#### Item 4

#### LANCASHIRE SCHOOLS FORUM

#### MINUTES OF THE MEETING HELD AT 10:00 A.M. ON THURSDAY, 2 JULY 2020 (Virtual meeting via Zoom)

Present:

#### Schools Members:

Primary School Governors Chris Bagguley Ian Ball Eleanor Hick Louise Martin Michelle O'Neill Karen Stracey Laurence Upton Robert Waring

#### **Primary School Headteachers**

Daniel Ballard Neil Gurman Angela Johnstone Deanne Marsh

#### **Secondary School Governors**

Janice Astley Brian Rollo Lorimer Russell- Hayes

#### **Secondary School Headteachers**

Steve Campbell Ivan Catlow Academy Governor Helen Dicker Chris McConnachie

Academy Principal/Headteacher Gaynor Gorman Alan Porteous

#### **Alternative Provision Academy**

Special School Academy Elayne Lorenzo (for Louise Parrish)

#### **Special School Governor**

Special School Headteacher Peter Higham Shaun Jukes (LSF Chair)

Short Stay Governor Sandra Thornberry

#### Short Stay Headteacher Anne Kyle

Nursery School Headteacher Jan Holmes

Nursery School Governor Thelma Cullen

#### Members:

Other Voting Members Rosie Fearn Sam Johnson

**Observers - Members of the Public** Kathleen Cooper

#### Early Years - PVI Sharon Alexander Peter Hindle

#### Observers

Mark Evans (UNISON) David Fann (NAHT) Eric Harrison (NASUWT) Liz Laverty (ASCL) Sam Ud-din (LASGB) In attendance: Paul Bonser Susanne Edwards,Head of Service – Education, Quality and Performance (Interim) Christine Hurford Jane Rimmer School Finance Kevin Smith

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from: Sarah Barton, Sandra Blight, Laura Brennan, Jenny Birkin, CC Anne Cheetham, John Davey, Gill Donohoe, Mark Jackson, Louise Parrish and Lucy Sutton.

#### 2. SUBSTITUTE MEMBERS

Elayne Lorenzo attended as a substitute for Louise Parrish

#### 3. FORUM MEMBERSHIP

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

As part of the Annual Membership review a number of members are leaving the Forum, including

Jill Wright	Primary School Headteacher
Lesley Millard	Primary School Governor
Jonathan Walker	Primary School Governor

Karen Stracey, primary school governor representative, has joined the Forum.

It was also noted that pupil numbers now mean 2 additional academy places are available on the Forum from September 2020. The academy representatives are to seek one additional principal member and one additional governor/trust member.

#### The Forum:

- a) Noted the report and the increased academy representation from September 2020;
- b) Thanked Jill Wright, Lesley Millard and Jonathan Walker for their contribution to the Forum
- c) Welcomed Karen Stracey to her first Forum meeting.

#### 4. MINUTES OF THE LAST MEETING

The minutes of the last meeting scheduled for 24 March 2020 were agreed as a correct record.

#### 5. MATTERS ARISING

There were no matters arising from the March 2020 minutes that were not covered elsewhere on the agenda.

#### 6. SCHOOLS BUDGET OUTTURN, SCHOOL BALANCES AND CLAWBACK 2019/20

A report was presented providing information on the 2019/20 Schools Budget outturn position. In summary:

- The Schools Budget outturn position at 31 March 2020 was an overspend of some £1.593m;
- The final outturn position against schools delegated budgets at 31 March 2020 was an underspend of £1.752m.

A copy of the full report presented to each working group, which included balances information on individual schools, was provided for members.

#### The Forum:

- a) Noted the report;
- b) Noted the overall position of the Schools Budget and school balances at 31 March 2020, including the individual school level information provided in the report;
- c) Noted the previous Forum decision to suspend the application of clawback at 31 March 2020;
- d) Noted the overspend on the de-delegation budget at 31 March 2020;
- e) Noted the overspend on the supply scheme budget at 31 March 2020.

The responses from each working group to issues requiring feedback had been analysed and information was provided in the report to the Forum.

