

**DERBYSHIRE COUNTY COUNCIL**  
**DERBYSHIRE SCHOOLS FORUM**

**Minutes of the Meeting Held on 20<sup>th</sup> January 2020**

**At 4.30pm Rangewood Room, Post Mill Centre, South Normanton**

**Present**

|                            |   |                  |   |
|----------------------------|---|------------------|---|
| <b>Members</b>             |   |                  |   |
| Linda Hack                 | The Dales Federation                    | Peter Hallsworth | South Normanton Nursery                             |
| Dr Alan Thomas             | Northfield Junior                       | David Baker      | The Pingle Academy                                  |
| George Wolfe               | Curbar Primary                          | Neil Beeson      | Learners' Trust                                     |
| Stephanie Marbrow          | Coton in the Elms                       | Dawn Curry       | The Avenue Nursery                                  |
| Julian Scholefield         | Esteem MAT                              | Emma Hill        | Castle View Primary                                 |
| Chris Greenhough           | Swanwick School & Sports College        | Karen Burton     | Elmsleigh Infant & Nursery School                   |
| Peter Johnston             | The Village Federation                  | Deborah Turner   | NEU   |
| Tracey Burnside            | Whittington Green                       | Chris Wayment    | ASCL  |
| Janet Snell                | Bakewell Lady Manners                   |                  |   |
| <b>Substitutes</b>         |   |                  |   |
| Jake Richardson            | Willows Academy Trust                   |                  |   |
| <b>Observers</b>           |   |                  |   |
| -                          |   |                  |   |
| <b>DCC Officers/others</b> |   |                  |   |
| Chris Allcock              | Children's Services Finance             | Andy Walker      | Children's Services Finance                         |
| Ruth Lane                  | Children's Services Finance             | Saranjit Shetra  | Assistant Director - Education and Improvement      |
| Phil Burrows               | Children's Services Finance             | Amanda Gordon    | Early Years   |
| Iain Peel                  | Service Director - Schools and Learning | Paula Williams   | Assistant Director - Learning, Access and Inclusion |

Peter Johnston chaired the meeting and introduced Eddie Bisknell from the Local Democracy Reporting Service, working for the BBC, who was here to listen specifically to item 7 on the agenda - Support for mainstream schools with significant numbers of children with additional educational needs. Members were asked to introduce themselves for Eddie's benefit when speaking on this item.

Chris Allcock advised that Robin Bone from Eckington Junior had left the Forum and Neil Beeson from the Learners' Trust was welcomed as a new member. Jake Hutchinson was welcomed as a substitute member tonight for Jeannie Haigh and Iain Peel the new Service Director for Schools and Learning was also welcomed to his first Forum meeting.

Chris confirmed that the meeting was quorate.

**Apologies**

Alison Brown, Barbara Arrandale, Martin Brader, Lisa Key, David Channon, Andrew Wild, Dan O'Donovan, Jeannie Haigh and Bridget Hanley.

**20/01 Minutes of the meeting held on 26<sup>th</sup> November 2019**

The minutes were approved with no changes.

## **20/02 Pupil Growth Fund**

Chris Allcock presented the paper to inform the Schools Forum of the Authority's Pupil Growth Fund allocation for 2020-21 and to seek approval to its allocation as this is a matter for Schools Forum, not the LA.

This item was first on the agenda as we currently forecast to have a Dedicated Schools Grant (DSG) deficit of between £3 and £3.5m by 31<sup>st</sup> March 2020 and it is hoped that some of this can be recovered from the Pupil Growth Fund.

Chris advised of an amendment to Table 1 as the 2020-21 allocation had increased slightly to £3,428,000. The allocation was up from the £2,352,000 for 2019-20 as our 2020-21 allocation will not be capped. The amount of the fund is very difficult to anticipate for future years and can only be used to:

- support additional classes needed to meet the infant class size regulations;
- support growth in pre-16 pupil numbers to meet basic need; and
- meet the costs of supporting free schools

Support for Infant Class sizes - It is proposed to increase the support for additional classes by £0.028m to £1.128m to cover the impact of pay awards. It was also proposed that schools with more than 300 on roll should remain ineligible for support and schools will be expected to self-support the first £500 per month of any claim. Even with these factors in place the LA's support for infant class sizes will be more than other nearby LAs, as shown in Table 2.

Deborah Turner asked what were 'Other Pupil Growth' factors in the table. Chris replied that he couldn't speak for other LAs but Derbyshire's figure represented support for in year pupil increases and new free schools.

