

CITY OF YORK SCHOOLS FORUM

Minutes of the additional Schools Forum meeting held on Tuesday 8th February 2022 at 9.00am via Zoom

Present: Helen Gration (Early Years Sector Representative), Lee Probert (FE 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), and Dee Statham (Academy Representative)

In attendance: Cllr Ian Cuthbertson (Executive Member for Children, Young People and Education), Jamaila Hussain (Director of Prevention and Commissioning, CYC), Maxine Squire (Assistant Director, Education and Skills, CYC), Richard Hartle (Head of Finance, CYC), and Salli Radford (Head of Governor Services, CYC, Coordinator and Clerk)

1. Welcome

In the absence of a Chair, Maxine Squire welcomed everyone to the meeting.

2. Apologies for absence

Apologies were received from Adam Booker (Special School Representative), Gail Brown (Academy Representative), Adam Cooper (Academy Representative), Andrew Daly (Academy Representative),

Dave Hewitt (Maintained Secondary Headteacher Representative), Steve Lewis (Academy Representative), Jo Olsen (Maintained Secondary Governor Representative), and Helen Winn (Academy Representative).

3. Election of Chair and Vice-Chair

It was noted that one nomination had been received prior to the meeting but that the nominee, Dave Hewitt, was unable to attend the meeting.

The election of Chair was deferred.

Claire Rigden was elected Vice Chair of York Schools Forum.

Maxine Squire highlighted the need to ensure that both Chair and Vice Chair roles were filled to support engagement with the regular cycle of work and delivery of a fully functioning and vibrant Schools Forum.

Maxine highlighted the importance of the work being reported under the Safety Valve item and the need to respond to the challenging demographic changes within the city. It was noted that the Forum held a key role in responding to these changes and reminding government of the impact which they would have on the sector. Maxine highlighted the need to identify sector-led responses.

Claire Rigden took the chair for the meeting.

4. Membership update

Previously distributed. The membership update was noted. It was noted that a maintained primary representative would need to be appointed as Jenny Rogers' term of office had ended. Jenny would consult with primary colleagues to advise that she was willing to continue on the Forum.

5. Minutes of the York Schools Forum meeting of 28th September 2021

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

6. Matters Arising

There were no outstanding action points to report.

Matters arising: None.

7. Setting the School, High Needs, Early Years and Central Services budgets for 2022/23 including decisions on options and delegations

Previously distributed. Richard Hartle outlined the scope of the budget setting process and the high level funding information relating to the current and forthcoming financial years:

	Adjusted			
	2021/22	2022/23	Increase	Increase
	£m	£m	£m	%
Schools Block	112.597	114.850	2.253	2.0%
Early Years Block	11.067	10.750	(0.317)	(2.9%)
High Needs Block	22.584	24.305	1.721	7.6%
Central School Services Block	2.766	2.375	(0.391)	(14.1%)
	149.014	152.280	3.266	2.2%

Richard advised that there would be an overall increase in funding of 2.2% for 2022/23.

Schools Block – Richard advised that the majority of Schools Block funding was allocated through the Local Funding Formula (LFF) to maintained schools. It was noted that the LA had been an early adopter of

the current National Funding Formula (NFF) and that the LA proposed retention of the current methodology. It was noted that Annex 1 of the paper illustrated the modelling for 2022/23.

Richard advised that paragraph 5 of the paper outlined the impact of NFF increases across a range of funding factors. It was noted that the minimum per pupil amounts would only increase by 2% in 2022/23 as a significant number of York schools were already receiving funding protection.

Richard welcomed the change to the sparsity factor following national consultation, with this helping support small and remote schools. Richard outlined the methodology used to determine the previous sparsity factor, with this failing to trigger any sparsity funding in York. It was noted that the change to use of road distance to calculate eligibility would result in five schools receiving sparsity funding in 2022/23. Richard advised that this funding was significant, being between £16k and £55k across the group. The Forum noted the successful lobbying undertaken via the F40 group which had initiated the consultation.

Richard outlined the purpose of the Growth Fund, which was held to support exceptional pupil growth in-year and to support Infant Class Size Funding (ICSF) where classes rose above 30. It was noted that the government had been reducing this element of the School Block significantly over time, with £342k allocated for 2022/23. It was noted that the agreement to cap allocations from the fund under a cash limited budget would need to be continued into 2022/23, with the expectation that the overall reduction in this budget area would be 20.76%. Detail would be confirmed shortly. Questions were invited.

