

A meeting of West Northamptonshire Schools Forum was scheduled for 2.00pm on Tuesday 4 July 2023 in the Council Chamber, The Forum, Moat Lane, Towcester, NN12 6AD. The meeting was not quorate so could not go ahead. It was decided by those present to proceed with an informal discussion of the items on the agenda, the notes of which are detailed below.

Present:

Paul Wheeler – PW
Peter French – PF
Beccy Merritt – BM
Rachel Martin – RM
Dan York – DY
Kathryn White – KW

Also present:

Cllr Fiona Baker, Cabinet Member for Children, Families and Education - FB

Officers:

Ben Pearson, Assistant Director Education - BP
Andy Pymm, Project Manager, SEND Funding - AP
Simon Bowers, Assistant Director Assets and Environment - SB
Emily Cooledge, Strategic Finance Business Partner - EC
Beth Baines, Senior Finance Business Partner - BB
James Edmunds, Democratic Services Assistant Manager - JE
Kathryn Holton, Committee Officer – KH

The members present agreed that PW should chair the discussion which followed.

1 Apologies for absence and Forum membership changes

Apologies were received from Eliza Hollis, Lee Hughes, Jon Lake and Karen Lewis.

No Forum membership changes had been reported.

2 Declarations of interest

There were no Declarations of Interest.

3 & 4 Election of Chair and Vice-Chair for 2023-24

The members present noted that the election of the Chair and Vice-Chair for 2023-24 would need to be dealt with at the next meeting on 18 October 2023.

5 Minutes

The members present endorsed that the minutes of the meeting held on 7 February 2023 were an accurate record. It was noted that the minutes would need to be formally agreed at the next meeting on 18 October 2023.

6 Northampton Schools Group PFI Update

SB introduced the report which outlined the factual background relating to the Schools PFI.

As outlined in Section 3, the PFI 'unitary charge' included two elements – one part was fixed and the other related to facilities management (FM). The FM charge varied each year by RPIx and every 5 years by benchmarking. Table 1 provided projections from 19 April 2023. The Office for Budget Responsibility (OBR) forecast was not perfect, but it was best placed to advise on future inflation.

West Northamptonshire Council (WNC) had made a one-off contribution to schools in 2023/24 to assist with the position, given high inflation. Appendix A outlined the current position and the projected position using OBR rates and assuming the one-off contribution was not extended.

WNC had appointed specialist consultants to work on the PFI accounts and put forward the case to government to reduce the funding pressure. The DfE and ESFA had agreed to listen. Perspectives from schools would be welcomed.

WNC had imposed £269k performance deductions in 2022/23 as part of managing the PFI. Progress so far indicated that 2023/24 would be similar.

Two of three surveyor posts were occupied and WNC was seeking to recruit. A secondment to PFI manager was also being sought which would provide someone who could give more resource to the area.

The PFI contract was due to end in 15 years. It would therefore be good practice to consider closure arrangements in approximately 10 years' time. When the contract was entered into it was the only option and there was a responsibility to ensure it worked as well as possible.

PW asked how the £269k performance deductions would be returned to schools which had experienced poor performance. SB advised that, when entitled, money would be returned within a few months. Only £5-10k had been returned as most deductions fell below the threshold of £500 and were therefore retained by WNC.

In response to a question from PW, SB advised that asset replacement cycles were part of the FM charges because capital was rigidly fixed.

PW pointed out that many schools had noted poor service from contractors. What actions were being taken to ensure contractors performed satisfactorily other than applying performance deductions? SB advised that some schools were satisfied with performance whilst others were not. The effectiveness of the site manager seemed to be a key factor. Meetings had been arranged with contractors and improvement plans put forward which had resulted in some improvement although the process was ongoing. Performance deductions were not liked by contractors and did perform an important function in the contract. PW asked whether the contract could be cancelled and the work carried out in a different way. SB advised that the PFI contract was long-term and was effectively unbreakable. It was possible

to trigger the process to replace a sub-contractor if there were grounds, but this could still be a long and complicated process.

DY asked for clarification that schools were receiving just 2-4% of performance deductions and asked what metric was being used to determine whether schools were satisfied. SB confirmed that 2-4% was correct. Where there were no complaints it was assumed that schools were satisfied. Surveys had been done and feedback received via the PFI Schools Forum. DY suggested that this was a subjective view and that a significant percentage of schools were not satisfied. The last PFI Schools Forum had been held on 14 December 2022. A decision had been made not to pursue the extraordinary Schools Forum meeting on the basis that a PFI Schools Forum meeting would take place shortly afterwards, but this still had not taken place. Termly meetings were requested. SB advised that a future report to Schools Forum might provide more information about how satisfaction was measured. As the representative for maintained schools, DY was looking for evidence to support schools. The narrative remained the same and there had been no improvement. PW advised that the views from academy schools reflected those of maintained schools.

