

# Agenda

## Herefordshire schools forum

Date: **Friday 15 July 2022**

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Time: **9.30 am**

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Place: **online meeting**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Sarah Buffrey, Governance Services**

Tel: 01432 260176

Email: [sarah.buffrey@herefordshire.gov.uk](mailto:sarah.buffrey@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Sarah Buffrey, Governance Services on 01432 260176 or e-mail [sarah.buffrey@herefordshire.gov.uk](mailto:sarah.buffrey@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Herefordshire schools forum

## Membership

<b>Chairman</b>	Kathy Weston	Local Authority Maintained Primary School
<b>Vice-Chairman</b>	Alison Banner	LA maintained secondary schools
	David Bennett	Academies
	Christine Bryan	Academies
	Alex Davies	Academies
	Paul Deneen	Trade Unions
	Nicki Emmett	Academies
	Richard Foster	Academies (primary)
	Nicki Gilbert	LA Special Schools
	Andy Gosling	Secondary Governors
	Georgie Griffin	Primary Governors
	Edward Gwillim	16-19 Providers
	Sue Jenkins	Local Authority Maintained Primary School
	Paul Jennings	Academies
	Steve Kendrick	Local Authority Maintained Primary School (with Nursery)
	Tim Knapp	Academies
	Tracey Kneale	Local Authority Maintained Primary School
	Chris Lewandowski	Trade Unions
	Sian Lines	Diocese of Hereford
	Rose Lloyd	Early Years

## Agenda

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the Forum.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b> To approve the minutes of the meeting held on 18 March 2022.	5 - 22
<b>5. UPDATE ON NATIONAL SCHOOLS FUNDING ISSUES</b> To receive an update from the schools finance manager on national developments in schools funding.	
<b>6. REPORT ON ACTIVITY OF THE BUDGET WORKING GROUP</b> To receive an update on matters discussed at the budget working group in June 2022.	
<b>7. ANNUAL REVIEW OF SCHOOLS FORUM MEMBERSHIP</b> To receive a report on the annual review of membership of Herefordshire Schools Forum and Budget Working Group and to approve action as necessary to maintain proportionality.	23 - 28
<b>8. DATES OF FUTURE MEETINGS</b> To confirm dates for meetings of the forum in the 2022-23 academic year.	29 - 30





## Minutes of the meeting of Herefordshire schools forum held at Online meeting on Friday 18 March 2022 at 9.30 am

**Present:** Mrs K Weston (Local Authority Maintained Primary School) (Chairperson)

Mr D Bennett	Academies
Ms C Bryan	Academies
Mr A Davies	Academies
Mr R Foster	Academies (primary)
Ms N Gilbert	LA Special Schools
Mrs G Griffin	Primary Governors
Mr P Jennings	Academies
Mr S Kendrick	Local Authority Maintained Primary School (with Nursery)
Mr T Knapp	Academies
Mr C Lewandowski	Trade Unions
Mrs R Lloyd	Early Years
C Rushton	Trade Unions
Mr A Teale	Diocese of Hereford

**In attendance:** Councillor Diana Toynbee, Cabinet member children and families

**Officers:** Strategic Finance Manager, Head of Additional Needs, Childrens Wellbeing and Service Director - Education, Skills and Learning

### 40. APOLOGIES FOR ABSENCE

Apologies were received from the following members of the forum: Alison Banner, Paul Deneen, Nicki Emmett, Andy Gosling, Sue Jenkins, Tracey Kneale and Sian Lines.

### 41. NAMED SUBSTITUTES (IF ANY)

Carol Rushton acted as a substitute for Paul Deneen  
Andrew Teale acted as a substitute for Sian Lines

### 42. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 43. MINUTES

**Resolved:** It was resolved that the minutes of the meeting held on 14 January 2022 be approved as an accurate record.

### 44. ELECTION OF VICE-CHAIRPERSON

The chairperson thanked the previous vice-chairperson for her work as both chairperson and vice-chairperson over a number of years.

Paul Jennings proposed and David Bennett seconded the nomination of Alison Banner as vice-chairperson of the forum.

**Resolved: It was resolved that Alison Banner is elected vice-chairperson of the Herefordshire Schools Forum for the remainder of the academic year.**

**45. HIGH NEEDS BUDGET 2022/23 (Pages 5 - 18)**

The Strategic Finance Manager (SFM) gave a presentation on proposals for the High Needs Budget 2022/23. He explained the expected outturn position for 21/22 would be a small deficit and that a balanced budget was proposed for 2022/23. The forum was required to be consulted on these proposals and would make recommendations to the cabinet member children and families who would make the final decision.

