

Minutes of a meeting of the Schools Forum held on Wednesday, 19 September 2018 in Ernest Saville Room - City Hall, Bradford

Commenced 0805
Concluded 1100

PRESENT

SCHOOL & ACADEMIES MEMBERS

Ashley Reed, Brent Fitzpatrick, Carol Dewhurst, Deborah Howarth, Dianne Richardson, Dominic Wall, Graham Swinbourne, Helen Williams, Ian Morrel, Kevin Holland, Maureen Cairns, Nicky Kilvington, Nigel Cooper, Sian Young, Sue Haithwaite, Trevor Left and Wahid Zaman

NON SCHOOL MEMBER

Vivienne Robinson

NOMINATE SUBSTITUTE

Irene Docherty

LOCAL AUTHORITY (LA) OFFICERS

Andrew Redding	Business Advisor (Schools)
Asad Shah	Committee Services Officer
Dawn Haigh	Principal Finance Officer (Schools)
Lynn Donohue	Early Years Strategic Manager
Marium Haque	Deputy Director, Education and Learning
Michael Jameson	Strategic Director, Children's Services
Raj Singh	Business Adviser (Financial Services)
Susan Krupinski	Principal Finance Officer - Schools
Yasmin Umarji	Strategic Relationship Manager

APOLOGIES

MEMBERS – Alison Kaye, Anthony Smith, Bryan Harrison, Donna Willoughby, Emma Hamer, Gill Holland, Ray Tate, Tahir Jamil and Tehmina Hashmi. OFFICERS – Michael Jameson, Strategic Director, Children's Services

DIANNE RICHARDSON IN THE CHAIR

The Chair began the meeting by welcoming new Forum Members, Carol Dewhurst and Sian Young. The Chair also welcomed Marium Haque.

330. DISCLOSURES OF INTERESTS

Declarations were received from Dominic Wall, Sue Haithwaite, Ian Morrel and Trevor Loft for agenda item 6 “SEND and SEMH Reviews”, (minute 334).

Further declarations were received from Nicky Kilvington and Nigel Cooper for agenda item 9 “Discussion on Under-Subscription and Strategic School Organisation”, (minute 337).

334. MINUTES OF 11 JULY 2018 AND MATTERS ARISING

a) To agree the minutes of 11 July 2018 as a correct record.

b) The Business Adviser (Schools) reported on progress made on “Action” items:

- **Item 317 page 99 BSF / PFI:** The Authority has contacted affected schools and academies and there is a confidential item presented to this meeting.
- **Item 319 page 100 Under-subscription and place-planning:** A report is presented to this meeting.
- **Item 320 page 101 SEND & SEMH Reviews:** An update, together with the draft SEND strategy is presented to this meeting. The Local Authority has written to Lord Agnew regarding capital funding for SEND places expansion. A letter from the Schools Forum will be drafted and it is planned for this to incorporate the DfE’s initial response to the Authority’s letter.
- **Item 321 page 101 Schools Forum Membership:** The Business Advisor (Schools) confirmed that Dianne Richardson has been nominated as Chair of the Schools Forum for 2018-19 and Ian Morrel has been nominated as Vice Chair. Dianne and Ian were the only nominations for their respective roles. The Business Advisor also confirmed that the DfE’s announcements over summer regarding National Funding Formula (NFF) do not alter the Forum’s composition or role for 2019/20. The DfE has published this week an update of its Schools Forum good practice guidance, which has been quickly reviewed but will be considered in more detail.
- **Item 323 page 103 NFF and DSG:** Updates on both NFF and DSG are presented to this meeting. The 3 FFWG meetings are still scheduled and Forum Members are encouraged to book on one of these.
- **Item 324 page 103 Scheme / CSOs Revision Consultation:** The consultation document was published and the response period has been extended as requested to 12 October. A reminder was placed on Bradford Schools Online at the beginning of term. The outcomes of the consultation will be presented to the Schools Forum on 17 October.

