

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Thursday 23 November 2017

## Notice of Meeting

Dear Member

### **Kirklees Schools Forum**

The **Kirklees Schools Forum** will meet in the **Woodhead Room - Tolson Museum** at **10.00 am** on **Friday 1 December 2017**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Kirklees Schools Forum members are:-**

### **Forum members are:**

#### **School members:**

Julie Helm, Nursery Schools  
Lynn Hill, Primary Schools  
Diana Wilson, Primary Schools  
Marcus Newby, Primary Schools  
Claire Minogue, Primary Schools  
Jenny Shore, Primary Schools  
Loz Wilson, Secondary Schools  
Ian Ellam, Secondary Schools  
Anne Lawton, Maintained Special Schools  
Martin Ridge, Pupil Referral Units (Vice chair)  
Michelle Lee, Academies (Chair)  
Catherine Jubbs (Academy)  
Sarah Wilson, Special Academies  
Paul Davies, School Governor Rep

#### **Non-school members**

Gillian Collins, ATL  
Hazel Danson, NUT  
Paula Wescott, NAS/UWT

#### **Supporting LA officers in attendance:**

David Gearing, Financial Delegation Manager & Minute Clerk

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Apologies for Absence**

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**2: Minutes of the Forum meeting held on 20th October 2017**

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**3: Matters arising from the 20th October 2017**

3.1 Forum membership update

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**4: Kirklees Education & Learning Partnership Board (standing item)**

Contact: Jo-Anne Sanders

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**5: Confirmation of submission of exceptions applications to the ESFA**

Contact: David Gearing

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**6: Feedback from the consultation event on NFF implementation**

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**7: De-delegation for 2018-19**

Contact: David Gearing

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**8: Retained DSG budgets 2018-19 - Central School Services Block and Early Years Block**

Contact: David Gearing

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**9: Cabinet paper on School Funding 2018-19**

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**10: Any other business**

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**11: Confirm minutes**

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**12: Date and time of next meeting**

Friday 9<sup>th</sup> March 2018 10:00am

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## THE KIRKLEES SCHOOLS FORUM

### meeting held on **Friday 20<sup>th</sup> October 2017**

### 10:00am at North Huddersfield Trust School

**Present:**

	Nursery School Heads (1)
Diana Wilson	Primary School Heads (5)
Loz Wilson	High School Heads (2)
	Special School Heads (1)
Sarah Wilson	Special Academy Heads (1)
Catherine Jubbs, Michelle Lee [Chair]	Academy Heads (3)
Martin Ridge	Pupil Referral Units (1)
Paul Davies	Kirklees Governors (1)
Gillian Collins (ATL), Hazel Danson (NEU – NUT section),	Non-school members (5)
David Gearing (Financial Delegation Manager); [Minute Clerk]	Officers in Support
Jo-Anne Sanders (Acting Service Director – Learning & Early Support)	
Martin Wilby (Childcare Sufficiency Manager, acting Dep Asst Director)	
	Observers

### 1. Apologies for absence

Apologies had been received from Ian Ellam (High School Heads), Anna Lawton (Special School Heads), Marcus Newby (Primary School Heads) and Paula Wescott (NASUWT).

### 2. Minutes of the Schools Forum Public meeting held on 16<sup>th</sup> June

The minutes were agreed to be a true record of the meeting. Under item 3.2 it was pointed out that the application for the AP free school goes to the New Schools Network rather than to the DfE. The increase to 45 places is in Key Stage 4. Overall the AP free school will have 65 places.

### 3. Pupil numbers and membership

An analysis from the May 2017 pupil census of the distribution of Reception to Year 11 pupils amongst maintained primary and secondary schools and primary and secondary academies was considered. The proportions of pupil numbers amongst these sectors have not changed significantly enough from last year to merit a shift in representation from the current pattern of five maintained primary reps, two maintained secondary reps and three from mainstream academies.

In addition to the ten Forum members decided by the above process, the other four school representatives to Forum are one each from maintained nursery schools, maintained special schools, special academies and the pupil referral units. A middle schools representative is no longer appropriate as both middle schools now fall under academy representation to the Forum. At the moment there are at least two confirmed vacancies within the maintained primary representation and one vacancy within the mainstream academy sector. This latter vacancy should, for balance, be from a secondary academy. Forum members from the affected constituencies agreed to raise the issue of representation at their constituent group meetings.

