

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## SCHOOLS FORUM

### MINUTES OF THE MEETING HELD ON MONDAY, 9 MARCH 2020

**Present:** Reverend Mark Bennet (Church of England Diocese), Councillor Dominic Boeck (Executive Portfolio: Children, Education and Young People), Jonathon Chishick (Maintained Primary School Governor), Jacquie Davies (Pupil Referral Unit Headteacher), Antony Gallagher (Maintained Primary School Headteacher), Keith Harvey (Maintained Primary School Headteacher), Jon Hewitt (Maintained Special School Headteacher), Brian Jenkins (Early Years Private, Voluntary and Independent Provider Representative), Sheila Loy (Academy School Governor), Councillor Ross Mackinnon (Executive Portfolio Holder: Finance), Ian Nichol (Maintained Primary School Governor), Janet Patterson (Maintained Primary School Headteacher), Chris Prosser (Maintained Secondary School Headteacher), Graham Spellman (Roman Catholic Diocese), Jayne Steele (Non School Post 16 Provider), Bruce Steiner (Academy School Governor) and Suzanne Taylor (Maintained Nursery School Headteacher)

**Also Present:** Avril Allenby (Early Years Service Manager), Melanie Ellis (Chief Accountant), Ian Pearson (Head of Education Service), Jessica Bailiss (Policy Officer (Executive Support)) and Michelle Sancho (Principal EP & Service Manager)

**Apologies for inability to attend the meeting:** Catie Colston (Maintained Primary School Governor), Julia Mortimore (Academy Headteacher), Derek Peale (Academy Headteacher), David Ramsden (Maintained Secondary School Headteacher), Gary Upton (Schools' Trade Union) and Charlotte Wilson (Academy Headteacher), Jane Seymour (Service Manager SEND)

## PART I

### 77 Minutes of previous meeting date 20th January 2020

The minutes of the meeting held on 20<sup>th</sup> January 2020 were approved as a true and correct record and signed by the Chairman.

### 78 Actions arising from previous meetings

The Chairman drew the Schools' Forum's attention to the actions for the last meeting on 20<sup>th</sup> January 2020. All actions were completed or were in hand.

### 79 Declarations of Interest

Reverend Mark Bennet declared an interest in Agenda Item 11, by virtue of the fact that he was a director at Kennet Academy Trust.

### 80 Membership

Jessica Bailiss drew attention to the report (Agenda Item 5), which sought to inform the Schools' Forum of any changes to the membership.

Section three of the report included detail on a discrepancy between the Schools' Forum's Constitution and the Schools' Forum Regulations 2012 regarding Elected Members of the Local Authority. The Constitution had now been updated accordingly and going forward only the Executive Member for Children, Education and Young People and the Executive Member for Finance would be permitted to speak at meetings of the Forum.

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Jessica Bailiss referred to section four of the report and stated that any members of the Forum that were approaching the end of their Term of Office had been contacted and consultation was taking place accordingly.

There were still three vacancies on the Forum including a maintained primary school business manager; a maintained secondary school governor and an academy headteacher position. The necessary action was being taken to try and fill the positions.

Councillor Dominic Boeck queried if the Chairman was permitted to invite other persons (outside of those permitted under the Schools' Forums' Regulations 2012) to speak at meetings of the Forum. The Chairman stated that he thought that this was unlikely however this point would be checked within the Schools Forum Regulations 2012. (*Post minute comment : The Schools' Forum Regulations 2012 state clearly who can speak at meetings of the Forum and does not make any provision for persons outside of this list to speak*).

**RESOLVED** that the Schools' Forum noted the report.

### 81 **Work Programme 2020/21 (Jessica Bailiss)**

Jessica Bailiss introduced the report (Agenda Item 6), that sought approval of the work programme for 2020/21. Jessica Bailiss reported that the work programme largely followed the same pattern as in previous years and was subject to change throughout the year.

Keith Harvey proposed that the Schools' Forum approve the work programme for 2020/21 and this was seconded by Jon Hewitt. At the vote the motion was carried.

**RESOLVED** that the Schools' Forum approved the work programme for 2020/21.

### 82 **High Needs Block Budget 2020/21 (Jane Seymour)**

Ian Pearson introduced the report, which set out the current financial position of the High Needs Block (HNB) budget for 2019/20 and the position known so far for 2020/21, including the likely shortfall. It also set out the invest to save proposals, which were agreed by the Schools' Forum on 20<sup>th</sup> January 2020.

Savings of £219k had been implemented in 2017/18 and a further £306k in 2018/19. However, despite these savings a budget was set in 2018/19, which included a planned overspend of £703k. The budget set for 2019/20 included a planned overspend of £1.6m.