In response to a question regarding the Early Years (EY) allocation and the reasons for the reduction compared with 2021/22 funding levels,

Richard advised that funding was based on take up of EY places. Richard further advised that the figure would be adjusted in-year so would change. Richard outlined the factors that might influence the reduction in take up of EY places, including the impact of the pandemic.

Cllr Cuthbertson left the meeting at 9.30am.

In response to a question regarding the management of growth fund and ICSF allocations, Richard outlined the impact of lagged funding on schools and the ability of the LA to respond mid-year to changes in pupil roll following the census data collection point. It was noted that the Growth Fund was not available to support schools admitting pupils above PAN where this had not been expressly agreed with the LA.

It was noted that ICSF was currently received by c33% of primary schools within the city. Maxine outlined the school place planning work being undertaken by the LA with this linked to the local plan.

Discussion followed. Richard advised of the central government expectation that LAs would manage place sufficiency more effectively going forward. Maxine outlined the need for a city-wide approach to place management to ensure that pressures were accommodated in a less reactive way than at present.

Early Years Block – Richard advised that 2022/23 funding would be based on an hourly rate of £4.61 per hour for three and four year olds and of £5.57 per hour for two year olds. It was noted that the LA would pass on the percentage increases through the Early Years Single Funding Formula (EYSFF). It was noted that deprivation rate for three and four year olds would also increase. The Forum noted the 2022/23 EYSFF rates and the Nursery School Lump Sum of £84,368.

In response to a question regarding the rate being passed on to providers, as this was below the rate received by the LA, Richard advised that 32p

per hour had been retained to fund deprivation funding, which was allocated at 43p per hour, and a proportion of the inclusion fund which could be accessed to support high needs pupils. It was noted that the retained amount also funded a contribution towards the LA's Early Years Service.

In response to a question regarding the continuation of the Early Years Inclusion Fund, Richard advised that this would continue and that funding would increase by 3.8%.

In response to a question regarding the support available for Early Years settings from lobbying group F40, Maxine advised that F40 were beginning an Early Years campaign and included Early Years as part of the fair funding project.

In response to a question regarding other pressure groups that Early Years settings could work with to highlight the increased needs that were emerging post-pandemic, Maxine agreed with the need to ensure that the DfE was aware of the context of the sector within the city. It was noted that this challenge would be communicated wherever possible. Maxine advised that the reporting undertaken by NESTA would be helpful in identifying and highlighting funding issues.

In response to a question regarding ICSF and whether this would be available to a school with a PAN of 60, Richard advised that eligibility was calculated using a formula relating to multiples of 30 pupils, with detail of the tapered funding included in Annex 2 of the paper.

High Needs Block – Richard advised that the High Needs Block would increase by 7.6% in 2022/23 to £1.721m. It was noted that despite this increase there would be a significant deficit against the High Needs Block, with an estimated cumulative deficit of £13.5m to be carried forward into 2022/23 from previous years. Richard advised that earlier in the current

year the DfE had made a formal request for the LA to join the Safety Valve project to support management of the in-year deficit and the process to address the cumulative deficit. Richard advised that the LA understood that establishment of a robust plan to address the in-year deficit would enable the DfE to look favourably at writing-off an element of the cumulative deficit. It was noted that the LA's plan would be submitted on Thursday 10th February after which the DfE would give an indication of the level of write off. This would be revisited under item 8.

In response to a question regarding additional funding allocated for St Paul's Nursery, and whether the setting was financially recognised by the DfE for aspects of provision which was not accessed by the PVI sector, Richard advised that the funding was triggered by stand-alone maintained Nursery Schools. It was noted that the setting held a unique cost base, having a Headteacher and infrastructure applicable to a maintained school. It was noted that the additional funding had reduced over time since it was first introduced, being based on a formula and announced one year at a time. It was noted that only St Paul's Nursery School was eligible for this specific funding allocation within the city.

In response to a question regarding the increase of funding for St Paul's Nursery for 2022/23, Richard advised that the explanation provided by government could be shared with the minutes. **Action: Richard to provide this detail.**

Discussion followed. The Forum noted the role of the maintained nursery group as a specialised resource to support pupils impacted by deprivation and SEND. The Forum noted the impact of rising SEND in Early Years settings.