Two corrections to the recommendations in the published report necessary to correct an arithmetic error in the budget model were highlighted as follows:

In recommendation (r) - high needs contingency is now £0

In recommendation (t) part (ii) - LA recoupment income is now £211,508

The Head of Additional Needs (HAN) provided additional commentary on the proposals and highlighted key points as set out below.

- The significant growth in independent school placements, particularly for pupils with SEMH and autism, had led to proposals for an autism secondary hub to be established. The council was working with the local branch of the national autistic society to design a suitable setting and was seeking a site and partner school to operate it.
- The growth in demand for Education Health and Care Plans (EHCPs) had outpaced projections. Plans were being developed to increase capacity but capital projects take time to bring to completion.
- The funding required to supplement the income of the Behaviour Support Team might not be as much as suggested in the proposed budget as some details were still being worked through. The service was trying to balance trading services with centrally funded support.
- It had been difficult during the covid pandemic to judge the true picture of demand for places at the Pupil Referral Unit. The situation would continue to be monitored going forward.

Forum members discussed the proposals and put questions to the SFM and HAN. It was noted that:

- The budget proposals consulted on in the Autumn term 2021 had proposed an increase in funding for in-county special school places of 20 but due to a lack of site capacity a reduced increase of 10 places was now proposed.
- It was necessary to seek short and medium term solutions to the pressure for special school places while longer term plans were developed and implemented.
- The Education and Skills Funding Agency (ESFA) had deducted at source for academy and free school places. The deduction of 18 post 16 academy special school places was queried. The SFM indicated the places were at Barrs Court and agreed to clarify where these places were, make sure that there was no double counting and report back to the next forum meeting. The recommendations in the report were based on the net budget after the ESFA deductions so represented the funding available to be allocated at this point.
- Independent special schools were inspected by Ofsted (or Estyn for Welsh-based settings). The council also made visits, for example attending annual reviews, and where placements were joint with social care then social workers would also visit and share information as necessary.
- *(Post meeting note: it was confirmed following the meeting that the council contracts team also conduct paper-based checks on provider policies and procedures.)*

- Some independent settings were profit making but the level of profit varied. The council sought to minimise the use of independent placements but was always likely to need some independent places to meet very specialist needs.
- Inflation was expected to have an impact on charges for placements. Herefordshire was part of the west midlands framework which interrogated price uplifts from private providers rigorously and had been successful in limiting uplifts. The main driver in uplift in costs was usually wage costs as independent settings often had high staffing ratios.
- The supplementary grant that had been paid before Christmas 2021 was expected to be consolidated into the high needs block grant in future years.
- The proposed autism hub was expected to be in operation by September 2023 but might open earlier. There was nothing to prevent a mid-year opening.

The chairperson of the Budget Working Group commented on the discussion of the budget proposals at the most recent group meeting, the key points of which were summarised in the report. The working group had supported the proposals set out in the report. The working group had also noted the post pandemic impact and increased needs across all age groups and the need to reduce out of county placements. The deficit position of the dedicated schools grant was concerning but Herefordshire had done very well to remain in surplus for so long compared to other local authority areas.

The chairperson closed the debate by thanking the officers for their work on the budget proposals and the working group for their deliberations. The recommendations were then put to the vote as set out in the report with the two corrections advised.

**Resolved: It was resolved that a balanced high needs budget for 2022/23 be recommended to the Cabinet Member for Children’s and Families as follows;**

- a. **Complex needs funding £2,285,745;**
- b. **Independent special schools £2,920,000;**
- c. **Special school commissioned places £1,743,000;**
- d. **Special school top-up funding**
  - i. **Base funding £3,826,000;**
  - ii. **inflation at 6% for tariffs D - F £279,560;**
- e. **Post-16 top-up funding £1,600,000;**
- f. **Mainstream school top-up funding**
  - i. **Base funding £2,863,000;**
  - ii. **inflation at 3% on tariffs A - C £135,890;**
- g. **Nurture provision for 5 primary and 1 secondary schools including outreach, full year costs £372,100;**
- h. **Autism and Language Units 56 commissioned places at £6,000 each £336,000**
- i. **Autism and Language units top-up funding**
  - i. **base funding £362,432;**
  - ii. **inflation at 3% £10,873;**
- j. **Early years top-up funding £150,000;**
- k. **Pupil Referral Service 50 commissioned places at £500,000;**
- l. **Pupil Referral Service top-up funding 40 pupils at tariff band D2 £9,338 (less income recovery from schools) net budget £239,555;**
- m. **Pupil Referral Service – additional 10 outdoor places at £15,643 i.e. £156,434;**
- n. **H3 Home, Hospital and Hub top-up funding**
  - i. **Base funding £397,000**
  - ii. **inflation 3% £4,491;**
- o. **Pupil Referral Unit additional support for**

