

## Minutes of the Schools Forum Meeting held on 17 October 2019

Present: Richard Redgate (Chairman)

### Attendance

Jane Rutherford	Nicky Crookshank
Richard Osborne	Anita Rattan
Philip Tapp (Vice-Chairman)	Jennie Westley
Philip Siddell	Vicki Lewis
Kirsty Rogers	Julie Rudge
Karen Dobson	Les McDowell
Sara Bailey	Alison Parr
Chris Wright	Abigail Rourke
Kevin Allbutt	
Judy Wyman	

**Observers:** Philip White

**Also in attendance:** Will Wilkes, Julie Roberts, Andrew Marsden, Tim Moss, Michelle Williams, Melanie Scott, Lesley Calverley, Jo Galt, Karl Hobson and Anthony Humphreys

**Apologies:** Claire Shaw, Ally Harvey, Mark Sutton, Richard Lane and Anne Tapp

### PART ONE

#### 58. Election of Chairman and Vice-Chairman

On nominations being requested, Mr Kevin Allbutt proposed and Ms Anita Rattan seconded that Mr Richard Redgate be elected Chairman for the ensuing year. Ms Judy Wyman proposed and Ms Julie Rudge seconded that Mr Steve Barr be elected Chairman for the ensuing year. A secret ballot was therefore held and Schools Forum voted that Mr. Richard Redgate be elected as Chairman. Mr Chris Wright proposed and Ms Nicky Crookshank seconded that Mr Philip Tapp be elected as Vice Chairman for the same period.

Members of the Forum expressed their gratitude to Steve Barr for his commitment and contribution as Chairman of Schools Forum over a considerable period of time. The Head of Education Strategy and Improvement also recorded his sincere thanks for the significant contribution which Steve Barr had made as Chairman, and in particular for his impartiality.

**RESOLVED** – That Mr Richard Redgate and Mr Philip Tapp be elected as Chairman and Vice Chairman respectively for the ensuing year.

## **59. Declarations of Interest**

Steve Barr and Judy Wyman both declared an interest in minute 67, being in receipt of some Union Duties funding.

## **60. Minutes of the meeting held on 4 July 2019**

**RESOLVED** – That the minutes of the Schools Forum held on 4 July 2019 be confirmed and signed by the Chairman.

## **61. Matters Arising and Decisions taken by the Chairman**

In relation to Early Years funding, members raised a number of concerns and questions. A member asked whether the contingency allocation counted as part of the 5% centrally retained funding. Officers confirmed that it did not and was counted as part of the 95% pass through to providers. This was because it was not retained for the Local Authority to use but was to fund any additional take up in nursery hours that the Authority had not been funded for. Members also questioned and expressed concern over the £1.1m underspend in 2017/18 and £1.4m underspend in 2018/19. They were informed that the Authority was funded based on a census taken in January, which was essentially grossed up for a full year effect. Based on this census the Government estimated how many hours funding the Authority would need and provided the funding for these. The Authority paid out on actual hours claimed by providers in their termly censuses. In 2017/18 and 2018/19 there had been an underspend as the Authority had been funded for more hours than they had paid out. Officers stated that rate setting tended to be backward looking at trend analysis. The more data that was available would show whether trends were in place and using the data would inform any rate rise in future years. Officers also confirmed that any under or overspend went into DSG balances.

The Cabinet Member for Learning and Employability informed members that a review of redundancies was included on the HR Plan for all local authority employees and involved a considerable number of workstreams. There was not a firm date yet for employees in schools. He had made a request to separate out the work with school-based employees. In relation to the shortage of Educational Psychologists, members were informed that one had been recruited and two were in training. There were five vacancies and a number of locums were working for the authority. It was acknowledged that this was a West Midlands and National problem.

A note was tabled on the details of the allocations of £57,250 towards the post-opening of two new free schools, as requested.

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

Members noted that there were currently three schools with Notices of Concern in place, two were issued in 2016/17 and one in 2018/19. All of these were as a result of Academy Orders being issued by the DfE. The County Council were currently in the process of issuing eight new Notices of Concern. Two of these were as a result of the schools being unable to comply with the original licensed deficit plan and six were as a result of the school being unable to set a balanced budget for 2019/20.