Other Matters Arising

- **DSG Brought Forward Balance final confirmation 2017/18:** The Business Advisor (Schools) presented the single page document included within the agenda reports pack, which confirms for Members the final DSG brought forward balance from the 2017/18 financial year. This is £11.363m,

which is 2% of the overall DSG. The only difference from the figures presented now from those presented to the Forum in May is the brought forward balance in the Early Years Block, which has been updated for the DfE's final allocation confirmed in July. The report separates the £11.363m into blocks and the Business Advisor reminded Members of the extent to which these balances are already mostly committed:

- In the Schools Block: in particular to de-delegated fund balances, the financial support model for Beckfoot Upper Heaton and for growth fund and deficit budget provisions.
 - In the High Needs Block: to support transition and managing growing financial pressure.
 - In the Early Years Block: to enable us to hold base rate funding within the EYSFF for 3&4 year olds at a level higher than the DfE's EYB funding would otherwise permit.
- **Teacher's Pay Award and Pay Grant:** The Business Advisor (Schools) reported there was an announcement at the end of last week regarding confirmation of the September 2018 pay award for teachers, as well as further details of the DfE's additional Teacher's Pay Grant, which will be allocated to schools and academies via formula towards the end of this term. The Pay Grant is being calculated on nationally set values per pupil multiplied by pupil numbers. It is intended to meet the costs of the pay award above a 1% increase that schools are expected to have budgeted for.

Member asked some questions, including whether the Grant would cover on-costs and whether this will remain in place after 2019/20. The Business Advisor stated that the national rates are calculated on the total national pay bill, which will include on-costs, but that the status of the Grant after 2019/20 has not been announced. There are a number of quite crucial school funding matters that it appears will not now be decided until the autumn 2019 Spending Review.

The Member representing the Teacher Trades Unions asked for confirmation that the implementation of the pay award by the Local Authority will not be delayed. The Business Advisor said that he will feed this back to Corporate HR.

- **Employer's Contribution to Teacher Pensions:** The Business Advisor (Schools) reminded Members that an expected increase in 2019/20 in the employer's contribution to teacher pensions has been considered by the Forum in previous reports. Further information has now begun to be released. Although we do not yet have a basis on which to confirm details, these announcements suggest that the employer's contribution rate will increase in 2019/20 but that additional funding will be provided by the DfE to offset unexpected costs. What this is, how it will work and whether it will continue after 2019/20, are not yet clear.

The Member representing the Teacher Trades Unions reported that a colleague on the TPS Board has indicated a possible 3% increase and that the understanding is that the Treasury has committed to meet the full cost of increase. It was agreed that this is a matter that the Schools Forum

would like to receive regular updates on.

- **School Resources Planning Documents and Tools:** The Business Advisor (Schools) reported, for Members' awareness, that the DfE towards the end of summer published quite a bit of new / updated guidance and tools for schools and academies to use to guide their budget and resources management. These include details of new national procurement deals as well as an updated arithmetic scorecard and a new assessment tool and data dashboard. All these are signposted by us on BSO. Members are encouraged, in their discussions with colleagues, to spread awareness of these tools and guidance.

Resolved –

- (1) **That progress made on “Matters Arising” be noted.**
- (2) **That the minutes of the meeting held on 11 July 2018 be signed as a correct record.**

ACTION: *City Solicitor*
Business Adviser (Schools)

335. MATTERS RAISED BY SCHOOLS

The Business Advisor (Schools) reported that an approach has been made by Silsden Primary School requesting that an additional year of lump sum support is provided to support the school's amalgamation from 2 separate schools on 2 sites to 1 school on 1 site at September 2020. This request is set out in a separate single side document within the agenda papers.

The Schools Forum is recommended to approve the Authority's approach to the ESFA for a 'disapplication' to enable this lump sum support to be provided. The specific additional support provided would be £44,000 in 2019/20 only.

Resolved –

That a submission to the ESFA for a 'disapplication' related to the lump sum allocation to Silsden Primary School in 2019/20 be approved.

