

**SCHOOLS FORUM
10 MARCH 2022
4.30 - 7.00 PM**



Present:

Martin Gocke, Pupil Referral Unit Representative (Governor) (Chair)
Stuart Matthews, Academy School Representative (Headteacher) (Vice-Chairman)
Jenny Baker, Special School Representative
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, Academy School Representative
Richard Stok, Primary School Representative (Governor)
Grant Strudley, Academy School Representative
Greg Wilton, Teacher Union Representative

Observer:

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

Apologies for absence were received from:

Sue Butler, Early Years PVI Provider

223. Apologies for Absence/Substitute Members

There were no apologies for absence.

The Forum noted the attendance of the following Substitute Member:

Debbie Smith as an Academy School Representative.

224. Declarations of Interest

The Chair declared an affected interest regarding Item 5 (2022-23 Proposals for the High Needs Block Budget) in relation to College Hall.

Jenny Baker also declared an affected interest regarding Item 5 in relation to Kennel Lane School.

The Chair highlighted that, whilst Item 5 related to all schools, only College Hall and Kennel Lane School were named so it was not necessary for other members of the Forum to declare interests at this point but were free to declare interests if they became evident during any discussions.

225. **Minutes and Matters Arising**

RESOLVED that the minutes of the meeting of the Forum on 13 January 2022 be approved as a correct record.

Arising from minute 218, Paul Clark advised that all new documents published relating to the Local Plan would reflect the new data. The Chair highlighted that the strategic document was due to be presented to the Forum at this meeting and queried why it was not on the agenda. Chris Hilliard replied that there had been delays to that report, partly due to reflecting on feedback from primary headteachers. The report was due to be taken to the Executive in April 2022 and would be presented to the Forum in June 2022.

Action: Cheryl Eyre

The Chair asked whether there would be consultation with headteachers on the Forum before the report is taken to the Executive. Chris Hilliard replied that he would reflect on that and discuss with Councillor Barnard the way forward as he needed to ensure due process was followed. Chris Hilliard requested that the School Places Plan and Capacity Strategy be added as an agenda item for the meeting of the Forum in June 2022.

Action: Derek Morgan

The Chair expressed his disappointment that the Forum would not receive an update on the strategy for managing the High Needs Block (HNB) Budget and support provided to pupils at this meeting; whilst some detail would be shared under Item 5, the Chair felt this was not enough and that there would therefore be six months between detailed updates. The Forum asked whether the delay to the meeting in June would impact any decisions made by the Forum. Paul Clark replied that the financial plans were in the process of being finalised based on current information and assumptions but if something emerges that needed amending then there are procedures to reconsider those points during the year. For council budgets, such as the capital programme, these have been approved by the Council and were not expected to change.

In respect of the School Places Plan and Capacity Strategy, the Forum noted that the headteachers had co-produced letters in their locality clusters and asked when there would be a response. Chris Hilliard replied that communication was sent out to headteachers on 18 February 2022, but he would be happy to resend.

Arising from minute 219, the Chair highlighted the discussion during the last meeting regarding early years sufficiency and the concern raised by Sue Butler that private and voluntary sector (PVI) providers were not getting additional funding in the same way as schools. The Chair requested an update from Councillor Barnard as to any follow-up action he has taken. Councillor Barnard confirmed he wrote to the MPs for Bracknell and for Windsor and has also made joint representation to the Department for Education (DfE) requesting the reasons for the discrepancy and asking what the DfE thinks the impact would be on the PVI sector. Councillor Barnard had yet to receive a reply.

Arising from minute 221, Keith Grainger confirmed that progress had been made relating to the Garth Hill College capital project and there has been good communication with Chris Taylor since the last Forum meeting.

226. **Schools Forum Constitution & Membership**

The Forum considered a report which sought endorsement to minor changes to the Schools Forum's Constitution and Membership. The changes reflected an increase in academisation and the need for proportionate representation within the membership.

The Chair queried whether the vacancies for the academy and secondary governor representatives were the same vacancy or separate. Derek Morgan confirmed that they were different vacancies. Paul Clark added that the regulations were different for maintained and academy schools; maintained school representation had to be split between phases but academy representation did not have to be split.

The Chair noted that paragraph 5.5 of the report stated that "The election process will be conducted during the spring term" and asked whether this was still on track. Derek Morgan confirmed that it was and explained that the process usually starts in April/May and elections would be completed by the end of June meaning that elected members would be in place by August. The Chair noted that it should in fact read that "The election process will be conducted during the summer term" – this was agreed.

RESOLVED to ENDORSE the revised Schools Forum Constitution and Membership.

227. **2022-23 Proposals for the High Needs Block Budget**

The Chair requested an additional item to be heard in relation to the Joint Special Educational Needs & Disability (SEND) inspection as this would provide context around the 2022-23 proposals for the High Needs Block (HNB) budget.

