

GLOUCESTERSHIRE SCHOOLS FORUM

Minutes of a meeting held on Thursday 16 June 2022.
The meeting was held remotely.

Present:

David Alexander	- Secondary Headteacher (Maintained)
Alison Berry	- Secondary School Governors (Academy)
Lyn Dance	- Special School Headteachers (Academy)
Anne-Marie Delrosa	- Secondary School Governors (Maintained)
Rhian Evans	- Primary School Governors (Maintained)
Mikey Ezewudo	- Primary School Governors (Maintained)
Andrew Harris	- Community Representative (Chair of the Forum)
Kate Hawkins	- Special School Governors (Academy)
Amanda Horniman	- Primary School Headteachers (Maintained)
Lisa Jones	- Primary School Headteachers (Maintained)
Gwyneth Keen	- Early Years Providers
Victoria Leather	- Early Years
Will Morgan	- Secondary School Headteachers (Academy)
Sarah Murphy	- Unions
Alexander Norman	- Secondary School Governors (Academy)
Poppy Scott Plummer	- Secondary School Governors (Academy)
Darren Preece	- Primary School Headteachers (Maintained)

Substitutes: Jo Bleasdale (for Becky Martin, Special School Governors)

Observers: Cllr Stephen Davies - Cabinet Member for Children's Safeguarding and Early Years
Cllr Philip Robinson - Cabinet Member for Education, Skills and Bus Transport
Aleksander Kowzan – Education & Skills Funding Agency

Officers: Kirsten Harrison, Director of Education
Philip Haslett, Head of Education Strategy and Development
Neil Egles, Finance Manager, Schools Strategy and Capital
Suzanne Hall, Finance Business Partner, Strategic Finance
Chris Hemingway, Finance Manager (Projects)
Joanne Bolton, Democratic Services Adviser and Clerk to the Schools Forum

Apologies: Matthew Bishop, Primary School Governors (Maintained)
Helen Bond, Gloucestershire Parent Carer Forum
David Kettleby, Post 16
Stephen Dean, Primary School Headteachers (Academy)
Elisa Entwistle, Alternative Provision Schools

Minutes subject to their acceptance as a correct record at the next meeting

Becky Martin, Special School Governors (Maintained) (Vice Chair of the Forum)
Julia Maunder, Secondary School Headteachers (Academy)
Dermot McNiffe, Secondary School Headteachers (Academy)
Clare Steel, Special School Headteachers (Maintained)
David Williams, Diocese of Gloucester
Chris Spencer, Director of Children's Services

18. ELECTION OF THE SCHOOLS FORUM VICE CHAIR

Becky Martin, Special School Governor (maintained), was duly elected as the Schools Forum Vice Chair for a two-year term of office.

19. MINUTES

19.1 The minutes of the previous meeting held on 30 March 2022, were approved as a correct record.

19.2 Members noted that the two action points from the previous meeting had been completed.

20. DECLARATIONS OF INTEREST

No declarations of interest were made.

21. PUBLIC QUESTIONS

No public questions had been received.

22. 2021/22 OUTTURN AND MAINTAINED SCHOOL BALANCES

22.1 The Head of Education Strategy and Development presented a report on the 2021/22 outturn and maintained school balances.

22.2 The Forum was informed that the 2021/22 in-year Dedicated Schools Grant (DSG) outturn position was an overspend of £5.058M resulting in a cumulative DSG deficit of £17.042M, representing 3.26% of the 2021/22 gross DSG budget. There was a £0.594M Schools block net underspend consisting of two elements: an underspend of £0.456M on the growth fund used to fund new schools and increases in basic need places; and an in-year underspend of £0.138M on the de-delegated budgets that related to maintained schools only.

22.3 The Head of Education Strategy and Development reported that there was also a surplus of £0.200M at the end of last year relating to de-delegated balances that was part of the net £11.984M remaining deficit balance brought forward, bringing the de-delegated surplus element of the DSG up to £0.338M. Although there was an overall net £17.042M DSG deficit being carried forward to 2022/23, this

contained surplus commitments relating to the £0.338M maintained schools de-delegated budgets and Early Years DSG balances of £2.824M which consisted of the £1.345M 2021/22 in-year underspend and £1.479M brought forward underspend from 2020/21.

