

Minutes (draft)

**Meeting of the
Oxfordshire Schools Forum
7 November 2018
1000**

Holiday Inn Hotel, Pear Tree Interchange, Oxford, OX2 8JD

Present:

Maintained Primary School Headteacher Reps	Maureen Thompson MT Sue Tomkys ST
Maintained Primary School Governor Reps	Brenda Williams BW Kerrie Blaker KB Geoff Sutton GS <i>(from Item 4)</i>
Academy Primary Governor Rep	Brian Mitchell BM
Academy Secondary School Reps	Catharine Darnton CD Lisa Hughes LH
Academy Secondary School Governor Rep	Carole Thomson CT (Chair)
Maintained Nursery School Headteacher Rep	Natalie Wilson NW
Early Years/PVI Rep	Sarah Steel SSt
Post-16 Rep	Tristan Arnison TA
COTO Rep	Ian Jones IJ <i>(Items 1-7)</i>
OCC Member Rep	Cllr Lorraine Lindsay-Gale LLG <i>(Items 1-11)</i>
Oxfordshire County Council Officers	David Clarke DC , Deputy Director <i>(from Item 4)</i> Jayne Howarth JH , Head of Service, SEND <i>(from Item 4)</i> Nick Baggett NB Margaret Whitaker MW Mary Keady-Green MKG
Clerk	Kit Howells KH
Member of the Public Observer	Sarah Chambers

	Item Discussed	Action	Due Date
1.	<p>Apologies, Introductions, Housekeeping and Declarations of Interests</p> <p>CT welcomed all Forum Members, and also Cllr Lindsay-Gale (LLG), Cabinet Member for Education & Cultural Services, Mary Keady-Green (MKG), OCC Officer attending her first Forum meeting, and Observer Sarah Chambers.</p> <p>Apologies were received from: Nicola Partridge NP (Alternative Provision HT Rep) Lorraine Wilson LW (Special School Headteacher) Michael Dennison MD (Academy Secondary Governor) Councillor Michael Waine MW (Observer) Sarah Fogden SFo (OCC Finance Partner).</p> <p>There were no declarations of Interests.</p> <p>There was no Notice of Urgent Business.</p>		

	<p>Other business CT drew attention to the DfE's new financial self-assessment tool and the DfE offer to demonstrate it to Forum. It was agreed that KH will share the Link for Forum members' comments and then CT will feed back to DfE. https://www.gov.uk/government/publications/school-resource-management-self-assessment-tool</p>	<p>KH CT</p>	
2.	<p>Minutes of Meeting held on 3 October 2018 The Minutes of the meeting held on 3 October were agreed.</p> <p>Matters Arising from Minutes of 3 October, <u>where not actioned or not otherwise on the Agenda</u></p>		
(a)	<p>(Item 4b) OCC's Occupational Health re-tender NB will ensure that Forum's concerns about quality of service from current contract and to seek advice of schools and academies about best providers have been relayed to the appropriate Officers to ensure best options for re-tender.</p>	<p>NB ensure concerns and advice relayed to Officers</p>	<p>asap</p>
3.	<p>Committee Reports :</p>		
3a.	<p>Schools & High Needs Committee, meeting of 29 October 2018 Draft Minutes will be circulated. MT briefed Forum on the main focus of the meeting, the need for review of High Needs in the County. New Head of Service, SEND, Jayne Howarth, had attended to update on plans and members had been explicit about what must be included in the review and what outcome is expected in order to give schools and High Needs children improved support. Pupil place planning had been another focus of discussion. Other items on the Agenda were coming to Forum today, including recommendation on the Forum budget (Item 9a). BW had attended to share concerns of the Services & Contracts Committee.</p>		
3b.	<p>Services & Contracts Committee, meeting of 27 September 2018 Minutes had now been circulated and issues had been discussed at the 3 October Forum meeting.</p> <p>BW highlighted that there are no formal mechanisms, i.e. financial penalties, to deal with failures in service, as the Partnership with Hampshire County Council to provide finance and HR services (Integrated Business Centre – IBC) is not a contract. Headteachers remain concerned that, while some improvement in service has been seen since IBC inception, notably in HR support, the system is fallible, cumbersome and time-consuming, with responses taking far too long, and still does not work adequately for schools. ST</p>	<p>KH amend S&C Mins 27.9.18</p> <p>ST</p>	<p>Done.</p>

