

Minutes of the Schools Forum

17 June 2021

-: Present :-

Stewart Biddles (Chairman), Primary Academy Head; **Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Adam Morris**, Primary Maintained Head; **Ken Kies**, Primary Academy Head; **Tim Stephens**, Primary Academy Governor; **Alex Newton**, Secondary Maintained Head; **Steve Margetts**, Secondary Academy Head; **Clive Star**; Secondary Academy Rep; **Jim Piper**, Primary Academy Deputy Head; **Mike Lock**, Special Schools Head; and **Jayne Jones**, Early Years Rep

-: Also in attendance :-

Rachael Williams, Assistant Director for Education, Learning and Skills; **Rob Parr**, Principal Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Hannah Spencer**, Senior SEN Casework Officer; **Michael Freeman**, Clerk

1. Apologies/Changes to Membership

Apologies were received from Martin Phillips and Dan Hallam, who announced that he would be stepping down Schools Forum with immediate effect. Rachael will liaise with Post 16 colleagues to source a replacement for Dan. Members gave their thanks to Dan for his hard work over the years and wished him well for the future.

The forum welcomed Hannah Spencer, Senior SEND officer, to the meeting.

2. Minutes of the last meeting

Members were shown the minutes of the previous meeting held on 6th May 2021, these were agreed as a true and accurate reflection of the meeting.

3. Financial Report

Rachael presented to members an updated financial report, containing information on both the Early Years and Higher Needs Blocks and the forecast outturn position for 2021/22.

Dedicated Schools Grant funded activities are now forecast to be overspent by £2.745m.

The COVID pandemic continues to have an impact on the Early Years Sector, with the take up of Torbay's 2 year old offer significantly below the national average.

Rachael stressed to members that work is ongoing on identifying the children affected and returning them to provisions. The Early Years Sufficiency strategy, aimed at reviewing the impact on provisions and the requirements of parents as we move out of lockdown, will be completed by September 2021.

Torbay continues to have a greater number of children requiring additional support up to and including a special school place than the funds available in the higher needs block can meet. The Forum heard from Hannah Spencer, who explained that in the first 5 months of 2021 the LA has received 149 Requests for Statutory Assessments, of which 82% have been approved, leading to greater pressure on the Higher Needs Block. This increase in demand is in line with national levels, however Torbay is also experiencing more demand for bespoke packages following the return to schools after lockdown. The SEN team are attempting to reduce the need of these bespoke packages where possible, by the continued rigorous monitoring of Alternative Provisions. Hannah also explained that the pandemic has had an impact on Job opportunities, therefore some bespoke packages are being continued as students wish to remain in education Post 16.

Element 3 top ups formed part of the banding review agreed by Forum members. Rachael announced that funding has been agreed for a new banding review officer to join the LA, and they will be in Post by October Forum. The advert for this post will be advertised from next week.

Members noted the volatile deficit position, and thanked Rachael and Hannah for their findings.

4. ESFA Visit feedback

Rachael shared with Forum feedback from the Education, Skills and Funding Agency visit on 18th May. It was pleasing to note that the increase in EHCPs in Torbay is now in line with that of national colleagues, as steps taken by Torbay to manage this are now taking effect.

As voted for by Forum Members at May's meeting, the LA enquired about a Safety Valve Agreement, which has been provided to 5 LAs across the country. However, The ESFA made it clear that the purpose of the meeting was not to discuss securing a safety valve, but how Torbay was going to achieve a balanced budget. The ESFA have asked that this be provided within 6 weeks by way of a balanced budget recovery plan, the LA restated that a balanced budget will not be possible within this timeframe.

A follow up meeting with the ESFA to discuss the budget and the completion of the recovery plan template has been arranged for the 9th August. Rachael will provide further feedback to members after this meeting.

5. Deficit Recovery Plan Template

Rob Parr, Principal accountant, then shared figures from the current deficit recovery

plan with members. The deficit budget has been set at £2.6m this year. Factoring in the Higher Needs allocations uplift, there will be an increase of 8% next year, before an increase of 5% the following two years.

Improved commissioning arrangements, the EHCP banded review set for 2023/24 (Officer has not been appointed yet), and the 2% virement each year will lead to a deficit of £1.3m by 2024/25. In turn, this will lead to a cumulative deficit of £13.131m by 2024/25, linked largely to the expected increase in pupil numbers, the growth of Post 16 and an increase in bespoke packages.

Members noted the findings, and discussed whether this is the recovery plan that they want submitted to the ESFA. Concerns were also raised that the SEND consultation due to be published by the ESFA 18 months ago is still not out. A vote was held as follows:

To submit the current deficit recovery plan to the ESFA as outlined above:

For: 12 Unanimous
Against: 0
Abstain: 0

Whilst in favour, members requested that this decision be reviewed at Forum each year, to look at the impact it has had on schools budgets.

6. Elective Home Education recharge and EHE spend

Dan Hamer, Head of Vulnerable Pupils, presented to Forum an updated paper EHE costs and provision, outlining the duties placed on the LA and the associated costs. The number of children moving into EHE had been falling prior to lockdown, however, the pandemic has seen an increase in parents saying their child's needs cannot be met in mainstream school. This has in turn led to more referrals in to the educational psychology service, more EHCPs, and greater demand for alternative provision.

Staffing costs to meet this demand currently stands at £82,971, with an additional £3,296 allocated to educational psychology support. Measures taken to reduce this pressure on the Higher Needs Block include linking with South Devon College, Early Intervention and support from the Mediation Service and Social Care colleagues. The new charging process for recouping AP costs, agreed by Schools Forum, will also help. Total pressure on the EHE service to fulfil statistical duties is expected to be £66,779.

Members noted the findings of this report. Discussion then moved on to the EHE recharging procedure proposed by Dan. Members were shown a paper clarifying the principles and were asked to consider whether the LA should backdate charging schools from the 1st January 2021, by including both Spring and Summer 2021 terms in the Summer term invoices sent to schools.

Members asked about the legal basis for charging schools, as it is not a statutory or contractual agreement. It was explained that Schools Forum has the legal power to make this decision, but that further advice from the LAs legal team is being sought and will be communicated shortly. It was also asked whether officers have looked at the approaches of other LAs, it was noted that those LAs spoken to are having similar difficulties.

A vote was held on the proposals as follows:

Does Schools Forum accept the EHE charging proposals, subject to valid legal basis:

For: 9 Motion Carried
Against: 0
Abstain: 2

please note that Tim Stephens left the meeting prior to this vote

Whilst members supported the initial rationale of the proposals, and that getting children back into mainstream schools was in children's best interests, it was felt that the mechanism for doing this needed looking at further.

7. Items for next meeting

- Element 3 banding
- Elective Home Education update

8. Future meeting dates

- Thursday 14th October, 09:00
- Thursday 25th November, 09:00

Given the length of time until the next meeting, Members asked whether we could have an interim meeting to be kept up to date with ongoing developments. Rachael agreed to this, and will get back to members with possible dates in September, after the LAs meeting with the ESFA.