- 22.4 It was reported that the Early Years block balance of £2.824M included £1.48M relating to 2020/21 and in March 2022 the Schools Forum agreed for £1.4M of those balances to be allocated to providers and specific projects. The in-year position of £1.35M was due to lower spend against the budget for free entitlement for nursery places for three and four year olds and project initiatives both affected by the impact of the pandemic.
- 22.5 The Forum was informed that for High Needs, DSG funded services were overspent by £17.043M in 2021/22, which included the deficit brought forward of £13.665M. Within the total deficit position, the High Needs block was £20.205M in deficit offset by early years and de-delegated balances. The High Needs budget was £2.869M above the deficit budget that was set, with top-up budgets for colleges, special schools, primary and secondary schools overspending by £3.18M due to increased demand. The Head of Education Strategy and Development emphasised that the budget pressures that Gloucestershire was facing reflected the national picture with significant deficits in the DSG High Needs being held in many local authorities.
- 22.6 The Forum agreed that the DSG deficit balance at the end of 2021/22 be earmarked, as shown in the report accompanying the agenda, and carried forward to 2022/23.
- 22.7 The Forum received an update on the maintained school balances at the end of 2021/22. The total maintained school balances at the end of the financial year 31 March 2022 was £23.325M. A total of 174 schools were in surplus, 19 schools (4 less than last year) were in deficit. The total maintained school balances increased by £3.407M (17%) made up of: revenue balance increases of £3.357M (17.8%); capital balance increases of £0.084M (8.4%); and removal of £0.034M of balances relating to seven academy conversions.
- 22.8 The Forum was informed that the majority of school surpluses were within the recommended range (5-8%), with just a small number of schools with surplus balances slightly higher. The Forum received a summary of the work being undertaken by the Council's Officer Deficit Group to review deficits and excess surpluses, and its work with schools.
- 22.9 The Finance Business Partner reported that the outturn position for non-DSG funded services was an overspend position of £17.286M (13.73% of budget). Included within the figures was the additional cost of the impact of COVID-19 on budgets which totalled £9.683M, giving an underlying overspend of £7.603M. Significant overspends included the external placements budget (£15M) driven by rising numbers of children in care (increased by 87 since April 2020); and services for children with disabilities were overspent by £1.644M due to the increased cost of

care packages, including Section 76 contracts with Health, and disability service staffing costs. The Forum was informed that the investment approved as part of the Council's 2022/23 budget would help to address a significant part of the cost pressures identified above although increasing demand for social care services would continue to put pressure on the placements budget.

23. HIGH NEEDS

- 23.1 The Head of Education Strategy and Development presented a report which set out the proposed budget for 2022/23 including proposed uplifts to mainstream and specialist top-up levels, and the draft outturn for 2021/22.
- 23.2 He reported that there had been several significant variances that had developed throughout the year. The result of the variations in budget performance was a £6.961M overspend, against the planned overspend of £4.093M. A £2.868M variance to planned budget. The Forum noted the key variances outlined in the report.
- 23.3 The Forum was informed that the net increase in Education Health and Care Plans (EHCPs) between January 2021 and January 2022 was 522. This was above historic trends, which pre-Covid were operating at around a net increase of 350 a year. This trend had progressed with a net increase of 410 plans in 2020/21 and 522 in 2021/22. The profile of new plans being issued was heavily weighted in the primary sector. Officers advised members that this would have a long-term impact, as the EHCP generally stayed in place throughout statutory education. As a result, the expectation was that there would be a continued rise in the need for secondary and Post 16 support.
- 23.4 The Forum was informed that there had been a change in trends regarding the source of EHCP requests. In the last 2 years there had been a steady rise in the percentage of requests from parents and carers. This was alongside the increase in total requests and showed a significant change in the point of referral for an EHCP.
- 23.5 A member pointed out that the rise in the percentage of EHCP assessment requests from parents and carers, had been referenced in recent SEND updates from Gloucestershire County Council to schools, early years settings and to parents and carers who had subscribed to the updates. However, there was no context around the underlying message the local authority was aiming to make by highlighting this. In response, the Head of Education Strategy and Development explained that reference had been made in recent publications, simply to highlight the fact that there had been a cultural change in trend regarding the source of EHCP requests. He commented that this change could be linked to the 2014 reforms to the SEND system, which put more emphasis on the parent's voice. However, despite this, he would still expect the majority of EHCP requests to come through from schools (in conjunction with the parents and carers). He acknowledged that further analysis was needed to understand why there had been a steady rise in the percentage of EHCP requests from parents and carers, and to

determine whether any action needed to be taken. The member welcomed the news that further analysis would be undertaken, and emphasised that there needed to be a clear strategic response from the local authority as to why there had been a change in trend.

