

Durham County Council Schools Forum Meeting, 23 November 2023 – Draft Minutes and matters arising

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Purpose of the Report

- 1 Minutes of a meeting of the Durham Schools Forum held on 23 November 2023, via Microsoft Teams at 9:30 am, Shirley Quinn in the Chair.

Present

- Susan Simon, Nursery Headteacher
- Dr Sandra Whitton, Primary Headteacher
- Mark Watson, Primary Headteacher
- Alice Hassall, Primary Headteacher
- Charlotte Ferguson, Primary Headteacher
- Jennifer Tremewan, Primary Governor
- Shirley Quinn, Primary Governor (Chair)
- Paul Marsden, Secondary Headteacher
- Professor Simon Morris, Secondary Governor
- Rachel Grimwood, Special School Headteacher
- Philip Chater, Special School Governor
- Mick Little, Special Academy Member
- Madeleine Hope, Academy Member
- Claire Oates, Academy Member
- Kevin Brennan, Academy Member
- Andy Collishaw, Academy Member
- Janet Willis, Academy Member
- Ken Neild, Academy Member
- Jane Henderson, Academy Member
- Lesley Candler, PRU Representative
- Michael Tiplady, RC Diocese Representative
- Les Timbey, GMB Representative
- Ian Bain, NEU Representative

- Dan Lister, NASUWT Representative
- Melanie Stubbs, Looked After Children /Special Educational Needs / Hospital Education Member
- Jim Murray, council officer (Head of Education and Skills)
- David Shirer, council officer (Asst Finance Manager, CYPS Finance)
- David Watchman, council officer (Finance Manager, CYPS Finance)
- Paul Shadforth, council officer (Strategic Manager, SENDO)
- 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)

- Joanne Shaw, Primary Headteacher
- Helen Tait, Primary Headteacher
- Bethan Smith, Primary Headteacher
- Kerrie Whelan, Alternative Provision Academy Member
- Jeff Garfoot, council officer (Head of Corporate Finance & Commercial Services)
- Martyn Stenton, council officer (SEND and Inclusion)

Apologies for absence

- 2 Shirley Quinn welcomed members to the online Forum meeting and introductions were made.
- 3 The apologies for absence were acknowledged and agreed.

Minutes of Schools Forum, 27 September 2023 and matters arising

- 4 The minutes of the meeting were agreed as a true record and there were no matters arising.
- 5 David referred to the meeting on 27th September which was held face to face at the Durham Leadership Centre at Spennymoor. The meeting

was not quorate and raised the issue of future meetings not being quorate in which Council Members do not contribute to these numbers.

- 6 Members were asked to vote on how future meetings would be held.
- 7 Members agreed to alternate between face-to-face and online. Therefore, meetings for 2024 will take place as follows:
 - Tuesday 26 March 2024, face-to-face at Durham Leadership Centre
 - Wednesday 26 June 2024, online via Microsoft Teams
 - Tuesday 24 September 2024, face-to-face at Durham Leadership Centre
 - Thursday 21 November 2024, online via Microsoft Teams
- 8 Shirley Quinn expressed her thanks for the detail within the minutes written for the meetings.

Outstanding actions points.

- 9 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.
- 10 David Shirer said that the action point relating to the scheme of delegation, and clarity around payment of redundancies, will be addressed in a report later in the agenda.
- 11 Paul Shadforth provided an update on the action point regarding an analysis on the cost analysis of tribunals for EHCP refusals where the outcome has been overturned.
- 12 Paul shared that in 2019 refusal of statutory assessments was at 49% which was reduced to 12% in 2022. Unfortunately, due to a considerable increase in the number of statutory assessment requests, the average refusal has increased to 23%, which is still significantly less than half of what it was previously. Paul advised this amounts to 191 refusals within the year.
- 13 Paul added that when a statutory assessment is refused a parent may appeal. The initial decision may be overturned without need of going through the dispute process. The vast majority of cases that are disputed will be overturned and a statutory needs assessment will take place.

- 14 Paul went on to explain that in the last year he is not aware of any statutory assessment refusals that have got as far as court proceedings. Should it ever get this far, there would be no legal costs involved as it would be a member of the casework team who would appear in front of the court.
- 15 Sandra Whitton explained that parents are of the opinion that when they appeal the decision will automatically be overturned. Sandra explained the importance of transparency for schools around this issue which would help when headteachers are having these conversations with parents.
- 16 Sandra went on to raise the issue of actual costs, the amount of time in working through the appeals and how it can be difficult for schools to get in contact with SEND colleagues if they are all busy with appeals. Sandra said clarity around this would be appreciated if this is not the case.
- 17 Paul Shadforth to provide members with further clarity on the procedure so schools are fully aware. **[ACTION]**
- 18 Members of the forum noted the report.

Executive Summary

- 19 Members of the forum noted the report.

School Funding 2024-25

- 20 David Shirer presented this report which is to update members about Government announcements about the Dedicated Schools Grant and mainstream primary and secondary formula funding for the coming financial year, including the revisions to funding announced in October 2023.
- 21 Jim Murray gave an update on the Council's consideration for the best use of the additional support for schools in financial difficulty in 2023 to 2024. Jim provided reassurance that this additional support would not be used for schools that have a budget deficit.
- 22 Members of the Forum agreed to set up a Growth Fund for 2024-25.
- 23 Members of the forum noted the report.

