
BURY SCHOOLS' FORUM

MINUTES

of the meeting of Bury Schools' Forum on
Tuesday 23rd November 2021
Microsoft Teams Meeting

In Attendance:

Early Years

None in Attendance

Maintained Primary

Gail Branch	Headteacher – All Saints CE Primary
Emma Moncado	Headteacher – St Joseph's RC Primary
Claire Simon	Headteacher – Bury & Whitefield Jewish Primary
Simon Waddington	Headteacher – Hollins Grundy Primary
Richard Ainsworth	Governor (Plus Governors Forum)

Maintained Secondary

Tina Owen	Headteacher – Philips High
Susan Southworth	Governor – Derby High

Academy

Rachel Pars	Headteacher – Bury College Education Trust (BCET) Elton Primary
Brian Roadnight	Headteacher (Chair) – Shaw Education Trust (SET) Woodhey High

Special

Joanne Hurst	Millwood Primary
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Special Academy

Orienne Langley-Sadler	Oak Learning partnership
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Pupil Referral Unit

None in Attendance

Non-Schools Sector

Tony Durack	NASUWT
Helen Chadwick	NAHT
Helena Thom	NEU
Carina Vitti	14 – 19 Representative

Children's Services Department:

Isobel Boler	Director of Education & Skills
Paul Cooke	Head of Schools & Academies
Steven Goodwin	Head of Strategic Business & Finance
Alison Vidler	Principal Finance Officer (Schools & Systems Finance)
Carole Benson	Senior Finance Manager
Elissa Reeve	Senior Finance & Business Manager (Clerk)

Observers:

James Franklin-Smith	Oak Learning Partnership
Katherine Ashworth	Millwood Special School
David Monger	AMEO – FutureGov

1. Apologies for absence

Lisa Corrigan	St Teresa of Calcutta RC MAT
Emma Ford	Headteacher – Radcliffe Hall – Christ Church MAT
Rachel O’Neil	Headteacher – Hoyle Nursery
Martin Van Hecke	Roch Valley Trust – St Thomas Primary
David Waites	Executive Headteacher - Vision MAT
Lawrence Yarwood	Governor – Bury CE High

Steven Goodwin confirmed Emma Ford had stepped down from Forum as she is leaving Bury and that a replacement representative will need to be appointed from the Academy sector.

2. Introductions

As the Chair’s arrival to the meeting was delayed, Steven Goodwin welcomed Forum members and confirmed that there were no new Forum members.

3. Minutes of the last Meeting

The minutes of the meeting held on Tuesday 12th October 2021 were checked and agreed as a correct record of the meeting.

4. Matters Arising from the Minutes (12/10/21)

Page 3 School Crossing Patrol (SCP)

Finance have met with the School Crossing Patrol team, and it was confirmed that the School Crossing Team are actively reviewing SCP vacancies, shared patrols and duplications and will liaise with the LA Finance Officer, Owen Brierley with the changes to enable indicative charges to be shared with relevant schools.

Forum members did not raise any further issues with SCP

5. Comprehensive Spending Review Update

Steven Goodwin summarised the review paper which was previously distributed with the Agenda.

The Autumn Budget and 2021 Spending Review delivered a strong settlement for the Department for Education (DfE), including a £1.6bn in additional funding for 2022-23 budgets, on top of the year-on-year increase of £2.4bn already confirmed at Spending Review 2019. The £1.6bn will be allocated as a separate grant and is intended to help with increasing pressures in areas such as national insurance, pay awards, high needs, managing Covid and supporting children and young people to recover from the pandemic. Bury’s share is not yet known with an announcement expected around 15th

December as Parliament breaks up for Christmas. The LA will confirm in due course how this funding will be allocated in 2022-23 for schools and high needs.

The funding announced will mean that Bury will see increases to DSG funding, equivalent to £1,500 per pupil by 2024-25. This increase is in comparison to the funding pupil levels at 2019/20. The £1,500 increase applies equally to Primary and Secondary sectors and an enquiry has been submitted to the DfE to clarify if this is their intention as primary will see a proportionately larger increase compared to secondary schools. The split between High Needs and Schools also need to be clarified in order to determine the actual increase per sector.

The calculation for the Minimum Funding Level (MFL) per pupil will also be updated to ensure that it does not mitigate any increases announced where per pupil funding is already greater than the current MFL.

There is also positive news for the Early Years Sector who are finally receiving an increase in funding to help address inflation and cost pressures experienced by this sector. The increase to hourly rates information is expected from the DfE in December 2021.