- 23.6 A member suggested that the rise in EHCP requests from parents and carers could be due to the impact of the pandemic. She was aware, through her engagement with parents whom were making EHCP requests, that quite often schools did not have the information needed to complete an EHCP assessment due to children having missed out on a significant part of their time in school during the pandemic.
- 23.7 In response to a question on what action the local authority was taking to join up with national bodies to urge the government to provide further investment in High Needs funding, the Head of Education Strategy and Development reported that the local authority was involved in the DfE's Delivering Better Value (DBV) in SEND programme. He explained that DBV was a new programme and part of the DfE's support package to help local authorities maintain effective SEND services whilst functioning sustainably. The DfE was also operating a separate Safety Value Programme for approximately 20 local authorities with the highest DSG deficits. He emphasised that Gloucestershire's involvement in the DVB programme was an effective route to work with the DfE and other local authorities to look at High Needs funding around a common framework and approach to the analytics. Gloucestershire was in the second phase of the programme which would run for 18 months. The second phase was focused on the implementation of action plans produced in phase 1, with critical elements funded through Section 14 grants.
- 23.8 The Head of Education Strategy and Development informed members that the f40 Group was looking to influence change in the way government allocated funding to local authorities and schools. He anticipated that moving forward there would be an increased focus on removing the current inequities around High Needs funding. The f40 Group was also looking at how it could work with other organisations such as the Association of Directors of Childrens Services, and the Local Government Association, to consider the common core issues around this. The concern was that there were a lot of local authorities trying to tackle the High Needs funding issues on an individual basis, when this needed a national approach.
- 23.9 There was recognition of the need for national SEND reform and High Needs funding. The Head of Education Strategy and Development reported that the government had recently published its green paper SEND Review: right support, right place, right time, which set out the government's priority areas and proposals moving forward, and this was a good starting point as a framework in order to achieve this.
- 23.10 In response to a question, the Head of Education Strategy and Development, agreed to provide the Forum with information on the total cost to the authority of defending SEND Tribunal cases, including the legal and staffing costs. He explained that it was an expensive process that took up a lot of time and resources. Nationally, in the academic year 2020/21, of the cases that the Tribunal upheld,

96% were at least partly in favour of the parent or carer. He was pleased to see that in the government's green paper there were proposals for this to be addressed through streamlining the redress process, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the Tribunal for the most challenging cases.

ACTION: The Head of Education Strategy and Development

23.11 The Head of Education and Strategy reported that the local authority was progressing plans to provide non-statutory funding to enable earlier intervention. This should be in place from September 2022. The aim was to provide more confidence to parents and carers that there were mechanisms to support children with SEND outside of the EHCP process. The SEND Team was developing a proposed model and the initial aim was for this to be delivered once the new banding system was in place, but in recognition of the pressing need to move this forward, a pilot would be undertaken using a test and learn approach, during terms 1 and 2. It was anticipated that as a consequence of providing non-statutory funding to support children with a short-term level of need in a much more flexible way, there would be a reduction in the number of new EHCP requests coming into the system. He explained that the provision of non-statutory funding was another area identified in the green paper and it was hoped that the proposals around this would develop into national policy and standards.

23.12 The Head of Education Strategy and Development reported that the local authority's Inclusion and SEND Strategies 2022-2025 would be considered for approval at the June 2022 Gloucestershire County Council's Cabinet meeting. He emphasised that work was ongoing to ensure there was good alignment between local strategy and national policy – identifying any gaps in areas that are not currently being looked at that should be. The Forum would receive the joint implementation plan resulting from the local authority's SEND and Inclusion Strategies at the next Forum meeting in September 2022.

ACTION: The Head of Education Strategy and Development

23.13 The Head of Education Strategy and Development stressed that there were no easy solutions to tackling the High Needs deficit; however, he was of the view that the local authority was taking the right steps and making positive progress towards bringing about long-term sustainable change. He referred to the proposals set out in the green paper to make Alternative Provision more innovative and focussed on early intervention, and explained that work had already commenced in Gloucestershire towards making those changes. He also referred to the proposals around the implementation of a national banding system for funding, and explained that this whilst this would be monitored closely, to see if it moved from the green paper into policy, the local authority would continue to progress with the development of a local banding system.

23.14 The Head of Education Strategy and Development reported that the local authority was looking at how to develop the expertise and skills of the workforce. It was critical that the people working with children, on a day to day basis, had the right skills and expertise, particularly around being able to identify need at the earliest

possible opportunity, and then being able to respond and provide support accordingly.

