

# Durham County Council Schools Forum Meeting, 10 July 2024 – Draft Minutes and matters arising

## Contents

Durham County Council Schools Forum Meeting, 10 July 2024 – Draft Minutes and matters arising.....	1
Contents .....	1
Purpose of the Report .....	1
Present.....	1
Apologies for absence .....	3
Apologies for absence .....	3
Minutes of Schools Forum, 26 March 2024 and matters arising.....	3
Outstanding actions points .....	4
Executive Summary.....	4
Dedicated Schools Grant (DSG) Outturn 2023-24 .....	4
HNB funding and SEND and Inclusion Update (Standing Item).....	4
Options for Transfer to High Needs Block .....	6
Future Meeting Dates .....	10
Forum Membership .....	10
Other Updates (verbal).....	11
Any other business .....	11
Date and Time of Next Meeting .....	11
Contact .....	11

## Purpose of the Report

- 1 Minutes of a meeting of the Durham Schools Forum held on 10 July 2024, online via Microsoft Teams, David Shirer in the Chair.

## Present

- Lisa Jenkins, Nursery Headteacher
- Helen Tait, Primary Headteacher
- Bethan Smith, Primary Headteacher

- Alice Hassall, Primary Headteacher
- Rachel Butler, Primary Headteacher
- Natalie Maughan, Primary Headteacher
- Dr Sandra Whitton, Primary Headteacher
- Paul Marsden, Secondary Headteacher
- Professor Simon Morris, Secondary Governor
- Rachel Grimwood, Special School Headteacher
- Philip Chater, Special School Governor
- Mick Little, Special Academy Member
- Kevin Brennan, Academy Member
- Janet Willis, Academy Member
- Andy Collishaw, Academy Member
- Jane Henderson, Academy Member
- Kerrie Whelan, Alternative Provision Academy
- David Glew, UNISON Representative
- Les Timbey, GMB Representative
- Ian Bain, NEU Representative
- Dan Lister, NASUWT Representative
- Melanie Stubbs, Looked After Children /Special Educational Needs / Hospital Education Member
- Martyn Stenton, council officer (SEND and Inclusion)
- David Shirer, council officer (Asst Finance Manager, CYPS Finance)
- David Watchman, council officer (Finance Manager, CYPS Finance)
- Zoey Ridley, council officer (Schools' Inspection Monitoring Review Officer and Clerk to the Schools Forum)

## **Apologies for absence**

- Charlotte Ferguson, Primary Headteacher
- Nicola James, Primary Headteacher
- Councillor Shirley Quinn, Primary Governor and Chairperson
- Helen Ashton, Academy Member
- Madeleine Hope, Academy Member
- Ken Neild, Academy Member
- Dave Stone, Academy Member
- Lesley Candler, PRU Representative
- Wendy Pattison, DASH Observer
- Rob Davisworth, council officer (Head of Corporate Finance & Commercial Services)
- Jim Murray, council officer (Head of Education and Skills)
- Councillor Ted Henderson, Elected Member (observer)

## **Apologies for absence**

- 2 David Shirer welcomed members to the online Forum meeting.
- 3 Due to Shirley Quinn not being in attendance, David asked Members if anyone would be willing to volunteer to chair the meeting.
- 4 There were no volunteers and David continued as chair.
- 5 David reminded members that the meeting would be recorded for the purpose of the minutes only and will be discarded once these have been written. David reminded members that messages on the chat facility can be seen by all those attending or invited to the meeting.
- 6 The apologies for absence were acknowledged and agreed.

## **Minutes of Schools Forum, 26 March 2024 and matters arising**

- 7 The minutes of the meeting were agreed as a true record and there were no further matters arising.

## **Outstanding actions points**

- 8 The outstanding action points refer to issues that have been noted from previous meetings. Updates on progress are included in the report. Once complete the items will be removed after 6 months.
- 9 David Shirer pointed out that since the last meeting the layout of the outstanding action points has been changed so that they are easier to read in a table format. Further feedback from members is welcome should further changes be required.
- 10 The only open item is for further information to be provided about the use of the High Needs capital allocations and this will be provided at a future date.
- 11 Members of the forum noted the report.

## **Executive Summary**

- 12 Members of the forum noted the report.

## **Dedicated Schools Grant (DSG) Outturn 2023-24**

- 13 David Watchman presented this report which outlines the outlines the outturn position for the Dedicated Schools Grant (DSG) for the last financial year.
- 14 Members of the forum noted the report.

## **HNB funding and SEND and Inclusion Update (Standing Item)**

- 15 Martyn Stenton presented this report which sets out the financial position of the High Needs Block (HNB) and provides an update on the progress of projects within Phase Two of the High Needs Block Sustainability Programme.
- 16 It is not yet clear whether the new government will want to continue with the Regional SEND and AP Change Programme, but Members will be kept up to date through future reports.
- 17 Martyn thanked everyone who had supported directly or indirectly with the recent SEND inspection. The findings and report will be shared once the report has been published.