The removal of the need for a maintained middle school representative reduces the school membership of the Forum to 14. The schools proportion of Forum membership has to comprise at least two thirds of the total.

Currently, there are six non-school positions established on Kirklees Schools Forum – three from the main teaching unions, one from the private, voluntary and independent (PVI) nursery / childcare sector, a post-16 sector rep and one from the constituency of Kirklees School Governors. There are issues with representation from most of these constituencies at the moment...

Teacher Trades Union representation – the National Union of Teachers (NUT) and the Association of Teachers and Lecturers (ATL) formally merged on 1<sup>st</sup> September 2017 to create a new entity, the National Education Union (NEU). Existing structures of the NUT and the ATL will continue for the time being with full amalgamation of activity planned for 1<sup>st</sup> January 2019. As such, the existing teacher union representation should continue for at least the academic year 2017/18.

PVI Nursery / Childcare sector representation – Sarah Ellis from the Pre-School Learning Alliance has served as the PVI representative on Kirklees Schools Forum for a number of years. The service level agreement between the Alliance and Kirklees Council has now come to an end. The Childcare Sufficiency Team is looking to secure replacement representation from the local childcare constituency. The Forum wishes to record its thanks to Sarah for her service over the years.

Post-16 sector representation – this position is intended to have a focus upon high needs funding support to the post-16 sector. As the organisation in receipt of the largest amount of high needs support funding it would be good to secure a representative from Kirklees College if possible.

School governor representation – this position has now been filled by Paul Davies who is attending his first Forum meeting today.

#### **4. Matters arising from the Schools Forum Public meeting 16<sup>th</sup> June**

##### **4.1 Alternative Provision Free School Bid update [minute 3.2 of the 16<sup>th</sup> June meeting]**

It was confirmed to the meeting that the bid documentation for the proposed Alternative Provision Free School has been completed but not yet submitted to the New Schools Network. The next window for submission is expected to fall in January 2018. The process of securing a site for the free school goes on, with three potential sites having been identified.

#### **5. Kirklees Education & Learning Partnership Board**

Following discussions with the Partnership Reference Group, at the recent Learning Summit and with elected members, the Learning Board will be replaced with a new arrangement, the Kirklees Education and Learning Partnership Board. The new Board will hold strategic oversight for the development, leadership and quality assurance of Kirklees' school and educational improvement strategy. It will also direct, develop and take decisions about Council services used by schools and education. These tasks will be undertaken by two committees – the Education Improvement Committee and the Education Services Committee. Board meetings will be scheduled on a monthly frequency with the exception of the month of August.

It is proposed that the Board will have 13 members...

Secondary head teacher (1)  
Primary head teachers (2)  
Special School head teacher (1)  
Governors / MAT leaders (2)  
Learning Settings leader (1)  
Teaching School Alliance leader (1)  
Representative of the teacher associations (1)  
Representative of the non-teacher associations (1)  
Cabinet Portfolio Holder for Children (1)  
Elected member representation (1)  
Service Director for Learning (1)

The Board will be supported by a 'secretariat' drawn from relevant senior Council officers. **The Education Improvement Committee** will comprise three Board members, two senior Kirklees Learning Partners and up to five co-opted head teachers / MAT and Teaching Schools Alliance leaders. **The Education Services Committee** structure will consist of three Board members, the Head of Commercialisation, the Head of Service Outcomes for Children and up to five co-opted School and MAT business managers.

The need for some sort of business plan to set out each service being offered was raised. Legal and Governance is exploring the potential to provide a new service to help schools comply with the new General Data Protection Regulations (GDPR). This proposal will be a good test for the new Board to shape future engagement and provide direct feedback. The Board will ultimately be the channel for consultation about traded services rather than individual schools meeting with individual services (although such meetings can still take place if schools want that).

There was general welcome for the new approach being taken. It was commented that the Board could be a vehicle to improve engagement with elected members which is perceived to have been lacking in the past. It was asked whether School Community Hubs can somehow be represented on the new Board. The new Core Leadership Team for Children and Young People – Steve Walker, Elaine McShane and Saleem Tariq – is now in place.

It was requested that information about the new Board and Committee structures and the new ways of working be circulated to all schools and academies as soon as practicably possible. The communication needs to be circulated more widely than just a post on One Hub.

