

Minutes of a meeting of the Schools Forum held on Wednesday, 6 December 2017 in Committee Room 1 - City Hall, Bradford

Commenced	0805
Adjourn	1005
Reconvene	1020
Concluded	1140

PRESENT

SCHOOL MEMBERS

Brent Fitzpatrick, Deborah Haworth, Dianne Richardson, Dominic Wall, Emma Hamer, Gill Holland, Helen Williams, Ian Morrel, Kevin Holland, Mary Copeland, Nicky Kilvington, Sally Stoker, Sue Haithwaite, Tehmina Hashmi, Trevor Loft and Wahid Zaman

NON SCHOOLS MEMBERS & NOMINATED SUB SCHOOL MEMBERS

Ian Murch, Donna Willoughby, Alison Kaye and Irene Docherty

LOCAL AUTHORITY (LA) OFFICERS

Andrew Redding	Business Advisor (Schools)
Asad Shah	Committee Services Officer
Dawn Haigh	Principal Finance Officer (Schools)
Judith Kirk	Deputy Director, Education, Employment and Skills
Raj Singh	Business Advisor
Stuart McKinnon-Evans	Strategic Director, Corporate Services
Susan Krupinski	Principal Finance Officer - Schools

OBSERVERS

Councillor Pollard

Councillor Ward

Lynn Murphy

Business Manager, Feversham College

APOLOGIES

Members – Ashley Reed, Nigel Cooper, Ray Tate, Tahir Jamil, Sami Harzallah; Council Officers - Michael James, Strategic Director, Children's Services; Executive Portfolio Holder – Education, Employment And Skills – Councillor Imran Khan

DIANNE RICHARDSON IN THE CHAIR

278. CHAIR'S OPENING REMARKS

The Chair welcomed members to the meeting. She explained that the primary purpose of meeting is to present information to inform decision making on 10 January. She emphasised that it is important, as the agenda is followed, that members identify where / whether further information is needed. The Chair encouraged members to prioritise their attendance on 10 January. The Chair also updated the Forum on recent membership changes – the resignations of Lesley Heathcote (Merlin Top Primary Academy) and Michele Robinson (All Saints' CE Primary School).

279. DISCLOSURES OF INTEREST

No declarations of interest were received.

280. MINUTES OF 18 OCTOBER 2017 & MATTERS ARISING Minutes

The Business Advisor (Schools) reported on progress made on “Action” items as follows:

- **October Census Admissions:** A breakdown of the 115 unplaced applications, requested by members, is provided within the agenda pack.
- **Schools Forum Operation Guide:** A copy of the summary of decision making roles and responsibilities is included for Members within the agenda pack.
- **Consultation on the Primary & Secondary School Formulae (item 284 page 6):** The consultation document was published and an analysis of responses is tabled at today's meeting. Regarding disapplication requests, these were submitted and have been approved by the ESFA. Please note that the DfE has amended the Regulations for 2018/19 to permit without disapplication the option of a positive MFG up to 0.5%.
- **Consultation on Early Years Block Funding Matters (item 285 page 6):** The consultation document was published and an analysis of responses is tabled at today's meeting.
- **Consultation on High Needs Block Funding Matters 2018/19 (item 286 page 7):** The consultation document was published and an analysis of responses is tabled at today's meeting. A report regarding the re-designation of identified PRUs, together with a presentation on the SEND review and the wider SEMH review, will be provided as the first agenda item on 10 January. This is so these connected matters can be considered holistically.
- **AOB (Item 289 page 8):** Regarding the request for further information on additional grants, including to the Teaching School Alliances, this has been noted and will be actioned.

Other Matters Arising

- **Deficit of Oastler School:** Members will recall the recommendation the Forum made regarding the support for the deficit balance of Oastler School and the context and background to this recommendation. The Executive, on 7 November, agreed to write off the value of the deficit, £163k, from the High Needs Block. This matter is now settled.
- **Scheme for Financing Schools / Financial Regulations for Maintained Schools refresh:** The Council is currently refreshing the Scheme and the Financial Regulations for Maintained Schools. The Authority plans to present a document to the Schools Forum in March, having completed a consultation period with schools before this. We anticipate publishing a consultation document at the end of January.

