

# CITY OF YORK SCHOOLS FORUM

## Minutes of the additional Schools Forum meeting held on Tuesday 6<sup>th</sup> July 2021 at 9.00am via Zoom

**Present:** Trevor Burton (Academy Representative and Chair), Adam Booker (Special School Representative), Gail Brown (Academy Representative), Di Gomery (Maintained Secondary Governor Representative), Helen Gration (Early Years Sector Representative), Mark Richardson (Pupil Referral Unit Representative), Claire Rigden (Maintained Nursery Headteacher Representative (VC)), Jenny Rogers (Maintained Primary Headteacher Representative), James Rourke (Maintained Primary Headteacher Representative), John Tomsett (Maintained Secondary Headteacher Representative), and Dee Statham (Academy Representative)

**In attendance:** Cllr Ian Cuthbertson (Executive Member for Children, Young People and Education), Maxine Squire (Assistant Director, Education and Skills, CYC), Richard Hartle (Head of Finance, CYC), Sue Day Head of SEND and Inclusion, CYC and Salli Radford (Head of Governor Services, CYC, Coordinator and Clerk)

### 1. Welcome

The Chair welcomed everyone to the meeting.

### 2. Apologies for absence

Apologies were received from Andrew Daly (Academy Representative), Steve Lewis (Academy Representative), Lee Probert (FE Representative),

and Helen Winn (Academy Representative). Amanda Hatton (Corporate Director – People, CYC) was unable to attend the meeting.

### **3. Election of Chair and Vice-Chair**

It was noted that no nominations had been received prior to the meeting. The Chair encouraged Forum members to consider the role and to discuss with Maxine Squire prior to the beginning of the next academic year.

### **4. Membership update**

Previously distributed. The membership update was noted. The Chair thanked Di Gomery and John Tomsett for their contribution to the Forum.

### **5. Minutes of the York Schools Forum meeting of 4<sup>th</sup> June 2021**

Previously distributed. The minutes of the meeting were agreed to be a true and accurate record.

### **6. Matters Arising**

There were no outstanding action points to report.

Matters arising: None.

### **7. Deficit recovery plan**

Maxine Squire presented an update on the deficit recovery plan. It was noted that the LA was scrutinising the High Needs block element of DSG funding to identify trends relating to assessment of need, project future pressures and identify potential reductions in spend against this budget. It was noted that financial tables were being populated by Richard Hartle and Mike Barugh, with SEN Services also contributing to this process.

The narrative being prepared for submission to the DfE with the budget plan was shared on screen, with Maxine advising that this outlined the

current demographic and future trends. It was noted that a significant number of plans were currently in place for post 16 and post 19 provision, with this being an area of growth in York. Maxine advised that this trend was not in line with the experience of other LAs in the region and that the LA was considering provision pathways to ensure plans could be ended and were not maintained longer than needed. Maxine highlighted the need to identify routes out of education into employment and care packages.

Maxine advised that data had been reviewed against statistical and regional neighbours as well as national averages, with this exercise showing that the mechanisms used in York to code some provision was not in line with other LAs. It was noted that a significant number of young people with EHCPs were being supported within the Danesgate Community and that the balance towards alternative provision rather than SEN provision was currently disproportionate.

Maxine advised that benchmarking was being undertaken to identify required focus areas, though Section 251 codings were not consistent across the country. Maxine further advised of the need to understand whether this was a coding issue or whether the base spend on EHCPs was disproportionately high.

Maxine outlined the LA Central block spend, advising that this was being re-profiled to ensure High Needs DSG was allocated appropriately and that statutory costs were set against Central block funds. This would support the LA in addressing the High Needs overspend.

Maxine advised that the LA was seeking to reinvigorate responsive mainstream provision and had identified areas it would be productive to develop to support the management of pressures.

Maxine advised of major High Needs trends, with some highly complex cases being managed within the city. It was noted that these cases required extensive and intensive packages of support which could not be fully supported within York provision. Adam Booker confirmed that management of more complex cases was challenging and not always sustainable, providing contextual examples. It was noted that some young people were not attending education settings regularly due to the complexity of their cases and that the LA would need to ensure appropriate provision.