High Needs Capital will receive an investment of £2.6b between 2022 and 2025 aimed at delivering new places and improved provisions for pupils with SEND or require Alternative Provision. The DfE is currently planning to allocate the £2.6b on a formulaic basis to the Local Authorities.

Bury has had confirmation that the application for a second Free Special School has been approved and is finalising the specification for the new school in accordance with DfE requirements and the deadline of February 2022. The DfE will then launch the 4-week application process for prospective Trusts looking to submit their application to be considered for sponsoring the new provision.

In summary the recent announcement is positive funding news from the Early Years Sector through to Post-16. Further details and estimates of the impact on funding for Bury will be developed following more detailed announcements and data from the DfE expected in December 2021. These will be brought for Schools' Forum consideration in January 2022.

6. High Needs / SEND Review Update

A copy of an open letter to parents and carers of children and young people with special educational needs and disabilities from the Children and Families Minister, Will Quince, was previously distributed with the Agenda. The paper discusses the major review of the high needs block which was previously deferred.

A SEND Review Steering Group will bring together government departments with representatives for parents, schools, colleges, early years, local authorities, health and care and independent experts to undertake the SEND Review. The steering group will work to deliver proposals that improve outcomes for children and young people with SEND, to improve the experiences of their parents and carers, and to deliver reforms that will bring financial sustainability to the SEND system. The current funding allocation, capacity, provision and the reasons why so many LA's have significant high needs deficits will all be considered.

7. Reforming how school improvement functions are funded: Consultation

A DfE consultation paper entitled "Reforming how local authorities' school improvement functions are funded" was distributed with the Agenda.

The purpose of the 4-week consultation is to seek views about proposed changes to how LA's school improvement activities are funded and ends 26th November. The DfE wish to remove the School Improvement Monitoring & Brokering Grant currently allocated to LA's and allow LA's to fund all of their school improvement activity (including all core school improvement activities) via de-delegation from schools' budget shares.

Bury's current grant share is £214,000, although this reduces as schools academise. The proposal is that 5/12ths will be funded in 2022/23 (April to August) and removed fully from 2023/2024 onwards. The £214k pays for brokerage and salaries. If schools de-delegated, maintained schools would pay approx £8 per pupil (7/12ths) in 2022/2023 and approx. £13 per pupil thereafter.

Bury LA is sending a robust response along with the GM Education Leads and North West Education Leads as it is believed that there is a lack of understanding on the wider positive impact of SIP across schools. The loss of the £214k Grant will be detrimental to Bury but harder for other authorities such as Lancashire who currently receive approx £2m funding.

The LA wanted to share the consultation to seek Forum members views. Forum fully supported a robust response and said that it was a disgraceful situation and Bury had excellent SIP staff.

Forum queried if it would help if Unions and schools were involved in the response. It was confirmed that Union and school support would be very helpful and individual responses to the consultation would be even better.

The LA will share its draft response with Forum but a quick turnaround will be needed to ensure the response is submitted by Friday.

8. DSG Deficit Recovery – Programme Safety Valve (PSV)

a) Bury Safety Valve / Send Transformation

A 28-page PSV Workstream Snapshot PowerPoint was previously distributed with the Agenda. The presentation acts as a guide for how to reflect on and validate each area of Project Safety Valve and will be updated regularly and shared with the project team and stakeholders involved.

A meeting with the special schools has not yet happened but will be arranged prior to the Christmas break.

It was highlighted that the future for Spring Lane provision was mentioned on page 20 of the presentation and Forum queried the implications for this school especially after the recent article in the Bury Times. It was confirmed that Spring Lane School was part of the SEMH discussions and there are no definitive plans for the provision. Paul Cooke acknowledged Forum's concerns and agreed that PSV needs to be mindful when publishing papers before items are discussed with relevant sectors.

Paul Cooke will be attending the upcoming Governors Meeting at Spring Lane school to discuss the recent newspaper report.

David Monger from Ameo – Future Gov said that special schools, SEND capacity and SEMH provisions need to be assessed as a whole. The presentation shows the progress so far and discusses consultations, reviews and decisions needed going forward. Discussions will take place with Spring Lane and the special schools.

b) Mainstream EHCP Top-Ups Bandings

The LA plans to update the processes and move away from top up hours with no consistency to a simplified method of banding with a graduated level of support from basic level to specialist provision which will be easier for the parents, schools and LA personnel to understand. A Schools' Forum subgroup has been established and schools will be consulted with the aim to implement the new system from 1st April 2022.

