

## **Minutes of the Schools Forum**

**18 June 2020**

**-: Present :-**

**Stewart Biddles (Chairman)**, Primary Academy Head; **Lisa Finn (Vice-Chair)**, Secondary Academy Rep; **Adam Morris**, Primary Maintained Head; **Ken Kies**, Primary Academy Head; **Maurice Codd**, Primary Maintained Governor; **Tim Stephens**, Primary Academy Governor; **Lindsey Kings**, Secondary Academy Deputy Head; **Daneian Rees**, Secondary Academy Rep; **Clive Star**, Secondary Academy Rep; **Jim Piper**, Primary Academy Deputy Head; **Dan Hallam**, Post 16; **Mike Lock**, Special Schools Head; and **Jayne Jones**, Early Years Rep

**-: Also in attendance :-**

**Rachael Williams**, Assistant Director for Education, Learning and Skills; **Martin Phillips**, Head of Finance; **Dorothy Hadleigh**, Head of SEN; **Rob Parr**, Principal Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Michael Freeman**, Clerk

### **1. Apologies/Changes to Membership**

The Forum welcomed Keith Hawkins, Head of Funding Policy Implementation Unit of the Education and Skills Funding Agency to the meeting. Andrea Latheron-Cassule, also of the ESFA, attended as an observer.

There were no apologies received for this meeting.

### **2. Minutes of the last meeting**

From the minutes of the May meeting, Rachael informed the Forum that the 6 day provision work is ongoing, conversations are currently taking place on exclusions. This work has been discussed at the Higher Needs Funding Group and has their support.

Dan Hamer also clarified changes to the recoupment process. Draft invoices are now being sent out two weeks before final invoices as discussed.

Minutes were agreed as a true record of the meeting.

### **3. Financial Report**

Rachael presented to members a financial report detailing the current position of the LA. The DSG (Dedicated Schools Grant) is forecast to be overspent by

£2.2m in 2020/21. Significant pressure remains on Exclusions, Medical Tuition Service and Elective Home Education.

The Early Years block remains an area of volatility, largely due to COVID-19. The LA acknowledges that the funding offered to settings is not enough to cover the income currently being lost due to lockdown. Further details on the Early Years block will be available in early July, once allocation adjustment figures have been totalled. Members expressed concerns that settings have around children returning in September. It is recognised that with social bubbles in place some settings are already at capacity, and they do not see how social distancing can be practised safely in an Early Years setting. It was also felt that some parents are not sure about children returning, and feel in the dark given the current situation. Rachael explained that the LA is aware of concerns and are raising the issues with the DfE.

The request for element 3 top up funding remains under pressure. Due to Covid 19 there is a reported underspend on this part of the higher needs block of £104k, however Forum Members should be cautious that there is likely to be a demand on this block as children return to school and new plans are issued.

Special Schools remain over commissioned by an additional £223k. Using current trajectory rates, it is forecast that the contingency budget of £600k will be used throughout the year. Officers are monitoring this forecast month by month.

The total cumulative overspend of the DSG now stands at £3.778m. Members noted the findings of this report, acknowledging that the recovery plan in place is saving thousands not millions, and whilst the overspend is in line with anticipated figures, further work needs to be done through the mechanism of the Higher Needs Recovery Group to mitigate further spend.

#### **4. Impact of Covid-19**

The Forum discussed the impact that the COVID-19 pandemic is having, and the issues the LA is experiencing. Financial impact only. Highest rates of referrals into MASH (well above thresholds) RSA route as well. Backlog due to lockdown. There has been a reduction in the number of RSAs (Requests for Statutory Assessment) being submitted in to the SEN team, which led to concerns that children are potentially missing out on this support. Members also expressed concerns that if these children are not being identified it could lead to more expensive bespoke packages further down the line.

Rachael has received feedback from SENDIASS, who say that a large number of parents of children with SEN say that the current situation is working well for them, meaning some parents don't wish to reintegrate children after lockdown. Members noted that this could lead to a large number of EHE (Electively Home Educated) children later on, particularly as schools will not be continuing online learning when they reopen.

There has been a rise of approximately 17% Torbay children that are NEET, it is anticipated that numbers will continue to rise. Members were warned to expect additional demand on forum budgets as a result. The forum recognised that this is an emerging issue, and whilst conversations are ongoing it was felt that some investment was needed early to mitigate for those children and young people with EHCPs who will be leaving education shortly.

There has been a significant rise in the number of children awaiting an Autism assessment. There was a two year waiting list for assessments prior to COVID-19, and no further assessments have taken place during lockdown, adding to pressures on the service.

