

# 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 14 OCTOBER 2024

**Present:** Councillor Heather Codling (Executive Portfolio Holder: Children and Family Services), Councillor Iain Cottingham (Executive Portfolio Holder: Finance and Resources), Paul Davey (Maintained Primary School Governor), Jacquie Davies (Pupil Referral Unit Headteacher), David Fitter (Academy School Headteacher), Richard Hand (Trade Union), Michelle Harrison (Maintained Primary Schools), Keith Harvey (Maintained Primary School Headteacher), Jon Hewitt (Maintained Special School Headteacher), Trevor Keable (Academy School Governor), Jo Lagares (Maintained Primary School Headteacher), Julie Lewry (Academy School Headteacher), Jamie Morton (Non School - Post 16 Providers), Lesley Roberts (Maintained Primary School Headteacher), Phil Spray (Maintained Primary School Governor), Chloe Summerville (Maintained Nursery School Headteacher) and Charlotte Wilson (Academy School Headteacher)

**Also Present:** Rose Carberry (Principal Adviser for School Improvement), AnnMarie Dodds (Executive Director - Children's Services), Melanie Ellis (Service Lead - Financial Management), Neil Goddard (Service Director - Education and SEND), Jessica Bailiss (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Reverend Mark Bennet (Church of England Diocese), Nicolle Browning (Maintained Secondary School Headteacher), Jo MacArthur (Maintained Primary School Headteacher), David Ramsden (Maintained Secondary School Headteacher), Graham Spellman (Romary Catholic Diocese (Chair)) and Edwin Towill (Academy School Headteacher)

*(Vice-Chair in the Chair)*

#### PART I

##### 1 **Minutes of previous meeting dated 15th July 2024**

**RESOLVED** that the minutes of the meeting held on 15<sup>th</sup> July 2024 were approved as a true and correct record and signed by the Vice-Chair.

##### 2 **Actions arising from previous meetings**

The Schools' Forum noted that all actions were completed.

##### 3 **Declarations of Interest**

Chris Prosser, Jacquie Davies and Jon Hewitt declared that they had an interest in agenda item nine 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.

##### 4 **Membership**

Jess Bailiss provided the following updates with regards to Membership:

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- Edwin Towill had joined the Schools' Forum as an academy representative.
- There were two academy governor vacancies. An election was held in September however, no nominations were received. The election would be repeated at a later stage.
- Chris Prosser was approaching the end of his term of office at the end of October and had confirmed that he would continue for a further term.
- Graham Spellman reached the end of his term of office at the end of July and following consultation with the Diocese had confirmed that he would continue for a further term.

*(The Vice-Chair proposed that agenda items 10 and 11 be considered first as some Officers and Forum Members were expected to arrive slightly late to the meeting)*

### **5 Delivering Better Value Programme Update (Hester Collicut)**

Hester Collicut introduced her report (Agenda Item 10), which provided an update on the Delivering Better Value Programme (DBV) and its impact on the SEND system in West Berkshire. Hester Collicut reported that updates were provided to the Department for Education (DfE) quarterly between April 2024 and April 2025. Information concerning the second quarter had just been submitted. The DBV programme was progressing well. There were delays relating to recruitment, which did impact on some areas of delivery including the Mental Health Programme and the Transition Support Programme. Both of these programmes had been provided with permission to run beyond March 2025 into the summer.

Trevor Keable referred to paragraph 4.19 of the report where it stated that a business case would be submitted for additional resources to support the business-as-usual processing of annual reviews. He assumed that this tied in with agenda item eight (Transition Support Programme) and queried if he was correct in understanding that this was work that the Local Authority should be carrying out anyway and therefore should not require extra resources. Hester Collicut reported that it was a statutory obligation to manage annual reviews. Additional input would be required to meet the increased demand for Education Health and Care Plans. It was an area that had been highlighted through DBV and would require expansion and realignment of services in order to meet deadlines. It was expected that a review of services would take place over the autumn term.

