

**Minutes of the Forum Meeting held on Wednesday, 8 May 2019
Held in Room 1, Civic Suite**

<p>Present: Antoinette Fisher (Chair) Darren Gelder (Vice Chair) Andrew Wilkins Jane Davenport Marie Murphy Ben Taylor Eleanor Clarke Bernie Farkas Rob Fletcher Jenny Godsall Donna Payley David Lewis Gillian Clowe Louise Minter Lynda Mackay Stephen Steinhaus Hon. Alderman Norman Davies Karen Scott Claire Smith John Callaghan</p> <p>Officers of the Council: Louise Rees Phil Leivers Steve Fenton Stuart McHale Ann Pearson Adrian Cattell Paula Thompson</p> <p>Observers: Sarah Smith Michele Sadler</p>	<p>Dorridge Primary School Grace Academy Hazel Oak Special School Reynalds Cross Special School St Peters RC School Our Lady of the Wayside School Triple Crown Centre Blossomfield Infant School Fordbridge Primary School Knowle Primary Academy Yew Tree Primary School TU Representative NEU Streetsbrook EY and Infant Academy Knowle Primary Academy Solihull AP Academy Langley Academy Greswold Primary Tudor Grange Academy Solihull College of Further Education</p> <p>Director of Children's Services Assistant Director, Learning & Achievement Head of Business & Performance Childrens Services Finance Manager Team Leader, School Place Planning Head of Human Resources Team Manager, Solihull Specialist Inclusion Service</p> <p>Church of England, Birmingham School Place Planning and Admissions, SMBC</p>
Minutes taken by Alison McWilliam, Senior Forum Administrator	

Item		Action
1	<p>Apologies for Absence Apologies were received from Councillor Meeson, John McDermott, Eva Evans, Charlotte Shadbolt, Geoff Harley-Mason, Wendy Jarema, Councillor McKenzie and Ann Lowe. The Chair welcomed everyone to the meeting and introductions were made around the table.</p>	
2	<p>Minutes of Last Meeting (12.12.18) The minutes were accepted as a true and accurate record of the meeting.</p>	
3	<p>Matters' Arising Page 1 Strategic School Improvement Fund – In the absence of SSI funding, Hazel Oak Teaching School (HOSTA) is developing its own school support programme, more details on what this will look like and when it will be launched will be available at a later date. Page 2 DfE Self-Assessment Tool – PL to check that this has been shared with the Audit team.</p>	<p>PL PL</p>
4	<p>Cabinet Member Items – Councillor Ken Meeson Councillor Meeson was unable to attend the meeting.</p>	
5	<p>Welcome Director of Children's Services & Skills – Louise Rees LR briefly explained her financial background and 30 years spent in Local Government, including establishing the Cheshire Schools Forum in 2002 and working with the Stoke on Trent Forum from 2009 until recently. She said that, compared to many other authorities,</p>	

Solihull's High Needs deficit is relatively small and the issues we are grappling with are common, however she stressed that it is easy for finances to get out of control unless firm action is taken.

AW asked how LR's previous authority had dealt with a much bigger HN deficit. LR explained that, following intensive work with heads, governors and the Schools Forum, a 5-year recovery plan had been put in place. The DfE was impressed with the plan and asked to use it as a template for other authorities, however its implementation and delivery will be difficult and take time.

LR's driving force is to ensure we achieve the best outcomes for children and she expects there to be challenging conversations ahead. LR plans to visit as many schools as possible, starting from next week and will be happy to attend Forum meetings at any point in the future.

6 **Trades Union Facilities Time – Adrian Cattell**

AC referred to discussions that had taken place at the 4 April Finance WG meeting (see FWG Report to Forum 4 April 2019). A reduction from the original £7.50pp to £6.50pp has already been achieved due to the merging of ATL and NUT to form NEU, which has reduced the overall number of Facilities Time days.

Plans to bring about a further reduction towards £5pp by September 2019 centred on reducing reimbursement to schools for TU reps' time from actual cost to supply cost, encouraging more academies to buy the service, thus spreading the cost more widely and the potential to reduce NAHT days from the current 2/week to 1/week. These plans have proved difficult – many TU reps work in academies, who are not prepared to release them at supply cost; efforts to encourage academies to buy the service have to date proved unsuccessful, mainly due to the cost.

