

**EXTRA-ORDINARY SCHOOLS FORUM MEETING
HELD AS A JOINT MEETING WITH HEADS' PARTNERSHIP
TUESDAY, 1 OCTOBER 2019 – COUNCIL CHAMBER, CIVIC SUITE
TO DISCUSS HIGH NEEDS FUNDING AND
THE CONSULTATION TO TRANSFER FUNDS
FROM SCHOOLS' BLOCK TO HIGH NEEDS BLOCK**

In attendance: Head Teacher and Governor representatives of Solihull schools, Members of Solihull Schools' Forum and Council Officers

Speakers: **Louise Minter** - Head Teacher Streetsbrook Early Years & Infant Academy, Chair of Solihull Schools Strategic Accountability Board (SSSAB)
Phil Leivers – Assistant Director, Children's Services – Learning & Achievement
Steve Fenton – Head of Access and Development
Councillor Ken Meeson – Cabinet Member for Children, Education and Skills
Louise Rees – Director of Children's Services

Welcome from Chair

Louise Minter (LM) welcomed attendees and thanked them for taking the time to attend.

The meeting had been called to discuss Solihull's proposed response to the significant overspend on the High Needs Block (HNB) and the Consultation (emailed to schools on 27 September) on the proposal to implement a transfer from the Schools Block in support of a wider Recovery Plan.

Phil Leivers (PL) explained that the Consultation is a statutory process that the Secretary of State expects the Local Authority (LA) to undertake in support of a 3-year plan to recover the HNB overspend. The LA wants to work with schools to ensure the most vulnerable young people have the right provision in Solihull to meet their needs. PL recognised there have been issues, that there is a need to challenge where appropriate and confirmed that processes are already being reviewed.

Local Authority Consultation to Implement a Transfer of Funds

Steve Fenton (SF) explained that the HN funding crisis is not confined to Solihull; over 80% of LAs are experiencing similar overspends on High Needs. However, Solihull must establish a way to take £4m off the expenditure.

SF apologised for the unavoidable delay in sending the Consultation to schools. The document explains how Solihull has arrived at this point and asks schools to consent to a 0.5% transfer – equating to around £775k - from schools to the HNB and to consider a 1% transfer. If 0.5% were to be agreed, SF would seek a commitment from Schools' Forum to implement this for 2020-21 and 2021-22, on the understanding that the second year may not be necessary. The proposal would be to invest the £775k in creating additional in-borough provision (additional SEMH and ASD ARPs and post-16 places are in scope as part of a spend to save strategy), rather than offset it against the overspend. The Consultation also asks schools what areas they feel the LA should look at to constrain future HN expenditure. Feedback will be evaluated and discussed through Schools' Forum, its Finance Group and the Education SEND Group.

The DfE allows a transfer of up to 0.5% to be decided by Schools' Forum locally. If rejected, or if Solihull supports a larger transfer, this will become a decision to be made by the Secretary of State. A submission is required by late November. It would be the LA's preference to agree a transfer at local level.

SF explained the background to today's overspend, highlighting underspends in 2015-16 and 2016-17 which allowed for significant in-borough investment and additional places. However, there are now multiple pressures driving budgets (the 2014 Children and Families Act and introduction of Education, Health and Care Plans (EHCPs), increasing reliance on external provision, increased complexity of need, process management etc.) which have moved Solihull from a £14k underspend in 2015-16 to a £6m accumulated overspend in 2019-20.

SF referenced a quote from the National Audit Office:

Support for pupils with special educational needs and disabilities in England – 11 September 2019

The system for supporting pupils with SEND is not, on current trends, financially sustainable. Many local authorities are failing to live within their high-needs budgets and meet the demand for support. Pressures – such as incentives for mainstream schools to be less inclusive, increased demand for special school places, growing use of independent schools and reductions in per-pupil funding – are making the system less, rather than more, sustainable. The Department needs to act urgently to secure the improvements in quality and sustainability that are needed to achieve value for money.

The LA is well aware of the pressure on school budgets so did not seek a top-slice last year, however, with a near £6m accumulated overspend this year, there is no choice but to ask.

Feedback from Collaboratives

Lead representatives from each Collaborative read out their statements in response to the Consultation proposal. *Note:* statements were written before the Consultation was received.

- Jacque Nicholls/Synergy
- Karen Scott/Mosaic
- Jenny Godsall/Rural
- Ben Taylor/Evolve
- Rob Fletcher/North Sol

Individual statements are attached to these notes.

In response, Cllr Meeson stressed that pressure on HN funding had been a long-term issue and the LA's Budget Strategy group had discussed absorbing some of the associated costs.

