

## SCHOOLS' FORUM

28 September 2021

**Commenced: 10.00am**

**Terminated: 12.00pm**

<b>Present:</b>	Karen Burns (Chair)	Primary Schools – Academies
	Susan Marsh	Governor, Primary Schools – L/A Maintained
	Steve Marsland	Primary Schools – L/A Maintained
	Gemma Patterson	Primary Schools – L/A Maintained
	Kirsty Rimmer	Primary Schools – L/A Maintained
	Lisa Lockett	Primary Schools – L/A Maintained
	Lisa Gallaher	Primary Schools – L/A Maintained
	Richard O'Regan	Secondary Schools – L/A Maintained
	Heather Farrell	Primary Schools – Academies
	Simon Wright	Primary Schools – Academies
	Andrew Foord	Headteacher, Special Schools – L/A Maintained
	Simon Brereton	Primary Schools – L/A Maintained
	Elaine Sagar	Early Years Private, Voluntary and Independent Sector
	Rosario Sarno	Governor, Special Schools – Academies
	Anthony Benedict	Pupil Referral Service
	Anne Morgan	Tameside Teachers' Consultative Committee
	Elaine Horridge	Diocesan Representative
	Elizabeth Jones	Governor, Secondary Schools – L/A Maintained
	Donal Townson	Governor, Primary Schools – L/A Maintained
	Gill McFadden	Business Manager – Secondary Academies
	Anton McGrath	14-19 Sector
	Councillor Leanne Feeley	Executive Member
	Tim Bowman	Director, Education Tameside and Stockport
	Charlotte Finch	Head of SEND
	Louisa Siddall	Senior Accountant, TMBC
	Wendy Lees	Finance Manager
<b>Apologies for absence:</b>	David Ainsworth	Special Schools – L/A Maintained
	Mark Bidgood	Primary Schools – Academies
	Councillor Oliver Ryan	Executive Member
	Christine Mullins	Finance Business Partner TMBC

### 9 DECLARATIONS OF INTEREST

There were no declarations of interest from Members of Forum.

### 10 APPOINTMENT OF CHAIR AND DEPUTY CHAIR

#### RESOLVED

**That Karen Burns be appointed as Chair and Susan Marsh be appointed as Deputy Chair of the Schools' Forum for the 2021/22 Academic Year.**

### 11 MINUTES

Consideration was given to the minutes of the meeting of the School's Forum, held on 22 June 2021.

It was noted that Minute 5 (page 4 and page 5) referred to surplus balances for 2021-22. This should have stated 2020-21.

## **RESOLVED**

**That, with the agreed amendment, the minutes of the meeting of Schools' Forum held on 22 June 2021 be approved as a correct record.**

## **12 SCHOOLS FORUM TERMS OF REFERENCE, PRINCIPLES AND CONSTITUTION**

Consideration was given to a report of the Director of Governance and Pensions, giving details of the Terms of Reference for Schools' Forum, which included the guiding principles and constitution of the Forum. The Terms of Reference had been established to provide an overview of the purpose and functions of the Schools Forum with guiding principles covering the expectations of all Schools Forum members in relation to their role as a member, to ensure the consultation and decision making was effective and fair

The documents reflected the Department for Education guidance for Schools' Forum published in September 2018 and updated in March 2021.

In considering the report, members noted that there were currently 3 vacancies within Schools' Forum, for this academic year, which included:

- 1 Maintained Primary School representative
- 1 Academy Primary School representative
- 1 non-school member (Roman Catholic Diocese)

Members undertook to raise the matter at suitable forums and groups and agreed to feedback through the Clerk and Chair of Schools Forum in advance of the next meeting.

## **RESOLVED**

- (i) That the Terms of Reference, Forum Principles, Constitution and membership of Schools Forum be noted and approved for publication on the Council's website.**
- (ii) That current vacancies within Schools Forum membership be raised at suitable forums and groups, as appropriate.**

## **13 SCHOOL BALANCES**

Consideration was given to a report of the Assistant Director of Finance and Director of Education (Tameside and Stockport), which provided an update on the surplus balances held by schools at the end of 2020-21 financial year.