Members were told that further modelling on the impact of COVID-19 will be completed, once schools have returned the reasonable endeavours forms. There will be an update on this at the next Forum in October.

## **5. Discussion with ESFA on recovery plan and moving forward**

The Forum heard from Mr Keith Hawkins of the ESFA, on the current recovery plan and the next steps to be taken. The LA had contacted the ESFA on behalf of Schools Forum, due to uncertainty that we could eradicate debt and achieve a balanced budget within the three year timescale.

Keith thanked the LA for the data he received on funding rates and the number of EHCPs in Torbay, as well as the actions taken at a local level to address these. He explained that the ESFA are conscious of the pressures on Higher Needs, and the difficulties in achieving a balanced budget.

Keith informed the Forum that current accounting guidance states that deficits can be carried forward, and that no reserves should be used to cover any deficit. He explained that a SEN review is underway, which may possibly lead to some policy changes. A consistent template for LAs to use is now being produced.

Dorothy Hadleigh, Head of SEN, told Keith that all options explored have not yet led to a formula that can cover the costs of our EHCPs. The LA would welcome examples of good practice, particularly learning from authorities that have successfully reduced their number of EHCPs, as options already looked at have not led to viable solutions that can be used in Torbay.

Members explained to Keith that they felt it unfair to judge Torbay against statistical neighbours as other authorities allocate funding in different ways, and a fair comparison cannot be made. Any money in the budget is being used for in-year pressures, and not to offset the original deficit. Keith acknowledged that the ESFA does not have funding mechanisms in place for each individual LA, but that this is something they are looking at.

The Forum shared concerns that even if the number of EHCPs is reduced, there will remain a legacy of the current EHCPs which will require funding until those children are 25, impacting on future budgets even if we managed to get to a cost

neutral position for Higher Needs in schools. Members express a wish for the ESFA to work with them on the historic issues.

Keith agreed that further conversations on historic issues are needed, but reiterated the point that getting to an in-year balanced budget should be the main priority.

Officer queried whether the ESFA would expect the LA to put in a request for disapplication. Keith explained that it is up to each authority to do so if they wish, but ministers are now less inclined to approve this. A Full SEN spending review is underway, including a review of the National Funding Formula, but has been delayed by the COVID pandemic. The ESFA is welcoming suggestions from Forums to inform this review.

Keith was pleased to see the commitment of the Forum in tackling the issues raised, and thought that the actions taken by Forum and the Higher Needs Recovery Group are working well, and that EHCPs should continue to be the main focus. He agreed to meet with the Forum again once the SEN review has been published later this summer.

Members thanked Keith for his time, and were pleased to see that he recognised their commitment on the issues raised.

**Action – Forum to invite Keith to re-attend once SEN review has been published.**

## **6. Post 16 report**

As requested at November 2019 Schools Forum, Dorothy Hadleigh, Head of SEN, provided an update on the work of the Post 16 team. Prior to the COVID-19 pandemic, Dorothy was pleased to announce that the number of NEET (not in education, employment or training) young people in Torbay had been reducing. Since lockdown caseworkers are now working more creatively with providers and working on innovative arrangements to meet need. Members noted the impact that the Post 16 panel is having, along with the additional enhanced provision within South Devon College there are more children now being supported within Torbay, avoiding the need high cost placements. Identifying best practice moving forwards.

It was also noted that more young people on out of area placements are being moved back into the bay, saving costs and also giving the LA better control of the outcomes for each child. However, members were warned that a reduction in the more expensive out of area placements could lead to more tribunals further down the line.

Due to the current pandemic a full value for money report could not be produced, but full facts and figures will be presented at a future meeting when possible.

Members gave their thanks to Dorothy for this report, and were pleased to note the positive impact that the Post 16 team is having.

**7. Any Other Business**

- Following on from the issues raised in the financial report, Rachael asked members to vote on whether the Forum would be happy for the LA to engage with the Early years sector to work directly with providers. Votes were as follows:

*Please note that at this point Lindsey Kings, Jim Piper and Sally Timmins had left the meeting*

For: 10

Against: 0

Abstain: 0

Motion carried.

- Rachael informed members that they will be contacted shortly by Nancy Meehan, Director of Children's Services, for a general discussion on the work of Schools Forum.

**8. Items for next meeting**

- Audit Action Plan
- COVID Update

**9. Future meeting dates**

- Thursday 8<sup>th</sup> October 2020
- Thursday 19<sup>th</sup> November 2020
- Thursday 14<sup>th</sup> January 2021