## **6. High Needs Strategic Review 2017-18 – briefing paper**

Mandy Cameron, Deputy Assistant Director: Learning & Skills – vulnerable individuals and groups, had provided a short briefing paper about the High Needs Strategic Review.

All local authorities are required to undertake a high quality collaborative review of their high needs provision. Information gathered during the review will lead to development of a strategic plan which will identify gaps in current provision and indicate how potential future funding could best be used to improve the sustainable specialist provision offer in Kirklees. The review will entail collaborative work with neighbouring authorities and consultation with all relevant stakeholders to co-produce the strategic plan which must be published by the end of March 2018.

The review will prioritise the following areas...

- The range of SEN data available to identify trends and future demographic changes
- The effectiveness of the current pattern of specialist provision in meeting needs
- The effectiveness of current provision in preparing children and young people for life beyond school
- How other agencies in specialist provision are / can contribute to its overall quality
- The range of SEND (Special Education Needs and/or Disability) that would be generally met by mainstream providers, by specialist providers and met by highly specialised providers.

The strategic plan must show how we will ensure that our SEND provision is suitable to meet changing needs and how we will address any gaps in provision identified by the review. It will outline how we will allocate resources to deliver this provision and ensure sustainability within future high needs grant funding allocations.

There will be a series of briefing sessions and consultations between now and the end of term. Updates for schools and settings will be delivered through various meetings and networks. Information for parents / carers and the public will be promoted through the Council's communication channels and specific events.

Forum noted the developments and looks forward to seeing how the High Needs strategy develops.

## 7. National Funding Formulae (NFF) – updates

### 7.1 Prognosis for the Dedicated Schools Grant funding blocks

The Education & Skills Funding Agency (ESFA) has recently provided updated National Funding Formula (NFF) illustrations for schools, academies and local authorities. The Schools NFF factor values are now fixed (see 5.2 below) but the illustrative figures for funding years 2018-19 and 2019-20 are still largely based on October 2016 census data. We won't find out our actual Schools Block allocation until mid-December. The table below summarises the illustrated draft outcomes for the new NFF-driven funding blocks.

DSG Block	Current year	FY 2018-19	FY 2019-20	If NFF fully implemented
Schools	£282.45m	£284.12m	£285.47m	£285.48m
High Needs	£33.62m	£34.68m	£35.64m	£40.65m
Central School Services	£2.37m	£2.31m	£2.26m	£2.14m

The outcome for the Schools Funding Block has significantly improved from the position illustrated during the Stage 2 consultation in March. Back then the majority of our schools were looking at reductions of 1.5% per pupil in each of the next two funding years. Now all schools and academies, under the reworked NFF calculation, see at least a 0.5% increase in per pupil funding. This translates overall to a 0.59% rise in Schools Block funding for Kirklees in 2018-19 and a 1.07% rise (in comparison to 2017-18) in 2019-20.

Kirklees' NFF-determined High Needs block funding would increase by over £7m if fully-implemented. This identified level of under-funding is consistent with the pressures we are currently experiencing within our High Needs account (see 4.1 above). The issue for Kirklees



is that the annual gain in High Needs funding is limited to just a 3% rise per annum with only the first two years guaranteed within the current spending round.

The new Central Schools Services funding block allocates funds directly to local authorities for the first time from 2018-19. This replaces the system of agreeing central budget retention with Forum on an annual basis. Based on October 2016 pupil numbers Kirklees stands to lose around £230k (about 9.7%) in comparison to 2017-18 once the CSSB is fully implemented (although a rising pupil population will mitigate this position to a degree).

## 7.2 Schools NFF – adjusted factor values post-consultation

A table was circulated which compared the local 2017-18 formula factors to those illustrated under stage 2 of the NFF consultation in March 2017 and also the final confirmed NFF factors and their values. The changes that have been made following the consultation are...

**Base Entitlement** (age-weighted pupil unit) – a common theme amongst many consultation responses was the need to increase the amount provided by the base entitlement. The final AWPU values in the national formula each show a modest increase of between 1% and 2% compared to the consultation values. It was noted that all three NFF AWPU values are still lower than Kirklees' current local values.

**Income Deprivation Affecting Children Index (IDACI)** – a minor change to the Band C values for both sectors to ensure a continuing step between each IDACI band (the EFA had consulted on an IDACI structure which had Band C and Band D at the same value in both sectors).

