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

SCHOOLS FORUM

MINUTES OF THE MEETING HELD ON MONDAY, 17 JUNE 2024

Present: Nicolle Browning (Maintained Secondary School Headteacher), Councillor Heather Codling (Executive Portfolio Holder: Children and Family Services), Jacquie Davies (Pupil Referral Unit Headteacher), Richard Hand (Trade Union), Michelle Harrison (Maintained Primary Schools), Keith Harvey (Maintained Primary School Headteacher), Jon Hewitt (Maintained Special School Headteacher), Jo Lagares (Maintained Primary School Headteacher), Jo MacArthur (Maintained Primary Headteacher), Maria Morgan (Maintained Nursery School Headteacher), Gemma Piper (Academy School Headteacher), Chris Prosser (Maintained Secondary School Headteacher), David Ramsden (Maintained Secondary School Headteacher), Lesley Roberts (Maintained Primary School Headteacher), Campbell Smith (Academy School Governor), Graham Spellman (Roman Catholic Diocese) and Phil Spray (Maintained Primary School Governor)

Also Present: Rose Carberry (Principal Adviser for School Improvement), AnnMarie Dodds (Executive Director - Children and Family Services), Melanie Ellis (Acting Head of Finance and Property), Neil Goddard (Service Director - Education and SEND) and Nicola Ponton (SEN Manager), Jessica Bailiss (Democratic Services Officer) and Sadie Owen (Principal Democratic Services Officer)

Apologies for inability to attend the meeting: Reverend Mark Bennet, Councillor Iain Cottingham, Paul Davey, Richard Hawthorne, Trevor Keable, Beth Kelly, Julie Lewry, Jamie Morton and Charlotte Wilson

PART I

5 Election of Chair and Vice-Chair

Neil Goddard invited the Schools' Forum to nominate and vote on the position of Chair for the coming year.

RESOLVED that Graham Spellman would continue as Chair of the Schools' Forum for the 2024/25 financial year.

Graham Spellman invited the Schools' Forum to nominate and vote on the position of Vice-Chair for the coming year.

RESOLVED that Keith Harvey would continue as Vice-Chair of the Schools' Forum for the 2024/25 financial year.

The Chair thanked Gemma Piper as she would be standing down from the Forum from July, as she was moving on from West Berkshire at the end of this academic year. Gemma Piper had joined the Forum in 2019 and the Chair thanked her on behalf of the Forum for her commitment and contribution over the years to both the Heads' Funding Group and Schools' Forum.

The Chair welcomed Jo MacArthur to the Forum who was the new maintained primary representative from the Willows Primary School.

6 Minutes of previous meetings held of 11th March and 8th May 2024

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RESOLVED that the minutes of the meetings held on 11th March and 8th May were approved as true and correct records and signed by the Chair.

7 **Actions arising from previous meetings**

It was noted that all actions were completed or in-hand.

8 **Declarations of Interest**

Jacquie Davies, Chris Prosser, Jon Hewitt and Maria Morgan declared that they had an interest in agenda item seven due to being from a school with a surplus balance. As their interest was a prejudicial and pecuniary interest they would leave the meeting for the duration of the item and not take part in the vote.

9 **Membership**

Jess Bailiss provided the following membership updates:

- Jamie Morton, the Finance Director from Newbury College, had joined the Forum as the new post 16 provider representative and would hopefully be able to attend the next meeting in July.
- There were two vacancies on the Forum:
 - The Early Years PVI Rep: nominations had been sought for this position at the Early Years Funding Group however, no nominations had come forward. Effort would continue to try and find a representative.
 - Academy Governor Rep: an election had taken place in April however, no nominations were submitted. The election would be repeated at a later date.

10 **Scheme For Financing Schools - Claw Back Mechanism**

(Jacquie Davies, Chris Prosser, Jon Hewitt and Maria Morgan left the meeting at 5.14pm)

Melanie Ellis introduced the report (Agenda Item 7) regarding reconsideration of a clawback mechanism from 31st March 2024.