The representative of Trades Unions requested that Bradford Council reviews the current position in that the payment of the 'discretionary' 2% across main pay scale is not planned to be adopted (and back-paid to September 2017) until February 2018. The Council is asked to expedite this more quickly.

Resolved –

- (1) That progress made on “Action” items be noted.
- (2) That the minutes of the meeting held on 7 January 2015 be signed as a correct record, subject to the technical attendance amendments identified by members.

ACTION: *City Solicitor*

281. MATTERS RAISED BY SCHOOLS

The Chair informed the Forum that a communication has been received from Haworth Primary Academy regarding the insufficiency of High Needs Block funding for children with EHCPs in mainstream schools. The Business Advisor explained that this matter will be further considered by the Forum in assessing the responses received to the consultation. He also sought to explain how the root of the issue (and therefore, the solution) is not the High Needs Block funding model. The root cause is the erosion of the spending power of the Schools Block in real terms. An Academies Member added that one of the key issues is also the numbers of high needs children that are currently placed in mainstream schools whilst additional places in special schools are created. There was some discussion about the position of the creation of new places and the current consultations. The representative of maintained special schools asked that the presentation to the Schools Forum on SEND matters on 10 January includes an analysis of how the creation of 450 places meets updated projections of need based on the latest demographic data. She also added that the DAP is carrying out some work in preparation for the identified review of the Ranges Model, which has been highlighted for review for the 2019/20 cycle.

An Academies Member raised the issue of DOCAS relating to a recent change in

payroll fees levied for the direct collection of union subscriptions on behalf of Unison. The Member asked in particular whether this is a decision that should have been discussed by the Schools Forum. The Director of Corporate Services responded by explaining that Bradford Council has settled this matter with Unison in respect of Council employees and that, in his view, this isn't a Schools Forum matter. The Director added that schools and academies that are their own employers would need to come to their own agreements with trades unions regarding these fees. The Chair offers to discuss this matter further with officers outside the Forum meeting.

The Vice Chair asked for a report to be provided for the Schools Forum on the work of the Virtual School for Looked After Children and which provides some comparative analysis with other authorities on the growth of LAC numbers, the number of PEPs and the number of children adopted from care.

Resolved –

- (1) That the Chair discusses with officers the DOCAS matter raised by an Academy Member at the meeting with a view to assessing whether this should be further considered by the Schools Forum.**
- (2) That the communication from Haworth Primary Academy regarding the High Needs Block funding model be noted.**
- (3) That the Forum receives a report from the Headteacher of the Virtual School (Children Looked After), the details of which are recorded in the minutes of the meeting.**

282. STANDING ITEM - DSG GROWTH FUND ALLOCATIONS

There were no new allocations for consideration at this meeting.

No resolution was passed on this item.

283. THE AUTUMN SPENDING REVIEW & NATIONAL FUNDING FORMULA

A summary of the Business Advisor's verbal report to the Schools Forum is recorded below:

- Very little was said about education funding in the Chancellor's November budget. There were no further announcements about national funding formula or response to the concerns being expressed nationally regarding the reduction in the spending power of school budgets. Decisions on public sector pay have been passed to respective Secretary of States. It is very unlikely therefore, that the 2018/19 pay awards will be funded by new money not yet announced.
- Announcements have been made very recently about funding for supporting child mental health as well as the continuation of some SEND reform grant monies. Further details are awaited on these.
- There are consultations, currently live, about eligibility for the 2 year old free entitlement and FSM under universal credit, which schools can view through

the BSO website.

- We still expect to receive shortly confirmation of the 2018/19 DSG as well as release of the October 2017 dataset. This will enable use to confirm the cost of formula funding in 2018/19 and assess the affordability of proposals.
- We also expect this month announcements confirming the position of other grants, including Pupil Premium. We generally expect the rates of Pupil Premium to remain as this year, but we already know that the Pupil Premium Plus value is increasing to £2,300.

