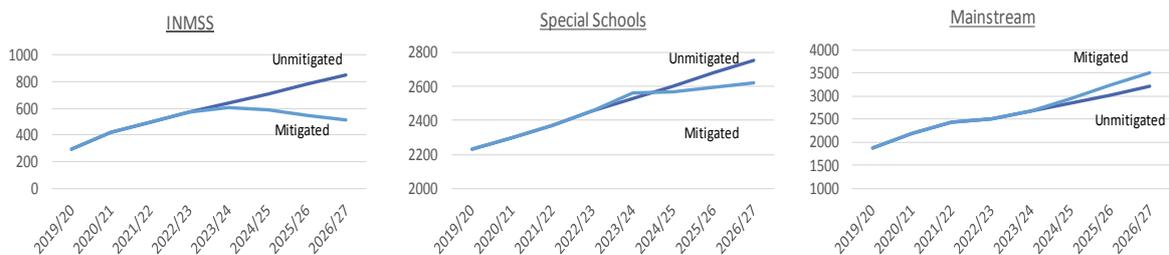
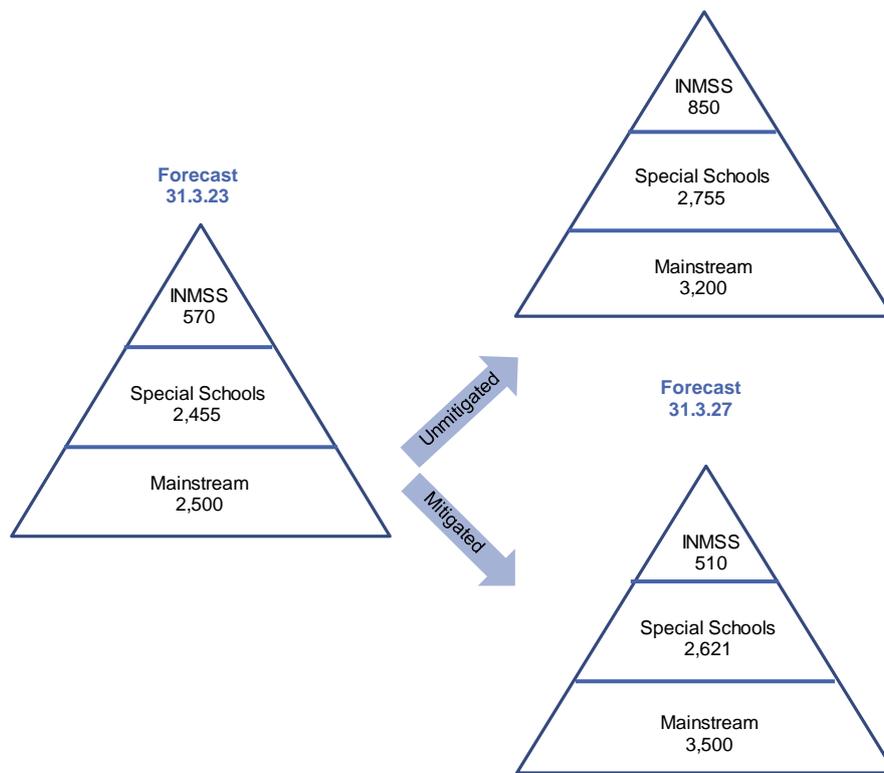
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<sup>2</sup> The Graduated response toolkit has been launched to provide education providers with support and guidance at an early stage to avoid escalation into the statutory provision.

- Increase the local availability of high needs places to help reduce the requirement for out of area placements/placements at independent special schools

Note: to be clear, the capital investment is for the development, improvement and expansion of school infrastructure. The on going revenue costs of additional placements will continue to be funded from HNB.

26. Through the strategies outlined above, it is anticipated that over time we will develop a more inclusive model where, with the support of the changes proposed in the SEND review, more of our CYP with SEND are supported within their local community and in line with the national averages. The following shows the expected demand (unmitigated) going forward and, with mitigations, how that is likely to be impacted:



- Financial Management

27. From 2022/23 the Council has implemented a new 'Education Banding Tool' (EBT) for the identification and assessment of SEND. This will provide for a more consistent and fair assessment and will better identify where partner contributions (e.g. health) should be recovered. Going forward we will review the implementation of the EBT in line with intended objectives and affordability (acknowledging Government set Minimum Funding Guarantee (MFG) levels).
28. Through the Staffordshire SEND and Inclusion Partnership Group - which is co-chaired by the local authority and Integrated Care Board (formerly the CCGs for Staffordshire) - we will continue to develop joint commissioning arrangements with health colleagues.
29. Review of non-statutory activity that is funded by HNB - this includes a review of:
  - existing policy for the acquisition of additional planned places procured throughout the year.
  - existing contracts for residential education provision
  - alternative funding sources where appropriate
30. The Council will continue to monitor closely contracts for independent provisions to ensure they are cost effective, adequately meet needs and continue to offer good value.
31. We are reviewing of our direct payments and personal budgets to ensure that they meet the needs of CYP and there is sufficient information and support for schools, practitioners and parents.
32. Transfer of 0.5% funding from the Schools Block to the High Needs Block (circa £3.1m in 23/24). This will be invested to fund the Council's transformation programme outlined above.
33. Continue to lobby central government for funding increases which properly match the levels of need in Staffordshire. This continues to be an issue raised by Local Authorities across the sector and representation made through Society of County Treasurers (SCT), EMFOG, LGA, CCN and the F40.

