

Durham County Council Schools Forum Meeting, 29 June 2021 - Minutes and matters arising

Contents

Contents	1
Purpose of the Report	1
Minutes	1
Present (with category of membership)	1
Apologies for absence (with category of membership)	3
Apologies for absence & introductions	4
Minutes of Schools Forum, 15 April 2021 and matters arising	4
Outstanding actions points	5
Executive Summary	5
Forum Membership	5
Review of Schools Forum Constitution	6
Dedicated Schools Grant (DSG) 2020/21 Outturn	10
HNB funding and SEND and Inclusion Update (Standing Item)	12
Other Updates (verbal)	14
Any other business	14
Date and Time of Next Meeting	14
Contact	14

Purpose of the Report

- 1 Minutes of a meeting of the Durham Schools Forum held on 29 June 2021, via Microsoft Teams at 9:30 am, with Sally Green in the Chair.

Minutes

Present (with category of membership)

- Annette Sowden, Primary Headteacher
- Sally Green, Primary Headteacher
- Dr Sandra Whitton, Primary Headteacher

- Helen Tait, Primary Headteacher
- Stephen Cornforth, Primary Headteacher
- Sally Clark, Primary Governor
- Prof David Waugh, Primary Governor
- Councillor Mamie Simmons, Primary Governor
- Paul Marsden, Secondary Headteacher
- Susan Hope, Secondary Headteacher Representative
- Professor Simon Morris, Secondary Governor
- Jill Bowe, Special School Headteacher
- Mick Little, Special Academy Member
- Andy Byers, Academy Member
- Jane Henderson, Academy Member
- Janet Willis, Academy Member
- Jonathan Coates, Academy Member
- Ken Neild, Academy Member
- Kevin Brennan, Academy Member
- Lee Alexander, Academy Member
- Madeleine Hope, Academy Member
- Lesley Candler, Pupil Referral Unit Member
- Lindsey Vollans, CofE Diocese Member
- Dr Kate Jones, PVI Nursery Member
- Hannah Dexter, PVI Nursery Member
- Les Timbey, GMB Representative
- Ian Bain, NEU Representative

- Deborah Egglestone, NASUWT Representative
- Wendy Pattison, DASH Observer
- Melanie Stubbs, Looked After Children /Special Educational Needs / Hospital Education Member
- Jim Murray, council officer (Head of Education and Skills)
- Jeff Garfoot, council officer (Head of Corporate Finance & Commercial Services)
- David Shirer, council officer (Assistant Finance Manager, School Funding)
- Martyn Stenton, council officer (Head of Early Help, Inclusion and Vulnerable Children)
- Zoey Ridley, council officer (Schools' Inspection Monitoring Review Officer and Clerk to the Schools Forum)
- Councillor Ted Henderson, Elected Member (observer)

Apologies for absence (with category of membership)

- Susan Simon, Nursery Headteacher
- Anita Boyd, Primary Headteacher
- Louise Templeton, Primary Headteacher
- Carole Barclay, Primary Governor
- Dawn Dunn, Primary Governor
- Rachel Grimshaw, Special School Headteacher
- Kevin Reynolds, Academy Member
- William Smith, Nursery Governor
- Dan Lister, NASUWT Representative

Apologies for absence & introductions

- 2 Sally Green welcomed members to the online Forum meeting and new members introduced themselves.
- 3 Members were reminded that the meeting would be recorded to assist in writing the minutes and advised the recording would be destroyed once the minutes had been written.
- 4 The apologies for absence were acknowledged and agreed.
- 5 Councillor Henderson is now the Cabinet Portfolio Holder for Children and Young People's Services and said that he was pleased to be in the meeting in this capacity.

