

## KIRKLEES COUNCIL

### KIRKLEES SCHOOLS FORUM

Meeting held on Friday 16th October 2020 10:30am via Microsoft Teams

**Present:**

Andi Gilroy-Sinclair	Nursery School Heads (1)
Louise Brown, Helen Pearson, Jenny Shore, Martin Vayro, Diana Wilson	Primary School Heads (5)
Karen Colligan	High School Heads (1)
Paul Evans	Special School Heads (1)
	Special Academy Heads (1)
Catherine Jubbs, Michelle Lee [Chair], David Wadsworth	Academy Heads (4)
Rebecca Smith	Pupil Referral Units (1)
Paul Davies	Kirklees Governors (1)
Paula Wescott (NASUWT)	Non-school members (5)
David Gearing (Financial Delegation Manager); [Minute Clerk] Natalie McSheffrey – Head of Education Relationships & Business Jo-Anne Sanders – Service Director, Learning & Early Support Martin Wilby – Head of Education Places & Access	Officers in Support
Cllr Carole Pattison – Portfolio Holder Learning, Aspiration & Communities	Observers

[The formal Schools Forum meeting set for 26<sup>th</sup> June 2020 was cancelled due to the disruption caused by the Covid-19 health emergency. A series of private briefings for the Forum were held throughout the Summer term to keep the necessary Forum business ticking over and, in particular, to give the Forum an opportunity to discuss a host of issues having a financial impact upon school budgets during the unprecedented circumstances. Some of the business minuted below was dealt with at those briefing sessions in the summer term and is recorded here for the purposes of transparency].

#### **1 Apologies for absence**

Apologies had been received from Darren Christian (Academy Heads), Hazel Danson (NEU), Kath Duffy (Early Years Learning Alliance), Carmen Gonzalez-Eslava (Post-16), Laura Flynn (Special Academy Heads) and Ronnie Hartley (Head of Education Safeguarding & Inclusion).

#### **2 Minutes of the Forum meeting held on 6th March 2020**

The minutes were agreed to be true record of the meeting.

**3 Matters arising from the 6th March 2020 meeting**

No matters were raised.

**4 Membership update for 20/21 academic year**

Representation to the Forum from the mainstream schools sector has to be proportionate to the numbers of children [Reception to Year 11] attending schools in each of the sectors. Normally this would be derived from an analysis of the May pupil census but due to the pandemic that return was cancelled this year. Instead officers have used the October 2019 census to determine the Forum membership numbers for this new academic year, taking care to reflect recent academy conversions in the analysis. The updated numbers confirm that there isn't a need to change the proportionate representation from the existing 5 maintained primary, 1 maintained secondary and 4 mainstream academy reps. In the academy sector there is no requirement in regulation for the representation to be sector proportionate – the pupil numbers would indicate there should be one primary academy rep and three from secondary academies. At the moment the Forum has two representatives from each phase.

Maintained Primary pupils	Maintained Secondary pupils	Primary Academy pupils	Secondary Academy pupils	Totals
28,874	7,444	8,952	17,548	62,818
45.96%	11.85%	14.25%	27.93%	100.00%
<b>5 reps</b>	<b>1 rep</b>	<b>1 rep</b>	<b>3 reps</b>	<b>10reps</b>

The only representation vacancy going into the new academic year was in the maintained primary sector. Following a ballot process organised through Kirklees Primary Heads (KPH) Helen Pearson, head teacher of Moldgreen Community Primary School, was duly elected to the vacant maintained Primary school slot. Today is Helen's first Forum meeting. Introductions were made and welcome given.

**5 Kirklees Education & Learning Partnership Board (standing item)**

A verbal report was given to the meeting about the Board meeting held on 7<sup>th</sup> October 2020.

Chris Taylor and Ann Fell, the interim School Improvement leadership were introduced to the Board.

A number of SEND topics were covered. Ronnie Hartley briefed on the SEND improvement plan. The challenges surrounding SEND children returning to school settings were discussed – social distancing is not easy to maintain, but there is acknowledgement that health and safety considerations are paramount. Requests for new EHCP assessments tailed off somewhat during the lockdown period but are now building back up – the assessment panel processes continued throughout. Compliance with statutory assessment timescales is being achieved in 80% of cases.

## **Kirklees Schools Forum - 16 October 2020**

The Board also looked at the current mix of blended learning models operating in the local post-16 sector, at a rise in the numbers of electively home-educated children in comparison to last year and the latest on patterns of attendance and the issuing of penalty notices to parents. An update was also given about the Summer Activity programme. There will be other such activities offered over the October half-term period.

The Education & Improvement sub-committee also fed back on the Challenge and Support strategy and working with those schools which are due for an Ofsted inspection in the near future.

