

## **SCHOOLS FORUM**

**TUESDAY, 9 JULY 2013**

**PRESENT: -**

**School Members:** Steve Colledge, Chair - Academy Headteacher  
Paul Boyles, Vice-Chair - Academy Governor  
Chris Davis, Primary Headteacher  
Rhian Cockwell, Primary Headteacher  
Alison Lowe, Primary Headteacher  
David Easter, Primary Governor  
Ray Williams, Primary Governor  
Rachael Matthey, Secondary Headteacher  
Jackie Smith, Special Headteacher  
Richard Marshall, PRU  
Lynne Fletcher, Academy Headteacher  
Nick Capstick, Academy Headteacher  
Lauren Connor, Academy Headteacher  
Wendy Conaghan, Academy Headteacher

**Non-School Members:** Peter Smith, Trade Unions  
Debbie Waldron, Early Years Representative

**Officers:**

Apologies for absence were received from .

### **1. Minutes of Previous Meeting**

Resolved – (1) That the minutes of the meeting held on 5<sup>th</sup> March 2013, be confirmed and signed.

(2) That the updates provided by Paddy Bradley (Head of Commissioning – Economy and Attainment), regarding (i) discussions at the last meeting of a possible change to the Authority's process and practice in relation to funding for disadvantaged two year olds, and (ii) the copyright licencing arrangements in relation to the archival use of "youtube" video clips by schools, be noted.

### **2. Final Dedicated Schools Grant Outturn 2012-13**

Steve Haley (Head of Finance – Education and Innovation) presented a report on the final 2012/13 Dedicated Schools Grant (DSG) outturn position following closure of the Local Authority's (LA's) 2012/13 final accounts.

Mr Haley made particular reference to Table 1 in the report, summarising the actual budget position at year end, compared with the projected position in March 2013, and commented on both the higher underspend than envisaged, to be carried forward into 2013/14, and the agreed budget commitments for that year, including monies to be retained within the Education Other Than at School (EOTAS) budget

for the development of that project. Mr Haley referred to the absence from the report of any reference to the Forum's previously agreed commitment on the issue of trade union release time that, for this year only, the Authority would fund the existing service at a cost of £23k, meaning that the balance currently available to be carried forward into 2013/14 was actually £1.160m (not £1.183m indicated in the report).

With reference to the medium term retained budget position, Mr Haley advised that there had been an underspend on the budget for the last 3 years but he was not confident that this position could realistically be maintained in future, due primarily to the much more severe risk of managing the new high needs block. He felt that even attaining a break even budget position would be something of an achievement.

Mr Haley drew the meeting's attention to paragraph 3.13 of the report, regarding equal pay claims and, specifically the implications for schools and academies of the Dumfries and Galloway ruling and the likelihood that the retained budget might need to be enhanced to accommodate future claims settlements.

Resolved – (1) that the final position on the 2012/13 retained budget be noted.  
(2) That it be noted that, after the allocation of funding previously agreed by the Schools Forum, the total balance currently available for redistribution is £1.160m.

### **3. Update on 2013/14 Dedicated Schools Grant Funding and Related issues**

Steve Haley (Head of Finance – Education and Innovation) presented a report providing an update on (i) the final 2013/14 Dedicated Schools Grant (DSG) settlement, (ii) disadvantaged 2 Year old funding, (iii) the post 16 high needs student costs and funding position and (iii) the various cost pressures on the 2013/14 mainstream funding position, (iv) SRP and other high need setting cost pressures, (v) the proposed introduction of a new High Needs top up rate, (vi) the funding of additional SEN places, (vii) revised EOTAS alternative provision top up fees, and (viii) the proposed entry into a Service Level Agreement for Travellers' children

#### Final DSG Settlement

Mr Haley confirmed that the final 2013/14 DSG settlement was £145,554,233. He advised that this figure was, effectively, now fixed and that any further variation could only be as a result of changes to 3 and 4 year old funding.

Paddy Bradley ((Head of Commissioning – Economy and Attainment) commented on the implications of the relaxation of the eligibility criteria for take up of disadvantaged 2 year old funding, and the expectation that the "Grow2gether" capital project would open seven new providers offering additional 2 year old places. Regarding this latter point, and in response to a question by the Chair, Mr Bradley outlined process used by the local authority for the commissioning of the seven new providers.