Trevor Keable referred to the Transition Support Programme report later on the agenda (agenda item 8) and noted that it was seeking further funding. He assumed that this was the same funding referred to in the DBV update report. Hester Collicut stated that a pilot programme was being delivered as part of the Transition Support Programme, which was part of/funded by DBV and therefore would only be funded until July 2025. To ensure the pilot programme was successful this needed to run for the full year, and this was why additional funding was being sought for the posts outlined in the report later on the agenda. The pilot programme would impact on the High Needs Block because it would support successful transitions into mainstream school and meet needs earlier. Trevor Keable further queried if in affect the Forum was being informed that there was not the money available to provide what legally should be being provided. Hester Collicut confirmed that this was not the case as the annual review business case was a separate internal mechanism at the LA. It was about the restructure of the assessment team and reviewing processes. The DBV had provided the opportunity to unpick processes and provide a sustainable model moving forward.

Hester Collicut clarified that match funding support was being sought from the Forum for the two posts, which formed part of the Transition Support Programme. The post,

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focused on annual reviews, was held within the DBV, and this was a short phase to ensure the pilot worked successfully focusing on transitions of year five and six pupils. In the meantime, irrespective of DBV, a review of statutory assessments was taking place to ensure statutory requirements were being met.

Neil Goddard further clarified that the LA had been under resourced in relation to the annual review process and therefore unable to engage in a way it would like to. There had recently been budget capacity provided to add an interim role to enable the LA to start catching up with input to annual reviews. There was a bid going through the internal corporate processes for additional LA money to make this a permanent post going forward. Transitions were a very separate issue but was linked in terms of the resources that went into it. The LA understood its statutory role in relation to annual reviews and was looking to place further investment in this area.

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

### 6 **Safety Valve Programme Update (Hester Collicut)**

Hester Collicut introduced the report (Agenda Item 11), which provided the most up to date information in relation to the Safety Valve Programme (SVP). Since the change in Government there had not been any notification received regarding the SVP. It still existed, however the ways LAs were invited into it was still unclear. No confirmation had been provided yet regarding how long SVP would continue. West Berkshire was currently in the DBV Programme. The report suggested that when information was available regarding changes to SVP, this would be brought forward to the Schools' Forum rather than regular updates at each meeting which were not necessary when nothing had changed.

**RESOLVED** that the Schools' Forum noted the update and that information on SVP would be brought forward as and when it was available.

### 7 **School Funding Formula Consultation (Melanie Ellis)**

Melanie Ellis introduced the report (Agenda Item 6) which set out the requirements and changes for setting the primary and secondary school funding formula for 2025/26 and to approve West Berkshire Council's funding proposals to go out to consultation with all schools. The consultation with schools was planned to commence on 16<sup>th</sup> October and finish on 6<sup>th</sup> November. The major issue was that financial information had not yet been reviewed from the Department for Education (DfE). Normally provisional information was received in July, which enabled the LA to give schools an indication on funding. It was not expected that the information would be received before 30<sup>th</sup> October, which would not allow enough time to run the consultation and therefore it was proposed that the consultation was based on the general principles from the past few years. The questions normally used were set out in section ten of the report.

Melanie Ellis explained that if anything different came out of the Government announcement then a follow up consultation via email would be required.

Trevor Keable asked for clarification on point 5.1 (5) of the report regarding the possibility of transferring up to 0.5 percent of the total Schools Block to other blocks of the DSG. He queried if this was stating that if the Forum did not approve a transfer then the LA would appeal the decision. Melanie Ellis clarified that this was setting out that the LA could apply for disapplication, and this was something available to the LA however, there were no forgone conclusions on this.

Trevor Keable queried section three of the report relating to the Equalities Impact Assessment (EIA), where it was stated that there was no impact. Melanie Ellis understood no impact had been assessed because the impact was the same across all

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schools. The point of an EIA was to assess if a decision impacted a certain group of characteristics, and it was not believed that this would be the case. Trevor Keable stated that he disagreed with this and felt that removing money from schools would have an impact. Melanie Ellis stated she would consult Officers at the LA regarding the EIA in time for the next Forum meeting in December.

