Minutes of a meeting of held at 5.30pm on Wednesday, 7 November 2018 at Hackney Learning Trust

Members Present:

**Special schools**
Kt Khan, Headteacher

**Primary schools**
Caroline Tyson, Headteacher
Asarena Simon, Headteacher
Stephen Hall, Headteacher
Mary Walker, Governor
Lisa Neidich, Governor

**Secondary schools**
Paula Whyte, Head of School
Martin Jermyn,

**Nursery schools**
Ben Hasan, Headteacher

**Pupil Referral Unit**
Richard Brown, Headteacher (Chair)

**Academies/Free Schools:**
Peter Hughes
Rita Krishna

**Alternative Provision members:**
Anna Cain (The Boxing Academy)

**Non-schools members:**
Sandra Hall (staff)

Observers: Cllr Chris Kennedy

Local authority:
Annie Gammon, Director of Education / Head of HLT
Ophelia Carter, Head of Schools Finance
Andrew Lee, Assistant Director of Education Services
Frank O'Donoghue, Head of Business Services
Hilary Smith, Clerk to the Forum

1. **Welcome/Apologies for absence**

1.1. Introductions for new members were made.

1.2. **Election of Chair – Agreed** that Richard Brown be appointed as Chair of the Schools’ Forum for the academic year 2018/19

   *Richard Brown chaired the meeting from this point onwards.*

1.3. **Vice Chair elections – Agreed** that Lisa Neidich be appointed as Vice Chair.

2. **Welcome/Apologies for absence**
2.1. Apologies were given for Linnia Khemdoudi, Jackie Moylan, Martin Jermyn, Toni Dawodu and Cllr Bramble. Stephen Hall’s apologies were reported outside of the meeting. Members not present were Peter Hughes, Rita Krishna.

2.2. Noted that where schools were named in the minutes, these would remain as confidential items and would not be included in published notes.

3. Approval of minutes of the meeting of the Schools Forum held on 29 June 2018

3.1. Minutes were approved as an accurate record of the meeting.

3.2. Dates of meetings set out in point 9 of the minutes were noted. All were reminded to send apologies if they cannot attend the meeting and to arrange for their substitutes to attend in their place where appropriate.

3.3. Matters Arising

3.4. **Raising achievement in primary schools, point 5.7** – it was confirmed that the voice of children accessing the referenced Saturday School provision would be followed up and included in the report at a later date. It was noted this was a follow on report on the performance of underachieving groups.

3.5. **Raising achievement in primary schools, point 5.8** – noted that the issue of tracking pupil progress had already been covered in the revised delivery model.

3.6. **Schools Surplus Balances Update, point 6.5** – noted that only one of 2 schools in deficit converting to academy status from 1 April 2018 had been named.

3.7. **Schools Contingency & Growth Fund, point 7.6** – Sara Morgan to be reminded to clarify what Bespoke Support under SRAS entailed when she attends the forum meeting in February 2019.

3.8. **Update on High Needs Arrangements, point 8.13** – members noted that the stakeholders’ event held on 26 June had been positive. Annie Gammon reported a strong engagement from those who attended and that a report would be issued summarising the issues raised and next steps. Also noted that alongside this a smaller working group looking at high needs funding had been set up.

4. Membership & Terms of Reference Update 2018/19

4.1. The report and supporting appendices were noted.

4.2. Sandra Hall raised a query around how to maintain a balance in appointment to Chairperson between headteacher and governor members and whether there should a limit on the amount of time that a single member can take on this role.

4.3. Richard Brown also noted another concern in that, where Forum membership was limited to 1 person for an individual sector (as is the case for the PRU), nominations for chair would always be limited to one representative at a time.

4.4. Forum members noted that it could also be challenging for new members to make an informed decision about a chair if they are unfamiliar with an individual and their past performance within the group.

4.5. Whilst it was noted that continuity of chairing the forum was a benefit, repeated terms of office could also be a concern, especially where a balance between headteacher and governor representation was not maintained. It was, therefore, agreed that all members reflect on the discussion and that a proposal to limit the length of time an individual can fulfil the chairperson’s term of office be drafted for consideration at the next meeting.

**Action:** Clerk to draft proposal for approval at meeting on 6 February 2019

4.6. In addition, it was agreed to clarify how long Richard Brown and previous Chairs had fulfilled the chairperson’s role.

**Action:** Clerk to provide clarification at meeting on 6 February 2019.
5. Consultation on High Needs Funding Arrangements for 2019/20

5.1. Andrew Lee introduced the paper and summarised the report purpose and recommendations.

5.2. Ophelia Carter tabled a short illustration to explain the funding formula set out in the report. It was noted that a funding workshop will be offered to forum members in the spring.

5.3. KT Khan queried the accuracy of stated percentage increases and asked that this is double checked.

**Action:** Ophelia Carter to check percentage increase figures

5.4. Andrew Lee stated that funding had remained relatively static and that increases had been minimal over time. Whilst the education budget was meeting current cost pressures,

5.5. It was noted that officers had attended meetings with the Department for Education, London Councils and Greater London Authority where it was set out that SEND funding was a national issue and more strategic action was required. This was exacerbated by increasing population and a rise in EHC Plans, such that need was outstripping budget provision.

5.6. Where a child or young person demonstrates a level of need, Andrew confirmed that the LA had a duty to provide support to meet this need. Concerns regarding SEND budgets has moved from a local to a national issues and, whilst the Education budget in Hackney is currently meeting cost pressures, there remains a significant overspend.

5.7. It was noted that a SEND capital funding project group was progressing business cases for 2 proposed provisions – a primary ASD and secondary specialist provision via Garden. The Council would, however, need to show financial sustainability into the long term to move forward with these proposals. The Plan of Intent was available on the Local Offer [here](#).