Maxine advised that the LA was working with alternative provision to improve commissioning and contract management. It was noted that a joint commissioning strategy had been developed with the CCG and that discussion could now be facilitated to allow the sharing of costs where appropriate. This would enable a contribution from health where appropriate and the joint commissioning of support. It was noted that Sue Day was working with the CCG on this project.

Maxine advised that pressure had been identified around transition points, with a growth in statutory assessment requests post-16 and post-19. Maxine advised of the need to work with providers on this process as point of place transfer was currently triggering EHCP assessments which could usefully have been undertaken earlier.

Maxine advised that Sue was leading a review of the assessment process, though nationally there were an increasing number of mediations and legal challenges arising as increased rigour was applied to assessment and review processes.

Maxine advised that a management plan was being developed to ensure the LA delivered the best possible outcomes and would be used to inform decisions on commissioning and delivery of services. It was noted that

the LA would need to increase opportunities to seek children and young people's voice. It was noted that parents were involved in processes and that the consultation had addressed children and young people's voice to a degree, though the LA would need to consider how these views would be included in each aspect of the SEND process. Maxine advised that audit work on EHCPs had revealed variability relating to the voice of the child. Maxine advised of the post-16 and post-19 pressures and the need to hear the ambitions and hopes of young people, with this being a highly complex piece of work requiring the need to understand consent and choice for young people with complex needs.

Maxine advised that stakeholder engagement, co-production and consultation would be developed, with reports to be brought to each Forum meeting to enable the sharing of progress and actions. Maxine advised that the challenge and input of the Forum was key, and that plans would also be shared with providers within the city and with established stakeholder groups. It was noted that the Parent Carer Forum had been involved at each stage of the Inclusion Review and had co-produced the outcome framework. It was noted that the Inclusion Review consultation had closed on 30<sup>th</sup> June and that an update would be provided under item 10 of the agenda.

Maxine advised that Cllr Cuthbertson's role as key Elected Member and Executive Group link would be involved at each stage, with the Children, Education and Communities Policy Scrutiny Committee retaining oversight. Maxine further advised that health partners were also involved in the process as was the SEND improvement board.

Maxine outlined the key risks and mitigations identified, including continuation of the increase in requests for statutory assessments as a risk, though this did appear to be stabilising and the demographic steadying.

*Gail Brown left the meeting at 9.30am.*

Maxine advised of an increase in parental requests during the pandemic, with increased anxiety following disruption to schooling and concerns regarding transition identified as drivers. Maxine advised that an increase in the rate of mediation and appeals had been anticipated but that the pandemic had further impacted. It was noted that an increase in the number of requests for out of area provision had logged during this period.

Maxine advised that primary need relating to SEMH and autism was an area of pressure, with an increase in pupils with autism with very high anxiety and autism with special need as SEMH.

Maxine advised that the LA had also experienced an increase in requests for out-of-area provision for other groups including hearing and visual impairment. It was noted that a small number of more complex cases required specific support which it was more efficient to commission externally.

Maxine advised that the low level of funding received by the LA limited options to develop a graduated response, with this to be highlighted with the ESFA. It was noted that the ability to proactively fund mainstream provision would help relieve some existing pressures.

Maxine advised of the mitigations in place, including the strong work with colleagues supporting adults to relieve post-19 pressures. It was noted that future sufficiency was being addressed by the Inclusion Review and that mainstream settings were working to develop a graduated response with support for CPD from the Teaching School Hub. It was noted that forecasting and budget management processes were also being developed.

Maxine advised that project management support was needed to manage the recovery plan, with Maxine, Sue Day and Mike Barugh needing

specialist input and a project board going forward. It was noted that the LA would draw on external specialist support.

Maxine outlined the steps being taken to manage demand pressures, including paperwork management across the People Directorate which worked across all ages. It was noted that a working group had been established with specific responsibilities for 19-25 commissioning. Maxine advised that the post-19 local offer was being looked at in detail to ensure equity and to reduce the assumption of all plans continuing to age 25. It was noted that a data management system would be used to identify and manage trends.