A consultation had been undertaken with all schools in November 2023 and one of the Local Authority's (LA's) recommendations within this consultation was for a claw back mechanism to be placed into the updated version of the Scheme for Financing Schools (SFS). The consultation result had been 68 percent in favour of a claw back mechanism being introduced. The Schools' Forum had voted on the recommendation in December 2023 and had voted to include a claw back mechanism however, only from 31st March 2025. Since this meeting the LA had spoken to the Department for Education (DfE) about an appeal mechanism available when the Schools' Forum voted against a recommendation. This had been discussed at the Heads' Funding Group (HFG) at its last meeting on 5th June, which had been of the view that the original decision should be reviewed by the Schools' Forum before an appeal was progressed in light of school balance information for 31st March 2024.

Melanie Ellis drew attention to the recommendations set out in the report. The HFG had recommended that the decision be reviewed by the Schools' Forum. The LA were recommending the following:

- 1) The Schools' Forum reconsider the balance information contained within the report, and reconsider implementation of the clawback mechanism on balances as at 31.3.24.
- 2) The maximum amount that could be clawed back each year was the amount of school balance in excess of 10 percent of their budget share. This was subject to

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leaving the schools with a minimum of £50,000 balance. The actual amount to be clawed back would be recommended by Heads Funding Group after reviewing the commitments on the statement. Schools' Forum would then make the decision.

- 3) Funds should be returned as follows:
- Special Schools – High Needs Block
 - Secondary Schools – High Needs Block
 - Primary Schools – Maintained Primaries

Melanie Ellis was aware of a possible amendment to one of the recommendations and invited Keith Harvey to present this to the Forum. Keith Harvey reported that he had consulted a number of headteachers from primary, secondary and special schools on the HFG and Schools' Forum. It had been unanimously supported that the matter was brought forward to the Forum for a democratic decision rather than dealt with through an appeal. Having consulted with a number of headteachers it was felt that a counter proposal should be put forward that considered the claw back for 2023/24, only on balances over 15 percent for affected schools. It was felt that this would have a lower impact on budgets that had already been set for the year. It would also mean a lower number of schools would have to justify their excess balances to the Forum. Keith Harvey stated that it was still very important that schools with balances in excess of 15 percent were given the opportunity to justify any commitments over 15 percent.

Melanie Ellis asked the Forum if there were any comments or questions regarding the proposed amendment. Gemma Piper asked if there was broad guidance available regarding the percentages chosen. Neil Goddard reported that the DfE guidance set out clawback thresholds of eight percent for primary schools and special schools and five percent for secondary schools.

Melanie Ellis referred to recommendation three (above), which was based on the previous discussions in November 2023. Melanie Ellis asked if there were any counter views on the recommendation as she was aware from HFG discussions that the view might be that all clawed back funding should go to the HNB. Keith Harvey stated that he was of the view that if there was to be a clawback it would only be fair on secondary and special schools if anything clawed back from primary schools was also directed into the HNB.

Melanie Ellis drew attention to the remaining information in the report, which set out the schools that would be affected and invited any further comments. Gemma Piper raised a query about the form contained in the appendix to the report, which would be used to gather information from schools and asked if there would be merit in capturing the number of vacancies within a school, as it was often identified that surplus balances were often present due to an inability to recruit. Melanie Ellis confirmed that she could build in a question to ensure this information was captured.

Jo MacArthur referred to section 6.2 of the report, which set out that schools' statements should outline commitments for unspent capital, building etc and referenced unspent Sports Funds. Jo MacArthur reported that the Government had indicated that it would be clawing back any unspent Sports Funds and therefore this should not be included in the LA scheme. Melanie Ellis noted the point and this should not form part of any clawed back funds to the LA.

David Ramsden commented on the logic for the decision returning to the Schools' Forum for consideration rather than an appeal to the DfE. It was felt that to bring it back to the Schools' Forum was more democratic and retained a measure of control. It also demonstrated an element of intent to DBV and the DfE that there was a commitment to reducing the deficit in the HNB. David Ramsden commented that it had been apparent to him and others that managing their own processes was better than going through what would be a long and arduous process with the DfE.

