

## MINUTES OF THE MEETING OF THE SCHOOLS FORUM HELD ON WEDNESDAY 18 MAY 2016 AT CITY HALL, BRADFORD

Commenced 0800, Adjourned 1035  
Reconvened 1050, Concluded 1215

### PRESENT

#### SCHOOL MEMBERS

Bev George, Brent Fitzpatrick, Chris Quinn, Dianne Rowbotham, Dominic Wall, Helen Williams, Ian Morrel, Kevin Holland, Nicky Kilvington, Sue Haithwaite, Trevor Loft and Wahid Zaman.

#### NOMINATED SUB SCHOOL MEMBER

Irene Docherty

#### NON SCHOOL MEMBERS

Donna Willoughby  
Ian Murch

#### LOCAL AUTHORITY (LA) OFFICERS

Andrew Redding - Business Advisor (Schools)  
Dawn Haigh - Principal Finance Officer (Schools)  
Jenny Cryer - Assistant Director Performance, Commissioning and Partnerships  
Judith Kirk - Deputy Director, Education, Employment and Skills  
Michael Jameson - Strategic Director, Children's Services  
Raj Singh - Business Advisor  
Sarah North - Principal Finance Officer (Schools)  
Stuart McKinnon-Evans - Director of Finance  
Terry Davis - Interim Assistant Director, Client Services

#### OBSERVERS

Councillor Hinchcliffe - Leader of Council and Strategic Regeneration  
Councillor I Khan - Portfolio Holder, Education, Skills and Culture  
Councillor Pollard  
Councillor Ward  
Lynn Murphy - Business Manager, Feversham College

#### APOLOGIES

Dwayne Saxton, Emma Ockerby, Gareth Dawkins, Ian Murch, Lesley Heathcote, Nigel Cooper, Ray Tate and Sir Nick Weller

### DOMINIC WALL IN THE CHAIR

#### 150. DISCLOSURES OF INTEREST

- I. A declaration was received from Nicky Kilvington for agenda item 5 "Standing Item – DSG Growth Fund Allocations", (minute 153).
- II. During the course of the meeting and in the interests of transparency, a declaration was received from Ian Morrel agenda item 9 "Review of SEND and Behaviour Support Provisions", (minute 157).

**ACTION:** *City Solicitor*



**151. MINUTES OF 16 MARCH 2016 & MATTERS ARISING**

The Business Advisor (Schools) explained that the single action item from the 16 March meeting was the submission of the Authority's response on the National Funding Formula consultation, with the inclusion of the agreed items of consensus that were recorded in the minutes.

The Business Advisor explained that the Authority's response to the consultation was submitted and this response is included in the pack of papers for this meeting. Members requested that this response be posted on Bradford Schools Online. He added that a number of other (perhaps more "authority-driven" responses) that have been seen are very similar to ours in questioning a number of the key building blocks being proposed by the DfE, such as removing all local decision making from the Schools Block and ending the ability of authorities to manage High Needs Block pressures by taking further contributions from the Schools Block.

It was reported that we currently await the DfE's response and 2<sup>nd</sup> stage consultation, which we anticipate will provide the detail on which to model impact. Depending on the timing of this publication, it is expected that the 2<sup>nd</sup> stage consultation will be included as an agenda item for the July Schools Forum meeting. If the 2<sup>nd</sup> stage consultation is published before the end of May however, waiting to July may not be wise and we will discuss with Chair and Vice Chair whether another Forum meeting should be scheduled.

Referring to an action item from a previous meeting (minute 144), the Chair reported that he and the Vice Chair have met with the Education Improvement Strategy Board to discuss the SEND matters that have been presented to the Schools Forum.

**Resolved –**

- (1) That progress made on "Matters Arising" be noted.**
- (2) That the minutes of the meeting held on 16 March 2016 be signed as a correct record.**

**ACTION:** *City Solicitor*

**152. MATTERS RAISED BY SCHOOLS**

There were no matters raised by schools to report.

**No resolution was passed on this item.**

**153. STANDING ITEM  
DSG GROWTH FUND ALLOCATIONS**

Members were asked to consider, in **Document FX**, newly proposed allocations to schools and academies from the established DSG Growth Fund in 2016/17.

The Principal Finance Officer (Schools) gave a synopsis of the report.

A Member expressed concerns about the impact of expansion on standards in one of the proposed schools, adding that the impact of expansion on individual expanding schools is frequently discussed by the Bradford Primary Improvement Partnership. The Deputy Director, Education, Employment and Skills responded that it is essential to create places where these are needed and that the Authority will continue to work with schools and the partnerships in raising standards.

