

Minutes of the Schools Forum Meeting held on 13 July 2023

Present: Richard Redgate (Chair)

Attendance	
Stephen Drew	Anne Tapp
Richard Sutton	Helen Barron
Steve Swatton	Jessica Roden
Philip Siddell	Sadie Jones
Chris Wright	Alun Harding
Steve Barr (Vice-Chair)	Lindi Nejrup
Judy Wyman	Nicola Mason

Observers: Steve Breeze and Jonathan Price

Apologies: Kim Prince Anson, Kevin Allbutt, Mark Sutton, Vicki Lewis, Abigail Rourke, Mark Boughey, Carolyn Trowbridge and Craig Hodgson

Part One

1. Declarations of Interest

There were no declarations of interest made on this occasion.

2. Minutes of the meeting held on 23 March 2023

Resolved: That the minutes of the meeting held on the 23 March 2023 be confirmed as a correct record and signed by the Chair.

3. Matters arising

Minute 30 – 23 March 23 - Nursery funding and wraparound childcare update

With regards Nursery Funding, the Forum was informed that confirmation had been received regarding nursery funding. The rate for three and four years olds was to be increased by 34p per hour, and there would be an increase of £1.88 per hour for two year olds. This would be implemented from September 2023 and run through to March 2024. It was expected that this increase would be passed through to the providers from the Autumn term onwards as per the Government Guidelines.

It was noted that the way in which the increase would be provided to the sector had yet to be agreed internally within the Authority. In response to a question asking at what point the local authority would speak to the sector to discuss this, it was confirmed that the decision would be shared

with the sector once it had been made.

Schools Forum members views that, the additional funding received should be provided through the 'base rate' to all early years providers, and not through deprivation indicators, were noted and would be considered when the decision was made.

Members were informed that there was no further detail available on the wraparound funding at the time of the meeting. It was agreed that the wraparound funding item would be brought back to a future meeting when more detail was available.

Minute 22 – Update to Minute 8 – 10 November 22 - Minority Ethnic Achievement Service (MEAS).

A question was asked as to whether there were any Afghan refugees in Stafford still living in hotel accommodation, as it had been highlighted in that all Afghan refugees who entered the country in 2021, and are still housed in hotels would be evicted from the 1st September 23.

N.B. Following the meeting an update was provided stating that no Afghan refugees were going to be evicted in Staffordshire.

Minute 22 – Update to Minute 18 - High Needs Block (including Education Banding Tool update and Deficit Management Plan)

A question was asked as to whether the delayed consultation of the Strategy for Special Provision had taken place, and if there was any feedback available. In response it was confirmed that the consultation had taken place and the results were currently being analysed, and some questions were being answered. It was confirmed that the results of the consultation would be brought back to a future Schools Forum meeting.

Minute 27 - Staffordshire Scheme for Financing Schools & Procurement Regulations

It was noted that the proposed updates to the Financial Regulations for Schools hadn't been updated on the Schools Learning Net. Officers were asked to update this as soon as possible.

Minute 28 - Schools Budget Update - WorthMore Group

The Forum was informed that Dr Robin Bevan, Head Teacher of Southend High School for Boys, was taking the lead on the WorthMore Group. With his Governors he was planning to mount a campaign to Government to highlight the situation of school funding. Robin Bevan was looking for support from other Head Teachers in joining the campaign, and if anyone

wished to get involved they were asked to contact the Schools Forum Vice-Chair.

4. Decisions taken by the Chairman under delegated powers

The Forum was reminded that, as per the resolution of **Minute 28 - Schools Budget Update**, it was agreed that a letter would be drafted on behalf of Schools Forum noting the specific issues being experienced by schools across Staffordshire, and sent on to the Secretary of State. The Chair informed the members that, under his delegated powers, the Vice Chair had been asked to Lobby his local MP on a recent visit to Parliament as a representative of ASCL.

The Forum was informed that the Vice Chair met with Lichfield MP, Sir Michael Fabricant, to discuss the issue of school funding within Staffordshire, and asked that some questions be tabled with the Secretary of State. These questions were:

1. To ask the Secretary of State to publish as soon as possible the report of the school teachers' review body, to accept its recommendations, and to urge the Treasury to fund in full those recommendations.
2. To ask the Secretary of State to reopen dialogue with the teacher and school leader unions.
3. To ask the Secretary of State to confirm that, following the checks currently being carried out on reinforced autoclave aerated concrete (RAAC), all necessary remedial action will be fully funded so as to ensure a safe environment for all those (both adults and children) working in schools.