The Next KE&LPB meeting is due to take place on 4<sup>th</sup> November.

### **6 High Needs Budget (standing item)**

Ronnie Hartley was unable to attend today's meeting but had sent through an update note.

Ronnie and Andrew Bentley had delivered a webinar on 6<sup>th</sup> October about the SEND mainstream funding proposals. Attendance at the webinar was disappointing but the session was recorded and subsequently has been made available to schools via a hyperlink. The proposals were also presented to the SENCO network meeting yesterday where 150 'delegates' attended.

Interim arrangements have been made to cover the Head of Education Safeguarding & Inclusion role when Ronnie moves on to pastures new next week. Judith Nash will be working 4 days per week to cover the main responsibilities. Pat Bullen will be covering 1 day per week to support with the capital delivery programme with particular regard to the special sector and any related issues arising from the specialist and alternative provisions review which Jane Friswell is leading on. Both are highly experienced in the field of SEND issues. The recruitment process for a permanent substantive replacement for Ronnie starts next week.

### **7 Ongoing (financial) implications for schools arising from the Covid-19 health emergency**

It is understood that the ESFA will be making the next tranche of additional Covid-19 costs payments to schools at the end of this month. So far they have only paid claims which were limited to the three specified headings. No claims have so far been paid to schools which had claimed in the 'other costs' section. However, the ESFA will now release funding to those schools in respect of amounts claimed under the three specified headings. There is no word yet about when the outcome of the other costs claims will become clear. To give the above some financial context, the total claim from the maintained school sector amounted to £1.39m. The first payment reimbursed £0.29m, the second should reimburse £0.48m leaving £0.62m tied up in the ESFA's consideration of the other costs.

The Forum wrote to the Education Department last month to express concerns that schools would be left to meet some significant Covid-19 related costs from their own already stretched budgets. It was decided that a second letter is now merited and

## Kirklees Schools Forum - 16 October 2020

this should also mention the additional costs schools have been bearing since the September return to education. To support that officers agreed to collect information from schools and academies about the costs they included in the 'other' section of the July claim form and about the scale of additional costs incurred from the start of this term. Sixth form and FE Colleges should be included within the trawl for information as that sector is particularly impacted currently. The NASUWT have pulled together a briefing note on related issues which expresses concerns that schools' worries about overspending their budgets might compromise the safety of children and school staff members. Head teachers should not be placed in a position of having to decide between safety and affordability.

Other issues were raised. The increasing incidence of support staff absence due to Covid-19 circumstances is presenting a real issue for many schools for continued delivery of education. Kirklees' absence insurance schemes have been adapted to cover such circumstances faced within insured staff groups but there is no insurance scheme for classroom support staff other than in the specialist sector. The special school representative has already raised the problem of supply costs mounting up because the absence insurance doesn't cover the first two working days of an absence. A further need for supply cover arises when staff members' own children get sent home from their school and no childcare can be put in place. The academy reps confirmed that their private staff absence insurers are increasingly not covering all Covid-related circumstances. Academies that have organised their own in-house catering provision are suffering badly from restricted meals income from parents.

The Nursery School rep spoke about how nursery schools (and nursery units) had been excluded from the Covid-19 additional cost claims route.

### 8 ESFA-directed revisions to the Scheme for Financing Schools

This item was deferred to be considered at the next Schools Forum briefing.

### 9 2019-20 DSG Outturn summary and decisions arising therefrom

A summary table detailing the 2019-20 outturn position for all the 'central' Dedicated Schools Grant budgets was made available to the meeting. On the bottom line the account shows an overspend of £14.40m. This breaks down across the DSG funding blocks as follows: -

High Needs Block	£12.88m	overspend
Early Years Block	-(£0.98)m	underspend
Schools Block / CSSB	£ 0.32m	overspend
Schools Block	£2.18m	(technical overspend)
<b>Total</b>	<b>£14.40m</b>	

#### High Needs Block

The overspend within the High Needs funding block is wholly attributable to 2019-20 activity. In each of the two preceding financial years the Council's general fund has

## Kirklees Schools Forum - 16 October 2020

been deployed to mop up the increasing overspends in the High Needs account. Such action is no longer permitted with the ESFA now instructing that any DSG overspends must instead be shown against the DSG balance sheet – Councils are no longer allowed to use their own funds to mitigate DSG budget problems. Once the balance sheet deficit becomes apparent within government returns the ESFA will engage with the Council about a deficit recovery plan (although the Council will want to focus upon the delayed allocation of Kirklees' full entitlement to its High Needs National Funding Formula outcome).