	will ask Jo Clarke (co-opted member of Services & Contracts Committee) to continue to take schools' concerns to the IBC forum to be addressed. Whilst previously unaware of Forum concerns, Ian Dyson had attended the Committee meeting, had been receptive and understood issues raised there.		
	Items 4-6 inc: National Funding Formula (NFF) 2018-19 : Schools & High Needs		
4.	<p>Consultation – Schools & High Needs re supporting continuation of the NFF and re transfer of funds to High Needs Block from Schools Block</p> <p>Paper 4 detailed the statutorily required questions in the Consultation to enquire whether schools continue to support the process and implementation of the National Funding Formula (NFF), and whether they support the transfer of funds from the Schools Block to the High Needs Block. Annex B detailed the responses from schools. The number of responses has increased compared with last year.</p> <p>Most schools wish the LA to continue its process of implementing the NFF to ensure optimum level of funding for schools. Forum members noted the caveats to this: that whilst schools feel that it is right to support the NFF implementation in the way this LA is doing it, schools are of the strong opinion that the NFF has not delivered what schools in our F40 authority campaigned for. It has produced only a small total increase across the County and appears to have been motivated to minimise turbulence at a time of reducing funding rather than addressing the actual amount of funding required to run schools. The differentials, e.g. between London schools and Oxfordshire schools, cannot be justified. Schools with less than average number of deprived or additional needs pupils do not have enough funding to provide a high quality education. The NFF is fair (i.e. similar schools are theoretically funded similarly) but it is not equitable. There is continued turbulence protection, which if removed would be catastrophic for some schools. The need for arbitrary floors and ceilings is evidence that the NFF is not truly workable or right. Members agreed that, while it is important to support the principle of an NFF, without a change to the value of the basic entitlement the NFF is not acceptable for Oxfordshire. Previously high-funded counties have had their losses capped under the NFF, and badly-funded counties have had their gains capped also, so funding remains inequitable. In addition, it remains unclear how long transitional protection is in place for, and thus it is impossible for schools to draw up realistic three year budgets. F40 has now amended its campaign to call for a 'fair' funding formula. Some local MPs understand the issues and are supporting the push for adequate funding</p>		

	<p>for schools. CT will continue to attend F40 on behalf of Forum.</p> <p>Schools were not, overall, supportive of the transfer of any funds from Schools Block to High Needs Block. Schools would like to see the LA reducing spend by ensuring provision is increased in the County, and reducing use of private providers, and want the LA to campaign for increased funding for High Needs alongside other counties. Several members emphasised the importance of accelerating the full review of High Needs spending in the LA.</p> <p>Forum noted the views of schools. Members detailed individual experiences and concerns that while schools have been proactive in getting best use of available funds, it is felt that the LA has not been as proactive or timely as it might have been in reducing High Needs spending.</p> <p>A Forum member commented on the new wave bid for a new special school. The LA confirmed that the outcome of the bid was not yet known. The benefits of liaising with Headteachers and their organisations was acknowledged and noted with regard to future bids.</p> <p>Forum's response to the Consultation concurred with that of the schools overall: to continue to implement the NFF as agreed, but not to support the transfer funds from Schools Block to the High Needs Block.</p> <p>Forum agreed that ensuring timely application for national funding should be part of the review of High Needs.</p> <p>A Forum member commented on the High Needs top up for secondary schools not following the child. A Forum member commented on the reasons why Schools Forum had previously supported a formulaic approach for secondary high needs top up. This will be reviewed. It was also noted that top ups for Special Schools or mainstream schools are lower than those paid by the LA's statistical neighbours. Schools' budgets are therefore supporting these children disproportionately while schools are additionally expected to reduce the number of exclusions. To reduce the top-up funding further in order to reduce High Needs spending would be counter-intuitive.</p> <p>Due to the decision not to support the transfer of funds, the LA will appeal to the Secretary of State to ensure that the severity of underfunding of the High Needs Block is understood, and will ensure that views of Forum in relation to the NFF are put forward to the Secretary of State. Forum recognised the need for the LA to take this action.</p>	<p>DC/JH</p> <p>DC/JH</p> <p>DC/JH</p> <p>SFo</p>	<p>Nov 2018</p>
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5a.	<p>Growth Fund 2019-20 (For decision) Forum's Schools & High Needs Committee had discussed pupil place planning at its 29 October meeting (Minutes circulated for Item 3a above).</p> <p>Noting that the LA is required to bring this issue annually to Forum, that the Growth Fund continues to be held within the LA's Schools Block and has been calculated based on historical spend and not included in any formula funding allocation, and noting the unchanged criteria under which allocations from the Fund can be made, Forum agreed continuation of the previous year's budget provision of £660,000 and agreed for 2019-20 the conditions under which allocations from the Fund can be made as detailed in para 4.3 of NB's Paper. This will deal in the short term with new schools programmed; the LA is trying to build reserves to extend past 2021-22 so that future allocations to schools do not have to be top-sliced.</p> <p>Forum noted that the Fund only helps initial adjustment in the first short period and that the funding is not sufficient, nor is it equitable between maintained schools and academies. Whilst noting the payments for permanently expanding schools and bulge classes, it is felt that this is only of limited help and members queried second year funding. Forum also noted that there will always be problems for schools due to lagged funding, particularly when budgets are tight (while recognising that it is beneficial when rolls are falling).</p>	NB	
5b.	<p>Extension to Growth Fund to include Secondary Schools 2019-20 (For decision) Forum was asked to consider this issue in order to allow adequate time, following any decisions, for financial implementation.</p> <p>The recent increases in Primary pupil numbers are now moving, despite some bleed of pupils into the private sector, into the Secondary sector. The Paper before Forum is based on estimated numbers from September 2019.</p> <p>Forum agreed that, while Secondary schools are better able to manage growth than Primaries due to size and number of teaching staff, and that they are accustomed to movement in and out of County and the private sector, the tight budget situation might make sustained growth more difficult to manage than has previously been the case. Headteachers do not want top-slicing to be put in place to fund growth.</p> <p>However, Forum agreed that further and more detailed information about the neighbouring seven LAs is required</p>		