These three questions had been condensed into two and the following responses were received:

Question: To ask the Secretary of State for Education, whether her Department plans to provide schools with funding to cover the full cost of (a) repairing and (b) replacing autoclave aerated concrete. (191998).
Tabled on: 03 July 2023.

Answer: Nick Gibb:

The safety of pupils and teachers is paramount. The Department has allocated over £15 billion since 2015 for keeping school buildings safe and in good working order, including £1.8 billion committed for 2023/24. In addition, the School Rebuilding Programme will transform buildings at 500 schools, prioritising poor condition and potential safety issues.

The Department have asked all responsible bodies, such as Local Authorities, academy trusts and voluntary aided school bodies, to inform the Department of the possible presence of reinforced autoclaved aerated concrete (RAAC) in their buildings and how they are managing it. The Department continues to urge all responsible bodies to contact us immediately if they have any serious concerns about their school buildings.

The Department is commissioning assessments of cases of suspected RAAC to confirm whether it is present and ensure appropriate and rapid action is taken to address any immediate risk, based on the advice of structural engineers. This can include funding support for capital works to remove any immediate risk and, where absolutely necessary, the provision of temporary buildings.

Longer term remediation of RAAC is supported by annual capital funding provided to the sector and the Department's rebuilding programme. The Department provides additional support on a case by case basis where there is a serious safety issue with a school building that cannot be managed independently by Local Authorities, academy trusts, and voluntary aided school bodies.

Question: To ask the Secretary of State for Education, if she will hold discussions with teacher and school leader unions on teachers' pay. (191997)

Tabled on: 03 July 2023

This question was grouped with the following question(s) for answer:

1. To ask the Secretary of State for Education, what recent discussions she has had with education unions on industrial action by their members. (192175). Tabled on: 03 July 2023.

Answer: Nick Gibb:

The Government and the education trade unions, the ASCL, NAHT, NASUWT and NEU, took part in a period of intensive talks between 17 March and 23 March 2023, with over 200 hours of Ministers' and officials' time spent on these talks, after which an in principle offer was made by the Government. This offer comprised a package of pay and non-pay related measures. Unfortunately, the four trade unions rejected this fair and funded offer.

Following the unions' rejection of the Government's March pay offer, teacher pay for next year will go through an independent pay review process as usual. The School Teachers' Review Body (STRB) makes recommendations on the pay of teachers in England and reports to the

Secretary of State for Education and the Prime Minister.

As part of the normal process, the STRB has now submitted its recommendations to the Government on teacher pay for 2023/24. The Department will be considering the recommendations and will publish its response in the usual way.

The Department will continue to engage regularly with teaching and leadership unions on policy developments as usual.

Resolved: That the update provided by the Vice Chair be noted.

5. Membership Update and Meeting Attendance Review

Members were informed that six positions on the Schools Forum had been up for election in May 2023. These included:

- One x All Maintained Primary
- Two x All Primary Academy
- One x All Secondary Academy
- One x All Academy Special Schools
- One x Alternative Provision Academies

By the closing date of the nomination period, one nomination for each of the vacant positions had been received, and, as such, it was not necessary to undertake an election process for any of the vacant positions. The positions had been filled with the following members:

- Maintained Primary – Vicki Lewis
- Primary Academy – Anne Tapp
- Primary Academy – Abigail Rourke
- Secondary Academy - Andrew Skelding
- Academy Special – Paul Spreadbury
- Alternative Provision – Richard Redgate

Chris Wright and Judy Wyman were also confirmed as the representatives of the Middle Schools Forum and Schools' Consultative Group respectively.

It was agreed that an up to date membership list would be provided to members.

Resolved: a. That the new and returning members be welcomed to the forum.

b. That an up to date membership list be provided to members.

6. Notices of Concern and Licensed Deficit Agreements

It was reported that, since the last Forum, two new Notices of Concern had been issued; St Peter's CE (VA) Primary School, Caverswall and All Saints CE (VC) Primary School, Ranton. Both Notices are a result of DfE Academy Orders.

The Entrust Schools Finance team continue to work with all schools who have existing Notice of Concern or Licensed Deficit agreement.