AC cautioned that losing the local service and relying solely on regional reps, would lead to delays in accessing support for schools and members and the potential escalation of issues. In response, Forum members were keen that efforts continued to be made to bring the cost down, but appreciated that a reduction to £5pp by September 2019 was unlikely. It was agreed that talks with academies about purchasing the service would continue and plans would be put in place to move new reps onto the supply rate as a transitional measure (this has already happened for two new reps), whilst allowing existing reps to run-on at reimbursement cost until their term ended – this could result in around 1 rep/year moving to the supply rate.

On behalf of an absent Forum member, DL raised concern about academies that do not buy TUFT still being able to access HR policies that have been through union consultation. AC responded that these policies are agreed for use by maintained schools, not for academies, so academies should still go through their own consultations if they choose to adopt them. However, it would be difficult to stop the access to policies happening as policies are freely available on-line.

7 **Financial Out-turn 2018-19 – Steve Fenton**

Reference 'Dedicated Schools Grant 2018-19' and '2018-19 High Needs Block Statement'

The DSG is now made up of four Blocks which are largely ring-fenced -

Schools Block – the out-turn is as expected, with the 2017-18 overspend of £246k brought forward, which been taken into account for the 2019-20 budget. In future years, Schools Block variations will largely disappear.

Central Services Block – spend matches budget.

Early Years Block - is £0. Last year showed a year-end overspend of £750k as we were unsure how the grant would work. Further grant is expected to be received in 2019-20 relating to 2018-19 which has been reserved, so the 2018-19 budget will match the spend.

High Needs Block – resulted in a £2.974m overspend. The HNB is split into three sections – Pupil Support Services and Alternative Provision, both of which essentially broke even and Special Needs Education, (independent school fees, post-16 and top-up fees) where the overspend has occurred. The Director of Finance, under instructions from Members, has applied £1.564m of Council held reserves to offset the overspend in the HNB as far as possible **as a one-off solution**. In addition, a further allocation of £495k from the ESFA has been applied to the Independent School Fees budget for 2018-19 (the same additional

funding will be received for 2019-20).

This has reduced the bottom line to a £1.705m overspend.

8 **Final School Budgets 2019-20 – Steve Fenton**

Reference 'Final School Budgets 2019-20' report and appendices

Forum had previously agreed a strategy to replicate the NFF as closely as possible, with any adjustments required to be made by scaling back the gains of the gaining schools. SF's report confirms the arrangements in place for the current year's budgets and highlights that in making the final adjustments, reductions have had to be made to both the amount the gaining schools will gain and the minimum per pupil rates, in order to balance to the overall grant received from the ESFA. This results in 0.5% reduction on the NFF minimum per pupil values of £3,500pp primary (to £3,482pp) and £4,800pp secondary (to £4,775pp). No school will lose money and there is a minimum of 0.5%pp gain overall. It looks likely that the NFF will be implemented in full by 2020-21 without the requirement to scale back. It was agreed at the March Forum Executive meeting that the need to 'scale back' could have been communicated more widely and that will be taken on board for next year.

9 **SEND – Solihull's Response to Rising Demand and Increasing Pressures on Schools**

High Needs Funding, including Transport – Steve Fenton

Reference 'High Needs Funding' report and appendices

Ref Section 3 – The 2019-20 financial year starts with a brought forward overspend of £1.4m. Assuming trends continue, 2019-20 is likely to see an overspend of at least £4.2m, possibly £5m on current trends. This equates to a 15% overspend on the HNB and a 2% overspend on the DSG, triggering the '1% Rule' where we have to report to the ESFA with an Action Plan.

Ref Section 3.6 – Home to School Transport is a significant drain on Council resources outside the DSG, with costs associated with transport for SEND pupils increasing as more pupils attend out-of-borough schools. Council Members have agreed that some of the funding previously cut from this budget needs to be restored and £1m will be added to the 2019-20 base budget which should enable a balanced budget, provided out-of-borough placements do not continue to grow.

Ref Section 4.5 – For 2020-21 Forum will have to consider transferring funds from the Schools Block to the HNB, under DfE rules contained in Appendix 3. Up to 0.5% (equating to £750k) may be transferred annually, with the annual approval of Schools Forum. If a bigger transfer is required or if Forum does not agree to 0.5%, a request is made directly to the Secretary of State. Each 0.5% equates to £750k.