Minutes of Schools Forum, 15 April 2021 and matters arising

- 6 The minutes of the meeting were agreed as a true record and the meeting turned its attention to matters arising.
- 7 Sally Clark enquired about the Service Level Agreement charges during lockdown where a formal report was meant to be brought to this meeting. David Shirer said that this information is not available at present and so a report will be provided to members at the next meeting. **[Action]**
- 8 Jim Murray provided an update on the recent Education Durham survey to schools. This is now complete. Further work will involve focussed one to one session with headteachers as well as a cluster regional group consultation will be carried out.
- 9 Kate Jones asked why the two Early Years actions have been removed from the outstanding action point list. David Shirer advised that these actions had largely been resolved and there has been an extension to the business rates relief for childcare providers. Kate pointed out that this is a pre-covid issue and Early Years providers are looking for a long-term solution for business rates. David reassured members that the Council has made submissions to government about the issue and is aware the long-term position of business rates is under review.
- 10 Kate asked about allocation of the underspend which has not yet been distributed to Early Years providers. David advised there is feedback and revised proposals for using this balance detailed within the minutes from the last meeting. ZR to send the previous minutes to Kate.

Outstanding actions points

- 11 The outstanding action points refer to issues that have been noted from previous meetings. Updates on progress are included and once complete the items will be removed.
- 12 David referred to the action point relating to S.106 monies and advised the council has still not received any clarity on this. The council will continue to pursue this matter, and an update will be added to the minutes.
- 13 David will review the previous actions points to determine whether they should be reinstated to the outstanding action points list. An update will also be provided within the minutes. **[Action]**
- 14 Postscript: the list was been updated and circulated with the minutes.
- 15 Sally Green said that in the Forum pre-meeting it has been suggested for a list of action points is shared immediately with the Chair after the meeting for accuracy checking. Sally suggested for that actions completed should also remain on the list for 6 months. **[Action]**
- 16 Jeff Garfoot asked for clarity on the issue that was raised regarding the S.106 monies. David Shirer advised there was a request for a list of S.106 monies available for capital works in schools and academies for expansion to accommodate additional pupils following housing developments. Jeff Garfoot said there is a working group within the council that deals with all the S.106 monies and so Jeff will work with David to pull information together for the Forum. **[Action]**
- 17 Postscript: this will be reported to the next meeting of the Forum.

Executive Summary

- 18 Members of the forum noted the report.

Forum Membership

- 19 This provides an update on the Forum membership.
- 20 The term of office for some members has been extended. This was done in light of the current pressures on schools as well as difficulties in arranging the governor elections.

- 21 The governor elections are being run online and this process is currently underway. The nomination process is still ongoing and once the deadline has passed an online ballot will take place. The new governor members will be in place before the next meeting.
- 22 Academy members will be contacted soon regarding their membership. This has been delayed due to proposals within the review of the Schools Forum constitution.
- 23 Members of the forum noted the report.

Review of Schools Forum Constitution

- 24 David Shirer presented this paper which recommends that members approve an update to the Constitution of the Schools Forum in respect of the number of Academy Members.
- 25 The Council is required to review the membership regularly. David advised the membership should be broadly proportionate between primary and secondary maintained schools and academy members.
- 26 Academy members are appointed by academy trusts and the members don't have to be governors or headteachers, so they are not defined in terms of phase.
- 27 David said there has been a significant increase in academisation over the past year and so there are now more academy members required. The Council propose to increase the number of academy members from 12 to 17 to restore the balance of members.
- 28 Sandra Whitton raised concerns around the ratio of primary schools to secondary schools that are academies. The biggest proportion of secondary schools are academies and the biggest proportion of primary schools are maintained, and so asks that this is reflected when looking at the membership ratio going forward.
- 29 David said that academy membership is not defined by phase and it is up to academy trusts to decide who they want to represent them.
- 30 Sandra stressed the importance of making sure primary headteachers are represented proportionately. Sandra asked if there is any way of controlling this when asking academy trusts for nominations.
- 31 David Shirer advised that due to the statutory regulations in place, the Council has limited scope over who the trusts wish to nominate.