- i. Phasing out TLR allowances, three years from September 2021 £35,000;
- ii. Temporary split site allowance £38,000;
- iii. Pupil Referral Unit support fund £50,000;
- p. SEN protection scheme for primary and secondary schools with a cap at £158 x NOR (number of roll at Oct 2021) £517,000;
- q. Teachers Pay Grant allocations
  - i. Special schools and PRU 466 places at £660 per place £307,560;
  - ii. Central SEN Support services £52,000;
  - iii. NI 1.25% levy for 466 places at £100 per place £46,600;
- r. High needs contingency/contribution to reserves £0;
- s. SEN support services including 3% inflation uplift as marked \*
  - i. Additional Needs Management\* £209,863;
  - ii. Complex Learning Communications\* £114,897;
  - iii. Equalities team – inclusion\* £271,855;
  - iv. Hearing Impaired Team\* £419,725;
  - v. Managed moves £5,000;
  - vi. Business support £73,000;
  - vii. DSG Services\* £129,677;
  - viii. Behaviour Support Service – match schools de-delegation £37,500;
- t. Charges and income
  - i. Excluded pupils (AWPU)/ Hospital offset by compensating reduction in PRU top-ups £0;
  - ii. Local authority recoupment -£211,508;
  - iii. Transfer from schools block -£507,224;
  - iv. Transfer from Central services block -£75,000.

The meeting ended at 10.27 am

Chairperson



High Needs Budget  
2022-23  
Schools Forum  
18 March 2022

# High Needs Block 2021/22

- Forecast overspend of around £0.65m due to overspends on mainstream top-ups of £471k and independent out county places of £933k
- Overspend will reduce available DSG balances from £0.4m to deficit of £0.25m
- HNB budget is balanced for 2022/23 and covers the overspend with a bit of further growth built in.
- Additional £0.8m allocated to high needs in the DSG supplementary grant

# Recap - HNB Consultation in Autumn 2021

- Growth in out-county school places £0.75m
- Growth in special school and units £0.2m
- Full year cost of nurture groups £0.1m
- Increases in tariffs A-C and D-F £0.585m
- ↳ • PRU split site and TLR 3 year protection £0.1m
- More hospital places at £5k £0.05m
- Additional post-16 places £0.1m
- Growth in SEN protection scheme £0.05m
- Beacon College £0.25m
- Re-instate DSG reserves £0.2m

# Proposed adjustments January 2022

Cost increases +£1.3m

- Independent special schools additional £0.4m
- Off-site PRU provision 10 places £0.15m
- <sup>B</sup> Special/PRU NI levy at £100/place £0.05m
- Growth+overspend in mainstream top-ups £0.7m
- SEN protection at cap of £158 x NOR £0.517m

# Proposed adjustments January 2022

Cost reductions -£0.65m

- Reduce special school places by 10 -£0.1m
- Delete contingency -£0.1m
- Delete special schools MFG not needed -£0.1m
- Reductions in underspending budgets -£0.15m
- cost of SEN protection scheme from increased schools block transfer -£0.2m

# High Needs Block available DSG 2022/22

- High Needs DSG grant 22/23 £22.181m
- Plus supplementary grant £0.806m
- Less deducted at source by DfE
  - 90 pre-16 places Brookfield -£1.650m
  - 75 pre-16 places Barrs Court -£0.75m
  - 18 post-16 special school places -£0.180m
  - 46 post-16 special free school places -£0.460m
  - 165 FE places and Independents -£0.990m
  - 2 Post-16 place -£0.012m
- Total Deductions -£3.292m
- High Needs Block Grant (net) £19.695m

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# Amendments to the Recommendations

- Two amendments necessary to correct an arithmetic error in the budget model:-
  1. High Needs contingency Rec (r) is £0
  2. LA recoupment income Rec (tii) is £211,508
- The adjustment in total is £75,000.