Following the previous meeting of Schools' Forum, Members were reminded that there were currently 12 schools, which were identified as having excess surplus balances at risk of claw back. As Members had requested a further detailed review of any exceptional circumstances prior to taking any decision, this was provided.

It was noted that 6 of the 12 schools were holding capital balances due to delays, which equated to £406,078. The remaining 6 schools held smaller balances, as a result of underspends due to the pandemic, which accrued to £46,423. It was explained that each of these schools had submitted a return, which had then been reviewed. It was found that the reasons for these underspends, were generally relating to:

- Underspends on catering contracts
- Residential trips
- Interventions
- Reduced extra-curricular activities
- Unspent teaching materials

Members were reminded that, as previously agreed, a Capital Reserve can be set up by the Local Authority, which would allow schools to transfer balances being used to support specific capital projects prior to their completion.

As 2 of the 12 schools identified were holding surplus balances for both capital and general underspend, there were 8 schools holding balances for capital purposes. Therefore, it was recommended that School's Forum request these balances be moved to a Capital Reserve, rather than be removed for clawback and a detailed breakdown of the recommended amounts for transfer was provided in Table 2.

Members noted that all schools had received in-year, additional funding from Government, which may have impacted on them having unanticipated increased balances, for example, Covid Catch-Up Premium. It was also explained that, for most schools, this had been received in advance of need. As a result, it was recommended that this be removed from the balances prior to clawback decisions. Members were, therefore, informed that this would remove £30,104 of the balances of 4 schools from being at risk of clawback, with 2 schools remaining at risk, totalling £16,319.

Members were informed that there had been further developments with regard to term-time only payback for staff under the NJC terms and conditions in Tameside. It was noted that a report was currently going through the Council's governance process, which would result in all affected schools needing to incur additional, on-going salary costs and back-pay. This was something, which it was felt Members may want to take into consideration when making their decisions relating to the clawback mechanism.

Members were also made aware that, following submission of the approved budget plans in May 2021, 12 schools (7 primary, 3 secondary schools and 2 special schools) submitted plans with surplus balances above the sector thresholds for the financial year 2021-22. These schools had also submitted an approved Utilisation of School Balances form identifying reasons for holding the surplus and the finance team would continue to monitor schools' balances.

It was stated that a further update would be brought to Forum once school balances for 2021-22 were finalised, when Forum Members would be asked to review any action in line with the Balance Mechanism Scheme regarding invoking the claw back on 2021-22.

Following the presentation of this report, detailed discussion ensued. Some Members explained that, whilst they fully supported the notion of clawback and understood the necessity for this, they expressed concern with regard to implementing these measures during what continued to be an uncertain and unprecedented time for schools. Whilst it was acknowledged that there would be a continued need for this mechanism to be in place and the Capital Reserve to be utilised, many Members felt that now was not an appropriate time to invoke these measures.

## **RESOLVED**

- (i) That the position of Schools Balances 2021-22 be noted.**
- (ii) That Schools' Forum reject schools with excess balances in 2020-21, holding them for capital purposes, being required to move these funds to a capital reserve.**
- (iii) That clawback of surplus balances in 2020-21 subject to any mitigating factors outlined in the report be rejected.**

## **14 SCHOOLS' FINANCIAL VALUES STANDARD RETURNS**

Consideration was given to a report of the Assistant Director of Finance, which provided an update on the requirement for schools to complete the self-assessment process against the Schools' Financial Value Standard by 31 March 2021.

It was explained that this this return needed to be submitted on an annual basis. For the last financial year, schools submitted this to the Local Authority by 31 May 2021. This had been reviewed and a

return submitted to the DfE by 9 July 2021. Members of Forum were informed that there had been 100% compliance from schools.

## **RESOLVED**

**That the contents of the report be noted**

### **15 SCHOOLS FUNDING UPDATE ON NFF AND SUMMER ANNOUNCEMENTS FROM DFE**

Consideration was given to a report of the Assistant Director of Finance and the Director of Education (Tameside and Stockport), which provided members with an update on the latest funding announcements.