The County Council had seven Licensed Deficit agreements in place. Five of these agreements were put into place following the 2016/17 financial year and two were following 2017/18. Three new agreements were in the process of being put into place following the 2018/19 financial year.

**RESOLVED** – That the report be noted.

### **63. Schools Budget 2018-19: Final Outturn**

Members were informed that the outturn position for 2018/19 was a £1.783m variance (0.29%) overspend on planned expenditure across all services. As a result, reserves were now showing a balance at the end of March 2019 of £3.951m. This included the Early Years adjustment for 2017/18 which was received in July 2018.

The Individual Schools Budget showed an overspend of £0.052m (0.01%). This outturn related to budgets allocated to individual schools through the funding formula. Any under or overspends were contributed to each individual school's balances. Individual balances were £18.795m at the end of the financial year.

The high needs block overspent by £5.125m (7.20%) and there was a continued forecast overspend on this in 2019/20. The Early Years' service had underspent by £1.430m (-3.05%). This was not the full and final outturn as the DSG was amended in July for the previous January's census. The underspend was due to lower take up than funding allocated based on the January censuses for three and four year old universal hours, and an underspend on the amount of deprivation payments budgeted for. Central and de-delegated items had underspent by £1.963m (-10.06%).

In relation to Early Years, a member commented that it would be helpful if there was more transparency in the calculation of the budget to promote a better understanding, particularly given that a lot of small nurseries were going out of business. It was important to ensure that each child received the funding which they were entitled to.

Members had a number of concerns in relation to the school balances figure of £18.795m. They queried what was considered to be an acceptable range and were informed that this was 8% for primary schools and 5% for middle and secondary schools. Officers also confirmed that there were currently 167 maintained schools. A member commented that the majority of schools produced balanced budgets. There were instances where funding had been allocated but had not yet been spent. They expressed concern that the figure could be misleading and did not represent a true reflection. Another member added that they had heard the view expressed that Staffordshire was holding excessive balances. It was queried what could be done to mitigate these views and clarify the actuality of the funding. Officers responded that the detail was set out in the Statutory Statement of Accounts, and the Cabinet Member for Learning and Employability assured Forum that the Secretary of State and other decision-makers understood the reality of the figures. Members were also informed that work was taking place across the County around SEND district models and with special schools to try to address concerns around out-of-county placements. It was queried how the SEND work would be communicated and it was confirmed that discussions would commence shortly in localities. A member who was involved with one of the

Working Groups confirmed that they would shortly be in a position to share significant amounts of information on what was a national crisis.

**RESOLVED** – That the 2018/19 Schools Budget financial outturn be noted.

#### **64. School Attendance Matters and Staffordshire's Education Welfare Services**

The Forum considered an update on the work done by the Education Welfare Officers (EWOs) to deliver the Core Offer for Education. The EWOs had moved under the direct management of Targeted Services from October 2019 and there were now ten EWOs and one Education Welfare Co-ordinator to deliver the Core Offer to all Staffordshire schools. However, approximately 70-80 schools did not share this information, generally because of IT issues. The service therefore had to wait for the DfE return. It was suggested that it would be helpful for those members of Forum who sat on other groups to take the message to them that it was helpful to share this data.

Members considered details of overall absences at Staffordshire schools and noted that this was now in line with national absence levels. It was encouraging to see an increase in the number of persistent absence cases dealt with by prosecution, up from 54 in 2017/18 to 82 in 2018/19. Less children were having time off for holidays. In relation to movement within the Elective Home Education (EHE) population in 2018/19 it was seen as a positive that 136 children had returned to school or started school. However, the high number of people turning to EHE was a cause for concern. Extra funding had been released to employ two additional EHE workers

In relation to School Attendance Orders for pupils not on a school roll, one was issued in 2018 and three this year. Members were informed that all of the children involved were thriving, and officers hoped to do another twenty to thirty. Forum also considered details of Children Missing Education and noted that casework in this area had increased by 1,306 cases, which reflected the greater scrutiny of students records across Staffordshire.

