

**SCHOOLS FORUM
18 NOVEMBER 2021
4.30 - 6.30 PM**



Present:

Martin Gocke, Pupil Referral Unit Representative (Governor) (Chair)
Stuart Matthews, Academy School Representative (Headteacher) (Vice-Chairman)
Jennifer Baker, Special School Representative
Sue Butler, Early Years PVI Provider
Liz Cole, Primary School Representative (Headteacher)
Karen Davis, Primary School Representative (Headteacher)
Keith Grainger, Secondary School Representative (Headteacher)
Jo Lagares, Primary School Representative (Headteacher)
Roger Prew, Primary School Representative (Governor)
Elizabeth Savage, Academy School Representative (Headteacher)
Phil Sherwood, Primary School Representative (Headteacher)
Debbie Smith, Secondary School Representative (Headteacher)
Richard Stok, Primary School Representative (Governor)
Grant Strudley, Academy School Representative

Observer:

Councillor Dr Gareth Barnard, Executive Member for Children, Young People & Learning (Observer)

200. Apologies for Absence/Substitute Members

There were no apologies for absence.

The Chair welcomed back Grant Strudley as a new Academy School Representative of the Schools Forum. The Chair also welcomed Jenny Baker who had joined the Forum as an official member and was no longer a substitute member. Jenny Baker had formally replaced Peter Floyd as a Special School representative.

201. Declarations of Interest

There were no declarations of interest.

202. Minutes and Matters Arising

RESOLVED that the minutes of the meeting of the Forum on 16 September 2021 be approved as a correct record.

Arising from minute 196, Cherry Hall would present an update on the collation of SEN data for the Childcare Sufficiency Assessment under Item 4 (2021-22 Childcare Sufficiency Assessment).

Also arising from minute 196, Cheryl Eyre would present an update on the progress of the High Needs Block (HNB) action plan under Item 5 (High Needs Block: Update on Progress). However, the Chair proposed that Item 7 (The Schools Budget: 2021-

22 Budget Monitoring) be presented prior to Item 5 to provide context. This was agreed by the Forum.

Arising from minute 197, Paul Clark had completed the financial consultation with schools, and this would be presented under Item 8 (Outcomes from the October 2021 Financial Consultation with Schools).

Also arising from minute 197, the Forum had agreed a number of requests to be made to the Department for Education (the DfE). Paul Clark updated that four requests had been submitted and that the DfE had already agreed to two of those requests; the key one being that the DfE had approved that the council continues to provide additional funding from local authority Reserves to support the additional diseconomy costs arising from the new schools funded on the Start-up and Diseconomy funding policy for new and expanding schools. The council was still awaiting other responses, but it was not unusual for requests to be considered by the DfE at different times.

203. **2021-22 Childcare Sufficiency Assessment**

The Forum considered a report which presented the 2021-22 Childcare Sufficiency Assessment (CSA), to be submitted to the Executive Member and subsequently published on the Bracknell Forest Council Website, as required by the authority's statutory duty to secure sufficient childcare.

Cherry Hall explained that this was a complex assessment as numbers of providers and of children typically fluctuated over the course of the academic year. Last year had been particularly challenging due to the pandemic. However, the Early Years team at Bracknell Forest Council (BFC) were keen to continue to improve the quality of the data collected.

The CSA showed that the Borough continued to have sufficient childcare for the under 5s (indeed, it was confirmed that there was a surplus of childcare places in some areas). The numbers of individual children accessing funded places had decreased during 2021 but the overall number of hours had increased. This may have been due to changes in working patterns. The CSA also attempted to look at wrap-around care (before and after school childcare) but it was difficult to get accurate data for that. Some settings would have found it difficult to provide breakfast and after-school clubs, especially whilst trying to operate bubble systems. This remained a changing picture and further work was needed to understand the ongoing impact. However, it appeared that wrap-around care needs had lessened. It was also important to look at what changes there had been to what provisions had been operating. The Early Years team at BFC continued to help providers to understand opportunities in the market and how to operate and remain sustainable. There had been no group provision closures in the early years provision, but it was possible that closures may occur in the future. The Early Years team at BFC had been actively promoting childcare in the Borough.

