

Minutes of a meeting of the Schools Forum held on Wednesday 10 July 2019 in Council Chamber, City Hall - City Hall, Bradford

Commenced 0810, Adjourned 1005
Reconvened 1020, Concluded 1110

PRESENT

School Members

Ashley Reed, Brent Fitzpatrick, Carol Dewhurst, Dianne Richardson, Dominic Wall, Graham Swinbourne, Ian Morrel, Kevin Holland, Sir Nick Weller, Nicky Kilvington, Nigel Cooper, Sian Young, Sue Haithwaite, Tehmina Hashmi, Trevor Loft, Wahid Zaman

DIANNE RICHARDSON IN THE CHAIR

Nominated Sub School Members

Alison Kaye

Non School Members

Ian Murch, Donna Willoughby, Vivienne Robinson

Local Authority Officers

Andrew Redding	Business Advisor (Schools)
Asad Shah	Committee Services Officer
Dawn Haigh	Principal Finance Officer – Schools
Ian Smart	Head of Team (Pupil Planning/Transport) Place
Marium Haque	Deputy Director,
Raj Singh	Business Advisor (Financial)

Observers

Councillor David Ward

Apologies

Bryan Harrison, Deborah Howarth, Emma Hamer, Gill Holland, Helen Williams, Alison Kaye, Mark Douglas - Strategic Director of Children's Services, Councillor Khan - Deputy Leader of Council and Education, Employment and Skills Portfolio.

408. DISCLOSURES OF INTEREST

- 1) Brent Fitzpatrick, Dominic Wall, Ian Morrel, Sue Haithwaite and Trevor Loft for agenda item 8 "SEMH and SEND Reviews – Progress Report" (minute 414).
- 2) Dominic Wall, Sue Haithwaite and Ian Morrel for agenda item 10 "Report on PFI Costs in Schools" (minute 416).

ACTION: **City Solicitor**

409. MINUTES OF 22 MAY 2019 AND MATTERS ARISING

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

- **Item 399 (minutes of 13 March Meeting)** – The agreed amended Scheme for Financing Schools is now published. The Schools Forum meeting minutes are now scheduled to be published in draft within a week of the Forum meeting.
- **Item 400 (Matters Raised by Schools)** – Further discussion on the position / funding of the Primary Behaviour Centres, in response to the matter raised by a Member at the last meeting, will be picked up under item 8.
- **Item 401 (SEND / SEMH review)** – A further update is provided under agenda item 8.
- **Item 402 (DSG Update)** – As agreed at the last meeting, a drafted ‘start for ten’ response to the DfE’s SEND and Alternative Provision Call for Evidence is presented under agenda item 9.
- **Item 403 (Schools Outturn)** – The request for further statistical information to provide some context to the change in year end revenue balances held by maintained schools is still being looked at and we anticipate responding in the autumn term.
- **Previous meeting item – letter to the Secretary of State regarding SEND capital** – A letter was sent from the Chair to Lord Agnew on this matter and a copy of this is attached in the report packs.

Resolved –

- (1) **That progress made on “Action” items and Matters Arising be noted.**
- (2) **That the minutes of the meeting held on 22 May 2019 be signed as a correct record.**

ACTION: *City Solicitor*

410. MATTERS RAISED BY SCHOOLS

The Chair drew the attention of Members to the letter in the meeting papers pack, which has been received from the Executive Principal, Co-op Academy Southfield. The Executive Principal is also an Academies Member of the Schools Forum and the Chair invited him to address the Forum directly.

In his letter, the Executive Principal sets out the issue of the shift in the way health services are delivered in schools with increasing demands being placed on special schools and staff to provide healthcare to pupils with complex medical needs. The letter is submitted to raise with the Schools Forum the implications of this, in terms of the additional burden of the clinical duties now being taken on by the school workforce and associated concerns about the shift in costs that this represents to the High Needs Block,

and therefore to the DSG, through shifting roles previously undertaken by NHS staff onto those employed by schools.