Members were made aware that The DSG announcements at this stage only covered the Schools Block, High Needs Block and the Central Service Support Block. Early Years Block information had not be shared at this point. However, it was explained that updates on this and confirmation of all other allocations were expected in December 2021. It was noted that the data stated in this report was based on the 2021-22 data set (October 2020 census data) and would change in order to take account of October 2021 census returns.

With regard to Schools Block, it was explained that there had been an increase of £40.146m, which represented an increase of 4% at a national level. This had resulted in a £5.573m increase in 2022-23 provisional allocation, excluding growth funding and Members were presented with a detailed breakdown of the funding elements.

Key areas of change were highlighted, including the Sparsity Factor. Members were informed that NFF rates had been significantly increased by DfE on the Sparsity Factor for a 2nd year, which had resulted in an increase from £45k to £55k per primary school, and from £75k to £80k in secondary schools. However, as this was payable to schools, which were both small and remote, although the distance measurements had changed so that this would reach a wider number of schools, there would still be no Tameside schools, which would benefit from this as they did not meet the criteria.

Members were informed that there had been changes to the rates at which IDACI bandings were paid and that, in most cases, these had increased by at least 3%.

With regard to Prior Attainment and Mobility Factors, 2019 attainment data would continue to be used as a proxy for allocated this funding. Similarly, it was stated that Mobility Factor was using a proxy for May 2020 and that the census did not take place. Instead, it was explained that the child's start date in school, would be used.

It was highlighted that the measurement point for Free School Meals Ever6 had changed. This had been brought forward from the January census to the October census to reduce lag and had been brought in line with the measurement point for other factors. It was stated that the related increase in this factor was 2%.

It was noted that, following consultation, Business Rates funding would no longer be allocated to the Local Authority or Academy Trusts for them to pay the Council but that these costs would be paid directly by DfE to each Local Authority on behalf of all schools and academies in the area.

It was explained that Minimum Funding Guarantee (MFG) would continue to be set by Local Authorities using local formulae between +0.5% and +2% per pupil and that there would be continuation of the compulsory Minimum Per Pupil Funding Levels (MPPL). This would mean that all primary schools would receive at least £4,265 per pupil and all secondary schools £5,525 per pupil.

Members were made aware that the DfE were taking steps towards a 'hard' National Funding Formula (NFF) and a consultation for Local Authorities, schools, academy trusts and any other

interested parties had been launched in July. Members were provided with the link to access the consultation and advised that the closing date was 30 September 2021.

In relation to the High Needs Budget, Members were informed that there had been a 9.6% national increase (£780m) and that Local Authorities had seen an increase of between 8% minimum and 11% (capped and before recoupment, Alternative Provision and Hospital Funding Factors were included). It was noted that Tameside had received the maximum increase of 11% (capped). However, without this cap, Members were advised that this would have included an additional £2.988m.

In addition, it was noted that Tameside's Historic Factor had changed from £8.6m to £8.8m. However, due to the cap, the full benefit of this increase would not be received. It was highlighted that these current announcements were provisional and would be subject to further updates, which were outlined for Members of the Forum.

The provisional allocation for 2022-23 was provided compared to the current 2021-22 allocation. This highlighted an overall increase of £3.072m (before recoupment and any further adjustments). Members were also asked to note that an estimate for growth in pupil numbers was built in at £0.101m, which would be finalised and confirmed in December 2021 but was likely to be offset by an estimated increase in recoupment.

Members were advised that, although Tameside was seeing an increase in funding of £3.062m (after recoupment), this was offset by an estimated increase in spend of £5.375m. This was reflective of the continuing expected increases and further growth of Education Health Care Plans (EHCPs), which was likely to increase steadily from 3.58% to over 6% in the next 5 years.

Members were reminded of the significant impact of the capped Funding Formula allocation on the High Needs Deficit position and it was explained that Tameside would continue to receive this capped funding for 2022-23, with a further cap of £2.988m forecast.