- Other

34. Schools Forum has agreed that the following other contributions should be earmarked for transfer to the Council's DSG reserve:
  - i. surplus Growth Fund money (after amounts have been used to fund NFF shortfalls and contributions to schools for in year growth<sup>3</sup>). In 2022/23 this is estimated to be c £1.5m and a similar contribution is forecast for 23/24.
  - ii. surplus unallocated funds, as part of the allocation of on going education functions (central schools services block). For 2022/23 this is estimated to be c £0.3m and for 2023/24 is c £0.5m (including both on going functions and historic commitments);

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<sup>3</sup> In accordance with the Councils' Growth Fund Policy

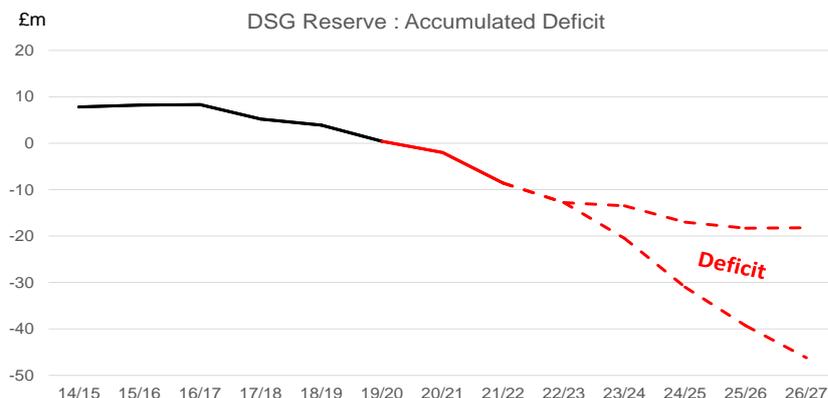
No further contributions are currently assumed beyond 2023/24 due to uncertainty of future funding levels and grant conditions.

35. The following table demonstrates financial implications of the cost avoidance estimates identified in the report. It shows 2 scenarios:

- i. Scenario A: the indicative cost avoidance ranges from c £5m in 2023/24 to c £22m by 2026/27 and will 'close the gap' over the next 4 years to bring spend back in line with budget by 2026/27.
- ii. Scenario B: following clarified guidance within the HNB Operational Guide regarding recoupment of EHCP costs for CiC of other Local Authorities, then there is a risk that spend increase by c £7m. In that event further mitigating savings will need to be brought forward (as yet unidentified) and would likely depend on additional powers and freedoms anticipated in the forthcoming Government SEND Review (see below)

HNB In Year Forecast	22/23 £m	23/24 £m	24/25 £m	25/26 £m	26/27 £m
Expenditure		127.2	136.1	144.4	153.9
SEND Transformation *		3.1	3.3	3.4	3.5
<b>Total HNB Expenditure</b>	<b>121.1</b>	<b>130.3</b>	<b>139.4</b>	<b>147.8</b>	<b>157.4</b>
<b>HNB Allocation</b>	<b>115.1</b>	<b>122.3</b>	<b>126.4</b>	<b>130.8</b>	<b>135.4</b>
<b>Funding Gap (Unmitigated)</b>	<b>6.0</b>	<b>8.0</b>	<b>13.0</b>	<b>17.0</b>	<b>22.0</b>
<b>Mitigations</b>					
<u>Managing Demand &amp; Sufficiency of Places</u>					
- Reduce dependence on Independent providers by increasing and widening provision with our mainstream and special schools		-0.3	-3.6	-8.8	-15.1
<u>Financial Management</u>					
- Review policy for acquisition of additional Planned Places		-0.5	-1.0	-1.0	-1.0
- Review non statutory activities currently undertaken and funded from HNB		-0.9	-0.9	-1.8	-1.8
- Review support functions and alternative funding opportunities		-0.2	-0.2	-0.2	-0.2
- Improved assessments that help us better understand needs and maximise partner contributions where appropriate		-0.3	-0.5	-0.5	-0.5
- 0.5% Schools Block Transfer *		-3.1	-3.3	-3.4	-3.5
Management Plan	0	-5.3	-9.5	-15.7	-22.1
<b>Forecast In Year HNB Deficit (Mitigated) - SCENARIO A</b>	<b>6.0</b>	<b>2.7</b>	<b>3.5</b>	<b>1.3</b>	<b>-0.1</b>
<b>New Burden - Additional SEND costs re Other Authority LAC</b>		7.0	7.0	7.0	7.0
<b>Forecast In Year HNB Deficit (Mitigated) - SCENARIO B</b>	<b>6.0</b>	<b>9.7</b>	<b>10.5</b>	<b>8.3</b>	<b>6.9</b>

36. Whilst this will not address the accumulated deficit, it will limit the shortfall to between £18m and £45m by 26/27 to be addressed over the longer term:



## SEND and AP Green Paper

37. The DfE undertook a SEND review: Right support, right place, right time in 2019, and the Green paper was published for consultation in Spring 2022. This identifies three symptoms of a system under pressure:

- Poor outcomes for CYP with SEND in alternative provision
- Low parental and provider confidence
- Financial unsustainability

And diagnoses that these challenges are driven by a vicious cycle of:

- Late intervention
- Low parental confidence
- The inefficient allocation of resource across the system

This drives and is driven by high levels of inconsistency in practice and provision, based on location rather than need.

38. The green paper goes on to propose a theory of change based on:

- Improved mainstream provision with high quality teaching and consistent expectations of support so that needs are identified accurately and quickly, reducing the risk of misidentification and escalation of needs.
- Appropriate and affordable specialist provision for those CYP who require it. This should be close to home where possible, preventing the need for long journeys and associated school transport costs.
- Greater national consistency on how needs are identified, recorded and met so decisions are taken based on a child's needs rather than where they live, with minimal bureaucracy in accessing the right support.
- Strengthened accountability and funding reform to ensure that all partners have clear roles and responsibilities in line with nationally consistent expectations, and are held to account for delivering these.