Resolved – (1) That the 2013/14 DSG settlement for Swindon, confirmed at £145.554m, be noted.  
(2) That, in respect of disadvantaged 2 year old funding, it be noted that an in year underspend of up to £1.067m is forecast based on current take up and existing

spending plans.

#### Disadvantaged 2 year Old funding

Mr Haley reported on the calculation of the amount of DSG allocated for 2 year olds and the forecast underspend in the current year.

Resolved – That the forecast underspend of up to £1.067m, based on current take up and existing plans, be noted.

#### Post 16 High need students costs and funding

Mr Haley advised that the assumed position in January 2013 had been that additional funding to meet the new post 16 responsibilities would match costs but this had not proven to be the case and that, as discussed by the Forum at its March 2013 meeting, costs would clearly exceed available funding by some £823k. It had been agreed by the Forum, at that meeting, that the relatively generous settlement in the Disadvantaged 2 year old element of the DSG settlement be used, if necessary, to offset the post 16 shortfall in the short term. It was noted that a request for the Education Funding Agency (EFA) to review the authority's post 16 position had resulted in a one-off allocation additional DSG of £349,650 but that this still left a funding gap of approximately £500,000. Mr Bradley advised that, based on the estimates from providers, approximately 410 high need students had applied for further education placements (289 in colleges, 24 in ISP's, 19 in non-maintained special schools, 6 in other LA special schools, 7 in Swindon sixth forms, 44 at Uplands sixth form and a further 21 post 19 students at Uplands Adult Education Trust and that, if all these were funded, the DSG allocation would be exceeded by over £2m.

Mr Bradley commented that, bearing in mind the cap placed on Swindon's learner numbers in 2013/14 and the capped budget, and that it remained the duty of the authority (not the providers) to identify numbers of high need students, the authority had imposed the strict criteria, in line with EFA guidance, and excluded approximately 100 students from being eligible for high needs funding. He continued, commenting on the funding option for students in FE colleges who are not High Needs under the criteria and, in respect of those students who are acknowledged as meeting the criteria, the necessity for the moderation of costs to ensure that the packages of support meet the needs of the student, are reasonable and are costs that the EFA have advised cannot be met within Element 1 funding. It was noted that these factors represent very significant challenges for the authority and providers and that negotiations would continue with a view to securing appropriate placements for all high needs students which meets needs and represent best value for money within the financial constraints detailed in the report.

Mr Haley presented a supplementary report to the meeting, providing an update on the post 16 high needs funding. The report detailed available funding for the 2013/14 financial and academic year, the latest post 16 cost estimates available in respect of each provider's new and existing funding responsibility (including new funding responsibility for potential late applicants and Independent Specialist providers and existing responsibilities for out of borough, special schools and mainstream sixth forms) and a summary of proposed allocations for part and full year. Mr Haley took members and delegates through the report, expanding on the

detail of each provider's estimate of their overall funding responsibility and inviting the Forum to note the position of the various providers. He concluded his presentation of the supplementary report by guiding forum members through a summary of the overall position for the 2013/14 Academic Year (Part C of the report), setting out new and continuing responsibilities. It was noted that the total of number of students (314) requiring high needs funding far exceeded both the number cap and the available funding envelope and that, as a consequence, the financial position was extremely difficult, and this even before consideration might be given to further potential costs in the form of unmet funding requests and the contingency provision for late applicants.

The Forum was asked to note:

- the overall post 16 funding position and in particular the level of disadvantaged 2 year old funding that would have to be allocated to meet the post 16 shortfall.
- the risk of not funding 52 students at Swindon College, that the College had indicated that it would not offer students a place if the authority was unable to provide the level of funding requested. That these learners would need to be placed with other providers and it was not clear whether there would be feasible alternative options for every learner, presenting a risk that learners might not be able to start an appropriate course in September
- that any support the Forum might give to the allocation of funding for learners who did not meet the high needs criteria would be inconsistent with other providers and contrary to EFA guidance.