### Early Years Block

A significant factor in the build-up of the balance in the account is the DfE's use of the January census as an average for distribution of funding – seasonal variations in numbers of children attending early years provision means there is often a divergence between funding received and actual payments to providers. In-year adjustments by the ESFA to the Early Years funding block can also compound the divergence and are not easy to anticipate. Part of the £982.2k balance relates to a decision made a year ago to use some of the 2018-19 balance to increase the hourly rate to providers by 6p through to the end of the Summer term 2020.

A report considered by the Early Years Reference Group proposed the following usage of the Early Years balance during FY 2020-21...

<b>Proposal</b>	<b>Estimated cost</b>
Double-funding of some children of key workers / vulnerable children	£138,600
Provision for bad debts	£30,200
Commitment to temp 6p increase to hourly rates for Summer term 2020	£136,200
Continued risks associated with deprivation supplement funding	£20,000
Balance available to increase hourly rates Autumn 20 and Spring 21	£657,200
<b>Total</b>	<b>£982,200</b>

Double-funding situations arose during the lockdown for a number of reasons such as the closure (temporary or otherwise) of a provider or the need for a child to attend just one provision to comply with guidance where previously they might have attended one provider for part of the week and another provider for the remainder of the week. It is now anticipated that the cost of double-funding will be much lower than the figure in the above table unless the virus resurfaces to spark a second period of lockdown. Given the uncertainty for many private, voluntary and independent (PVI) providers there is a potential for the bad debt provision to be under some pressure until the market is re-established.

The hourly rates for 3 & 4 year olds and for disadvantaged two year olds were both increased by 8p in the 2020-21 DSG Early Years Block settlement. This means the base hourly funding rates for 20-21 are £5.09 for disadvantaged two year olds and £4.21 for 3 & 4 year olds. The 6p boost agreed for the Summer term raises these

## Kirklees Schools Forum - 16 October 2020

hourly rates to £5.15 and £4.27 respectively. The estimated uncommitted sum in the table above would permit a temporary rise in the base hourly rate by 16p to be paid over the coming Autumn and Spring terms, taking the rates temporarily to £5.25 for two year olds and £4.37 for 3 & 4 year olds. A further step could be taken on top of this by anticipating the potential surplus that may accrue during 2020-21 (– an initial estimate would be £468k for the difference between the funded hourly base rates and the estimated pay out to providers). This could enable some level of permanent increase to the base hourly rates to be considered.

The recommendation received from the Early Years Reference Group was that the temporary 16p increase to the two base hourly rates for Autumn 2020 and Spring 2021 should be implemented. The boost is much needed to help many providers who are struggling through the current difficult times. The Group recommended a more cautious approach with respect to making a permanent increase to the hourly rates, preferring to wait instead until further modelling checks and adjustments to overall funding levels have confirmed the availability of uncommitted funds in the account.

It was asked whether there were different hourly rates applied to school nurseries and PVI settings. The hourly rates are applied equally across all settings. It was asked whether there was some benefit to the system of increasing the deprivation element of funding. Consultation with providers has consistently revealed a preference for maximising the hourly rates whenever additional funds become available.

Schools Forum agreed to accept the recommendations from the Early Years Reference Group for use of the rolled forward balance during 2020-21.

### Schools Block / Central Schools Services Block

The balance to be addressed is £316,600 and this breaks down as follows: -

Staff Absence Insurance Schemes	£193,700 over
Maternity Leave	-(£ 1,700) under
Public/Union Duties	£137,300 over
Schools Forum	-(£ 29,300) under
School Reorganisation	£ 16,600 over
Total	<b>£316,600</b>

**It was agreed that the deficit figures in the Staff Absence Insurance Schemes account and in the School Reorganisation account should both be rolled forward into 2020-21 to be made good during that year.** A deficit of £113k was actually rolled forward into the 2019-20 Schools Reorganisation account so this was nearly cleared off during 2020-21. The ability of the staff absence insurance schemes to turn round the sum rolled forward remains to be seen given the turbulent nature of the year so far.

The only remaining issue still to resolve in respect of the 2019-20 DSG outturn is a net overspend of £106,300 in the Schools Block account. This is effectively the remaining problem in the Trade Union facilities time account after deployment of

## Kirklees Schools Forum - 16 October 2020

surplus balances totalling £31k across a couple of other DSG Schools Block headings. The Forum agreed that there is little point in rolling forward the £106k deficit into the 2020-21 facilities time account. Officers were asked to refer the issue back to the local authority to consider options for dealing with the overspend amount.

### Schools Block (technical issue)

There is a technical overspend of £2.18m also showing within the DSG Schools Block which has temporarily been parked on the DSG balance sheet. This relates to the funds the Council adds to the DSG Schools Block to pay for the PFI affordability gap funding factor. This input has been caught up in the regulation change which now prohibits local authorities from using general fund monies in support of DSG deficits. Further work is being undertaken to try to resolve this issue.