It was explained that Local Authorities would continue to be able to transfer up to 0.50% of Schools Block allocation to another block within the DSG, with the approval of Schools' Forum. Members were also reminded that a disapplication process to the DfE would continue to be in place for any amounts over 0.50% or for any amount without the approval of Schools' Forum.

Based on current projections, Members were made aware that, even continuing with the 0.50% transfer (as in 2021-22) of £0.939m, this would still leave a potential in-year deficit on the High Needs Block of £4.644m in 2022-23 and a 1.00% transfer would leave an in-year deficit of £3.705m and potential cumulative deficit over the 2 years of £6.098m. With this in mind, Members were asked to support the 0.50% transfer to the high needs Block to support spending for additional needs and were further asked to consider whether a request to DfE should be made in requesting a top slice to 1% with permission from the Secretary of State.

With regard to the Central Services Schools Block (CSSB), it was stated that funding had increased by 5.6% (£62k). However, without the cap on this funding, Tameside would receive an additional £145k.

Discussion ensued in relation to the value that comes from transferring this funding. It was highlighted by the Director, Education (Tameside and Stockport), that this transfer would allow schools to collectively ensure that investment in the most vulnerable children, who attend school, would be maximised. It was stated that this would provide investment for this year and help to manage the deficit for future years in order that the deficit position reduces over time. However, the financial impact of Covid in schools was highlighted by Members.

## **RESOLVED**

**(i) That the contents of the report be noted.**

**(ii) That it be agreed, in principle, for 0.50% to be transferred from the Schools Block to the**

**High Neds Block in 2022-23 (at a minimum).**

- (iii) That it be rejected to support a disapplication request, in principle, to the Secretary of State in order to transfer 1.00% from the Schools Block to the High Needs Block (if required).**

## **16 DSG SCHOOLS GRANT BUDGET UPDATE**

Consideration was given to a report of the Assistant Director of Finance and the Director of Education (Tameside and Stockport), which outlined the Schools Grant budget position for the financial year 2021-22 and the DSG reserve position.

Members were provided with a budget update for 2021-22, including the projected distribution/spend for the DSG settlement. It was stated that there was an overall deficit of £1.439m and explained that the forecast surplus of £0.168m on the Schools Block related to actual rates charges being lower than estimated (0.049m) and unallocated growth (£0.118m). Members were also informed that the Central Schools services Block (CSSB) was expected to be spent in full.

Members were made aware that the projected in-year deficit on the High Needs Block was expected to be £3.271m, which would reduce to £2.393m with the £0.878m transfer from the Schools Block. Included in this figure was a further £0.994m of estimated in-year growth for September to March 2022.

It was estimated that the Early Years Block would have a surplus of £0.787m, and Members reminded funding would be based on data collections in summer 2021, autumn 2021 and spring 2022 terms. It was noted that this would be different to previous years, when the funding had been based on spring census data only.

With regard to the High Needs position for 2021-22, a breakdown of the £2.393m deficit (an increase of £1.256m) was provided and the impact of the growing number of EHCPs was again highlighted. As a result, members were informed that some additional work had been undertaken alongside the SEND team and the initial projections of 207 new EHCPs had now been revised to 407 new plans, which were expected for the full financial year.

A detailed update of the Early Years Block for 2021-22 was provided for Members. These were based on the actual payments made to providers for the summer term and estimated uptake for the autumn and spring terms for 2, 3 and 4 year olds. It was noted that the current forecast indicated an underspend of £0.918m for 3 & 4 year olds, an overspend of £0.05m for 2 year olds and an overspend £0.03m on early years pupil premium. However, this was based on the current settlement and as previously reported, it was expected that funding would be adjusted in line with the data collections from the summer term and future collections at autumn and spring. It was, therefore, envisaged that the position would become more balanced and there will not be an underspend.

Members were informed that that current forecast for the SEND Inclusion Fund (SENIF) was illustrative of the increasing demand on this fund. It was stated that this was being reviewed through the Early Years Working Group, where further work was being undertaken to understand the demand to ensure that funding support was being provided in the best way. It was acknowledged that it was extremely difficult to forecast the uptake of places, especially in light of the pandemic and that this was a complex area of funding which would continue to be closely monitored.

