



Note: These minutes are subject to approval as a correct record at the next meeting of the Schools Forum on 19 May 2021

Schools Forum meeting held remotely on Wednesday 10 March 2021

To view the archived recording of this meeting, please see here:

https://bradford.public-i.tv/core/portal/webcast_interactive/534537

Commenced 0805, Adjourned 0910
Reconvened 0920, Concluded 1020

PRESENT

School Members

Ashley Reed, Brent Fitzpatrick, Bryan Harrison, Carol Dewhurst, Dianne Richardson, Dominic Wall, Graham Swinbourne, Helen Williams, Kevin Holland, Nicky Kilvington, Sian Hudson, Sue Haithwaite, Tehmina Hashmi, Trevor Loft and Wahid Zaman

Non School Members

Ian Murch

DIANNE RICHARDSON IN THE CHAIR

Local Authority Officers

Andrew Redding	Business Advisor (Schools)
Asad Shah	Governance Officer
Dawn Haigh	Principal Finance Officer – Schools
Jonty Holden	Principal Finance Officer – Schools
Marium Haque	Deputy Director, Education and Learning
Raj Singh	Business Advisor

Observers

Councillors Pollard and Ward
Mathew Atkinson (Headteacher, Westbourne Primary School)

547. APOLOGIES FOR ABSENCE

Alison Kaye, Ian Morrel

548. DISCLOSURES OF INTEREST

No declarations of interests were received.

ACTION: City Solicitor

549. MINUTES OF 13 JANUARY 2021 & MATTERS ARISING

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

- **Item 539 (Early Years Consultation):** This is picked up under agenda item 8.
- **Item 542 (DSG recommendations):** The recommendations on the allocation of the 2021/22 DSG were approved un-amended by Council on 18 February and are now being rolled out. An update on DSG matters is provided under agenda item 8.
- **Previous Meeting Action:** The minutes of the 9 December 2020 record, “that further consideration is given to the processes the Authority has in place to support the allocation of SEND (EHCP) funding in response to growth without lag”. This was a matter raised by the Vice Chair. The Business Advisor reported that he has discussed this matter directly with the Vice Chair, who clarified that this request relates to the management and resolution of inaccuracies and disputes in EHCP funding decisions, especially where there are changes in EHCPs during the year. The Authority has now published a simple ‘protocol’, which explains how the Authority publishes EHCP information monthly for settings to check and then how the Authority approaches the resolution of EHCP data inaccuracies and disputes. This protocol has been published on Bradford Schools Online.
- **Previous Meeting Action:** The minutes of the 9 December 2020 record, “that a letter is sent to the Children’s Commissioner from the Chair and Vice Chair of the Schools Forum”, regarding the financial impact of COVID-19 on schools. The Business Advisor explained that, due to the fluidity of the position in spring term and also due to the transition in the Children’s Commissioner, it is felt that this letter’s value will be increased where it can include information regarding spring term lockdown implications and also where it can be addressed to the new rather than to the outgoing Commissioner.

Resolved –

- (1) **That progress made on “Action” items and Matters Arising be noted.**
- (2) **That the minutes of the meeting held on 13 January 2021 be signed as a correct record.**

550. MATTERS RAISED BY SCHOOLS

The matter raised by a Forum Member (concerning early years entitlement funding for schools in the spring term 2021) was considered and is recorded under agenda item 8 (Matters Concerning the Dedicated Schools Grant).

551. STANDING ITEM - DSG GROWTH FUND ALLOCATIONS

No allocations were presented.

No resolutions were passed on this item.

552. SCHOOLS BLOCK FALLING ROLLS FUND ALLOCATIONS 2020/21

The Principal Finance Officer presented **Document MV**, which provided an update for the Schools Forum on the application in the 2020/21 financial year of the Schools Block Falling Rolls Fund (FRF) for mainstream primary phase maintained schools and mainstream primary phase academies.

The Principal Finance Officer explained that 36 primary schools / academies are eligible for FRF under trigger 2 (where their number on roll at October 2019 was not at least 90% of their Published Admission Number (PAN) capacity). However, all of these 36 schools / academies do not comply with trigger 4, meaning that the Authority's latest pupil numbers forecast does not show that their surplus capacities are needed within 3 years. A number of the 36 are also ineligible following the application of other triggers. As a result, there are no allocations from the FRF in 2020/21 and the full balance of £0.50m within the Schools Block is carried forward into 2021/22 as a ring-fenced sum.

Two Forum Members asked whether primary schools / academies will ever be eligible for FRF monies going forward, recognising the limited circumstances in which this fund can be allocated. A Member questioned whether the £0.50m now held within the Schools Block should be recycled for other purposes. The Business Advisor responded that the FRF is in place for 2021/22 (as it was one of the recommendations made by the Schools Forum on 13 January) but he agreed that it would be helpful for the Forum's subgroup to meet to discuss the on-going position of this fund and to make recommendations back to the Forum for the 2022/23 financial year. The Forum agreed this, adding that the sub group should also look at the implications for the secondary phase as the reduction in pupil numbers currently moving through the primary phase will impact on secondary schools / academies in the future.