Following the presentation of the report and the supplementary report, Mr Haley and Mr Bradley responded to members questions and observations on the matters raised, including:

- the new process for the determination of high needs and the commissioning of places
- the reasons why some providers seem in a better position than others to meet their new funding responsibility
- the achievement of the best outcomes for high needs learners and the future challenge of the disassociation between need and financial resources
- the importance of recognising that this issue will impact upon some of the most vulnerable families within the community
- recognition that this change in funding arrangements has been politically led and the value of making the Department aware of the Forum's concern at the impact of reduced funding on vulnerable young people
- the impact of the real financial cuts being made in post 16 education and the increased numbers of applicants
- the legal position of the authority to ensure places for high needs students that "meet their needs" and its legal and ethical position in relation to students who do not meet the high needs defining criteria
- the recognition that responsibility for the determination of high needs lies with the authority, not the provider, and the apparent discrepancy between the authority's high needs assessment criteria and those applied by different providers in accepting students as high needs learners
- tribunal arrangements and legal challenge by learners not deemed eligible under the high needs criteria
- the numbers of high needs places initially identified by providers and the numbers subsequently assessed by the authority as meeting the high needs

criteria

- the inclusion in the allocation projections of 21% “uplift” monies and the impact of withdrawing that funding where possible

Resolved - (1) That the overall post 16 high needs funding position, as set out in the supplementary report tabled at the meeting, be noted and that it be agreed that the surplus on disadvantaged 2 year old funding be used to give transitional financial support to providers to allow them to meet their high needs funding responsibility for the period of the 2013/14 Academic Year (as summarised in Part C of the supplementary report tabled at the meeting, excluding the identified further potential costs).

(2) That a working group be established, comprising representatives of the different academic bodies on the Forum, to draft a letter to the Department regarding the Forum’s concerns about future education funding, particularly in relation to post 16 high needs funding but to include other matters of concern to each of the bodies represented on the Forum. That each of the bodies represented on the Forum advise the chair of their groups’ representative on the working group.

(3) That forum members’ remarks about the complexity of this issue (post 16 high needs funding) and the difficulties of giving the matter proper detailed consideration when reports are tabled at the meeting, be noted and that, in future, reports to the Forum on academic funding issues should present all alternative options for the Forum’s consideration, including alternative proposals and solutions that might be put forward by providers.

#### Update on mainstream cost pressures

Mr Haley introduced a number of issues that had arisen in relation to 2013/14 mainstream funding levels, in the period since these were set at the meeting of the Forum on 5<sup>th</sup> March 2013, and sought the Forum’s agreement to the proposed response in relation to each of these.

#### *Croft Academy Trigger Funding*

Resolved – That it be noted that approximately £77,135 of unplanned spend would need to be met from the 2013/14 pupil growth fund to provide trigger funding to Croft Academy and that further payments would need to be budgeted for in future years.

#### *Orchid Vale Expansion*

Resolved – That the payment of £10,000 additional funding to Orchid Vale School to cover additional teaching costs arising from the capital programme delay be supported.

#### Update on SRP and other High Need Setting Cost Pressures

Mr Haley and Mr Bradley reported on requests that had been received for additional funding in relation to high needs settings.

*The Ridgeway ASC SRP Unit - pump priming for set up and early operating costs for the first two years*

Resolved – That the payment of enhanced top ups for the first two years of a new provision opening be supported and that £43,284 be allocated to Ridgway ASC SRP in the current financial year.

#### *Redoaks SRP British Sign Language (BSL) Provision*

Resolved – That, as part of a wider on-going review of provision of hearing impaired services, the payment of additional funding of £14,300 to the Redoaks Hearing Impaired SRP to enable the training of in house staff be supported.

#### *Ridgeway Hearing Impaired SRP*

Resolved – That the payment of additional funding of £18,000 to the Ridgeway HI SRP, of which £10,500 would fall in 2013/14, be supported.

#### *White Horse Federation Issues*

Resolved – That the requests for additional funding from the White Horse Federation in relation to leadership and management costs be not approved. That the issue of enhanced financial support for SRPs in relation to their leadership and management costs be reviewed as part of the general review of the 2014/15 funding proposals and that, in cases where a setting is found to be due an increase, consideration be given to its retrospective application for the 2013/14 Financial Year.

#### Proposed Introduction of new High Needs Top Up Rate

Mr Haley reported on payment by the Commissioner for Education of enhanced top ups in line with recommendations of the SENRAP Panel following its review of the detailed business cases submitted by providers for top up funding in exceptional cases where the needs of individual students are particularly complex.

Resolved – That, where appropriate, the payment of enhanced top ups by the Commissioner for Education, based on recommendations by the SENRAP Panel, backdated to 1<sup>st</sup> April 2013, be supported.

#### Funding of additional SEN places

Mr Haley reported on the contingency retained within the 2013/14 budget for high needs pupils and the Authority's position in relation to additional place funding in cases where an individual Special School or SRP is asked to take pupils above their planned number.