Trevor Keable asked what transferred money would be used for if the transfer was agreed. Melanie Ellis confirmed that if a block transfer was approved it would move up to 0.5 percent of funding from the Schools Block into a block of the Forum's choice, which had historically been the High Needs Block (HNB). Neil Goddard added reassurance that by moving funding from the Schools' Block to the HNB, funding was distributed to schools in a different and more targeted way. This also applied to any funding clawed back, in that this would fund pupils with identified needs through the HNB.

Trevor Keable asked how it could be assured that it would not be used to offset the deficit. Neil Goddard reported that the HNB was in deficit and West Berkshire was not in an unusual position compared to other LAs in relation to this. By transferring from the Schools Block to the HNB the deficit would be reduced by the amount transferred but money would still go through various routes to schools to support the pupils that needed it. The Vice-Chair reminded the Forum that the consultation provided schools with the opportunity to give a view on any transfer of funding.

Lesley Roberts reminded the Forum of the process in previous years and believed that the difficulty the previous year was that the proposal had changed late in the process and was different to what schools had voiced through the consultation. A halfway mark had therefore been agreed. The Vice-Chairman was of the understanding that the consultation was to obtain views however, Schools' Forum had the final decision on the matter, which might not necessarily be in line with the consultation views. Neil Goddard commented that consultation was carried out with the purpose of understanding the views of schools. The recommendation from the LA would be informed by but not limited by these views. The Schools' Forum's decision would be based on the views of schools and that of the LA. If the LA disagreed with the Forum's decision the only course of action it could take would be to apply to the Secretary of State as set out in the report.

Chris Prosser clarified that the previous year the consultation had suggested a zero percent transfer and subsequently the LA had expressed that it was going to make a disapplication request. As a result, a compromise of a 0.25 percent transfer had been reached, which had prevented the disapplication request going ahead. It was observed that it was the first time that details of a possible disapplication request were included within the consultation.

David Fitter referred to the transfer of funding, and this being used to offset the deficit in the HNB. He was unclear how the funding could also be used to support students who needed the money in schools. Neil Goddard explained that he understood the perception and explained that the view of the LA was that that in doing a transfer, this money would be used first and if expenditure went beyond this in-year then there would be a deficit position. Any in-year deficit would then be combined with deficit carried forward from previous years.

The Vice-Chair proposed that the Forum consider item seven on the Draft De-delegation proposals with the view to voting on all the items for consultation together (see item 7).

*(The Schools' Forum considered item seven – Draft De-delegation Proposals 2025-26).*

The Vice-Chair proposed that the Schools' Forum agree that consultation be undertaken with all schools on:

(1) West Berkshire Council's proposed school funding formula for 2025/26

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- (2) An up to 0.5% transfer from the Schools Block to other funding blocks
- (3) The criteria to be used to allocate additional funds
- (4) The proposed services to be de-delegated (included in the report for agenda item 7).

The motion was seconded and at the vote was carried.

### **RESOLVED that:**

- Melanie Ellis would consult Officers at the LA regarding the EIA and assessed impact in time for the next Forum meeting in December.
- The recommendation as set out in section 2.1 of the report was approved by the Schools' Forum,

### **8 Draft De-delegations (Lisa Potts)**

Lisa Potts introduced the report (Agenda Item 7), which set out the details, cost, and charges to schools of the services on which maintained school representatives were required to vote (on an annual basis).

Appendix A contained an outline based on a per pupil value based on the October 2023 census and this was because the October 2024 census details had not yet been received. The total costs of the services would not change. There had not been any changes from the previous year regarding the services proposed for de-delegation. The recommendation was that the information be included in the consultation with schools (as set out in the previous report).

*(The Vice-Chair redirected back to Agenda Item 6 to conduct a vote on the item)*

### **9 Transitions Support Programme Proposal (Hester Collicut)**

Hester Collicut introduced the report (Agenda Item 8), which outlined the progress that had been made in relation to the Transitions Support Programme as part of the Delivering Better Value Programme and outlined the rationale for the match funding request.