A member commented that there were more mid-year requests for EHE and asked if it was possible for those cases where pressure had been put on parents to be reported, in order for the schools involved to be challenged. It was confirmed that this information was available and was reported to the Regional Schools Commissioner and Senior HMI. Another member commented that in recent Ofsted inspections schools were being challenged on how they followed up EHE children. It was clear that this was an area Ofsted were focusing on. A member commented that their school was using a robot to help a child who had difficulty with attendance interact with their class. Members were informed that a company was shortly coming to visit the service to provide a demonstration of this. It was questioned how many EHE pupils had special needs and it was confirmed that if they had an EHCP they would still have a home review and that 5.2% of the EHE population had EHCPs. It was queried whether the new additions to the EHE population included children who had never been in school. It was acknowledged that if a child had never attended school from birth and in some cases never registered with a GP the service would not be aware of them. However, every effort was made to explore the existence of such children. A member made the point that there was evidence that in Staffordshire that some parents were put under pressure to move to EHE. Forum was informed that there were instances where Year 10 and 11

pupils were told that they could go to College, when in fact there was very little provision available for them.

**RESOLVED** – That the work done by the Education Welfare Officers to deliver the Core Offer for Education be noted.

#### **65. Primary Behaviour Support Service 2019**

Forum received details of the current Primary Behaviour Support Service offer to maintained schools. This was a centrally retained service until 2012/13, when it became a de-delegated service. The maintained primary schools had since voted annually to agree that the service should be provided centrally. It was managed by Entrust. The Primary Behaviour Support Service was available to primary Academies at a cost and could be purchased on a case by case basis or as a combined package of Behaviour Support and other services from the SENIS team.

Members were informed that schools sent their referrals for primary behaviour support to a central inbox. Every Tuesday referrals were systematically reviewed and allocated to a caseworker on the nature of the concern and specialist knowledge of the practitioner, as well as geographical location. The number of primary Behaviour Support cases in maintained schools had declined since the 2016/17 academic year. However, in this time the number of maintained schools had also reduced as academisation grows.

Members considered details of the core casework offer, which was focused on effectively implementing a graduated response. The impact of the Service was measured through the annual SENIS survey and feedback from the schools themselves. They also considered details of the training which had been offered to schools, for which evaluation had been very positive. There would be some additional delivery from September 2019 which would provide schools with further support and advice in implementing the graduated response and would include: working with the individual pupil; supporting schools in the development of interventions; targeting work for schools with high numbers of fixed term and permanent exclusions; a behaviour support helpline; and working with parents.

**RESOLVED** – That the current primary Behaviours Support Service offer to maintained schools be noted.

#### **66. Minority Ethnic Achievement Service 2019**

The Minority Ethnic Achievement Service (MEAS) had been a centrally retained service until 2012/13, when it became a de-delegated service. The Forum had since voted annually to agree that the service should be provided centrally. The service was managed by Entrust. It was available to primary and secondary Academies at a cost and could be purchased on a case by case basis or as a combined package if Inclusion Support and other services from the SENIS team.

Members were informed that maintained schools were divided into two categories to determine the support which they received from MEAS:

- EMAG (Ethnic Minority Achievement Grant) schools were identified annually based on a formula which considered the number of EAL pupils and also their country of origin. EMAG schools received funding directly and were not entitled to support for new arrivals from MEAS.
- Non EMAG schools could refer new arrivals to MEAS and also received a nominal funding allowance for each pupil, this was used to fund additional resources such as dictionaries, dual language books or apps.

All maintained schools were able to request support for pupils causing concern, ie those who were not making the expected progress in learning English. Members considered details of the process which took place once a referral was allocated to a caseworker, based on the language spoken by the pupil. The impact of the Service was measured by the annual SENIS survey and feedback from the schools who had used it. The new service offer included: the provision of additional follow up visits to work with individual pupils; additional support to schools to work with parents; and continued research and keeping up to date on resources available.

**RESOLVED** – That the current MEAS offer to maintained schools be noted.

## **67. Schools Budget 2020-21: De-delegation, Central Expenditure and Education Functions**

The Schools Forum is required by the Finance Regulations to annually approve central expenditure (ongoing and historic commitments). 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.

For 2020-21 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 21 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 2020-21.