**Resolved –**

**That the proposed Growth Fund allocations shown in Document FX be agreed.**

***ACTION: Business Advisor (Schools)***154. **STANDING ITEM**  
**BRADFORD EDUCATION IMPROVEMENT COMMISSIONING BOARD**

The Business Advisor (Schools) explained that, due to the lack of suitability of format for public access, the minutes of the latest BEICB meetings have not been published yet for members. He also explained that he has not received any written questions from members on BEICB activities and reminded Members that they are able to submit questions by email. A full report on BEICB meetings and activities will be provided to the next Forum meeting in July.

**No resolution was passed on this item.**

155. **SCHOOLS FORUM MEMBERS – VICE CHAIR**

The Business Advisor (Schools) explained that the period of office of the current Vice Chair (Dianne Rowbotham) is ending and that nominations are sought for this position for 2016/17. The Business Advisor proposed to use the previously established methodology for collecting nominations and running an election, if necessary to do so. It was explained that Dianne is permitted to put her name forward for re-election. Dianne stated that she wishes to do so, adding that, conventionally, the Vice Chair of the Forum has come from the primary-phase representatives where the Chair is from the secondary phase.

**Resolved –**

**That the established approach (email) be followed for the collection of nominations for the election of the Vice Chair of the Schools Forum for 2016/17.**

***ACTION: Business Advisor (Schools)***156. **UPDATE ON THE OUTDOOR EDUCATION CENTRES**

The Interim Assistant Director, Client Services, presented a report, **Document FY**, which provided an update on the re-development of the Outdoor Education Centres. The report outlined that the refurbishment works at Ingleborough Hall and Buckden House have been completed and that works at Nell Bank are progressing to a completion date of the end of May. The anticipated capital overspending of £181,000 will be underwritten by the Council, with the expectation that Council will recover this from the Centres in the future.

The Interim Assistant Director explained that recent financial activity (as outlined in the report) clearly evidences the positive impact that refurbishment works have had on the profitability of the Centres that have been refurbished so far and that the position for the future is encouraging. Ingleborough Hall and Buckden House are being managed together and the Council is seeking now to establish a Task and Finish Group to explore a range of future options, including the possibility of a single trust arrangement across the 3 Centres.

The Interim Assistant Director invited Forum members to visit the Centres to see the refurbished facilities.

In the discussion Members asked the following questions and made the following comments:

- How is the Council financing the current revenue overspend of £40,000? The Interim Assistant Director explained that this will be carried forward into next year's budget and be offset against income growth.
- The report doesn't show the anticipated budget positions for 2016/17; what do these look like? It was explained that the 2016/17 budgets were currently being brought together, but that these look encouraging.
- How certain is the Council that it will be able to recover the £181,000 from the Centre budgets in future years? The Interim Assistant Director stated that the Council had every expectation that this would be achievable.
- This is a good news story, with the transformation of the Outdoor Education Centres into sustainable assets for the District. That the Outdoor Centres are a fantastic resource for children with SEND and their families, and that we would now like to see the Centres available more for families e.g. at weekends. It was explained that expansion for weekend opening is currently being developed.

The Strategic Director, Children's Services, added that the Centres are the 'jewels in the crown' of the District and that the Council's investment (underwriting the £181,000 but wishing to recover this) is to get the final phase of refurbishment across the line. The Council wishes to look seriously now at the establishment of a single trust.

In concluding this item, the Chair re-affirmed that this is a good news story and that the Schools Forum can see the value for money of its investment from the DSG. As such, he suggested that the Forum has now concluded its discussions on this matter.

#### **Resolved –**

**That the information in Document FY be noted. That updates on the redevelopment of the outdoor education centres now be removed as a standing agenda item.**

#### **157. REVIEW OF 'SEND' (SPECIAL EDUCATIONAL NEEDS AND DISABILITIES) AND BEHAVIOUR SUPPORT PROVISIONS**

The Business Advisor (Schools) presented a report, **Document FZ**, alongside a PowerPoint presentation delivered by the Deputy Director, Education Employment and Skills, which provided an update on SEND (Special Educational Needs and Disabilities) provision and Behaviour strategy matters, responding to the action points and requests for information that have been made by the Schools Forum and that were recorded in the minutes of previous meetings. The written report summarised the key discussion items in the Schools Forum meeting since September 2014.

