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## SCHOOLS FORUM

### MINUTES OF THE MEETING HELD ON 20 November 2019

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#### Present:

#### Chair and Vice Chair

John Draper

Harry Cutty

#### Primary Schools

Richard Harris

Governor

Ross Williams

Governor

Mark Sheehan

Headteacher

Andy Peterson

Teacher

#### Secondary Schools

Jim Henderson

Headteacher

#### Academy

James Rouse

Principal

Lyn Bourne

Executive Head

Sean Preston

Chief Financial Officer

#### Special Schools

Maria Smyth

Headteacher

Colin Grant

Governor

#### Nursery

Karen Stacey

Headteacher

#### Non-Schools

Peter Sopowski

NUT Secretary

Vincenzo Capozzoli

Council Representative

Beverley Murtagh

14-19 Partnership

Anna Wright

PVI for Early Years

#### Non School Representative

Rob Sanders

Diocesan Representative

#### SCC Officers

Derek Wiles

Service Lead, Education

Nick Persson

Finance Business Partner for Education

Tammy Marks

Service Manager

Áine Rand

Meeting Support

Kyran Goverd

Meeting Support

1. **WELCOME AND INTRODUCTIONS**

2. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

Apologies were noted as follows:

Amanda Talbot-Jones	Chair of Southampton Primary Head Teacher Conference
Cllr Paffey	Councillor, Cabinet Minister Aspiration, School and Lifelong learning
Phil Humphries	Governor, Oasis Academy
Cllr Lisa Mitchell	Councillor, Portswood Ward

3. **MINUTES OF THE PREVIOUS MEETING - 25TH SEPTEMBER 2019**

The minutes were reviewed for accuracy.

**Update:**

- Minor word changes made to previous minutes on pages, 6, 7, 8, 9 and 10.

**Action review from the previous meeting**

- NP to update finance for schools.
- DW to raise query regarding union representation at Schools Forum. Historically, there has been a TLP place. No word from the Unions to date.

4. **DECLARATIONS OF INTEREST**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

**(Action, carried forward from the previous meeting) Members to complete both the Register of Members Interest and Declaration**

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Meeting Support Officer.

5. **HIGH NEEDS FUNDING**

- [Information / Decision: High Needs Funding papers](#)

TM outlined the impact the 2014 reforms have had. Southampton has experienced a significant climb in pupils with needs requiring additional support and special school placement but the funds are not sufficient to addressing the high needs. TM shared an additional High Needs

Block Budget Pressure Briefing paper, illustrating the actions taken by the Southampton SEND Service to reduce pressures in the High Needs Block budget. Since the reforms, the number of pupils with EHC plans has increased from 802, 2.1% of the school age population, pupils to 1552, 3.5% of the school aged population, in January 2019, with approximately 50% of pupils with EHC Plans in Southampton going on to require a placement at a special school. The SEND Code of Practice extended the educational support for 0 to 25 years for those assessed to require it. In theory, this meant that there was a 9 year child-age extension with limited additional funding. This is a national issue that has led to numerous tribunals and high court hearings.

The Local Authority strategy for reducing and avoiding costs is to make local provision for SEND and reduce the number of placements in independent specialist placements. Southampton was labelled as a pathfinder by the government which meant that new assessments from the government were trailed on Southampton schools. To cater for the growing needs there are plans for a major reconfiguration of special schools in the city which includes, expansion, new builds and re-designation to ensure that our local offer is fit for purpose for the future complexity of needs.

Table 2 of the spreadsheet shows Southampton has had a big climb in number of EHCPs allocated to children in mainstream schools. The figures illustrate more support for pupils with high needs and progress on the 'in education' measure. Based on the number of pupils who have been placed in special school over the past 2 years, the paper illustrates that if expansion had not have taken place in Southampton Special schools, and on the assumption that half would have been placed in mainstream and the other half in independent (170 % 2 = 85 independent special school places) it shows the cost to the Local Authority for the expansion has been £2,125,000 for the whole 170 places, whereas for just half of these placements in independent specialist schools the cost would have amounted to approx. £5,950,000. This represents a total cost avoidance of £3,825,000. There would also be additional costs to the other placements in mainstream schools for top up funding, as well as increased pressures on mainstreams schools to place the most complex children in the city in their settings.