	<p>before a decision can be made on whether or not to extend the Growth Fund to include Secondary schools. Gathering further information is especially relevant where Oxfordshire Secondaries are adjacent to LA borders, where other LAs operate a grammar school system, and where catchments overlap. In addition, secondary schools should be asked opinions about managing growth without funding and there needs to be more depth of information on the relationship between school funding and pupil place planning so that Forum members are better informed in order to make the necessary decisions.</p>	<p>NB</p> <p>SFo</p>	
6.	<p>Central Services Block (For decision)</p> <p>Forum was reminded that the Dedicated Schools Grant (DSG) Schools Block has been divided into Schools Block and Central School Services Block (CSSB), the latter created by transferring resources relating to central budgets in respect of historic commitments and LA responsibility and the retained duties element of the Education Services Grant (ESG) funding for duties which the LA holds for all schools. The amount in the Block is subject to regulations and is fixed. While the LA has control over the CSSB, it seeks approval from Forum on items included as the DfE regulations have not kept pace with how DSG is now operating.</p> <p>While noting the largely formulaic nature of the funding and budgeting within the CSSB, and that ESG funds had originally been provided direct to the LA in order to manage and provide support and that this area had not fallen within Forum's remit, members noted that the LA must actually spend more than the amount being budgeted, and asked for detail of the costs to the LA of delivering services, eg the LA's statutory functions. The CSSB has a list of statutory duties against which the LA must deploy these resources; however, the total spent is considerably more than the funding received and the resources are contributions towards the costs of supporting schools and therefore considerable rigour has to be applied in order to manage the funding to ensure the cost of essential services are met.</p> <p>Forum noted the report and, following discussion, Forum approved the following budgets from the Central School Services Block for 2019-20:</p> <ul style="list-style-type: none"> -Admissions budget £476,533; -Schools Forum budget £30,730 -Prudential Borrowing budget £1,566,685 (noting this relates to a long-term historical loan); -LA's statutory functions for all schools' budget £1,451,410 (noting this used to be within the ESG). <p>It was also agreed that any additional funding available be</p>	<p>NB</p>	