The PowerPoint presentation was the focus of this item. It provided an update on the current position of reviews and other activities, especially focusing on the issue of the sufficiency of places. The Deputy Director explained how the data evidences the higher proportions of pupils in Bradford by primary need compared with the national average (e.g. over x2 the national average for Autism, x2 the national average for sensory impairment, x3 for physical difficulties) and why 360 more specialist provision places are forecasted to be required by 2018/19 in response to demographic growth. 68 places are needed for September 2016. The presentation outlined actions in the urgent short (agreeing how we can access with interim agreements existing capacities to provide for 68 more places), medium (the development of early years provision through a partnership with nursery schools and special school satellite provisions to access mainstream accommodation) and long (the establishment of at least 2 new special schools) term. All these actions have financial implications for the DSG from 2016/17 as the High Needs Block is the source of revenue funding for places. It was explained that work is taking place to 'triangulate' all this and to put arrangements in place. The Authority will need to talk to the Forum further about funding.

The Deputy Director explained that this is a major challenge. She also stated that she appreciates concerns that have been expressed previously by the Forum (and by other groups) that the forecasted numbers of additional required places may be understated; what is presented here is a starting position. She also stressed that the Authority will need the support of the Schools Forum and schools to manage this work going forward.

In response to initial questions asked by Members on what work has been done so far to look at financial implications, the Business Advisor (Schools) stated that the financial affordability of the High Needs Block, in the context of this expansion of places (significant increased cost) and the National Funding Formula (possible change in the level of DSG funding allocated to Bradford), is currently the major DSG concern, exacerbated by the uncertainty about future arrangements. This is one of the reasons why the detail in the DfE's 2<sup>nd</sup> stage consultation on the NFF is crucial. We anticipate that this will enable us to calculate what our High Needs Block funding will be in the future, from which we can assess what level of provision we can afford. We will also need to look at our High Needs Block spending in the context of an assessment of value for money. In response to a comment made by a Member, the Business Advisor explained that the management of transition (movement between the Schools Block and High Needs Block of both pupils and funding), which will come from the expansion of places and the National Funding Formula, will be very challenging.

The Chair reported that he has written to the Education Funding Agency (EFA) on the issue of High Needs Block affordability when expanding places and outlining the difficulties that the proposed restrictions accompanying the transition to a National Funding Formula will cause, and is awaiting a response. He further reported that, from his conversations with the EFA, it is clear that the EFA believes that there is greater value for money to be had from High Needs Block allocations generally across authorities. We will need to demonstrate our value for money in making any case to the EFA for additional funding should we determine that this is necessary. In this, we will need to use all levers available, including political. The Chair offered his view that we must look critically at the value money of our current High Needs Block allocations and we must not continue simply to 'recycle' budget allocations that were established many years ago. In our current environment, we need a different strategy and we need to be able to demonstrate that we achieve maximum value and impact from the funding we currently have. This may mean that we take a stronger line in challenging (and clawing back money from) specialist provisions that hold larger unallocated carry forward balances.

The Director of Finance added that the issue being considered here by the Schools Forum (needing more provision to meet growing need from population expansion) is the same as that being considered by the Council more widely e.g. in adult social and health services. Critical to forward planning will be for us to think about what the nature of provision in the future should be, and how this should change, not just thinking about providing for 'more of the same'.

During the discussion Members asked the following additional questions and made the following comments:

- The impact on standards and meeting the needs of vulnerable children must be at the heart of all actions and reviews.
- The responses to a need for growth in places critically must take account of parental demand and the needs of communities.
- Members agreed that a summary of acronyms in the minutes would be helpful (see below).
- The Chair summarised discussion on the comparative data, stating that it is the higher incidence of children with primary needs other than MLD that is different in Bradford compared with other areas (seen in ASD, Sensory Impairment and Physical Difficulty, for example). It is the growth of pupils presenting with these needs, which is also linked to demographic growth, that requires our response.
- It is important that it not be forgotten that the populations of special schools include children with very significant medical needs. These children need to be provided for within the development of area-based provisions.