Hester Collicut explained that the report proposed match funding for two posts to enable targeted support for year six pupils as they moved through the spring and summer term, into the autumn term. It was a full year's programme, which had been coproduced with schools through the Delivering Better Value (DBV) Programme. Shared funding was being sought because the DBV Programme would end in July and it was suggested the Transitions Support Programme needed to run beyond this to ensure it had an impact. The Vice-Chair was of the understanding that whilst the Forum could take a view on this, the final decision sat with the LA. Neil Goddard reported that the LA would wish for this to be a joint decision with the Schools' Forum however, the LA was asking the Schools' Forum to take a view as a consultee rather than the decision-making body.

Trevor Keable queried where funding would come from if the recommendation was approved. Neil Goddard clarified that it was a project where using money from the HNB for the purpose set out would, overtime, help to reduce the escalation of costs and pressure against the HNB, because transitions would be effectively managed.

Chris Prosser raised concern regarding posts introduced as part of Invest to Save initiatives historically where no impact had been demonstrated and he was concerned about the process being repeated. The Vice-Chair highlighted that the Transitions Support Programme had been identified through research carried out by Newton and hopefully this provided an evidence base. Hester Collicut highlighted that when children received EHCPs it was often at the point of transition that high numbers were lost to

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specialist placements. Irrespective of if a child received an EHCP at that point, the aim was to ensure these children were supported successfully into mainstream. Consultation with parents and schools on this area highlighted that there was great anxiety and a lack of confidence in the system and the aim was to address this. A number of children had been identified as particularly vulnerable and if there was success in supporting these children then a significant amount would be saved against the HNB and their outcomes would be improved.

Neil Goddard referred to Chris Prosser's point about historical spend with the view of reducing pressure and he noted that this was something that Forum had raised concerns about in the past. Neil Goddard confirmed that this was something that would be looked into through DBV and would be brought back to the Schools' Forum at a later stage. In relation to the project in question there was an evidence base for why it should be undertaken and that it would likely lead to savings. It was also worth noting that the HNB would only provide half the cost as the other half was funded through DBV. It was therefore felt the project offered good value to the HNB as it would provide a longer-term piece of work that would enable the LA to assess the impact.

Hester Collicut confirmed that the posts were term time only and oncosts were included.

Paul Davey was of the understanding that DBV funding would end in a year's time, and he queried if the total cost of the project would move over the HNB at that stage. Hester Collicut stated that the impact of the pilot project would need to be assessed and if success could be demonstrated then there would be a strong case for a review by the Schools' Forum about maintaining the programme moving forward.

Lesley Roberts commented that it would be good to see earlier help offered to younger children if the pilot programme was a success. Hester Collicut commented that there would be an opportunity to expand and consider how the programme might be developed moving forward. A specific area was currently being focused on that could be easily evaluated so that immediate impact could be assessed.

Councillor Heather Codling emphasised that the best outcomes for young people were being sought from this programme and not just the financial benefits. Finances were important and it was important to get this element right however, it was the outcomes for the young people involved that she was most concerned about. Chris Prosser agreed however, highlighted the importance of questioning how funding would be used.

The Vice-Chair invited the Forum to consider the recommendation set out in the report. It was proposed and seconded that the recommendation for the match funding of two Transition Support Programme posts that had been identified as necessary for the sustained delivery of the pilot initiative for one year, be approved.

**RESOLVED** that the recommendation under section 2.1 of the report was approved.

### 10 **Clawback of Surplus Balances Update (Neil Goddard)**

*(Chris Prosser, Jacquie Davies and Jon Hewitt left the meeting at 5.50pm)*

Neil Goddard introduced the report (Agenda Item 9), which updated the Schools' Forum on the outcomes of the review of the proposed clawback of excessive balances in relation to the 2023/24 financial year end.

Neil Goddard reported that following on from the process that had led to the decision taken by Schools' Forum in July 2024, the LA had listened very carefully to concerns raised by schools about the process implemented and had conducted a review of all surpluses identified as uncommitted and subject to clawback. The review had concluded on 11<sup>th</sup> September. Neil Goddard reported that he had visited many of the schools directly impacted along with Councillor Heather Codling. Constructive discussions had taken place about the circumstances that had led to the situation and the underlying

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issues for why surpluses had been accrued. Each school had been given the opportunity to provide the LA with further information whilst being better informed about what information was required. The information had been reviewed by a panel, which he had formed part of along with the Audit Manager and Melanie Ellis, and it had become clear that there were elements of surplus balances that should have been counted as committed. This was largely because they related to capital expenditure. This had not been identified originally because either the capital expenditure had been delayed; had been driven by recent events or had not been recorded in a discrete way when provided in the first instance. Through these discussions a much more accurate position had been reached in terms of surplus balances.

