

**MINUTES OF THE MEETING OF THE SCHOOLS FORUM HELD ON
WEDNESDAY 17 OCTOBER 2018 AT CITY HALL, BRADFORD**

Commenced 0810

Concluded 1120

PRESENT**SCHOOL & ACADEMIES MEMBERS**

Ashley Reed, Bryan Harrison, Carol Dewhurst, Deborah Howarth, Dianne Richardson, Dominic Wall, Emma Hamer, Gill Holland, Graham Swinbourne, Helen Williams, Ian Morrel, Kevin Holland, Sir Nick Weller, Nicky Kilvington, Nigel Cooper, Ray Tate, Sian Young, Sami Harzallah, Sue Haithwaite, Tehmina Hashmi, Trevor Loft, Wahid Zaman

NON SCHOOL MEMBER

Ian Murch, Vivienne Robinson

NOMINATED SUBSTITUTE

Alison Kaye

OBSERVER

Chris Thornton (Bradford College), Thomas Kirkwood (Grange Technology College)

LOCAL AUTHORITY (LA) OFFICERS

Andrew Redding	Business Advisor (Schools)
Asad Shah	Committee Services Officer
Laurence Lydon	PFI Contract Manager
Marium Haque	Deputy Director, Education and Learning
Michael Jameson	Strategic Director, Children's Services
Raj Singh	Business Adviser (Financial Services)
Susan Kuprinski	Principal Finance Officer - Schools

APOLOGIES

Brent Fitzpatrick, Donna Willoughby and Ray Tate

DIANNE RICHARDSON IN THE CHAIR**344. DISCLOSURES OF INTERESTS**

The following disclosure of interest was received in the interest of clarity:

- Dominic Wall, Emma Hamer, Ian Morrel, Nikki Kilvington, Trevor Loft for agenda item 6 "Strategic SEMH and SEND Reviews", (minute 348).
- Bryan Harrison, Dianne Richardson, Dominic Wall, Ian Morrel for agenda item 7 "Further Discussion on Falling Rolls Fund / Under-Subscription", (minute 349).
- Ashley Reed for agenda item 15 "PFI / BSF Contractual Matters", (minute 357).

345. MINUTES OF 19 SEPTEMBER 2018 & MATTERS ARISING

a) To agree the minutes of 19 September 2018 as a correct record.

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

- **Minute 331 page 3 (Teacher’s Pay Award maintained schools):** Schools have been notified that the pay award is being implemented in October’s pay for those maintained schools who buy the Council’s payroll service. The national agreed percentage pay rise for each scale is being applied to all pay points in that scale as has been Bradford Council’s previous pay policy.
- **Minute 322 page 4 (Matters Raised By Schools):** The disapplication request agreed for Silsden Primary School has been submitted to the EFSA.
- **Minute 334 page 5 (SEMH and SEND Reviews):** An update, which includes responses to the questions recorded in the minutes, will be provided under agenda item 6.
- **Minute 336 page 8 (Formula Funding Arrangements):** The 3 consultation documents setting out formula funding proposals across the DSG for 2019/20 are presented to this meeting under agenda items 8, 9 and 10. Twelve Forum Members in total attended one of the 3 FFWG sessions.
- **Minute 337 page 9 (Falling Rolls):** A proposal for consultation is presented to this meeting under agenda item 7. The Business Advisor reported that this was one of the items from the last meeting that was picked up by the Telegraph and Argus and it has received some attention across schools and academies as a result.

Other Matters Arising

- **Unplaced children at the October Census:** The Business Advisor explained that, in previous years, The Authority has reported to the Forum’s October meeting the number of children that were ‘in the system’ but were not allocated a place in a primary or secondary school before the October Census was taken. We do not receive DSG funding for the children that are not placed by this time. The Business Advisor reported that an analysis of the position for the October 2018 Census is not yet available but will be presented to the December meeting.

Resolved –

- (1) **That progress made on “Matters Arising” be noted.**
- (2) **That the minutes of the meeting held on 19 September 2018 be signed as a correct record.**

ACTION: *City Solicitor*
Business Adviser (Schools)

346. MATTERS RAISED BY SCHOOLS

No resolutions were passed on this item.