	<p>used to meet any increased costs of this Block.</p> <p>Forum also noted that the delegation of the Union Facilities Duties budget (£64,400) to all schools has previously been agreed but the funding available continues to be initially allocated to this Block.</p> <p>Forum also noted the budget of £452,029 for government-arranged licences (over which neither the LA nor Forum have any control).</p>		
7.	<p>Union Facilities – de-delegation (For decision by Maintained Schools only)</p> <p>Forum has already agreed that funding should no longer be held centrally but should be delegated to schools through the NFF. All Maintained Schools are automatically included in the arrangement through de-delegation. Academies have been encouraged to join so that Union support can be provided centrally and all schools benefit from expertise provided by ensuring that when schools are required to release staff undertaking Union duties they do not have to meet all the expense and the load is spread equally throughout the County. The de-delegation process is required to be agreed annually.</p> <p>Most Academies have agreed to continue to contribute and IJ and NB are following up with those that have yet to do so to ensure that this morally important ‘good deal’ is understood and that this is simply a mechanism to ensure that all schools’ expenses can be met.</p> <p>All Maintained School Headteachers and Governors present at the meeting agreed the de-delegation process.</p> <p>Forum thanked IJ and COTO for the continuing good relationships between schools and Unions and the joint work (e.g. on policies) which is much valued by all schools.</p>	NB	
8.	<p>Schools Forum Constitution revision (For decision)</p> <p>A revised Constitution had been presented to Forum in January 2018, when the issue of election of representation from Academy Trusts had arisen. The importance of ensuring senior level Forum membership who understand the pressures in, and work of, schools was emphasised. Because the national guidance differs from the current Forum member election process, the LA consulted all Academies on Forum’s wish to retain its current working practice for elections but with the following addition for the Headteacher group that it should be a ‘<i>Headteacher – or other suitable qualified leader within a MAT</i>’; and on Forum’s proposal that this representation will continue to be sought through the Headteacher groups and Governors will</p>		

	<p>continue to be elected from Academy Governors, Members or Trustees. The LA received no responses against these proposals.</p> <p>As there has previously been no mechanism for Academies to vote for their representatives, the process has been through OSSHTA for Secondary Headteachers and through OASSH for Special Schools Headteachers. The LA's Democratic Services has determined and administered the election process for Maintained School Governors, with communication to Governing Boards being via their Clerks.</p> <p>Forum queried how Academy Governors will be elected as this detail is not included in Appendix B of the Constitution (Election and Appointment Procedures).</p> <p>In addition, there is currently no mechanism for appointment of Primary / Nursery Headteachers as there is no operating association of Primary and Nursery Headteachers.</p> <p>DC will discuss with colleagues how best to ensure process for election of Primary Headteachers and for election of Academy governors.</p> <p>Forum noted the ongoing difficulty in filling vacancies. Forum is not well known or publicised, although <i>Schools News</i> updates readers with Links to Forum Papers and Minutes.</p> <p>Forum agreed minor amendments as follows: -Section 3.2(c): "...resigns from the Forum by giving notice in writing to <u>Clerk to Forum on behalf of Council</u>." -Section 4.3: "... may appoint Non-Schools members to the Forum to represent the interests of other bodies, <u>following consultation with Schools Forum</u>." ; -Section 6.9: "The <u>CEF</u> Finance Business Partner is the Forum's financial adviser." -and Section 12.1 "Schools Forum agendas, <u>non-confidential</u> papers and clearly written minutes will be publicly available on a dedicated web page."</p> <p>Subject to those amendments and clarification of the Governor and Primary Headteacher election process issues, it was agreed that the Constitution could be finalised.</p>	<p>DC</p> <p>SFo</p> <p>SFo</p>	
9.	Schools Forum Budget (For decision)		
9a.	Schools Forum Budget & expenditure 2018-19 Forum noted expenditure to date and commitments to the end of year. Schools & High Needs Committee recommended that recompense to schools in lieu of Headteacher time spent on Forum should be increased to a		