Forum expressed support for a revised banding model instead of hours and also to the suggested swift implementation of the new approach however Forum expressed concern over the need for two separate banding models for special schools and maintained schools. It was explained that there was one end of special needs where basic support was needed within a non-special needs school and the other end with high needs needing a specialist provision but there was the middle scenario where it was a genuine choice between parents and professionals if a child attends mainstream or a special school but the funding would be vastly different.

Forum believes that funding should address the needs of a child and not the setting and follow the child. Parents push for a specialist setting knowing these schools are better funded which results in a capacity issue when some pupils could be successfully placed at a non-special needs provision.

The proposed banding levels for non-special schools is between £2.5k and £12.5k with the bandings for special schools being reviewed as the current banding is on the basis of needs rather than a provision description which is planned moving forwards. A provision descriptor would be simplified and relate to what schools provide.

Special schools are funded differently than non-special schools as there are no factors such as deprivation taken into account so it is difficult to mirror the two and the DfE have tried.

It was acknowledged that Bury has two excellent special schools who are successful at retaining pupils and therefore keeping them in borough although they are full. Bury now needs to expand its specialist provision including the resource provisions which bridge the gap between mainstream and special within the borough and provide a high level of funding when required to non-specialist schools to help ensure parental choice does not opt for a specialist school out of borough.

Project Safety Valve has a lot of work to do and a meeting with special schools is a priority. The consultation needs to consider two areas 1) need and provision 2) entrance and exit criteria. Forum requested that when the consultation eventually goes out that it is clearly identified what schools are being asked and schools are not rushed. It was confirmed that the LA was taking its time as it was essential to get it right and acknowledged that it was already off-track with the timeframe.

c) DSG Deficit Recovery – Risk and Support Required

Steve Goodwin presented the Safety Valve – DSG Deficit Recover Risks – Briefing Note which was circulated prior to the meeting and emphasised the risk of the DSG recovery and what would happen if the LA does not recover the deficit.

Bury and the DfE are in formal agreement in respect to the full recovery of the DSG deficit by 2025 and a vital aspect of the agreement is the additional £20m of High Needs Block DSG that has been agreed by the DfE to help Bury fully clear the deficit by the end of 2024/25 financial year. The Safety Valve agreement, and associated additional funding, is conditional upon Bury achieving a positive in-year balance on its High Needs Block by the end of 2022/23 and in each subsequent financial year. The DfE have held onto the next instalment as the LA has not given enough assurance that it is on track.

Failure to adhere to the conditions present a significant financial and reputational risk to Bury and the DfE could pull all additional funding and leave Bury LA to recover the deficit themselves.

The out of borough listing was previously analysed by Schools Forum and it detailed the ages pupils went out of borough and highlighted that when pupils went out of the borough in primary school, they usually stayed out throughout their education.

The LA explained that in January 2021 some of the financial modelling allowed for 30 out of borough placements to cease with the pupils returning into borough. This was made with good intentions but was over optimistic and also did not identify which pupils were part of the mix. It was presumed that some of the year 6 transfers to year 7 would be brought back into borough but this did not happen. The target has not only not been achieved but the numbers have increased by approx 20 pupils. Forum members expressed their frustration that pupils were still being sent out of the borough and asked who was making the decisions. It was explained that there were no special school places in borough.

Forum discussed that some members worked on the SEND4Change SEN panel a few years ago where it was decided to invest in early intervention. At that time the panel identified that the LA often had not enough information on the quality of education provided in out of borough placements and some of the Ofsted reports were poor. There seems to be no improvement to the situation 5 years later. It was acknowledged that this was due to historic situations and no criticism was being made on any current LA personnel.

Bury confirmed that now the DfE was involved there was no choice but to start acting and has also approached the DfE to ask for an insight into further intervention if the targets are not achieved, but in the meantime the LA is asking for schools and academies support.

Forum discussed the problems caused by the high turnover of the Assistant Directors and other senior staff at the Local Authority where direction has been given, promises made but not actioned before the personnel has changed. Isobel Booter acknowledged the high post turnover over past few years and noted that it had happened within her short time in Bury which had presented her challenges but expressed her determination in working through the SEN reforms and moving the situation forward. It was also

acknowledged that past and present colleagues had also tried to implement positive actions but had perhaps met obstacles on the way.

The LA now has the opportunity to go back to basics and get it right while looking at the needs of young people and considering the financial side, with a new free school, new funding structure and increased provision within the authority and Schools' Forum was asked to consider how they can positively and proactively support the many changes required to delivery SEND transformation throughout Bury and achieved full recovery of the DSG deficit whilst providing complete assurance to sustain the essential benefit of the continued support from the DfE.