Richard outlined the funding mechanism used for Early Years at central government level, with the NFF working less well in York due to the stand-alone status of St Paul's Nursery.

Central School Services Block – Richard outlined the purpose of the block, which was divided into two elements:

- Funding for ongoing statutory services
- An allocation to support historic commitments

Richard advised of the central government intention to reduce allocation to this block over time, with a c20% reduction year-on-year anticipated. It was noted that LAs were expected to reduce or transfer funding requirements in line with this reduction. The Forum noted the need to consider how to manage the reduction of £394k during 2022/23.

Richard advised that historic commitments were listed in paragraphs 16 to 26, with the narrative including the LA's proposal to manage the required reduction. Richard outlined each area for information, advising that this included the School Improvement Fund allocated through the York Schools and Academes Board (YSAB) process. It was noted that the reduction had been distributed pro-rata in recent years, with the proposal being to continue this approach. Richard advised that LA expenditure would need to reduce by £242k with this loss of funding to be backfilled from the CYC general fund. It was noted that a funding reduction of £152k relating to the School Improvement Commissioning Fund (SICF) was also proposed. The Forum noted that this strand funded the School Wellbeing Worker Service as well as the YSAB fund. Richard proposed that the next meeting considered allocation of the SICF in detail. Questions were invited.

In response to a question regarding termination of employment costs and the expected expenditure of £1m in 2022/23, Richard advised that prior to

2013/14 significant school reorganisation, including closures and mergers, had generated redundancy and early retirement costs which were picked up by the LA. It was noted that these costs related to former teachers, and that £383k was charged to the DSG as the costs had arisen due to Schools Forum decisions around school reorganisations. It was noted that the costs would eventually reduce but were currently unavoidable. Richard advised that the CYC General Fund picked up the remainder of these costs, but that they could not be reduced.

In response to a question regarding the £200k School Causing Concern fund managed by the YSAB, the statutory duty of the LA in regard to academy schools, and whether the MATs were expected to move to a position to support their schools independently in the future, Maxine advised that the LA was seeking to deliver equitable quality across the city. Maxine further advised of the intention to ensure that schools were working together in the best interests of children. It was noted that the YSAB supported schools in need regardless of status following the decision not to fund local authority school improvement team salaries but to make the funding available to the sector. It was noted that York MATs remained relatively small and did not necessarily have the central resources of larger MATs. Discussion followed, with the point made that maintained schools could only access the LA and YSAB fund as a resource.

The Forum supported continuation of current practice, with a 20% reduction in the 2022/23 YSAB fund to support this adjustment.

Richard advised that £700k of the block supported a range of services including copyright licences, with no changes proposed.

Richard advised that the Schools Supplementary Grant (SSG) outlined in paragraph 28 represented additional funding for schools in relation to the

Health and Social Care (NI) Levy and wider cost pressures. Richard advised that the changes outlined would impact on schools during the next financial year. It was noted that detail of allocation to schools was included on page 23. It was further noted that funding for Early Years and post-16 settings was only applicable to maintained provision. Richard advised that this represented additional funding outside the Formula process, though the funding would be added into the factors of the NFF from 2023/24. Questions were invited.

In response to a question regarding allocation of the SSG and whether this was based on census data, Richard confirmed that funding was based on October 2021 census for schools data.

Jamaila Hussain left the meeting at 10.10am.

In response to a question regarding support for PVI settings, Richard advised that the grant excluded PVI settings which were not eligible to receive supplementary funding. Richard further advised that he was unsure whether any support would be made available by central government for the PVI sector. Richard advised that the sector had expressed dissatisfaction with the notion of a single EY funding formula if the PVI EY sector was not able to access this support.

LA Maintained School De-delegations – Richard advised that historically there had been a number of de-delegations agreed by the Forum, though these had been removed over time. It was noted that one de-delegation remained, relating to the primary behaviour outreach service provided by the Danesgate Community. Richard advised that this was the only area requiring formal decision from maintained primary representatives on the Forum. Discussion was invited. Maintained primary representatives commented on the service, querying the comparative costs against the service available to academy schools. It

was noted that the general opinion was that the Danesgate Outreach Service provided invaluable support to primary schools. Richard advised of the option to consider the detail of the offer. It was noted that Mark Richardson could outline the costs in a paper to the Forum. It was noted that the Danesgate intake of primary pupils had mushroomed, with the Outreach Service being a buffer between mainstream and specialist provision. Continuance of the de-delegation was unanimously agreed by those eligible to vote, with detailed consideration to be taken to a future meeting.