- The forecasted growth of places needs to take account of the real-terms reduction in capacity in special schools that will come from the introduction of the early years 30 hours free entitlement at September 2017.
- Special schools must be included in discussions about the development of early years provision (one of the medium term activities). The Deputy Director agreed.
- Concerns were expressed about the establishment of a new special school that is too large in size. The Deputy Director clarified that the Authority was not proposing to establish a single 360 place school. Further work will take place to assess the best sizes and locations of new provisions. Special schools need to be located as close as possible to areas of need. The Strategic Director, Children's Services, added that we need to look at how we can use all available space in schools and also strongly lobby the Regional Schools Commissioner about what provision we need.
- The insufficient number of places supporting pupils with behaviour needs must be brought into our considerations. It is understood that a growing number of children are being placed out of authority because of a lack of places in Bradford. The Deputy Director agreed that behaviour support is a key part of this work and we need to address the issue of an insufficiency of behaviour places at the same time. This was echoed by the Chair.
- Efficiencies are clearly to be had in better aligning education, social care and health support. The Deputy Director responded to say that this is being looked at.

The Chair thanked the Deputy Director for her update and asked for regular updates to be provided to future meetings.

#### List of Acronyms:

(ARC)	Additional Resourced Centre
(ASD)	Autistic Spectrum Disorder
(BESD)	Behavioural, Emotional and Social Difficulties
(DSP)	Designated Special Provision
(HI)	Hearing Impairment
(JSNA)	Joint Strategic Needs Assessment
(LD)	Learning Disabilities
(MLD)	Moderate Learning Difficulties
(MSI)	Multi-Sensory Impairment
(OTH)	Other Difficulty/Disability
(PD)	Physical Disabilities
(PMLD)	Profound and multiple learning difficulties
(SI)	Sensory Impairment
(SLCN)	Speech, Language and Communication Needs
(SLD)	Severe Learning Difficulties
(SpLD)	Specific Learning Difficulties
(VI)	Visually Impairment

#### Resolved –

**That the information in Document FZ (and PowerPoint) be noted. That the Schools Forum be provided regularly with updates on the development of High Needs provisions and on High Needs funding matters.**

#### ***LEAD: Deputy Director – Education, Employment and Skills***

#### 158. **SCHOOLS' OUTTURN (REVENUE BALANCES) 2015/16**

The Business Advisor (Schools) presented a report, **Document GA**, which showed the position of revenue balances held by maintained schools as at 31 March 2016. The report also provided initial information on schools' reporting of surplus balances and a response to request made by Members

for information on the anticipated volume of conversions of maintained schools to academy status in Bradford and the likelihood of liabilities resulting from the conversion of schools holding deficit budgets.

The presentation was split into 3 parts:

- The position of balances held by maintained schools at the end of the 2015/16 financial year and how this has changed from 2014/15 (for information).
- The numbers of schools holding excess surplus balances and the schemes that have been submitted assigning these balances for Authority approval (for information).
- Information provided in support of asking the Forum to consider the financial implications of the conversion of maintained schools to academy status (for discussion) and to agree a way of managing these. This was the focus of the agenda item.

In considering the information presented in the first 2 parts, Members asked the following questions and made the following comments:

- A Member commented that the balance figures alone do not provide a view of the relative financial pressure faced by schools. The Business Advisor responded to say that he appreciated the limitations of the analysis and that the balances figure themselves do not give a view of the action already taken by schools to make savings and do not provide any assessment of the impact of these actions on standards. The Business Advisor reported that, in his experience, the vast majority of schools have taken / are taking considered action with standards in mind.
- The Strategic Director, Children's Services, stated that the Forum needs to be satisfied that the Authority understands why schools are holding larger balances and that the Authority does effectively challenge those that hold 'excess' balances. A Member added that the Forum last year delegated responsibility for managing balances to the Authority's finance team so it is this team that should have a full understanding of the reasons for each school. The Business Advisor responded to provide re-assurance that this is the case, referring to the Authority's Surplus Balances Protocol and to last summer's Ofsted inspection, which found that the Authority's school finance officers 'know their schools'. A Forum Member added her own experience of working with the Authority on her school's budget, emphasising that, within vigorous discussions, the impact on standards was always central.

In considering the 3<sup>rd</sup> part of the presentation – the financial implications of academy conversions and the management of costs / liabilities - the Business Advisor referred to the questions within report, written to guide the Forum's discussion, including how best to establish a framework for the management of these.

The Chair stated that the Forum and the Authority should focus on the establishment of a collaborative solution. The Director of Finance explained that Members should think about how deficits / liabilities can be prevented from being created, including protections and incentives, and how the cost of any deficits / liabilities can be managed where these do exist. The Strategic Director, Children's Services, stated that the Authority is looking for a pragmatic solution, to get conversions 'across the line', but one that must be reasonable and fair and is managed in collaboration. He explained that there is strong pressure currently being placed on the Authority for for the Authority to meet an 'uneven' proportion of the cost of liabilities that are created by the conversion process. He explained that challenging conversations are currently taking place with the Education Funding Agency and the Regional Schools Commissioner relating to individual school conversions. He also warned that this agenda item is the beginning of a difficult conversation with the Schools Forum on how costs can be prevented and managed.