347. STANDING ITEM – DSG GROWTH FUND ALLOCATIONS

The Business Advisor (Schools) confirmed that there are no new allocations for consideration at this meeting. Due to the October 2018 census information not yet being fully available, proposed allocations to the secondary phase will be presented at the next meeting.

No resolutions were passed on this item.

348. STRATEGIC SEMH & SEND REVIEW

A progress update was provided by the Deputy Director, Education and Learning and the Intelligence & Sufficiency Manager on a number of matters related to the Authority's strategic reviews of SEND and Alternative Provision.

The Deputy Director presented the position of the Authority's traded services offer, which has been reviewed. The Authority will continue to trade services around Social, Emotional and Mental Health needs (SEMH) unless there is specific reference in an EHCP to the Local Authority SEMH team. For other areas of Special Educational Needs, the Authority will provide schools with a subsidised allocation i.e. at no charge to the school from the 0-25 SEND Inclusive Education Service. Schools who have already previously bought packages of support will be contacted by a member of the service to discuss if the school would like to convert this package to meet the needs of pupils with SEMH, to explain the subsidised allocation and to discuss their needs. The Chair of the Forum asked whether schools will be able to purchase a greater amount of support that allocated. The Deputy Director responded that schools would be able to do this.

The Deputy Director provided an update on the strategy, which is focused on developing a wider offer and greater number of specialist places. A 'Plan A' for specialist places is currently being developed, which includes the expansion of resourced provision. The Authority is currently talking to interested schools and schools that have spare capacity. The Authority has also arranged a meeting with special schools to discuss the development of more Bradford-located specialist provision as an alternative to the use of OLA / independent provision. The Chair stated that there is a tension in resourced provision due to the DfE's standards agenda and that the DfE should be asked to consider their stance on this. The Deputy Director responded with the view that Ofsted now assessing inclusion within its inspection framework will be quite powerful in supporting this. An Academies Member stated that some of the progress that our children make is outstanding and that we don't capture and present this enough. This view was supported by the Forum.

The Intelligence & Sufficiency Manager provided an update on new free school provision. The closing date for applications for a sponsor for the approved SEMH Free School is the 9 November and the Authority has had communication from number of interested parties. The Authority has submitted an application to the DfE for an additional 140 place ASD free school. The Vice Chair asked for clarification on whether this is an application or a pre-

registration of interest. The Intelligence & Sufficiency Manager clarified that this is an application. The Deputy Director added that, as we have already secured a new SEMH Free School, we are unlikely to be successful in our application for this and, in any case, this will be some years off and outside our 3 year strategy. Our places development strategy needs to focus on the creation of additional specialist places 'here and now'. However, our application is an important marker to the DfE that Bradford needs additional places capacity.

The Vice Chair asked what work is taking place to bring health and social care into the District's SEND strategy and to clarify this strategy. The Deputy Director responded that the SEND Board has been re-launched so that its membership is reflective of the SEND Reform agenda. Underneath the Board there are focused workstreams, which will bring agencies together quickly. The next Board meeting is at the end of October when the Board will begin to pull its revised strategy together. The Strategic Director, Children's Services added that he will Chair the Board.

An Academies Member asked that, as the Authority moves ahead with the implementation of a 'Plan A' for places creation, the Forum be given sight of the Authority's capital plan as this becomes available.

Resolved – That the information provided be noted.

349. FURTHER DISCUSSION ON FALLING ROLLS FUND / UNDER-SUBSCRIPTION

A report was presented, **Document JI**, which a) asked Members to further consider the options for supporting primary schools and primary academies that are under-subscribed and / or have falling rolls and b) asked for agreement to consult on a Falling Rolls Fund option and the potential use of de-delegated funds to support maintained schools. This report follows from the Forum's initial discussion at the last meeting.

The Business Advisor emphasised that, at this stage, the Forum is only asked for its agreement to consult with schools in order to collect feedback important in the Forum's further consideration of whether to introduce any of the possible financial support options in 2019/20. He asked Forum Members to consider the 5 decisions highlighted in the report.