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# Proposed HN Budget 2022/23      increase

• Complex Needs	£2,285,745	+0k
• Independent schools	£2,920,000	<b>+1,150k</b>
• Spl schl top-ups	£3,826,000	+201k
• Post-16 top-ups	£1,600,000	+0k
• <b>HNB contingency</b>	<b>£0</b>	<b>+0k</b>
<sup>18</sup> • Special school places +100k	£1,743,000	
• school top-ups	£2,863,000	<b>+700k</b>
• Nurture groups	£372,100	+108k
• Protection scheme all schools	£517,000	+32k
• Hospital & home teaching	£401,400	+4k



# High Needs Budget 2022/22

increase

• Unit top-ups	£373,305	+11k
• PRU support fund	£50,000	-50k
• Early years top-ups	£150,000	-25k
• Unit places	£336,000	+0k
• PRU top-ups (offset by income)	£239,555	-153k
• PRU places	£500,000	-62k
• PRU Outdoor AP	£156,434	+156k
• TPG+NI levy(466 placesx£100)	£406,160	+46k
• Inflation on tariffs 3%/6%	£415,450	+415k
• PRU split sites/TLR Protection	£73,000	+73k

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# SEN Support Services Budget 2022/23

• Additional Needs Mangt	£209,863	+infl
• Complex/Learning Comms	£114,897	+infl
• Equalities team - inclusion	£271,855	+infl
• Behaviour Support Team	£37,500	<b>+37.5k</b>
• Hearing Impaired team	£419,725	+infl
• Managed Moves	£5,000	+0k
• Business Support	£73,000	+0k
• DSG SEN Services	£129,677	+infl

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# Charges and Income 2022/23

• Excluded pupils/Hospital	£0	-176k
• Other LA recoupment	£211,508	+11k
• Transfer from Schools Block	£507,224	+75k
• Transfer from Central Block	£75,000	+0k

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**Note: PRU now charging for recovery of AWPUP for P/EX pupils and the one-off PRU charge of £7,500**

**So income reduced and offset by savings in PRU top-ups**

# Important work streams 2022/23

- DfE SEND review is expected this term and is likely to have significant implications – need to consider in details when the DfE report is available
- Continue to keep under review the PRU and the impact of trading and the new outdoor AP provision
- Implement nurture provision and review success and future impact
- Establish new secondary autism unit to reduce out county costs

# Next Steps

- 18<sup>th</sup> March – Schools Forum
- 31<sup>st</sup> March – Cabinet Member approval
- DfE SEND review – fundamental change to the current high needs arrangements is expected and promised publication date this term.

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## **Title of report: Annual Review of Schools Forum Membership**

**Meeting: Herefordshire Schools Forum**

**Meeting date: Friday 15 July 2022**

**Report by: Clerk to Herefordshire Schools Forum**

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

(All Wards);

### **Purpose**

To report on the annual review of membership of Herefordshire Schools Forum (the forum) and Budget Working Group (the working group) and to approve action as necessary to maintain proportionality.

The composition of the forum is reviewed annually to ensure that Local Authority maintained schools and academies are represented proportionately on the forum, based on the number of pupils registered in each category of school, and that the membership complies with regulations.

### **Recommendation(s)**

**That:**

- a) The outcome of the annual review of proportionality is noted and no changes are made to the allocation of seats on Herefordshire Schools Forum or the Budget Working Group.

### **Alternative options**

1. The forum could recommend an increase or decrease in the total number of seats on the forum. This is not recommended as the current number of seats gives an appropriate spread of

membership to represent the various types of school in Herefordshire, while remaining a manageable size.

2. The forum could choose to disregard proportionality in respect of the budget working group. This option is not recommended as it is preferable for the effective functioning of the working group that the different types of schools in Herefordshire are fairly represented and the forum has previously determined that the working group should be broadly proportionate.