Action: *Business Advisor (Schools)*

336. STANDING ITEM - DSG GROWTH FUND ALLOCATIONS (a)

The Business Advisor (Schools) stated that he expected to present proposed allocations to the secondary phase to the 17 October meeting, subject to the October Census information being available. If the Census data is not available in time, these allocations will be presented to the Schools Forum meeting on 5 December and schools / academies will be notified of provision allocations as soon as possible to aid their budget planning.

No resolution was passed on this item.

337. STRATEGIC SEMH & SEND REVIEWS (i)

A progress update was provided on the Authority's strategic reviews of SEND and Alternative Provision, **Document JB**. This report included an update on matters presented to the Schools Forum on 11 July as well as the Authority's consultation on the District's SEND Strategy.

The presentation of this item was led by the Authority's SEND and Behaviour Strategic Manager, who focused on the Authority's proposed SEND strategy as well as an update on the status of the development of the new SEMH Free School. She also reported that the Authority has submitted a response to the DfE's "pre-registration" request at the beginning of September to register that we wish to develop new free school provision for generic provision, ASD specialism and alternative provision.

In the discussion that followed the presentation of the report, Forum Members asked the following questions and made the following comments:

- Whether wave 13 of free schools has now been replaced or has ceased? The SEND and Behaviour Strategic Manager responded that wave 13 is now purely about mainstream provision. Schools and academies in the District are registering their interest in developing mainstream provision and the DfE has written to the Authority to seek our views on these applications.
- Whether in submitting this "pre-registration" for new special schools the Authority quoted any figures on the number of places to be delivered. The SEND Manager stated that no figures were provided at this stage; our response was purposely left non-specific to enable continued discussion with the DfE.
- The DfE may have "moved the goal-posts" with regard to the SEND / AP free school programme, but Bradford's landscape has not altered and work has taken place over the last 2 years on the development of new provision. Why has this landscape and development work not been explicitly written into the SEND Strategy? We should now be much more direct about what we need and our strategy for delivering this irrespective of whether / how the DfE's "goal-posts" are moved.

The Deputy Director, Education and Learning, having been in post for 3 days, responded to explain that an SEND strategy is wider than education and that we must work to tie the whole system together. She stated that, in her view, an opening date of September 2020 for the new SEMH Free School is unrealistic, as is a reliance on the DfE's free school programme to deliver a sufficient number of SEND / AP places. Our "Plan B" is actually "Plan A". We must plan on the basis that we are unlikely to get free school provision from the DfE's programme. We need to pull this plan together quickly.

- Whether the figures regarding the development of places quoted in the

SEND strategy document are 'additional places' (in that these have adjusted our proportion of children with EHCPs in mainstream and specialist provision) or whether they have simply met the growth in demand for places that has come from demographic pressure. The SEND Manager advised that a response to this question will be provided to the next meeting.

- Where has the High Needs Block funding released as a result of the transformation of teaching support services been allocated? The SEND Manager advised that a response to this question will be provided to the next meeting.
- Referring to discussions in previous Forum meetings, that Bradford is a "litmus test" for what is going on nationally around the growth in High Needs Block financial pressure and the growth in need for specialist provision capacity. The Forum has previously stated to mainstream schools (on the back of the 2017/18 Schools Block transfer) that additional specialist places will be provided, to the benefit of mainstream, but it now appears that the additional places that have been created have only kept up with demographic growth. The problem of delivering additional capacity is currently growing at a rate faster than our delivery solutions. This is indicated by the 2 main areas of spend growth being mainstream EHCPs and out of authority / independent placements. We now need some bold decisions / solutions, which include looking at how we use our existing school stock.
- It is important that we do also recognise the developments that have been made, which includes the creation of additional places. The Business Advisor (Schools) responded to reminded Members that, following our High Needs Block finance strategy, an additional 389 specialist places will be funded at April 2019.
- What combined pressure is being applied on Government in relation to High Needs funding and capacity sufficiency? The Deputy Director reported that a letter is being sent from the Association of Children's Services Directors on the wide ranging issues created by the SEND Code of Practice, new burdens and finance. A Member also advised that NASEN is lobbying on issues related to places capacity.