39. The paper sets out the goal for CYP with SEND receive the right support, in the right place and at the right time. This is proposed to be delivered by:

- A new single national SEND & AP provision system across education, health and social care. Statutory national standards on how needs are identified, recorded and met so decisions are taken based on a child's needs rather than where they live, with minimal bureaucracy in accessing the right support.
- Excellent provision for early years to adulthood with high quality teaching and consistent expectations of support so that needs are identified accurately and quickly, reducing the risk of misidentification and escalation of needs, with investment in specialist provision for those who require it.
- A reformed national vision for AP so that CYP receive targeted support in mainstream or access to placements in AP

- System roles, funding reform and strengthened accountabilities and greater transparency, with clear roles and responsibilities for all partners.
- Delivering change for children and families through a well designed delivery programme that stabilises the system in the immediate term and delivers culture change for an inclusive system in the longer term.

40. Positively the above is consistent with Staffordshire’s strategic aims and objectives outlined above. The Government are currently considering feedback on the consultation and we await further guidance; the outcome of the paper is likely to have an impact on the current DMP and any changes will be refreshed accordingly and presented to the Schools Forum.

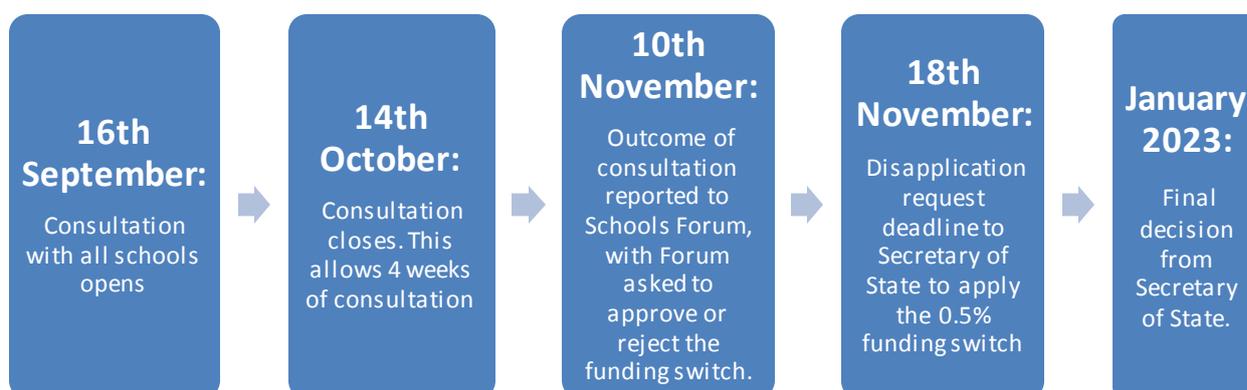
0.5% Funding Switch (Schools Block to High Needs Block)

41. Whilst our SEND programme is expected to reduce pressures in this area over time, this is unlikely to have a significant impact in the short term. Given the existing DSG deficit, it is essential that the Council takes action to mitigate as far as possible the increasing financial pressures in this area.

42. The Schools Operational Guide 2023/24 (Section 30) confirms that local authorities may transfer up to 0.5% of their schools block funding into another block, with the approval of their Schools Forum:

“The schools block is ring-fenced in 2023 to 2024, however local authorities can transfer up to and including 0.5% of their schools block funding into another block, with the approval of their schools forum.

43. In order to make a transfer of budget from the Schools Block to the High Needs Block, the Council must consult with all local maintained schools and academies, so that the Schools Forum can take into account the views of all schools before deciding whether to approve or reject the funding switch.



44. The total amount that would be transferred would be determined by the 2023/24 allocations confirmed in December 2022. However, based on latest forecasts, it is expected that this would be in the region of £3.1m. Importantly, latest guidelines also require local authorities to set a Minimum Funding Guarantee of between +0% and +0.5% even after the funding switch has been applied.

### School Consultation

45. At the meeting of the Schools Forum on 14 July 2022, members were notified of the proposal to enter into consultation with schools and academies on the 0.5% funding switch to HNB in 2023/24. The consultation (see Appendix 2) commenced on Friday 16 September and closed at 5pm on Friday 21 October<sup>4</sup> 2022. This allowed five weeks for schools to respond as it was extended by an additional week.

The result of the consultation is as follows:

	Positive	Negative
Total responses received (94)	21	73

Further details and supporting commentaries are available at Appendix 3.

46. The view of schools is largely opposed to the transfer (see above) but on a low sample (response rate of only 25%). Further details and supporting commentaries are available at Appendix 3.
47. Given the existing deficit, and lack of available reserves to manage financial risk, it is appropriate that a transfer of 0.5% from the Schools Block to the High Needs Block is made in 2023/24. This forms a key part of the Council's deficit management plan.

We therefore request approval by Schools Forum to make the 0.5% switch

48. In previous years Schools Forum has recognised the significant pressure on the HNB but also want to take a position that DfE should be funding the increase in demand following the publication of the SEND code of practice. Therefore sending a clear message to the SoS. However this lobbying position has had limited effect and therefore the Council is asking Schools Forum to change their position as it is unlikely the DfE will consent to the switch without Schools Forum support.
49. In the event of Schools Forum being against the switch then the Local Authority will make representation to the Secretary of State for the switch to take place (deadline for disapplication referrals is 18<sup>th</sup> November).

### Equality Implications

50. The key groups affected by the proposals are CYP with special educational needs and disability (SEND) aged 0-25 in Staffordshire. The Council is committed to inclusive education for all CYP with SEND in our mainstream schools, enhanced resource schools and special schools.
51. The DSG DMP has been developed in order to improve outcomes for CYP and achieve financial sustainability. The proposals support the needs of CYP with

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<sup>4</sup> The deadline was extended by 1 week due to very low response rates in time for the original deadline of 14 October.