In presenting this letter, the Executive Principal set out his expectation that the Local Authority will take advice and will come back to the Schools Forum in the autumn with a detailed response to enable a 'fundamental root and branch' discussion to take place. He stated that he has already been in dialogue with the Deputy Director, Education and Learning, who is supportive of the concerns that are raised. He also stated that the District Achievement Partnership has commissioned some research on this issue, which will also be available for consideration in the autumn. The key aim of this work and of further conversations is to be clear about who has what funding responsibility in Bradford. There are an increasing number of children in schools that have continuing care needs. The historic position has been that the costs of continuing care have been met fully by the NHS. Special schools however, are now experiencing situations where the NHS is seeking through 'negotiations' in various ways to shift cost onto schools. An example of this has been the recent decision to transfer responsibility for a part of physiotherapy support to schools. The absence of national guidance in this area is a significant hindrance to both clarity and consistency.

Following the introduction of the letter, the Forum engaged in a detailed conversation, which included further examples where costs of care are being shifted onto schools / onto the DSG High Needs Block, with both Members and Local Authority representatives recognising the significance of this issue and agreeing the importance of resolving it.

Resolved –

Regarding the letter to the Schools Forum on the shift in the way health services are being delivered in schools (with increasing demands being placed on schools and school staff to provide healthcare to pupils with complex medical needs):

- (1) The Local Authority be asked to provide further information, which enables the Schools Forum to more closely consider the matters raised and their implications (including the financial implications on schools and on the High Needs Block). That this information includes an initial response, which sets out the Authority's 'legal opinion'.**
- (2) Full 'back to basics' discussions take place aimed at securing greater clarity on the respective responsibilities of schools and health services in meeting the costs of healthcare for pupils with complex medical needs.**

Action: *Deputy Director, Education and Learning*

411. STANDING ITEM – DSG SCHOOLS BLOCK GROWTH FUND ALLOCATIONS

No allocations were presented and no resolutions were passed on this item.

412. SCHOOLS FORUM MEMBERSHIP – CHAIR AND VICE CHAIR

The Business Advisor (Schools) reported that, as per the Forum's agreed management

procedures, the terms of office of the Chair and Vice Chair are for 1 year and both positions are now up for renewal. Members were asked to approve the proposed approach (by email) for the collection of nominations and for the election of the Chair and Vice Chair of the Schools Forum for 2019.

Forum Members did not have any comments and did not ask any questions.

Resolved –

That the established approach (email) be followed for the collection of nominations and for the election of the Chair and Vice Chair of the Schools Forum for 2019/20.

Action: Business Advisor (Schools)

413. SCHOOLS FORUM MEMBERSHIP

The Business Advisor (Schools) presented a report, **Document KM**, which provided an update on the Forum's membership composition. The Authority's calculation confirms that our School and Academy members composition should not be adjusted further at this time; the split of maintained and academies membership is in line with pupil numbers, where the calculation of pupil numbers incorporates a forecast of academy conversions to take place during 2019.

Forum Members did not have any comments on this report and did not ask any questions.

Resolved –

- (1) That the information presented on the School Forum's membership be noted.**
- (2) That the Authority's proposal that the Forum's membership composition as it currently stands be retain for 2019/20 be supported.**

Action: Business Advisor (Schools)

414. SEMH AND SEND REVIEWS – PROGRESS UPDATE

Primary Behaviour Centres & District PRU

The Deputy Director, Education and Learning began this item by presented a report (tabled at the meeting), which responded to questions and concerns raised at the last meeting on future arrangements for the Primary Behaviour Centres and District PRU.

Regarding the Primary Behaviour Centres, the Deputy Director explained that the current funding arrangements will remain in place up to the end of the 2019/20 academic year, to support a transition to the future arrangements. From September 2020, the funding from the High Needs Block for Behaviour Centres, under their current delivery model, will cease. She explained that discussions have begun with the primary schools that have Behaviour Centres to look at the potential options going forward. In effect, there are 4 options for each of the primary schools to

consider individually depending on their circumstances.