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Nicolle Browning commented that it had already been alluded to that when the Forum had previously voted on the matter, it was prior to budgets being set. Budgets had now been set as of 31st March 2024 and Nicolle Browning asked for assurance that committed funds would be safeguarded as some settings would end up in deficit if this did not happen. Melanie Ellis drew attention to the schools' balance statement form in Appendix A, which would be requested from affected schools and subsequently discussed at the HFG. The HFG would then make a recommendation to Schools' Forum. There would be the opportunity to detail the commitments and assurance was given that these commitments would be taken into account when decisions were made.

Keith Harvey commented on the process and noted that the Forum had made a decision in December 2023 not to claw back from 2024. Impacted schools had raised concerns about this however, had not been able to participate in the debate due to having to declare an interest. Keith Harvey felt it was important to share this point and that the main reason the HFG had felt the matter needed to be reconsidered by the Forum was to ensure the process was carried out democratically rather than on an appeal to the DfE.

Gemma Piper queried if the clawback was not supported by the Forum, if the DfE and LA had the power to overrule the decision and if so would they consider the 15 percent or if this would be based on the percentages set out in the report. Neil Goddard reported that based on the decision made at the Forum, the LA would need to take a view on whether it was appropriate to go to the Secretary of State for an exception. Assurance was given that if a decision was approved to clawback based on either ten or 15 percent, both would be deemed acceptable by the LA and the DfE would not be approached for an exception.

Gemma Piper queried the process for reaching a decision. The Chair felt that based on the suggestion of the counter proposal for 15 percent, there could be a vote on this and if it failed the original recommendation within the report would need to be considered. David Ramsden referred to the original recommendation of 10 percent and that members of the Forum were aware that this was generous in comparison to the guidance from the DfE. There were already safeguards in place for the process, in that each school would be reviewed individually and committed money would be considered. He felt that they needed to be careful regarding how remaining schools would feel if the 15 percent was supported. David Ramsden stated that his recommendation was therefore that they continue with the recommendation as set out in the report. If at this stage the 10 percent was not supported then the counter proposal for 15 percent could be considered.

Keith Harvey commented on the difficulty of the matter. He understood there would be the opportunity for affected schools to declare commitments however, felt that 10 percent was a relatively low figure of carry forward for some schools. He felt that 15 percent would be an acknowledgement that whilst a change was being made to what had been agreed in December by the Forum, it would ease the situation for schools that had already set budgets. He stated that he would vote for the resolution put forward as he would rather the Schools' Forum made the decision rather than the DfE however, he would rather the 15 percent be supported.

Gemma Piper believed the landscape had changed considerably since the matter was last considered. There was more clarity and understanding of the collective problem being faced. Gemma Piper was of the view that the recommendations should be voted on as set out in the report and if not supported the counter proposal should be considered.

Lesley Roberts voiced that she felt it was a shame the Forum was in the position faced given the time spent discussing the matter. Lesley Roberts commented on the process around safeguards historically and the risk that the trust amongst schools might have been eradicated. It was queried how effective the meetings could be going forward, given

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the situation and changes. Lesley Roberts however, felt that the 10 percent needed to be supported with the safeguard that affected schools were able to put forward any commitments. Lesley Roberts hoped that if the recommendation was approved, that it did not cause more vacancies in West Berkshire due to there being a feeling of not being able to work with the LA.

Nicolle Browning referred to comments made and that all members were there to work in the best interest of children in West Berkshire attending schools and also to represent colleagues. Nicolle commended the discussions that had taken place and consideration given to the matter, and it was important to show that steps were being taken to make a difference. Nicolle Browning voiced that she would likely support the counter proposal for 15 percent as she felt this would be the quickest way to expedite the process whilst ensuring school budgets and interests were protected.