SEND to be met earlier through evidence based interventions and aim to increase the number who access mainstream education- wherever possible within their local community - where appropriate with specialist support – and reduce our reliance on high cost placements in the non-maintained and independent sector.

52. There are considered no equality implications arising as a consequence of the proposals in this report.

#### Stakeholder Consultation

53. The Council's Accelerated Progress Plan and SEND Strategy has been developed/coproduced following consultation and engagement with representatives from across the education sector and, through the SEND & Inclusion Partnership Group, with parent and carers, elected Members and Health partners. The DMP is supportive and consistent with the actions and objectives outlined in the Council's Accelerated Progress Plan and SEND Strategy.
54. Going forward the DMP will be shared and monitored through the HNB Working Group and will be presented to each Schools Forum meeting as part of the routine HNB Update.

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Appendix 1 – Forecast Outturn 2022/23 (as at Quarter 2)

<b>2022-2023 HIGH NEEDS BUDGET (as at Quarter 2)</b>	<b>Latest Budget</b>	<b>Forecast Outturn</b>	<b>Over/(Under) spend</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Planned Places</b>	<b>33.1</b>	<b>33.1</b>	<b>0.0</b>
<b>Top Up Budgets</b>	<b>40.6</b>	<b>42.5</b>	<b>1.9</b>
Staffordshire Special Schools and Academies	20.9	21.9	1.0
Staffordshire Mainstream Schools	15.0	16.3	1.3
Pupils in other LA Special & Mainstream Schools & Academies	2.2	2.3	0.1
Pupil Referral Units	2.5	2.0	(0.5)
<b>Non Top Up Budgets</b>	<b>41.1</b>	<b>45.5</b>	<b>4.4</b>
Independent Schools Mainstream	1.8	2.1	0.3
Independent Schools Special	23.9	26.7	2.8
Independent Hospital Fees	0.2	0.3	0.1
Early Years PVLs	0.2	0.6	0.4
Alternative provision (inc Hubs)	3.2	3.2	0.0
Education Other Than At School (EOTAS)	0.5	0.6	0.1
SEN Support Services	6.6	6.6	(0.0)
Post-16 FE Placements & Top-ups for ISPs	4.7	5.4	0.7
<b>GRAND TOTAL</b>	<b>114.8</b>	<b>121.1</b>	<b>6.3</b>
<b>Funding</b>	<b>(114.8)</b>	<b>(115.1)</b>	<b>(0.3)</b>
High Needs Allocation from Government	(114.8)	(115.1)	(0.3)
Transfers from other Blocks	0.0	0.0	0.0
<b>NET FORECAST OUTTURN</b>	<b>0.0</b>	<b>6.0</b>	<b>6.0</b>

## Appendix 2: **Consultation on the transfer of funding from the Schools Block to the High Needs Block 2023/24**

The local authority will be making a request to Schools Forum in November for agreement to transfer 0.5% of the Schools Block to the High Needs Block. This is the amount specified by the DfE within the Schools Operational Guide 2023/24 (Section 30):

“The schools block is ring-fenced in 2023 to 2024, however local authorities can transfer up to and including 0.5% of their schools block funding into another block, with the approval of their schools forum. Without schools forum agreement, or where they wish to transfer more than 0.5% of their schools block funding into one or more other blocks, local authorities must submit a disapplication request to the Secretary of State.

If local authorities wish to transfer any funding out of the schools block in 2023 to 2024, the department expects to see evidence of recent schools forum discussion and the schools forum vote. This includes cases where schools forums have already agreed DSG recovery/management plans that assume future year transfers.”

In order to make a transfer from the Schools Block to the High Needs Block, local authorities should consult with all local maintained schools and academies, and the Schools Forum should take into account the views of the schools responding before making their decision.

**The consultation will commence on 16 September and will close 5pm on 14 October 2022. This allows 4 weeks for schools to respond.**

The reasons for this request to be made are as follows:

1. Funding transfers from the Schools Block to the High Needs Block have been permitted for a number of years and is the mechanism the majority of local authorities have followed in order to provide for increasing demands for support of pupils with special educational needs and disabilities. In 2019/20 Staffordshire County Council elected to make use of this power, authorised by the Secretary of State, for the transfer of circa £2.4m (0.5%). However, no further transfers have been made since that time.

In the Schools Operational Guide recently published, the Government has confirmed that this mechanism will again be available in 2023/24.

2. In Staffordshire, over the last few years the movements between blocks have been:

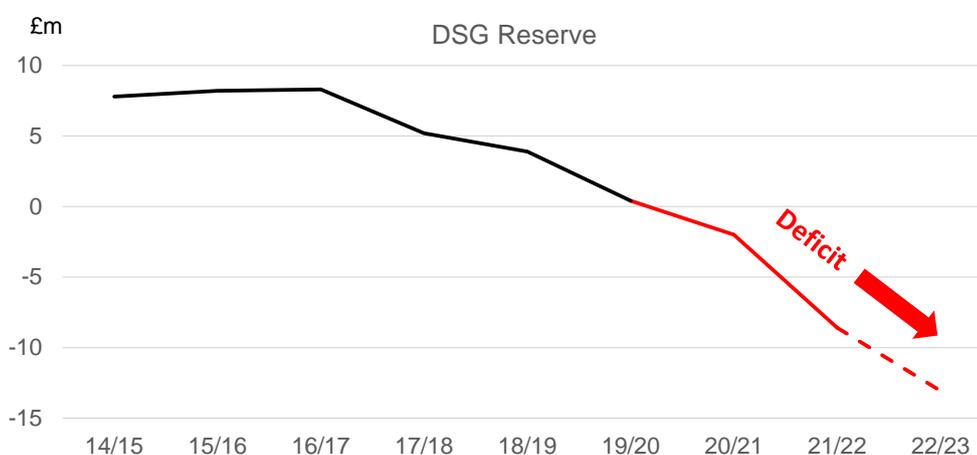
	2018/19	2019/20	2020/21	2021/22	2022/23
	£m	£m	£m	£m	£m
Schools	0.8	-1.6	0.6	1.1	0.0
Early Years					
High Needs		2.4			
Central	-0.8	-0.8	-0.6	-1.1	0.0

In addition, Dedicated Schools Grant reserves have been utilised to support high needs expenditure as per the table below:

	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m (forecast)
Contribution to High Needs	5.1	3.6	5.9	8.2	6.0

This has led to the level of reserves reducing from c£8m at 1 April 2015, to £8.6m **in deficit** as at 1 April 2022. Pressure on the reserves has been alleviated by underspends in other areas, otherwise the existing deficit would be significantly greater.