Regarding District PRU, the Deputy Director explained that the current funding of 80 places - where the High Needs Block meets the cost of the £10,000 place element only (the BACs or individual schools using the places will be responsible for the top-up element associated with these 80 places) - will remain in place up to the end of the 2019/20 academic year to support a transition to the future arrangements. Discussions have begun with the BACS Heads and the District PRU to look at potential options going forwards, with the main focus for District PRU being to develop a financially viable “buy back” model for step out provision that secondary schools choose to invest in using a collaborative purchasing model. If a financially viable position is not developed then the Local Authority will need to consider the future viability of District PRU, which will involve discussions with the RSC, as District PRU currently has an Academy Order.

Members asked the following questions and made the following comments in response to this report:

- The Chair asked what is meant by ‘step out’ provision in terms of a length of time. The Deputy Director stated that it is for schools to agree the nature of the offer but national models typically operate on the basis of 6-12 weeks as these are seen to be the most successful for the pupil and also the most financially viable.
- Responding to the update on the Primary Behaviour Centres, a Member representing maintained primary school headteachers expressed his concern about the value that will be lost should these centres close; value in terms of respite and the part these centres currently play in supporting the duty of care that schools have to other pupils and to staff. The Member also asked how the future arrangements are going to be consulted on and how the Authority will ensure that the proposed changes are more widely understood.
- Responding to the update on District PRU, the Vice Chair expressed his concern, raised at previous meetings, that there is a significant amount of work to be undertaken to develop and implement a new collaborative delivery model. He explained his concern that District PRU will close due to ‘running out of time’ against the Authority’s planned timeline and that we will lose District PRU as a valuable provision that sits between supporting pupils that have been permanent excluded and those with EHCPs.

Reinforcing these comments, a number of Members expressed their concerns about the potential for growth in the numbers of permanent exclusions and that we could lose the support currently provided by the Behaviour Centres and by District PRU before we properly re-shape our provision model.

Members concluded from a quite detailed and wide-ranging discussion that a working party should be brought together with the remit of exploring the options for future arrangements, which should include the possibility of collaborative financing. It was agreed that this should be a cross-phase group. This resolution was supported by the Deputy Director. The Director re-stated a ‘non-negotiable’ part of this work, which is that, from September 2020, the High Needs Block will not be involved in the financing of these as alternative provisions. She added that the working group could however, for example, look at the options for how the Schools Block could be used to support collaborate financing.

Specialist Places Development and Sufficiency

The Deputy Director provided an update

verbally on the development of specialist places. She stated that the Executive yesterday received a report, which set out in detail the development of places. The places in academies have now largely been approved by the RSC and the places in maintained schools have been agreed by the Executive without 'call in' to enable capital works to take place over the summer. Across maintained schools and academies, in a mixture of additional DSPs, new ARCs and expanded special school places, it is expected that the capacity for 289 of the 354 places will have been developed by September 2019 and the remaining 65 places developed by January 2020.

Members asked the following questions and made the following comments in response:

- A Member asked the Deputy Director to confirm that the 40 additional places at Oastler School will be available from September. This was confirmed.
- A Member asked whether 354 places are sufficient. The Deputy Director responded that this is a 1st tranche to meet immediate need and that the Authority has previously stated that 354 does not provide future proofing. We know that we need more SEMH places especially.
- The Chair asked whether any final decision has been taken by the DfE on options for our SEMH Free School. The Deputy Director confirmed that this free school has been 'lost' as the DfE is not willing to give us a 3rd go at finding a sponsor. We currently await the details of the next wave of free schools and we will consider whether we submit a bid. Expressing her extreme disappointment, the Chair asked why we have lost the school. The Deputy Director explained that this was due to a lack of suitable sponsor and that we are not the only authority that has found itself in this position.
- An Academies Member stated that we must learn from mistakes that we have made in previously rounds of free school applications to ensure that we maximise our chances of securing essential capital investment.
- The Chair asked whether the capital investment in the new resourced provision was protected i.e. a school could not close its provision and use the capacity for something else. The Deputy Director confirmed that this capacity is protected and also that any proposed closure would need to pass the SEND improvement test (it isn't the case that a school could just close its resourced provision).
- A Member commented that schools hosting DSPs currently subsidise their costs. The Deputy Director agreed, adding that this is one of the reasons why the Authority is pursuing the development of the central managed ARC resourced provision, as the cost of this provision sits with the Authority not with the school.

