

Minutes of the Schools Forum

31 October 2019, 09:00

Mezzanine Room 4, Tor Hill House

-: Present :-

Stewart Biddles (Chairman), Primary Academy Head; **Lisa Finn (Vice-Chair)**, Secondary Academy Rep; **Maurice Codd**, Primary Maintained Governor; **Adam Morris**, Primary Maintained Head; **Ken Kies**, Primary Academy Head; **Lindsey Kings**, Secondary Academy Deputy Head; **Daneian Rees**, Secondary Academy Rep; **Clive Star**, Secondary Academy Governor; **Jim Piper**, Primary Academy Deputy Head; and **Jayne Jones**, Early Years Rep

Also in attendance: **Rachael Williams**, Assistant Director for Education, Learning and Skills; **Martin Phillips**, Head of Finance; **Sean Cremer**, Deputy Head of Finance; **Rob Parr**, Principal Accountant; **Dorothy Hadleigh**, Head of SEN; **Michael Freeman**, Clerk

1. Apologies/Changes to Membership

The Forum welcomed Ken Kies to the meeting in his role as Primary Academy Representative. Apologies were received from Dan Hallam, Tim Stephens and Mike Lock.

2. Minutes of the last meeting

The minutes of the last meeting held on 27th June 2019 were agreed as a true record.

3. Matters arising

None.

4. Financial Report

Rachael Williams, Assistant Director of Education, Learning & Skills, presented a breakdown of the current financial position. The outturn position for 2019/20 continues to forecast an overspend of £955k in this year. The pressures on each block was then discussed individually.

There is no anticipated overspend in the Early Years block at present, however members were asked to note that census returns drive any expenditure in this

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block, and therefore this position is likely to change once further information is available to officers later in the year.

The most pressure continues to be on the Higher Needs Block, however it is important to note that pressure has not increased on this block since the last Forum in June.

There continues to be a rise in allocated funding above £6k, although underspend has increased from £121k in June to £175k currently.

Demand on Special Schools remain an area of concern, as the number of children from out of area requiring this provision is growing. However it was noted that these placements are for children presenting with very complex needs that are not suitable for mainstream places, so this provision is required.

Members note the content of this report, and whilst pleasing that the current financial situation is more stable than it was previously, projected outturn remains a concern.

The Forum discussed the number of children moving into Torbay, and wondered how this data compares with our statistical neighbours. It was recognised that there is no comparative movement data at present. Therefore, members asked officers to do some collaborative work with Plymouth colleagues, to compare the profile of children moving in to the respective authorities.

Action – Officers to contact Plymouth colleagues and compare data.

5. Analysis of High Cost Placements

Dorothy Hadleigh, Head Special Educational Needs and Disabilities, presented her paper on High Cost Placements and the ongoing work of the SEND team.

Whilst the number of RSAs (Requests for Statutory Assessments) continue to rise, it was noted that the number being agreed remains relatively stable. This higher level of refusals (29%) is due in part to a greater level of scrutiny at the requests panels.

There continues to be great demand on our locally commissioned provisions, including the new provisions at Spires and Steps (Paignton). However, despite this pressure the SEND team are beginning to move some out of area children back into Torbay. Although there has been some challenge to this, and we have seen an increase in tribunals, Dorothy was pleased to inform that the decisions her team are taking are being acknowledged by tribunals, and two recent tribunals have both been awarded in favour of the LA.

Independent placements continue to be a pressure. There has been some reduction in spend, but pressure mainly exists when Social Care move children out of area and SEND are having to paying the education elements.

Dorothy thanked colleagues at South Devon College, as the packages now being offered there have led to a reduction in the use of bespoke placements.

SEN Caseworkers are now rigorously challenging schools on Bespoke Packages, asking for greater evidence as to why these children are in need of these. Existing packages are now monitored on a 6 weekly basis, and two monitoring officers are now in place to do this. This has led to a reduction in the number of packages.