SP asked if there is any intelligence that supports the increase in places such as where the children have gone had they not gone to these out-of-area provisions. TM estimated approximately 50% go to an out-of-area placement and 50% of pupils were in mainstream education. TM explained that 100% of the plans had special school named, so the sums are modest and in reality could be doubled in terms of what the cost avoidance has been. There is a statutory expectation to deliver education to pupils with highly complex needs with EHCP's and the Local Authority would rather the children are in good special schools in Southampton than out of area.

When questioned about what the reduced number for Compass placements included TM responded by saying the figure fluctuates although it is less than mainstream. DW referred to part-time timetables causing an issue as they were funded on 100 FTE. The Local Authority managed to reduce part-time timetables by 50% in the last year. However, pupils with high needs are expected to increase. The aim is to recycle the money back into the system and to work on including pupils back into mainstream education by looking at what is offered and addressing the needs of the individual pupils.

HK considered how a special school was used by mainstream schools in the past whereas now it is a short term placement. TM confirmed a vote in a previous meeting cleared this up. HK asked if the £32,000 investment in secondary schools to develop individual plans for pupils disengaged with learning is equivalent to the proportion to that saved. TM explained that a proportion was recycled to increase places at the SEMH Schools in the city, whilst the remaining amount was being reinvested into mainstream schools to support individual pathways to support educating pupils who have disengaged from traditional learning pathways.

MS questioned the number of primary special provisions compared to number of secondary special provisions. SP added that the next primary cohort will effect the next secondary cohort. TM explained that the LA are looking at both interim and long term options. TM stated that even if we create enough local special school places in the city, we cannot simply move all children out of the independent sector. They have EHC Plans naming that provision in statute and any changes made to placements should only be made where the child's best interests and outcomes are at the centre, in co-production with parent carers. The Local Authority took an opportunity in 2018 to place children in the city who would have been sent out-of-area to a specialist provision and was preparing them for transition into their next phase of education as this is a natural phase transfer. The average cost of a placement at the setting in the city was £20,000 and average cost of an independent provision out of city is £70,000. For just three children, this represents a cost avoidance of 750,000 over the next 5 years.

TM explained that other pupils who have hit the ceiling on their education and development, where the Local Authority can evidence that they have reached their educational outcomes, the Local Authority is proposing to cease EHCPs and transitioning them to adult services. Parents can legally appeal decisions for their child to remain in these provisions. A specialised provision for high needs pupils with PMLD (Profound and Multiple Learning Difficulties) where by Adults Services and the CCG have agreed to jointly fund Avenues at Rose Road. The average cost to education for this provision is £21,000 a year, which is comparative to £100k per year in an independent setting for pupils with these needs. Based on that, there is a cost avoidance of £650,000 per year. The outcomes of keeping children in the city instead of out-of-area placements has been very positive so far. TM explained that the Local Authority makes decisions in conjunction with the child and their parents.. The pupil outcomes are what are important and the Local Authority want pupils in good and outstanding local schools.

SP thanked TM for the updates around the high needs blocks and asked, about the pressures that cause the deficits to still remain and what more needs to happen. TM explained that whilst the new funding announcement will close the gap for 20/21 – the pressures have been increasing year on year with no match in funding.

In 2018 the SEND strategic review was published. There were 52 recommendations made to develop a financially sustainable model that achieves best outcomes for children with SEND and their families. The recommendations have been grouped alongside from the 2017 CQC and Ofsted SEND Area Inspection recommendations as an action plan that is governed by the SEND Partnership Forum which has multiagency representation.

**(Action TM/AR) SEND Strategic Review Report Link to be circulated with the minutes.**

There is proposals for a major reconfiguration of the needs in the city. As the complexity of needs for children has dramatically changed from 10 years ago the special schools are not able to compete with the independent schools as they need a lot of investment in terms of building and facilities.