No resolution was passed on this item.

284. 2017/18 DSG SPENDING POSITION AND ONE OFF MONIES

The Business Advisor (Schools) presented a report, **Document IA**, which updated members on the forecasted spending positions of High Needs Block and centrally managed and de-delegated funds held within the DSG in 2017/18. The Business Advisor:

- Asked for feedback from members about whether they are comfortable with the approach to the use of one off monies (reserves) set out in Appendix 2.
- Highlighted that Appendix 2 is based on an estimate of under spending at 31 March 2018. Members will be aware that there are certain areas where spending is harder to predict, including out of authority placements and the Early Years Single Funding Formula.
- Explained that the approach is based on the principle of ring-fencing of DSG reserves by Block.
- Explained that the forecasted reserve within the High Needs Block is viewed as a transition fund to support the implementation of significant structural change in high needs spending and the lead in to this.
- Highlighted that most of the DSG's reserves are already committed. This includes all the reserves within the Early Years Block, which have been proposed to be allocated in 2018/19 and 2019/20 to protect the values of 3&4 year old funding rates. Most of the Schools Block reserve is also committed.

A member asked whether the growth funding of Beckfoot Upper Heaton Academy still represents value for money and whether the Schools Forum was right to take the decision it did regarding this investment. It was agreed that a report will be provided to the next meeting. The Business Advisor clarified that the agreed funding model is linked to the growth of pupil numbers at the academy and that funding is calculated on a sliding scale basis.

Resolved –

That a report be presented to the 10 January meeting, which re-states for Members the discussions that took place in agreeing the allocation of growth financial support to Beckfoot Upper Heaton Academy, and which sets out the value for money basis of this agreement.

LEAD: Business Advisor (Schools)

285. 2018/19 DSG UPDATE

The Business Advisor (Schools) presented a report, **Document IB**, which provided a forecast of the anticipated DSG position in the 2018/19 financial year. He emphasised that this is an estimated position, still based on the early DSG announcements and largely on the October 2016 Census dataset. He explained the position of each of the 4 Blocks and that there are a series of decisions, 'internal' to each Block, that are required to be taken. These are set out in more detail in other reports. These include the investment of headroom (£0.77m estimated primary phase headroom) within the Schools Block and the value of Minimum Funding Guarantee.

In his presentation, the Business Advisor (Schools) also highlighted:

- There is a new Central Schools Block, which ceases the top-slicing of the Schools Block for centrally managed activities other than the Growth Fund. It is proposed that the headroom within the Central Schools Block is utilised to support the pressure on the High Needs Block. This proposal is set out in a separate report.
- The Authority is effectively fully ring-fencing the DSG by Block.
- All Blocks but the High Needs Block are estimated to balance in 2018/19. The Early Years Block is over spending but this is deliberate and is offset by the strategic use of reserve (in order to protect EYSFF 3&4 year old base rate funding).
- The forecasted overspent position of the High Needs Block is one of the most crucial matters for the Forum to consider. This is currently estimated as an overspending of £2.128m. Document IB sets out what is already included in getting to the £2.128m, which includes the transfer of some funds from the High Needs Block to the Central and Early Years Blocks and the cessation of alternative provision top up funding as proposed in the consultation. Also included is a 1.5% reduction in the value of top up funding allocated by the High Needs Block funding model.
- How crucial the successful delivery of significant structural change is, through the SEND and SEMH reviews, to the financial viability of the High Needs Block in 2018/19 and going forward.
- That it is likely that a substantial value of the identified High Needs Block transition fund / reserve will need to be allocated to support the 2018/19 DSG budget.

The Chair encouraged primary academy representatives to put themselves forward for the SEMH review group. An Academy Member thanked the Business Advisor for emphasising how crucial the successful delivery of structural reform is. He added that this reform must be across the whole system and that there are two further non-DSG specific considerations a) that successful delivery of structural change, including of alternative provision, relies on capital investment and b) that the Authority's home to school transport policy must support reform to provide for the sustainability of newly establishing and expanding provisions. It was agreed that an update on these two matters will be included in the presentation to the next meeting.

