

# Agenda

## Herefordshire Schools Forum

Date: **Friday 14 July 2023**

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Time: **9.30 am**

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Place: **virtual meeting platform**

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

For any further information please contact:

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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, Democratic Services Officer 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
	Dan Brearey	LA Maintained Primary School
	Christine Bryan	Academies
	Alex Davies	Academies (primary)
	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
	Sheila Taylor	Academy Special Schools

## 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 and sign the minutes of the meeting held on 17 March 2023.	5 - 10
<b>5. UPDATE ON SCHOOLS FUNDING ISSUES</b> To receive an update on local and national schools funding issues.	
<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 2023.	
<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 any action necessary to maintain proportionality.	11 - 16
<b>8. DATES OF MEETINGS AND WORK PROGRAMME FOR 2023/24</b> To approve dates for meetings to be held and the work programme for the forum for 2023/24 academic year.	17 - 18





## Minutes of the meeting of Herefordshire schools forum held at online meeting on Friday 17 March 2023 at 9.30 am

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

Mr D Bennett	Academies
Mr D Brearey	LA Maintained Primary School
Mr A Davies	Academies
Mr P Deneen	Trade Unions
Ms N Emmett	Academies
Mr R Foster	Academies (primary)
Ms N Gilbert	LA Special Schools
Mrs G Griffin	Primary Governors
Mrs S Jenkins	Local Authority Maintained Primary School
Mr P Jennings	Academies
Mr S Kendrick	Local Authority Maintained Primary School (with Nursery)
Mr C Lewandowski	Trade Unions
Mrs R Lloyd	Early Years
Ms S Taylor	Academy Special Schools

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

### 69. APOLOGIES FOR ABSENCE

Apologies were received from Christine Bryan, Tim Knapp, Tracey Kneale and Sian Lines.

### 70. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

### 71. DECLARATIONS OF INTEREST

Paul Deneen declared an interest as a representative of Trades Unions.

### 72. MINUTES

The Head of Additional Needs confirmed that the Local Authority's bid for a new SEN free school as reported at the previous meeting was unsuccessful. The LA would use the feedback received to improve the bid and hoped to resubmit in a future round. In the meantime the LA would continue to explore other options to add capacity through smaller expansions and use of non-standard buildings.

**It was resolved that:**

**The minutes of the meeting held on 13 January 2023 be approved as a correct record.**

### 73. HIGH NEEDS BUDGET 2023/24

The strategic finance manager (SFM) presented the report and explained there was insufficient funding in the high needs block from the Department for Education (DfE) to meet both cost inflation and demand pressures. The budget as presented in the report was already overspent by £0.5m and was likely to overspend by between £1m and £1.5m by the year end.

Risk factors included:

- growth in mainstream top ups;
- costs of out of county placements;
- increased costs of new provision planned from September 2023 as details are worked up;
- the possibility of additional pupils with complex needs – every additional pupil in this category costs over £100k.

The cost of the SEN protection scheme now exceeds the 0.5% that can be transferred from the schools block. The budget working group will be asked to consider options over the course of the coming year to be implemented for 2024/25.

The projected overspend for 23/24 will result in a cumulative deficit of between £2.5m and £2.7m, in line with the forecasts previously produced. The government has extended the statutory override to allow councils to carry over deficits for a further three years. After this, the council will become responsible for any remaining deficit.

Forum members discussed the proposed budget and in response to queries it was noted that:

- the increase for special schools (LA and academy) is based on the minimum funding guarantee of 3.4%, compared with mainstream schools who received a 6.2% increase and it is possible to improve the increase to special schools with a small addition to the overall deficit;
- new provision autism and language units will be spread across the county, subject to agreement with the hosting governing bodies or academy trusts;
- much depends on how the DfE implements the SEND review, which appears to focus on inclusion, and if any additional funding is forthcoming to support this;
- the latest publications from the DfE talk about a uniform funding matrix, which in the view of officers is unlikely to address the challenges faced, and give little indication of significant change before the next general election;
- the DfE paper of 8 March also talks about a small amount of funding through the 'supporting families fund' to bring the early help offer closer to SEND provision but historically the LA had to bid for this funding so it is not guaranteed.