However, given the latest forecast overspend in High Needs for 2022/23 of £6m, it is expected that the DSG reserve will be c£13m in deficit at the end of the current financial year:



3. The pressures that led to these movements have been:

i. Numbers of children with SEND

There has been a significant increase in the number of children with SEND due to the extension of support to young people up to the age of 25. This has resulted in the demand for both post 16 and post 19 provision rising considerably.

ii. Complexity of need

The needs of children with special educational needs and/or disabilities are becoming more complex and this is driving increased financial pressures across the system. There is a shortage of local specialist educational provision to meet need, particularly in relation to Autism Spectrum Condition (ASC) and Social, Emotional & Mental Health (SEMH), and this is resulting in increased specialist placements with independent providers, some of which are located outside of the local area.

iii. Inclusiveness of the system

Mainstream schools report the increasing complexity of children's needs which is driving up the demand for more specialist education services. Many schools are facing financial pressures and do not feel they have the

capacity to provide additional support to students.

We recognise that schools have pressures and difficulties in managing the support that pupils with high needs may present. The county council's SEND & Inclusion district model is working to deal with this by providing support and managing processes in a different way, but still recognising the funding constraints that schools and the local authority will need to deal with. In conjunction with this the local authority will be reviewing its own processes and procedures to ensure the optimum support continues to be given to schools.

iv. The SEND reforms

As well as the extension of support to cover children and young people aged 0-25, the reforms have raised the expectations of children, young people and their families. There is an expectation that young people will stay in education until they reach 25. Parental requests for specific high cost placements and tribunal decisions to support parental preference are further driving demands on the high needs block.

Over the previous five years, the number of pupils with EHCPs in Staffordshire has been increasing and has grown rapidly in recent years. In the 2022 SEN2 Census, there was a total of 6,437 EHCPs compared to 3,933 in 2017; an increase of 64% in five years.

Budgetary pressures because of the SEND pressures

4. As with many other local authorities, Staffordshire is faced with a significant overspend on the High Needs Block (HNB).

The Minimum Funding Guarantee continues to apply to special schools; for 2023/24 this has been set at 3% over 2 years compared to 2021/22 (see High Needs Operational Guide 23/24) and, given the MFG 22/23 of 2.5%, means that school core funding levels next year (place plus top up elements) must increase by a minimum of at least 0.5% based on the same pupil numbers and profile of needs.

The increased demand for places within specialist provision through parental requests and SEND Tribunal decisions has resulted in an increase in pupils being placed in the independent specialist school sector. Over the last three years the number of children in this school population has doubled, with an average cost of approximately £50,000 per placement per annum. A contributing factor to this growth is SEND tribunal rulings which require the local authority to place children at these schools. The cost of an independent specialist placement can cost in excess of c £0.2m per pupil per annum and the overall cost in 2021/22 was £22.6m; up from £10m in 2018/19 and equivalent to a rise of more than 125% in just 3 years.

Schools report that, because of pressures on their budgets, due to a range of cost increases, including those for staffing, they find these pressures create difficulties in maintaining the notional SEND budget requirements. This is leading to a greater proportion of requests for EHC needs assessments.

5. This has led to the following changes in demand for special provision

Academic Year	Requests for EHC Assessments	EHC Assessments completed
14/15	609	321
15/16	889	562
16/17	1,052	620
17/18	1,125	694
18/19	1,320	899
19/20	1,243	1,155*
20/21	1,244	688
21/22	1,622	724

\* reflects additional assessments completed as a result of the backlog

Year	Total Number of EHCP & Statements
Jan 15	3,400
Jan 16	3,631
Jan 17	3,933
Jan 18	4,456
Jan 19	4,835
Jan 20	5,117
Jan 21	6,056
Jan 22	6,437

#### Update on placement of pupils with EHCPs

6. There were 6,437 young people in Staffordshire for whom the authority maintained an EHC plan at January 2022. The majority of these pupils were placed in special schools (maintained and independent).

28% of young people aged 0-25 with EHC plans were placed in state funded mainstream schools; this is notably below the national average of 38%. Of Staffordshire's statistical neighbours only Nottingham has a lower percentage. At the same time 47% of young people with EHC plans are taught in special schools, compared to 35% nationally.

Staffordshire has the 2<sup>nd</sup> highest percentage of young people placed in special schools in comparison to statistical neighbours (with an average of 38%). The remaining young people are in further education or other specialist provision.

