LANCASHIRE SCHOOLS FORUM

MINUTES OF THE MEETING HELD AT 10:00 A.M. ON THURSDAY, 4 JULY 2019 AT THE EXCHANGE, COUNTY HALL, PRESTON

Present: Schools Members:

Primary School Governors
Chris Bagguley
Chris McConnachie

Stephen Booth (Vice-chair) Louise Shaw Gerard Collins

Patricia Eastham Academy Principal/Headteacher

Louise Martin Alan Porteous

Eleanor Hick

Alan Porteous

Lesley Millard Alternative Provision Academy

Laurence Upton
Robert Waring
Special School Academy

Primary School Headteachers Special School Governor

Daniel Ballard
Sarah Barton
Special School Headteacher

Tim Cross (Chair) Shaun Jukes
Brendan Hassett

Steve Robinson Short Stay Governor

Secondary School Governors Short Stay Headteacher

Janice Astley Anne Kyle
Brian Rollo

Nursery School Headteacher Secondary School Headteachers

Steve Campbell

Julie Langham

Nursery School Governor
Thelma Cullen

Members:

Early Years - PVI Other Voting Members
Sharon Alexander CC David Foxcroft

Peter Hindle Michelle Howard

Observers - Members of the Public

Mark Evans (Unison) Kathleen Cooper David Fann (NAHT)

CC Jayne Rear sub for CC Williamson

Julie Gordon (NEU), Eric Harrison (NASUWT)

Liz Laverty (ASCL) Sam Ud-din (LASGB) Ian Watkinson (NEU), In attendance: Helen Belden

Paul Bonser Andrew Good Christine Hurford Stephen Martin Neil Rogerson Kevin Smith

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from: Liz Astbury, Jane Beckford, CC Anne Cheetham, John Davey, Helen Dicker, Angela Johnstone, Julie Langham, Jan Marshall, Sandra Thornberry, Tim Warren, CC Phillippa Williamson and Jill Wright.

2. SUBSTITUTE MEMBERS

CC Jayne Rear attended as a substitute for CC Phillippa Williamson.

3. FORUM MEMBERSHIP

A report was presented updating the Forum on the membership changes since the last meeting.

Annual review of membership numbers

The annual membership review of pupil numbers at primary schools, secondary schools and academies revealed that there are to be 2 places fewer for secondary schools in September 2019. This process will be managed through the annual membership review.

Membership changes

As part of the membership review a number of members are leaving or have left the Forum. These members were:

Kay Burke Nursery School Headteacher Primary School Governor Keiran Bellis Simon Gillespie Primary School Governor Liz Astbury Primary School Headteacher Tim Cross Primary School Headteacher Janice Reynolds Primary School Headteacher Primary School Headteacher Steve Robinson Chris Shields Primary School Headteacher Jane Beckford Secondary School Governor David Swaffield Secondary School Governor Sharon Taylor Special School Governor

Julie Burnside Academy Headteacher/Principal

Paula Burdess Unison

CC Susie Charles LCC Cabinet Member CC Lorraine Beavers LCC Labour Group

The Authority is making arrangements to fill vacancies that arise in September 2019, but some new members were welcomed to the July meeting:

CC Phillippa Williamson Michelle Howard Mark Evans New LCC Cabinet Member (represented by County Councillor Jayne Rear) The Lancashire Colleges Unison

CC Jennifer Mein had also re-joined the Forum representing the LCC Labour Group.

Forum Chair from September 2019

One member leaving the Forum was Tim Cross, the current Forum Chair. Nominations to Chair the Forum from September 2019 had been sought in advance of the meeting and one nomination had been received from Shaun Jukes, special school Headteacher.

No other nominations were forthcoming at the meeting and Shaun was duly appointed as Forum Chair for the 2019/20 and 2020/21 academic years.

In these circumstances, members were asked to consider if it was appropriate to allow Special school headteachers to nominate an additional representative to sit in the full forum, as Shaun is the only current special school Headteacher representative and this would assist with Forum workload and enable the chair to take a position of neutrality.