DY welcomed the projected costs being given so that schools could factor these into their budgets and asked whether schools in deficit budgets would have an increase in PFI costs. BP advised that conversations would take place with individual schools to support them to balance budgets over a 3-year period. PW agreed that serious conversations were needed about the cuts which would be required to fund increases.

DY pointed out that if resources were withdrawn to balance the budget, less was available to support children. Schools also faced increased SEND pressures.

7 DSG Provisional Outturn including carry forward requests and school balances

EC referred to Table 1 in the report which summarised the DSG provisional outturn showing an overspend of £934k at 31 March 2023. This was a favourable movement of £230k on the position for Quarter 3. There had been a £2m overspend on high needs, largely due to out of county placements. There was a small overspend of £100k on the schools block and an overspend on the growth fund due to the continued shortage of secondary school places which would continue into the new financial year until approval was received from the DfE for a new free secondary school. There were a high number of overseas arrivals. There was an underspend of £0.8m on early years and £0.3m on the central schools services block due to historical teachers' pension costs. There had been an overspend on funding for 2 year olds due to more hours being claimed.

There was a risk of approximately £1.9m associated with alternative provision. The budget had been disaggregated on the basis of population but the location of one facility in West Northamptonshire had resulted in WNC bearing costs from places commissioned by North Northamptonshire Council (NNC). This was being discussed with the DfE and NNC and BP had had a helpful meeting with the DfE in

the previous week. It was hoped to avoid a legal challenge but the situation currently produced an additional financial pressure on WNC.

In response to a question from PW, EC confirmed that the finalisation of the county council 2020/21 accounts had almost been completed.

PF asked if extra funding would be provided by the ESFA for Ukrainian refugees. BP advised that funding was available but it was not enough and timeliness was an issue. BP agreed to raise this with the ESFA.

In response to a query about reducing out of county placements, BP stated that there was a programme to deliver 500 places in the next couple of years. In addition, all teachers and TAs would be SEND trained.

FB stated that the East Midlands lead members group had written to the Ministry of Justice recently to highlight that the funding provided to support refugees did not cover extra costs incurred even if it covered education.

BB advised that there were no proposed changes to the maintained school balance control mechanism for the current year. There were two schools with uncommitted balances above the 10% allowable level at the end of 2022/23. These would not be clawed back, but a review panel was being considered for 2023/24.

The appendix showed the movement between the end of 2021/22 and 2022/23. There had been an increase of £0.8m in capital balances but an additional DfE payment made in February had been ring-fenced to energy costs which had had a masking effect. The majority of balances had been spent in-year, which was the aim.

There were 6 schools in deficit at the end of 2022/23 comprising a total deficit value of £93k. Schools in deficit created risks for both the authority and themselves, so action needed to be taken quickly. A review of staffing structure and 3 year plans would be undertaken and a financial recovery plan implemented and monitored.

PW asked how many schools had an in-year deficit and what the projection looked like. BP advised that not all schools had provided 3 year plans yet, but he could bring details to the next meeting. 36 maintained schools had had to rely on reserves in-year. The current fiscal year and the next academic year looked to be more of a challenge. The pressures of early years needed to be considered, especially for small providers who had no spare capacity.

PF asked that decisions were not based on 3 year budgets because the future was so uncertain, whilst he recognised that the DfE required this approach.

PW stated that more voices advocating the need for more funding was important. Joint representations needed to be made to government, which BB agreed to look at.

DY wanted to understand the context. It was not known where funding for pay rises would come from, and together with PFI this resulted in significant pressures for schools.

BP agreed and stated that maintaining focus on safeguarding was paramount, but more creative support needed to be offered – such as peer support, academisation or federation. The school effectiveness team were already looking at options and he was happy to report back. BP also noted that falling rolls were a challenge. One school had received no applications for reception places this year.

BM noted that options for maintained nursery schools were limited because they could not academise. Private providers were also struggling financially and some had closed.

RM advised and KW agreed that staffing was a big issue – recruitment had been difficult. All staff were paid minimum wage and parents were reducing hours due to increased fees. BP stated that he was happy to work collaboratively and to work with the university to make the sector an attractive place to work.

8 Scheme for financing schools

BB presented the report setting out the relationship with maintained schools. Any significant changes would need to go to consultation. There had been housekeeping changes which were highlighted in the report, which were not significant and did not require a vote by Schools Forum.

9&10 Schools Funding 2024-25 Consultation & Early Years Funding 2024-25 Consultation – process and timelines

EC advised that it was proposed to bring the draft consultation to Schools Forum for review in October and then back in December after consultation for a decision. Feedback had been taken on board in respect of language used and a non-finance officer would review the technical terms and acronyms, although these were difficult to remove. The Early Years consultation would take a similar time frame as previously so that the timescales for publishing budgets could be met. The provisional DSG settlement was expected soon – some pressures were inherent and funding was not keeping up.