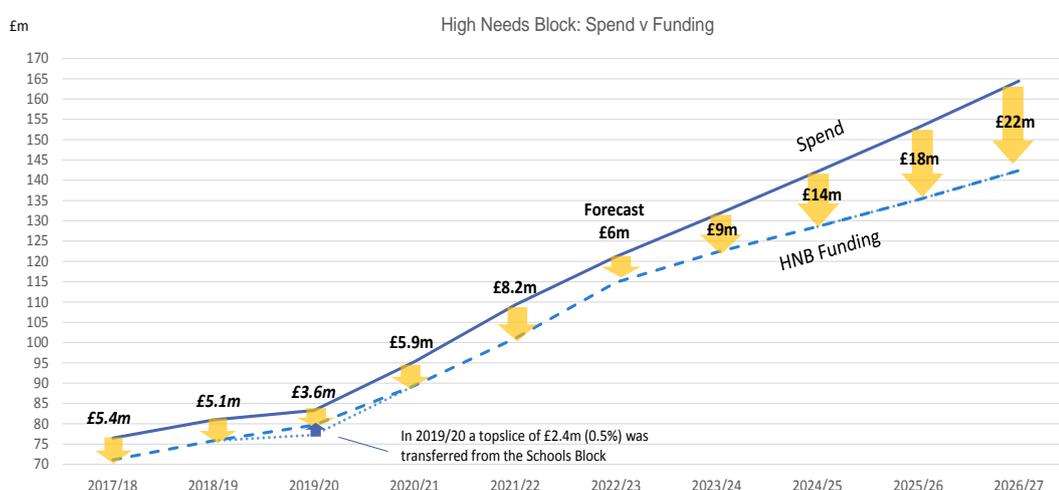
#### Financial Forecast

7. The latest financial forecast is that, in 2022/23, there will be an overspend of c £6m (there was no transfer from schools block this year). This overspend will be charged against the DSG reserve which, at the end of 2021/22, was already c £8.6m in deficit. Staffordshire County Council is not alone in this

difficult financial predicament – this is a position shared by the majority of Councils across the sector.

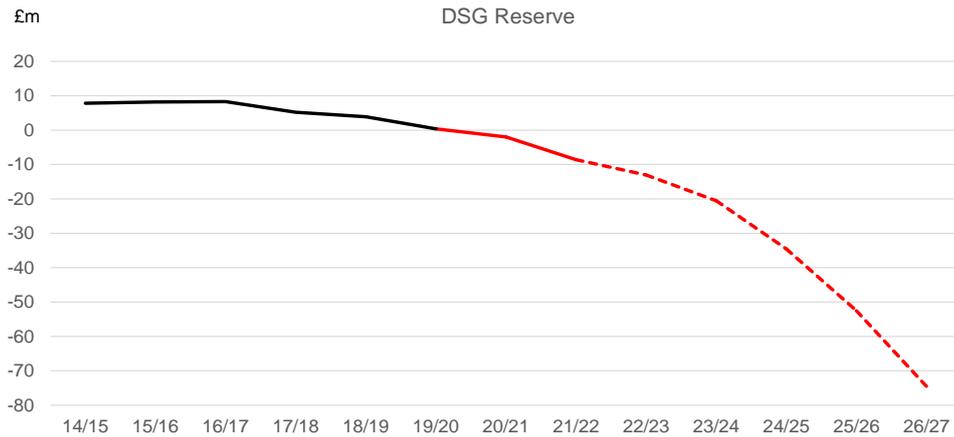
8. The Council, along with other councils across the sector, has been lobbying Government for additional funding in this vital area which, for several years, has been significantly under resourced. Positively the Government has recognised those pressures and in recent years has provided for significant additional resource; unfortunately this has only kept pace with the change in demand and has been insufficient to bridge the underlying gap.

It is estimated that Staffordshire will receive c £122m HNB funding next year, around £7m extra compared to 2022/23. However this is insufficient and it is likely that going forward service demand and cost will continue to outpace future funding levels:



It is essential the Council continues to lobby Government to ensure there is a sustainable funding model going forward that recognises the continuing increase in demand.

This is especially relevant given the level of reserves which, after years of underfunding, have now gone into deficit and no longer provide for any adequate financial resilience/assurance. Given the forecast annual overspend outlined above, then we would expect the deficit to increase over the next 5 years and, by end of 26/27 to be c £75m. Accordingly the Council must now take action and put in place a deficit management plan to mitigate this very significant financial risk:



### SEND Strategy

9. The local authority has a strategic plan on how it intends to bring the High Needs Block to sustainable levels.

#### Developing Targeted Support

- The local authority is supporting the SEND & Inclusion district model which has created collaborative working between themselves and schools. As part of this project the LA, schools and other stakeholders, have established a locality based model - at a District level - enabling early intervention for the benefit of pupils who are identified as being in need.

#### Collaborative Working

- The LA is working closely with independent providers, both existing and new, to identify cost effective provision for high needs placements that offers value for money and ensures good outcomes for pupils with SEND.
- Using the DfE SEND capital funding to:
  - Develop enhanced resource bases at Mainstream Schools for children with Social, Emotional and Mental Health Needs and/or Autistic Spectrum Condition recorded within their EHCP
  - Partnership working and co-location of specialist provision on mainstream sites
  - Increase capacity in specialist provision to reduce the need to access placements at independent schools/out of county provision.

#### Partner Contributions

- The Council will continue to ensure a fair contribution is made from health and social care partners towards the cost of specialist places and provision where appropriate.