The Forum:

- a) Noted the report;
- b) Welcomed Michelle Howard, Mark Evans and CC Phillippa Williamson to their first Forum meeting:
- c) Welcomed CC Jennifer Mein back to the Forum;
- d) Thanked Kay Burke, Keiran Bellis, Simon Gillespie, Liz Astbury, Tim Cross, Janice Reynolds, Steve Robinson, Chris Shields, Jane Beckford, David Swaffield, Sharon Taylor, Julie Burnside, Paula Burdess, CC Susie Charles and CC Lorraine Beavers for their contribution to the Forum;
- e) Appointed Shaun Jukes as the new Forum Chair for the 2019/20 and 2020/21 academic years;
- f) Supported the nomination of an additional special school headteacher representative to sit in the full forum, whilst Shaun is Forum Chair to aid with Forum workload and enable the chair to take a position of neutrality.

4. MINUTES OF THE LAST MEETING

The Forum agreed the minutes of the last meeting held on 21 March 2019 as a correct record.

5. MATTERS ARISING

a) From item 10 a Insurance costs at Maintained Nursery Schools

Correspondence was presented to the last meeting from the nursery school headteacher representative, requesting the Forum's support as insurance premiums for the sector have seen significant increases in 2019/20.

The Forum offered this support and LCC has now considered the representations and has agreed to:

- apply transitional arrangements to the 2019/20 insurance charges, which will take the form of a £1,000 cap on changes from the 2018/19 charge
- undertake a review of the charging methodology to be applied to insurance charges for 2020/21, which will include benchmarking charging levels against an insurance industry quote for a nursery school.

It was also noted that the DfE provide an insurance scheme for academies and were considering whether this should be extended to allow access to maintained schools.

The Forum is asked to:

- a) Noted the information;
- b) Welcomed the introduction of the transitional protection and the proposed review of the charging methodology for 2020/21.

6. RECOMMENDATIONS FROM THE SCHOOLS BLOCK WORKING GROUP

A report was presented setting out the recommendations from the Schools Block Working Group from 20 June 2019.

i. 2020/21 De-Delegation Proposals

The school funding framework continues to allow service de-delegations in 2020/21. This report provided information on the proposed continuation of service de-delegations approved in 2019/20 and updated members on the considerations relating to possible new dedelegation options.

Existing de-delegations are:

- Staff costs Public Duties/Suspensions;
- Museum Service Primary Schools Only;
- Support for Schools in Financial Difficulty

Members expressed support for a consultation with schools on the continuation of the existing de-delegations

A new delegation relating to primary inclusion hubs was proposed from April 2020 and would be the subject of consultation with schools early in the autumn term 2019.

Initial proposals to consider de-delegation of Copyright Licencing were not now going to proceed following clarification of the regulations.

The Working Group:

- a) Noted the report;
- b) Supported of the proposed 2020/21 de-delegation consultations being issued in September 2019;
- c) Requested that the comments on the current operation of primary inclusion hubs be passed to relevant officers.

After the meeting, the WG comments were passed through to the Inclusion Service. They were around the operation of Inclusion Hubs, including possible flexibilities for some pupils around current 12 week placement levels and some inconsistencies between districts.

The response was that if we give funding to the District Group (DG) they must decide on what that funding will support. Districts will be held to account for outcomes through the steering group and CYP Partnership.

A Districts at a glance document, showing the approaches adopted in each district, had also been produced and this would be shared with members after the Forum meeting.

The Forum endorsed the working groups' recommendations and noted the supplementary information provided.

ii. Trade Union Facilities Agreement

Jeanette Whitham, Head of Schools HR Team, attended the Working Group for this item.

As requested by the Forum, updated information was provided around the trade union facilities time agreement.

Members discussed the information provided and the pros and cons of the current arrangements and the possible options for changing the level of support provided for the facilities time agreement. As the views expressed by members were split, the Working Group recommended that the possible options for this de-delegation were presented to schools as part of the annual consultation.

The Working Group:

- a) Noted the report and the information about the updated Trade Union Facilities Agreement;
- b) Supported Trade Union Facilities options being presented in the 2020/21 dedelegation consultations with schools.

iii. Schools Budget Outturn Report 2018/19

The Overall Schools Budget outturn position for 2018/19 showed an overspend of some £1.7m. This report provided further details of the Schools Block outturn position.

A copy of the full Schools Budget outturn report was provided for Forum members.

The Working Group

a) Noted the report and the 2018/19 Schools Budget final financial outturn position.

iv. School Balances and Clawback 2018/19

The final outturn position against schools delegated budgets at 31 March 2019 was an overspend of £1.409m. This report provided further details of the Schools Block outturn position.