In the discussion that followed the Business Advisor's summary of the report and the draft Falling Rolls Fund, Forum Members asked the following questions and made the following comments:

- Does the Authority wish to collect views through consultation on both a Falling Rolls Fund and de-delegated support arrangements? The Business Advisor confirmed that this is the intention.
- Is the Authority consulting on these options for the primary phase only (not for the secondary phase)? The Business Advisor confirmed that the intention is that the financial support options are only be considered at this time for the primary phase as this has only so far been presented to the Authority as a primary phase issue and the secondary phase is currently generally expanding. The provision of financial support to the secondary phase, if the need for this develops, is a more

complicated (and potentially more expensive) proposition and would require further detailed consideration.

- What is the eligibility position for the Falling Rolls Fund of recently converted academies that do not have an Ofsted judgment? The Business Advisor responded that ESFA's guidance is not clear on this point and that the Authority is asking the ESFA for clarification.
- Schools and academies could contribute to a Falling Rolls Fund for a long time without being eligible for funding. Schools may be reluctant to do this.
- Additional financial support arrangements, arguably, would be a waste of money in that these would prop up positions that should be resolved through PAN management and 'mothballing' school capacity where this is not needed. How many schools have had their PANs reduced this September? How accurate are the Authority's school population forecasts? The Deputy Director responded that there have not been any requests for PAN reductions this September and that the purpose of a Falling Rolls Fund would not be to financially support a situation that did not have a resolution. However, the Forum is correct that the options for school PAN adjustments do need now to be looked at by Authority more closely.
- Schools do not have a clear understanding of how the Authority constructs its school population forecasts. Schools Forum Members would like the opportunity to better understand this.
- The Schools Forum would also like to better understand the 'hotspots' and 'coldspots' across the District. There are areas that face a real pressure on places at the same time as there are areas that are seeing falling numbers. The reasons behind these changes also need to be explored.
- It would be helpful for the consultation to include sight of the potential value of a Falling Rolls Fund, and the number of schools and academies that may be eligible, so that schools and academies can assess the possible 'topslice' cost.

The Forum engaged in a discussion about how best to take forward the requests for further understanding of school population forecasting and hotspot and coldspot modelling. It was agreed that a sub-group meeting would be called. Members that wished to attend this meeting were asked to raise their hands and this was recorded.

Resolved –

- (1) That schools now be consulted on the establishment of a Falling Rolls Fund / de-delegated financial support arrangements within the 2019/20 Schools Block formula consultation. That feedback from this consultation be presented to the Forum in December.**
- (2) That a sub group meeting of the Schools Forum is arranged. The primary purposes of this meeting are to enable Forum Members to have a better understanding of the Authority's place-planning strategy, forecasting methodology, and the mapping of areas of expansion and contraction within the District.**

LEAD: Business Advisor (Schools)

350. CONSULTATION ON THE PRIMARY AND SECONDARY SCHOOL FORMULAE & SCHOOLS BLOCK MATTERS 2019/20

The Business Advisor (schools) presented a report, **Document JK**, which asked the Forum to consider the consultation document setting out the proposals for the Schools Block, the formulae to be used to calculate budget shares for primary and secondary schools and academies for the 2019/20 financial year and the criteria that would form the basis of the allocation of additional funding to schools (and academies where appropriate) from Schools Block centrally managed funds. The Business Advisor emphasised that Forum Members are only asked at this stage to agree to the publication of the consultation document.

The Business Advisor explained that the 7 decisions that are required to be taken in setting 2019/20 Schools Block arrangements are mostly similar to those required last year but are technically simpler as we have now made the more significant move to use national funding formula at local level. The headline proposal within the 2019/20 document is the transfer of £2m from the Schools Block to the High Needs Block. This proposal directly influences a number of the other decisions, including the value at which the Minimum Funding Guarantee for primary and secondary schools and academies is set. In discussing this proposal within the consultation document, the extent to which the Schools and High Needs Blocks are inter-connected has been emphasised.

The Business Advisor stated that the 3 Formula Funding Working Group meetings have been helpful in providing the opportunity for the Authority to discuss further with Forum Members the context and reasons for the proposal to transfer £2m to the High Needs Block. 2 key pieces of feedback from the FFWG meetings are that the Authority is not yet showing how the pressure (the forecasted deficit) within the High Needs Block is to be resolved and that it will be helpful in the discussion on how this is to be resolved for the Authority to set out the contributions that will need to be made from the Schools Block in the future. The Business Advisor stated that the Authority will be working as a priority to set out our High Needs Block future 5 year financial strategic plan. Balancing the High Needs Block in the future however, in the absence of the release of the national funding formula damping, will be extremely challenging. On current information, it is not realistic to assume that this damping will be substantially released over the medium term. In this context, further contributions to the High Need Block from the other blocks within the DSG are likely to be necessary.