Grainne Siggins, Executive Director of the People Directorate, presented to the Forum the five priority areas identified by the SEND Improvement Partnership Board:

1. Effective leadership, governance, and accountability of SEND, including allocation and use of high needs funding;
2. Ensuring SEND and vulnerable children and young people have access to a flexible range of 'fit for purpose' outcome focused provision and support to reduce fixed term exclusions;
3. Build upon existing engagement to further strengthen and improve co-production with children and young people and their parents and carers;
4. Children and young people to have successful transitions, and access robust Preparation for Adulthood pathways, independent living, and employment; and
5. Strengthening focus on early identification of children / young people at risk of presenting social, emotional, and mental health needs thereby reducing the need for crisis provision.

Grainne also presented the inspection results, focusing on the areas identified as requiring development, requiring improvement, and areas identified as being of significant weakness. It was noted that there were also areas identified as strengths. Grainne expressed that she was happy to be invited to future meetings to go through the detail of the plan and update on progress.

The Forum appreciated the briefing but felt that it would have been useful to receive the presentation before the meeting to allow time for reflection. The Forum felt that the lack of information received to date made it difficult to make a view as to whether there were appropriate arrangements in place for the education of pupils with SEN. However, from the information presented regarding the SEND inspection, it seemed that the arrangements were not appropriate. Grainne Siggins responded that there were significant areas of improvement which the department had articulated in its

self-inspection shared with the inspectors, and there was nothing from the inspectors to say that the plan was focusing on the wrong things.

The Forum felt that the briefing was useful in categorising the priority areas. The plans demonstrated a sense of urgency but there appeared to be no clear strategy as to how improvements would be brought about. The Forum needed to see what the actions would be. Grainne Siggins replied that the strategy would be refreshed in the plan and would include detailed action plans. The department was committed to co-producing that strategy. The written statement of action would be made available ahead of the meeting of the Forum in June 2022 following being presented to the Executive on 24 May.

Action: Grainne Siggins

The Forum asked whether it was planned to co-produce the written statement of action. Grainne Siggins replied that working groups have been involved in forming the content and the challenge would be for members of the working groups to feedback and engage with their colleagues. The department would not be able to do broader engagement with schools over the next six weeks before producing the statement. The Forum expressed a desire for the written statement to be more than just a list of commitments to do things and instead go further to include actions and accountability.

Roger Prew spoke about his personal experiences as a parent of a child with Down Syndrome who has been served by the SEN team at Bracknell Forest Council. Roger felt that the biggest issue to address was the culture towards families and parents who have had to fight to gain support. The Council needed to reflect on how to change the culture and to get a balance between the need to save money while providing a reasonable standard. The Chair expressed that he shared sadness about the report, and the most disappointing thing was the Council's press release after the SEND inspection where there was no contrition and no apology to service users. The Chair asked Councillor Barnard where the political accountability was in all of this and where the scrutiny of Members has been. Councillor Barnard replied that he shared and understood the comments, and it has been an issue that the Forum has raised for a considerable period. It has been an issue of concern for Councillor Barnard and has been approached with ever increasing urgency. In the year running up to the inspection, the Council had started to get into place the building blocks to improve the service, but Councillor Barnard would have liked this to develop faster. Going forward, Councillor Barnard would be part of the SEND improvement board and will take forward the issues. There was a clear commitment by the Council to make improvements and has put additional money into the budget. Councillor Barnard was confident that the department would deliver on the plan. Culture would be a big part of the change, making sure that colleagues on the operational level understand what is needed. Councillor Barnard would be happy to come back to a future meeting to update on what steps have been taken.

The Forum felt that confidence in the service is key, and a number of school leaders have received poor or no responses to communications (although that is a concern which is secondary to the impact on children and families). All school staff would be aware of the SEND inspection report and would be keen to see that there is a plan that all involved can have confidence in.

2022-23 Proposals for the High Needs Block Budget

The Forum considered a report which sought comments on the detailed budget proposals for the High Needs Block (HNB) element of the Schools Budget presented by the Council. In line with the statutory funding framework, there were also a small number of decisions for the Forum to take.

The Chair expressed his dissatisfaction that the Forum was being asked to comment on proposals so close to the deadline for the Executive Member to make a decision as this gave the Forum little opportunity for reflection or making alternative proposals. The Chair asked for a firm commitment for future proposals on the HNB budget to come to the Forum by January at the latest to give the Forum more time to make comments and decisions. Councillor Barnard agreed with that and suggested it would be helpful for the Forum to outline what information it needs by June or early Autumn to give officers enough time to prepare.

Paul Clark explained that the general budgetary position was looking similar to previous years in that the increase in funding by the DfE was insufficient to meet the demands forecast. The revised medium-term financial forecast to 31 March 2025 indicated a cumulative deficit of £36.371m which is 148% of annual income. The forecast annual deficits during the period to 31 March 2025 ranged between £7.408m and £6.140m.

The proposals in the report were based on key assumptions:

- continued increases in Government funding (although proportionately lower than previous years);
- ongoing rise in the number of Education, Health & Care Plans (EHCPs); the
- development of more local provision; and
- ensuring higher pupil numbers remain in mainstream settings.

A number of the proposals contained in the SEN Commissioning Plan to achieve this have been included in the medium term forecasts although a number are “invest to save” and would require extra funding in the short term. By 2024-25 it was expected that savings would be made by reductions in expenditure; however, with rising costs, there would still be a deficit.