Information was provided showing analysis of school balances by phase at the end of the financial year 2018/19, and a copy of the full Schools Balances and Clawback Report 2018/19 was provided for Forum members.

The Working Group:

- a) Noted the report;
- b) Noted the overall position of school balances at 31 March 2019 and the individual school level information provided in the report;
- c) Recommended that there should be no general suspension of clawback at 31 March 2019:

- d) Recommended that the 2 primary school appeals should be supported and therefore no clawback should be applied to these 2 schools;
- e) Recommended that there should be no change to the Schools Forum's school balances and clawback arrangements to be applied at 31 March 2020.

This report had also presented to the High Needs and Early Years Groups. Both of these groups recommended that the application of clawback be suspended at 31 March 2019, which is different to the Schools Block recommendation.

The full Schools Forum considered the recommendations from all three working groups and formally voted on the proposal that clawback should be suspended at 31 March 2019. Voting was restricted to maintained schools members, as clawback provisions are made under Scheme for Financing Schools arrangements. Votes were cast as follows:

- 3 members supported the suspension of clawback at 31 March 2019;
- 17 members opposed the suspension of clawback at 31 March 2019;
- 1 members abstained from the vote.

The Forum therefore decided that there should be no general suspension of clawback at 31 March 2019.

The Forum endorsed the other working group recommendations including support for the clawback appeals at 2 primary schools.

v. Schools Forum Annual report 2018/19

A draft Forum Annual Report for 2018/19 was provided for the Working Group.

The full report was provided for the Forum.

The Working Group:

- a) Noted the report;
- b) Recommend to the Schools Forum that the 2018/19 Annual Report be approved for publication.

vi. High Needs Block Provision Task and Finish Group

Andrew Good provided a verbal update on the work of the HNB Provision Task and Finish Group.

The Working Group:

- a) Noted the update;
- b) Welcomed the fact that the report would be shared with the Forum in due course.

Members noted that the report is being finalised internally and will be shared with Forum for comment in due course.

vii. Notional SEN Proposals 2020/21

As part of the ongoing review of High Needs Block expenditure, the LA has formulated a possible simplification to the notional SEN calculation. The report also contained more detailed information on the proposals and their background,

The Working Group:

- a) Noted the report;
- b) Supported the issuing of a consultation to simplify the notional SEN calculation.

A query was raised about whether there was a need to consult all schools on this detailed and complex issue, but it was confirmed that the School and Early Years Finance Regulations specified that a local authority must consult its schools forum and schools maintained by it about any proposed changes, in relation to the factors and criteria taken into account, and the methods, principles and rules adopted.

viii. Teachers' Pension Scheme (TPS) from September 2019

On 10 April 2019, DfE published information and confirmed that they would be funding maintained schools and academies for TPS increase in 2019 to 2020.

The Working Group:

a) Noted the report.

It was highlighted that this support was only guaranteed for the 2019/20 financial year.

ix. PE and sport premium funding for 2019/20

Following a number of enquiries from schools, the DfE have confirmed that the £320m PE and sport premium will continue in the 2019/20 academic year.

The Working Group

a) Noted the report.

x. Schools Financial Value Standard (SFVS) 2018/19 and 2019/20

SFVS is a statutory requirement for all maintained schools and this report provides information on the 2018/19 SFVS returns and the changes to be introduced for 2019/20

The Working Group:

- a) Noted the report:
- b) Supported the continuation of the current returns timescale and sanctions policy;
- c) Supported the proposed funding arrangements for governors attending the briefing sessions:
- d) Suggested that information about the new SFVS arrangements could be highlighted via the Chairs' conferences.

xi. Invoices 'on approval' for on-line resources

Internal Audit have again been alerted to invoices being sent to schools 'on approval' in respect of a yearly subscription providing access to on-line resources.

The Working Group:

a) Noted the report.

The Forum ratified the Working Group's Recommendations

7. RECOMMENDATIONS FROM THE HIGH NEEDS BLOCK WORKING GROUP

A report was presented setting out the recommendations from the High Needs Block Working Group from 11 June 2019.

i. Inclusion Hub Proposals 2019/20

Paul Duckworth, Head of Service – Education, Quality and Performance (Acting) attended the Working Group for this item.