Ian Pearson drew attention to section 3.7 of the report, which provided a more comprehensive picture of the shortfall. The net shortfall in the 2020/21 HNB budget was £3,539,176 and this included the predicted 2019/20 overspend of £2,174,560.

Appendix A to the report on page 22, provided further detail on the budget and reasons for the pressure on the 2020/21 HNB budget. There was also detail regarding the invest to save options, which could be funded through the 0.25% transfer of funding from the Schools' Block to the HNB.

Page 25 of the report provided details of the pressures being faced by the HNB including increasing pupil numbers at special schools and increases in the number of Education Health and Care Plans (EHCPs). The cost of a single EHCP had risen along with the number of EHCPs overall. The number of EHCPs had risen to 1026 as highlighted under section 2.6 of the report.

There were predicted underspends within further education (section 2.11) and independent special schools (2.12) and this would help in efforts to offset the overspend.

Ian Pearson explained that a report was due to come to the next meeting of the Forum, which would review how iCollege was funded.

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Table four on page 28 of the report detailed budgets for other statutory services. Page 30 detailed non statutory services, which played a huge part in preventative work across the area of high needs.

Section six of the report included detail on the invest to save proposals, which had been discussed at the last meeting of the Forum in January 2020 including the potential impact they could have. Evaluation and impact data for teams operating within the area of high needs was included on page 37 of the report. Agreement of the HNB budget was being sought so that work could commence.

Reverend Mark Bennet noted the £3.6m deficit and queried how this deficit was being funded. Melanie Ellis confirmed that the money came from the Council's general funds however, there was not indefinite capacity for this to continue. Ian Pearson added that the DfE made it clear that Local Authorities were not liable for the deficit and that this sat with the DSG. Reverend Mark Bennet asked if any interest was being charged on the funding being loaned from the Local Authority for the deficit and Melanie Ellis confirmed that no interest was being charged at the current time. Guidance was due out on this point in the near future so Melanie Ellis would review the guidance and report back to a future Forum meeting.

Jonathon Chishick referred to Table 1 under Appendix A and raised a query regarding the number of planned places at Special Schools - Pre 16 and Special Schools - post 16, which were 286 and 79 respectively however, the current number of pupils was 405. Ian Pearson stated that the figures of 79 and 286 was the number of places with funding attached. Any remaining places had to be funded by the HNB.

Jonathon Chishick noted that the post 16 special school budget had increased by 50% however, the number of places had remained the same. Ian Pearson explained that although the number of funded planned places would remain the same the pupil numbers would change. Post 16 settings could be expensive, particularly if they were independent settings. When comparing year on year figures it was important to note that although the same age group was being referred to, it was likely that it would be a different group of students, who would require funding differently.

The Chairman invited Members to consider whether the HNB deficit budget for 2020/21 should be agreed as set out in section 2.1 of the report. Jon Hewitt proposed that the Schools' Forum agreed the deficit budget for 2020/21 and this was seconded by Sheila Loy. At the vote the motion was carried.

### **RESOLVED that:**

- The Schools' Forum agreed the HNB deficit budget for 2020/21 and noted the predicted shortfall.
- Melanie Ellis would review guidance regarding the charging of interest and report back to a future Forum meeting.

### **83 Early Years Block Budget 2020/21 (Avril Allenby)**

Avril Allenby introduced the report that set out the proposal for the Early Years Budget (EYB), which was based upon the recommendations of the Early Years Funding Group.

Avril Allenby stated that the EYB was particularly difficult to predict. She reported that there was a moveable set of criteria against a number of changing factors including increased funding for vulnerable two years olds; greater take up of the Pupil Premium Grant and increased take up by parents of free hours, including the increased entitlement to 30 hours.

There was a Quality Supplement for settings with the highest qualified staff and over half of the free hours being claimed were within these settings. The report was requesting

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more time for the Early Years Funding Group to meet and build a budget that was fit for purpose.

Ian Pearson explained that the Early Years Funding Group met on a regular basis and would be focused on balancing the budget for 2020/21 and producing a plan to recover the deficit. Avril Allenby stressed that it was important to set the rates for providers, as an in-year change to rates would be extremely challenging.

Keith Harvey understood that the Schools' Forum needed to agree the budget at the current meeting and then a recovery plan for the deficit would be bought at a later stage. Ian Pearson confirmed that this was correct.

Suzanne Taylor commented that the EYB was an extremely changing budget. All providers were likely to face cuts to their budgets and this could have a huge impact. There was no way to predict how many children would be joining early year's settings on a termly basis or how many parents would choose to take up the 30 free hours. It had been expected that the EYB would end 2018/19 in credit however, due to fluctuations a deficit had occurred.