Maxine outlined other steps being taken to improve the sharing of best practice and streamline processes.

The update was noted and questions invited.

In response to a question regarding the reduction in overall SEND assessments and whether this had been evidenced, Maxine advised that demographic mapping was being undertaken and showed that assessments were beginning to flatten. Sue Day advised that the rate of growth was still increasing, though the speed of growth was slowing. It was noted that Section 23 notifications were in place to flag children under five with potential concerns and that four-to-nine year olds were being concentrated on to identify need and support. It was noted that it was possible that the impact of the pandemic had resulted in a slowing of the identification of needs in early years.

Helen Gration advised that it was difficult for early years settings to have needs identified during the pandemic, asking how needs would be identified earlier as outlined in Maxine's update. Sue advised that needs would be identified through Section 23 notifications, though families would vary in their response to this process which would not automatically lead

to an EHCP. It was noted that other plans could be offered, with gradation at the earliest stage. Sue advised of the need to identify children with potential SEND, know where they were and how they were supported. It was noted that children and young people aged 0-25 were covered by legislation and that health screening, the NESTA early identification project and other activities were providing the LA with access to rich data. It was noted that issues were generally identified at two years and over.

In response to a question regarding in-area provision and the potential for the LA to seek an increase in funding to enable mainstream provision to take pressure off specialist and, potentially, external provision, Maxine advised that the LA was awaiting the outcome of the national SEND review to support future planning. It was noted that this process might result in recommendations to increase funding in mainstream provision. It was noted that the current funding position related to demographic make-up and the percentage of the city's population in key demographic groups. It was noted that York had low IDACI band prevalence and that the review was unlikely to bring significant additional funding.

Richard Hartle advised that the LA was most likely to secure funding to support clearance of the deficit.

In response to a question regarding the modelling of the impact of potential additional funding, Maxine advised that the LA needed to reduce the number of EHCPs being maintained, with this being one of the main strands of activity. Maxine advised that a change in demographic trend and anticipated reduction in intake to primary schools would reduce overall pressure, further advising that corrective activity across declining cohort sizes provided an opportunity to bring the management of funding into line. It was noted that primary to secondary phase transfer was a pressure point, with secondary schools experiencing significant specialist need.



Maxine advised that the LA was sharing the narrative that would accompany financial modelling and detail when submitted to the ESFA. Richard advised that LA officers had met with DfE representatives and were keen to meet again to consider the plan. It was noted that the plan needed to be robust in order to secure a write-off of the cumulative deficit, and must be deliverable. It was noted that insecure data would potentially jeopardise funding.

The Chair noted that the outlook appeared more sustainable, querying the costs relating to SEN transport which represented a significant issue for the LA in terms of financial contribution. Maxine advised of the need to consider the use of discretionary transport, with the LA having been quite generous in its approach over time. Maxine provided examples of service delivery that could be reconsidered.

In response to a question regarding the impact of transport on expenditure, Richard advised that the LA spent c£2m on High Needs transport each year, with this a significant funding commitment which had increased in recent years. Richard advised of the need to reduce this outgoing by a minimum of £1m in order to secure ESFA approval of the budget plan. This challenge was noted.

The Chair queried the approach to be taken to secure NHS funding for the health element of EHCP costs, as this was not accessible by schools. Maxine advised that this was already being addressing, with assessments for EHCP revised to ensure that therapies were being funded correctly. Sue advised that funding would not necessarily be received as a direct contribution to an EHCP but related to the costing of provision, for example for independent therapies, which the LA met but could discuss with Health colleagues. It was noted that the LA viewed personal budgets as being too low and believed that some provision could be provided more cost-effectively to give more flexibility to families. Sue advised that the

issue was being considered in the round and that support from health colleagues was required this would be pursued as the LA should not pick up unnecessary costs.

**The Forum endorsed the plan and expressed support for delivery going forward.**

#### **8. DSG outturn 2020/21**

Previously distributed. Richard Hartle advised that the recovery plan outlined under item 7 aimed to recover from the position set out in the outturn paper.