In summing up the discussion, the Chair asked that the Authority considers the comments made by Members on the SEND strategy and also provides responses to the next meeting to the questions not answered. The Chair emphasised the urgency of developing a "Plan A" for places creation. She also asked that the Authority looks at the options, within in the Opportunity Area Programme, to provide training to improve universal provision in schools.

Resolved –

- (1) That the information in Document JB be noted.**
- (2) That responses are presented to the next Schools Forum meeting to the questions that were asked, and comments made, by Members on**

the SEND Strategy that are recorded in the minutes.

Action: ***SEND and Behaviour Strategic Manager***

338. NATIONAL FUNDING FORMULA - UPDATE (i)

The Business Advisor (Schools) presented a report, **Document JC**, which provided a briefing on the implementation of the National Funding Formula. This report followed from the information presented to the Schools Forum on 11 July.

The Business Advisor explained that the briefing given in Document JC sets the scene for the decisions that will need to be taken in the management of the DSG for the 2019/20 financial year. He emphasised that Authority, with the Schools Forum, will continue to have management responsibility of Schools Block funding formula in 2020/21. He also explained that further sight of funding arrangements post 2019/20 is unlikely to be achieved until autumn 2019, depending on the timing of announcements from the Spending Review. There are a number of quite crucial matters that will be uncertain until this, including the continuation of funding protection for maintained nursery schools and movement towards the NFF end product in the Schools and the High Needs Blocks.

The Business Advisor emphasised again for Members how the current damping in the High Needs Block settlement means that we do not receive £12.4m of high needs funding that the NFF should allocate to us. Referring to the next agenda item, he introduced the proposal in outline for a 0.5% transfer to be enacted from the Schools Block to the High Needs Block in 2019/20. He explained that this will be a key point for discussion in the scheduled FFWG sessions. In response to a Member's question, the Business Advisor stated that it is a reasonable assumption that the £12.4m of 'owed' high needs funding will not be released in the short or medium terms and that the Authority has to plan its DSG management on this basis. The Vice Chair emphasised that the impact of any decision to move Schools Block monies to the High Needs Block in 2019/20, especially where we continue to rely on mainstream settings in supporting children and young people with SEND, must be analysed.

The Business Advisor also emphasised again how reliant primary and secondary schools and academies in Bradford are on the Minimum Funding Guarantee, and that the level at which this is set in 2019/20 is a key decision. He explained that, at a simple level, the difference in the level of MFG set with a Schools Block transfer to the High Needs Block of 0.5% and the level of MFG set without this is about 0.5%; the difference between a 0.5% and a 0% MFG.

Resolved –

That the information in Document JC be noted.

339. OUTLINE - FORMULA FUNDING ARRANGEMENTS & CONSULTATIONS 2019/2020 (i)

The Business Advisor (Schools) presented a report, **Document JD**, which outlined the working principles that are being considered in the development of Bradford's formula funding arrangements for 2019/20.

He explained that the Authority will present formal consultation reports, for the Schools Block, Early Years Block and High Needs Block, to the Schools Forum at the next meeting, with these consultations being published immediately after.

Forum Members are invited to attend a 'Formula Funding Working Group' session, on Monday 1 October (8am) or Tuesday 2 October (8am) or Thursday 4 October (8am). These sessions will enable Forum Members to consider in more detail the impact of formula funding decisions and to explore and guide the proposals for 2019/20 that would be set out for consultation in October.

The Business Advisor also referred to the currently live reviews of special school funding and Early Years SEND inclusion funding.

Resolved –

(1) That the information in Document JD be noted.

(2) Members are encouraged to attend a 'Formula Funding Working Group' session to discuss the matters raised in Document JD in more detail before more formal consultation documentation, which will set out proposals for 2019/20 formula funding arrangements, is presented to the Forum at the next meeting.

Action: Business Advisor (Schools)

340. DISCUSSION ON UNDER-SUBSCRIPTION & STRATEGIC SCHOOL ORGANISATION (i)

The Business Advisor (Schools) presented a report, **Document JE**, which asked the Schools Forum to more closely consider the Authority's school organisation strategy and the impact that falling rolls (under-subscription) is having on some schools in the District and the options that may be available to support these schools. The Business Advisor asked Forum Members for an initial steer on whether the options for supporting schools and / or academies from the DSG should be considered in more detailed. If the Forum requests this then a follow up report will be presented to the next meeting.