Details on the closing position of the DSG were provided for members, who were informed that, if the 2021-22 projections materialised, there would be a deficit of £3.124m on the DSG. With this in mind, it was stated that a Deficit Recovery Plan had been developed and submitted to the DfE and that discussions with DfE were ongoing. It was noted that this position would be closely monitored throughout the year and that regular updates would be provided for Schools' Forum.

## **RESOLVED**

**That the contents of the report be noted and supported**

### **17 HIGH NEEDS DEFICIT RECOVERY PLAN**

Consideration was given to a report Director of Education (Tameside and Stockport), which outlined the High Needs Deficit Recovery position for the financial year 2021-22. The report also provided Members with a revised view on expected growth across SEND in Tameside, plans in place to address this and additional development proposals.

Member's attention was drawn to the growth in Education Health Care Plans (EHCPs) in Tameside over the next 10 years. It was highlighted that the number of EHCPs had been rising steadily since 2017 and had now more than doubled, with 1960 EHCPs currently maintained. As a result, it was explained that Tameside is now more in line with its statistical neighbours, with EHCPs representing approximately 3.64% of the population.

Whilst it was acknowledged that this recent growth was necessary, the significant demands this had placed on specialist providers and resource bases across Tameside was highlighted. It was explained that this had placed increased pressure on placements for children with EHCPs, particularly across the specialist sector, where all schools and resource bases were currently oversubscribed.

Members were made aware that recently acquired data demonstrated the ongoing imperative to create additional SEND provision within Tameside in order to be able to effectively accommodate those most vulnerable learner in line with future growth. It was stated that a previous over-reliance on out of borough provision had undoubtedly contributed to budget pressures and, therefore, there needed to be a more strategic approach taken to planning provision, which was driven by need, investing capital funding towards the creation of more local places.

It was acknowledged that any changes to an established pattern of provision would be a long term process, given the importance of continuity for children and young people. It was also emphasised that parents would be a key partner in these changes, along with schools' Forum, who would be continually consulted and engaged throughout these developments.

The comprehensive SEND Sufficiency Strategy 2021-2031 was provided for Members. It was outlined that this built on key pieces of work, such as the SEND Forward plan 2019-22, which had been implemented over the past 3 years. Members were also made aware that this had been written with the benefit of newly acquired data and intelligence, which had been commissioned through Edge Analytics.

Anticipated key areas of growth were outlined for Members of the Forum, including:

- 1089 new EHCP places projected over a 10-year period
- 2021-22 and 2022-23 projected to be the largest 2 years of growth with 179 (21-22) and 181 (22-23) places projected. Growth figures then decrease year on year.
- EHCP places for pupils in years 12-14 projected to more than double in 10 years
- Years 7-11 projected to nearly double in 10 years across both specialist and mainstream sectors
- Years R-6 projected to increase by 29% in 10 years

Members were informed that these projections had been provided by Edge Analytics. However, they were lower than the growth seen in real time. Whilst this discrepancy was unclear, it was acknowledged that the currently elevated growth may be attributable to Covid factors.

It was stated that the main area of growth was in secondary school pupils, where numbers were projected to increase by 82% over the 10 year period, with numbers in mainstream schools more than doubling. Whilst this growth was clearly significant, it was also acknowledged that this

represented some necessary recalibration of EHCPs across the sectors.

Members were made aware that EHCPs within specialist settings in Tameside represented 44% of the population, as opposed to 36% nationally. It was noted that this statistic set Tameside apart from national, GM and statistical neighbours, where the majority of EHCP students were educated within mainstream settings. It was outlined that historic under-assessment in Tameside had contributed to uneven distribution across sectors. However, the data going forwards indicated that, as EHCP % representation comes into line with statistical neighbours, so too should the distribution of EHCPs across sectors.

It was highlighted that, across the specialist sector, whilst not in line with mainstream, there was 60% growth in years R-14 projected. Growth amongst primary age children was predicted to be 29%, and growth between Y12-14 would increase by 127%.