The Vice Chair stated that this strategic plan must incorporate health and social care; these agencies have a part to play and a financial contribution to make. The knock on consequences of pressures and actions must be assessed and worked through holistically. This statement was strongly supported by Forum Members.

An Academies Member asked whether the SEND funding information attached to the consultation has been presented in this way previously. The Business Advisor responded that, although notional SEND information is published, we have not brought the notional SEND, AEN and EHCP funding information together in the same way before. The Member added that this analysis shows that 50% of the DSG's SEND funding in Bradford is in the Schools Block with 50% in the High Needs Block. How this relates to other data should be more closely assessed; 1.1% of our school's population is in specialist provision, which is

the same as the Leeds City region, but is lower than Manchester, for example, where 2% of the school's population is in specialist provision.

Resolved – That the consultation document, as attached to Document JK, be published.

LEAD: Business Advisor (Schools)

351. CONSULTATION ON EARLY YEARS BLOCK FUNDING MATTERS 2019/20

The Business Advisor (Schools) presented a report, **Document JL**, which provided an update on Early Years DSG funding matters and the consultation document, proposed to be published, which sets out proposals for Bradford's Early Years Block and Single Funding Formula for the 2019/20 financial year.

In his presentation, the Business Advisor highlighted that the proposals are relatively straightforward as they are in line with what has already been set out for 2019/20 in the consultations completed in autumn 2016 and autumn 2017, in which we set out a 3 year funding strategy. A more significant review of our EYSFF will now take place to inform funding arrangements from April 2020.

The Business Advisor also highlighted that the consultation document will include a proposal for a new holistic Early Years SEND Inclusion Fund, which the Authority would specifically like feedback from providers on.

The Vice Chair asked how the Council consults with schools and providers on early years funding matters. The Business Advisor responded to explain that the Council consults in particular through Bradford Schools Online and in scheduled forum meetings with schools (governors, headteachers, business managers) and providers.

Resolved – That the consultation document, as attached to Document JL, be published. The consultation will include appendix 2 (Early Years SEND Inclusion Fund).

LEAD: Business Advisor (Schools)

352. CONSULTATION ON HIGH NEEDS BLOCK FUNDING MATTERS 2019/20

The Business Advisor (Schools) presented a report, **Document JM**, which asked Members to agree the publication of the proposed consultation document on the High Needs Block funding model for 2019/20. This included sight of the estimated number of places the Authority currently plans to commission in Bradford-located high needs settings.

The Business Advisor explained that the Authority is currently engaged in discussion with special schools about their funding model. He also highlighted that the Authority has identified the benefit that a wider, more holistic, review of our top up (element 3 ranges funding) arrangements will have and that it is expected that further review will take place to enable incremental change in the model going forward (after 2019/20).

The Business Advisor also drew to the attention of Members the information presented on the number of specialist places that have been created (and additional 688 for the 2019/20 academic year compared with the 2016/17 academic year) and explained that, although there has been some movement, these places do not appear to have significantly altered our % of children and young people in special schools compared with national and other averages. This will be a matter for discussion with the Schools Forum as the Authority continues to develop and re-shape high needs provision in Bradford.

Resolved – That the consultation document, as attached to Document JM, be published.

LEAD: Business Advisor (Schools)

353. DSG CENTRAL ITEMS AND DE-DELEGATED FUNDS 2019/20

The Business Advisor (Schools) presented a report, **Document JN**, which asked the Forum to begin to review the position of Central Schools Services Block, Schools Block and Early Years Block central funds and de-delegated items for 2019/20. Members representing maintained primary schools were asked also to agree the continuation in 2019/20 of de-delegation for the purpose of subscribing to Fischer Family Trust (FFT).