# i. Feedback on possible DSG contributions to the risks associated with the closure or forced academisation of schools in deficit (Members could indicate all options they supported)

Total Responses

Option	No of responses
Contribution from general de-delegation reserve	23
Contribution from general Schools in Financial Difficulty (SIFD) de-delegation budget	20
No response/ need further information	7
Further 'Structural Deficits' de-delegation, subject to consultation with schools	6
Other: comment about taking a more proactive approach to prevent schools accumulating significant deficits, for example by the suspension of delegation	1

'Contribution from general de-delegation reserve' was the most supported response overall, with 23 'votes' (53% of all respondents). It was also the most supported (or equal most supported) response from 2 of the 3 working groups.

'Contribution from general Schools in Financial Difficulty (SIFD) de-delegation budget' also received considerable support, with 20 'votes' in total (47% of all respondents), and was also the most popular response (or equal most popular) response from 2 of the 3 working groups.

Other options 'Further 'Structural Deficits' de-delegation' and 'no response' received much less support.

Officers confirmed that a comment about taking a more proactive approach to prevent schools accumulating significant deficits, for example by the suspension of delegation, had been noted and the LA intends to review the SIFD processes during the autumn term and information will be included in a SIFD update report in due course.

# The Forum:

- a) Noted the analysis of feedback from the working groups;
- b) Confirmed a steer that proposals be developed around a possible DSG contribution to the risks associated with the closure or forced academisation of schools in deficit from:
  - General de-delegation reserves;
  - The general Schools in Financial Difficulty (SIFD) de-delegation budget.
- c) Noted that the proposals will be subject to a further report to the Forum.

#### ii. Feedback on the policy that should be applied to school balances at 31 March 2021

#### **Total Responses**

Option	No of responses
Suspend the application of clawback at March 2021 due to the continued COVID-19 uncertainties	18
Apply a similar policy in 2020/21 to that which was originally envisaged for 2019/20	13
Defer a decision until a later meeting	11
No Response	1

A comment received via a secondary Headteacher representative unable to attend the meeting was also reported to the meeting expressing support for the suspension of delegation at March 2021.

From the working group responses, 'Suspend the application of clawback at March 2021 due to the continued COVID-19 uncertainties' received the most 'votes' overall, with 18 (42% of all respondents) and was also the most popular response from 2 of the 3 working groups, but did not receive an overall majority. 'Defer a decision until a later meeting' was the most popular response from 1 working group, but was only the third most popular response overall.

# The Forum:

- a) Noted the analysis of feedback from the working groups;
- b) Ratified the decision to 'Suspend the application of clawback at March 2021 due to the continued COVID-19 uncertainties'.
- iii. Feedback on the options for the support staff element of the supply scheme in 2021/22

Total Responses

Option	No of responses
Implement a more restrained level of increase for the support scheme	13
Target the increases more directly at specific sectors	11
Discontinue the support staff scheme	7
Initiate a significant increase in the support staff premiums, of perhaps around 60% or 70%	6
No Response	6

Working group feedback was that 'Implement a more restrained level of increase for the support scheme' was the most popular response overall with 13 'votes' (30% of all respondents) and was also the most popular response, (or equal most popular) from 2 of the 3 working groups. However, this option received support from less than a third of responses in total. 'Target the increases more directly at specific sectors' was the equal most popular response from one working group and 'no response' was also equal most popular action from 2 working groups.

Given the current uncertainties around the demands on the scheme due to the COVID-19 pandemic, including revised scheme operational rules agreed by the Forum around supporting scheme members with shielding and self isolating in addition to sickness absence, the Forum considered deferring a final recommendation on this issue until the autumn term, when more information about the claims position may be available.

# The Forum:

- a) Noted the analysis of feedback from the working groups;
- b) Deferred a decision on the future operation of the support staff element of the supply scheme in 2021/22 until the autumn term 2020.

In responding to options about the continued overspend on the support staff element of the supply scheme a couple of responses questioned whether the consistent overspend was representative of a wider issue about levels of sickness absence amongst support staff in Lancashire schools.