## Key considerations

### Membership of Schools Forum

3. Herefordshire schools forum is composed of 26 seats allocated between schools members, academies members and non-school members. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. The membership of the forum is reviewed annually to ensure the allocation of seats remains proportionate.
4. Herefordshire allocates 19 seats between the schools and academies members. One seat each is allocated to mainstream special schools, academy special schools and the PRU management committee. The 16 remaining seats are allocated to mainstream schools and academies, divided proportionally. The annual review has been carried out for 2022 and the results are set out below.
5. Regulations make no distinction between primary phase and secondary phase academies. Guidance states that Free Schools are to be classed as academies for the purpose of this exercise. The calculations of proportionality set out below are based on pupil numbers taken from the January 2022 school census and translate these proportions into numbers of seats on the forum, rounded as necessary.
6. Total pupil population in mainstream schools was 22,269 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,392	42.2%	6.75 (7)	7
Maintained Secondary	3,193	14.3%	2.29 (2)	2
Academies	9,682	43.5%	6.96 (7)	7
Total			16	16

7. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

### Membership of Budget Working Group

8. The Budget Working Group is a permanent advisory sub-group of the forum. Regulations prescribe how the forum itself is to be constituted but these provisions do not apply to the composition of sub-groups. The composition of the Budget Working Group is therefore a matter



for the forum itself. It is open to the forum to agree to disregard proportionality for the working group, amend the number of seats or set minimum representation for particular groups

9. The forum agreed in October 2012 that the Budget Working Group would consist of 14 members. Two seats were allocated to early years settings and one to special schools. The remaining 11 places available to primary schools, secondary schools and academies, were to be allocated on a broadly proportionate basis based on pupil numbers in each category. The forum also agreed that there should be a minimum of one maintained school representative from the secondary sector and one academy representative from the primary school sector.

10. Total pupil population in mainstream schools was 22,269 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,394	42.2%	4.64 (5)	5
Maintained Secondary	3,193	14.3%	1.58 (1)	1
Academies	9,682	43.5%	4.78 (5)	5
Total			11	11

11. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

## Community impact

12. The items considered and decisions made by the forum should have regard to what matters to schools and settings in Herefordshire and how the forum can best contribute to managing the current changing and challenging financial circumstances.

13. The constitution ensures that the membership of the schools forum continues to reflect the range of types of school and setting across Herefordshire and that all groups have the opportunity to shape the decisions of the forum.

14. The amendments to the constitution as a result of the new regulations ensure that the work of the forum can continue and that all interested parties are able to observe the meetings of the forum.

## Environmental Impact

15. Whilst this review will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

## Equality duty

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

17. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. In relation to schools finance it is the responsibility of individual governing bodies to commit expenditure according to the individual pupil need. However the decisions of the schools forum should have regard to this duty and the potential implications of any decisions made.

## Resource implications

18. A budge of £19k has been allocated for administering the schools forum and associated activities for the 2022/23 financial year. This is funded from the dedicated schools grant received from central government and includes a modest budget for the commissioning of expert advice and reviews.

## Legal implications

- 19. The schools forum is established under section 47A of the School Standards and Framework Act 1998. The current regulations pertaining to the operation and management of schools forums are set out in The Schools Forums (England) Regulations 2012.
- 20. The Education & Skills Funding Agency (ESFA) sets out guidance on the operation of schools forums, with the most recent version published in March 2021. This document also gives examples of good practice which the ESFA have drawn from a number of schools forums and the Department for Education. It is not designed to be prescriptive except where it refers directly to the Schools Forum Regulations 2012.
- 21. The council must ensure that the schools forum for their area is constituted in accordance with the regulations and is responsible for determining the size and composition of the forum, and the members' terms of office.

## Risk management

22. There are no identified risks associated with approval of the recommendations contained in this report. If the membership of the forum and working group is not proportional, there is a risk some categories of schools could feel that they are not fairly represented and object to decisions taken by the forum.

## **Consultees**

23. None

## **Appendices**

None

## **Background papers**

None



**SCHOOLS FORUM WORK PROGRAMME 2022/23**

<b>14<sup>th</sup> October 2022</b>	
Appointments	To appoint a chairperson and vice-chairperson for the Forum. To appoint a chairperson for the Budget Working Group if required
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
Work programme 2022/23	To review the work programme and identify any additional items the forum wishes to consider.
<b>13<sup>th</sup> January 2023</b>	
Dedicated Schools Grant settlement	To receive a report on the DSG settlement and consider proposed schools budget 2023/24 (subject to DfE national formula).
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
<b>17<sup>th</sup> March 2023</b>	
High needs budget proposals 2023/24	To consider proposals for the allocation of the high needs funding block for 2023/24 (subject to DfE national formula).
Dates of Meetings	To agree dates of Schools Forum meetings for 2023/24
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
<b>14<sup>th</sup> July 2023</b>	
National Funding Formula Update	To receive any updates on funding arrangements.
Annual review of membership	To review the membership of the Schools Forum to ensure proportionality.
Work programme 2023/24	To approve the work programme for the forum for 2023/24 municipal year
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)