- 32 Sally pointed out the constitution does not appear to have the same regulations for maintained schools as it does for academies. Concerns were shared that some of the Academy Trusts could be from other parts of the country which could potentially create an imbalance within the Forum.
- 33 Jim Murray commented that the local authority has built strong relationships with academy and academy trusts. Most are Durham based but those who are not have bought into the general culture and ethos and care around children. Jim feels that Durham are in a strong position to help with this situation but is mindful that there is a need to continue to work hard to maintain those relationships.
- 34 Sally reiterated that the increase of academy members could lead to a larger proportion of headteachers or business managers overall on the Forum.
- 35 Sandra asked if there is any way of reviewing the overall membership so that representation is proportionate. Sally informed Sandra that the membership is proportionate to the number of pupils rather than school numbers. David confirmed this is correct and membership is calculated on pupil numbers.
- 36 Jill Bowe asked if there is still a vacancy for a special school governor as she has received an expression of interest. Zoey Ridley explained the governor election process has begun and nominations are currently being sought. Zoey to forward the nomination link to Jill.
- 37 Sandra Whitton again raised concerns over why a vote would be required when it is suggested the legislation in place offers no choice.
- 38 David Shirer explained the Council doesn't have a choice on how academies choose their membership. The constitution is determined by the Forum and so members must agree on any changes to the membership, but within the limits of the statutory guidance the Council is required to follow. David reassured members the increase in academy representation is in line with the guidance but advised if Members feel they do not want to agree on the increase, then they may wish to put forward alternatives. These would then need to be followed up with the DfE.
- 39 Sally pointed out that this recommendation is considered by the Forum each year and asked if the DfE have followed up the membership in the past? David said it is the first time the Council has been aware the DfE

are reviewing the Forums. This may be because previously membership has remained relatively stable but since then there has been an increase in academies within Durham.

- 40 Sally proposed for a gradual increase to avoid a large increase all at once.
- 41 Sandra pointed out that this should be a democratic vote and members should be entitled to express concerns openly.
- 42 David understands the concerns raised. If members choose to do something different then this potentially will need justifying to the DfE. The Council's recommendations are in line with statutory guidance and if Members feel this will create an imbalance in membership then they are well within their rights to put forward an alternative.
- 43 David advised that a gradual transition would be quite challenging in this instance because it is about representation and some areas would be underrepresented for a period of time during the transition. It would be up to Members to make this decision but the DfE may wish to question the basis in which the decision has been made.
- 44 Helen Tait pointed out that some academies have a large number of schools and therefore a large number of members may end up belonging to the same academy trust.
- 45 David said the number of schools does not have an impact on the overall membership as it is based on pupil numbers. Sally agreed with Helen and that if there was a high number from the same trust, it may impact on decision making. David again said it is for the decision of the academy trust to decide whether there are too many members from the same trust. David went on to say it is very rare more nominations are received than there are vacancies.
- 46 Sally pointed out that the Forum Constitution stipulates that only one maintained school can have representation and so therefore there needs to be a balance with the guidance for maintained and academies.
- 47 David advised unfortunately the Council has no power to put forward any stipulations to academies. Sally feels that the Forum should have been able to agree their own Constitution within good reason.

- 48 Sally said that over the past number of years there have been at times a competitive element from particular groups of schools within the Forum. In her position as Chairperson, Sally has worked very hard to ensure all children are represented fairly across all phases. The concern is that it may lead the Forum back to times when groups of schools were representing themselves rather than for all Durham children. Sally reminded the Forum that Members are representing the whole of the children in Durham and not their individual school or sector.
- 49 Kevin Brennan added that if rules for academies are changed then it would create an imbalance on the rules for academies and maintained schools. Kevin is concerned that meetings could be disbanded because they are not represented adequately.
- 50 Sandra shared concerns around academisation and that it is being pushed more and more on schools. The majority of academies in Durham are secondary schools and so it would be very easy for secondary schools to begin overruling primary decisions.
- 51 Sally Clark asked if a proportional split of primary and secondary academies could be considered going forward. Kevin agreed this idea would be a sensible way and would avoid the Forum being dominated by one sector.
- 52 Sally Green asked David if it is possible to add a split of academies into the Forum Constitution, the same as maintained schools.
- 53 David appreciates the concerns raised but the Council's interpretation of the guidance is that the Forum would not be able to place any restrictions on academy trusts on their election of members. David advised that academy members do not have to be a headteacher or linked to a school; it can be any member of the trust including trustee. The current academy members come from a variety of trusts, including trusts that include both primary and secondary academies. An increasing number of academy members are now business managers. It would be difficult to impose quotas on trusts given that trusts can include both primary and secondary and that members are not necessarily headteachers.
- 54 Martyn Stenton suggested guidance could be provided to academy trusts for them to consider when providing nominations.