Sue Butler was invited to speak as the Early Years representative on the Schools Forum. Sue Butler expressed that she agreed with everything Cherry Hall had said and that she was proud of the Early Years team at BFC and all the support they had provided.

The Forum noted that the population projections showed a decrease after 2020; however, more houses were due to be built. The Forum queried what the numbers were based on. Cherry Hall replied that all predictions were based on ONS (Office for

National Statistics) data as they were the best predictions available. The new housing was not currently generating children.

The Forum asked what the impact was of the College Nursery closure. Cherry Hall explained that the money had been invested in a new 0-2 room based in a council building which had opened in September. This covered not only the cohort from the College Nursery but provided additional places. The nursery was not yet full, but this was not unusual for the first term of a new provision.

Karen Davis, as a Primary School representative on the Schools Forum noted that there were data gaps for school-based childcare and asked whether there was anything that primary school providers could do to help with that. Cherry Hall responded that she would take that question back to the Early Years team at BFC and would then discuss with Karen Davis.

Regarding early years vacancies, the Chair calculated that the percentage of vacancies in the summer term was about 12 to 13%. Given that summer terms were typically the fullest terms, the Chair felt that must mean that autumn and spring terms had even higher vacancies and questioned how sustainable that was. Cherry Hall expressed that was a difficult question and was known to be an issue. Some providers changed their staffing numbers on a termly basis, but they needed to look at their business models over the whole year. Sue Butler added that, over the academic year, their budgets would generally balance. They typically offer lots of temporary contracts and increase staffing as and when numbers of children increase. However, there was always lots to do to get through the autumn term and funding levels didn't cover the increase in costs. If this situation continued, the PVI sector in early years would cease to exist within three to four years. Lots of childcare owners had second jobs as nurseries did not provide the income they needed to live. Although there was optimism amongst providers about the potential increase in base rate funding, the concern was that this would not match the increase in the cost of living, especially as the sector had already been heavily under-funded. Cherry Hall had provided the information available to the Early Years Forum but could not provide more detailed information until that was released by the DfE. To aid budget planning, the proposed key principles to be used in setting the Early Years budget would be presented at the next meeting of the Schools Forum with final budget proposals reflecting confirmed DfE funding decisions expected to be available in January.

Action: Paul Clark

The Chair highlighted that there were 255 children resident outside of the Borough attending BFC early years provision and asked whether BFC met the costs of those children. Cherry Hall confirmed that was the case and added that she had been working out with our closest neighbours how many BFC children were going across border for their early years provision. This data was not yet available. The Chair added that this linked to the School Places Plan.

The Forum thanked Cherry Hall and her team for all their work on providing the CSA.

RESOLVED to NOTE the 2021-22 Childcare Sufficiency Assessment.

204. **Reforming how Local Authorities' School Improvement Functions are Funded**

The Forum considered a report providing an update on proposals from the government to reform how local authorities' (LAs) school improvement functions were funded, for implementation from April 2022.

Paul Clark explained that the consultation was issued on 29 October 2021 and was communicated without advance notice to LAs on 3 November. Responses were required by 26 November 2021. LAs were being asked to agree de-delegation for Financial Year (FY) 2022-23 with their schools forums by January 2022 at the latest.

Paul Clark explained that ordinarily the council would wish to consider how the School Improvement offer should be constructed and then undertake a consultation with schools to gather views. In the circumstances there was insufficient time to complete this. Therefore, the report proposed continuing into 2022-23 with a de-delegation model that would be financed from the remaining School Improvement Monitoring and Brokerage Grant, so no cost to maintained schools. A detailed review of the services involved and consultation with schools would then be undertaken in 2022 to have a clear proposal for 2023-24 for the Forum to consider.