By 2024 the proposal, if agreed will lead to additional placements, and secondary schools catering for pupils with additional complex needs. There are proposals regarding new builds and redesigns and these will be going to public consultation in spring term. There is a need for capital investment from the Local Authority. It was thought that there should be a more equal distribution of special needs in mainstream education and to ensure that there is not too many pupils with high needs in a limited number of schools. A concern was raised that some schools are lacking in the inclusive practice and others need to be protected so they do not become special schools. TM reassured that there is a real focus on this at present and direct action is happening for the schools who are perceived to be not inclusive.

MS thinks that historically there have been a small percentage of schools that are not inclusive and Southampton and there is a need to ensure that each school is inclusive. MS added that national data suggests that free school meals are linked to the number of SEND students in schools. TM stated that if there is feedback from parents saying that they have been told that

this is not the school for their child because it does not deal with their child's needs sufficiently, that this is non inclusive practice and will be address. CG added that Ofsted will look at the full gamut of pupils. SP considered that it is in the Schools Forum's interest to follow what TM suggests and work on it. Southampton schools are some of the most inclusive schools in the country. TM stated that the Local Authority wants to support the schools with high needs pupils and they are going to be creative to get everyone to where they need to be. AP stated that there are pupils in special schools who could cope in mainstream and others in mainstream schools who could move to a special school where their needs would be better supported. TM stated there will always be pupils in mainstream schools with complex needs because the parent has the right to make a preference for their child to receive mainstream education and in these cases all reasonable adjustments should be made. When asked about the proactive steps that could be taken to protect schools with overwhelming numbers of plans, TM stated the schools should contact her to discuss individual cases.

HK stated that his school has taken more excluded students than other schools, where they deal with pupils with complex needs through 1:1 support, specialist teaching and appropriate curriculum. The school would struggle to support more students with very high needs. TM stated that she has spoken to the non-compliant schools and has had discussions with Ofsted about how to challenge these schools.

When RS questioned the timescale and the budget impact, TM thinks the target for 2024 is achievable if finance and approvals are given next year. TM stated it would be a phased introduction to relocate students to different schools. There would be three to four years' worth of growth and to move pupils when the new site is ready. There are contingency plans in place. The biggest risk factor in the next few years will be placement of pupils with SEMH. SP questioned who would have the oversight and responsibility to evaluate the spend of the funding and budget needs. TM confirmed it was her responsibility.

JD and HK thanked TM for sharing her update around High Needs Funding.

TM was questioned by RH about working with other Local Authorities, she confirmed that she is in contact with other Local Authorities to discuss individual student needs. In the South East framework, Southampton can ensure that all Local Authorities are charged the same. TM explained that where a new special school is commissioned all Local Authorities must seek the views from neighbouring Local Authorities as to the commission of places.

**(Action) To gain the views from the schools through consultation.**

The vote was moved to Item 9

## 6. UPDATE ON PROPOSED 2020/21 SCHOOLS FUNDING FORMULA

- [Paper for discussion - Summary of APT options for 2020/21 schools budget](#)

NP provided paperwork and information on the provisional APT for 2020/21 modelling various scenarios. The Local Authority has a deadline to submit its final agreed APT model to the ESFA in January 2020.

### **Model 1:**

Full NFF. This creates a £1M overspend believed to be mainly due to adding protection for PFI Premises costs, adjustment to rates values and addition of split site funding. Because the provisional Full NFF is unaffordable various other models were created as shown below.

### **Model 2:**

Reduce NFF AWPU by 2%. This is an affordable model and would affect 40 schools.

### **Model 3:**

Reduce the MFG to 0.5% with no cap. This model is not a balanced model but is intended to show which schools are affected using the lowest MFG factor with no cap to see the effects on the schools individual funding. This model affects 23 schools.

**Model 4:**

MFG 1.84% MFG capped at 3%. This model is not a balanced model but is intended to show which schools are affected using just the MFG factor with a cap to see the effects on the schools individual funding. This model affects 35 schools.

**Model 5:**

Reduce MFG to 0.5% and cap at 3.24%. This model shows 57 schools contributing to the shortfall and would provide a balanced budget.