Louise Rees (LR) appreciated that having to respond before receiving the Consultation was unhelpful and she hoped that the detail now with schools would lead them to re-evaluate. If schools' decision does not change, the LA will have to decide whether to go to the Secretary of State.

With regard to comments about loss of confidence and trust in the LA and the leadership of SEND services, LR appreciated (through her involvement with the Parent Carer Forum (PCF) and other bodies, and through quality control profiling) that these were not what Solihull aspires to and what parents and schools should expect and some remedial work is required. As mentioned by Cllr Meeson, a report will go to Cabinet on 10 October regarding accessing some Council resources to address some of the difficulties in the service, including tightening around financial management and legal support and funding of places.

Questions and Comments:

What has Solihull done to lobby Government for additional funding? LR - The Leader, Cllr Courts wrote to the Secretary of State in July setting out Solihull's case regarding HN funding. Lobbying has also taken place through the Treasurers' Association, the Association of Directors of Children's Services and f40. The recent Government announcement on additional SEND funding will be helpful.

Adam Boddison (CofG Meriden Primary and CEO of National Association of SEND) – The funding crisis has occurred because of tightening pressures on school budgets which are leading schools and parents to secure EHCPs, particularly as there are insufficient resources for SEN support – a particular issue for Solihull, where 81% of SEND pupils are SEN support. **What has been done about this?** In Solihull, a significant increase in EHCPs does not appear to be a contributory cause, although complexity of need is [AB and Ann Pearson to discuss ECHP data outside the meeting]. **What is Solihull doing to ensure Health and Social Care (H&SC) are pulling their weight in terms of the broader provision that is needed?** AB believed there were other ways of addressing the overspend and that the LA should explore all avenues before making a final decision.

PL responded that Solihull has a SEND Board which includes H&SC representation. Health recently appointed a dedicated Medical Officer; this is beginning to show progress and the Board will be challenging them, particularly where there are very complex needs. The SEND Board has a 3-year SEND Strategy which is currently being updated. AB reported seeing schools' education budgets being spent on health, raising the issue of both cost and professional supervision, if things go wrong. AB suggested the LA consider working with other LA's to provide regional Centres of Excellence.

Mark Pratt (HT Ulverley) – Disputed that schools were spending less than their notional SEND budget on SEND pupils; this is a complex issue and more complex than asking schools for the money because they do not have any.

Jenny Godsall (HT Knowle Primary) – Was heartened to hear that the LA has strategic plans to address the issue, but concerned that schools have not been consulted on these, it is a fundamental necessity that schools are involved in the conversation.

LR responded that the May Schools Forum meeting presented its proposals, (including making a case to transfer from Schools Block) and she would be happy to attend a joint meeting or individual collaborative meetings to discuss how plans are taken forward. The proposal to transfer from schools has to take place now to fit in with DfE timings, however it forms part of a wider plan to recover the deficit. LR appreciated it was difficult for schools to pass judgement when they had not seen the complete plan.

JG stressed that the proposals presented to Forum were not the same as having strategic plans in place. She asked that these be shared with Schools Forum and then more widely. The time frame is very tight to make a decision with very little information. LR stressed that the problem has been building over a long time and cannot be turned around easily or quickly.

Rob Fletcher (Head of Fordbridge Primary) - RF felt the discussion needed to include the £2.3m additional Government funding and the £750k freed up from the closure of Auckland Education Centre and suggested deferring any transfer of funds until next year when the LA's plans are in place and improvements in the SEND service have been implemented. At that time, schools may respond differently.

SF agreed that there are elements of the plan missing. However, as a matter of law the LA must submit a financial Recovery Plan to the ESFA in June 2020 and any submissions to transfer funds must be made by November 2019. The Recovery Plan will go out to schools as supplementary information.

Antoinette Fisher (CofG Dorridge Primary and Chair of Forum) – Confirmed that the proposal will come before Forum on 12 November and asked how much more information schools would have before then.

SF is awaiting information from the Government in order to model figures at individual school level. If this is not forthcoming, schools will have a copy of the high level Recovery Plan and notification of feedback to the Consultation. In addition, LR and PL will provide details of the LA's strategic approach, including bolstering the management of the SEND service as part of the Forum consideration.

Conclusions and Next Steps

LM proposed that individual Collaboratives meet again to discuss the Consultation (SF agreed to attend these meetings if required.) and that at the SSSAB meeting on 23 October, a single statement be brought together to be presented to Forum on 12 November. There is insufficient time to arrange another Heads' Partnership meeting.

LM thanked everyone for attending and for expressing their views in a very positive manner, whilst appreciating the enormous strength of feeling.

LM/AMc
3.10.19