Resolved –

- (1) That the information provided in the update be noted.**
- (2) That the briefing note on the development of the Primary Behaviour Centres and District PRU, tabled at the meeting, be published on Bradford Schools Online.**
- (3) That a cross-phase working party is brought together in September to discuss the options for the future development of the Primary Behaviour Centres and District PRU.**

Action: Deputy Director, Education and Learning

415. RESPONSE TO THE DfE'S CALL FOR EVIDENCE – SEND AND ALTERNATIVE PROVISION

A drafted response to the DfE's call for evidence on SEND and Alternative Provision financial arrangements was presented, **Document KO**, for the Forum's consideration. The Business Advisor (Schools) explained that this draft was intended to help Members agree their collective response, which would be submitted to the DfE. The deadline for responses to this call for evidence is 31 July 2019.

The Business Advisor added that he would wish to include in the response a clear comment about the necessity of resolving the funding of / responsibilities around the costs of continuing care (partnership working with health) and that he would use the communication to the Schools Forum presented under 'Matters Raised By Schools' to do this.

Some Members indicated that they would wish to reflect further on the draft and submit comments / additions after the meeting. It was agreed that a deadline of Wednesday 17 July be set for further comments to be emailed to the Business Advisor. The Business advisor will then collate a final response and submit this to the DfE.

Resolved –

That Members send to the Business Advisor (Schools) any additional comments they have on the drafted response (Document KM) by close of play Wednesday 17 July. A final draft of the Schools Forum's response will be circulated by email to Forum Members and this response will then be submitted on the Forum's behalf by the 31 July deadline.

Action: *Business Advisor (Schools)*

416. REPORT ON PFI COSTS IN SCHOOLS

A report was presented, **Document KP**, which responded to the request made by Members at the meeting held on 13 March 2019 for a report, which examines the affordability of PFI costs in schools across the medium and longer terms.

The report was presented by the Head of Team (Pupil Planning / Trans) and the Business Advisor (Schools). In the discussion that followed Members made the following comments and asked the following questions:

- The Academies Member, who requested the report, welcomed its clarity. He stated that the 2 bullet points on page 29 are crucial (the impact of annual inflationary RPIX growth on the cost of the school's unitary charge and the affordability pressure resulting from the reduction in pupil numbers when the unitary charge remains fixed). He explained that these are the circumstances being faced by his MAT now and are also, more widely, interconnected with decisions being taken or considered by schools in respect of their 6th forms. Unless there a mechanism for dealing with these 2 factors PFI will

be unsustainable for individual schools and MATs going forward and the provision for children will continue to be detrimentally affected - the cost of the annual increase through the RPIX mechanism, for example, is the equivalent to the cost of a teacher. Schools and MATs already have to make significant curriculum planning decisions in order to accommodate PFI costs.