9b.	<p>whole day from half a day, to recognise the pre-work and post-meeting work required. Noting NB's advice that the budget can meet the increase, Forum agreed.</p> <p>Schools & High Needs Committee had also reviewed the balances and discussed proposals relating to them, recommending to Forum that it would be prudent to wait and discuss proposals at the next meeting of the Committee when there is more clarity about where best these might be spent. Forum agreed.</p> <p>Schools Forum draft budget 2019-2020 Forum agreed the budget, noting no change and agreement that any surplus funds will be directed for the best use to support all types of school.</p>	<p>NB</p> <p>KH for next SHN Committee meeting</p> <p>NB</p>	
10a.	<p>DSG Year End 2017-18 (For decision) Forum noted the content of the LA's report on DSG carry-forwards 2017-18. Forum (all eligible except Post-16 rep) confirmed the LA's transfer of DSG underspends to reduce the deficit incurred by the High Needs budget in 2017-18, whilst recognising that the High Needs budget overspend will remain considerable and that a further overspend is projected this year due to increasing needs, and that a substantial amount is due to out of County expenditure.</p>	<p>NB</p>	
10b.	<p>Early Years update, including impact of 30 hours offer (For information and comment) Update noted. No discussion.</p>		
11.	<p>High Needs Place Notification (For information) CT drew attention to the legal requirement that Forum be consulted about number and siting of High Needs places.</p> <p>JH briefed Forum members, noting the significant increase in demand for High Needs places in the last few years. She informed Forum that changes to commissioning numbers for High Needs Block academy, special school and post-16 places have to be submitted by mid-November. The base provision will remain the same, but with increased numbers of places being commissioned in some existing special schools this year. It is clear that the required number of places has not been commissioned in past years and pressure has been building. There is increased pressure with growing numbers of High Needs pupils in the secondary sector, and also now in 19-25 college pupils, for much higher numbers than funding is received for High Needs. Work is ongoing to find creative solutions to expand existing schools in the county in order to meet as many needs as possible as early as possible and prevent further and earlier shift (at transition from primary to secondary) to</p>		

	<p>use of the independent sector and out of county placements, which are already too frequently used at much greater cost.</p> <p>Work is also being done to review the mechanisms related to allocation of High Needs funding to all schools, and how this meets or does not meet needs and costs, including review to allow funding to follow the child, and to better utilise expertise, resources and capacity in the County, including resource bases, and early intervention to prevent escalation at later stages of education.</p> <p>In addition, engagement with parents is being increased to ensure that parents are encouraged to be open about their children's needs at the earliest stage in order to best plan provision.</p> <p>Forum members emphasised the fundamental need to ensure politicians and government are challenged in relation to ensuring pupil engagement in learning. The inappropriateness and exclusivity of the current primary curriculum which is causing increased numbers of children to present with difficulties that might not otherwise be the case if they were more engaged with, and enjoying, learning, and therefore the increase of pupils being judged in need of High Needs places. At secondary level, the Key Stage 4 curriculum is also often not appropriate and therefore not inclusive; there is no access now for these pupils to study subjects more appropriate to their needs. Colleges and schools should be encouraged to work together to enable KS4 students to take courses appropriate to their needs. The outcomes for pupils who are not engaged in education result in increased cost in the County through need for Alternative Provision places and transport costs, and the likelihood that students will not continue education beyond 16.</p> <p>LLG and JH emphasised the high focus being placed on this area by OCC, with the appointment of a new and expanded team of permanent, well qualified and experienced staff. In addition, the overall school transport issue is being reviewed by the County.</p> <p>Forum members emphasised their willingness to offer OCC their own wide experience, advice and expertise in High Needs areas.</p>		
12.	<p>Future arrangements in LA Education (Standing Item)</p> <p>DC confirmed the plans for improvements to High Needs as briefed by JH in Item 11 and the aim to pull together currently fragmented work into a coherent and efficient overall High Needs service.</p>		

	<p>In addition, he confirmed that an experienced Commissioner has been appointed to work in the areas of SEND and Alternative Provision (Karen Kuehne). While there are insufficient places in the Maintained sector, the County will go on spending too highly on independent or out of county places; therefore the commissioning approach will be cost-effective and enable a creative approach to increasing available places in the County.</p> <p>Four Services in County Education are now fully on stream: SEND (Head: Jayne Howarth), Learning Engagement – including children not in school (Head: Deborah Bell), Learning & School Improvement (Head: Kim James) and School Organisation & Sufficiency (Head: Allyson Milward). The County will benefit from a significant amount of new and capable expertise and capacity.</p>		
13.	Other (urgent) Business - None.		
14.	Confirmation of Date of Next Meeting <u>Monday 14 January 2019 - 10 am–3 pm</u>		
	Information Papers		
15.	Benchmarking - No discussion.		
16.	F40's summary paper and briefing for MPs (15.12.18) - No discussion.		

Meeting closed 1300
KH/27.11.18

Information:

Further dates of Schools Forum meetings:

~~9 January~~, now moved to **Monday 14 January – 1000-1500** - Holiday Inn, Pear Tree, Oxford

4 February – 1000-1500 - at Unipart CC