**Central Services Block** - Richard advised that the gross DSG expenditure for 2020/21 had totalled £148.067m, including an overspend of £6.061m. It was noted that income against DSG had been higher than budgeted and when combined with post-16 income had reduced the deficit to £4.075m. The Forum noted the resultant carried-forward deficit DSG of £9.940m. It was noted that the DSG deficit recovery plan sought to address the in-year position, with the request to write-off the cumulative deficit being a separate exercise.

Richard advised of the detail relating to each funding block included in the paper, with some aspects being straightforward. It was noted that the Central Services block included an underspend against the School Improvement Commissioning Fund (SICF) due to the allocation of DSG on a financial year basis with expenditure over the academic year. It was noted that the underspend of £664k would be carried-forward to 2021/22 as a financial commitment to school improvement.

**Early Years Block** - Richard advised that the Early Years block showed a small underspend of c185k. It was noted that this would be carried forward to fund the anticipated negative adjustment to DSG in 2021/22.

**High Needs Block** - Richard advised of the significant ongoing overspend, with in-year expenditure £4.266m higher than budgeted for and £5.216m higher than DSG funding provided by the DfE. It was noted that this ongoing overspend would be removed via the recovery plan. Richard highlighted the significant pressure on budgets as outlined by Maxine Squire.

Richard advised that Annex 1 provided detail of the expenditure against government grant income across the various blocks. It was noted that this showed a total deficit of £9.94m carried forward to 2021/22.

A Forum member referred to the underspend against grants for three and four year olds, asking whether this would be carried forward into the general DSG or within the Early Years Block. In response to this question and a question regarding the option to use the underspend to ensure it was not lost from the phase via a one-off payment or additional support, as some LAs were arranging, Richard advised that the LA had taken the position that the underspend would remain in the Early Years block. It was noted that the LA anticipated a reduction of DSG for Early Years in 2021/22 and that the funds would be required. It was noted that the reduction would be due to the underspend in the previous year but that it had not been confirmed that the reduction would absorb all £185k due to the complexity of the last year. Richard advised that any remaining funding would be brought to the Forum with a suggestion to allocate it to support early years or another aspect of provision. It was noted that historically the LA had recorded a small carry forward balance. Richard advised that other LAs were considering how to allocate this funding, with different budgeting approaches and some contingency provisions resulting in an underspend, though this had not been the approach in York. It was noted that the LA allocated all of the DSG block other than retaining 5% for LA overheads and that there had been no significant underspends in

the past, with this approach due to York's position at the lower end of the funding scale.

The report was noted.

## **9. Maintained school balances**

Previously distributed. Richard Hartle advised that school reserves, including capital and revenue balances, had increased from £2.344m in March 2020 to £4.387m in March 2021, with this representing an increase of 87%. It was noted that this was not anticipated or identified in-year.

Richard advised that the report provided detail of revenue and capital balances. The Forum considered Annex 1, which provided a comparison of total reserves as a year-end position since 2016/17. The table also detailed the in-year monitoring positions for 2020/21 which illustrated the unanticipated nature of outturn positions.

The Forum noted the revenue and capital balances, noting that the revenue position was reflective of an overall increase in reserves at outturn.

Richard queried the financial planning undertaken by schools and the significant increase in reserves between autumn term monitoring and year-end. Richard highlighted the need to understand the impact of the pandemic and to build the confidence of schools to undertake effective financial planning.

Discussion followed, with the Forum noting that the government had made some funding available which schools were claiming where possible. Concerns were expressed regarding funding cuts in future years and the inclusion of teachers' pay and pension grants in the National Funding Formula. The Forum noted the need to understand how this change would impact as schools might not understand the full implications once

separation, and therefore, visibility of this funding ended. Richard advised of some concern that the DfE may take a view on increased balances and, if a pattern emerged across the country, that this might influence funding decisions in the future. Richard advised that it was positive to see that reserves were healthy but that the unforeseen nature of the increases raised other concerns.

Further discussion followed. It was noted that national funding data would be monitored to gauge the impact of the pandemic.

A Forum member reported that some savings had been made during closures, for example against heating budgets, but that some schools were not able to access Covid funding due to their reserves being above a certain level, resulting in an unequal impact.