Summarising the Forum's initial discussion on this matter, Members agreed that the options for financial support, through a Falling Rolls Fund and / or through the use of funding for exceptional circumstances de-delegated from maintained schools, should be considered in more detail.

- There is a level of 'moral responsibility' to ensure that schools facing exceptional circumstances receive appropriate support to maintain standards.
- The Deputy Director stated that a Falling Rolls Fund operated in her

previous authority and this this added value.

Forum Members however, recognised that there may be potential difficulties with such support mechanisms, including how criteria could identify exceptional circumstances without removing the expectation that schools will take appropriate budget action, the cost to schools of the additional 'top-slice' that would be required, and the application of the restrictions that are placed by the DSG Regulations. For example, financial support can only be provided to schools and academies from a Falling Rolls Fund where these are judged Good or Outstanding by Ofsted. De-delegated funding only applies to maintained schools.

The longevity of mechanisms (under NFF transition) must be considered.

The 'fairness' of an approach needs to be tested. It was recognised by Members that such mechanisms would not provide support in all cases, including to academies that may admit a significant number of pupils (a bulge) after the Census is taken.

Forum Members formed an initial view that financial support should only be temporary / transitional, that the potential cost going forward (and the number of schools and / or academies going forward that would potentially be eligible) should be modelled, and that options should be considered to enable support to be provided on an 'individual cost basis' rather than a blanket formula. The Forum also indicated that it may wish to look at the extent to which any mechanism would only be applied to a specific phase (primary or secondary).

Resolved –

- (1) That the establishment of a new mechanism (a Falling Roll Fund and / or expanded de-delegated support fund arrangements) within the DSG Schools Block, which would be available to support schools in managing the impact of falling rolls and / or under-subscription, be supported in principle and be further explored.**
- (2) That a more detailed options report, with an impact analysis, be presented to the next meeting.**

Action: *Business Advisor (Schools)*

341. WORK PROGRAMME AND SCHEDULE OF MEETINGS 2018/19 ACADEMIC YEAR (i)

The Business Advisor (Schools) presented a report, **Document JF**, which outlined the School Forum's 2018/19 Academic Year work programme.

Forum Members did not comment on this item and did not ask any questions.

Resolved –

That the proposed programme, Document JE, be noted.

342. **EXCLUSION OF THE PUBLIC**

The Schools Forum was asked to consider if the agenda item 340 relating to PFI / Building Schools for the Future (BSF) contractual matters should be considered in the absence of the public.

Resolved –

That the public be excluded from the meeting during the discussion of the following item (item *9) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present exempt information within Paragraph 3 (Financial or Business Affairs) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason: commercial confidentiality."

Lead: *Business Advisor (Schools)*

343. **PFI / BSF CONTRACTUAL MATTERS (i)**

The Schools Forum was asked to consider the information presented. The agenda item followed from considerations in recent meetings and the request made at the last meeting for more a detailed discussion.

This resolution is confidential and exempt information under Paragraph 3 (Financial or Business Affairs) of Schedule 12A of the Local Government Act 1972 (as amended).

344. **SCHOOLS FORUM STANDING ITEMS**

Updates on the Forum's standing items are provided verbally where these have not been covered within other agenda items.

Under 'update on academies and free schools' the Business Advisor (Schools) reported that there have been 5 further conversions of primary schools since the last Schools Forum meeting and that there are now 116 local authority maintained schools.

Resolved –

That the information provided be noted.

345. **AOB / FUTURE AGENDA ITEMS**

No resolution was passed on this item.

346. DATE OF NEXT MEETING

Please see the published schedule of meetings – the next Forum meeting is scheduled for Wednesday 17 October 2018.

FROM: Parveen Akhtar (City Solicitor)
City of Bradford Metropolitan District Council

Contact Asad Shah: 01274 432280
Committee Secretariat
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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