Neil Goddard explained that the policy already agreed by the Schools' Forum had then been applied to remaining surplus balance as set out in the report and as a result only two schools would be impacted. It was acknowledged that this was a significant change from the original proposal however reflected a much more informed position.

It was recommended by the LA that the Schools' Forum approved the recommended clawback amount as set out in the report. In order to clarify the process going forward, Neil Goddard noted that at the previous round of meetings the Heads Funding Group (HFG) and Schools' Forum had participated in discussions regarding what balances contained and it was highlighted that this was not the role of the Schools' Forum or HFG. This was a piece of work to be undertaken by the LA with individual schools and having undertaken this work in detail, the decision before the Schools' Forum was whether to clawback or not. It was clarified that the LA could then take steps to appeal this through the Secretary of State if felt appropriate. Neil Goddard reminded the Forum that any funding clawed back would go into the HNB and would go back to schools through a more targeted approach.

The Vice-Chair commented that the process had been difficult however, it felt like the approach that had subsequently taken place was the correct one. Trevor Keable was concerned that process had not been completed correctly the first time around resulting in a report being presented to the Forum that was incorrect. Going forward there needed to be confidence that the reports received from the LA were accurate. It was disappointing that this was not the case. Neil Goddard acknowledged the points made and stated that the LA would not wish to present anything other than accurate reports to the Forum. There had been an ambition to complete the process by the end of the academic year and this had led to an insufficient amount of rigor in the process. The LA acknowledged retrospectively that this was an error and had taken action to address and recognise this.

Richard Hand commented that it was important to be mindful that lots of LAs had been in a similar position and it was a result of serious under funding under the previous Government.

It was proposed and seconded that the LA's revised clawback proposals set out in section 5.1 of the report be approved. At the vote the motion was carried.

**RESOLVED** that the LA's revised clawback proposals set out in section 5.1 of the report were approved by the Schools' Forum.

### 11 **DSG Monitoring 2024/25 Month 6 (Lisa Potts)**

*(Chris Prosser, Jacque Davies and Jon Hewitt rejoined the meeting at 6pm)*

Lisa Potts introduced the report (Agenda Item 12), which provided the forecast financial position of the services funded by the Dedicated Schools Grant (DSG) and highlighted any under or over spends, and the cumulative deficit on the DSG.

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Lisa Potts advised that the report presented data for quarter two where the in-year deficit was standing at just under £8m. This was largely due to the in-year deficit in the High Needs Block (HNB). The forecast deficit for the end of the year was £17.5m.

There were a number of new funding streams in the Early Years Block including increased entitlement for children over nine months old. There was also a saving in the area relating to a senior post.

There were a couple of areas of overspend in the Central Schools Services Block (CSSB) and this was mainly due to charges for the Capita system which had been higher than expected.

Regarding the HNB, two terms worth of top up funding had been set out for the maintained special schools, which provided a better idea of what the forecast was likely to be for this area. There was currently a £119k overspend and pressure was continuing due to increasing numbers of children requiring an EHCP assessment.

Lisa Potts drew attention to the table under section 5.12 of the report, which highlighted the expected position at the end of the year for each of the individual blocks. Underspend in the Schools' Block was helping to bring the deficit down slightly.

Lisa Potts explained that the report did not include figures related to the clawback and the funding adjustment would be included with the next forecast in quarter three.

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

### 12 Forward Plans

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

### 13 Date and format of the next meeting

The next meeting of the Schools' Forum would take place virtually Monday 2<sup>nd</sup> December 2024.

*(The meeting commenced at 5.00 pm and closed at 6.05 pm)*

**CHAIR** .....

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