**Model 6:**

Combination of factors model: This model provides a balanced budget using, NFF AWPU less 1%, MFG 3% and capped at 60%; this would see the greatest number of schools contribution to the over spend. With this option 63 schools would share the funding shortfall.

**Model 7:**

This model looks at the effect of reducing the Minimum Per Pupil Funding Level (MPPFL) in Primary and Secondary schools as a means of providing a balanced budget. The APT model did not allow for this factor to be amended (other than a reduction for Primary school MPPFL reduction by 5%). Guidance received is that this is a mandatory factor and can only be adjusted following a successful disapplication request. A disapplication request has been submitted and currently waiting for a response.

SP and MS expressed an interest in exploring Model 7 further following a successful disapplication request. JD clarified that there needs to be a decision made around the £1M funding shortfall that is reasonable to roll out to schools, if the national funding formula is unaffordable. The above models have been distributed to schools as part of a consultation exercise and the results will be presented back to the next schools forum to help agree which model to pursue in the event of an unaffordable budget situation.

MS raised a concern that the least deprived schools appeared to be those getting the most and the most deprived schools are getting the lowest increases. A pupil premium child is 22 months behind an average child not on pupil premium. SP stated that the government is very clear that the Local Authority will be given significant money for schools.

NP stated that applying full NFF with the provisional allocation of funding is creating an overspend of £1M. Guidance provided has stated that the MPPFL factors are mandatory (a disapplication is needed to adjust this factor's values). Investigation into the £1M shortfall appears to be the result of PFI premises protection, split site additional funding and rate value adjustments made within the model. SP appreciates that NP has to work on the information given to him but is unhappy at the response given by the DFE. SP stated that the DFE allocation to Southampton schools may not be as other Local Authorities are managing to balance their provisional budgets at full NFF. SP noted that the Local Authority are working on the budget allocations given to them.

JD suggested there was a need to consult if changing the formula agreed last year and it was agreed by the forum. A consultation exercise with schools is to be undertaken. There is also a need to consult on High Needs Funding.

NP discussed the provisional funding further and commented that the figure does not include growth funding which will be added in the final funding allocation, also that PFI protection had been added to the APT as an exceptional factor to ensure it is not included in MFG reductions to the PFI schools, and that rate adjustments have been added into the model and these have increased the budget required. -MS commented that the funding in Southampton is quite high a percentage for a small authority. It is thought that PFI is a large reason for the shortfall. RH felt that things have moved on but there should no impact on ability of schools to operate with the

funding they receive, now times have moved and costs have risen. SP considered there should be more money in the pot which then makes Model 7 affordable.

**(Action NP) Urgent seek clarity from DFE on the funding formula. NP to investigate if figures and see if they have been double counted.**

SP stated that the vote was subject to sufficient funding from the DFE.

**Vote to distribute full NFF if affordable**

**For 11  
Against 0  
Abstain 0**

**Result: Vote Carried**

There was a lot of discussion around the viability of Models; Model 2 was affordable with 40 schools contributing to the shortfall. Model 3 would affect the smallest number of schools who would as a result share a higher burden of reduction in funding. Model 6 resulted with overspend being shared by the highest number of schools (63 out of 67). There were concerns around the most deprived schools not receiving enough funding where it is most needed. It was believed that no one model should be taken in isolation. JD stated that the backdrop is government's policy on how they are allocating funding and the reason for that is how they are funding schools. JD added that there is also an argument that if the national funding formula is not affordable then it could effect future years funding levels.

HK felt that schools and the Local Authority should go back and lobby the government, instead of managing, the Forum should go full NFF and the DFE need to fund the money. SP felt that this will not happen and added that there needs to be conversation in principle at least, with short timescales. NP requested some direction about which model to go back to the DFE. SP thought this could not be done because there needs to be a consultation with each school and only four things can be done within the remit. SP believed there is a need to consult and then vote on what is affordable. It was agreed to build in an additional meeting on Tuesday 17<sup>th</sup> December 2019, once the schools have been consulted.