Further information provided by the Schools HR service was shared with members about support staff absence in Lancashire schools, compared to teaching staff absences, county council absences and feedback about regional absences. The data suggested that support staff absence in Lancashire schools were in line with or lower than comparators, so it did not appear that the supply scheme overspends were related to any wider issues around sickness absences in schools.

# The Forum

- a) Noted the supplementary information provided on sickness absence comparisons in schools,
- b) Agreed to bear this information in mind when making any future recommendations about the 2020/21 supply scheme.

# 7. SCHOOLS FORUM ANNUAL REPORT 2019/20

Each year the Schools Forum publishes an annual report setting out items of business in which the Forum has been involved. During the June 2020 cycle of meetings a draft 2019/20 Schools Forum Annual Report was provided for each of the three Forum working groups.

All three working groups supported the publication of the 2019/20 Annual Report and one member identified a typographical error, which has now been corrected. A copy of the updated annual report for 2019/20 was provided for members.

# The Forum:

a) Approved the 2019/20 schools forum annual report for publication.

# 8. RECOMMENDATIONS FROM THE SCHOOLS BLOCK WORKING GROUP

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

i. Urgent Business Outcomes - Supply Scheme update and alternatives to May 2020 schools census

This report provided information on two decisions taken using the Forum's urgent business procedure in relation to: Forum, using the Forum's Urgent Business Procedure. This request sought urgent views over 2 matters, relating to:

- An update on the operation of the Lancashire supply scheme;
- Actions to be taken in response to the Government's decision to cancel the summer term 2020 school census.

The Working Group:

a) Noted the report.

# The Forum noted the report.

# ii. Charging for the Operation of Schools Local Bank Account

In October 2019, the Forum supported revised bank account charges being introduced from April 2020. Members were reminded about the reasons behind the decision as charges for 2020/21 are about to be issued.

The Working Group: a) Noted the report.

# The Forum noted the report.

# iii. Service De-delegations 2020/21 – School Financial Health Check Funding

This report provided information on options for the use of funding originally collected as part of the Support for Schools in Financial Difficulty (SIFD) de-delegation for the provision of financial health checks for schools. Other elements of the SIFD support remain unchanged.

The Working Group:

- a) Noted the report;
- b) Expressed views about the options available for the funding within the Support for Schools in Financial Difficulty (SIFD) de-delegation relating to financial health checks for schools. There was no overall consensus and an analysis of the views expressed are shown below:

Feedback on possible options in connection with funding relating to the school financial health check element of the 2020/21 SIFD de-delegation funding.

Option	No of responses
Hold the funding in the de-delegation reserve specifically earmarked for school health checks	6
Utilise the funding as part of the wider Schools in Financial Difficulty support in 2020/21	6
Use the health checks funding as a further DSG contribution to the 'structural deficits' reserve	4
Reimburse the 'health check' element of funding to all schools on the basis that it was collected	5
No response	1

One member raised concerns about the collecting of this money from schools for a potential purpose and as it has been found unnecessary suggested that this type of "speculative taking of funds" be avoided in future and should not have happened in the first place.

Costings for the Lancashire health check proposal had been estimated at an additional figure of £0.73 per pupil for both primary and secondary schools in the SIFD de-delegation proposals for 2020/21. Total amount, including group-buy backs is circa £140k.

Members considered the responses and the merits of each option, including the likelihood of the health check requirements being reintroduced when the DfE announce their delayed response to the consultation.

# The Forum:

- a) Noted the analysis of feedback from the working group;
- b) Ratified the working group's joint favoured recommendations for the use of funding de-delegation relating to financial health checks for schools:
  - Hold the funding in the de-delegation reserve specifically earmarked for school health checks
  - Utilise the funding as part of the wider Schools in Financial Difficulty support in 2020/21

#### iv. Trade Union Facilities Agreement

An update report was provided about the use of Trade Union Facilities Time Agreement, which forms part of the 'Staff costs – Public Duties/Suspensions' de-delegation.