**New factors: Minimum per pupil value levels** for Primary and Secondary schools. The new NFF illustrations include minimum core funding levels per pupil. Core funding is the total of the pupil-led factors plus the lump sum. For 2018-19 the primary minimum per pupil is £3,300 and for secondary £4,600. For middle schools the equivalent figure is £4,167 and for all-through schools £3,842.

In setting their local funding arrangements for the next two years local authorities can also use minimum funding values. An analysis was tabled which showed the core funding per pupil position of each Kirklees mainstream maintained school and academy in 2017-18 in comparison to the 2018-19 minima. The file was arranged in rank order for each school sector running from the highest difference to the minimum to the lowest difference in cash and percentage terms. For primary schools the range was from £4,189 (126.93%) above the minimum to just £107 (3.24%) above. The smaller schools tend to be well above the minimum (because the lump sum is a larger proportion of their core funding) as are those schools which receive significant amounts of support funding (deprivation, low prior attainment and English as an additional language). The schools closest to the minimum levels tend to be larger with relatively low accumulations of additional support funds.

The picture is similar in the secondary schools sector but the range is much more compact, running from £1,469 (31.93%) per pupil above the secondary minimum to just £135 (2.94%) above.

The only school currently below the new minimum benchmark is one of the two Middle academies by minus £14 (-0.34%) per pupil.

### 7.3 Scoping the decisions to be taken for 2018-19 and beyond

Following the release of the ESFA's operational guidance in respect of schools funding arrangements for 2018-19 and beyond, the meeting was presented with a draft list of things that need to be considered in shaping the local schools funding arrangements for next funding year.

**The approach to modelling options.** Although the NFF will determine the bottom-line schools block allocation, local authorities are still able to set their own local funding formula arrangements for the next two funding years. It makes sense to view these two years as transitional steps towards full implementation of the NFF in 2020-21.

**Permission to transfer funds out of the Schools Block.** The ESFA will allow transfers of up to 0.5% (around £1.4m) out of the Schools Block to other parts of the DSG – most likely to the High Needs block – with the agreement of the Schools Forum. The issue would be referred to the Secretary of State for decision in the event of the Forum and the LA not reaching agreement, also in the case of a proposal exceeding the 0.5% limit. The Council needs to take a position on this. It was clear that Forum would not look favourably upon any attempt to divert the first amount of additional funding which schools have received for a number of years.

**Removal of the Looked after children factor from the NFF.** The national total of LAC funding within the Schools Block will be transferred to Pupil Premium funding stream from 2018-19, raising the current LAC Pupil Premium from £1,900 per eligible child to £2,300. The funding will be allocated to the Virtual School in the first instance and schools will be able to make a case to the VS Head Teacher for support funds to be passed on to them to support individual cases. It was requested that all schools be written to setting out the coming changes to the funding arrangements for LAC. A decision needs to be made as to whether to remove the LAC factor in our local formula and how quickly. If it is removed or reduced then the change will have to be moved outside the Minimum Funding Guarantee calculation.

**English as an Additional Language factor.** Consider matching the NFF method by swapping to data set EAL3 in the local formula rather than the current EAL1 data set. EAL3 counts roughly three times as many children so the amount allocated per pupil would need to reduce commensurately.

**Flexibility in setting the Minimum Funding Guarantee.** Although the initial NFF calculations use minus 1.5% per pupil as the maximum loss, local arrangements have a new permission to set a MFG at between 0 and minus 1.5%. It is even possible to step outside these parameters to set a positive percentage. Authorities will need to determine their optimal MFG level which will clearly depend upon how their schools generally fare under the NFF changes.

**Free School Meals deprivation funding.** For the first time from 2018-19 the local funding formula can include both a current FSM factor and an Ever6 FSM factor. This change reflects how the NFF will operate.

**Minimum Core Funding per pupil factors.** Local formula arrangements can also reflect the new sectoral minima used in the NFF calculation. This adds a further layer of complication to the modelling work and how this factor works alongside the MFG needs to be considered too. (See 5.2 above for more on the new minimum funding levels).

**Disapplication requests for exceptional variations.** By the end of November, applications to allocate second year lump sum transition to Oak CE Primary and to adjust the MFG calculation as applicable to Royds Hall (in respect of its evolving balance of primary to secondary pupils) need to be considered by the Forum and sent to the ESFA.

**Central School Services Block reductions.** Decisions need to be reached on how to scale back expenditure within budgets supported by the new CSSB to match the reduction in available funds.