The Forum agreed to set a Key Stage 1 class size base budget of £1.128m for 2020-21 and to continue with the current 300 pupil eligibility ceiling and £500 per month contribution.

Support for in-year Pupil increases to meet basic need - this only applies to schools where the LA requires the school to admit pupils as a response to basic need pressures. The report set out the current arrangements, including the expectation that schools make a contribution to the additional costs. The 2019-20 budget of £0.250m is anticipated to under spend by £0.137m and it is proposed to ring fence this underspend and add it to a 2020-21 allocation of £0.250m. Following a brief discussion the Forum agreed:

- (i) An in-year pupil increases budget of £0.250m for 2020-21;
- (ii) That the balance of the 2019-20 in year pupil budget be set aside in an earmarked reserve to help meet further claims in 2020-21; and
- (iii) To retain the existing eligibility arrangements for 2020-21.

New free Schools – the report reminded members that LAs are required to provide financial support to new free schools i.e. pre and post opening costs and to reflect in year pupil increases. The report proposed to set aside £0.725m in 2020-21 to support current and future anticipated costs of the four schools approved to date, with a further similar sum likely to be required in 2021-22. Making provision now would reduce the likelihood of schools and academies' budgets having to be top-sliced in the future, should there be a reduction in growth funding.

The Forum agreed to set aside a budget of £0.725m for 2020-21 to support new free schools.

The approvals for infant class sizes, in year pupil increases and new free schools would utilise £2.103m of the £3.428m grant. The Forum agreed to leave the balance unallocated to help offset the expected DSG deficit at the end of March 2020.

### **20/03 Early Years Block budgets 2020-21**

Chris Allcock presented the paper to update the Schools Forum on the Early Years Block announcements for 2020-21 and to seek approval to central early years budgets for next year.

Derbyshire's funding rate under the national formula for 2020-21 should be £4.24 per hour, however, Derbyshire's actual rate is protected at £4.39. As a consequence our rate is unchanged from 2019-20. The other change is that our Maintained Nursery Schools grant has been reduced from £1.086m to £1.000m due to a reduction in hours of provision.

The lack of an increase in funding will be a particular challenge for PVI providers due to substantial increases in the National Living and National Minimum Wages from April 2020. In order to provide an increase in the local basic rate paid to providers it is proposed to reduce the central funding for the Early Years Pre School SEN service. Transferring £0.323m of the cost to the high needs block would allow an increase of £0.03 in Derbyshire's basic rate.

A discussion took place. Tracey Burnside asked if the HNB could absorb this transfer to which Chris replied yes, but obviously there was a trade off as an equivalent amount of high needs funding would now be committed.

Tracey asked if some PVIs were likely to go out of business and could we lobby to help at all? Amanda Gordon replied that no PVIs have closed yet but there were lots of rumblings and they would like the whole national increase of 8p per hour as realistically, the current rate is just not enough.

Chris Greenhough asked that if Derbyshire's funding was capped in 2020-21 what would happen in 2021-22. Chris Allcock replied our pure formula rate had increased by 8p, however despite this Derbyshire didn't get an actual increase as our formula rate was still below our protected rate and above the DfE minimum of £4.38. It was unclear what the DfE would do for 2021-22. They could lift all LAs' funding rates in which case we would see an increase. Alternatively if they increase the pure formula rates, our rate might not increase enough to go above our current £4.39 per hour.

After some discussion Members felt that they ought to support providers and raise the issue with the Minister. Peter Hallsworth said, speaking as a nursery headteacher, a letter would be appreciated and the Forum agreed that Chris Allcock, Saranjit Shetra and Amanda Gordon would draft a letter to be shared with the Chair before submission. Peter Johnston asked anyone to e-mail him direct at [headteacher@thevillagefederation.co.uk](mailto:headteacher@thevillagefederation.co.uk) if they had a particular item of content they would wish to see included.

Schools Forum agreed to

- (i) Note the details of the 2020-21 Early Years funding announcements;
- (ii) Support the increase in Derbyshire's universal rate to £4.11 from April 2020; and
- (iii) Approve the central early years budgets as set out in section 2.2.2.

### **20/04 Strategic Review of High Needs in Derbyshire – Next Steps, Implementing the Recommendations (Presentation)**

Paula Williams gave a detailed presentation which had already been delivered to a number of various bodies and would be given to secondary head teachers very shortly.

A discussion took place amongst members and questions were asked regarding the new apprenticeship qualification for SEND and how its quality would be monitored compared with existing qualifications. Paula replied that she could not answer that question at this time but that a review of SENCO training across the County is required. Iain Peel added that there are models for training available but they had cost implications. Peter Johnston added that they can be difficult to install in small schools.