In his presentation, the Business Advisor highlighted the benchmarking information in Appendix 1, explaining that the most significant difference in the position of de-delegation from maintained schools in Bradford, compared with that in other authorities, is Bradford's maternity and paternity 'insurance' scheme. It is expected that this scheme will continue for nursery and primary schools in 2019/20 and that, as previously warned, its viability will continue to be reviewed annually. The Business Advisor also highlighted for Members that they will be asked at a future meeting to consider / agree the use of the de-delegated fund held specifically to support the cost of deficit balances of sponsored primary schools that have converted to academy status in the autumn 2018 term.

The Business Advisor asked the Schools Members representing maintained primary schools to vote on the proposal to continue to de-delegate in 2019/20 for the purposes of subscribing to FFT. This was approved by 7 votes for to 1 vote against.

The Business Advisor asked Members for any additional comments on centrally managed funds currently held and on the outline proposals in the report for the continuation of these funds in 2019/20.

An Academies Member highlighted that the per pupil cost of trade union facilities time arrangements in Bradford remains higher than in other authorities. The Business Advisor responded to explain that the Schools Forum has discussed this on a number of occasions, having most recently considered a detailed value for money analysis of our arrangements in March 2018. The Forum concluded at this time that our existing level of spending should continue. The Member representing the teacher trades unions added that the main reasons for our slightly higher per pupil spending are the release in Bradford of teachers and headteachers and the additional health and safety facilities time that is provided, where some academies choose not to buy back this health and safety element. Another Academies Member asked whether there was a relationship between the value per pupil de-delegated from maintained schools and the charge for academies to buy into the Council's arrangements. The Business Advisor explained that the charge to academies

is set at the de-delegation contribution value so these are directly linked. Forum Members engaged in a discussion about how best to satisfy the points that have been raised and it was agreed that the value for money analysis, presented to the Forum in March, be re-presented for the Forum's consideration in December.

Resolved –

- (1) Agreed that de-delegation from maintained primary schools, for the purposes of subscribing to Fischer Family Trust, be continued in 2019/20. This was approved by the vote of Forum Members representing maintained primary schools.**
- (2) That the value for money analysis of the DSG funded Trade Union Facility Time arrangements, considered by the Schools Forum in May 2018, be updated and re-issued for the Forum's consideration at the next meeting.**

LEAD: Business Advisor (Schools)

354. AMENDMENTS TO THE SCHEME FOR FINANCING SCHOOLS AND LINKED DOCUMENTS (FINANCIAL REGULATIONS FOR MAINTAINED SCHOOLS AND SCHOOL CONTRACT STANDING ORDERS)

The Business Advisor (Schools) presented a report, **Document JO**, which asked the Forum to consider the outcomes of consultation that has been completed on the amendment to the Council's Financial Regulations for Maintained Schools and School Contract Standing Orders, and the subsequent amendments to the Scheme for Financing Schools. This consultation was presented to the Schools Forum on 11 July 2018.

The Business Advisor reported that only one response to the consultation was received, which is in agreement with the proposals. He explained that such a low response rate is not unusual for Scheme consultation and also highlighted that schools were reminded about the consultation at the beginning of September.

Schools Forum Members representing maintained schools, in approving the resolution, did not make any further comments and did not ask any further questions.

Resolved –

- (1) That the Scheme for Financing Schools (Document JO, Appendix 2) be approved.**
- (2) The Schools Forum recommends to the Authority's Governance and Audit Committee that the amendments to the Scheme, the Financial Regulations for Maintained Schools and School Contract Standing Orders be approved full for implementation.**

LEAD: Business Advisor (Schools)

355. SCHOOLS FORUM STANDING ITEMS

No resolutions were passed on this item.

356. EXCLUSION OF THE PUBLIC

The Schools Forum was asked to consider if the agenda item relating to PFI / Building Schools for the Future (BSF) contractual matters should be considered in the absence of the public and, if so, to approve the following recommendation:

Resolved –

That the public be excluded from the meeting during the discussion of the following item (item *15) 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)

357. PFI / BSF CONTRACTUAL MATTERS

The Schools Forum was asked to consider the information presented. This agenda item followed the information presented to the last meeting on 19 September 2018.

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).

LEAD: Business Advisor (Schools)

358. AOB / FUTURE AGENDA ITEMS

No resolutions were passed on this item.

359 DATE OF NEXT MEETING

The next meeting of the Schools Forum is 5 December 2018.