- 23.15 The Head of Education Strategy and Development presented a breakdown of the High Needs budget for 2022/23, and how this compared to the budget in 2021/22, to show the planned progression of expenditure. The proposed budget included an increase to mainstream EHCP top-ups of 3%, in addition to a proposed 7% increase to specialist top-up funding. A significant uplift had been modelled into the budget to support the increase in need for support for Post 16 and further education. Taking into account the additional funding received, the proposed uplifts and the assumption that the trends would continue in regard to the number of EHCPs in the system, a planned deficit budget had been set for 2022/23 at £4.878M. He explained that whilst this was an improvement on the previous year which resulted in a £6.961M overspend, it should be treated with a degree of caution due to the potential for the number of EHCPs in the system to rise even further than the current growth trends. Despite this, officers were confident that based on the financial modelling data, this represented a prudent assumption of spend against the High Needs budget areas in 2022/23.
- 23.16 In response to a question, the Head of Education Strategy and Development explained that there had been two uplifts to mainstream funding for 2022/23, an increase to the Minimum Funding Levels (MFLs) in the National Funding Formula, and the additional funding received from the Schools Supplementary Grant to provide support for the costs associated with the Health and Social Care levy and the wider costs. He clarified that the proposed 3% uplift to mainstream EHCP top-ups, included the additional funding from the High Needs Supplementary Grant. The proposed 7% increase to specialist top-up funding included the additional 3% uplift from the Supplementary Grant and a 4% increase to core funding. This additional increase was due to the special school sector not having received the same increases as the mainstream sector through the increase to MFLs and the Schools Supplementary Grant.
- 23.17 In response to a question, on why there was a proposed decrease in the budget for mainstream EHCP costs for children transitioning into Post 16, the Head of Education Strategy and Development explained that the data showed there were less children transitioning from mainstream Year 11 into Post 16 this year, but there was a much higher number of Year 11 children in the special and independent sectors transitioning into Post 16. As a result, a significant uplift had been modelled into the budget to support that increase in need. A member representing secondary headteachers pointed out that he was actually seeing an increase in the number of Year 11 pupils with EHCPs transitioning into Post 16. In response, the Head of Education Strategy and Development commented that despite the data showing an overall decrease in numbers there may be some slight variations throughout the year.
- 23.18 In response to a question, the Head of Education Strategy and Development clarified that the Support Services budget area now included a range of support packages to fund education for children who were not on a school roll. The

support packages had not been included within the Support Services budget in 2021/22 and would be identified separately at future meetings.

- 23.19 In response to a question, the Head of Education Strategy and Development clarified that the Restorative Practice budget 2022/23 had not seen an actual reduction from the set budget figure in the previous financial year. However, the outturn position 2021/22 was a £4k overspend; the aim was to keep this area within budget in 2022/23.
- 23.20 A member referred to the increase in requests for EHCPs assessments and the fact that 96% of SEND Tribunals were being upheld in favour of the parents and carers, and questioned how the High Needs budget 2022/23 had accounted for the significant increase in new EHCPs. In response, the Head of Education Strategy and Development clarified that the budget was based on the results of financial modelling, taking into account the historic growth trends. He emphasised that by the end of this academic year in 2021/22, it was expected that the number of new EHCP requests to have progressed beyond 900 requests. In the financial modelling there was detail around the proportion of children with an EHCP and where they were educated, and consequently this was why some specific budget areas had seen an increase (e.g. special school provision - place funding and mainstream EHCP costs in primary schools).
- 23.21 There was a degree of concern amongst members around the delays in meeting the statutory target of 20 weeks for the completion of an EHCP assessment and the issuing of a plan. The Head of Education Strategy and Development reported that the local authority would now be backdating the funding to the point of the 20 weeks when the plan should have been issued. A shortage of educational psychologists to meet demand was a significant factor in the delays and that this was a national issue. Members were informed that whilst there was provision in the Council's budget to fund educational psychologists, recruitment remained an on-going challenge.
- 23.22 A member made reference to Gloucestershire's High Needs deficit and questioned what the long-term strategy was for addressing this deficit. In response, the Head of Education Strategy and Development reported that following the deficit accrued in 2021/22, Gloucestershire now had a High Needs block deficit of £20.805M. In terms of the local authority's plan for achieving long-term sustainable change, through local strategy, the focus was on getting early intervention in place to reduce the escalation of need coming into the system. If that could be achieved then it would have a positive impact on reducing the number of children needing longer term, higher cost, levels of support.
- 23.23 Members were advised that 91% of the High Needs budget was allocated to supporting children with an EHCP, or in Alternative Provision; consequently, there was little scope to make other changes to reduce budget expenditure. Earlier intervention was not a panacea, but it would bring about sustainable long-term change. Officers were confident that the local authority was making progress in ensuring that the right specialist support was available in the county, at the earliest

opportunity and at the lowest possible cost. There was also recognition that changes were needed at national level, in terms of continued government investment in High Needs funding, and through the proposed changes in the green paper around national standards, consistency of approach, and changes to the Tribunal process.