- 18 Andy Collishaw raised concerns around the large deficit presented in the report and asked does the Schools Forum need to be aware of the implications of a cumulative deficit of £64 million.
- 19 Martyn said that this is something which was expected. It is not a good position but is a slightly better position than originally expected.
- 20 David Watchman said that the Corporate Director of Resources has had to sign off the cumulative deficit and has been assured by the DBV process and the DfE. Nationally, Durham is in a better position than other authorities in the Delivering Best Value programme (DBV).
- 21 There is a special accounting arrangement in place where council taxpayers do not absorb the cost for the deficit. However, this will only run to March 2026 by which time the new government will need to make a decision on how this is dealt with going forward.
- 22 Sandra Whitton asked what is being done about the deficit. Is there any mechanism for councils to advocate collectively so that this is recognised and addressed nationally.
- 23 Sandra said that schools now have more children with greater needs and fewer resources to deal with them.
- 24 Martyn advised that there are ongoing discussions with the DfE through the DBV programme which involves 55 local authorities including Durham. There is lobbying by the Association of Directors of Childrens Services and the Local Government Association. Martyn is hopeful that something might change although this is not certain.
- 25 Sandra asked what the 55 local authorities are doing collectively to lobby the government.
- 26 Martyn said the council would be happy to support DAPH and DASH in writing to government.
- 27 Sandra went on to say the needs schools are having to meet every day are significantly more challenging than they have been in the past and with less money this will only get worse. We need to be more proactive about what we do to make the government aware of the situation.
- 28 David Watchman informed members that council director of resources within the region are writing to the new government on the serious risk areas within the region. High Needs is very much part of this letter.

- 29 David said the Council is not expecting any changes before that start of the next financial year.
- 30 Mick Little noted that there was a large overspend in the HNB for the independent sector and asked Martyn how much of this overspend relates to demand and how much to price. Mick went on to ask how effective the independent sector commissioning process is and sought reassurance that it is not just a blank cheque and money pit for the independent sector to charge as much as they want.
- 31 Martyn said that work has already been carried out around both demand and pricing. All significant spend goes through the High Costs Case panel where alternative solutions have to be considered. On some occasions, the independent sector is less expensive than providing our own special schools with additional top up funding.
- 32 David agreed to share the independent sector analysis of demand and price. **[ACTION]**
- 33 David told Mick that the council is part of a national framework for commissioning arrangements for the independent sector. David said that the council is not writing a blank cheque and Durham have less than 10% of pupils that go through this route.
- 34 Martyn reminded members that the council is also affected by parental preference and tribunals.
- 35 Rachel Grimwood raised concerns around parental preference, the EHCP process and success of tribunals which puts more pressure on special schools. Could this be included in lobbying about the HNB.
- 36 David Shirer noted the need to lobby the government and to make sure people are aware of the challenges around High Needs.
- 37 Members of the Forum noted the report.

### **Options for Transfer to High Needs Block**

- 38 David Watchman presented this report which is an initial report about the council's considerations around requesting a transfer of funding from the Schools Block to the High Needs Block in 2025/26 and follows informal focus groups in the week before this meeting.
- 39 Sandra Whitton noted that a transfer would be painful and would be likely to lead to schools having to lose teaching assistants. Sandra said that schools need to understand what they would get out of a transfer.

- 40 David Watchman responded that this was part of the response to the HNB deficit and sought to make a slight rebalancing of the risks of the deficit. David also said that without a transfer, there would be more difficult decisions to make around current support funded by the HNB.
- 41 Sandra responded that in the context of schools having to deal with more challenging children with less support and less finance, a transfer could be catastrophic for some schools, whilst only reducing the HNB deficit by a small amount.
- 42 Andy Collishaw asked where the Equality Impact Assessment (EIA) was for this proposal and said that more details were needed about the consequences of a transfer on schools' financial position and the consequences of not making a transfer, including support that would cease to be funded.
- 43 Andy also noted that there had already been progress in addressing the deficit and that Special Educational Needs and Disabilities, inclusion and mental health were manifesto priorities for the new government and questioned the need to make a request for a transfer at this time. In the current context the request felt like a cry for help to avoid a DfE intervention.
- 44 Andy asked for guidance about the council's preferred option, to allow him to build this into medium term plan.
- 45 David said that more information about consequences would be provided in September; this report was an initial introduction.
- 46 David said that he did not think that the proposal was inconsistent with the improved position; there was an in-year deficit last year and the forecast is still for a substantial deficit in the future. In this context the council needed to consider a transfer as one of the options to address the deficit. Further consultation would be needed about other options.
- 47 Martyn added that the council had not requested a transfer for some years, because in the context of funding forecasts it was not considered necessary. Most authorities in the region were making transfers and there is some expectation on authorities to request transfers.
- 48 Martyn noted that a transfer was not a council decision and in this context it was important to understand the views of the Forum and its preferred option, whether that was a percentage to be transferred or not to have a transfer. Martyn further noted that a 0.5% transfer would only

cover one-third of the forecast deficit for the current year, so other options would need to be considered.