Updated information was provided about the proposals for the use of funding by the District Inclusion Hubs, including strengthened governance and monitoring arrangements.

A supplementary paper had been circulated to members of the WG ahead of the meeting providing additional information and clarification in response to some initial questions that had been raised by members.

The Working Group

- a) Thanked Paul for his report and supplementary information;
- b) Noted the information provided;
- c) Expressed support for the strengthened governance arrangements for the project;
- d) Recommended that the £80k per district Inclusion Hub pump priming allocations for 2019/20 be released to relevant 'banker' schools;
- e) Welcomed the intention to develop pupil number based allocation as part of the 2020/21 proposals to reflect the differing sizes of district.

ii. 2019/20 De-Delegation Proposals

The school funding framework continued to allow service de-delegations in 2020/21. This report provided information on the proposed continuation of service de-delegations approved in 2019/20 and updated members on the considerations relating to possible new dedelegation options.

The Working Group:

- a) Noted the report;
- b) Supported the continuation of existing de-delegations in 2020/21, subject to the annual school consultation;
- Supported the consultation on the de-delegation of primary inclusion hub funding for 2020/21;
- d) Requested consideration of the methodology to distribute de-delegated inclusion hub funding, if agreed, to districts.

iii. Schools Budget Outturn Report 2018/19

The Overall Schools Budget outturn position for 2018/19 shows an overspend of some £1.7m. This report provides further details of the High Needs Block outturn position.

The Working Group:

- a) Noted the report and the supplementary information;
- b) Requested that the commentary on the out-county budget be amended.

The commentary on the out-county budget had been amended:

Out County - Specialist provision places

This overspend of £3.1m is due in the main to the Inclusion Service being unable to obtain capacity within maintained provision to cope with an increasing number of pupils requiring high needs placement. As provision has not been able to be sourced within the authority's schools more Independent Non-Maintained placements have had to be commissioned causing additional expenditure.

iv. School Balances and Clawback 2018/19

The final outturn position against schools delegated budgets at 31 March 2019 is an overspend of £1.409m. This report provided further details of the High Needs Block outturn position.

Information was provided showing analysis of school balances by phase at the end of the financial year 2018/19, and a copy of the full Schools Balances and Clawback Report 2018/19,

The Working Group:

- a) Noted the report;
- b) Noted the overall position of school balances at 31 March 2019 and the individual school level information provided in the report;
- c) Recommended that the application of clawback at 31 March 2019 be suspended, due to the relatively small amounts involved and in recognition of the overall financial pressures across the school sector;
- d) Recommended that the existing school balances and clawback arrangements continue to be applied at 31 March 2020.

Members noted that the Forum had debated the suspension of clawback at 31 March 2019 during consideration of the Schools Block recommendations, when the Forum had decided that there should be no general suspension of clawback at 31 March 2019.

v. Schools Forum Annual report 2018/19

A draft Forum Annual Report for 2018/19 was provided for the Working Group.

The Working Group:

- a) Noted the report;
- b) Recommend to the Schools Forum that the 2018/19 Annual Report be approved for publication.

vi. High Needs Block Provision Task and Finish Group

Andrew Good provided a verbal update on the work of the HNB Provision Task and Finish Group.

The Working Group:

- a) Noted the update;
- b) Welcomed the fact that the report would be shared with the Forum in due course.

vii. Notional SEN Proposals 2020/21

As part of the ongoing review of High Needs Block expenditure, the LA has formulated a possible simplification to the notional SEN calculation.

The Working Group:

- a) Noted the report;
- b) Supported the issuing of a consultation to simplify the notional SEN calculation.

viii. Teachers' Pension Scheme (TPS) from September 2019

On 10 April 2019, DfE published information and confirmed that they would be funding maintained schools and academies for TPS increase in 2019 to 2020.

The Working Group:

a) Noted the report.

ix. PE and sport premium funding for 2019/20

Following a number of enquiries from schools, the DfE have confirmed that the £320m PE and sport premium will continue in the 2019/20 academic year.