The question posed by the Schools HR Team in the report was:

Forum are asked to consider whether the existing number of representatives (12 FTE) should be reviewed. Forum may wish to consider the fact that 14% of teachers now work in schools that do not fall under the facilities agreement, and that on average approx. 2.0 FTE facilities time is not used each year. This is despite the fact that overall HR casework statistics within the Schools HR Team are not reducing.

It was noted that the Staff Costs de-delegation also incorporates support for certain public duties and when staff are suspended. Whilst there was reference in the HR report about a certain element of facilities time not being utilised each year, it was noted that the overall staff costs de-delegation was overspend in 2019/20, by circa £120k, and it was therefore likely that the costs of this de-delegation will need to increase in 2021/22.

The Working Group: a) Noted the report; b) Expressed views about the Trade Union Facilities Agreement in connection with the proposed 2021/22 de-delegation, with a majority favouring the 'Yes, and with a Forum recommendation that the TU funding is reduced to reflect a smaller workforce' option, as shown below:

Feedback on the updated facilities time agreement information being included in the 2021/22 de-delegation consultation with schools.	
Option	No of responses
Yes, and with a Forum recommendation that the TU funding is reduced to reflect a smaller workforce	14
Yes and with a Forum recommendation that the TU funding continues at the 2020/21 levels	5
Yes, but without any accompanying Forum recommendation	3
No, don't include the information in the consultation	0

Information was received from a Forum member providing a response to explain the funding underspend and offering wider comment in support of the work undertaken by the trade unions. This document was shared with members briefly via the video call but it was agreed that it would be circulated after the meeting to allow colleagues an opportunity to consider the content in more detail. An eform was made available to allow members to express their views on this issue.

#### **Responses were received as follows:**

Having considered the additional information provided on the trade union facilities time in conjunction with that already circulated please let us know your views	
Option	No of responses
Include a Forum recommendation that the TU funding is reduced to reflect a smaller school workforce	14 (61%)
Include a Forum recommendation that the TU funding should continue at historic levels	7 (30%)
Do not include a Schools Forum recommendation in the de- delegation consultation	2 (9%)

The Forum:

a) Agreed to include a Forum recommendation in the 2021/22 De-delegation consultation that the TU funding is reduced to reflect a smaller school workforce.

# v. Scheme for Financing Schools in Lancashire

In April 2020, the DfE issued an 11th update to Statutory Guidance on schemes and details of the scheme updates introduced by the latest guidance were provided. No responses were received from schools during a consultation on the proposals to implement the scheme changes locally.

#### The Working Group:

a) Noted the report and that no views were received from schools during the scheme consultation;

b) Supported the introduction of the proposed scheme amendments.

This is a formal Schools Forum decision for mainstream school representatives and approval was sought to update the Lancashire scheme using an eform.

18 responses from maintained school representatives on the Forum were received, all in favour of the proposed scheme amendments.

The Forum:

a) Agreed the amendments to the Lancashire Scheme for Financing Schools.

# vi. Split Site Funding Appeal

Information was provided about an appeal to the split site funding allocation for 2020/21.

The Working Group:

- a) Noted the report;
- b) Expressed views about the split site appeal. There was no overall consensus and an analysis of the views expressed are shown below, with rejecting the appeal marginally the most popular view:

Feedback on a school appeal against the application of the split site funding policy	
Option	No of responses
Reject the appeal as the school does not meet the distance threshold for split site criteria 1	10
Support the appeal and award criteria 1 level funding due to the exceptional case made in the appeal	9
Support a reduced distance threshold for criteria 1 so that the school qualify	1
No response/not sure	2

Members debated the appeal information and the working group views. During discussion a clear view emerged that the school did not meet the agreed criteria and should therefore be rejected.

# The Forum:

- a) Noted the analysis of feedback from the working group, which marginally rejected the appeal;
- b) Unanimously ratified the view that the appeal should be rejected.

# 9. RECOMMENDATIONS FROM THE HIGH NEEDS BLOCK WORKING GROUP

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

i. Developing the Approach and Provision for Children and Young People with Special Educational Needs and Disabilities

This report provided a brief update on developments, particularly in connection with Additionally Resources Mainstream Schools (ARMS).