Do we agree that the options to the funding is made to agree a model that provides a balanced budget in the event that the full NFF is unaffordable?

**Vote  
For 8  
Against 0  
Abstain 0**

**Result: Vote Carried**

**(Action JD/HK) To work on a letter to lobby the government**

**(Action NP) To urgently seek clarification from DFE regarding the £1,000,000 overspend**

**7. STANDING ITEM: LA UPDATE ON DFE/EFA FUNDING ANNOUNCEMENTS**

- [Paper for Information: SF Update - Finance Updates](#)
- [Paper for Information - NOR Census data Oct 2018 v Oct 2019](#)

NP reported on the changes to funding for next year, the following are the highlights

- Introduction of a compulsory minimum per pupil funding level factor (MPPFL)

- Compulsory MPPFL for Primary schools will rise from £3,750 in 2020/21 to £4,000 in 2021/22. Secondary schools MPPFL is £5,000 in 2020/21
- MFG has been increased to the range 0.5% to 1.84%.
- There is no NFF Gains Capping so all schools should receive their full allocations using the NFF factors.
- In the Central Services Block funding, the historic commitment funding amount has been reduced by 20% and will continue to fall in future years as these agreements come to an end.
- Early Years hourly funding rates are increased by 8p per hour in 2020/21.
- High Needs Block funding allocation to Southampton has increased by 16.5%
- The schools pay awards and pension increases are now built into the schools block funding allocations.

## 8. **GROWTH FUNDING**

- [Paper for Information / Decision: Growth Funding](#)

JD commented that growth funding for secondary schools is required as the demographic has changed and the number of pupils in secondary schools has increased. The band for 0 to 7 pupils over PAN was discussed with the option to provide additional funding for this range. If a school is asked to go over PAN by the Local Authority then it is not a voluntary increase and growth funding is offered to support the increase. It was suggested that the Local Authority could provide funds from the next census to cover the shortfall. The panel voted on 0-7 additional pupils band being funded by £10,575. The increase would take a school's Operational PAN as a baseline when calculating if the increase applies.

### **Vote on whether 0 to 7 band funded**

**For 9**  
**Against 1**  
**Abstain 0**

**Result: Vote Carried**

## 9. **HIGH NEEDS BLOCK - SCHOOLS FUNDING ISSUE**

Discussion around the affordability gap to meet the shortfall of the higher SEND needs and the assumption that the High Needs Block funding will receive an increase of 16.5%. There was a concern that schools who had budgeted prudently, but were in deficit would be subject to a transfer of their funding if a 0.5% Block transfer was agreed. This might be hard to justify when following the 16.5% High Needs uplift, the High Needs budget has an in year surplus. It was requested that the Local Authority takes that into consideration. The Local Authority could not have foreseen the impact of the reforms made to High Needs and subsequent increases in demand for these services. It was recognised that more and more young people with high needs are coming through the schools. It was thought that the SEND budget would be balanced by 2024 on the assumption that the increased funding continues and outweighs the additional needs presenting each year.

### **Scenario 1**

Agree to transfer 0.5% to the high needs block if the NFF is affordable.

**Vote**  
**For 1**  
**Against 4**  
**Abstain 3**



Scenario 2

If the NFF is not affordable and the APT model has to be amended to become affordable, do we agree to a transfer to the higher needs block.

**Vote**  
**For 2**  
**Against 3**  
**Abstain 3**

10. **CLOSING REMARKS AND DATE OF NEXT MEETING**

**AOB (JD)**

- **Business World System update:** It was noted that Business World are keen to engage and address the concerns. RW and JD are happy to consult with the business manager. SP noted that he did not think it was a schools forum issue.
- **Future Schools Forum meeting dates**
  - 17<sup>th</sup> December, Swaythling Primary School (Cancelled)
  - 15<sup>th</sup> January, Cantell School
  - 25<sup>th</sup> March, St Anne's Catholic School
  - 24<sup>th</sup> June, Cedar School

**Next Meeting:**

**Tuesday 15<sup>th</sup> January 2020**

3:30pm for 4:00pm start

Venue: Cantell School