No resolution was passed on this item.

286. CONSULTATION OUTCOMES - PRIMARY AND SECONDARY FORMULAE

The Business Advisor (Schools) presented a report, **Document IC**, which asked members to consider the outcomes of the consultation, which was agreed at the last meeting, for primary and secondary mainstream formula funding arrangements for 2018/19. Additional analysis of responses was tabled at the meeting. The report also included further information, for the Forum's consideration, on the options for the allocation of Schools Block headroom – the options either to a) enhance the value of the Minimum Funding Guarantee, from 0% to 0.5%, for the primary phase, with a knock on consequence for the secondary phase or b) to enhance the value of the SEN Funding Floor factor for the primary phase only.

The Business Advisor asked members for their feedback on these 2 options as well as whether the proposals for the Schools Block for 2018/19 should be amended in the light of any of the feedback received. He explained the responses to the consultation evidence that the structural proposals for primary & secondary formula funding are supported. A main area of concern is the impact of national funding formula on the notional SEN calculation. The Business Advisor stated that this would be investigated.

The focus of the Forum's discussion in response to the Business Advisor's presentation was the implications of uplifting the MFG to 0.5%, for the secondary sector, where headroom would need to be found in order to finance this. The Business Advisor explained that discussions on this matter could not be finalised until the cost of formula funding in 2018/19 is known based on the October 2017 Census dataset. This will be presented on 10 January. He stated that there may be a number of options for the Forum to consider in managing this, including the use of one off monies if necessary. He also emphasised that phase ring-fencing within the Schools Block will come into play here. However, this is a 'hypothetical' discussion at the moment, which cannot be concluded until we have the October 2017 Census dataset. Members expressed their appreciation that the decision is complicated as a decision to enhance the MFG using primary headroom potentially knocks on to the secondary sector.

A member asked about the longer term implications of setting a higher MFG in 2018/19. The Business Advisor stated that a higher MFG would 'lock in' to the protected baselines of schools going forward. Responding to a question asked by the Director of Corporate Services, he clarified that it would be possible to 'reverse' this in 2019/20 effectively by setting a negative MFG.

A member asked for clarification about the Authority's policy for DSG reserves. The Business Advisor clarified that the policy is agreed annually as part of the Forum's DSG allocation process. As such, Appendix 2 to Document IA sets out this year's proposed policy. Generally, the Authority has sought to advise the Forum to minimise the extent to which DSG 'on-going' spending in any one year is financed by reserves. The Business Advisor explained that the current position of reserves is well within the thresholds set by the ESFA (10% surplus; 3% deficit).

As this was an item for information and initial consideration, Forum members did not give any particular steer on which of the 2 options would be preferred (this is a matter to return to on 10 January).

Resolution –

That the analysis of the consultation responses be noted. No further resolution was passed on this item.

287. CONSULTATION OUTCOMES - EARLY YEARS SINGLE FUNDING FORMULA 2018/19

The Business Advisor (Schools) presented a report, **Document ID**, which asked members to consider the outcomes of the consultation, which was agreed at the last meeting, for Early Years Single Funding Formula arrangements for 2018/19. Additional analysis of responses was tabled at the meeting.

The Business Advisor highlighted for members that the two main areas of concern expressed within responses were the reduction in the value of the 3&4 year old base rates (brought about by the national funding reform) and the additional complexity and administration brought by the proposal to move to a monthly starters and leavers counting system. He explained that there was some misunderstanding of the proposals regarding the impact on setting cashflow. Nonetheless, he advised that officers are meeting shortly (on 14 December) to further assess this proposal to move to monthly starters and leavers in the light of the consultation responses and the current status of technical developments that are essential to operation of this system. The Authority must be certain that this change will be implemented successfully. The Business Advisor stressed that this assessment will not affect rates of funding as set out in the consultation document, but the methodology for the counting of delivered hours and how this data is physically collected. The Business Advisor will report back to the Schools Forum on 10 January.

Forum members did not ask any questions and did not make any comments.