11 High Needs project update

AP advised that WNC and strategic partners had co-produced a new SEND and Alternative Provision Strategy and Co-production Charter for 2023-26. There was a new SEND improvement team – a manager and two officers. 20 co-production events had been facilitated, reaching out to over 800 people, with 3,000 comments received. Five key values had been identified: working together, communication, transparency, respect and accountability. The strategy would be presented to Cabinet on 11 July 2023. BP added that implementation of the Strategy would be overseen by a Board chaired by Councillor Baker with a vice chair from the Northamptonshire Parent Forum Group and subject to an annual review.

AP advised that additional capacity would be provided at Moulton School (January 2024) and a new special school (September 2025). Further updates would be provided on work to increase capacity involving other schools.

AP advised that implementation of training on SEND Ranges was proceeding to plan.

The SEND funding project was focussed on reviewing provision according to the principle of fair and transparent funding which followed needs. Application documentation and processes were being looked at. Changes would be implemented before 1 April 2024 if possible with the support of the sector.

Progress was being made with non-statutory support including a review of panels, application forms and funding criteria. Progress was also being made on financial modelling and responding to topics which had been raised.

The EHCP milestone to update the needs profile form had been hit 2 months early, with the needs profile form now being more intuitive. It was completed by caseworkers and would determine the banding level of that child. The aim was to provide clarity about how resources followed a child's needs. It was not a cost-cutting exercise. As at the previous week WNC had 3,100 funding appeals. The current process needed to be refined but this would take time to implement.

Consultation on the funding project would take place over the summer and feedback could be provided to Schools Forum in October.

FB noted that all of the work being done on funding aimed to enhance clarity in decision-making and enable resources to follow a child's needs more effectively. RM asked for advance notification of any new forms and communication through the relevant portal so that it was received by everyone. Emails were easily missed and there was then a risk that a child did not receive funding. AP highlighted planned communication through Early Years Connections and HeadWest. Action could be taken to ensure that communication was co-ordinated and information included on the portal.

RM stated that the fixed rate of funding of £8 per hour for Early Years settings did not cover the costs of providing for the needs of children with SEND. Settings were forced to meet the cost deficit and did not have the funds to do so. It also seemed that Early Years settings were being advised to start the EHCP process earlier but this was supposed to be a needs-based process. It would be helpful to see WNC's future financial modelling.

KW raised the issue of children who were not safe without 1:1 support, when there was no funding. PW emphasised the importance of early identification and prompt action relating to additional needs.

BP advised that the message to Early Years settings was not to request EHC assessments at all costs. It was recognised that the backlog of EHC assessments was a significant issue. WNC had commissioned external education psychologists to address this. A new Principal Education Psychologist had recently been appointed and was already identifying ways to increase in-house capacity to deal with business as usual. These actions should have an impact from September onwards. Building on SEND Ranges would also form part of the overall response.

DY asked whether there was any modelling or forecasting to show that the proposed changes to funding would be implemented in a fair and transparent way. AP stated that the overall budget would be considered, a series of pilots carried out and changes communicated later in the year. BB advised that tools were used to model outcomes with protections in place for those who would be adversely affected.

AP advised that the EHCP Resource Allocation System (RAS) model was already in place for special schools. The same system would be implemented across different settings. RAS banding was being looked at for unit provision. DY emphasised the importance of proceeding in a way that engaged schools and did not give the impression that changes were just being imposed on them.

DY sought further information about the proposed funding appeals panel process and commented that this needed to operate in a transparent, objective and informed way that took account of the real life needs of the child. AP advised that the initial needs profile forms would be completed by a caseworker and then reviewed by another officer in the EHCP team. The appeals process would need to be effective with set terms of reference for appeals panels. BP advised that it was anticipated appeals panels would involve sector representatives not just WNC officers.

It was confirmed that Targeted SEND funding was the same as High Needs funding. The new title had been recommended by the working group involved in development work. The range of funding had not yet been decided.

BP advised that the early help offer across West Northamptonshire was not sufficiently co-ordinated at present and would be reviewed. There needed to be a spectrum of levels of support, not just EHCP.

12 Administrative arrangements for allocation of central government grants

BB advised that the report informed Schools Forum about arrangements that would be used in 2023/24. The principle was to pay grants to schools in the month following receipt of the grant payment.

13 Forward plan

JE advised that the Chair and Vice-Chair could be elected at the meeting in October.

DY asked for a further PFI update with survey results from SB.

PW welcomed back PF after his absence due to ill health and thanked members for their participation over the last academic year.

JE advised that it was proposed to change the date of the February 2024 meeting from 6 February 2024 to 14 February 2024 because the venue was not available on the date originally agreed.

PW raised the need to consider the format for future Schools Forum meetings given that it had not been possible to achieve a quorum. Members commented about the possibility of varying meetings between Towcester and Northampton and that hybrid

meetings were not very effective. It was suggested that a survey be undertaken to identify issues affecting attendance.

The meeting ended at 4.15pm