Councillor Heather Codling queried if the 15 percent was supported if this would revert to 10 percent from March 2025. Melanie Ellis confirmed that this was the case. Councillor Codling felt that this could feel unfair to schools that might be affected the following year. Melanie Ellis believed that the reason for the proposal for 15 percent was due to the timing of the decision.

David Ramsden was concerned that changing the percentage level could seem unfair to certain schools. He recommended trusting the safeguards on committed money. It was an ongoing sensitive and immotive issue and therefore in his view no changes should be made.

The Chair summarised the discussion and commented on the difficulty of the matter as a decision that had already been taken was being revisited. His understanding was that it would be for the HFG to make recommendations to the Schools' Forum based on information received and following review of the individual school statements. The Chair suggested that the Forum vote on recommendations 2.2 (1) and 2.2 (2) together (as set out in the report and above). If the recommendations were not approved then the Chair would invite the Forum to vote on the counter proposal.

The Chair invited to the Forum to vote on recommendations 2.2 (1) and (2) as set out in the report. It was proposed and seconded by maintained school members that the Schools' Forum agree recommendations and at the vote the motion was carried. Two maintained school members voiced that they would prefer the counter proposal of 15 percent however, voted in favour of the recommendation. It was requested that there needed to be strong guidance for the HFG on what was classed as committed money.

The Chair drew attention to recommendation 2.2.(3). Keith Harvey proposed that the recommendation be amended so that funds clawed back from primary schools be returned to the HNB rather than to maintained primaries. The amended recommendation was seconded and at the vote with maintained school members was approved.

RESOLVED that

- It to be ensured that the surplus schools' statement form capture the number of vacancies within a school.
- Guidance be provided to the HFG on what was classed as committed money.
- The Schools' Forum approved the following:
 - 1) Implementation of the clawback mechanism on balances as at 31.3.24.
 - 2) The maximum amount that could be clawed back each year is the amount of school balance in excess of 10 percent of their budget share. This is subject to leaving the schools with a minimum of £50,000 balance. The actual amount to be

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clawed back will be recommended by Heads Funding Group after reviewing the commitments on the statement. Schools Forum would then make the decision.

- 3) Funds should be returned as follows:
- Special Schools – High Needs Block
 - Secondary Schools – High Needs Block
 - Primary Schools – High Needs Block

11 **Scheme for Financing Schools Consultation 2024/25 (Melanie Ellis)**

(Jacquie Davies, Chris Prosser, Jon Hewitt and Maria Morgan rejoined the meeting at 5.48pm)

Melanie Ellis introduced the report (Agenda Item 8), on the proposed consultation on the updated Scheme for Financing Schools (SFS). Melanie Ellis reported that the version of the SFS included with the report followed version 16 of the Department for Education's (DfE) updated guidance. Appendix B to the report showed the changes that had been made. Section 7.2 would be updated in line with the decision that had been taken regarding the claw back.

Chris Prosser referred to the matter of schools making a direct application for revenue finance and commented that the scheme did not detail the paperwork that had to be completed by schools for this and he felt this was important to ensure the process was transparent. Melanie Ellis suggested that Chris Prosser reply to the consultation with the detail he wanted included and the SFS could then be updated accordingly.

The Chair drew the Forum's attention to the recommendation in section 2.2 that the updated SFS went out to consultation with all schools from 18th to 27th June 2024 and that the updated scheme was adopted after Schools' Forum approval. The recommendation was proposed and seconded by maintained school members and at the vote the motion was carried.

RESOLVED that the Schools' Forum approved that the proposed SFS go out to consultation with all schools.

12 **Update on the DfE's Delivering Better Value Programme (Hester Collicut / Susan Tanner)**

Hester Collicut introduced the report (Agenda Item 9), which provided an update on the Delivering Better Value Programme (DBV) and its impact on the SEND system in West Berkshire, improving outcomes for children and young people.

Hester Collicut reported that she was required to report to the DfE quarterly and the Schools' Forum to ensure the programme was on track. The programme was currently going well and various aspects from work streams were being instigated. Hester Collicut went through the report in detail, which outlined the progress of the DBV Programme since confirmation of funding from the Department for Education (DfE) in April 2024.