Resolved: That, the issue and withdrawal of Notice of Concerns to schools be noted.

7. Update to the Staffordshire Scheme for Financing Schools & Procurement Regulations

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).

The Forum heard that the SSFS, Financial Regulations and Procurement Regulations had been reviewed and the following updates had been made:

- Paragraph 1.1, The Current Funding Framework, had been updated to refer to issue 15 of statutory guidance given by the Secretary of State as opposed to issue 14.
- Paragraph 2.15, Notice of Concern, had been amended so that the list which included reasons for a Notice and possible requirements of a Notice, had been split into two lists for ease of reading.
- Paragraph 5.4, Income from the Sale of Assets had been amended. The statement:

"Where the disposal of authority owned property generates a capital receipt, a proportion of the receipt may be made available to the school in accordance with the authority's capital receipts policy", had been removed and replaced with:

"Any retention of funds from the sale of land assets is subject to the consent of the Secretary of State, and any conditions the Secretary of State may attach to that consent relating to use of proceeds."

- The Scheme of Delegation for Schools, shown at Appendix A to the report, had been updated. The new version would be uploaded to the Schools Learning Net.

A number of queries were raised by Forum members regarding the example Scheme of Delegation shown at Appendix A to the report. It was explained that the example Scheme of Delegation had been produced by the Staffordshire County Council Internal Audit team, and it was agreed that they would be asked to revise the example before it was published. The Vice Chair also offered to share the Scheme of Delegation document with the MyFinance Schools Forum Group for discussion.

Resolved: a. That the revised Staffordshire Scheme for Financing Schools (SSFS) and Schools Scheme of Delegation be approved.

b. That the Vice Chair be asked to share the Scheme of Delegation document with the MyFinance Schools Forum Group for discussion.

8. Growth Fund - Allocation Funding 2023/24

The Schools Forum received a report from 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, £143,611 would be allocated to five schools based on an agreed number of additional infant class teachers.

It was further explained that in accordance with the basic need growth criteria, £322,210 would be allocated to five 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 £405,750 would be allocated for post-opening costs for six new free schools with an opening date between 2019/20 and 2022/23 and pre-opening costs for three new free school planned to open in 2023/24.

Resolved: That the allocations of Growth Fund for:

a. funding for infant class size legislation - six primary schools, be noted.

b. funding for exceptional basic need growth - one primary school, two high schools and two secondary schools, be noted.

c. funding for new schools - pre-opening costs for three new free schools opening in 2024/25, and post-opening costs for six free schools opened between 2019/20 and 2022/23, be noted.

9. Schools Budget 2022/23 Final Outturn

The Schools Forum received the Schools Budget 2022/23: Final Outturn Report of the Director of Finance. The following points were discussed:

- The outturn position for 2022/23 was a £6.0m variance (2.0%) overspend on planned expenditure across all services.
- The High Needs service had overspent by £9.1m (11.1%). This was offset by an underspend in the Early Years block of £1.5m (2.8%), and an underspend in the Central and De-Delegated blocks of £0.2m (2.8% of the budget).
- At the end of the financial year there was an accumulated deficit of £14.2m up from £8.6m at the end of the previous year. The Forum was informed that Staffordshire County Council was not alone in this difficult financial situation.
- The Council's Deficit Management Plan outlined the targeted interventions that would seek to mitigate the existing shortfall, but it was acknowledged that this would take time to make an impact.
- As at the 31 March 2023, maintained schools held reserves of £20.1m; a decrease of £4.18m from the position on 31 March 2022. There continued to be a number of approved licenced deficits (19 schools, with a value of £1.9m). The authority continued to work with those schools to manage this situation.

In response to a question asking if the schools balances had decreased because there had been a reduction in maintained schools, it was confirmed that the figures reported were "like for like". The balances or deficits relating to any schools that had converted to academies had been removed from the figures.

In response to a question asking whether the number of schools with licensed deficits had increased or decreased from 2021/22 to 2022/23, it was confirmed that the number had increased from 15 to 19 over the year.

In response to a question asking if the local authority held a view on schools holding reserves, it was explained that the authority would expect schools to have positive balances rather than deficits. Notwithstanding the pressures being faced by schools at this particular time, it was considered acceptable for primary schools to hold 8% reserve, and secondary schools to hold 5% reserve.