- 55 Ken Neild supports the valuable role of the Forum but asked about the future life span of the Forum given the removal of the need to agree school formula funding. Sally advised that the DfE's view is that forums were initially set up to agree school funding formulas, however the role has very much changed and it is now a consultation body on how school funding impacts on schools. The Forum also helps help with the local authority decision making and enables schools to have a voice through representation from all groups of schools. The role of the Schools Forum is very much at the forefront rather than potentially being diminished.
- 56 Paul Marsden recognises the importance of the discussion but asked if this could be added to agenda for the next meeting with a report brought to the Forum on alternative proposals.
- 57 Jeff Garfoot suggested holding working party meetings with a group of members to explore alternative proposals.
- 58 Members are recommended to approve an increase in the number of Academy Members from twelve to seventeen – DISAGREED (8 for, 12 Against).
- 59 Members agreed that other potential alternatives would be explored and working groups would be set up to do this. David suggested that the Forum considers it approaches the DfE to make them aware of their concerns. **[Action]**
- 60 Members of the Forum noted the report.

Dedicated Schools Grant (DSG) 2020/21 Outturn

- 61 David Shirer presented this paper which outlines the outturn position for the Dedicated Schools Grant (DSG) for the last financial year and provides details of individual school balances at 31 March 2021.
- 62 David apologised that the report was prepared very late and advised some of the text has not been updated from the version used last year.
- 63 The maintained school balances have increased substantially. Academy balances are not reported on as they have a different financial year.
- 64 Schools have had lots of challenges over the last financial year, in particular the impact of the pandemic. The increase in the balances suggests schools have been cautious on spending, possibly because

they are not sure how much funding they will have and also future changes arising from the pandemic. Equally some schools have not had supply cover to pay for and some schools have been in receipt of additional funding.

- 65 DSG does have a deficit balance much of which is related to the HNB.
- 66 Paul Marsden said that pretty much all schools are in a much better financial position due to savings made and suggests now is the time to tackle the HNB deficit.
- 67 Jill Bowe informed members that special schools are not in a better financial position. They have not received the same additional funding as primary and secondary have.
- 68 Sally asked for clarity on what the additional funding relates to.
- 69 David advised there have been various grants available; exceptional costs funding and covid catch up funding has been received by maintained schools. Additional funding was provided because of the change from teachers' pensions grant and teachers pensions employer contribution grant, which are now not provided to most schools for which are included in formula funding and special school budget shares.
- 70 Sally asked what funding has been received that special schools have not.
- 71 Jill Bowe advised because of the way the local authority sets the budget, special schools have to maintain a carry forward which means that additional costs cannot be claimed back like primary and secondary schools have been able to. In the last 5 years special schools are approximately 12% down in terms of the budget. Jill advised her school remained open throughout COVID with large proportions of children on site. This meant more money had to be spent to pay for additional PPE without being able to claim it back. COVID has created a major funding problem in special schools.
- 72 Sally is aware the process for claiming back additional costs was quite prohibiting and so additional funding was not received in most cases of primary and secondary schools.
- 73 Madeleine Hope advised all schools within her Trust applied for the additional funding but were all unsuccessful. This was due to the

overall Trust having a surplus, despite some individual schools having a deficit budget.