Gemma Piper asked if the Schools' Forum would see what was submitted to the DfE. Hester Collicut reported that the DfE were very strict about what had to be submitted. This included the deficit management plan and then various questions were answered online regarding progress with the DBV Programme and this also included the submission of certain documents. Hester Collicut reported that it would be possible to share these documents with the Forum post submission. Hester Collicut confirmed that they were required to report to the DfE quarterly and this had taken place for the first time and was a learning process.

Gemma Piper referred to the cross agency gap analysis which was underway and asked how the views of those not attending schools or were between schools, were being captured. Hester Collicut reported that it was about looking at the provision on offer

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currently and then looking at particular types of students to see how they would link in with this. Gemma Piper asked if assurance could be given that those children that had a diagnosis and were not on roll were being listened to as this was a very important voice that could not be accessed by approaching those on roll. Hester Collicut reported that all children had to be accounted for and this would be picked up through the different strands and the Sufficiency Strategy.

Gemma Piper referred to the transition support programme and commented that she was not aware of a school in the area that did not invest heavily in transitions. The approach to education was very different between primary and secondary school and this was due to systems and the two areas being fundamentally different. This was a large gap and there was already a huge amount of resource put into helping smooth transitions at school level and through collaboration work. In terms of the strand of work, it was important to look at the bigger picture through considering the differences and what the triggers were for why children struggled when making the leap to secondary school. Hester Collicut reported that each of the schools was looking at what was working because they needed to pick up on the learning from each school. Year Seven and SENCOs had been invited to inform the programme and as it developed it would be owned by schools rather than the LA.

Gemma Piper asked if the academisation of secondary schools was seen as a concern for place numbers. Hester Collicut reported that this was identified as a risk. When the DBV Programme budget was submitted, additional mitigations had to be provided to help tackle pressures facing the HNB. One of the mitigations identified had been additional placements within a specialist provision, which was looking to become an academy. Negotiated places might or might not come to fruition as a result and therefore alternative placements had to be sought otherwise there could be a significant impact on the High Needs Block (HNB). One of the strands, ensuring sufficiency, was being used to seek mitigations in this area over the next few months. There was risk but there was an ongoing conversation to address the matter.

Jacque Davies queried what would happen with the programme over the upcoming holiday period. All Headteachers worked periodically through the holidays however, it was asked how it would be ensured that participation continued and all were kept informed over this period of time. Hester Collicut reported that any general updates would happen on the DBV blog. Those involved in work streams would be kept updated regarding any ongoing work. There were no work stream meetings due to take place in August. No significant decisions were expected however, there would be a continuation of the programme identified in April as the programme had a very tight 12 month delivery window.

Nicolle Browning referred to the banding review and asked if the purpose of the review was to ensure that students had been allocated the right level of banding for their EHCP or if it was to ensure that the financial award to each banding was sufficiently meeting need. Nicolle Browning further queried if it was anticipated that there would be a change in the banding. Hester Collicut commented that first of all they needed to ensure there was sufficient funding to meet need and provision identified. Secondly it needed to be looked into whether the banding system and spend aligned with statistical neighbours. Any findings from the banding review would be brought for discussion and exploration in September. The aim was to create a sustainable system. A banding review had not taken place in West Berkshire since 2013.

RESOLVED that:

- Hester Collicut would share what had been submitted to the DfE on a quarterly basis with members of the Schools' Forum.

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- The Schools' Forum noted the report.

13 School Balances (Melanie Ellis)

Melanie Ellis introduced the report (Agenda Item 10), which set out for information purposes the year end balances for all maintained schools, highlighting those schools with a deficit or significant surplus. The report was brought to the Schools' Forum on an annual basis. Table 4.1 showed that overall school balances had decreased by £352k and now stood at £13.3m. The table under section 4.5 summarised the main school balances. Primary main school balances had decreased and all other groups had increased.

RESOLVED that the Schools' Forum noted the report.