Resolved – That it be noted that, where additional places are required above planned numbers, the Authority's "default position" is that only top up fees will be payable, although individual cases will be considered.

#### Revised EOTAS Alternative Provision top Up Fees

Mr Haley reported on (i) the revised treatment of exclusions and other income and, in particular, the revised top up fees payable to EOTAS in respect of students attending Stratton and Riverside, and (ii) the revised treatment of non-exclusions

income from 2014/15 and to support the LA's proposal to consult on the basis of increasing delegation.

Resolved – (1) That the revised treatment of exclusions and other income and the revised top up fees payable to EOTAS for Stratton and Riverside be noted.

(2) That the revised treatment of non-exclusions income from 2014/15 be noted and that the Authority's proposal to consult on the basis of increasing delegation via an uplift of approximately £383.93 to the secondary Low Prior Attainment factor be supported.

#### Proposal to enter into a Service Level Agreement for Travellers' Children

Mr Bradley reported on the Authority's decision not to centrally retain funds to support the education needs of Travellers' children and the implications of this decision in relation to support for the children of fairground and circus workers.

Resolved – That the creation of a new centrally retained high need budget of £5,000 to commission education provision for children of fairground and circus workers be agreed.

### **4. School Funding Reform Changes 2014/15**

The Forum received a report on the school funding reform changes affecting mainstream settings required for 2014/15 arising from the Department for Education (DfE) 4th June 2013 announcement. It was noted that further work was required to fully understand the position for high needs settings as, although the general principles appear to remain unchanged, next year's funding levels had not been quantified and there were some detailed changes to be implemented. Further guidance was due to be released by the DfE on this matter.

The report also set out the areas of funding to which the Authority was already committed to review and also those areas which we were to be reviewed by the DfE for 2014/15. It was noted that whilst some changes were mandatory others were optional and proposed consultation plans covering mainstream and pre 16 high need settings were set out in the report. It was a key requirement of the reform changes that all settings must be consulted regarding changes that affect them and that the Authority could not, therefore, limit its consultation to the Schools Forum but that it would continue to report to, and seek the view of, the Forum on the outcomes of consultation event.

Resolved – That the key requirement of the school funding reform changes to consult all settings on the changes that affect them, and the event programme set out in the report for consultation with affected schools, be noted.

### **5. Forecasting of School Balances 2012-13**

The Forum received a report advising on the final position, as at 31st March 2013, of school revenue balances compared to the position forecast by schools in December 2012. It was noted that the Authority was required to monitor the level of school balances held by schools to provide assurance to the Council's Board Director Resources regarding the financial sustainability of individual schools and to help ensure the local fair funding formula is as equitable as possible.

Resolved – (1) That it be noted that:

- the majority (61%) of Swindon maintained schools were accurate in forecasting their year end balances as measured by the thresholds agreed by Schools Forum
- only 7 schools reported significant variances between their forecast and actual outturn positions and will be contacted by the LA for explanations
- actual school balances were 43% higher than the December forecast of £3.5million
- the Authority would present further information on the planned use of school balances to the October meeting of the Schools Forum when it would make recommendations for any potential claw backs.

(2) That it be noted that Abbey Meads Primary School had been incorrectly “red rated” in the report due to the inclusion in the final balance figure of the school’s community facilities balance.

(3) That, with reference to their concerns regarding the presentation and content of this report, the agreed criteria for the revised scheme for monitoring and managing schools balances be re-circulated to delegates in order to facilitate a review of the forecasting process, particularly in relation to the reporting of significant variances between schools’ forecast and actual outturn positions.

## **6. New Schools Financial Value Standard**

The Forum received a report providing an update of the position for Swindon schools in submitting their initial Schools Financial Value Standard (SFVS) self-assessments, as required by DfE.

Resolved – (1) That it be noted that the Council’s Chief Finance Officer had submitted the assurance statement to the DfE confirming that all relevant Swindon schools had completed an SFVS review in accordance with the statutory deadline.

(2) That it be noted that the Council would review each SFVS response over the next few weeks and might contact individual schools to verify evidence to support their assessments.

## **7. Dates of Meetings for 2013/14**

The Forum was asked to note its schedule of meetings in the 2013/14 Municipal Year.

- 8<sup>th</sup> October 2013
- 21<sup>st</sup> January 2014
- 11<sup>th</sup> March 2013