The Working Group

a) Noted the report.

x. Schools Financial Value Standard (SFVS) 2018/19 and 2019/20

SFVS is a statutory requirement for all maintained schools and this report provides information on the 2018/19 SFVS returns and the changes to be introduced for 2019/20

The Working Group:

- a) Noted the report;
- b) Supported the continuation of the current returns timescale and sanctions policy;
- c) Supported the proposed funding arrangements for governors attending the briefing sessions.

The Forum ratified the Working Group's recommendations.

8. RECOMMENDATIONS FROM THE EARLY YEARS BLOCK WORKING GROUP

A report was presented setting out the recommendations from the Early Years Block Working Group from 13 June 2019.

i. Early Years Block Budget Pressures

Reports had been presented to previous working group meetings about the financial pressures facing the sector. This report provided an update on early years budget pressure issues, including

- Lobbying Central Government for Increased Funding
- Forum letter to District Councils lobbying for a reduction in business rates for nurseries
- Possible amendments to the Lancashire funding agreement for settings that receive an Ofsted 'Inadequate' inspection judgement
- Possible cessation of discretionary payments in the local Early Years formula that do not generate equivalent DSG income for Lancashire
- Ongoing Support for the Sector
- Impact on Sufficiency

The Working Group:

- a) Noted the report and the information provided;
- b) Recommended that the Forum letter to District Councils lobbying for a reduction in business rates for nurseries be resent, except for Chorley BC:
- c) Recommended that a consultation be issued to providers about the possible cessation of the discretionary payments for additional vulnerable groups in the 2 year old formula, including data on the usage of the different groups, an impact assessment and any transitional arrangements;
- d) Recommended that the current policy for supplementary payments in the 3 and 4 year old formula should continue for the time being.

After the Working Group meeting the letter to district councils about business rates was resent, and 3 additional replies were received from Rossendale, Wyre and Burnley Councils. None of the replies was able to support a reduction in business rates for childcare providers although some did refer to other concessions that may be available, for example 'hardship'.

ii. Early Education Funding Agreement 2019/20

The proposed changes to the Early Education Funding Agreement for the 2019/20 academic year were considered at the Early Education Consultative Group on 24 May and a number of comments and suggestions were made. This report provided information on the final decisions taken by the County Council, which included:

- Adopt option 3 and allow funding to continue until next inspection providing the quality
 of education is 'good'. In the event that the next inspection remains 'inadequate' cease
 funding after 4 weeks. Under option 3 where the quality of education is less than 'good'
 funding would cease 8 weeks after the 'inadequate' judgement is published.
- All settings who receive an 'inadequate' judgement will be required to notify parents of the inspection outcome within 5 workings days of it being published. Funding will cease 4 weeks after the 'inadequate' judgement is published where a parent chooses to find alternative provision (status quo).
- All settings who receive an 'inadequate' judgement will be required to submit an action plan within 15 workings days of it being published.
- Funding will be reinstated from date of re-inspection, rather than date the judgement is published.
- 'Not met' judgements will be treated in the same way as 'inadequate' judgements.
- Continue to fund new 2, 3, 4 year old funded children during the 'inadequate' funding period (status quo).
- Continue to fund new 2 year old children when a setting is receives a 'requires improvement' judgement (status quo).
- Adopt all other amendments outlined in section 5 of this report.

The Working Group:

a) Noted the report and the final decisions taken in connection with the Early Education Funding Agreement 2019/20.

iii. Schools Budget Outturn Report 2018/19

The Overall Schools Budget outturn position for 2018/19 shows an overspend of some £1.7m. This report provides further details of the Early Years Block outturn position.

The Working Group:

a) Noted the report;

iv. School Balances and Clawback 2018/19

The final outturn position against schools delegated budgets at 31 March 2019 is an overspend of £1.409m. This report provides further details of the Early Years Block outturn position.

The Working Group:

- a) Noted the report;
- b) Noted the overall position of school balances at 31 March 2019 and the individual school level information provided in the report;
- c) Noted the ongoing work to stabilise the financial position at maintained nursery schools:
- d) Recommended that the application of clawback at 31 March 2019 be suspended, due to the relatively small amounts involved and in recognition of the overall financial pressures across the school sector;
- e) Recommended that the existing school balances and clawback arrangements continue to be applied at 31 March 2020.

Members noted that the Forum had debated the suspension of clawback at 31 March 2019 during consideration of the Schools Block recommendations, when the Forum had decided that there should be no general suspension of clawback at 31 March 2019.

v. Schools Forum Annual report 2018/19

A draft Forum Annual Report for 2018/19 was provided for the Working Group.