- 49 Alice Hassall said that transparency around the other options was important, particularly for small schools, who were already having to deal with increased costs for school meals and other costs arising from decisions outside the control of schools. Alice said that it was important to understand what savings were being considered and gave the example of the Communities of Learning (CoLs) and the need to choose priorities between funding central support or leaving schools with more money in their budgets.
- 50 Alice said that it was not right for small primary schools to contribute more to a transfer than secondary schools.
- 51 Martyn responded that the comments had been helpful and pointed to the need to consider whether the consultation should be just about the transfer proposal or about the provision funded by the HNB. Another possibility would be to limit the consultation to the transfer and then consult afterwards about HNB provision.
- 52 Kevin Brennan attended the focus group last week and provided some feedback from schools following this. The feedback included the need to look at CoLs before considering a transfer; primary headteachers would prioritise retaining funding in their budgets over keeping the CoLs. Secondary headteachers had commented that it was hard to comment without fully understanding how the formula worked and noted that it can quickly change, which makes planning difficult.
- 53 Kevin further noted that it would really help to have information about all the options to help the members of the Forum in making a decision.
- 54 Kevin also noted that this was not the council's fault and that other authorities were in a worse position. Kevin was concerned if the council's position worsened and the DfE intervened, it would mean that some of the additional funding currently provided by the council would come to an end and that in the long run the downside of a transfer might be outweighed by the benefit of continuing to receive additional SEN funding. This scenario made Kevin inclined to support a transfer, but he was concerned that this might not be the right time for a transfer, particularly when there is a new government which might make changes to funding.



- 55 Kevin said that more information was needed about options and the effects of reducing different types of provision on different types of schools. In this context meetings of the primary and secondary headteachers in September would be useful.
- 56 Kevin re-iterated that more understanding was needed about how the formula worked and how similar schools could see very different effects from a transfer.
- 57 Martyn raised a question as to whether there could be a different way to arrange contributions and that this might allow more time to consider how this might work.
- 58 Kevin expressed the view that he would prefer to try to save money elsewhere and not reduce formula funding.
- 59 Paul Marsden agreed with looking at CoL budgets and other options before looking at a transfer, and that a broader consultation covering all options was appropriate. Paul said that he and Sandra would be arranging headteacher meetings in September.
- 60 Martyn said that it would be helpful to have a view from the Forum about whether the council should be consulting at this time or should be working to consider areas for savings. Martyn also asked whether the Forum agreed that a consultation was required and if so, that it should be a broader consultation than just being about the transfer.
- 61 Sandra said that a wider consultation with all schools was required. Sandra also asked about the timetable for a decision on a transfer because some schools were struggling to set budgets for next year.
- 62 David Watchman said that a Forum decision would be needed in September. This would affect the 25/26 formula, applying to maintained schools from April 2025 and to academies from September 2025.
- 63 Kevin Brennan supported having a broader consultation and said that doing nothing was not an option. Kevin suggested looking at CoLs as well as a wider consultation about how HNB funding is spent.
- 64 David Shirer responded to comments in the chat that had asked if there was a way to transfer fixed amounts of funding per school through a formula transfer. David said that this could not be done as part of a transfer.

65 Martyn proposed to run a broader consultation up to the time of the Forum meeting in September and arrange discussions with headteachers, also in September.

66 Members agreed with this proposal.

67 Members of the Forum noted the report.

### **Postscript**

68 Following feedback from the Forum, the council will not pursue the option of a transfer from Schools Block for the 2025/26 financial year. The option to pursue a transfer from school block in financial years beyond 2025/26 will need to be revisited if the national policy framework and funding levels allocated to Durham County are not adequately amended by the DfE to reflect rising demand for SEN educational support and as a result the Council's cumulative High Needs deficit continues to grow.

69 In the meantime, there will be wider engagement with all schools in Durham early in the autumn term about the use of High Needs resources and how they can be used most efficiently, with a view to the outcomes resulting in changes that can be implemented in time for the 2025/26 financial year.

### **Future Meeting Dates**

70 David Shirer presented this report which recommends that members approve Forum revised meeting dates for the calendar year 2024, and dates for the calendar year 2025.

71 Members agreed the dates and format, (online or face-to-face), set out in this report.

### **Forum Membership**

72 This provides an update on the Forum membership.

73 Since the report was written Nicola James has resigned from the position of primary headteacher representative.

74 Helen Tait notified members that she was retiring at the end of the academic year and that this would be her last meeting. David wished Helen well and thanked her for her commitment and contribution to the Forum. David noted the commitment and contribution from all the members of the Forum.

75 Members of the forum noted the report.

### **Other Updates (verbal)**

76 There were no other updates.

### **Any other business**

77 There was no other business.

### **Date and Time of Next Meeting**

78 Tuesday 24 September 2024, 9:30 am, (Durham Leadership Centre)

### **Contact**

[SchoolsForum@durham.gov.uk](mailto:SchoolsForum@durham.gov.uk)