High Needs Contingency Allocations – Richard advised that allocations made from the contingency by the LA had been challenged by the DfE Safety Valve process, with the DfE view being that the fund was not acting as a contingency due to the significant number of schools accessing the fund. It was noted that mainstream schools were required to fund the first £6k of support for each SEND pupil, with the contingency allowing a school with a higher number of pupils triggering the top-up to access support for funding below the threshold, i.e. the first £6k per pupil. Richard advised of the proposal to move away from fixed percentage thresholds (1% in primary and 2% in secondary), but to recalculate the average proportion of high-costs pupils in each sector. This would set the threshold at the average rather than a set percentage. Richard advised that this recalibration would continue to be relatively generous but would constrain allocations. Richard referred Forum members to paragraph 38 of the paper, which illustrated application of the current formula and the impact of the proposed threshold. Richard advised of the need for the LA to be seen to be addressing the contingency, with the proposal being fair and retaining a relatively low threshold. It was noted that the adjustment would be acceptable to the DfE as part of the Safety Valve response.

A Forum member commented that the contingency fund was vital for school, noting that some LAs had set a higher percentage threshold. The Clerk was asked to put on record that schools which were delivering a strong inclusion response could be penalised financially for this success as the provision became attractive to more families with SEND children. In response to a question regarding the calculation of the average number of SEND pupils in schools, Richard advised that this was based on the number of pupils triggering the top up above £6k at collection of the October 2021 census. In response to a question regarding the scope of the census data used, Richard confirmed that data from mainstream maintained and academy schools only was used. It was noted that the percentage threshold related to the local rather than the national average. Richard advised that the LA wished to retain a low-level threshold as it recognised that some schools were attracting a higher proportion of SEND pupils and was keen to support these settings. It was noted that the new mechanism should protect schools with an above average number of SEND pupils. It was noted that the DfE was keen to see more SEND pupils in mainstream provision.

In response to a question regarding LA funding provision for pupils without EHCPs but needing support, Richard advised that the funding available for mainstream schools was very highly regulated and that the DfE's view was that core funding was designed to support these pupils. Richard advised that the IDACI and low prior attainment funding mechanisms were seen to address lower-level SEND, with no further funding flexibility available to the LA.

Discussion followed. The Forum noted the flexibility still available to the LA in allocating the contingency fund. The Forum further noted the future DfE plan to centralise funding allocations and remove LA discretions, with

these factors unlikely to be carried into a “hard” Funding Formula. It was noted that lobbying to protect local discretionary schemes was ongoing.

Having provided their views on the LA’s proposals regarding the 2022/23 budgets, the Forum noted and supported the LA’s recommendations:

- Continuation of the current ICSF and pupil growth funding formulae as described at Annex 2, subject to the cash limiting previously agreed by the Forum.
- Continuation of the agreement to maintain the LA centrally retained budgets at their current levels as per paragraphs 23 to 27.
- Continuation of the de-delegation of funding from the schools formula funding for the primary behaviour support service, as described at paragraph 36.

Richard advised that Annex 3 outlined the priorities for the F40 which were agreed in January. The update was noted.

8. Safety Valve update

Maxine Squire provided a presentation on the Designated Schools Grant (DSG) Recovery Plan.

Forum members noted the context to the inclusion review which had taken place within the city.

Maxine outlined the work streams identified to deliver the project and how they would be monitored:

- Clear governance structures to link delivery of the review through the SEND partnership board, with working groups in place to support a number of specific strands
- Strong partner and stakeholder buy in

- Clear oversight from the CFO and COO as well as Elected Members
- Quarterly updates provided to Portfolio holders and the corporate management team to ensure delivery

Maxine outlined the aim to achieve a balanced High Needs Block budget by 2025/26, with a number of actions identified to deliver this ambition.