## 10 **Schools Funding 2021-22 - news from the ESFA**

The meeting was taken through a briefing paper which set out the main changes to Dedicated Schools Grant funding for 2021-22.

### Schools Funding Block

There will be an average 3% increase in National Funding Formula (NFF) factors next funding year. In addition to that both the Teachers' Pay Grant (TPG) and the Teachers' Pension Employer Contribution Grant (TPECG) will cease and the funds will transfer into the NFF (from 1/4/21 for maintained schools and 1/9/21 for academies). This will affect several factors - £180 will be added to both the Primary age-weighted pupil unit (AWPU) and the minimum funding amount per primary pupil; £265 will be added to both the KS3 and KS4 AWPU values and the minimum funding amount per secondary pupil; these values will also be added to 2020-21 funding baselines to ensure that schools receive their proper share of the former grant monies.

The IDACI (Income Deprivation Affecting Children Index) NFF factor will operate differently from 2021-22. The ESFA will use the 2019 IDACI statistics for the first time. To avoid a potential repeat of the financial turbulence that happened the last time the IDACI data set was updated, the seven IDACI bands will work from a ranking system rather than pure IDACI scores. In this way, nationally at least, the numbers of children within each band should remain comparable between the new and outgoing sets of statistics.

In other news, the ESFA is to consult on proposals to make changes to the NFF to provide further support to small and remote schools from funding year 2022-23. And plans are afoot to move to a 'hard' national funding formula from 2022-23 with all schools funded by the NFF. (No real implications for Kirklees schools as the LA has already largely adopted the NFF factor values. The only question mark should be over whether there will still be locally-determined premises factor funding under the new system).

## **Kirklees Schools Forum - 16 October 2020**

### High Needs Funding Block

Kirklees received a £6.1m increase to its High Needs allocation in 2020-21 and the ESFA has now illustrated a further £5.6m increase for 2021-22. [Kirklees' High Needs account overspent by £12.9m in 2019-20]. The Government is loading more funding into NFF High Needs budget allocations. Kirklees' increase for 21-22 represents the maximum 12% gain per head of population and Kirklees' eventual High Needs NFF outcome is now illustrated to be £55.24m, therefore another increase of £6.56m is waiting beyond 2021-22. This new funding context is helpful but the delay in the entitled amount of funding reaching the local authority is a significant underlying factor in our deficit problem.

It was asked where the local authority has got to with plans to increase the number of local specialist places to reduce the incidence of expensive external placements. Jane Friswell has now started work and will be leading a review process looking into the sufficiency of local specialist places, focussing particularly upon specialist provisions, alternative provision places and arrangements for excluded pupils. As part of the SEND masterplan there are planned increases to the number of local places for both Autism and SEMH (Social Emotional & Mental Health) difficulties but there is quite a long lead-in time to having those new places available. Some interim local arrangements are being looked at to avoid the higher costs of the external market.

The 2021-22 High Needs settlement will also include an additional £660 per specialist pupil in respect of transferred TPG and TPECG grant monies. It is expected that local authorities will pass these additional funds through to local providers in their 21-22 budget share allocations.

### Covid-19 Catch-up Premium

Schools will receive additional funding during academic year 2021/22 to be spent on helping pupils catch up on education missed during the lockdown period. £80 per mainstream pupil (Reception to Year 11) will be allocated and £240 per planned place in special schools. 7/12ths will be allocated this financial year and 5/12ths in the summer term next year. Schools should plan to spend this funding now in advance of its receipt.

### National Tutoring Programme

£350m has been set aside nationally to set up a tutoring programme to support the catch-up. The programme commences in the second half of this school term – a portal will be opened for schools to register and an approved list of tuition partners will be provided. Schools serving the most disadvantaged areas will be supported to employ in-house academic mentors to provide small group tuition to pupils needing it.

### Risk Protection Arrangement (RPA)

If maintained schools join the RPA (DfE-organised 'insurance' against a range of risks) then the ESFA will deduct the cost of their membership from the DSG Schools



## **Kirklees Schools Forum - 16 October 2020**

Block. There is therefore a need to agree via the Forum a new de-delegation factor for RPA membership to pass on the cost to the schools concerned.

- **ESFA Schools Funding Timetable 2021-22**

The ESFA schools funding timetable for 2021-22 was included with the agenda papers as its contents will govern when the Forum needs to consider various issues over the course of this school term. The timetable is not significantly different to last year.

**11 Any other business**

No other business was raised.

**12 Date and time of next meeting**

The next meeting is to be held on Friday 27<sup>th</sup> November 2020 (9.30am) via virtual meeting (Microsoft Teams)