Feedback from the budget working group was noted. The proposed budget had been discussed in detail and while members of the working group were reluctant to recommend a deficit budget, the working group recognised that there was no viable alternative. Herefordshire is one of the last LAs in the country to be in this situation and had done well to hold off for so long. The group had approved continued funding for the secondary nurture group at Earl Mortimer College and funding for the summer term for the satellite nurture project at Orleton Primary as part of ongoing efforts to reduce future demand pressures.

It was proposed and agreed that an additional £100k be added to the budget to increase the allocation to special schools to bring them closer to the 6.2% increase received by mainstream schools.

The requirements on schools to set balanced budgets was discussed. It was noted that academies were not allowed to set deficit budgets and that the LA approach for its schools mirrored this. Changes in pupil numbers are the biggest impact on budgets and despite the current challenges it is important that schools do their best to set a balanced budget as failing to tackle the impact of falling pupil numbers early can lead to spiralling deficits. The impact of future pay settlements is also a concern as current proposals indicate there will be no additional funding to cover this.

It was proposed that the forum write to MPs and ministers on the issue of SEND funding, as well as continuing to support the work of the f40 group in lobbying government. The DfE must properly fund SEND services and the wider education system.

In concluding the discussion forum members were asked to note that as part of the validation process for the schools budget approved in January, a small improvement in the funding allocation had come to light which means that the reduction on national funding formula values will be 0.75% rather than the 1% previously agreed.

**It was resolved that:**

- 1. A deficit high needs budget of £0.54m for 2023/24 be recommended to the Cabinet Member for Children’s and Families as follows;**
  - a. Complex needs funding**
    - i. base funding at the agreed 3/7th funding share** £2,285,745
    - ii. an expected overspend of** £400,000
  - b. Independent special schools** £3,550,000
  - c. Special schools**
    - i. Local authority school places** £1,740,000
    - ii. Additional place funding at £1,000 for 390 places** £390,000
    - iii. Special school top-up funding plus 3.4% inflation** £3,903,000
    - iv. tariff matrix amendments re behaviour** £50,000
  - d. Post-16 top-up funding** £2,100,000
  - e. Mainstream school top-up funding includes 3.4% inflation** £3,630,000
  - f. Nurture provision**
    - i. 5 primary and 1 secondary schools full year costs** £372,100
    - ii. North Herefordshire outreach summer term (5/12th)** £10,417
    - iii. North Herefordshire outreach autumn/spring terms subject to review by BWG at** £14,583
    - iv. secondary pilot at Earl Mortimer College for three years until March 2026 at** £40,000
  - g. Resource bases at Hampton Dene and Bishops schools**
    - i. 56 places at £6,204 including MFG at 3.4%** £347,425
    - ii. 56 top-up tariff funding at £8,272 including MFG** £463,230
  - h. New provision Autism and Language Units from June 2023 including set-up costs**
    - i. 4 bases x 8 places at £6,000 per place** £160,000
    - ii. i32 top-up funding at £8,000 average per pupil** £213,333
    - iii. Additional per pupil funding as not in October census 32 pupils at average £4,500** £120,000
    - iv. Inflation at 3.4% to comply with MFG** £16,773