De-delegation of School Improvement Services

- 24 Jim Murray presented this report which outlines the business case to continue with key school improvement and support services available to schools through de-delegation of contingencies funding (school improvement) in the 2024-25 financial year.
- 25 Forum members are recommended to approve de-delegation for Contingencies for 2023-23 at the rate for Primary at £8.50 per pupil – AGREED (6 For, 0 Against, 0 Abstained).
- 26 Members of the forum noted the report.

De-delegation of Trade Union Facility Time

- 27 David Shirer presented this report which is to recommend a rate of de-delegation for 2024-25 for maintained primary and secondary schools in respect of trade union facility time.
- 28 Sandra Whitton asked if schools agree to de-delegate £6.00 per pupil, what will happen if there is unspent money at the end of the year.
- 29 David advised any money unspent would be carried forward and would be taken into consideration for the de-delegation request the following year.
- 30 It is recommended that members representing maintained primary and secondary schools approve:
- (i) De-delegation for Trade Union Facility Time at a rate of £6.00 per pupil for 2024-25. AGREED (7 for, 0 against, 0 abstained).
 - (ii) Reimbursement of actual costs of release of school staff to undertake approved trade union duties, subject to the rate of reimbursement per half-day being no more than the half-day rate for UPS3. AGREED (7 for, 0 against, 0 abstained).
- 31 Members of the forum noted the report.

Dedicated Schools Grant (DSG) Forecast of Outturn 2023-24

- 32 David Watchman presented this report which outlines the forecast outturn position for the Dedicated Schools Grant (DSG) 2023-24 based on the position as at 30 September 2023.

- 33 Members to note an error in paragraph 24 stating a report will be taken to cabinet in September 2023. This should read December 2023.
- 34 Sandra Whitton referred to paragraph 18 where the average cost of individual top up funding is lower. Is this not a result of a change of banded provision from costed provision maps which have had an impact on schools. Sandra went on to say banding does not give you the same coverage as the previous costed provision maps.
- 35 Sandra referred to paragraph 17 which refers to the increase in pay awards being covered by an investment support fund. Sandra asked for more clarity on this and went on to add that the increase in pay awards has had quite an impact on schools particularly national insurance contributions.
- 36 David replied, the decision to increase the rate in September 2023 was largely the impact through the response to the pilot of the banding process. Broadly schools liked the banding process but provided feedback that the band values are not high enough and do not reflect the last 2 years of pay awards.
- 37 David explained the additional £830k has been funded from a separate budget line which is the investment support fund. David agreed a separate discussion would be needed with schools on whether the band values currently fully cover all of the costs.
- 38 In respect of the average cost of individual top up funding being lower David said that this was noted to clarify that the overall increase in costs is not driven by schools asking for more money per pupil, but rather by the numbers of pupils coming through the system. David did note that the banding system is a more controlled process.
- 39 Sandra went on to add that there are more children with higher level of needs in mainstream settings than previously. Issues are recognised much earlier than they have been before, and parental independent assessments are also having an impact.
- 40 Paul Shadforth explained there has been an inflationary uplift in banding funds. There has also been the introduction of band E for complex needs. This is a significantly higher band than the previous top rate of banded funding which covers almost full time Learning Support Assistant capacity.
- 41 Paul reassured members that is not a case of displacing needs in one part of the system. Needs are not only increasing in mainstream

schools but also needs and volume are increasing in special schools. The Council are looking at everything to ensure there is a system in place to support schools in meeting all needs.

- 42 Mick Little thanked David for the report and went on to ask where the Council is at with the High Needs capital allocations and how is this being used to ease the burden on the capacity pressure. For example, creating more places or looking at more innovative and hybrid solutions to support both mainstream provisions and ease the pressure on special schools.
- 43 Paul explained the Council has several projects across the county which are ready to progress but are at various stages of starting points. There is a £14m of capital funding plus an additional DfE settlement on capital funding due to be announced in December and is expected to arrive January which will provide a total investment of approximately £18.5m. This capital funding will not only meet forecast demand on spaces but will exceed by around 50-60 places.
- 44 Further consultation will take place with all special school headteachers in in January 2024 to go through this in more detail.
- 45 Mick thanked Paul for the reassurance and transparency.
- 46 Paul to bring further information back to the Forum on progress made.
[ACTION]
- 47 Susan Simon said that one of the pressures which must be increasing the High Needs block is that in the Early Years sector they are all working right up to ratio than previous years. In previous years Early Years providers were able to cope with needs by using the existing staff they had but are now having to claim funding for children with low level needs. This is a reflection on how severely underfunded the Early Years sector is as a whole.
- 48 Paul advised the focus on Early Years within the High Needs Block review is included in item 9.
- 49 Members of the forum noted the report.

HNB funding and SEND and Inclusion Update (Standing Item)

- 50 Paul Shadforth presented this report which provides an update on the latest forecast financial position for the High Needs Block (HNB) budget

and also an update on Phases 1 and 2 of the HNB Sustainability Programme.