14 School insurance buy back for 2025/26 (Leah Rinaldi)

Leah Rinaldi introduced the report (Agenda Item 11) to advise the Schools' Forum of the closure of the School Insurance Buy Back Service and that no insurance buy back would be offered to schools from 1st April 2025. The relevant cost centre would be closed in 2025. There was not currently sufficient buy back into the service by schools and those who still used the service would be advised to make other arrangements.

RESOLVED that the Schools' Forum noted the report.

15 DSG Outturn 2023/24 (Lisa Potts)

Lisa Potts introduced the report (Agenda Item 12) to report on the outturn of the services funded by the Dedicated Schools Grant (DSG), highlighting any under or over spends, and to highlight the cumulative deficit at 31st March 2024.

The deficit against the DSG stood at £4.76m at the end of the 2022/23 year. This had increased to £9.45m and the majority of this was related to the HNB. There was £1m in the Growth Fund that was helping to bring the overspend down.

There had been increase in the deficit Early Years Block however there was a deficit recovery plan in place. There were a lot of new funding streams due in the new year and all rates had been set at the 95 percent pass through rate. The pass through rate had also been reduced for three and four year olds, which had been historically quite high. This would help to reduce the deficit going forward. The deficit at the end of 2023/24 was £1.3m.

There had historically been a small deficit in the Central Schools' Services Block. This was reducing and now stood at only £1k.

Regarding the HNB, Lisa Potts commented on increases in EHCPs and Emotionally Based School Avoiders (EBSA). These areas were being reviewed as part of the DBV Programme.

The table under section nine of the report showed a breakdown of the total reserve balance and cumulative deficit, and this was further detailed within the appendix to the report.

RESOLVED that the Schools' Forum noted the report.

16 Trade Union Facilities Time - Annual Report for 2023/24 (Richard Hand)

Richard Hand introduced the report (Agenda Item 13), which aimed to inform members about the activities of the teaching trade unions.

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Richard Hand ran through the key points of the report focusing on the issues with recruitment and retention. As detailed in section 3.1 of the report, the recruitment crises sat behind most of the case work handled. Richard Hand highlighted that footnotes were included to show where information had been obtained from.

Richard Hand referred to statistics detailed within his report from the Talis Report undertaken in 2018, which detailed that the average age of teachers in England was 39 compared to other OECD countries where the average age was 44. It was acknowledged that this was likely to have changed and got worse since the report was undertaken in 2018. It was also noted from the Talis Report that only 18 percent of teachers in England were aged 50 and above compared to the OECD average of 34 percent. There was an experience issue and this was being seen in casework. Although it was likely also due to the time of year nearing the end of term, it was highlighted that there were increased levels of inexperienced teachers who were tired and making missteps and this was systematic in terms of where the sector was in terms of workload.

RESOLVED that the Schools' Forum noted the report.

17 **Vulnerable Children's Fund - Annual Report for 2023/24 (Nicola Ponton/Beth Cartwright)**

Nicola Ponton introduced the report (Agenda Item 14), which provided a review of the Vulnerable Children's Fund (VCF) for 2023/24. The VCF was a relatively small grant used to support schools when there was an unexpected pressure such as a vulnerable child moving to a school in-year. It was focused on promoting social inclusion and reducing exclusions.

Nicola Ponton reported that 27 settings had successfully applied for funding over the last year and 54 pupils had been supported. The vast majority of applications had come from primary schools for children in Key Stage One. Most of the children supported had SEMH as their primary need but funding had also supported children with learning difficulties and medical needs. The feedback received from schools reflected that it was a highly valued fund that provided support for schools when there was a crisis. The VCF enabled effective support to be put in place quickly.

RESOLVED that the Schools' Forum noted the report.

18 **Forward Plans**

RESOLVED that the Schools' Forum noted the forward plan and contracts forward plan.

19 **Date and format of the next meeting**

The next meeting of the Schools' Forum would take place virtually on Monday 15th July 2024 from 5pm.

(The meeting commenced at 5.00 pm and closed at 6.30 pm)

CHAIRMAN

Date of Signature