Resolved –

That the analysis of the consultation responses be noted. No further resolution was passed on this item.

288. CONSULTATION OUTCOMES - FUNDING HIGH NEEDS 2018/19

The Business Advisor (Schools) presented a report, **Document IE**, which asked members to consider the outcomes of the consultation, which was agreed at the last meeting, for the High Needs Block Funding Model for 2018/19. Additional analysis of responses was tabled at the meeting. The report provided an updated list of the planned number of high needs places to be commissioned by the Authority as well as an update on other strategic matters, including an outline of the SEMH review. Members were informed that a detailed presentation will be delivered on the SEND review, the SEMH review and High Needs Block matters at the beginning of the 10 January meeting. The Authority's intention to establish a local agreement for the financing of permanent exclusions in the primary phase was specifically highlighted as well as the proposal for the reduction by 1.5% of the value of top up rates in 2018/19.

Members asked the following questions and made the following comments:

- The representative of the PRUs expressed concern that a reduction in the value of top up within the High Needs Block is out of line with the position of the MFG in the Schools Block. He expressed his view that it would be unfair to enact such a reduction on high needs block funded settings.
- The Chair asked for a view on how our top up rates compare with that in other authorities. The Business Advisor explained that benchmarking of 2017/18 rates was carried out in October and presented within the high needs consultation paper. Although there are difficulties with the comparisons this analysis suggests that our rates of funding of SEND provision are in line with rates in other areas. He added, from attendance at recent meetings, we are aware that most regional authorities are currently looking at their top up arrangements due to High Needs Block pressures. The Business Advisor also added that the place-element funding rate remains at £10,000 in 2018/19 and that the position of top up funding should be viewed in this context.
- An Academies Member asked for clarification on how the suggested figure of £8,000 for a permanent exclusion in the primary sector has been calculated. The Business Advisor stated that he understood that this is the figure used by the secondary sector. The Member expressed concern that this value is more fully considered, as costs are different between phases, and that there is genuine and detailed consultation with schools and academies on the development of a local agreement. Members also identified that clarity would be needed on how the 'on roll' status of pupils would be managed.
- The Vice Chair added that it is critical that the SEMH review delivers a collective understanding of, and a clear framework for, how schools challenge each other in the management of pupils with SEMH needs and challenge decisions taken regarding permanent exclusion. He added that there is a great deal of very positive work currently taking place that the SEMH review will capture.
- Linking in with the discussions that took place under matters raised by schools and under the DSG item, a number of members expressed their concern to understand (and to seek re-assurance on) how these critical, and sizeable, reviews are to be delivered. It was agreed that the Strategic Director, Children's Services, be asked to comment at the next meeting on the Authority's capacity to successfully deliver these reviews.
- Members asked for the presentation to be delivered on 10 January to include a number of specific updates, which are recorded below.

Resolved –

(1) That the analysis of the consultation responses be noted.

(2) That the SEND / SEMH presentation to the Forum on 10 January:

- a. references how the Authority's Early Help strategy, capital investment plan and home to school transport policy supports the successful delivery of structural change to the High Needs Block.**
- b. explains further what is proposed in outline regarding the development of a local exclusions agreement in the primary phase.**
- c. provides further information on how the Authority's place growths plan sits against the most up to date demographic and need data.**

- (3) That the Strategic Director, Children's Services, be asked to comment on the Authority's capacity to deliver the identified High Needs Block structural change.

LEAD: SEN Strategic Manager

289. INDICATIVE BUDGETS 2018/19 PRIMARY & SECONDARY SCHOOLS AND ACADEMIES

The Business Advisor (Schools) presented a report, **Document IF**, which provided members with updated indicative modelling of Primary & Secondary delegated budget shares in 2018/19, using the pupil numbers taken from the October 2017 Census. It was explained that this modelling is tabled only for information at this stage, prior to asking Members to make final recommendations on 10 January 2018.

A request was made for the modelling to be tabled on 10 January, which will set out specific formula funding options for decision, be presented as simply as possible. Forum members did not ask any questions and did not make any further comments.

