

Minutes of the Schools Forum Meeting held on 25 March 2021

Present: Richard Redgate (Chair)

Attendance

Alun Harding	Claire Evans
Kim Prince	Nicky Crookshank
Jane Rutherford	Vicki Lewis
Wendy Whelan	Anne Tapp
Philip Siddell	Les McDowell
Kirsty Rogers	Alison Parr
Chris Wright	Jonathan Price (Observer)
Steve Barr (Vice-Chair)	Kelly Mitchell
Kevin Allbutt	Andrew Shaw
Judy Wyman	David Jobburn (Sub. for Jenni Westley)

Also in attendance: Lesley Calverley, Anthony Humphreys, Tim Moss, Mandy Pattinson and Melanie Scott.

Apologies: Karen Dobson, Sara Bailey, Richard Lane, Jennie Westley, Keith Hollins, Jo Galt and Julie Rudge

25. Declarations of Interest

There were none declared at the meeting.

26. Minutes of the meeting held on 14 January 2021

With reference to a question raised under the previous minutes (page 1 last paragraph) it was hoped that when the final outturn figures were available for those schools in deficit, the reasons for the deficit would be looked at carefully to see if they were Covid related. The Forum were informed that the expectation of additional funding for schools to cover the Covid costs had come from an official response from the DfE to a Parliamentary petition to fully fund cost of Covid in schools. The response had indicated that in serious circumstance additional funding or advances would come from the Local Authority.

There was concern that the change in school census date (from October to January) would affect the Pupil Premium for some schools by up to £1,300.

On page 3 (5th paragraph) the word convenience should read convened.

The Chair went through the action sheet attached to the minutes.

RESOLVED: That subject to Convenience on page 3 (paragraph 5) being changed to convened, the minutes of the Schools Forum held on 14 January 2021 be confirmed as a correct record and signed by the Chair.

27. Decisions taken by the Chairman under delegated powers

No decisions had been made by the Chairman since the last meeting.

28. Membership Update Report

Kelly Mitchell and Andrew Shaw were welcomed to the Forum. As their membership ran for 4 years, the forum was requested to extend this by 5 weeks to enable their election term to fall in line with the other members due for election in May 2025. It was noted that nominations for the May 2021 elections were now underway.

A complete membership list was provided for information

RESOLVED:

- a) That the term of office for Kelly Mitchell and Andrew Shaw be extended to May 2025.
- b) That the updated membership list be noted.

29. Notices of Concern and Licensed Deficit Agreements

It was reiterated that the Local Authority would be working closely with schools to identify the reasons for any deficits within their budgets. The government had responded to a previous inquiry on Covid costs incurred by schools, with their response being that Covid-19 costs should be treated in the same way as any other deficit and in line with the statutory scheme for financing schools.

There had been no new notices of concern or licensed deficits issued since the last meeting.

RESOLVED – That the report be noted.

30. Schools Forum Constitution

The Staffordshire Schools Forum constitution had previously been updated in July 2019. The Forum had suggested a further review which had been carried out by the Chair, Vice Chair and officers of the Council and these suggested amendments were brought to the Forum for consideration.

The majority of the constitution remained in place however, there were some suggested changes which affected members. These were considered and discussed separately:

- a) Apologies at meetings – suggested paragraph 3.6 to be added:
“To ensure the effectiveness of the decision making process surrounding the use of public money, all Schools Forum members are expected to attend the Forum meetings. Apologies must be made in advance of each meeting. Members’ apologies will be considered at the Forum meeting and accepted if agreed by the

majority of attending members. Where a member has not attended 3 consecutive meetings of Schools Forum and apologies have not been formally accepted, the Council will terminate their appointment and will undertake the appropriate nomination, election, and appointment process”

The Forum was informed that if agreed this would be introduced from the next meeting.

- b) It was proposed that the election of the Chair and Vice Chair would take place at the final meeting (usually July) of the school year for a period of two years, but they will not take up their appointments until the first Schools Forum meeting in the new school year (usually October) following their election. This is to allow for a smooth transition between Chairs.

There was some concern that if the elections took place in July, those new members elected in May, may not know enough about the nominees to make an informed choice.

It was explained that by holding the election in July the new Chair would be able to have an input into the October agenda and ensure a smooth transition takes place. If a Chair lost their seat or was no longer a member of the Forum, another election would take place.

A number of options were considered at the meeting including receiving nominations at the July meeting but voting at the October meeting, but generally it was felt that to ensure the smooth transition between Chair and to enable planning for the next meeting, a July election with the Chair taking office in October was the better choice.

- c) Two options were suggested to deal with the Chair and Vice Chair nomination process. Those being:
 - i. Option A
Nominations for Chair and Vice Chair are received by the Clerk in advance of final meeting of the school year. Nominations, with pen portrait, must be submitted at least 7 days prior to the publication of Schools Forum papers. Names of the nominees, along with the pen portraits, would be emailed to Schools Forum members in preparation for the election (if required) at the meeting. Where no nominations are received prior to the meeting, nominations will be sought at the meeting.
 - ii. Option B
Nominations for Chair and Vice Chair are received under the agenda item at the final meeting of the school year. The election (if required) would take place as part of that agenda item.

Concern was raised by officers that nominations in advance of the meeting would reduce transparency and could restrict the ability to oppose a nomination as the opportunity would have closed when nominations became public. It was argued that knowing the candidates in advance made the process more democratic for members.

There was also concern that up to half of the Forum membership was re-elected every 2 years and so new members may not know the individuals they were voting for.

It was felt that the candidates providing a brief summary of their experience and skills would provide the forum with more information which would inform their choice.

There was concern that the July meeting was not always well attended as it was at the busiest time of the school year.

When considering option B, it was suggested that it would help to know if the current Chair and Vice Chair were willing to stand for a further term, in advance of the meeting.

- d) It was proposed that the timescale for the selection, nomination and appointment of schools and academy members should be shortened. Each part of the process would be 2 working weeks.

If agreed, appendix B of the constitution would need updating.

- e) It was proposed that Appendix C should be included in the constitution which set out when and how the termly review of maintained and academy school representatives was undertaken.

There was no debate on this item before being agreed.

The Chair and Vice Chair thanked all those involved in the process for the suggestions and help.

RESOLVED:

- a) That the report be noted and the following amendments to the Constitution be approved:
- b) Apologies at meetings – paragraph 3.6 (as detailed above) be approved.
- c) The election of the Chair and Vice Chair would take place at the final meeting (usually July) of the school year for a period of two years, but they will not take up their appointments until the first Schools Forum meeting in the new school year (usually October) following their election.
- d) Option B – Nominations for Chair and Vice Chair are received under the agenda item at the final meeting of the school year. The election (if required) would take place as part of that agenda item with candidates giving a short resume of their experience at the meeting. Chair and Vice to indicate in advance of the meeting if they are willing to stand again.
- e) The timescale for the selection, nomination and appointment of schools and academies members would be shortened so that each part of the process is now 2 working weeks.
- f) Appendix C to be included in the constitution.

31. High Needs Block Update

The Forum considered the report of the Deputy Chief Executive and Director for Families and Communities which provided a detailed update on the High Needs Block (HNB) funding. Members of the Forum were informed that the forecast overspend on the 2020/21 High Needs Block (HNB) was now £6.5m which was £1m higher than reported at quarter 3. The main reason given was the increase in demand in the independent sector due to an increase in the number of children and young people with

higher and more complex needs. The impact of this meant that at the end of the current financial year the overall Dedicated Schools Grant (DSG) reserve would be in deficit.

For Staffordshire the HNB budget for 2021/22 had now been finalised for a total of £101.0m; an increase of £11.6m compared with 2020/21 (13%). None of this funding increase would be used to repay historical deficits.

The Council recognises the financial pressures schools across Staffordshire were facing and would increase funding next year for all state funded special schools, on a like for like basis, by a minimum of 1.0%

Staffordshire would be providing a response to the DfE consultation about the proposals for a small number of changes to the national funding formula that was used to allocate high needs funding to local authorities in the 2022-23 financial year.

The High Block Needs Working Group had met on 9 February for the second time. The focus of the session had been on modelling HNB spend and demand going forward and establishing a national context of HNB funding and how Staffordshire compared against other authorities. This information was attached to the report as appendix B. The next working group meeting would review non statutory funding and the needs of those children and young people being placed in the independent non maintained sector. The Chair reminded the forum that the group could only make recommendations to the LA and could not force changes.

Following a question on the Independent school and the impact on how the LA were evaluating the impact of the funding on the special school sector, it was explained that as part of the monitoring of children and young people, evaluation would be done in the same way as any other educational provision. The forum was reminded that the Independent sector was not always the LA choice and that there was a variety of reasons why an individual could be placed there, such as parental choice or being required to place there following a tribunal.

It was agreed that work was being done to look at the curriculum offer so that, for example, high performing children who had special needs were not placed in the independent sector simply because state funded special schools could not offer the same range of subjects. The educational banding tool was being reviewed to ensure the right level of funding was available, as was work with health partners on joint commissioning.

Officers felt that the overspend needed to be looked at as a whole and that the overspend on one area shows that the whole HNB was insufficient. One of the key areas to look at was managing capacity and appropriate provision at the special and mainstream schools to ensure that independent schools are used out of necessity and not choice. There was a plea for more funding for ECHP and speech and language provision so that it was available when needed, which could help to win tribunal cases.

Following a question on what proportion of the £1m overspend was allocated to the independent schools, it was explained that this was only 1% and in part due to the backlog being dealt with and trying to predict the number of individuals with high needs. It had been predicted that 380 children and young people would enter the system this year but 400, some with very high specialist needs, had.

Of the children not in any type of school, it was reported that there were 80 children accessing alternative educational settings for a number of different reasons including some due to medical need. The budget was slightly under spent this year partly due to Covid-19 and the online offer being available to all pupils. The National Tuition Fund was available to schools, but this was for a maximum of 15 hours per child.

It was acknowledged that the Education Banding Tool would inevitably mean an increase in funding for some schools and a decrease for others depending on the allocation the funding. Therefore, protections maybe required.

RESOLVED – That:

- a) The update on the High Needs Block since the previous report in January 2021 be noted.
- b) That the proposed High Needs Block budget 2021/22 be noted.

32. Schools Budget Update

The Forum were reminded that there were four categories of centrally retained budgets within the school's budgets and these were:

- De-delegated items
- Central School Services Block (CSSB)
- Central Schools Expenditure
- Education Functions (previously funded by the Education Services Grant)

Of the Individual Schools budget, the following was listed as a summary:

- The growth fund budget has been set at £2m
- The final education functions levy has been set at £55.71 per pupil
- School budgets have been set using the National Funding Formula (NFF)
- The NFF has been funded in full with the maximum permissible MFG of 2% and no capping of gains.

The Early Years funding summary was that:

- Early Years funding rates have been set at £4.10 per hour for 3 & 4 year olds and £5.26 per hour for 2 year olds
- An Early Years contingency has been set at 0.7% of the Early Years Block funding
- Any underspend on Early Years contingency will be returned to providers as a one-off payment in the following financial year.

It was reported that the market recovery group had met and had appreciated that the increase in Government rates were being passed through in their entirety to the base rate and also that the 19/20 contingency was going to be redistributed again which was viewed as helpful.

The High needs funding summary was:

- Additional Government funding of £11.6m in 2021/22
- Special School budget have been set to provide for a Minimum Funding Guarantee of 1% and no capping of gains

- No request has been made for a funding switch of up to 0.5% from the Schools Block into the High Needs Block in 2021/22

RESOLVED – That the report be noted.

33. Work Programme and Date of Next Meeting

RESOLVED – That the Work Programme and future meeting dates be noted.

Chair