Julien Scholefield felt that the review, and its findings regarding the impact of central SEND spending especially, and its effectiveness, has not really been addressed and this was felt to be the main reason for the review in the first place. Whilst the increase in HNB funding is welcome, current top ups rates are not sufficient and there is no real sense of the value for money regarding central spend.

Paula replied that part of the action plan will be to review this issue and assess just how many pupils are supported by central services. Autism support was felt to be a real issue. A member asked how the acknowledged inconsistent levels of support across the county would be addressed. Paula replied that the pressures are partly financial but that also children's needs have changed. There are a higher number of children with more complicated multiple needs. There is a national focus on mental health issues and more work needs to be done in this area, together with the increase in pupils with autism or similar issues.

The Chair thanked Paula for the presentation.

### **20/05 High Needs Block budgets 2020-21**

Chris Allcock presented the paper to seek the views of the Schools Forum on the high needs settlement for 2020-21 and proposed spending plans. High needs spending is a matter for the LA rather than the Schools Forum but the LA would welcome the Forum's views.

The increase in funding for 2020-21 is £9.799m (+14%). This is the first year of a three year settlement, figures for years 2 and 3 have not been provided.

The planned spend figures provided in Appendix 2 are the same as the last report to Forum in November 2019 and show a total cost of £77.873m compared with a revised grant of £79.771m.

However, the total spend excludes a range of further pressures, including an inflation contingency, provision to meet future demographic pressures and a further increase in Element 3 (profile) top ups. It is proposed to increase all Element 3 top ups by a further 1% to help offset the impact of an expected increase in the employer's superannuation contribution from April 2020.

The planned spend also reflected the transfer of costs from the early years block in respect of the Pre School SEN service and an increase in the high needs block contingency.

The spending proposals would fully allocate the high needs grant. One final point to note, the actual grant will be adjusted to reflect an updated import/export adjustment which, if it exceeds the 2019-20 figure of £2.2m, would push the HNB into deficit.

Chris Greenhough thanked the LA for all its financial prudence in the past but is worried that other LAs who have been less so, will get help from the government to get them out of their deficits and Derbyshire will lose out. Chris Allcock replied that he too had picked up a similar rumour but would be surprised if the DfE went down that road as they would be rightly criticised and possibly be open to a legal challenge. Although Derbyshire's forecast DSG

deficit of ~£3.5m is worrying it is much lower than many other LAs nationally and our pupil growth measures will help to address this.

Schools Forum agreed to note the report.

### **20/06 Support for mainstream schools with significant numbers of children with additional education needs**

Chris Allcock presented the paper to ask the Schools Forum to consider once more the financial arrangements for supporting mainstream schools with significant numbers of children with additional educational needs and to make recommendations to Council.

Chris confirmed that objectives (i) and (iii) of the Council Motion had been achieved with a substantial increase in HNB funding for 2020-21 and a brief update report already provided to Council in January 2020.

In light of objective (ii) of the Council motion - to review the contingency fund arrangements—the paper presented a summary of the background to the calculation of notional SEN budgets in Derbyshire and the arrangements for allocating the LA's contingency fund in recent years. Reference was also made to other LAs' arrangements which were summarised in Appendix 2.

The report included a possible alternative formula for distributing the fund. The alternative model would compare the cost of schools' £6,000 EHCP/GRIP contributions with a proportion of their revised notional SEN budgets. A financial schedule to the report compared the distributions of funding under both the current model – which only looks at the proportion of children with an EHCP/GRIP and ignores the level of resources - and the alternative model, based on autumn 2018 SEN data.

The options for the Council and Schools Forum going forward are to:

- (a) Maintain the current arrangements but vary some of the detail e.g. the 3% threshold and/or not scaling claims and/or not expecting schools to contribute 1% from their own resources;
- (b) Revert to a process whereby all allocations are on the basis of bids submitted by schools;
- (c) The alternative model set out in section 2.5, amended as necessary;
- (d) Another model, as yet to be established.

Whichever model is ultimately agreed will have its imperfections and, consequently, a fund to deal with claims for exceptional circumstances will still be required.

A discussion then took place. The Chair of the meeting, Peter Johnston, said the modelling in the schedule seemed to result in schools in more deprived areas incurred the most losses, an outcome Peter felt uncomfortable about.

Saranjit Shetra observed that it was often junior schools who were losing out and this was a struggling sector in terms of results at present.