No resolution was passed on this item.

290. CENTRAL SCHOOLS, EARLY YEARS & DE-DELEGATED SCHOOLS BLOCK FUNDS

The Business Advisor (Schools) presented a report, **Document IG**, which asked Forum members to further consider the position of the funding of Schools and Early Years Block central and de-delegated items from the DSG in 2018/19, following the initial discussion in the meeting of 18 October 2017.

The Business Advisor took members through the full set of DSG funds listed in Appendix 1 of the report and asked members for a steer on the position of these funds for 2018/19. In particular he highlighted:

- The expected continued growth in the cost of the maternity / paternity insurance scheme for the early years and primary phases. This cost, and the viability of this arrangement, must continue to be closely reviewed.
- That the Forum is asked for a view specifically on an outline proposal to convert, at 1 September 2018, de-delegation from the primary phase for behaviour support to provide a safety net in the short term for the collection of top up funding for the primary behaviour centres.
- That the Forum is asked to give a clear steer specifically on what the value of de-delegation for Trade Union Facilities Time should be so that the identified review can be taken forward.

Members asked the following questions and made the following comments:

- The Representative of Teacher Trade Unions, having declared an interest, outlined for members the reduction in the cost of arrangements that has taken place so far (from £7.26 to £5.26 per pupil). He expressed a view that the cost will not be able to be significantly reduced further without a material impact on

the volume of time available to schools. He stated that current spending is 0.08% of school budgets, which is within the Government's previously quoted threshold. He also highlighted for members that the landscape of employee / employer relations is different in Bradford than elsewhere due to the larger number of separate employers of teachers in the District. He requested that the Forum further considers the consequences of a further reduction in spending on available capacity before making a final decision.

- In response, Forum members agreed that a cost vs. benefit analysis should be considered. Members clarified that it is the value of spend, rather than the absolute cost, which was asked to be reviewed. An Academies Member also added that it would be helpful for the Authority to be involved in discussions between the unions and individual academy trusts. Another Academies Member, in the interests of balance, explained how their trust manages their own trade union facilities time arrangements through releasing their own employees.
- The representative of the PRUs, responding to the request for a steer on primary phase de-delegation for behaviour support, expressed concern that a financial process for the collective purchasing of top up from the Schools Block is being offered to the primary phase but not to the secondary phase. The Business Advisor responded to explain the differences between the phases in this regard (the existence already of strong collaboration within the BACs) and that de-delegation is not an option for the secondary phase due to the majority of secondary phase provision now being delivered by academies. He stressed that the primary proposal is intended as a short term safety only whilst financial and collaborative models for this phase are developed and it is for the Forum to decide whether to adopt this.
- A representative of primary maintained school headteachers stated that it will be helpful for the Forum to have data on the numbers of schools that currently access places in the primary behaviour centres so that some assessment can be made of who would be purchasing places in the future (and the fairness of a collective contribution as an alternative to a pay as you go model). It was stressed that there would still be a need for charging of academies as these are excluded from de-delegated contributions.

Resolved –

- (1) That a cost vs. benefit analysis for the DSG's funded schools Trade Union Facilities Time be presented.**
- (2) That further information is provided for the 10 January on the number of schools and academies that currently access places in the primary behaviour centres (to be incorporated into the SEND / SEMH presentation).**

LEAD: Business Advisor (Schools)

291. SCHOOLS FORUM STANDING ITEMS

Forum membership: The Business Advisor report that there are now 2 vacant primary Headteacher memberships. 3 nominations have been received and an election will be run.

Update on Academies & Free Schools (since the last Forum meeting): The Business Advisor reported that there has been 1 conversions of maintained schools to academy status on 1 December (1 primary school). At 1 December Bradford has 125 maintained schools.

Resolved –

That the information provided be noted.

292. ANY OTHER BUSINESS / FUTURE AGENDA ITEMS

No resolution was passed on this item.

293. DATE OF NEXT MEETING

The next meeting of the Schools Forum is Wednesday 10 January 2018.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Schools Forum.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER