

Minutes of Schools Forum

**Monday 27th September 2021 at 2.30pm
In the Council Chamber,
Sandwell Council House, Oldbury**

Present:

D. Irish (duly elected as Chair for this meeting only)
M Arnall, S Baker, K Berdesha, D Barton, J Bailey, W Lawrence, G
Linford, and J Topham

Officers: S Lilley, R Kerr, A Timmins, M Barnett, M Tallents, J Gill, and F
Hancock.

30/21 Apologies:

A Timmins opened the meeting in view of the fact that there was
no Chair currently appointed to the Forum.

Apologies were received from J Barry, L Howard, L Bray, N
Toplass and E Pate.

G Linford advised that he had been placed in the wrong category
on the Forum Membership. This would be rectified for the next
meeting.

31/21 Declarations of Interest

There were no declarations of interest.



32/21 Minutes

Agreed that the minutes of the meeting held on 14th June 2021 were a correct record, subject to typographical errors identified on pages 10 and 12 being rectified.

33/21 Appointment of Chair & Vice-Chair

The Forum were invited to nominate to the positions of Chair and Vice-Chair for the forthcoming year.

No nominations were received.

In view of this, A Timmins invited nominations for one of the Forum Members to Chair for this meeting only.

D Irish was nominated and duly accepted the position of Chair for this meeting only.

D Irish in the Chair.

In view of the above, this agenda item would, therefore, be added to the agenda for the next meeting in order to appoint to these two positions on a permanent basis.

34/21 Fair school funding for all: Completing our reforms to the National Funding Formula - Government Consultation

Schools Forum received a report which provided the Forum with an overview of the government consultation which had been issued on 8th July 2021 on “Fair school funding for all: Completing our reforms to the National Funding Formula – Government Consultation”.

The report, which attached the Government’s Consultation Document as an Appendix, detailed that the consultation was aimed at local authorities, schools and academy trusts and any other interested person/organisation.



The deadline for consultation responses was 30th September 2021, with the expectation that the results and the government's response would be published during autumn 2021. The government planned to publish a second stage consultation, with more detailed proposals, following feedback to this first stage consultation.

The government's long-term goal was for the National Funding Formula (NFF) to be used in determining every school's funding allocation by the same national formula, and that the role of local authorities be removed in calculating a local formulae. This would tie in with the government ambition for all schools to be part of a multi-academy trust.

The Government had also indicated that it wanted to move from a "soft" to a "hard" NFF. This would mean moving from the current position of calculating funding allocations in relation to each individual mainstream school, based on its particular characteristics, (Pupil led and school led). These individual school-level allocations were then aggregated for each local authority (LA). The LA, from its aggregated total, would then determine individual schools' final funding allocations through a local formula.

A "hard" NFF entailed moving to a system whereby all individual schools' funding allocations were set directly by the NFF without substantive local adjustment.

The government had stated, in recognition of the impact of the pandemic, that they did not propose, at this point, to set a fixed target date by which the hard NFF would be adopted fully.

The government had stated they would consult separately, at a later date, on changes to the funding arrangements for high needs, special schools and alternative provision, in light of the proposals in the SEND Review.

The report went on to highlight a number of proposals contained within the consultation document for the Forum's information / consideration.

Schools Forum noted the report.



35/21

Appointment / Confirmation of LA formula working group

S Lilly provided a verbal report on this item.

S Lilly advised that the Local Authority was able to set its own local funding arrangements with schools, in consultation with the Forum.

Historically, this had been designated to a sub-working group constituted with a number of representatives from amongst the Forum Membership, ensuring a fair representation from the membership categories. It had historically been carried out this way as it was deemed easier to undertake in a smaller group, rather than at a full meeting of the Forum.

The working group would meet and then make its recommendations back to the Forum to consider. Once content with the recommendations, the Forum would then, in-turn, forward the recommendations on to the Cabinet for approval.

In view of this, nominations were sought from amongst the Forum's membership to constitute the working group.

Agreed that the following individuals be appointed to the LA Formula Working Group: -

- M Arnull
- S Baker
- G Linford
- J Topham

36/21

Schools and High Needs Operational Guidance 2022/2023

Schools Forum received a report which provided the Forum with an overview on the "Schools Revenue Funding – Operational guidance" and "The and high needs funding 2022/23 policy document" which allowed for the planning of the local schools funding formula for that year.



The Department for Education (DfE) had acknowledged the essential role that local authorities had played to support education as the Country had dealt with the COVID-19 pandemic. The DfE stated that they had made limited changes to the funding arrangements in order to ensure that funding was delivered as smoothly as possible to schools.

The DfE had also published the provisional National Funding Formula (NFF) allocations at local authority level for the schools, high needs and central schools services funding blocks for 2022/23. The DfE would use the NFF to calculate the blocks within the dedicated schools grant (DSG), which would be issued to authorities in December 2021.

Table 1: National Funding Formula - Summary

Block Description	2021/22	2022/23	Change
Pupil Numbers	54,669	55,511	842
	£m	£m	£m
Schools funding block (Exc Growth fund)	290.101	303.269	13.168
High Needs Block	55.526	60.639	5.113
Central School Service Block	2.079	2.264	0.185
Total Funding	347.706	366.172	18.466

The DfE intended to publish the early years national funding formula (EYNFF) operational guide for 2022/23 in the autumn and provisional allocations would be issued to authorities in December 2021.



The key changes to the schools NFF in 2021/22 were: -

- NFF factor values had increased by:
 - £10,000 to the maximum sparsity values.
 - 3% to basic entitlement, free school meals at any time in the last 6 years (FSM6), income deprivation affecting children index (IDACI), lower prior attainment (LPA), English as an additional language (EAL) and the lump sum.
 - 2% to the floor, the minimum per pupil levels and free school meals (FSM).
 - 0% on the premises factors, except for PFI which had increased by RPIX.
- Data on pupils who were eligible for FSM6 was now taken from the October 2020 school census instead of the January 2020 census, to make the factor more up to date and bring it in line with arrangements for other NFF factors as well as the pupil premium.
- In calculating low prior attainment proportions, data from the 2019 early years foundation stage profile (EYFSP) and key stage 2 (KS2) tests had been used as a proxy for the 2020 tests, following the cancellation of assessment due to coronavirus (COVID-19).
- Pupils who had joined a school between January 2020 and May 2020 attracted funding for mobility based on their entry date, rather than the May school census. (The May 2020 census had not taken place due to coronavirus (COVID-19)).
- Further to the consultation on changes to the payment process of schools' business rates, schools' business rates would be paid by ESFA to billing authorities directly on behalf of all state funded schools from 2022/2023 onwards.
- The department had confirmed the following aspects of the high needs NFF:
 - the funding floor was set at 8% so each local authority would see an increase of at least 8% per head of their 2 to 18 population (as estimated by the Office of National Statistics).
 - the gains cap was set at 11%, allowing local authorities to see gains up to this percentage increase under the formula, again calculated on a per head basis of their 2 to 18 population.



- Following the consultation on changing the dedicated schools grant, the following requirements had been removed as they no longer required schools forum approval:
- any deficit from the previous funding period that was being brought forward and was to be funded from the new financial year's schools budget.
- any brought forward deficit on de-delegated services which was to be met by the overall schools budget.
- In 2022/2023, as in previous years, each local authority would continue to set a local schools funding formula, in consultation with local schools. In July 2021, the department had published a consultation on proposals for completing reforms of the funding system, whereby individual schools budgets would be set directly through one single national formula, rather than local funding formulae. This consultation proposes that, from 2023/ 2024, local authorities would be required to bring their own formulae closer to the schools NFF, to smooth the transition. These requirements did not apply in 2022/2023, but local authorities may choose to move their local formulae closer to the NFF in advance of these requirements.

Key features of local authority formulae arrangements in 2022/ 2023 were: -

- TPG and TPECG were now fully rolled in to the NFF; no separate adjustments were needed in the local formulae, beyond what was already done in 2021/2022, to account for these grants in 2022/2023.
- The MPPLs would remain mandatory, at the new NFF values.
- Local authorities had the freedom to set the MFG in local formulae between +0.5% and +2% per pupil
- DSG Transfers - Local authorities continued to be able to transfer up to 0.5% of their schools block to other blocks of the DSG, with schools forum approval.
- A disapplication was required for transfers above 0.5%, or any amount without schools forum approval; this applied to any transfers even if the minister had agreed an amount in previous years.
- Following the cancellation of assessments in summer 2020 due to coronavirus (COVID-19), local authorities would use 2019



assessment data as a proxy in the low prior attainment factor in local funding formulae for the 2020 reception and year 6 cohort.

Rates

- This was an optional factor which had been used by all local authorities. Rates would be paid by the ESFA directly to billing authorities on behalf of all maintained schools and academies from 2022 to 2023 onwards. Local authorities no longer needed to fund rates at their estimate of the actual cost and would no longer be required to allocate rates payments to schools. This was new for 2022/2023 (and a change from previous years).
- Therefore, local authorities were also no longer required to adjust rates with additional allocations to schools during the financial year (outside of the funding formula).

The report went on to provide further detail on the particulars regarding the following aspects: -

- School Improvement;
- DSG Deficit Management;
- Central School Services Block (CSSB);
- Grants for 2022/23;
- High Needs Funding

A member of the Forum queried whether the requirements of section 3.22 of the report would impact upon recruitment for academies. R Kerr clarified that that section of the report was purely in relation to teachers' pay and pensions, not recruitment.

Schools Forum noted the contents of the report, which was based on the "Schools revenue funding 2022/23 - Operational guide" and "The High Needs Funding 2022/23 operational Guide".

37/21

Special Educational Needs High Needs Block 2021/22 – August 2021 Monitoring Report

Schools Forum received a report which provided the Forum with the High Needs Block (HNB) monitoring position as at 31 August



2021, which was projected to 31 March 2022, together with the special provision occupancy as at 31 August 2021.

The HNB current grant for 2021/22 was £53.240m. The anticipated in year surplus as at 31 August 2021, projected to 31 March 2022, was £1.332m.

The balance brought forward as at 1 April 2021 was £0.597m surplus. Appendix 1 to the report provided further details in relation to the 2021/22 High Needs Block Budget Allocation, the actual expenditure as at 31 August 2021 and the variance from budget.

Variations:

Variation 1

Out of borough placements, other associated costs, showed a £20,000 saving and was due to the reduction in room hire costs for the delivery of support to students that were awaiting a school roll. During COVID these had been delivered virtually and from September 21 it was anticipated that these would be delivered face to face.

Variation 2

Sandwell Community School - Additional funding of £200,000 had been included here to be prudent to fund pupils placed at SCS which required top up that was not included in the funding which already been allocated. SCS had funded 180 places at £10,000 per place, plus Top Up for 80 places. This area was currently under review by a Task and Finish Group.

Variation 3

High Point had opened on 1 September 2021. It had initially been thought that the place element would have to be met through the HNB. The DFE clarified in July 2021 that this would be funded directly with no impact on Sandwell's HNB.

Variation 4

An amount £480K from the Early Years Grant had been used to offset the early support for pupils in private provider settings and those in Mainstream schools. The support for pupils in mainstream schools had been set against the schools' delegation



and were not shown separately. The £480,000 did not cover the full costs of meeting the needs of the pupils in these settings. Questions had been raised at the SEND Consultation Working Group regarding the level of grant and the possibility that this could be increased.

Variation 5

The total variances equated to a saving of £349,865 across 9 service areas. These were mainly due to staff turnover, maternity leave, opting out of the LA superannuation scheme and full time budgeted posts covered by staff on reduced hours.

Variation 6

The Preventing Secondary Exclusions Team had not been appointed to, so there was a saving of £198,600 in 2021/22. Various options for utilising these funds would be put forward as part of the SEND review Consultation which would be issued shortly.

Variation 7

Alternative Provision had been budgeted at £843,000 in December 2020. Based on the leavers in July 2021, and the close monitoring of placements by the Alternative Provision Panel, the saving was currently predicted to be £313,000. Any changes in this would be reported and evidenced in future monitoring reports.

Variation 8

SEN Developments had showed an underspend of £449,300. This budget head currently covered independent appeals and reports, and any funding agreed that did not clearly fit onto any other budget head. It also held the HNB balancing figure of £440,100, which was difference between the calculated budgets as at 1 April 2021 and the HNB Grant initial settlement 2021/22.

Focus Provision and Special School Place Funding

Appendix 2 to the report, detailed the Focus Provision, Special School and PRU commissioned places for the period 1/4/21-31/3/22, together with the average occupancy for the summer term 2021.



A total of 1,103 commissioned places had been funded and allocated to schools of which 65 were for other local authority pupils places in Sandwell schools, for which either Sandwell SEN, or Schools recoup top up funding. An additional 25 places had been budgeted for which may be allocated to special schools should they exceed their commissioned allocations on average over the financial year.

Table 1, below, sets out the new provisions / expansions in special provision from 1 September 2021.

Establishment	Commissioned places from 1/9/21
The Meadows Expansion	18
Westminster SPI	12
High Point	38
Total	68

The Focus Provisions overall average under occupancy, as at 31 August 2021, was 12%. Primary under occupancy was 9% while Secondary was 18%.

Across the 4 Special Schools, there was only 1 unoccupied place throughout the Summer Term. The Meadows, Shenstone Lodge and Brades were over commissioned places while Westminster had 6 places under occupancy and Orchard had 1.

The commissioned places were the places that the LA purchased at the beginning of the financial year and were not the actual numbers that the schools could accommodate (PAN).

The data for PRUs had been run on SYNERGY, as at 31 August 2021, and showed 52 vacancies. Primrose was full, Sandwell Community School had 16 Vacancies and Albright showed 11 vacancies.

Forum Members queried what the likelihood was of the vacancies being filled. J Gill clarified that not all vacancies were 'actual vacancies'. A proportion of those detailed would be due to staff turnover and were classed as a vacancy whilst in the recruitment process.



Forum Members also queried 4.4 of the report in relation to Secondary underoccupancy being at 18% and whether the correct Focussed Provision was in place. M Tallents clarified that this matter was currently under review, along with all Focussed Provision. A small number of vacancies currently existed, and this data was set out in Appendix 2 of the report. However, the data might be outdated somewhat, as it only included data up until August. Further updates would be provided to the Forum on this matter in due course.

Schools Forum noted the following: -

- the contents of the report in relation to the 2021/22 HNB Grant budget monitoring for the period 1 April – 31 August 2021.
- the data provided on the commissioned places and occupancy for special provisions as at 31 August 2021.

38/21 **Independent School Report**

Schools Forum received a report which provided the Forum with an overview of the Independent School spend and pupil numbers for 2020/21 and the budget and projected spend for 2021/22.

At the meeting held on 14th June, the Forum had requested information on the numbers of pupils occupying these provisions and the associated costs.

The data on pupil numbers had been supplied previously following the presentation of the monitoring reports and this had also been distributed outside the meetings.

The data in the report did not show any major fluctuations to previously circulated data, but it did include additional information that provided background and substance to the decisions. All data was as at 1 April 2021.

Appendix 1, to the report, showed the following: -

1. The geographical area the educational establishment sat in



2. The school name,
3. The average cost of the placement
4. The number of pupils supported in the Summer 2020, Autumn 2020 and Spring 2021.
5. The Spend for 2020/21 for the period 1/4/20-31/3/21
6. The analysis of Category of Need for each establishment
7. The Budget for 2021/22 for the period 1/4/21-31/3/22
8. Male / Female split

There were 105 pupils on roll in Independent special schools as at 1 April 2021 and Table 1, below, showed the analysis by need, whether Sandwell schools were sent consultations prior to placement and the subsequent responses and how many pupils had already attended a specialist provision prior to being placed in an independent setting.

	SEMH	SLD	ASD	SLCN	MLD	SpLD	Total
Consultations							
Sandwell Provision Consulted	42	2	12	8	8	10	75
Sandwell Provision Not Consulted	23	1	5		1		30
Total	67	3	17	8	9	1	105
Consultation Responses							
Positive Responses			1	2	1		4
Negative Responses	44	2	11	6	7	1	71
Total	44	2	11	7	8	1	73



	SEMH	SLD	ASD	SLCN	MLD	SpLD	Total
Those Not consulted on							
Lives out of the Borough	13	1					14
Moved to Sandwell Already settled in provision			3				3
Already in provision when assessment started	5						5
Other reason	5		2		1		8
Total	23	1	5		1		30
Previous placements within Sandwell							
SCS	24				5		29
Albright	3			1	1		5
Primrose	4		3	1			8
Shenstone	5		2				7
Westminster		1					1
Focussed Provision				1			1
Total	36	1	5	3	6		51

There were 4 positive responses from Sandwell schools and the reason for placing out of borough were: -

- 1 Tribunal direction.
- 1 Following Mediation.
- 1 Parental Preference.
- 1 In borough offer withdrawn.

There were 8 cases where Sandwell schools were not consulted and the reasons were: -

- 1 was placement in 2018 where Shenstone was at capacity, so consultations were not sent out. When it was noted that this



was happening an instruction was issued that consultations would be sent regardless of occupancy.

- 1 required a therapeutic provision as part of the placement that was not available in Borough.
- 1 was a Tribunal directive.
- 3 were already attending the provision in borough where a change was being requested as needs could not be met.
- 1 was a placement in 2019 where SEN deemed the need too complex for placement at an in-borough provision. Consultations are now sent to Sandwell provisions as a matter of course.
- 1 where mainstream was not suitable at Annual Review. Consultations should have been sent to other appropriate Sandwell schools.

Schools Forum noted the contents of the report.

39/21

Alternative Provision Report

Schools Forum received a report which provided the Forum with an overview of the Alternative Provision spend and pupil numbers since 2016/17, the budget and projected spend for 2021/22.

The Alternative Provision budget had seen large increases in spend year on year from 2017/18 onwards which had put financial pressure on the High Need Block Grant. Table 1, below, showed the actual AP spend, annual budget and variance for the financial years 2016/17 to 2020/21 as well as the approximate number of pupils being supported in each year, as at 1 April each year. The biggest pressure against budget reported, was in 2018/19.

	Annual Budget	End of year Outturn	(Under) / over spend	No of Pupils Supported
	£	£	£	
2016/17	160,000	136,195	(23,804)	62
2017/18	160,000	349,251	189,251	94
2018/19	160,000	2,054,601	1,894,601	330
2019/20	1,400,000	2,118,778	718,778	349



2020/21	1,911,000	1,110,963	(800,037)	211
2021/22	843,700	E 820,150	E(23,550)	61

In order to monitor and control the number of pupils placed in Alternative Provisions and the rationale behind the placements, an Alternative Provision Panel had been set up from 1 September 2019. The membership now included representatives from The Local Authority, The West Midlands Police, The Children's Trust, the Independent Chair of the Fair Access Panel and the Pupil Referral Units.

The numbers of pupils had reduced naturally over time, as pupils left the provisions at the end of year 11 and new pupils entering Alternative Provision had reduced considerably since the introduction of the Panel.

The Budget for 2021/22 is £843,700 and included an in-year allocation of £540K to provide for any international new arrivals that could not be realistically placed on a school roll and any impact of COVID19. The estimated outturn already showed a reduction to budget following the cessation of a contract.

2020/2021 Outturn

Table 2, below, showed the pupil numbers against each provider and the costs which had been incurred in 2020/21 financial Year 1 April 2020 to 31 March 2021.

Provider	Pupil Nos Summer 2020	Pupil Nos Autumn 2020	Pupil Nos Summer 2021	Outturn 1/4/20-31/3/21 £
ASCEND	11	2	2	50,354
Blackwater	38	12	11	232,905
Blue Whale	2	0	0	8,295
Dudley College	3	0	0	11,566
iMedia	1	0	0	1,553
Envirohort	1	0	0	2,760
IMPACT	13	7	7	104,999
NACRO	3	0	0	11,235
NOVA	8	3	3	8,727



Nulogic	1	0	0	3,150
SV School	108	43	43	699,290
Walsall College	2	0	0	3,165
WorkNLearn (WnL)	16	3	3	40,139
WNL Monitoring				44,800
Zenith	4	0	0	2,400
Accrual & Income Adjs				11,260
Pupil Premium & FSM COVID Grant				(125,635)
Total				1,110,963

2021/22 Projection

Table 3 below, showed the projected numbers against each provider and the current estimated costs for the financial year 1 April 2021 to 31 March 2022

Provider	Pupil Nos Summer 2021	Pupil Nos Autumn 2021	Pupil Nos Summer 2022	Estimated Cost 1/4/21-31/3/22 £
ASCEND	1	0	0	4,000
Blackwater	11	5	5	88,290
IMPACT	7	2	2	40,000
NOVA	3	0	0	12,000
Sandwell Valley School	37	8	8	196,260
WorkNLearn (WnL)	2	0	0	4,000
WnL Monitoring				5,600
In Year Movements				540,000
Pupil Premium				(70,000)
Total	61	15	15	820,150

Table 4, below, showed the average cost of provision at each of the providers where pupils had been attending on 1 April 2021. Where applicable an additional cost per day for midday meals would be funded if the pupil was eligible for free school meals.



Provider	Average Education Cost of Provision
ASCEND	£60-£120 per day
Blackwater	£60-£70 per day
IMPACT	£65 per day
NOVA	£80 Per day
Sandwell Valley School	£60 per day
WorkNLearn (WnL)	£70 per day

Forum Members queried in relation to 3.4 of the report, if that allocation was for contingencies. J Gill advised that this money was for contingencies and that future reports would continue to update on this data.

D Irish advised that, in his experience of the AP Panel, it was very positive and had helped to reduce and control spend.

Schools Forum noted the contents of the report.

XX/21 AOB

The dates of future Forum meetings were noted, as set out below:-

8 November 2021
 13 December 2021
 17 January 2022
 14 March 2022
 20 June 2022

Furthermore, it was agreed that the Clerk canvass Members in relation to whether the next meeting should be held virtually / or in person. The next meeting would be held in line of where the majority of Members had voted.

The Next Meeting of Schools Forum: 8th November 2021 @ 2.30pm
Location: TBC

Meeting ended at 15.57



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