Resolved –

- (1) The Schools Forum notes that there are no allocations from the Schools Block Falling Rolls Fund for the 2020/21 financial year.**
- (2) The sum of £500,000 unspent within the Schools Block be carried forward into 2021/22 as a ring-fenced sum.**
- (3) The Forum's sub-group be re-convened to consider further the on-going position of the Falling Rolls Fund.**

553. SEND - 2019/20 EXCLUSIONS REPORT

The Strategic Manager, Integrated Assessment, presented **Document MW**, which was the 2019/20 academic year Exclusions Report. This report was presented as per the High Needs Block schedule of information agreed with the Schools Forum on 14 October 2020.

In response to the report, a Forum Member asked for confirmation on the position of 90 places at Park PRU, recognising that occupancy is currently 54. The Deputy Director, Education and Learning, explained that 90 is a planned expanded number, currently in development.

A Member asked how the Authority analyses the exclusions data, to identify what factors are driving the current increase in permanent exclusions, and what actions are being taken in response to this analysis. Supporting this question, the Chair asked where this report is published and which groups scrutinise it. The Strategic Manager confirmed that the report will be published on Bradford Schools Online and that it is scrutinised by the Children's Services Scrutiny Committee. It was agreed that the Behaviour Provision Group is well placed to scrutinise the report and to further analyse the exclusions data. The Chair asked if this report could be presented to this group's meeting next week. The Deputy Director responded that the agenda for this meeting is already quite full but she will seek to add it.

Resolved –

That the information provided in the report be noted.

554. MATTERS CONCERNING THE DEDICATED SCHOOLS GRANT

The Business Advisor (Schools) presented **Document MX**, which provided an update on a number of matters relating to the Dedicated Schools Grant.

The Business Advisor updated the Forum quickly on a number of smaller matters recorded in the report and then drew the Forum's attention to significant updates in 3 areas.

The DfE's Consultation on the High Needs Block NFF

The Schools Forum was asked for its view on the DfE's consultation on proposed amendments to the High Needs Block National Funding Formula for 2022/23 and on the signalling of further changes to come. The Forum was asked to consider whether it wishes to support the Authority's response or to submit its own response to this consultation. The Authority's response was presented at Appendix 3. Forum Members resolved to agree and to support the Authority's response.

Spring Term 2021 EYSFF

Document MX included an explanation of the current position, and difficulties, regarding the application of the Early Years Single Funding Formula for the spring term 2021 and the completion of the January Census with reference to the DfE's guidance.

Following the Business Advisor's introduction, the Member representing maintained primary schools was invited to raise his question, which was

submitted to the Chair prior to the meeting. The Member asked whether the Local Authority will financially support any shortfalls in funding that might be incurred by those schools who only partially opened their nursery provision in the spring term to ensure safe operating procedures and to reduce risk. The Member stated that the Authority has said that it will do all it can to support schools manage the COVID-19 situation. The Authority, with the Schools Forum, in previous years has supported schools financially in different ways in different circumstances. The Member requested that the Authority now provides financial support in this circumstance.

In response, the Business Advisor recognised that this is a matter that the Authority expects the Forum to monitor and to consider. He explained that there are number of complicated considerations, including those related to fairness and equity, and that he would expect that the Authority, with the Schools Forum, would form its view on this request having had sight of the full financial impact on schools and with a full understanding of the knock-on consequences. The Business Advisor suggested that the Forum resolves at this meeting to schedule this matter for further detailed consideration in May or in July (the timing being dependent on when the data is available to enable full consideration).

DfE's High Needs Block Operational Guidance – Annex 3

The Business Advisor reported that a new Annex 3 was published in February 2021, which updates the DfE's national High Needs Block Operational Guidance for local authorities. This Annex 3 provides a clear statement, for the first time within finance guidance, of the responsibilities that are placed on the High Needs Block, limited to education. He reminded the Forum that the funding of continuing care health services for children and young people with EHCPs in schools, from education budgets, has been a matter considered regularly by the Schools Forum since July 2019.

The Chair invited Members to comment on this new guidance. The representative of special school academies, who originally raised this matter with the Forum, gave a summary of the discussions that have taken place in the background with the DfE in the build up to this publication. He suggested that Annex 3 gives a strong indication of the direction of travel that the impending national SEND review will take. He also stated that the new Annex 3 immediately raises 2 key DSG-related questions for close consideration a) are our joint commissioning arrangements compliant with this guidance (in how costs are apportioned) and b) are our EHCPs being written in line with this guidance and in line with Code of Practice so that non-education continuing care needs are written into section G. He stated that it is typical for children and young people not to have health needs described in section G, so the correct distribution of financial responsibilities must be established right at the beginning of the EHCP assessment process.