- 51 It has been announced that Durham have been identified by the DfE as a pilot area in the North East region for a SEND and AP transformation programme. This will involve setting up a SEND and AP partnership board in County Durham with Hartlepool, Stockton and Gateshead to pilot 12 different recommendations in the SEND green paper. This work will be funded by DfE and will attract circa £1m of funding to embed the transformations.
- 52 Shirley thanked Paul for presenting the report and acknowledged the positive news ahead.
- 53 Members of the Forum noted the report.

Special School Funding 2024-25

- 54 David Watchman presented this report which is to inform Members of a proposed increase to band values for pre-16 places in Durham special schools for the financial year 2024/25.
- 55 The report had been shared in advance with special school headteachers which allowed them to provide a response in advance of the Forum which was circulated to Members prior to the meeting.
- 56 Mick Little acknowledged the significant bleak picture for special school funding and pointed out the increase through the top up values is the only annual increase in funding which special schools receive.
- 57 Mick acknowledges the growing cumulative deficit in the High Needs Block but feels the proposed 1% increase to special school band values is not a fair amount and does not cover the increase in demand.
- 58 Mick welcomes the Council sharing the report with headteachers prior to the Forum meeting but it remains unchanged despite the response from special schools around the increase in demand.
- 59 As detailed in the special schools response, a counter increase is suggested at 2% which would still leave a large proportion to contribute towards the growing deficits and increases elsewhere.
- 60 Rachel Grimwood shared that she is very much in support of the authority and mainstream schools in terms of those pressures of increasing numbers in her school but there is very limited space.

- 61 Rachel has received clarity from Martyn Stenton around the use of the of £0.3million contingency funding, some of which has been spent on demountables for special schools to support increasing their numbers.
- 62 Rachel went on to add how additional numbers and complexity of pupils result in an increase in staff which is impacted by the increase in pay awards that then create additional budget pressures.
- 63 David agrees with the comments made by Mick and Rachel; however, the Council is required to set out a balanced position whilst acknowledging pressures and national funding in meeting demand.
- 64 David shared that the 1% offer has been taken seriously through various work and consultation within the Council. The information provided in the response from special school headteachers and the individual responses from each special school will be taken to the SEND and inclusion Board to be considered before a final decision is made.
- 65 Rachel thanked David for the opportunity for individual responses to be submitted.
- 66 Sandra Whitton shared her sympathy for special schools and understands the pressures that they are going through, particularly the issue with support staff being magnified to meet the needs of the children. Sandra would welcome the Council to look at the offer again.
- 67 Paul Marsden echoed what Sandra said. Paul mentioned the issue for support staff in which special schools have significant numbers. There is also the problem of retention of these staff in all schools. Paul is supportive of the request for the Council to look at the offer again.
- 68 David to ensure the views of Schools Forum, along with responses from special schools, are shared with the SEND and Inclusion Resources Board when making the final decision on the level of increase to special school funding for 2024/25.
- 69 Members of the Forum noted the report.

Forum Membership

- 70 This provides an update on the Forum membership.
- 71 Since the report was written there have been a number of changes, which include:

- Pamela Laverick, UNISON, has been appointed as a substantive member for a term which will run 20 November 2023 – 19 November 2023.
- David Glew, UNISON, has been appointed as a substitute member for a term which will run 20 November 2023 – 19 November 2023.

72 Members of the forum noted the report.

Scheme of Delegation

73 David Shirer presented this report which asks that Members representing maintained schools approve the revised Scheme for the Financing of Schools in County Durham, to comply with current statutory guidance and to clarify responsibility for costs of redundancy and early retirement.

74 The scheme has been redrafted following a request at the Forum meeting for greater clarity about when the council will pay for redundancy and early retirement costs. There has also been an amendment to the section on the Confidential Reporting Code, following the replacement of the Schools Extranet by the Schools Portal.

75 Members of the Forum are recommended to:

- (i) Approve the revised Scheme for the Financing of Schools in County Durham as set out in Appendix A (provided separately). AGREED (12 for, 0 against, 0 abstained).

76 Members noted the report.

Other Updates (verbal)

77 David Shirer informed Members that for maintained schools the pay awards and arrears will be paid at the end of November. For academies it will depend on their payroll provider.

78 There were no other updates.

Any other business

79 Kevin Brennan raised the issue of attendance in Forum meetings. The decisions made are linked to maintained schools and therefore it is important that maintained school members attend the meetings.

- 80 Paul Marsden agreed with Kevin's comment. This meeting is quorate but when this is not the case, can there be a number to allow maintained schools to be quorate when making these decisions.
- 81 David advised the Council will be looking at the constitution next spring so will look into this further.
- 82 Paul and Sandra will also raise the issue of attendance at Forum meetings within the Durham Association for Secondary Headteachers and Durham Association for Primary Headteacher.
- 83 Shirley thanked everyone for joining the meeting and to have a happy and peaceful Christmas.

Date and Time of Next Meeting

- 84 Tuesday 26 March 2024, 9:30 am, Durham Leadership Centre.

Contact

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