Liability for financing HNB deficits were currently held by the DfE but recent communications suggest that this would revert to local authorities in April 2023, which would not be an affordable position for many local authorities, including Bracknell Forest Council.

Regarding the six project workstreams outlined in paragraph 6.11 of the report, Chris Hilliard updated that he is the Chair of the HNB Project Board which meets monthly. Particular progress was being made in relation to developing the market for SEND provision and AP support. There was a need to identify whether more provision was needed in the primary and secondary sectors, and this would be captured in the School Places Plan and Strategy. Work was ongoing to sharpen the commissioning process and ensuring providers were Quality Assured. There was currently only one provider where there had been problems in getting the Service Level Agreement (SLA) back. There would be further updates in the next meeting of the Forum.

Phil Sherwood shared comments which had been made on behalf of all headteacher representatives of the Forum. A record of those comments is appended to these minutes and would be shared with officers so that the details can be reflected on and

responded to. Paul Clark expressed that he appreciated the comments which were constructive.

The Forum noted that there appeared to be an “invest to save” strategy regarding the Specially Resourced Provisions (SRPs) but felt that there was a lot of speculation about the investment saving money over time as their use had not yet been reviewed. Chris Hilliard replied that that was a fair comment and was being addressed within the School Places Plan and Strategy. There was a need to have a clear strategic role for the Council to identify where provision is needed and what the potential sites are, and that would then need to be consulted on with headteachers.

Paul Clark highlighted Table 1 of the report which showed how much money the Council would be drawing down for new SRPs created since 2021. The Forum asked whether that was a finite amount of money and Paul Clark confirmed that it was but added that the new SRPs would result in reduced expenditure in the medium term.

Regarding Kennel Lane School, Chris Hilliard has had constructive meetings with the headteacher. There were issues around admissions and a need for the Council to maximise the speed to make decisions in conjunction with the school.

In terms of the concerns raised regarding forecasting, Paul Clark explained that a number of the projections in the medium-term budget plan were in their infancy as there was not a full set of figures, and there was not yet the experience from previous years as the provisions only opened in September. Some of the projections are based on assumptions and inevitably some will need to be updated. However, there was a rationale behind the figures, with detailed supporting calculations which can be shared with the Forum.

The Forum noted that the information presented year-on-year shows a significantly larger deficit than forecast. For example, in 2020 the Forum was advised that the 2020-21 deficit would be -£1.777m, -£3.178m in 2021-22, and -£4.761m in 2022-23. However, in 2021, the Forum was advised that the actual 2020-21 deficit was -£5.519 (a deficit of £3.742m more than predicted), and the 2021-22 budget deficit was now -£11.217m instead of -£3.178m (a deficit of £8.039m more than predicted). Therefore, the Forum was concerned that it would be approving a budget that could run away from us again. Paul Clark explained that the way the deficit was presented this year was slightly different to previous years as it now showed the impact on the HNB budget, so it was not a comparable picture.

The Forum asked whether the Capacity Strategy was just relating to the primary sector and if there was a separate strategy for secondary schools. Chris Hilliard replied that there was a particular issue for the primary sector which needed to be addressed first, but there was still a need to focus on the secondary sector and this was planned to take place during the next academic year.

The Chair summarised that the Forum did not have sufficient confidence in the details included in the report to agree the recommendations relating to the HNB budget. Councillor Barnard made it clear that he would not overrule any decisions the Forum made and asked what would happen if the budget were not approved by the Forum. Paul Clark replied that there was a statutory duty to set the budget by the end of March so the Council would have to consider options. The Chair clarified that the issue was not with the part of the budget that supports ongoing services as that part is essential and committed, but instead the developmental part that has not yet been committed. Councillor Barnard asked whether the suggestion was to split the recommendations to agree to spend on services but then raise questions about future plans. Paul Clark advised this was not practical to do in the Forum meeting as a

number of budgets are inter-linked and care would need to be taken to properly categorise each element of the budget proposals. The Chair clarified that it was the savings elements that the Forum could not agree. It was agreed that the best way forward was to convene an emergency meeting of the Forum where officers could suggest potential changes to the recommendations and an informed decision can be made.

RESOLVED

1. to DEFER the decision on the proposals for the HNB budget until the emergency meeting of the Forum on 29 March 2022; and
2. that the Forum DOES NOT AGREE that there are appropriate arrangements in place for:
 - i. the education of pupils with SEN (paragraph 6.23 of the report); and
 - ii. the use of pupil referral units and the education of children otherwise than at school (paragraph 6.23 of the report).

Paul Clark suggested having an planning / preparation meeting before the emergency meeting with school representatives to ensure that the proposals are on the right lines. Jenny Baker, Keith Grainger and Phil Sherwood agreed to represent schools.

Action: Paul Clark

228. Dates of Future Meetings

An extra meeting of the Forum would be held at 4.30pm on Tuesday 29 March 2022.

The next scheduled meeting of the Forum would be held at 4.30pm on Thursday 23 June 2022.

CHAIRMAN