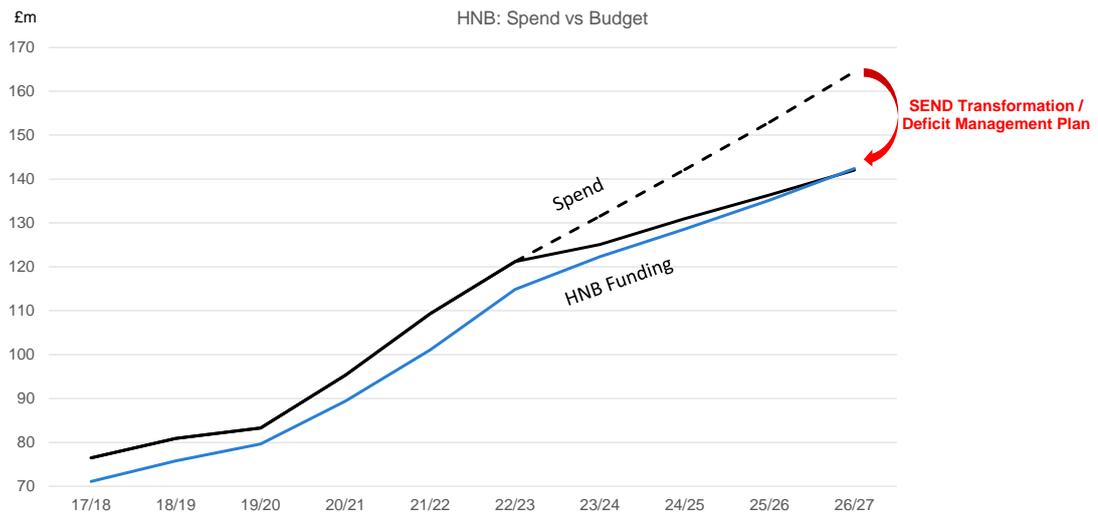
#### Deficit Management Plan

10. Given the extent of the annual HNB overspend, and accumulated DSG deficit, the Council is required to put in place a 'deficit management plan'. This is not only a requirement under the 'DSG: Conditions of Grant' but represents prudent financial management. We acknowledge activity detailed within the

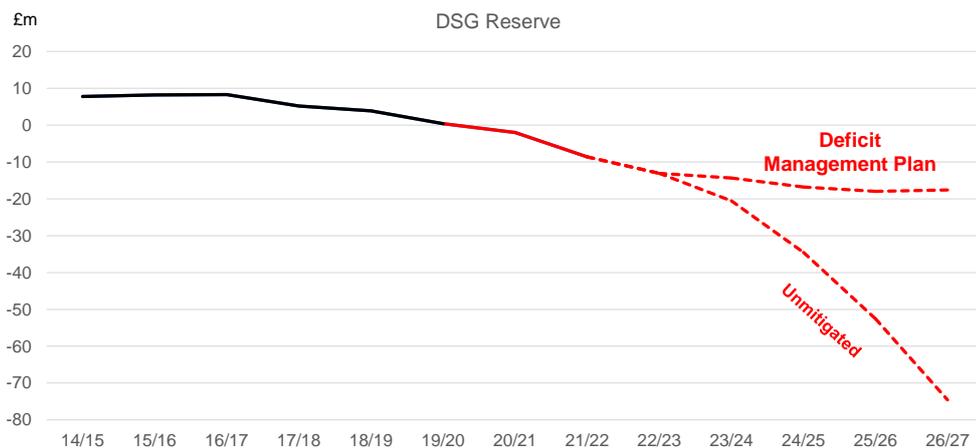
plan will take time; there is no quick fix, but the strategy is to first to address the annual overspend and then over a longer period to address the accumulated deficit.

11. The deficit management plan, currently in draft, addresses and closes the overspend expected to be c £22m by 26/27 and will be presented to Schools Forum at its November 2022 meeting. This will likely include difficult decisions that impact on service delivery across all sectors including:

- a. fundamental to the strategy – and proposed deficit management plan – is the development over time of a more inclusive system where more of our children are educated and supported in our mainstream schools. By working with mainstream and special schools we will seek to provide the necessary support and capacity that will reduce the reliance on more expensive independent provision where this is not appropriate or necessary bringing the proportions of children educated within each part of the system in line with national proportions (target saving £15m by 2026/27).
- b. the Council will review existing policy, non-statutory provision and consider alternative delivery and funding options that could reduce the pressure on HNB (target saving c £3.5m by 2026/27)
- c. the Council has put in place significant additional investment of c £3m to support a locality based model - at a District level - enabling early intervention for the benefit of pupils who are identified as being in need. This is essential to enable the long term changes outlined above but is an additional pressure on existing scarce/overstretched HNB resources.
- d. Despite the above actions and projected savings, this does not address the HNB overspend and bring it into balance. As a result, it is anticipated that, as part of the deficit management plan, the Council will request – annually – a 0.5% transfer from schools block to high needs block (equivalent to c £3-£3.5m p.a.) until such time that required strategic and cultural changes have impacted and a more sustainable model has been realised.



12. The above represents a difficult challenge and there is a significant risk that some of the savings will not be delivered in full; however, if the target savings are brought to fruition then this would provide for a more sustainable service going forward and will stabilise / limit the extent to which accumulated DSG deficits are permitted to develop to be addressed over the longer term:



Assessing the likelihood of a further request in 2024/25

13. As much of the HNB funding is committed to pupils and students in the system, the only opportunity of recovery is when the young person leaves the statutory system or there are reductions in costs as a result of a review. Therefore, recovery has to be phased over a number of years.

14. Whilst the Government has provided for significant additional funding over recent years, this is only keeping pace with the change in demand and is insufficient to bridge the underlying gap. Going forward there is a significant risk that annual rises in Government funding will slow down and that the funding gap will widen further.

15. The continuing implementation of the SEND strategy is expected to reduce pressures in this area over time, this is unlikely to have a significant impact in the short term. Given the level of uncertainty, and existing deficit position that is likely to further increase over the coming years, the 0.5% funding transfer from schools block to high needs block forms a key part of the Council's deficit management plan and it is therefore likely that there will be need for a request of a further switch in the following year and going forward (subject to Government permissions).

#### Impact on Individual school budgets

16. The total amount that would be top sliced would be determined by the 2023/24 allocations confirmed in December 2022. Based on latest forecasts, it is expected that this would be in the region of £3.1m.

17. The Schools Operational Guide 23/24 requires local authorities to set a Minimum Funding Guarantee of between +0% and +0.5%. This means on a per pupil basis, the schools' individual budgets will increase by at least 0% - 0.5% even with this funding switch.