7 Expressions of Interest were received for the Additionally Resources Mainstream Schools (ARMS) from primary schools and none from the secondary sector. A further communication is now to be sent out to mainstream schools providing information on the gaps that remain in provision following the first round of responses, and seeking additional volunteers.

The Working Group:

a) Noted the report

# The Forum noted the report.

ii. Urgent Business Outcomes - Supply Scheme update and alternatives to May 2020 schools census

This report provided information on two decisions taken using the Forum's urgent business procedure in relation to: Forum, using the Forum's Urgent Business Procedure. This request sought urgent views over 2 matters, relating to:

- An update on the operation of the Lancashire supply scheme;
- Actions to be taken in response to the Government's decision to cancel the summer term 2020 school census.

The Working Group:

a) Noted the report.

Subsequent to the HNB meeting clarification has been provided about the Alternative Provision arrangements to confirm that the summer term 2019 actuals will be used as the baseline for the PRU summer term 2020 redeterminations. A local PRU census request was issued in early June 2020 to collate the latest pupil data for each PRU, including information about any pupils that may be attending due to COVID-19. This data will be shared with finance to ensure that there are no schools at risk of a large negative impact from the use of summer term 2019 data. For the summer term 2020 redeterminations, all PRUs will receive funding based on the actual NOR at May 2019 as a minimum.

PRU representatives welcomed this clarification but raised concerns about the impact on AP budgets following recent DfE announcements that the October 2020 school census was expected to operate as normal. This concern related to a possible reduction in the number of pupils being placed in PRUs at the moment due to COVID-19.

Officers confirmed that they were conscious of this issue and had plans in place to review the options available, which would be reported to the Forum in the autumn term.

Members also asked about the COVID impact on Inclusion Hubs and officers indicated that it was intended to provide information to the Forum in the autumn term.

# The Forum:

- a) Noted the report on the Urgent Business Outcomes for the Supply Scheme update and alternatives to May 2020 schools census, and the subsequent actions taken;
- b) Requested that further information be presented in the autumn term in connection with PRU funding and Inclusion Hubs

# iii. Teachers' Pension Employer Contribution Grant (TPECG) Claim from supplementary fund for specialist settings

This report provided information about the TPECG Claim from supplementary fund for specialist settings.

The Working Group: a) Noted the report.

Subsequent to the working group meeting it was confirmed that the claim had been submitted for Lancashire special schools and PRUs and eligible schools should receive their allocations in July 2020.

# The Forum noted the report and the subsequent information about allocations.

# iv. Charging for the Operation of Schools Local Bank Account

In October 2019, the Forum supported revised bank account charges being introduced from April 2020. Members were reminded about the reasons behind the decision as charges for 2020/21 are about to be issued.

The Working Group: a) Noted the report.

#### The Forum noted the report.

# **10. RECOMMENDATIONS FROM THE EARLY YEARS BLOCK WORKING GROUP**

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

#### i. Future of Maintained Nursery Schools

During the current COVID-19 pandemic, the review of Maintained Nursery Schools (MNS) financial stability has been put on hold.

The Working Group noted the information.

# The Forum noted the report.

# ii. Schools Forum Urgent Business Process - Alternative arrangements following the cancellation of the May 2020 school census

This report provides information about the urgent business decision taken about the cancellation of the May 2020 schools census for the Early Years Block.

Arrangements were made to implement the alternative data sources agreed in the proposal.

The Working Group: a) Noted the report.

# The Forum noted the report.

# iii. Funding Agreement for the Provision of Early Education Funding 2020/21

For 2020/21, the LA is not proposing to make any changes to the agreement beyond updating the dates to reflect the 2020/21 year.

The Working Group: a) Noted the report.

# The Forum noted the report.

# iv. Early Years Block Autumn Term 2020 Payments

Whilst no information is yet available from the DfE, the LA had begun considering possible options for funding early years providers in the autumn term 2020.

#### The Working Group:

- a) Noted the report
- b) Supported the proposal to hold a virtual meeting on this issue.