Forum Members engaged in discussion, including about the extent to which this new guidance represents any changed position. It was recognised that this guidance only draws out existing case law / the Code of Practice, and as such, we need to be cautious. However, it was agreed that having such a clear statement within DSG guidance is very helpful and will support continued discussions with the CCGs / NHS England regarding health responsibilities. Members identified that the way needs are assessed and EHCPs are written, from right at the start of the EHCP process, are critical to defining these

responsibilities (ensuring that health needs are described in section G of EHCPs). The Deputy Director agreed and added that the Authority is engaged in planning a clear and careful process to ensure that EHCPs are written in the correct way to reflect the Code of Practice. The Member representing special school academies, accepting that there is a need to be cautious in response to this new guidance, stated that certain aspects of defining responsibilities need quite urgent attention. Members also discussed some specific areas of commissioning, including Speech and Language Therapy, and the importance of the application of paragraph 256 in Annex 3 within this commissioning (an individual pupil needs-based assessment).

Resolved –

- (1) **That the information provided in the report be noted.**
- (2) **That the Forum notes and welcomes the guidance that has now been inserted into the DfE's National High Needs Block Operational Guidance, at Annex 3, regarding the funding responsibilities in respect of continuing care / health services.**
- (3) **That a report be presented at the earliest opportunity in the summer term to enable the School Forum to analyse the impact of the COVID-19 situation on early years entitlement funding in the spring term 2021. The Forum will be asked to further consider the request submitted by a Forum Member, for the Local Authority to protect the early years entitlement funding in schools that have restricted attendance. The Forum will be asked to consider the Authority's response to this request.**
- (4) **That the Forum supports the Authority's proposed response to the DfE's consultation on amendments to the High Needs Block National Funding Formula for 2022/23.**

555. MATTERS CONCERNING SCHOOL AND ACADEMY BUDGETS

The Business Advisor (Schools) presented **Document MY**, which provided an update on matters concerning school and academy budgets. This included an update on the position of the conversion of maintained schools to academy status and on the general forecasted position of school and academy budgets over the 2021-2024 period.

In responding to the report, the Chair asked whether the change in the calculation of the Pupil Premium Grant, from data sourced from the January Census to data sourced from the October Census, was a permanent change. The Business Advisor confirmed this to be the case. The Chair stated that this is a matter that the Bradford Primary Improvement Partnership (BPIP) wishes to consider more closely.

A Member asked about the relationship between the teachers' pay award and projected future year formula funding increases for schools. The Business Advisor offered the view that formula funding increases will likely be related to national

decisions about pay awards (e.g. if teachers' pay continues to be 'paused' then formula funding settlements for schools will likely be at lower levels from April 2023).

A Member asked for clarification on whether schools will continue to receive separate funding for the Teacher Pay Grant and Teacher Pensions Grant in respect of early years and post 16 pupils. The Business Advisor responded that continued separate funding has been confirmed for early years pupils but that he is not sure about the position for post 16 pupils as he has so far not been able to clarify this in reading published guidance.

Resolved –

That the information provided in the report be noted.

556. SCHOOLS FORUM STANDING ITEMS

No further updates were provided.

No resolutions were passed on this item.

557. AOB / FUTURE AGENDA ITEMS

The Chair informed Forum Members that today was Sue Haithwaite's final Forum meeting. On behalf of the Forum, the Chair expressed her thanks to Sue for her commitment to, and involvement in, the Forum over many years and for the very significant contributions she has made, not just to Forum meetings, but also to the review work that has taken place in sub-groups behind the scenes (such as the development of the new EHCP Banded Model). Sue expressed her thanks to Forum Members in response.

No resolutions were passed on this item.

558. DATE OF NEXT MEETING

Please see the published schedule of meetings.

The next Forum meeting is planned for Wednesday 19 May 2021.

The Regulations permitting the Schools Forum to meet remotely expire on 31 March 2021. It was explained that we assume at this time, pending further announcements, that the DfE will extend this facility (possibly at least up to the end of July) and so the 19 May meeting will be held remotely. The Authority will confirm arrangements as soon as we can.

The provisional dates of meetings for the 2021/22 academic year are as follows:

- Wednesday 15 September 2021, 8am
- Wednesday 13 October 2021, 8am

- Wednesday 8 December 2021, 8am
- Wednesday 12 January 2022, 8am
- Wednesday 19 January 2022, 8am PROVISIONAL MEETING
- Wednesday 9 March 2022, 8am
- Wednesday 18 May 2022, 8am
- Wednesday 6 July 2022, 8am

FROM: *Parveen Akhtar
City Solicitor
City of Bradford Metropolitan District Council*

Committee Secretariat Contact: Asad Shah - 01274 432280

Chair

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