### **De-delegation**

Under the national funding arrangements the government wanted 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 were required to vote on behalf of the schools they represented to determine whether or not a range of costs currently met centrally would transfer to maintained schools for them to manage themselves. The budget for these costs would also transfer to schools on a formula basis. Academies were not part of these arrangements since these responsibilities and the funding for them were automatically delegated to academies through the ESFA use of the local funding formula.

The budget areas de-delegated last year following the equivalent vote are set out in the table below. The budget values were estimated for all primary and secondary schools (i.e. including academies) to provide the context of values involved. Actual figures for

2020-21 would be finalised over the next few months as the settlement and school census become available.

### Areas proposed for de-delegation for 2020-21:

Budget Area	Primary	Secondary (including middle)
	£m	£m
Insurances (mainly premises related)	2.284	3.099
Staff costs (Maternity Pay)	1.189	1.010
Staff costs (Union Duties)	0.142	0.060
School Specific Contingency	0.390	0.185
Support for ethnic minority pupils or under-achieving groups	0.877	0.319
Licences and Subscriptions	0.505	0.205
Behaviour Support Services	0.529	Delegated
FSM eligibility	0.059	0.030

Having considered these areas, the voting Forum Members for each phase agreed these budget areas to be de-delegated for 2020-21.

### Central School Services Block

There were some areas of central expenditure which needed to be considered by the Schools Forum and the draft Finance Regulations set out the requirements for approvals/consultation. It was noted that final regulations had not yet been issued, so in the event that final regulations were different, the content of the budget report may need to change as a result. Funding in the Central School Services Block was split into Historic Commitments and Ongoing Functions.

#### Historic Commitments

For historic commitments the following rules apply:

- a. The level of expenditure cannot be increased above 2017-18 levels
- 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

The ESFA has indicated that from 2020-21 it will start to reduce funding for historic commitments. The detail of their approach has not yet been announced. As Staffordshire has reduced spend in this area by delegating the School Improvement budget in 2018-19, this should provide some protection against funding reductions.

The headings under which Staffordshire currently retains funding for Historic Commitments is set out in the table below, together with indicative 2020-21 budget levels. The Families First LST funding was approved in principle by Schools Forum at the July meeting.

	2019-20	2020/21 Indicative
Prudential borrowing	924,130	924,130
Combined Services		
Families First - Targeted Services (LST)	1,448,000	1,448,000
SEN Transport*	250,140	250,140
	<b>2,622,270</b>	<b>2,622,270</b>

\*Schools Forum approval is required for SEN transport budget, but it is now funded from the High Needs Block

Schools Forum approved the continued funding of these areas centrally at no higher than the indicative amounts, with final values to be confirmed at the meeting in March 2020.

### Ongoing Functions

Ongoing Education Functions were funded by a combination of council tax and DSG. There was an annual liability for Teachers Pensions Added Years of c.£7.1m. which was funded by council tax. The estimated cost for other ongoing education functions for 2020-21 was £3.4m. These functions were funded by DSG through the Central Schools Services Block (CSSB). The Schools Forum approved the allocation in the central schools services block for ongoing functions to be used to fund these services.

### Central Schools Expenditure

2. Staffordshire did not retain significant amounts of funding under this heading, to which the following rules applied:
  - a. The Schools Forum must approve the amounts of funding to be retained centrally.
  - b. For the pupil growth fund and infant class size funding any underspend from the previous year must be added to the ISB.
  - c. For the pupil growth fund and falling roll fund the Schools Forum must approve the criteria used and receive regular updates on the use of funding.

	2019-20 £	2020-21 indicative £
Infant Class Size	95,000	95,000
Significant Pupil Growth / New school funding	500,000	500,000
Falling rolls fund	n/a	n/a
	<b>595,000</b>	<b>595,000</b>

Schools Forum approved the continuing use of the pupil growth and infant class size funds at the indicative levels set out above.

### Central Early Years Expenditure

The requirement here was 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.** 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 2020-21, the authority was asking for £1.8m (4.2%) to be retained centrally.

Members expressed a number of concerns that they were being asked to make a decision without sufficient information and needed to have a much more in depth and clearer understanding of the figures and the way the budget would be spent. It was therefore agreed that the decision on Central Early Years expenditure should be deferred until members had the opportunity to consider a more detailed breakdown on the funding at a future meeting.