It was noted that the fastest growing areas of need within SEND were in relation to Social, Emotional and mental Health Needs (SEMH), where growth of 138.9% was anticipated across all age ranges. With this in mind, it was projected that growth in EHCPs numbers in relation to SEMH in mainstream settings would rise by 130%. Similarly, this was expected to rise by 130% in specialist settings. This growth in both mainstream and specialist settings was projected to be particularly high in Years 7-14 with 220% growth expected for mainstream and 156% for specialist provision.

Communication Interaction difficulties were highlighted as the next largest area of growth, which was anticipated to be 70.7% across all ages in mainstream settings and 54.6% across specialist provision. Again, this growth was projected to be significantly higher across Years 7-14.

Members were informed that the in-year deficit had increased from £1.137m to £2.393m, an increase of £1.256m as a result of an increase in the numbers of EHCP's, which were significantly beyond anticipated growth levels.

Members were made aware that this growth in EHCP numbers represented a significant financial risk to the Local Authority with over reliance on out of borough provision being noted as a factor contributing to current budget pressures. With this in mind, the need for more local specialist provision in Tameside was again highlighted. Members attention was again drawn to the SEND Sufficiency Strategy, which contained a range of proposals to suggest ways in which these needs could be met in order to mitigate the risk of out of borough placement. The following strategies and actions were outlined for members:

- An escalation of the resource base development programme. This aims to add an additional 8 resource bases across both primary and secondary over the next two years, adding approximately 80 additional specialist places. In order to meet the anticipated demand, it may be deemed necessary to aim instead for an additional 12 resource bases over the next 3 years, with a plan to develop additional post 16 resource base provision, to accommodate up to 30 specialist learners (adding 150 specialist places).
- Continue with the move to a new Hawthorns building creating a 220 place school (effectively an additional 50 specialist primary places for children with CI needs).
- Consider options, which would retain the original Hawthorns building as an additional specialist setting for primary-aged learners.
- Work with Thomas Ashton School to consider its role in supporting the increasing numbers of learners with SEMH difficulties.
- Explore options for the development of a Specialist Free School.
- Working in partnership with schools, invest and develop support to mainstream settings to promote ongoing inclusion of their SEND students.

Concern had been raised in relation to the projected figures for growth, particularly as it had been noted in previous meetings that growth had seen a period of slowing down. However, it was stated that these projections were a true reflection of the current situation and may actually be a more conservative estimate than may be the case.

A question was asked in relation to projected early years (pre-Reception) numbers. However, it was

explained that the data, which had been provided by Edge Analytics related to children from Reception age only. It was acknowledged that there were limitations to the current data and this was highlighted as one of the limitations. However, it was suggested that this would be something, which could be picked up in Early Years Working Groups' discussions.

Discussion ensued with regard to the movement of children with EHCPs from mainstream to specialist provision and the need to ensure that those children with EHCPs, whose needs could be effectively met in mainstream settings, continue to access mainstream provision, where appropriate. It was also noted that the move to specialist provision should be continually monitored and that, if these needs, over time, could be managed in a mainstream setting, then these children could transfer back into mainstream provision, where appropriate.

In response to the discussion, it was acknowledged that children's circumstances and needs could change over time. It was also stated that it would only be the most complex needs, which required enhanced support, who would be considered for resource base provision or specialist settings and the strength of the resource base model in meeting the needs of these children was highlighted as providing valuable opportunities for integration.

The rapid growth in SEMH needs was discussed and the need to work in partnership with schools with regard to trying to keep children in these settings, where appropriate. However, the need for greater staff development and appropriate resources was highlighted, in order to be able to effectively meet the needs of these children and young people within mainstream settings. With this in mind, the need to ensure that schools would be well prepared in order to be able to accommodate this growth was emphasised.

**RESOLVED**

**That the contents of the report be noted and supported**

**18 DATE OF NEXT MEETING**

**RESOLVED**

**That the next meeting of The Schools Forum be held on Tuesday 23 November 2021 at 10am.**

**CHAIR**