i.	<b>New Provision – additional 10 places for special schools through offsite accommodation</b>	
i.	special school 10 places at £11,000 per place	£110,000
ii.	special school 10 top-ups at £8,000 per pupil	£80,000
iii.	9 full time and 6 part-time reception/ nursery places commissioned from April 23	£132,000
iv.	12 top-up funding at £10,500 from September	£73,500
v.	Running costs £30k pa from June 23	£25,000
vi.	Set-up costs	£5,000
vii.	to note the detailed cost estimate is £140,000 greater than the initial estimate contributing a further £140,000 to the deficit budget	
j.	Early years top-up funding	£150,000
k.	<b>Pupil Referral Service</b>	
i.	60 places including 10 places at Dinedor at £10,000 per place	£600,000
ii.	Teachers Pension Grant at £660 per place and £340 MFG per place	£60,000
iii.	top-up funding 60 pupils at tariff band D2	£573,120
iv.	less assumed income recovery from schools	£200,000
v.	Phasing out TLR allowances, three years from September 2021	£35,000
vi.	Temporary split site allowance whilst on split sites	£38,000
vii.	former Pupil Referral Unit support fund deleted as not used	£0
viii.	H3 Home, Hospital and Hub top-up 50 half time places at £5,500 including TPG at £330 and MFG at £170 at total cost	£275,000
ix.	25 tariffs at tariff C4 £6,168 plus 3.4% inflation	£159,443
x.	the remaining 25 half time places recharged to schools as the school receives full funding for the pupil whilst on the school roll	
l.	<b>SEN protection scheme for primary and secondary schools with a cap on a school's contribution set at £175 x NOR (at Oct 2022)</b>	£616,000
m.	High needs contingency/contribution to reserves	£109,038
n.	<b>SEN support services including 3.4% inflation MFG uplift as marked *</b>	
i.	Additional Needs Management*	£217,000
ii.	Complex Learning Communications*	£118,803
iii.	Equalities team – inclusion*	£281,100
iv.	Hearing Impaired Team*	£434,000
v.	Managed moves	£5,000
vi.	Business support	£59,000
vii.	DSG Services*	£134,100
viii.	Behaviour Support Service – match schools de-delegation	£37,500
o.	<b>Charges and income</b>	
i.	Local authority recoument -	£100,000
ii.	Transfer from schools block -	£616,000
iii.	Transfer from Central services block -	£80,000
p.	the revised per pupil values for the schools budget for 2023/24, as set out in paragraph 11, be recommended to the cabinet member.	

#### 74. ANY OTHER BUSINESS



The chairperson led members of the forum in recording their thanks and best wishes to Les Knight on the occasion of his retirement as Head of Additional Needs. Members of the forum noted his long standing support for schools and pupils.

The meeting ended at 10.44 am

**Chairperson**





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

**Meeting: Herefordshire Schools Forum**

**Meeting date: Friday 14 July 2023**

**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 2023 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 2023 school census and translate these proportions into numbers of seats on the forum, rounded as necessary.
6. Total pupil population in mainstream schools was 22,556 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,186	40.7%	6.52 (7)	7
Maintained Secondary	3,288	14.6%	2.33 (2)	2
Academies	10,082	44.7%	7.15 (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 22,556 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,186	40.7%	4.48 (5)	5
Maintained Secondary	3,288	14.6%	1.60 (1)	1
Academies	10,082	44.7%	4.92 (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 at this time. However it is noted that the proportion of seats for maintained secondary schools is moving upwards, from a low point of 1.51 in 2018, and the proportion of seats for maintained primary schools has dropped following academy conversions. It is not recommended that a change is made at this time, but the proportions will be reviewed again in 2024 ahead of the triennial refresh of forum membership and the views of the budget working group will be sought on any amendments required.

## 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 budget of £19.5k has been allocated for administering the schools forum and associated activities for the 2023/24 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 2023/24**

<b>20 October 2023</b>	
Appointments	To appoint a chairperson and vice-chairperson for the Forum. To appoint a chairperson for the Budget Working Group if required
Local and National Schools Funding Update	To seek the view of the forum on local and national school funding issues, including any recommendations of the budget working group.
Work programme 2023/24	To review the work programme and identify any additional items the forum wishes to consider.
<b>19 January 2024</b>	
Dedicated Schools Grant settlement	To receive a report on the DSG settlement and consider proposed schools budget 2024/25 (subject to DfE national formula).
Whitecross PFI	To receive the results of the 3 yearly review of the Whitecross PFI Scheme <i>(Reference minute 201 of forum meeting 13 March 2015).</i>
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
<b>15 March 2024</b>	
High needs budget proposals 2023/24	To consider proposals for the allocation of the high needs funding block for 2024/25 (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>12 July 2024</b>	
Local and National Schools Funding Update	To receive any updates on funding arrangements.
Annual review of membership	To review the membership of the Schools Forum to ensure proportionality.
Dates of meetings and Work programme 2024/25	To approve dates for meetings and the work programme for the forum for 2024/25 academic year
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)