23.24 Forum members reviewed the proposed budget for 2022/23 and confirmed their support for (two members abstained):

- 3% increase to mainstream EHCP top-up funding;
- 7% increase to Special School top-up funding; and
- A planned deficit budget of £4.878M.

24. ANNUAL REVIEW OF THE GLOUCESTERSHIRE SCHOOLS FORUM CONSTITUTION AND MEMBERSHIP STRUCTURE

24.1 The Clerk to the Schools Forum, informed members that the Schools Forum Constitution was reviewed annually at every June meeting of the Forum. There had been no changes to the Schools Forum (England) Regulations 2012, nor the Schools Forum Good Practice and Operational Guide, since the previous review, and therefore no amendments were proposed at this time.

24.2 The membership structure of the Forum was also reviewed at every June meeting. The balance between maintained primary, maintained secondary and academies members, remained broadly proportionate to the pupil numbers in each category. Consequently, no changes were proposed by the local authority to amend the number of members representing those categories on the Forum.

24.3 The Forum agreed that no changes were needed to either the current Constitution or the membership structure.

24.4 A member made reference to the term of office of Forum members being 4 years as stated in the Constitution, and queried why some members had been allocated a shorter term of office at the time of their election. In response, the clerk explained that this was because Forum elections took place every two years, whereby half of the membership was up for election, with each seat being allocated to a specific election year. On occasions when a member resigned from the Forum mid-term, the new member elected would take on the remainder of the term of office, instead of the full 4-year term.

24.5 In response to concerns expressed by members regarding the volume of Forum meeting papers, the Head of Education Strategy and Development agreed that moving forward, the key reports for the Forum's consideration and any supporting documentation that was for information purposes only, would be clearly identified as such in the meeting paper pack, and separated out accordingly where possible. The PowerPoint presentation would also be circulated to members around the same time as the publication of the meeting papers.

ACTION: The Head of Education Strategy and Development/Clerk to the Schools Forum.

25. F40 UPDATE

- 25.1 The Head of Education Strategy and Development reported that the f40 Group would be briefing MPs in July 2022 on its campaign for fairness in education funding.
- 25.2 He presented a table which provided a summary of f40 member local authorities and the average per pupil funding they received through the High Needs block, which demonstrated the significant variances that existed across the country.
- 25.3 He explained that Gloucestershire had 82,134.00 mainstream pupils on the data set used at that point in time, and was receiving £84M of High Needs block funding, which equated to £1,026 per pupil funding. By comparison, Buckinghamshire had 75,884.50 mainstream pupils and High Needs block funding of £111M. He suggested that the context around Buckinghamshire was not that much different to Gloucestershire's to justify a £27M variance in High Needs DSG funding. He stressed that Gloucestershire would only need to have the same per pupil funding as Somerset to be in a balanced in-year position. Ultimately, the concern was that Gloucestershire was not receiving an equitable level of High Needs funding in comparison to some other local authorities.
- 25.4 The Head of Education Strategy and Development confirmed that he had raised the issue of the equity of High Needs block funding, and how the High Needs block was formed, with the f40 Group, and had recommended the Group progress this as a key campaign issue. He had asked the Group to explore the issue in more detail in order that a full understanding of the variation in funding across the country was developed.
- 25.5 The working hypotheses was that this issue had arisen from locked-in inequity from the formation of the Dedicated Schools Grant and the development of the High Needs funding formula. He explained that 50% of High Needs funding formula was still based on historic funding levels from 2018. This meant that for a local authority that had, at that time, spent much more of the funding on the mainstream sector in an aim to support inclusion, it would have a much lower amount of funding going into the High Needs block, in comparison to a local authority that invested more of the funding in the special school sector.
- 25.6 In response to a question, the Forum was informed that whilst 50% of the High Needs funding formula was based on historic funding levels, the remaining 50% was based on needs led elements consisting of a number of proxy indicators similar to those in the National Funding Formula, although crucially there were no indicators on the number of EHCPs in the system.
- 25.7 The Head of Education Strategy and Development informed members that he would provide an update on the f40 Group's proposals for next steps in regard to the equity of funding levels for High Needs nationally, at the next Forum meeting in September 2022.

Minutes subject to their acceptance as a correct record at the next meeting

ACTION: The Head of Education Strategy and Development

26. MEETING DATES 2023

The Forum noted the future meeting dates in 2022/2023.

Chair

Meeting concluded at 3.37 pm