Members asked the following questions and made the following comments:

- It is going to be difficult for the full Schools Forum to manage the amount of detail needed to grasp all the issues. The suggestion for a working group suggestion is a good one.
- Why does a deficit balance of a sponsored academy remain with the Authority when all

surpluses are transferred to the converting schools? The Business Advisor explained that this is the requirement of the Academy Conversion Regulations.

- What is the Regional Schools Commissioner's position regarding liabilities? The Director of Finance responded that the RSC is very concerned about high value liabilities transferring to new academy trusts.
- What financial support is available e.g. from the EFA or the RSC to meet the cost of liabilities. The Chair stated that a 'northern fund' does exist and a Member expressed the view that we need to ensure that academy trusts that take schools on in Bradford spend the money they receive from this fund on our schools.
- How many schools with deficit budgets have converted under sponsored arrangements so far in Bradford? The Business Advisor reported that there have been no sponsored conversions yet with deficit budgets in Bradford.
- The representative of the Secondary maintained schools expressed concern that such a large deficit has accrued at Hanson School, stating that other secondary schools have managed their financial pressures within growing significant deficits. The Business Advisor responded to acknowledge this saying that he appreciates the criticism that is directed from the growth of such a large deficit. He explained some of the specific circumstances that lay behind the deficit growth this year, and reminded Members that the Forum has been asked previously to hold a sum from the DSG one off monies to support this cost.
- Do we know how the cost of deficits / liabilities are being managed in other authorities? The Business Advisor responded that from freedom of information requests recently and a national news article we understand that there have been some significant costs in deficits written off in other areas. However, how these costs have been met (e.g. including a contribution from the DSG) is not known. Further research can be done, especially through the regional finance officer networks. This is something that can be researched and considered by a working group.
- What is in place to prevent a school (or all schools) from simply over spending in their lead up to conversion? The Business Advisor, referring to the information provided to the Forum in reports last year, explained the early identification, monitoring and challenge mechanisms that are employed by the Authority.
- We may be discussing potentially 'toplicing' large sums of DSG to write off liabilities. What will be the impact of this on pupils in schools?
- The Authority needs to look at all options in managing costs and preventing liabilities, which might include, for example, considering the closure of schools.

The Chair summarised the discussion and next steps as follows:

- That a collaborative approach should be established, which may mean that financial support is provided from the Dedicated Schools Grant (DSG) alongside contributions from other parties, but that the Authority should not automatically assume that the DSG will provide such financial support.
- The Schools Forum should establish a framework and a set of guiding principles. To this end, that a working group is established to further investigate the principles of, and options for, how liabilities can be prevented and managed. That the Business Advisor (Schools) emails Members for expressions of interest understanding, however, the need for cross-phase representation.
- That this working group reports back to the full Schools Forum as soon as possible.

**Resolved –**

- (1) That the information in Document GA be noted.**
- (2) That a working group (of Schools Forum Members, invited by email) be established to investigate the principles of, and options for, how liabilities resulting from the academisation of schools can be prevented and managed. That this working group reports back to the full Schools Forum as soon as possible.**

**LEAD: Business Advisor (Schools)**



**159. EXCLUSION OF THE PUBLIC**

The Schools Forum was asked to consider if the item relating to a contract settlement (minute \*160) should be considered in the absence of the public and, if so, to approve the following recommendation:

**Recommended –**

**That the public be excluded from the meeting during the discussion of the following item (minute \*160) 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”.**

**\*160. CONTRACT SETTLEMENT**

The Schools Forum was asked to consider and take a decision on a specific contract settlement matter, details of which were presented to the meeting.

*\*Note: The Schools Forum previously resolved the excluding of the public from consideration of this matter under minute 159 above.*

**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).**

**161. OTHER SCHOOLS FORUM STANDING ITEMS**

No further updates were presented on the Forum’s standing items

**No resolution was passed on this item.**

**162. ANY OTHER BUSINESS (AOB)**

No additional items of business for consideration were tabled.

**No resolution was passed on this item.**

**163. DATE OF NEXT MEETING**

**The next meeting of the Schools Forum is Wednesday 6 July 2016.**

These minutes are subject to approval as a correct record at the next meeting of the Forum
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**THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER**

*committeesecretariat\minutes\SF\18May*