Dorothy and her team has been working closely with Post 16 providers looking at value for money. A pilot scheme at South Devon College has created provision for children that previously would have required more expensive out of area placements. This has been extremely successful so far, but will be reviewed after one year.

Extensive work is ongoing around Joint Funded Placements, with the aim of bringing more children back into Torbay and reducing the costs of placements. The SEN team are negotiating costs with current providers.

Forum members were pleased to note the impact that the measures being implemented by Dorothy and her team were having, and thanked her and her team for their hard work.

6. Clarifying the Specific Grant and Ring-fenced Status of the DSG Consultation

Members were presented with a paper from the DfE, Clarifying the Specific Grant and Ring-fenced status of the Dedicated Schools Grant. The paper underlines the fact that the Schools Block of the DSG is the responsibility of Schools Forum alone, and it would not be reasonable to ask the LA to use reserves held to bail out the Schools Block, without prior approval from the Secretary of State.

The proposals were discussed by members, and it was felt that although they agreed with the proposals in principle, it was felt that it was unrealistic given the current situation. After some clarification, Members were in agreement for the LA to respond to the DfE on behalf of the Forum.

Rachael made it clear to members that the LA will be responding in favour of the changes proposed, whilst reminding them that schools can respond on an individual basis as well.

7. 2020/21 Allocations

Please note that the first part of this item was not included on the original agenda, given that it was only received by the LA on 30th October.

Martin Phillips, Chief Accountant, shared a letter received from the Education and Skills Funding Agency (included with these minutes). The ESFA feels that the current recovery plan lacks a long term strategic focus, and that more needs to be done by the LA to ascertain why Torbay has the highest number of children with

Education, Health and Care Plans in the country. The letter goes on to state that given additional funding in the Higher Needs block (discussed in item 8 of the agenda), it would be expected that the LA would not need to transfer money from the Schools Block into the Higher Needs Block in future. The EFSA would like to arrange a visit to discuss the recovery plan.

Members were in agreement that a meeting with the EFSA would be beneficial, to ascertain how they expect the LA to make the recommended changes to the current recovery plan. Rachael was keen to have representatives from both Schools Forum and the Higher Needs Recovery Group, members should contact Rachael directly if interested in attending.

Action – Members to contact Rachael if interested in meeting with the EFSA, once a date has been agreed.

The Forum discussed the allocations for 2020/21. Martin explained that the likely budget pressure next year will be around £2.5m. A decision on whether Schools Forum would support any decision to vire money to deal with this was then discussed.

Members expressed ongoing concerns about the current National Funding Formula, with schools in the most deprived areas having the least amount of growth. It was explained by Rachael that new guidance now states that any allocations not meeting the Minimum Pupil Guarantees would require a separate disapplication to the Secretary of State, and that growth into those schools that were far away from the NFF is driving the allocation of growth funds.

A decision on whether Schools Forum was still in favour on maintaining a move towards the Minimum Funding Guarantee was put to the vote:

In favour: 5

Not in favour: 4

Abstain: 1

Motion carried. Given this, how Forum works towards the MFG was then debated. Officers have produced 4 models for the allocation of growth moving forward, with the aim of meeting Minimum Pupil Guarantees.

Prior to the meeting Mike Lock, Special Schools rep, contacted the Chair with apologies but shared his views noting that there has been very limited growth in Special Schools, a position that was not challenged previously given the position we were in. Some parity between mainstream and special schools growth was asked for.

Members asked whether approval for a 0.5% disapplication would automatically be granted with or without Schools Forum approval. Rachael clarified that if Forum did not approve this, the LA would then have to apply to the Secretary of State.

Rachael felt it was important to show that the Forum is doing what is permissible in the local area but there is still a deficit, and we would welcome further discussion on

the ongoing budget pressures with the EFSA. Members agree that it was needed to demonstrate the work being done collectively.