Forum members noted the work already undertaken by the Inclusion Review:

- Mitigation of in-year pressures on DSG
- Reduced monthly taxi costs for the Danesgate Community
- Review of all current out of city placements and identification of timelines to cease plans
- Clear transitional planning at each stage of development
- Increased challenge in EHC panel both on decisions to issues and requests for uplift following annual review
- Movement to needs-led approaches to support greater positive impact on children and young people
- Parent carer forum involvement to support change
- Clear linking of plans with the LA's written statement of action
- Support to schools to integrate mainstream educational support

Maxine presented the financial plan for the High Needs Block, outlining the impact of continuation of the historical approach without further mitigation, and the improved financial position that the plan was designed

to deliver. The Forum noted that failure to act would result in a deficit of £38.3m by the end of 2025/26. Maxine advised that the planned actions would bring the in-year position into balance by 2025/26 and would reduce the cumulative carried-forward deficit to c£17m. Maxine further advised of the LA's confidence that delivery of the plan to balance the in-year position would incline the DfE to write-off the cumulative deficit at the end of the Safety Valve project. It was noted that York was not the only LA in this position.

Richard outlined the importance of the work being undertaken with the DfE and the issues that would follow if the deficit was not addressed. Maxine advised that specialist provision had increased places but that further capacity was also needed within the Enhanced Resource Provision (ERP) sites. Maxine advised of a gap around transition from some primary settings to secondary phase which brought increased demand from parents for specialist secondary provision. It was noted that improved transition arrangements would require cooperation from all colleagues to ensure appropriate support for all children and young people, with specialist provision allocated to those with the appropriate level of need. Maxine advised that some training would be provided to support mainstream settings in accommodating SEND pupils.

Discussion followed. Concern was expressed regarding the pressure on mainstream settings due to the rising level of need. Maxine advised of the need to consider the use of capital funding to ensure physical school provision was supportive of pupils remaining in mainstream settings. It was noted that a capital response would be required.

Lee Probert advised that transport remained a live issue which required a city-wide response, with York College spending c£1m per year on transport. The Forum noted the potential opportunity to introduce competition to reduce costs.

Discussion followed regarding the pressures on mainstream education settings.

Lee Probert left the meeting at 11.00am.

Maxine outlined the need to address issues around physical space as existing accommodation was not always supportive of SEND children and young people, with this placing pressure on settings that were better able to provide a supportive environment.

Discussion followed, with a comment made that central government support and SEND funding was inadequate. Maxine advised that the 2014 review had not been fully costed and had delivered the opposite outcome of its original intention. It was noted that the impact of the pandemic had added to the challenge, with an increased number of pupils requiring support not necessarily due to SEND but as a reaction to their experience of the last two years.

It was acknowledged that pupils in the lower phases would move through their education with significant needs and challenges. Helen Gratton advised that two-year checks undertaken by Health Visitors continued as they had pre-pandemic and could be updated to be more useful.

Maxine outlined the process to submit and then deliver the plan once accepted by the DfE.

9. Schools Forum forward plan

Richard Hartle outlined the forward plan:

May 2022

- YSAB report on new priorities and support for the Education Futures Plan / School Improvement Commissioning Budget update
- Safety Valve

- Capital plan

Maxine Squire advised that she was keen to see Forum members bringing item for discussion, with the LA willing to work with the Chair and Vice Chair to deliver increased engagement with the work of the Forum.

In response to a question regarding capital funding allocations for 2022/23 at central government level, Maxine advised that some consultation processes were underway, with consideration at local level around EY support for SEND short breaks.

The Forum revisited the need to elect a Chair.

Dave Hewitt was elected as Chair of the York School Forum.

10. Any other agreed business

There was no other business.

11. Date and time of future meetings

The next meeting would take place on **3rd May 2022 at 9.00am.**

Maxine advised that the LA was keen to hold the next meeting in-person if possible, with meetings to alternate between virtual and in-person going forward.

The meeting closed at 11.20am.

Information from the DfE's Early Years funding guidance for 2022/23, provided by Richard Hartle following the meeting in relation to item 7:

Local authorities with Mainstream Nursery Schools (MNS) will continue to receive supplementary funding for the 2022/23 financial year. This funding is provided to enable local authorities to protect their 2016/17

funding rates for the universal 15-hour entitlement for MNS (that is, the rates that existed before the Early Years National Funding Formula) and the government expects it to be used in this way.

As mentioned in [the] universal base rate [guidance], all providers must be paid the same hourly base rate; this also applies to MNS. However, authorities may continue to use 'lump sums' to distribute additional funding to MNS.

Approved