Ref Section 4.8 – It seems unavoidable that around £1m will need to be saved from Pupil Support Services and Alternative Provision, which are currently balancing their budgets.

Ref Sections 4.10 and 4.11 – Sets out investments made in the last three years. We must find a way to continue to invest in creating additional in-borough capacity without any capital. For example, the Education Psychology team has been commissioned to look at identifying children currently educated out-of-borough who could move back into newly created in-borough places.

At present, there are no plans to reduce top-ups for pupils with EHCPs in special or mainstream schools; other authorities that have done this have faced difficulties in continuing to meet the needs of pupils and have found themselves subject to judicial review (Hackney Council won their judicial review, there are at least three others yet to be heard). Further reports will be brought to Forum as strategies are developed.

The following questions were asked:

Q - The main problem is the cost of out-of-borough SEND and AP provision; has this suddenly increased in the last 12 months or has it been building up over time? Why haven't we responded by investing in Solihull AP and SEND provisions?

A – Following significant overspends a few years ago, we moved to a £800k surplus in 2015-16 and started developed a Commissioning Strategy and investing in ASD ARPs, the AP Academy and additional special school places, totalling around £2m of investment. However, in the last two years, the increasing number of EHCPs (linked to the new Code of Practice), schools finding it harder to be as inclusive as they would wish to be (linked to tighter budgets and higher expectations) and the saturation of in-borough places has

overwhelmed the HN budget. A number of papers have documented the trends (LINKS: [LGA HN Report doc 1](#) [LGA research into HN in f40 16.1.19.pdf](#)) and around three quarters of Local Authorities have submitted significant deficits in their HN budgets.

Q – The 2018-19 budget for Independent School Fees was £4.3m but the final spend was £6.3m, is that due to an increased number of children going out-of-borough or an increase in fees?

A – We were aware the original budget was unrealistic, (it was reduced to fund the growth items mentioned above), but the out-turn was still significantly more overspent (by over £2m) than expected. The costs have increased because there are more children with more complex needs requiring higher cost placements. Independent providers are generally holding their fees steady but the children we are placing are complex and the typical annual fees are £50-70kpp. Although we do not feel we are being overcharged, it is a 'sellers' market' which limits the options for negotiations on fees.

Q – Is the LA still looking for schools to develop ARP provision and is there funding available for that? It would be helpful to have clear guidance on this.

A – Yes the LA is particularly keen to talk to secondaries about developing ARP provision for SEND as part of the central commissioning process. The funding will have to be found as a 'spend to save' initiative in order to reduce future deficits. PL/AP will be following this up.

PL/AP

Auckland Education Centre – Ann Pearson

Reference 'Auckland Education Centre' report

Following consultation with staff and parents, the Cabinet Member authorised officers to seek permission from the Secretary of State to close Auckland from 31 December 2019. Appropriate provision has already been identified for the majority of pupils currently at the Centre. Work has identified that the majority of pupils have SEND needs, rather than AP. Head teachers' main concern has been around what will replace Auckland as provision for permanently excluded primary-age children. The future strategy centres on a new non-traded Council Service to support high needs children with SEMH (see later report) to stay within a mainstream setting and avoid permanent exclusion. Where there is no alternative than to permanently exclude, a Fair Access Protocol is being developed this term.

Non-traded High Needs SEMH Team – Paula Thompson

Reference '0-25 Service Non-traded High Needs SEMH Team' report

A non-traded team is being created to support pupils (across-phase) with HN around SEMH, at no cost to schools. The Specialist Teaching Service is recruiting to have the team in place for September 2019. The service will follow the graduated approach, involving external agencies for severe and complex cases, to provide a 'team around the child' approach to support and intervention. The team will also support transition to other provisions (the ASD Free School, ARP provision etc.) or managed moves in order to increase the likelihood of a successful transition. Criteria and processes are currently being developed and will be consulted through schools in due course.

The provision will serve a much wider range of children and will be funded from savings made from the closure of Auckland, with funding moving from the AP budget to SEND. DG cautioned about the language used and the messages given around permanent exclusions where there is a feeling that schools should not be excluding. No head teacher wants to exclude a child, but sometimes, for the safety of others, there is no alternative.

LR agreed that we all have a duty to be careful about the language we use and accepted there are cases when, despite best efforts and for the sake of safety, exclusion is the best option. However, her observation at this stage is the significant variation in rates of exclusions between schools and that Solihull's figure is higher than comparable authorities. Whilst appreciating the demographic split, some schools appear to have greater inclusivity than others.