**2018-19 De-delegation decisions from the maintained mainstream schools sectors.** The annual round of de-delegation decisions need to be taken.

## **8. Any other business**

A question was asked by a member of the public about whether the Forum would be reviewing the amount of money distributed via the formula's PFI funding factor. It was explained that the vast majority of the funding allocated to PFI schools and academies in the PPP1 contract was provided by the Council outside of any commitment of DSG Schools Block monies. The only funding formula commitment by way of a PFI factor is some support funding for the additional costs of schools operating swimming schools. A discussion followed about the high cost of variation fees within the contract and the difference in premises spending between schools covered by the PPP contract and those outside it. It was suggested that it might be a good idea to re-establish regular joint meetings between relevant LA officers and PPP school members given the turnover of school personnel that has taken place since those meetings were last held.

## **9. Dates and times of next meeting**

Friday 1<sup>st</sup> December 2017

Venue: Tolson Museum at 10:00am

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**DE-DELEGATION FOR MAINTAINED SCHOOLS**

BUDGET HEADING	Description of the Service / Arrangement	Primary maintained		Secondary maintained	
		2017-18 per pupil £	Total de-del in 2017-18	2017-18 per pupil £	Total de-del in 2017-18
<b>Schools Contingency</b>	The Education Funding Agency stipulate a number of circumstances in which support from a Contingency fund be released: - To correct errors To support schools in cases of emergency To pick up costs that it would be unfair to ask schools themselves to bear (Rates revals, empty Council Tax) To pay for one-off interventions in schools in financial difficulty to help them secure necessary savings, eg severance costs	-£13.29	£432,800	-£16.65	£149,600
<b>Free School Meals Eligibility Checks</b>  [Academies can purchase]	The Council's Customer & Exchequer Services provide a free school meals eligibility checking service for schools using data held on benefits entitlements to ensure that as many children who are entitled to FSM for benefits-related reasons can be properly identified within pupil census returns. This helps schools to maximise both Pupil Premium income and the FSM Deprivation support factor within the Schools Funding Formula.	-£1.03	£33,600	-£1.29	£11,600
<b>Maternity/Paternity/Adoptive Leaves</b>	The pooled funding here meets the costs of payments made to staff during these periods of leave. The employing school then is responsible for any costs incurred in covering the post during the maternity (etc) period. For paternity leave though the reverse is true - the school continues to pay their member of staff and the cost of cover used during the leave period is charged to the pooled funding account.	-£16.25	£529,300	-£20.37	£183,000
<b>Trade Union Duties</b>  [Academies can purchase] [Maintained Secondaries purchase on an individual basis]	The combined de-delegation (for maintained primary schools) and traded arrangement for all other sectors provides for local school branch TU officials to manage individual casework (eg competence, attendance, disciplinary issues) across schools and to negotiate on issues affecting schools eg processes for managing attendance, performance management framework etc). If these local facilities time arrangements were not in place there would be knock-on effects for schools in agreeing time off for trade union representatives in school to engage in union activity and a need to involve regional union officials in individual casework.	-£5.72	£186,300	Nil	£0
<b>Public Duties</b>	This de-delegated fund covers school staff for the following types of "public duty": - Jury Service Staff being called as a witness in court proceedings Time off for staff serving as magistrates Release time for staff serving on another school's governing body (eg for participating in a recruitment process) Schools can claim reimbursement for relief cover used in such circumstances	-£0.16	£5,200	-£0.20	£1,800
<b>International New Arrivals</b>  [Academies can purchase]	The International New Arrivals Service supports the integration into schools of children arriving from all over the world. Support is targeted for children having little or no English but not for those children joining schools where established communities exist and support systems are already in place. The Service employs curriculum support assistants and a family liaison worker who have East European language competency. Support is allocated following referrals from the Single Point of Referral Panel. Courses on meeting the needs of INA children are offered and school-to-school support for schools taking children from a particular language background for the first time is brokered from other schools more used to dealing with children from that background.	-£1.58	£51,500	-£1.98	£17,800
<b>School Improvement Commissioning</b>  [Academies can participate]	New from 1/4/17. The School Improvement Commissioning arrangements were previously met from centrally-retained DSG under the heading of a "combined budget arrangement". As part of the recent baselining exercise and preparation for the National Funding Formula changes the arrangement was moved out of retained to the de-delegation arrangements.	-£4.50	£146,500	-£12.01	£107,900

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