Steven Goodwin detailed the financial overview emphasising the £190 million DSG funding of which £187 million (98.4%) allocated out to schools and educational settings, including Early Years and Out of Borough provision, and only £3 million (1.6%) centrally retained for services provided to schools, academies and settings.

The review of centrally retained services funded by the DSG is ongoing but is limited to the extent of savings that may be found due to only 1.6% of the overall DSG being in scope of this central review, not all services will however be affected. Timescales for full and proper consultation with all staff affected will also impact on when any savings achieved may be factored into the DSG deficit recovery profile.

Other options being considered are EHCP, Pupil Referral Unit and Special School top-up funding, growth and falling rolls funds, Schools Block Transfer – maximum 0.5%, Controls on Surplus Balances, Early Years Block Underspend, Resourced Provision enhancements, Volume top-up threshold, Out Borough and Alternative Provision Placements, Complex Case Panel tri-partite funding, Inclusion Partnership funding and a review of Personal Budgets.

The current schools block transfer to the high needs block is approximately £254k however this could be increased to the allowable 0.5% subject to what is remaining after the formula to schools has been implemented upon receipt of the 2022/2023 settlement.

The LA requests support from Bury's Schools' Forum with the full delivery of the DSG deficit recovery in accordance to the formal DfE Safety Valve agreement, DSG Conditions of Grant, and required timeframes.

The LA requests Bury's Schools' Forum to support all recommendations in order to secure the long term sustainability of the DSG and to avoid any further intervention from the DfE.

d) Proposed Revision to Scheme for Financing Maintained Schools

Steven Goodwin presented the paper and apologised for the last minute distribution.

There has been no action on school surplus balances and no funding recovered since 2009 as the LA has opted to support schools and allow the surplus balances to be retained by schools. However, in compliance with the statutory guidance a revised controls on surplus balances mechanism is proposed in order to help address the recovery of the significant deficit that has accumulated on the Dedicated Schools Grant (DSG) and that is currently impacting on all provision within Bury. Any recovery of surplus balances will be used to benefit all provision across the local area through

ensuring the DSG deficit is recovered at the earliest possible timeframe which will allow for greater investment into local provision.

The Scheme of Financing Schools only affects maintained schools and the LA will be approaching academies for their support although the LA has no power over the Trusts. Schools' Forum are the first to have the conversation. Some Multi Academy Trusts were said to have huge balances.

7 options for clawback were presented with 3 options already rejected. Forum said that an autoclaw back took away the bureaucracy and also the trust between schools and the LA. It was assured that there would be an appeals process built in to ensure schools could present evidence to support their surplus balances.

Secondary Forum members stated that there were only four maintained secondary schools in the mix and this would penalise non-academy schools. Some schools have older premises than others and are accumulating their surplus with a view of investing in premises. Building works and building materials have been delayed due to the ongoing pandemic situation so monies cannot be spent.

Some options cover more than one financial year and the last two years have been two difficult Covid years and it seems unfair the schools are going to be penalised. The LA appreciates that Covid has had an impact on schools, but schools have also had significant Covid grants and made savings whilst being closed. It was explained that the historic view was to make it fairer as these were surpluses over a period of time.

If schools continue to say they are underfunded and their surplus balances keep increasing then it is difficult for the LA to challenge the DfE and make a successful argument for future increases to funding. The LA can see the historic balances and early indications are showing that the projected 2021/22 surplus balances total for schools is expected to increase significantly above the £8m in 2020/21. Schools across the North West increased their balances by £160m at the end of the last financial year.

Forum said that receiving the information so late in the day put all representatives in a difficult situation.

There are two areas to consider:-

- 1) Claw back balances concept
- 2) Mechanism of clawback

Ultimately the decision to consult and clawback surplus balances rests with the Local Authority and the Executive Director. The LA is asking schools and academies for help in assuring that the DfE provides the £20 million to assist with the deficit recovery. The LA does not think this request will affect the day to day running of a school as it is related to unused or uncommitted funds. The schools will ultimately benefit when the debt is paid off and then the LA can continue investing in schools without a deficit to consider.

It was highlighted that similar discussions were taking place at 6th Form Colleges with schools and academies being treated differently.

No decision was made as Forum wanted more time. Steven Goodwin will take the discussion to BAPH and BASH.

9. Date of Next Meeting

The dates of the next meetings were confirmed as follows:

Tuesday 18 January 2022 – 4pm

Tuesday 14 June 2022 – 4pm

Tuesday 18 October 2022 – 4pm

Tuesday 15 November 2022 – 4pm

Tuesday 17 January 2023 – 4pm

10. Any Other Business

There was nothing further to discuss.