In terms of the non-traded SEMH service, it is a realistic goal to talk about zero permanent exclusions as far as primary sector is concerned and the support will offer another tool to combat exclusions in primary.

Inclusion Strategy – Paula Thompson

In November 2018 head teachers were invited to a conference to launch plans to implement an Inclusion Strategy. This was followed by a series of workshops with the wider education community (parents, early years, etc.) to gather views and on 7 June a final workshop will take place (with reps from all areas) to sign off the draft Inclusion Charter which is currently being drawn up. It will then go back through collaboratives, the Fair Access Panel (for secondaries) and wider DLT (for the LA) for all parties to sign up to exactly the same principles to ensure inclusion is firmly placed at the heart of everything.

The 0-25 SEND Board agreed this week that the current SEND Strategy must be reviewed and updated, with input from the Clinical Commissioning Group and other health partners.

Commissioning Strategy – Ann Pearson*Reference 'Update on SEND School Place Commissioning Strategy' report*

The Commissioning Strategy demonstrates the demographic issues that Solihull is facing, allows us to improve our forecasting year-on-year and provides a firm evidence base for future investments on the basis of securing the biggest impact for the largest number of children at best value for money.

Section 4 provides an update on the areas of investment and options to increase places currently in focus, including the potential to increase special school places and additional ARPs, particularly for SEMH.

Although no formal responses had been received from secondaries in the initial call for schools to host ARP provision, further discussions are being held with secondary schools and multi-academy trusts. AP agreed to talk to SS about potential space on the AP Academy site.

AP

ASD Free School – Ann Pearson*Reference 'Proposed Special Free School' report*

Solihull was successful in its recent bid to host an ASD Free School and a site visit by the DfE has already taken place. Although the LA favoured a split site across north and south Solihull, the DfE has confirmed this is not possible. However, they like the north Solihull site and early indications are that they will re-build rather than modernise the current building. Irrespective of location, the school will be for children from across the Borough. A competition is now underway for a Trust to run the school, the outcome of which should be known by January 2020. An engagement event will take place on 21 May for prospective sponsors. The opening date is likely to be September 2023.

START Team Processes – Phil Leivers*'SEND 0-25 Service' report by Ann Lowe*

The START team is working hard to increase the percentage of EHCPs produced within the statutory 20 week limit from the current 50% (annually) to at least the level of statistical neighbours (70%) and aiming for 85-90%. Members have agreed to add £500k to the team's base funding in order to increase staffing capacity to meet this requirement.

Concern was raised about the Annual Review process for children with EHCPs, where some Plans have not been updated for several years, with implications for schools that are trying to meet need.

LM confirmed that Louisa Jones (senior Education Psychologist) is working with the START team on a system to bring this back on-track, with some of the additional funding earmarked specifically to facilitate this process. This will also include Annual Reviews for pupils educated out-of-borough and form part of the plan to identify pupils who could come back into Solihull schools and pupils who are in special schools who, with the right support, could return to mainstream. This is therefore a very important piece of work and consultation will go out to schools, probably via SSSAB from September.

Education Psychology Service – Phil Leivers*'Update on Community Educational Psychology' report by Halit Hulusi*

The EP Service will be fully staffed with nine EP's from September 2019. The Service will undertake a significant amount of traded work and schools have been asked to confirm their

	<p>wish to purchase this (deadline to respond 6 June) in order to ensure viability. Non-traded work will also include the SEMH offer, mentioned above. An important element of the EP work will be to support the EHCP process in terms of challenging parental pressure in order to overcome 'whoever shouts loudest' situations.</p> <p>AF thanked everyone for their reports and asked members to ensure the information is shared with constituent groups.</p> <p>10 Group Reports <i>Reference Work Group Reports</i> Reports for Capital WG, Finance WG, EdSEND and SSSAB were accepted and no questions were raised. Specifically, Forum approved annual grants for the Sports Federation of £26,500 and for Health and Safety Training, Evolve and CLEAPSS of £52,350.</p> <p>11 Date of Next Meeting Tuesday, 9 July 2019 at 5.30pm in Room 1, Civic Suite PLEASE NOTE LATER START TIME</p>	<p>Members</p>
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