The Chair asked members to vote on whether or not they support a virement of 0.5% (Approx. £400k):

For: 7
Against: 3
Abstain: 0

Virement supported. A decision on whether to support a further disapplication of 1.79% was then put to vote:

For: 0
Against: 10
Abstain: 0

Unanimous, Forum does not support further disapplication. Given this decision, the LA now needs to discuss with the Chief Executive if we go ahead with Disapplication without the approval of Schools Forum. If this were to happen, the models discussed in this meeting would need to be sent out to schools for further consultation. This consultation would happen immediately and run until the 25th November, as any application would need to be submitted by the 28th November. Members requested that models of the 0.5% virement be presented for the next meeting.

Special Schools tables, as requested at the last Forum, was shared with members. In his absence, it was recognised that Mike would want parity with what is agreed with other schools, but it was felt that it would not be right to reach a decision on this without his input. With this in mind, and given that further information would be available once the 0.5% virement has been modelled, it was decided to defer this item until the next Forum.

Action – Officers to Model 0.5% tables for Forum for Novembers meeting.

8. Any Other Business

Jane Jones (Early Years Rep) read out a letter received from Kevin Foster MP, on behalf of a parent of a child at Puffins Nursery. The letter expressed concerns around a perceived lack of funding for children in their Torbay branch when compared to their nurseries in Devon, and asked for clarification on this.

Rachael read out a technical response to the enquiry, prepared on behalf of forum members:

On the 1st December 2016 the DfE published its response to the consultation for the implementation of the new Early Years Funding Formula. The transition to the new way of funding Early Years children began in April 2017. Torbay Council run an Early Years funding consultation to which a full response was provided. The

previous hourly rate of £4.08 per hour was heavily subsidised through our DSG funds, something which was not sustainable on a longer term basis. The new formula ensures the hourly rates are self-sufficient and no longer require the heavy subsidisation from the DSG. Torbay provided a transitional budget for one year to reduce the rate in two steps, from £4.08 to £4.00, and then down to £3.82 from April 2018. The hourly rate that we provide as funding is calculated as an overall 5% that is kept by the LA within our statutory gift to run the Early Years service, minus our SEND and Deprivation budget. We provide £3.82 for three and four year olds, and £4.95 for two year olds, and our children are also in receipt of the Pupil Premium. We also pay deprivation at £200 per eligible child, and an SEND budget that is scaled up to £9.00 per hour based on a threshold criteria that is given to settings that apply for it. We additionally provide £615 per year for children with disability access fund issues. The LA took the decision to adjust the hourly rates of our budgets year on year, and since the introduction of the new funding formula Torbay has not received an increase in funding rate, therefore we have not increased the rate given to children. We are waiting the DSG budget allocations, and we will consult on the impact of any new funding through Schools Forum when appropriate.

The 5% retained budget is the amount that local authorities are permitted to retain and is used for core functions. Devon County Council currently pay £4.02 per hour, which is only supplemented by £0.02 per hour for universal deprivation, and £0.04 per hour as a universal SEND grant. Devon also pay targeted deprivation at only £0.08 per hour for eligible children. Devon has taken the decision to cut down on targeted interventions and increase their hourly rate, therefore their universal base rate is higher than Torbay's. It is important to note that the money isn't being retained by the LA, but Schools Forum has elected to give the money to our disadvantaged children and not apply it through the universal base rate.

Members thanked Rachael for the response and agreed that this be sent to Kevin Foster on behalf of the Forum.

9. Items for next meeting

- Special School Allocations (deferred from this meeting).
- 0.5% virement models.
- Centrally Retained items.
- De-Delegation of Services.

10. Future meeting dates

- Thursday 28th November 2019, 09:00, 4th Floor South, Tor Hill House
- Thursday 23rd January 2020, 09:00, 4th Floor South, Tor Hill House
- Thursday 12th March 2020, 09:00, Mezzanine Room 4, Tor Hill House