The Working Group:

- a) Noted the report;
- b) Recommend to the Schools Forum that the 2018/19 Annual Report be approved for publication.

vi. Schools Financial Value Standard (SFVS) 2018/19 and 2019/20

SFVS is a statutory requirement for all maintained schools and this report provides information on the 2018/19 SFVS returns and the changes to be introduced for 2019/20

The Working Group:

- a) Noted the report;
- b) Supported the continuation of the current SFVS returns timescale and sanctions policy;
- c) Supported the proposed funding arrangements for governors attending the briefing sessions;
- d) Noted that officers would raise the nursery benchmarking issue at future national and regional events with DfE.

The Forum ratified the Working Group's recommendations.

9. RECOMMENDATIONS FROM THE APPRENTICESHIP LEVY STEERING GROUP

A report was presented setting out the recommendations from the Apprenticeship Levy Steering Group from 13 June 2019.

A number of reports around Apprenticeship Levy Finance were provided, including:

- Transfer of Unspent Levy Funds Update;
- o Teacher Qualification Update;
- o Apprentice Ambassadors;
- o Finance Position:
- Engagement with Schools;
- o Part time Learners.

The Working Group:

- a) Noted the report and the latest financial forecast;
- b) Congratulated the Apprenticeship team on their national recognition;
- c) Recommended that their suggestion that the 25% transfer of Levy funds to support relevant training at non-levy paying schools in Lancashire, should be extended to academies and early years PVI providers, in order to prevent unspent funding being returned to central government. (Subject to confirmation of the eligibility of these areas against the Regulations and the practical and resource implications for the Team).

Members debated the proposals and some members indicated that they had not been aware that the apprenticeship levy funding was at risk of being returned to central government. Other members raised specific questions and queries on specific apprenticeship levy matters.

The Forum:

- a) Noted the report;
- b) On balance, agreed that it was preferable for unspent funding to be used locally to support non-levy paying establishments rather than funding being returned to central government, and understood that there were some barriers to the 'transfer' process, for example aided schools that buy into the BTLS payroll service being classed at the same employer as LCC.
- c) Supported the prioritisation of spending of apprentice levy funding on levy paying schools.

Officers agreed to pass on the specific school issued raised to the Apprenticeship Levy Team.

10. DFE CALL FOR EVIDENCE: FUNDING FOR SEND AND THOSE WHO NEED AP

The DfE have issued a Call for Evidence around the Provision for children and young people with special educational needs and disabilities, and for those who need alternative provision: how the financial arrangements work.

A draft Schools Forum consultation response had been prepared in conjunction with the Forum Chair's Group and with input from the FE sector for questions related to 16-19 provision. It was noted that Questions 11 – 15 are specifically aimed at responses from schools, so are not answered in the draft Forum submission.

A copy of the response had been circulated in advance and no additional comments had been received.

The Forum:

- a) Approved the Forum response for submission to the DfE;
- b) Supported the circulation of the Forum response to Lancashire schools, with an encouragement for schools to respond.

In addition, members were asked to consider responding individually to the Call for Evidence, to ensure that Lancashire concerns and ideas are fed through in this consultation.

The consultation document is available from https://consult.education.gov.uk/funding-policy-unit/funding-for-send-and-those-who-need-ap-call-for-ev/

11. FORUM CORRESPONDENCE

There were no items of Forum related correspondence to consider at this meeting.

12. ANY OTHER BUSINESS

a) Tim Cross

As noted earlier in the Membership item, amongst those members leaving the Forum was Tim Cross, headteacher of Bolton-le-Sands CE Primary School. Tim has been a Forum member since its inception in January 2003, became Chair of a working group in 2015 and Chair of the full Forum in 2016.

Tim has been Chair of the Forum perhaps through its most difficult period, as school funding has become increasing tight and flexibilities available to the Forum have reduced. Principles of fairness and equity across the county, regardless of phase or location, have been fundamental to Tim's chairmanship.

The Forum expressed sincere thanks to Tim for his leadership and direction throughout this period.

13. DATE OF FUTURE MEETINGS

The next scheduled Forum meeting will be held at 10.00am Thursday 17 October 2019 at County Hall, Preston.