#### Consultation

18. In order to make a transfer from the Schools Block to the High Needs Block, it is a statutory requirement that local authorities consult with all local mainstream schools and academies and that the Schools Forum should take into account the views of the consultation response before giving their approval. The survey will only take a few minutes to complete and is available here:

<https://forms.office.com/r/ecscJfM6Jg>

- **This survey is for mainstream schools only (Maintained and Academy) – please complete only one response per school**
  - The survey will be open until 5pm 14 October 2022

### Appendix 3: High Needs Block 0.5% Transfer Consultation Results

Do you agree with the Local Authority's proposal to transfer 0.5% (estimated to be in the region of £3.1m) from the Schools Block to the High Needs Block to support the financial pressures being experienced in supporting pupils with high needs?

Phase	Yes	No
Infant	0	2
First	2	4
Junior	0	2
Primary	12	12
Middle	0	9
High	1	5
Secondary	6	39
<b>Total</b>	<b>21</b>	<b>73</b>
<b>Percentage of responses</b>	<b>23%</b>	<b>77%</b>

The response rate for the consultation was low at 25% (94 schools responded out of 372).

#### Key themes from the supporting comments:

##### Agreeing with the proposal

- All schools benefit from the services paid for by the High Needs Block
- Understand the need for the transfer
- Mainstream cannot effectively meet the needs of increasingly complex students
- The higher percentage of pupils with SEND/EHCPs means the funds are needed.
- It is becoming increasingly harder to support children with complex needs in mainstream settings

##### Disagreeing with the proposal

- Schools are already struggling with current financial challenges
- Central Government should be providing the LA with the funding to meet its obligations
- This will be a detriment to the provision we can provide in school.
- No trust that the money will end up where it will make a difference with current working practice
- We currently have the funding in our budgets are best placed to channel funds to those pupils most in need
- No business plan to demonstrate what schools would gain
- No track record that SCC will be spend the money effectively
- Money on placements that are not needed or are privately provided, highly expensive tribunals and a lack of investment in suitable facilities to support the needs of pupils who can access mainstream are all examples of where current oversight is wrong.



## Schools Forum Work Programme

There are a number of items the Schools Forum considers annually; these are set out in the work programme below.

The "Schools Forums: operational and good practice guide" (October 2013) states that:

*Local authorities should as far as possible be responsive to requests from their School Forums and their members. Schools Forums themselves should also be aware of the resource implications of their requests.*

Forum Members are therefore able to suggest an item for consideration at a future Forum meeting as long as it is within the remit of the Forum. Any request must be agreed by the Schools Forum before being included on the work programme. Each Forum agenda is set by the Chairman in consultation with the Director and the Clerk. The scheduling of items included on the work programme will therefore be agreed through this process and taking account of resource implications and agenda management.

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Meeting	Item	Details
Spring Term 12 January 23	High Needs Block including Deficit Management Plan	Standard item
	Notices of Concern and Licensed Deficit Agreements	Standard item
	Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations	General update if required
	Education Banding Tool update	As required

Meeting	Item	Details
Spring Term 23 March 23	Notices of Concern and Licensed Deficit Agreements	Standard item
	High Needs Block including Deficit Management Plan	Standard item
	Schools Budget Update	Standard item

Agenda Item 12

Meeting	Item	Details
Summer Term 13 July 23	High Needs Block including Deficit Management Plan	Standard item
	Notices of Concern and Licensed Deficit Agreements	Standard item
	Growth Fund - Allocation Funding 2023/24	Standard item
	Schools Budget 2022/23 Final Outturn	Annual item
	Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations	General update if required
	Election of Chair and Vice Chair	Every two years

Meeting	Item	Details
Page 78  Autumn Term 19 October 23	High Needs Block including Deficit Management Plan	Standard item
	Notices of Concern and Licensed Deficit Agreements	Standard item
	Primary Behaviour Support Services – 2024-25 Financial Year	Annual item
	Minority Ethnic Achievement Service (MEAS) 2024-25 Financial Year	Annual item
	Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations	General update if required
	Schools Budget 2024-25: De-delegation, Central Expenditure and Education Functions.	Annual item
	Education Banding Tool update	As required

Meeting	Item	Details
Spring Term 11 January 24	High Needs Block including Deficit Management Plan	Standard item
	Notices of Concern and Licensed Deficit Agreements	Standard item
	Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations	General update if required
	Education Banding Tool update	As required

Meeting	Item	Details
Spring Term 11 March 24 Page 79	Notices of Concern and Licensed Deficit Agreements	Standard item
	High Needs Block including Deficit Management Plan	Standard item
	Schools Budget Update	Standard item

Meeting	Item	Details
Summer term - 11 July 2024	High Needs Block including Deficit Management Plan	Standard item
	Notices of Concern and Licensed Deficit Agreements	Standard item
	Growth Fund Allocation 2023/24	Standard item
	Schools Budget 2022/23 Final Outturn	Annual item
	Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations	General update if required
	Education Banding Tool update	As required

Meeting	Item	Details
Autumn Term 17 Oct 24	High Needs Block including Deficit Management Plan	Standard item
	Notices of Concern and Licensed Deficit Agreements	Standard item
	Primary Behaviour Support Services – 2025-26 Financial Year	Annual item
	Minority Ethnic Achievement Service (MEAS) 2025-26 Financial Year	Annual item
	Deficit management plan report	General update
	Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations	General update if required
	Schools Budget 2024-25: De-delegation, Central Expenditure and Education Functions.	Annual item
	Education Banding Tool update	As required

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Ending	
County Council Redundancy Policy	When there is something to report
In relation to minute 39 (150721) growth fund and schools not being asked to submit financial self-declarations post Covid.	It was asked if this could be added to the work programme so that it wasn't missed.
Education Banding Tool working group minutes to be circulated to Forum members as and when available	