Resolved: That the 2022/23 Schools Budget financial outturn be noted.

10. High Needs Block including Deficit Management Plan

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

The Forum was informed that the forecast overspend for the 2023/24 HNB was £18.0m. The current HNB budget for 2023/24 in Staffordshire was £127.0m; an increase of £12.0m compared with 2022/23. None of this funding increase would be used to repay historical deficits. Staffordshire currently had c7,000 Education, Health and Care Plans (EHCP) in place; an increase of 33% in the last three years.

At the end of the last financial year the DSG reserve 'deficit' increased from £8.6m to £14.2m. Given the forecast overspend in 2023/24 this would likely deepen further in 23/24 and was expected to be over £30m in deficit at the end of the current year. The Government had put in place a 'statutory override' requiring that accumulated DSG deficits would remain ringfenced separate to the Council's other reserves - this had now been extended through to end of 2025/26. Left unaddressed the accumulated deficit would likely reach c£100m by the end of 2025/26. This was highlighted as the Authority's most significant financial risk.

The Forum was reminded of the introduction of the Deficit Management Plan (DMP) which included actions that could be taken to address and mitigate the existing shortfall. To date the DMP had had little impact and was currently being updated. A meeting was also scheduled to be held with the Education and Skills Funding Agency (ESFA) in the Summer of 2023 to discuss the latest position.

It was recognised that position was far worse than had been previously expected, partly on the grounds of the increased raises on the Education Banding Tool (EBT) model. It was intended that the EBT would be cost neutral when it was introduced, but there had been a clear and marked increase in the average costs of those children assessed under the EBT model, compared to those that remained on the existing matrix model in both special schools and mainstream schools, with a significantly higher number of children being assessed on the banding levels of 8 to 10.

For the children who had transitioned from the matrix model to the EBT funding model, it was estimated that an additional £5m had been incurred to date, and this figure would only increase if the situation was not addressed. Given the existing deficit, this was considered unaffordable.

It was highlighted that two of the key actions included in the DMP related to the increase of the number of Children and Young People (CYP) with EHCPs who accessed mainstream education, and the review of the specialist

provision (mainstream, special and alternative provision) including enhanced provision in mainstream schools. It was hoped that this would be expedited quickly to ensure there was sustainable provision across the county that would meet current and future needs and demands.

The Schools Forum was informed that the authorities senior leadership team and Cabinet members had sent a briefing note to all local MPs outlining the particular challenges associated with the HNB and the pressure on the Dedicated Schools Grant (DSG). It was agreed that the briefing note would be shared with Forum members.

Resolved: a. That the High Needs Block budget 2023/24 and latest forecast outturn be noted.

b. That the briefing note sent to local MPs be shared with the Schools Forum.

11. Education Banding Tool

The Schools Forum received a report from the Director of Children and Families relating to a review of the Education Banding Tool (EBT). The following points were discussed:

- Following the implementation of the EBT in March 22, 24.2% (1,209) of pupils with an EHCP, in scope of the EBT, had their Element 3 top up funding calculated through the EBT. A significantly higher than expected level of pupils had been allocated to Level 9 and above of the EBT.
- 11 of the 23 special schools had over 50% of their pupils who had been taken through the EBT on Levels 9 and above.
- Previously 44% of pupils in special schools were funded at Matrix Level 3, this equated financially to the EBT Level 8b. However, there were now 50% of pupils funded at EBT Levels 8b and above.
- Imosphere, who created the banding tool, undertook an annual health check and raised a concern with the authority that there was a significant number of CYP banded in the top levels of the EBT.
- Whilst the number of children assessed on the EBT remained relatively low, the average 'top up' cost for those placements in special schools was significantly higher than compared with the matrix model.
- A benchmarking exercise against other local authorities had been undertaken by Imosphere. The results showed that the values

placed on the SCC banding levels were significantly higher than other authorities. These levels had been set using the pilot data, against what was considered affordable.

- The Schools Forum was reminded that the authority always intended to undertake a review of the EBT, and it had been reported during previous HNB updates at past meetings that there was a concern around the increased costs associated with the EBT.