- These comments were supported and reinforced by the Member representing maintained secondary schools and the Member representing maintained special schools, both having declared their interests.
- Another Academies Member asked a 'theoretical' question, in the case of a MAT that might not be able to afford PFI payments, at what point this would be seen as a 'default' (where the ESFA would step in to cover PFI costs) rather than just a budget overspending for the MAT to recover.
- The Chair asked where we go next with this issue. Both the Head of Team and the Business Advisor responded that there is a clear role for the DfE's National Funding Formula in the resolution especially of the inflationary increase issue. The financial responsibilities for individual schools and MATs however, are contractually agreed and fixed in relation to the total cost of PFI, PFI credits from Government and the calculated affordability gap. So there a clear role for Government in this issue. The Academies Member, who requested the report, agreed that this is not an issue that the Schools Forum itself can resolve, but that the Forum needs to have a voice and, with the Authority, needs to continue to place pressure on the DfE, the ESFA and the RSC to find a resolution. The Forum also needs to be kept informed of discussions and developments on this issue.

Resolved –

- (1) **That the Schools Forum, at this stage, notes the issues set out in the report regarding the affordability of PFI at school level.**
- (2) **That the Forum continues to receive information on the development of PFI funding within the National Funding Formula as this progresses.**

Action: *Business Advisor (Schools)*

417. NATIONAL FUNDING FORMULA AND DEDICATED SCHOOLS GRANT 2020/21

The Business Advisor (Schools) presented a report, **Document KQ**, which provided an update on matters relating to the future development of National Funding Formula and the 2020/21 Dedicated Schools Grant as well as an update on local formula funding review work.

He highlighted that announcements on the DSG settlement and formula funding arrangements for 2020/21 are still to be made and at this time we remain uncertain about the content of these and the actions that may be necessary from them. He also highlighted for Members the FFWG dates scheduled in October and requested that Members book themselves onto one of these.

Forum Members did not have any comments on this report and did not ask any questions.

Resolved –

- (1) That the information provided in Document KQ be noted.
- (2) That Forum Members be invited to attend a 'Formula Funding Working Group' session, on Tuesday 1 October (8am) or Wednesday 2 October (8am) or Tuesday 8 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 2020/21 that are anticipated will be set out for consultation in October.

Action: *Business Advisor (Schools)*

418. SCHOOLS' FINANCIAL VALUE STANDARD

The Business Advisor (Schools) presented a report, **Document KR**, which provided the Forum with an update on the compliance of maintained schools with the Schools' Financial Value Standard (the SFVS) at 31 March 2019.

Forum Members did not have any comments on this report and did not ask any questions.

Resolved –

That the information provided in Document KR be noted.

419. FINANCIAL CLASSIFICATION OF MAINTAINED SCHOOLS 2019/20

The Business Advisor (Schools) presented a report, **Document KS**, which provided the Forum with a summary of the categorisation of maintained schools within the Local Authority's Financial Classification of Schools for the 2019/20 academic year.

The Member representing PRUs highlighted that 50% of PRUs are in Category A (forecasting deficit budgets) and that this reflects the lack of sufficiency in the funding allocated to this sector. We should not lose sight of this.

The representative of the teacher trades unions commented more generally about the financial pressures facing school budgets, adding that the STRB has recommended to the DfE a pay award for teachers at September 2019 of 2.75%, which is above the 2% the DfE stated was affordable within the 2019/20 financial settlement.

Resolved –

That the information provided in Document KS be noted.

420. SCHOOLS FORUM STANDING ITEMS

No resolutions were made on this item.

421. AOB / FUTURE AGENDA ITEMS

No formal resolutions were made on this item.

The Chair requested that Mark Douglas (new Strategic Director of Children's Services)

attends the Schools Forum meeting in September.

422. DATES OF NEXT MEETINGS

Please see the published schedule of meetings – the next Forum meeting is scheduled for Wednesday 18 September 2019.

The schedule of meetings of the Schools Forum for the 2019/20 academic year is as follows. All meeting are to be held at 8.00 am at City Hall.

- Wednesday 18 September 2019
- Wednesday 16 October 2019
- Wednesday 4 December 2019
- Wednesday 8 January 2020
- *Wednesday 15 January 2020, PROVISIONAL MEETING*
- Wednesday 11 March 2020
- Wednesday 20 May 2020
- Wednesday 8 July 2020

Note: 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