### **Education Functions for Maintained Schools Only**

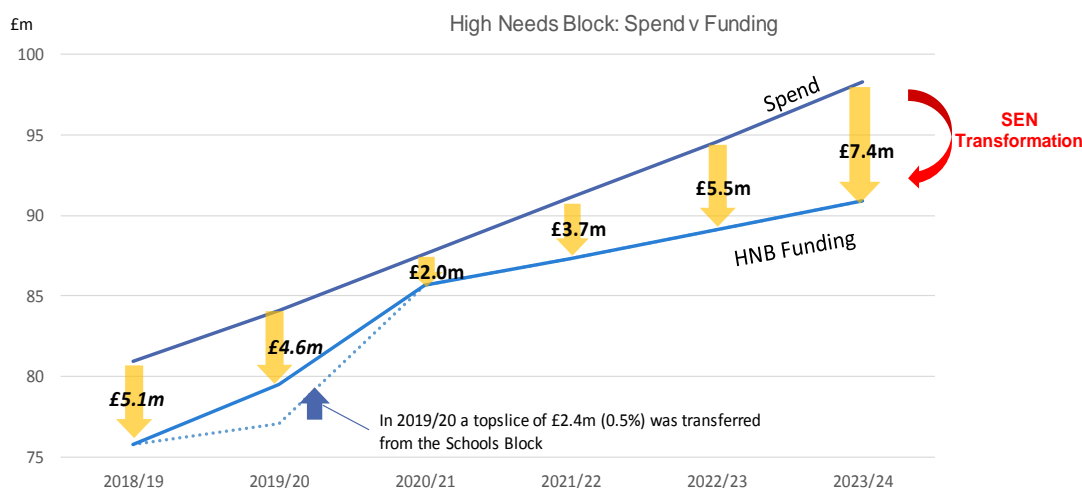
Members considered a list of the functions provided to maintained schools only and previously funded by the general duties ESG rate, along with the levy per pupil that would be required to fund each of these services. Maintained Schools Forum members agreed to the levies per pupil outlined to fund the costs of the associated services.

#### **RESOLVED – That:**

- a) The areas proposed for de-delegation 2020-21 be approved by maintained Schools Forum members;
- b) The continued funding of historic commitments centrally, at no higher than the indicative amounts set out above, with final values to be confirmed at the meeting in March 2020 be approved;
- c) The allocation in the central schools service block for ongoing functions be approved to fund the services outlined;
- d) The continuing use of the pupil growth and infant class size funds be approved at the indicative levels set out above;
- e) A decision on the proposed level of central support services for early years' provision be deferred to a future meeting, pending a more detailed breakdown of the figures; and
- f) The proposed levies per pupil to fund the cost of the associated services be approved by maintained School Forum members.

### **68. High Needs Block Update**

Forum had requested regular updates on the latest position of the High Needs Block, including the impact of the additional DfE funding of £1.7m in 2019/20 and the transfer of £2.4m (0.5%) from the Schools Block to the High Needs Block. Members were informed that the forecast outturn for the 2019/20 High Needs Block was a £4.6m overspend, an increase of £2m from the £2.6m previously reported in July. This was result, in the main, of rising costs within Independent Schools. The Government, as part of the recent Spending Review, had announced a further £700m funding for the High Needs Block in 2020/21. It was estimated that this would provide for an additional circa £8.6m for Staffordshire and would go a long way to addressing the current underlying budget shortfall in this area. Unfortunately, and assuming: the additional High Needs Block will remain in place going forward; and that funding levels going forward will increase annually thereafter in line with inflation, given the increasing cost and demand for SEND, this additional funding was unlikely to address the funding gap completely and there was still likely to be a shortfall in 2020/21 of £2m, rising to £7.4m annually by 2023/24.



Using the latest information, the table below illustrates the effect of the High Needs Block on the overall Dedicated Schools Grant (DSG) balances. It was expected that, at the end of the current year, the DSG reserve will be all but depleted and there would be no “buffer” available to help manage future budget pressures.