It was announced by the Assistant Director for Education Strategy and Improvement, that the situation had worsened since the writing of the report, and the Education Banding Tool would be suspended with immediate effect, pending work to be undertaken to improve the process and bring it back into a cost neutral position. It was confirmed that the authority would revert back to the original funding arrangements for mainstream and special schools. As reported, there were currently 25% of children on the EBT, with 75% being funded through the original arrangements, and it was confirmed that these funding arrangements would remain in place, but all new assessments would be carried out through the original funding arrangements.

The Chair of the Forum raised the issue that no consultation process had taken place with Schools, he also asked how much money had been spent on implementing a system that was now considered to be unfit for purpose. In response it was acknowledged that there had been no consultation on the announcement, but the decision had to be made quickly, and it was highlighted that the model being reintroduced had already been approved by Schools Forum and was currently being used for c75% of children on the HNB. The Assistant Director for Education Strategy and Improvement asked that evidence be provided that demonstrated how the money had been wasted, it was agreed that this discussion would continue outside of the Schools Forum meeting environment.

The Head of SEND explained that Key Workers were implementing information that had been provided by schools. It was an administrative role and there were no clinical judgements being made. Settings provided evidence that ticked boxes of higher bands, with the authority being duty bound to make sure the support was delivered. Communication had been received from schools that stated they would not take CYP unless they were band 9 or above. This had left the authority in a difficult position, because this was not the basis on which the EBT had been designed. It was designed to identify, and fund need accurately, it was not designed to be used as a tool for bartering. When schools informed the authority that they would not make provision for children on a bands 7, 8 or 9, the decision had to be made to go to the independent sector, which was not a cost-efficient way of working. The national context demonstrated that

there had been an increase in need, and higher levels of need, accelerated by Covid, particularly in mainstream settings which was, inevitably, filtering into the special provision.

The Chair further voiced his frustrations that there appeared to have been no quality control, and suggested that a process had been implemented that hadn't been managed correctly. In response to a question asking if there had been a contingency plan relating to any overspend, it was confirmed that, notwithstanding the announcement to suspend the EBT with immediate effect, the process had been monitored since it had been implemented. Initially the sample sizes of CYP on the EBT were too small to allow any conclusions to be drawn, however as those sample sizes increased it became apparent that the EBT was costing more money than anticipated. The Forum was reminded that the EBT was always intended to be cost neutral, whilst the authority never intended to implement a process to save money, neither did it intend for it to cost money, which was what had started to occur and why the process had been suspended.

In response to a question asking for assurances that the CYP already in the system would continue to receive the level of support and funding they had been originally allocated through the EBT, it was confirmed that, whilst there may be a need to review funding to the EBT, at this moment in time, where funding had been agreed as part of an EHCP either in a mainstream or special school, it would continue to be provided and applied to any changes that may come about as a result of any future changes to the EHCP.

In response to a question asking for more detail regarding the health funding for individual pupils with medical needs, and the fact that EHCPs seemed to focus on "Education", above "Health" and "Care", it was explained that there had been significant progress in this field and health colleagues were now involved in discussions. They had been made aware of the integral role they played to the process, and discussions had taken place to consider what was able to be delegated to schools, and the areas that Health colleagues would be funding.

In response to a question asking if schools had been challenged on decisions to only take CYP on a Band 9 or above, it was confirmed that most schools had worked collaboratively with the authority, schools that had stated they would only be willing to take children on a higher band had been challenged.

In response to a question asking when schools were expected to revert back to the original funding arrangements, it was confirmed that any applications that had been received before the announcement had been made would be honoured and taken through the EBT process, but any applications that had not yet been submitted would need to be submitted

under the old application process. It was confirmed that this information would be communicated to Schools in the week beginning 17 July 23.

Resolved: a. That the Education Banding Tool review be noted.

b. That the announcement to suspend the Education Banding Tool with immediate effect, be noted.

12. Election of Chair and Vice Chair

Appointment of Chair

Resolved: That Richard Redgate be elected as Chair of the Schools Forum for a two-year period until July 2025.

Appointment of Vice Chair

Resolved: That Steve Barr be elected as Vice Chair of the Schools forum for a two-year period until July 2025.

13. Work Programme and date of next meeting

The future work programme, date of next meeting and future meetings were shared with forum members.

Date of next meetings

- Thursday, 9 November 2023, 2:00pm - face to face meeting to be held at the County Buildings, Stafford.
- Thursday, 18 January 2024, 2:00pm – via Teams.

Resolved: That the dates of the next meetings be noted.

Chair