To assist the Forum to have the detailed information to do this, Paul Clark suggested slightly deferring the December meeting of the Schools Forum. However, the Forum was reluctant to push back the December meeting as it would be too close to the following meeting; also, there would be limited availability of Headteachers for a meeting later in December.

The Forum agreed to defer the decision until the meeting on 9 December 2021 with Headteacher Representatives on the Forum to seek views from other Headteachers to be reported back to the Forum in December

Action: Liz Cole to seek views from Primary Headteachers

Action: Debbie Smith to seek views from Secondary Headteachers

The Forum felt that the school improvement service was vital and expressed support for the service continuing in the same way it had in the past. Cheryl Eyre commented that BFC had a strong system in Bracknell which had paid dividends turning schools around and providing support when needed.

205. **The Schools Budget: 2021-22 Budget Monitoring**

The Forum considered a report which updated on the 2021-22 forecast budget monitoring position for the Schools Budget, the key issues and management actions being taken, and progress to date on the Education Capital Programme.

The Chair introduced this Item as he had asked a question previously about who was responsible for overspend and the Forum had understood that the DfE had assumed responsibility for the overspend. However, this report conveys the message that the LA was expected to be responsible for the deficit from March 2023.

Paul Clark explained that this was an annual report and was based on revenue data from the end of September so there was a small lag. The key message was that budget difficulty had worsened on the HNB budget. The data forecasted an overspend on the Schools Budget of almost £7.6m. This was on top of the pre-existing £2.6m deficit held in the Dedicated Schools Grant Adjustment Account.

The DfE had originally put in place a regulation to confirm central government liability of any deficit for a 3-year period. It had now confirmed that the expectation was that LAs would pick up liability for any deficits from March 2023, out of their available resources. Therefore, the council needed to start planning how to cover that debt. BFC had some balances that they managed to maintain but it was still expected to be a significant challenge to cover the deficit.

BFC staff and the Executive Member had completed 2 sessions with the Education and Skills Funding Agency (ESFA) on the current deficit position in BF and a further meeting was scheduled for December to talk in more detail about the planned approach. Paul Clark explained that it would take time to see the output and cost reduction and some measures would require investment to start with.

The Forum noted that the deficit at the point of transfer was expected to be £20.4m and asked whether BFC would be responsible for paying that debt or whether it would start from nil. Paul Clark explained that whatever the debt was at the point of transfer would be the responsibility of the council to finance. It was expected that there would be some money from the ESFA to cover some of the deficit.

The Chair asked where the money could be found from. Paul Clark confirmed that there was no requirement from the Government as to where the debt must be financed from and it would be a council decision in consultation with schools forums. There was no specification of how or when to pay the debt off but there needed to be an adequate plan signed off by the Council's Director of Finance showing that the deficit was being managed.

The Chair highlighted that paragraph 6.15 of the report seemed to attribute responsibility for the overspend to increases in pupil needs and the rising costs of support. However, having been a member of the Forum for a long time, he had seen lots of different plans created by BFC Directors which had lost momentum and been disregarded when new Directors had taken over. A report from June 2016 criticised BFC for a lack of data, a lack of leadership, partnership-working, strategy, and communication. This was then followed by a period of transformation for the whole of BFC, and whilst BFC may have saved some money overall, this appeared to have rebounded on the HNB which had lost key members of staff and the momentum to continue with plans. BFC had faced the same issues since 2012, so the Chair did not consider that the problems were just caused by an increase in numbers and felt that BFC needed to take responsibility for how it had managed the HNB over a number of years.

The Forum asked for clarification of the responsibilities of the Forum. Paul Clark replied that the LA had decision-making power around financial decisions, but it was good practice to consult the Schools Forum. The practice at BFC had always been that the budget was set on recommendations agreed by the Forum. The DfE guidance was shared at the meeting.