These issues were discussed at a supplementary virtual meeting of the Early Years Block Working Group held on 30 June 2020. The Group noted that there was a significant risk to the LA/DSG and to settings if other payment mechanisms are used to fund providers on anything than headcount. It was agreed to amend the interim payments process to assist with cashflow, by issuing one interim payment of 50% of summer term allocation, to be paid in early September 2020. This would then be followed up with a balancing payment once the headcount has been undertaken. Further modelling could then be undertaken based on the data. More information may be available from the DfE at that point.

Concern remained about the viability of some early years settings going forward.

# The Forum

- a) Noted the report and the subsequent information from the supplementary meeting;
- b) Supported the proposed approach.
- v. Funding for PVI and Childminders with additional Costs associated with COVID-19

Mainstream Schools may be able to request support directly from the DfE to assist with additional COVID-19 costs including increased premises related costs and additional cleaning costs, subject to certain conditions. The County Council has asked the DfE if this scheme can also be made available to EY PVI providers and Childminders.

#### The Working Group:

- a) Noted the information;
- b) Noted that any responses from the DfE will be shared at the virtual meeting if it has been received.

It was reported to the supplementary meeting that queries had been submitted to the DfE in connection with PVI and MNS access to the additional costs fund. Responses have been received to say that the additional funding was not available to PVI and MNS at this stage.

The LA will continue to make representations and other working groups members were encouraged to do so through their own representative groups.

# The Forum noted the report and the subsequent information from the supplementary meeting.

# vi. Local Authority Discretionary Fund

A statement from NDNA was be shared with the group about support for childcare providers (In Lancashire, it is district councils that deal with business rates).

#### The Working Group:

- a) Noted the information;
- b) Noted that this information could be discussed as part of the virtual meeting.

# The Forum noted the report.

# 11. RECOMMENDATIONS FROM THE APPRENTICESHIP LEVY STEERING GROUP

A report was presented setting out the recommendations from the Apprenticeship Levy Steering Group, which was updated on the school apprenticeship levy developments, including the impact of COVID-19

The Working Group: a) Noted the information

#### The Forum noted the report.

#### **12. URGENT BUSINESS**

Matters considered using the Forum's Urgent Business Procedure since the last Schools Forum meeting have been included within the relevant working group summery reports.

# **13. FORUM CORRESPONDENCE**

There is no Forum related correspondence to consider at this meeting.

# **14. ANY OTHER BUSINESS**

# a) School funding: exceptional costs associated with coronavirus (COVID-19) for the period from March to July 2020

The final details of the eligible claims and the claims processes have been announced by DfE. Some of the interpretations are perhaps more stringent that originally suggested by DfE. Members expressed concern that that schools were incurring additional costs to comply with government guidance but were being restricted on what could be claimed. And in the case of early years PVI settings and MNS, were unable to claim anything at all.

# The Forum noted the information.

# b) HMRC reference for Aided and Foundation schools buying BTLS payroll

An item of AOB was raised that stemmed from a query raised at a recent BTLS focus group. It was reported that many aided schools with under 250 staff were unable to access the government scheme providing up to two weeks Statutory Sick Pay for employees who are off sick with Covid-19 symptoms. This was because aided and foundation schools that buy BTLS payroll all appear under one HMRC code.

Members recalled that this issue had also impacted on the operation of the apprenticeship levy.

On receipt of a notification about the intention to raise this matter officers had been in touch with Apprenticeship Levy colleagues, as a possible workaround had been mentioned. However, it was confirmed, by the apprenticeship levy team, that no solution to this issue had been implemented. The team continued to press central government to find a workable option.

Members expressed concern that aided and foundation schools were being excluded from accessing some funding streams to which they could otherwise be entitled due to payroll administrative constrains and agreed that the Forum should write in support of changes being initiated that would allow relevant claims to be submitted as appropriate.

#### The Forum:

- a) Noted the information provided;
- b) Recommended that a letter be sent by the Chair supporting the introduction of arrangements to allow separate identification of aided and foundation schools for HMRC purposes.

#### **15.DATE OF FUTURE MEETINGS**

The next scheduled Forum meeting will be held at 10.00am Tuesday 20 October 2020 at County Hall, Preston, subject to COVID-19 implications.