*Sue Day and John Tomsett left the meeting at 10.20am.*

In response to a question regarding the difference between some school start budgets and outturn position, Richard advised that the charts included in the paper provided detail. It was noted that some primary schools had reported an outturn significantly higher than anticipated, with no primary school in deficit at the year-end despite six schools having anticipated an overspend.

In response to a question regarding the opportunity to support schools in planning to prevent a future budget deficit, Richard advised that this would partly depend whether schools were accessing LA support for financial management, as ongoing support was dependent on a setting accessing the LA's traded services. Richard advised that a setting recording an in-year surplus would need to identify whether this was due to the pandemic or other issues.

Richard highlighted the charts illustrating the total revenue balance as a percentage of core funding for the year. It was noted that the maximum

permitted carry forward balance was 8% for primary and 5% for secondary schools, with some schools above this threshold. It was noted that an analysis of balances and removal of committed balances had been undertaken to compare uncommitted balances with thresholds and that two schools had been identified as carrying balances not formally signed-off. It was noted that these were not expected to trigger clawback.

The Forum noted that the LA was not expecting to claw back reserves from 2020/21, though this would be confirmed for September. It was noted that some final confirmation of balances was awaited from schools.

*Cllr Cuthbertson left the meeting at 10.30am.*

In response to a question regarding the variation in savings made by secondary schools during the pandemic, Richard advised that the LA was unsure of detail at this stage, though this could be brought to a future meeting. The Forum noted the contextual differences in the operational impact of the pandemic on individual settings.

The report was noted.

## **10. Inclusion Review**

Maxine Squire provided a verbal report, advising of 623 responses received from the consultation which had closed on 30<sup>th</sup> June. It was noted that the majority of responses were received from adults, mainly parents and professionals, with 66 responses from the under 16 group. It was noted that the Local Offer Officer had run a separate consultation with children and young people through schools. Maxine advised that 72% of respondents were female and that respondents were predominantly white British.

The Forum noted the strong engagement with questions and the provision of narrative answers.

*Cllr Cuthbertson re-joined the meeting at 10.40am.*

Maxine advised of the strong endorsement for early intervention, and enhanced resource and satellite provision, with comments indicating a view that all teachers in mainstream settings should receive SEND training.

*Gail Brown re-joined the meeting at 10.40am.*

It was noted that the term “inclusion” had been challenged by some respondents, with “appropriate inclusion” preferred.

Maxine outlined feedback relating to specialist SEMH provision, advising that the Danesgate Community had been seen to be dealing with a different type of need, with this strand clearly coming through.

It was noted that some terminology was not understood within the community and that the LA would need to consider definitions. Maxine provided examples, highlighting the broad response received which had included both those invested in the system and those with children in mainstream provision. Maxine advised that the role of SEN in mainstream education had been highlighted, with a desire for all children to learn together and the benefits of social inclusion expressed by respondents.

Maxine advised that the process had provided a clear endorsement of the need to maintain mixed provision. It was noted that responses were in the early stages of analysis and that an executive report would be shared with the minutes of the meeting to enable Forum members to see the themes and activities identified.

It was noted that activities to capture the voices of young people identifying social elements for this group were ongoing and that education recovery surveys heavily identified the social elements of school.

In response to a question regarding the SEND training for teachers and availability of a glossary for SEND terms, Maxine advised that some comments had been received supporting the idea that all secondary schools should have an ERP on site and that some mainstream teachers were keen to receive support for SEND.

In response to a question regarding the timeframe for changes to be implemented, Maxine advised that Business Intelligence would provide a full report, with this to go to the Executive during the autumn to enable consideration of in-city provision.

The update was noted.

#### **11. Schools Forum forward plan**

Richard Hartle outlined the forward plan:

##### **September 2021**

- Maintained school start budgets 2021/22
- Initial 2022/23 school and DSG budget planning
- Deficit recovery plan / Inclusion review
- Broadband contract update

#### **12. Any other agreed business**

There was no other business.

#### **13. Date and time of future meetings**

The next meeting would take place on **28<sup>th</sup> September 2021 at 9.00am.**

The meeting closed at 10.50am.