Brian Jenkins commented that changes made by Central Government made budgeting even more difficult through allocations being based on 5/12 one year and then 7/12 the next. Also with the increase from 15 to 30 free hours it was impossible to predict accurately what the take up would be. More accurate information would not be received until May 2020, making budgeting an impossible task.

Ian Pearson reported that agreement of the proposed budget would be on the basis that the budget would be balanced for 2021/22 and a deliverable recovery plan would be put in place. Brian Jenkins stated that any recovery plan would need to span over a couple of years to make it viable.

The Chairman invited the Forum to vote on the recommendation under section 2.1 of the report. Brian Jenkins proposed that the Schools' Forum agreed the 2020/21 budget as detailed in Table Two of the report on page 56. This was seconded by Suzanne Taylor. At the vote the motion was carried.

### **RESOLVED that:**

- The Schools Forum agreed the EYB for 2020/21.
- A deliverable deficit recovery plan to be formed by the Early Years Funding Group and reported on to the Schools' Forum in June 2020.

### **84 A long term view of the HNB Budget and impact of the SEN Strategy (Jane Seymour)**

Ian Pearson introduced the report, which had been written by Jane Seymour and Michelle Sancho, and aimed to provide an indication of the saving opportunities arising from the Special Educational Needs and Disability (SEND) Strategy 2018-23 and in particular the Invest to Save projects recently agreed by the Schools' Forum. It was an initial report and a more detailed report would be brought back to the round of meetings in June 2020.

Ian Pearson explained that the report gave some background information on the SEND Strategy, which aimed to help reduce costs to the High Needs Block (HNB).

The proposed invest to save proposals were detailed from page 61 of the report and tied in with the Objectives included within the SEND Strategy.

Objective 1 aimed to develop capacity within mainstream schools to meet the needs of children with SEND. This included the implementation of the Therapeutic Thinking

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approach and increasing the Vulnerable Children's Grant. The ways the increased grant money would be used was detailed under section 4.8 of the report.

Ian Pearson continued by explaining that the report looked at each of the five Objectives within the SEND Strategy in detail and areas where potential savings could be made.

Ian Nichol queried if there were metrics attached to each of the objectives within the SEND Strategy to show how it was being measured. Michelle Sancho reported that there were action plans in place which included timescales and deliverables for each objective. These plans had been developed with partner organisations and were currently out for consultation. Michelle Sancho highlighted that there were outcome based targets included within the report.

Ian Nichol felt that targets needed to be set so that progress could be successfully monitored. It was important to be able to ensure corrective action could be taken if required. Ian Pearson reported that the information would be brought back to the Schools' Forum on a regular basis so that progress could be monitored. The main aim of the SEND plan initially, had been to improve provision for high needs rather than deliver huge savings.

Reverend Mark Bennet referred to the deficit recovery plan that would likely be required by the Department for Education (DfE). Ian Pearson reported that it was likely that a three year plan would be requested using a proforma. The plan would need to address the deficit across the whole of the Dedicated School Grant (DSG). Whatever approach was decided regarding a deficit recovery plan, it would need to be agreed by the Schools' Forum.

Reverend Mark Bennet queried what information would be taken to the next Heads Funding Group. Ian Pearson explained that a degree of detail had been provided at the current round of meetings and this would be fleshed out for the next set of meetings in June 2020. The deficit recovery plan, discussed earlier in the meeting, would need to be submitted to the DfE by the end of June and therefore this would also need to be given consideration at the next round of meetings.

Keith Harvey stated that the Forum had just agreed a deficit budget for the High Needs Block however, queried if this deficit could end up being less than expected. Ian Pearson stated that this could depend on how schools responded to the additional support being provided to schools and what special in house provision could be created in the short term. The number of Education, Health and Care Plans (EHCPs) would also be a key factor.

Chris Prosser raised a query regarding the proposed Therapeutic Thinking Officer. Michelle Sancho reported that if schools had not yet engaged in Therapeutic Thinking then the role of the designated Officers would be to visit individual schools and provide support with the aim of increasing engagement. So far more primary schools had engaged than secondary schools, so it was possible that something more bespoke was required for secondary schools.

### **RESOLVED that:**

- The Schools' Forum noted the report.
- A report on a deficit recovering plan for the DSG would be brought to the next meeting of the Schools' Forum on 15<sup>th</sup> June 2020.

### **85 Dedicated Schools Grant (DSG) Budget 20/21 Overview (Melanie Ellis)**

Melanie Ellis introduced the report (Agenda Item 10) that set out the overall amount of the Dedicated Schools Grant (DSG) and the funding settlement for 2020/21.