Chris Greenhough felt both models encouraged schools to apply for more EHCP/GRIPS which would put more pressure onto central services which were already struggling. Chris was also against removing funding from deprived schools.

Deborah Turner felt the need to support pupils with £6,000 from the school budget as a result of having an EHCP could put schools off applying. However, Tracey Burnside replied that was

not the case as to qualify for an EHCP/GRIP a pupil would already be receiving this amount of support.

Chris Allcock added that whichever model was used it could be seen as encouraging schools to apply for more EHCP/GRIPs. Chris understood the concerns about removing funding from deprived schools, however, the alternative model does at least look at the higher level of resources that these schools have, through the deprivation and low prior attainment factors in the formula. The key question is should these differentials in funding be taken into account in assessing schools' entitlement to contingency support?

Tracey Burnside asked why only one secondary school would qualify. Chris said that no school qualifies under the current method as any potential support is less than 1% of the school's delegated budget. Under the alternative model, and based on 2018 data, only one school qualifies as only one has EHCP/GRIP contributions that exceed 40% of the notional SEN budget.

Tracey added that she was most worried about the large number of children who don't trigger an EHCP/GRIP, and that was the real problem. Peter Johnston said small schools struggle to find the first £6,000 and the contingency was designed to help support them in particular.

Chris Allcock stated that we needed to define the arrangements for 2020-21 and that Forum had already looked at this issue several times recently.

In order to bring the debate to a conclusion the Chair ask for an unrecorded show of hands on the options. In terms of the retaining the status quo, several hands were raised. With regards to the alternative model, there were no supporters.

Chris stated that preliminary work on 2020-21 using autumn 2019 SEN data showed an increase in claims and thus costs. This was due to a significant increase in the number of pupils with an EHCP/GRIP, particularly in the primary sector. Given the Forum's preference to retain the current model, the percentage threshold would need to be increased from 3% to around 4.5%. This higher threshold also assumes that the contingency allocated by the formula increases from £0.300m in 2019-20 to £0.400m next year. This level of increase has been built into the 2020-21 estimates included in the previous agenda item. As the high needs grant is planned to be fully committed, any further increase in the size of the contingency would only be affordable if savings could be achieved elsewhere in the budget.

Chris Wayment said that the longer term impact of any change in the contingency needed to be advised before decisions could be made. Tracey Burnside suggested that the SEND review may instigate change and improve support to schools, so that contingency funding was not required. Chris Greenhough stated that schools need time to prepare for changes in contingency funding.

Peter Johnston asked the meeting if they were happy with a formula contingency fund of £0.400m, which was accepted. Chris Allcock suggested that the exceptional cases fund be increased from £0.050m to £0.100m, the higher figure has also been allowed for in the estimates for next year.

In summary, the Forum supported the retention of the current arrangements for 2020-21 and an overall contingency fund of £0.500m as set out above.

### **20/07 Schools Block Funding settlement 2020-21**

Chris Allcock presented the paper to inform Schools Forum of the Schools Block settlement for 2020-21 and the provisional allocations to mainstream schools and academies.

The key points from the settlement included:

- A higher primary sector increase because of the removal of capping arrangements.
- An increase in NFF multipliers as set out in the Appendix.
- Minimum Per Pupil Funding levels of £3,750 (Primary) & £5,000 (Secondary)
- The introduction of a pupil mobility factor, a new factor for Derbyshire.
- A Minimum Funding Guarantee, to be set by LA, of between +0.5 and +1.84% per pupil.
- No capping of gains.

A report on the arrangements in Derbyshire was approved at Cabinet on 16<sup>th</sup> January 2020, the decisions are, however, still subject to the LA's call-in procedures. The report's recommendations allow the NFF to be implemented in full with the maximum MFG of +1.84% per pupil and no local cap on gains. The resultant budgets slightly exceed the grant by £0.264m, but this shortfall should be covered by savings in the rates costs of schools converting to academy status.

Appendix 4 to the report shows those schools which will still be in receipt of MFG protection, however, the overall level of support is much reduced compared with 2019-20. Future increases in NFF multipliers will reduce the cost of MFG support over time, although it will take some years before it is completely eliminated for some schools.

The LA's formula proposals have to be submitted to the ESFA by 21<sup>st</sup> January 2020 for approval; provisional budgets, subject to this approval, are expected to be published in the week commencing 27<sup>th</sup> January 2020.

Schools Forum agreed to note the report.

### **20/08 Dates and venues of future meetings**

Thursday 25 June 2020 - 6pm – 8pm at County Hall, Matlock

The meeting closed at 6.50pm.