74 Ken Neild asked why appendix 8b does not show any spend against secondary top up and additionally the LA recharges shown on outturn are three times the budget. Martyn Stenton said that it appears to be the way colleagues in finance have coded some things differently in the outturn to the budget. All of the secondary spend has been included within primary in the table, so it is showing a different overspend to what it actually is. Martyn pointed out there are some similar issues in other parts of the table, but reassured members that the numbers at the bottom of the table are accurate.

75 Members of the Forum noted the report.

HNB funding and SEND and Inclusion Update (Standing Item)

76 Martyn Stenton presented an update on the SEND High Needs Block.

77 The report covers the final outturn position for the HNB which is an overspend of £2.3 million. This is slightly higher than previously estimated but much lower than in previous years. There is now an accumulated deficit position of £8 million.

78 The budget continues to be monitored monthly and is reported into the SEND and Inclusion Resources Board. The five-year plan also continues to be updated periodically.

79 Transformation work continues to ensure the Council makes the best use of resources and significant progress has been made. Martyn advised it is worth noting the Council are awaiting the DfE SEND review which may have some significant implications in what funding is received in future years.

80 The deficit is forecast to be recovered by 2023/24. At this stage there are no published government announcements on what funding might look like in future years.

81 There has been an increase in allocation of mainstream top up funding and so adjustments have been made to meet the anticipated expenditure in the last financial year. It is a difficult area to forecast and so expecting continued pressure on top up funding budget.

82 The review of special school bandings will take place during this financial year.

- 83 The investment support fund has provided capacity for 'invest to save' type projects but also to meet ongoing pressures. An example of this is an increased allocation to the behaviour and inclusion partnerships.
- 84 The nine projects within the 5-year plan continue to progress and discussions are ongoing with stakeholder groups.
- 85 Martyn thanked all of the schools who are helping with this work and taking part in activities.
- 86 Sally Green acknowledged the huge amount of work that is taking place around SEND and the amount of work that is still needed to be done.
- 87 Sally asked how Durham's SEND deficit compare to other local authorities. Martyn Stenton has recently attended a County Council Network meeting and it was discussed that overall, across the 40 councils within the network, there is an overall deficit of £640m. This is an average of £16m per local authority and is projected to rise further across county councils and local authority areas.
- 88 Jill Bowe said one of the biggest challenges for generic special schools is buildings and lack of capacity and is an area that needs further looking into.
- 89 Ken Neild referred to the award of targeted funding which allows additional funding to keep children in mainstream education. Ken said that his school has had a recent small bid for targeted funding refused. Ken raised concerns about the mixed messages from the Council in supporting educating SEND children in mainstream schools and noted the underspend on the targeted funding budget.
- 90 Martyn reminded members that the approach for targeted funding has changed from a formula to a criteria and application based approach. There have been 9-10 applications received to date. The funding is aimed at only a small number of schools that do need extra support and who are affected by the way the notional SEN budget and top up funding disproportionately affects them. The Council are looking to reduce the amount of targeted funding available because it is hoped there will be more spend on specific pupils from top up funding and there is the expectation that schools will use their own SEN notional budgets.

- 91 Sally noted the Council is still heavily under pressure around SEN and there is still further work to be done. This remains a regular agenda item which shows the support of the Forum around this issue.
- 92 Paul Marsden was part of the working group on agreeing an approach for targeted funding which reduced the number of schools in both categories. Paul strongly feels that targeted funding should just be put into top up funding pit then applied for based on the needs of individual children over and above their notional budget.
- 93 Members of the Forum noted the report.

Other Updates (verbal)

- 94 David Shirer reported there are no further updates to provide to Members at this time, but informed members that updates continue to be shared with schools via the weekly communication to headteachers from Jim Murray. David asked that headteachers take note of these emails and if appropriate pass onto their business managers.

Any other business

- 95 Sally shared that she will be retiring from her position as headteacher at Thornhill Primary after 24 years, at the end of the academic year. Sally thanked all members and wished everyone the very best for the future.

Date and Time of Next Meeting

- 96 Wednesday 22 September 2021, 9:30 am, online

Contact

SchoolsForum@durham.gov.uk