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The report set out the total allocations for 2020/21. The budgets for all four blocks including schools, high needs, central schools services and early years had now been agreed for 2020/21.

Melanie Ellis referred to section 9.1 of the report, which detailed that the Department for Education (DfE) would require a report from any local authority that had a cumulative DSG deficit of more than one percent at the end of the financial year (31<sup>st</sup> March 2020). It was highly likely that West Berkshire would exceed this threshold due to the current forecast overspend on the High Needs Block.

It was noted that there was an error in section 8.2 of the report, which should read as follows: The 2020/21 allocation for West Berkshire has been announced as £21.404m and the 0.25% schools block transfer would increase this to £21.667m.

**RESOLVED** that the Schools' Forum noted the report.

### 86 Growth Fund 20912/20 Payments (Melanie Ellis)

*(Reverend Mark Bennet declared an interest in Agenda Item 11, by virtue of the fact that he was a director at Kennett Academy Trust.)*

Melanie Ellis introduced the item, which aimed to inform the Schools' Forum of payments made to schools from the Growth Fund in 2019/20.

Only one school had applied for growth funding, which was the Kennet School Academies Trust. The Trust had met the Growth Fund criteria and the relevant payment had been approved by the Head of Education for £50k.

Melanie Ellis reported that the current balance of the Growth Fund (after the payment to Kennet) was £133k. Any unspent balance would be carried forward and added to next year's Growth Fund, to ensure there was enough funding for the new primary school, Highwood Copse, which was planned to open in September 2020.

**RESOLVED** that the Schools' Forum noted the report.

### 87 Schools: Deficit Recovery (Melanie Ellis)

Melanie Ellis introduced the report (Agenda Item 13) which provided details on schools in deficit.

Four schools had submitted a West Berkshire Council Deficit Budget License Application for 2019/20. All four had licensed deficits in the financial year 2018/19.

All four schools had submitted their Period Nine Budget Monitoring and Forecast report, which had been reviewed by the Schools' Accountancy Team and feedback had been provided. Three of the schools were in a better financial position and one in a worse position than budgeted.

Melanie Ellis moved onto section four, which detailed schools ending 2018/19 with an unlicensed deficit. Both of the schools in question were forecasting not to be in deficit by the end of 2019/20.

Graham Spellman commented that given the difficulties schools were facing it was a remarkable achievement that only two schools had ended 2018/19 with an unlicensed deficit.

**RESOLVED** that the Schools' Forum noted the report.

### 88 DSG Monitoring 2019/20 Month 10 (Ian Pearson)

Ian Pearson drew attention to the report (Agenda Item 13), which set out the financial position of the services funded by the Dedicated Schools Grant (DSG), highlighting any under or over spends.

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Ian Pearson explained that the funding blocks had already been discussed in great detail however, this report showed the accumulative position of each block within the current year.

Ian Pearson added a caveat with regards to section 11.2 of the report, which could be misleading. The £7m provided by the Government for high needs for 2020/21 was helpful however, was not enough to resolve the problems being faced. There was uncertainty as to whether this extra funding was one off funding or if further additional funding would be provided going forward.

**RESOLVED that** the Schools' Forum noted the report.

### 89 Date of the next meeting

*Monday 15<sup>th</sup> June 2020, 5pm at Shaw House.*

### 90 Exclusion of the Press and Public

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3, 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers.](#)

### 91 Pat II - Update on the Schools' Catering and Cleaning contracts (Robert Bradfield)

*(Paragraph 5 – information relating to legal privilege)*

*(Paragraph 6 – information – information relating to proposed action to be taken by the Local Authority)*

The Schools Forum considered an exempt report (Agenda Item 16) which aimed to update the Schools' Forum on progress made with school meal arrangements and outline the procurement approach taken/requested. The report confirmed the corporate position of West Berkshire Council around funding and also summarised the schools' cleaning procurement arrangements.

**RESOLVED that** the Schools' Forum noted the report.

### 92 Pat II - Update on the SEN Engaging Potential Contract (Jane Seymour)

*(Paragraph 3 – information relating to financial/business affairs of a particular person)*

The Schools Forum considered an exempt report (Agenda Item 17) which aimed to consult the Schools' Forum on the tender process that had been undertaken and the decision of the Council's Executive on 13<sup>th</sup> February 2020 to award the contract to Engaging Potential.

**RESOLVED that** the Schools' Forum noted the report.

*(The meeting commenced at 5.00 pm and closed at 6.00 pm)*

**CHAIRMAN** .....

**Date of Signature** .....