Councillor Barnard expressed that all LAs had been wrestling with this and all that could be done was to collectively work as hard as possible to address the issues. Councillor Barnard felt that there was a greater vigour to get things done this time around, but he accepted the point raised by the Chair about how things had been managed before. However, he did not feel that the work done by the consultants had been wasted. The council would continue to learn and do their best to manage the issues.

The Forum asked whether it was necessary to plan on having a dramatically lower HNB budget as it would be unlikely in the long term to be allowed to continue to overspend on the budget. Paul Clark replied that was difficult to answer now as he was expecting the deficit to reduce over the next few years and there could also be funding increases. A lot would depend on how effective the program of reform was. The council would not be expected to balance the budget straight away. The Forum was still concerned about how to achieve such a dramatic decrease in spending. The Chair noted that point but asked to move forward with the meeting as this could not be resolved without more information.

Nichola Jones felt that the fundamental first step to get a grip on HNB spending was for schools to understand that the overspend was not just a problem for the LA and that actions schools take had an impact. This Forum was the best mechanism to understand the issues and work out how to collectively solve them. The Forum expressed that, when Headteachers submit their provision maps, they should reflect the needs, and the Forum hoped that it was not the case that there would be less money going to schools. Nichola Jones confirmed that was not the case and shared that BFC's focus was on investment in early help and working with school leaders to get to that point.

RESOLVED to NOTE

1. the budget variances being forecast on the Schools Budget that total to an aggregate net forecast over spending of £7.598m (paragraph 6.12 of the report);
2. that the year-end balance held in the Dedicated Schools Grant Adjustment Account is forecast at a £10.224m deficit (paragraph 6.12 of the report);
3. the possibility that liability to fund balance held in the Dedicated Schools Grant Adjustment Account will transfer to LAs from April 2023 (paragraph 6.18 of the report);
4. the council is in discussions with the Department for Education relating to the management for the High Needs Block deficit (paragraph 6.21 of the report); and
5. progress to date on the Education Capital Programme, as summarised at Annex 2 of the report.

206. High Needs Block: Update on Progress

The Forum considered a briefing paper regarding actions being taken to address the HNB deficit budget and the strategies being implemented to secure financial probity of this funding in the future.

Cheryl Eyre explained that change was required as the HNB grant was insufficient to meet the needs of children and schools. Furthermore, the LA could not continue to spend at the same rate.

Cheryl Eyre explained that there were six project workstreams: governance framework and processes, building relationships, service and process review, data, developing the market for SEND / AP and support, and commissioning.

Governance framework and processes

Emma Shenton and Mike Carne were leading work on improvements to Capita ONE. Historically, the SEN team had just worked with spreadsheets, and it was difficult to have a big overview. Capita ONE captures everything and would centralise the information, making it easier to communicate information as well. Work was needed to integrate Capita ONE into the Council's system.

Building relationships

There was an ongoing need for work to be done around relationships as there had been issues of non-communication from the SEND team to stakeholders. Regular SEND meetings with Headteachers and SENCOs had been scheduled.

Service and process reviews

Cheryl Eyre explained that there was full backing of the council to recruit the right people with right salary to the SEND team. The Chair expressed that the job descriptions need to be achievable. Cheryl Eyre agreed with this and explained that the job descriptions had been re-written and recruitment was due to commence in January 2022.

Nichola Jones had developed new systems to address the backlog of incomplete EHCPs and was meeting daily with members of staff to drive this at pace. Staff were finding this challenging as they were not used to reporting back. Cheryl Eyre explained that 80% of the team were interim staff. The Chair expressed that this was problematic as they would have no allegiance to Bracknell Forest and no knowledge of the local area and market. However, Cheryl Eyre explained that the SEND team would not be expected to have a knowledge of the local area and market as this was held by the other teams such as the Educational Psychologists. The SEND team were responsible for driving the process by working through systems and this did not require a knowledge of the local market.