DSG Reserve	2019/20 £m	2020/21 £m
Opening Balance	4.0	(0.6)
High Needs Forecast Overspend	(4.6)	(2.0)
<b>Forecast Closing Balance</b>	<b>(0.6)</b>	<b>(2.6)</b>

The schools revenue funding 2020 to 2021 operational guide, issued in September 2019 by the Education and Skills Funding Agency confirmed that local authorities may transfer up to 0.5% of their schools block funding into another block, with the approval of their Schools Forum. Up until this guidance was published it had not been known if this flexibility would continue. There was a need to protect DSG balances through the short term due to rising demands and costs of SEND in Staffordshire. It was expected that the SEND transformation would yield savings over the medium term. It was important to continue to lobby Government for additional funding as even with the injection of £700m nationally, although very welcome, was unlikely to close the gap in funding.

Members were informed that the timetable for the funding switch approval was very tight. All schools needed to be consulted with and the Forum needed to be informed of the results of the consultation in order to approve or reject the funding switch. If the funding switch was not approved by the Schools Forum then this would need to be referred to the Secretary of State by the 28th November. With this tight timescale in mind, members were asked if they wanted to hold an Extraordinary Meeting to discuss the outcome of this consultation or vote electronically. Members agreed to hold an Extraordinary Meeting on 26 November. A member pointed out that schools and the Forum had been overwhelmingly against the funding switch last year, and that it was an important message to the Government that schools were not able to afford it.

**RESOLVED** – That:

- a) The update on the High Need Block be noted;
- b) The local authority’s intention to consult with schools regarding the 0.5% funding switch in 2020/21 be noted; and
- c) The outcome of the consultation should be brought back to an Extraordinary Meeting of the Schools Forum on 26 November.

**69. School Improvement Monitoring and Brokering Grant**

Members were informed that this grant had been allocated to local authorities since September 2017, to “monitor performance of local authority maintained schools, broker school improvement provision and intervene as appropriate”. Forum received details of the use of the grant during the academic years 2017/18, 2018/19 and 2019/20. The local authority used the grant to commission Entrust to monitor the effectiveness of maintained schools. The local authority also continued to undertake the school categorisation process for all state funded mainstream schools. The process resulted in every school being placed in one of three categories:

- Category 1 – No concern – schools are not routinely visited.
- Category 2 – Some concern – schools typically receive two quality assurance visits from Entrust, the focus of which was to evaluate the impact of leadership on improving the quality of teaching and learning and therefore pupil outcomes.
- Category 3 – High concern – schools typically receive quality assurance visits each half-term from Entrust, the focus being the same as category 2.

The categorisation was used to inform the level of quality assurance commissioned from Entrust. The following table indicates the number of schools that received quality assurance visits:

	2017/2018	2018/2019	2019/2020
No of LA Schools	251	208	173
Category 2	73	63	tbc
Category 3	28	31	tbc

The local authority had also used the funding to broker school improvement provision including disadvantaged projects, reviews of governance, an aspiration research project, intervention in schools causing concern and district SEND model set-up costs. The total grant received to date and the grant allocations are as follows:

Grant Funding Received	Grant Funding Allocated	Grant Funding remaining
<b>£1,881,438</b>	<b>£1,695,029</b>	<b>£186,409</b>

**RESOLVED** - That the report be noted.

**70. Membership**

Members were informed that following the recent review of the Constitution this now made provision that where the school of a maintained school representative had

converted to an academy, the Forum could consider appointing this member as an academies member until their current term of office ended. They were therefore asked for their agreement for this to be applied for Kevin Allbutt and Nicky Crookshank, whose schools had converted to academies.

**RESOLVED** – That, in accordance with the revised Constitution, it be agreed that Kevin Allbutt and Nicky Crookshank remain on Schools Forum until their terms of office expire in 2021.

#### **71. Work Programme**

Vicki Lewis reminded members that she represented Forum on the Education and Skills Strategy Group and would report back as this progressed.

**RESOLVED** – That the Work Programme be noted.

#### **72. Date of next meeting**

**RESOLVED** – That:

- a) An Extraordinary Meeting of Schools Forum potentially be scheduled for Tuesday 26 November 2019 at 2.00 pm; and
- b) The next ordinary meeting of Schools Forum be scheduled for Thursday 16 January 2020, at 2.00 pm in the Oak Room, County Buildings, Stafford.

**Chairman**