Data

Cheryl Eyre had been working with Finance and the SEND Team to develop projection data for trends with the most recent 5 years now available. It was hoped that this would enable the team to start modelling demand projections moving forward.

Developing the market for SEND / AP and support

Six new Specially Resourced Provisions (SRP) had opened in primary schools, with more to be created, especially in secondary schools. Cheryl Eyre thanked the HNB subgroup for their work around creating the SRPs. The existing Service Level Agreement (SLA) had been subject to further refinement, including legal support to ensure that it was clear and met the needs. Cheryl Eyre was now confident that the SLA and surrounding process for the SRPs is strong.

Work was being undertaken by the Headteachers Working Group to develop the Banding Matrix and look at the process, and Paul Clark would work on funding at the appropriate time. This work was all joined up with a clear agenda. Cheryl Eyre explained that the BFC policy did not permit top-up funding for SEND children who didn't have an EHCP. Cheryl Eyre thought that was unhelpful and that there should be top-up funding for SEND children without an EHCP, but there needed to be a consistent process. Once EHCPs were in place, this generally moved beyond top-up funding and parents often considered moving to independent placements. This was not a sustainable position, and there was an ongoing need to establish more complex provision in the Borough. However, there may always be a small number of complex cases whose needs cannot be met in the Borough.

Commissioning

Commissioning had no role in SEND until 2020 and previously the team were spot-purchasing places. This meant that schools were sometimes charging different amounts for identical provisions. Commissioning was now working on value for money placements, due diligence, and monitoring outcomes.

HNB subgroup

The Chair requested a discussion around the future of the HNB subgroup that had been commissioned as part of the Schools Forum, as it appeared that other groups were naturally forming. However, if the subgroup were to be disbanded, this needed to be a formal assent by the Schools Forum. The Forum felt that the critical pieces of work which had been started by the subgroup needed to be carried forward. Jenny Baker had been chairing the subgroup and expressed a willingness to continue. The Chair suggested that the subgroup could be convened as and when needed. Cheryl Eyre requested an update of the subgroup to be presented at the next meeting of the Forum.

Action: Jenny Baker

207. **Outcomes from the October 2021 Financial Consultation with Schools**

The Forum considered a report which provided an update on the responses from the recent financial consultation from schools which sought views on the approach to setting a minimum increase in per pupil funding from 2021-22 and whether maintained schools supported ongoing de-delegation of budgets and making a financial contribution to statutory education related duties for which the council was responsible for meeting but received no funding. There was also a limited update on the 2022-23 budget position for mainstream schools.

The Forum had no questions or comments.

RESOLVED

1. to NOTE the outcomes from the financial consultation with schools as summarised in the supporting information and Annex 1 of the report; and
2. the Executive Member for Children, Young People and Learning (CYPL) is asked to AGREE that:
 - i. all schools should receive the maximum +2% increase in per pupil funding from the 2021-22 financial year, subject to affordability; and
 - ii. any cost associated with providing all schools with the agreed minimum percentage increase in per pupil funding from 2021-22 should be met by those schools receiving the largest increases in per pupil funding, typically those above the average percentage increase.

Item for Maintained Primary School representatives only

RESOLVED to AGREE the continued de-delegation of budgets for the services requested by the council.

Item for Maintained Secondary School representatives only

RESOLVED to AGREE the continued de-delegation of budgets for the services requested by the council.

Items for all Maintained School representatives (includes Special and PRU) only

RESOLVED to AGREE

1. that a £20 per pupil contribution continues to be made by maintained schools towards the cost of delivering 'general' education related statutory and regulatory duties; and
2. the proposed updates to the Scheme for Financing Schools (Annex 2 of the report).

208. **Dates of Future Meetings**

The next meeting of the Forum would be held at 4.30pm on Thursday 9 December 2021.

CHAIRMAN