5.8. HLT were currently awaiting an outcome to an expression of interest submitted for new SEMH alternative provision and were hopeful for positive outcome to this proposal.

5.9. Funding for post 16 high needs students is being finalised with a revised approach looking at individual student needs rather than amalgamation of a block contract funding. It is anticipated that this will allow for better tracking of students. Noted a preparation for adulthood approach had been adopted, ensuring a clear pathway is articulated with better management of this process.

5.10. Noted that a group had been set up to look at requirement for LAs to consider strategic commissioning and provision of places within the High Needs Block.

5.11. Funding discussions regarding intention to introduce single cohort resource levels in 2018-19 had been held with all special schools and agreed with 2 schools to date.

5.12. A co-design group looking at additional & exceptional funding for mainstream schools has met 3 times. Meetings had, however, been paused during Judicial Review proceeding and will recommence now the hearing had been held.

5.13. Noted that consultation regarding the EY Inclusion & SEND funding was underway.

5.14. Noted that there was a significant number of children & young people who schools were finding hard to accommodate and to meet need. This often requires placement outside the borough and / or in independent provision. Approaches to address this are being considered.

5.15. Noted that whilst there were currently approximately 41 personal budgets in place for transport provision, it had been harder to arrange & agree budgets for school based provision.

5.16. Consultation and engagement currently included SEND action plan & SEND annual report due for sign off in December 2018. Donna Thomas (Interim Head of Early Years)

[Ref: SF Minutes 181107/ww]
was leading on redesign of services currently delivering 0-5 provision. Consultation and engagement on SEND funding model had been limited pending the outcome of the Judicial Review. It was reported that the outcome of the JR hearing would not be issued until judgement on the Surrey proceedings had been made. It was anticipated that nothing would be heard until the New Year. In the meantime, it was clarified that consultation on work with stakeholders on co-design can take place, but that this needed to be mindful of what potential JR outcomes could be.

5.17. Questions and comments were invited on the report from Forum members.

5.18. Mary Walker queried what level of involvement from other stakeholders had there been in development of new provisions set out in paragraph 5.3. She queried how we were working with partners and how this was informing development. Andrew Lee confirmed that the SEND capital project group included both health & Children’s Social Care alongside other partners. The Place Commissioning Group, however, was an internal officer group. There is also a working group of the SEND Partnership Board, The SEND Continuous Improvement Group, which is represented by all key agencies, including commissioning managers.

5.19. Noted and endorsed that there was a need to have teacher reps from primary, secondary and specialist settings on to the co-design group looking at Additional & Exceptional funding. Cllr Kennedy noted that Jane Betsworth had agreed to be on group.

5.20. Cathy Murphy noted that part of the EY Inclusion fund (item 7.12) had previously been used to support subsidised places, giving it a focus on economic inclusion (e.g. where under 5s who couldn’t afford a nursery placement). She was concerned that funding was moving away from this towards those with SEND & emerging needs. She was concerned that this may disadvantage and exclude those economic needs. Annie Gammon noted that the DfE had put out new guidance stating that there should be focus with this fund on SEND/emerging needs. Whilst a suggestion to move forward this was had been made, an Equality Impact Assessment would be undertaken and considered before formal proposal was made.

5.21. In response to KT Khan’s query regarding what the difference between cost pressure & overspend was (item 4.3), it was clarified that there was, ultimately, little difference. However, the overspend was the net result once positive and negative variances on other budget headings had been taken into account, and the cost pressure was the difference between the baseline budget in 2014-15 and what was being spent now. There has been no additional new money since 2014-15 whilst costs have increased dramatically, and the cost pressure was a measure of this.

5.22. In response to a query from Ben Hassan, it was confirmed that the focus of the report was to look at provision of high quality care and education to those children & young people with high needs, setting out strategies to meet this. Given this, Ben queried what strategies & services the Council was looking at regarding prevention. Andrew Lee agreed that this aspect should be more explicit in the report. The Forum were concerned that they couldn’t currently see where resources and interventions were currently being targeted at prevention.

5.23. Mary Walker stressed that if our values were to provide quality SEND services for families within borough, this should be done in mainstream provision; noting that if this can be done cost effectively, there is a budgetary flow through. She stressed that this needed to be undertaken with other agencies.

6. Approval of Central Schools Services Block 2019/20

6.1. Noted that the report presented was seeking agreement from Schools’ Forum to proposed spending against the Central Schools’ Services Block totalling £2.107M (as set out in table 1 of the report). Noted that if Schools’ Forum did not agree, the proposal, the funding outlined was not money that would be delegated to schools.

6.2. Proposals set out in table 1 of the report were APPROVED.
7. **Annual Report on School Funding Formula 2019/20**

7.1. The report was presented to Schools' Forum members.

7.2. Mary Walker raised a concern about the consultation that was undertaken (referenced in 3.7). She noted that the timescale given for completion was tight and did not allow sufficient time to provide a qualified response.

7.3. In relation to the proposal to seeking agreement to a 0.5% contribution from the Schools' Block to the High Needs Block to help mitigate SEND cost pressures, Andrew Lee noted that a draw down on reserves had been used to support this in previous years. Whilst HLT were trying to make efficiencies and draw down where possible, this was getting harder to do. In the meantime, Hackney must continue to provide for support for children & young people with SEND. In the context of increasing SEND population and complexity of needs, this was, however, becoming more challenging to do. As a result Schools' Forum were being asked to agree the 0.5% contribution.

7.4. Mary Walker confirmed that she did not support the proposal as the funding already in schools was for schools to support EHCPs. Schools would as a consequence have less funding attached to pupils with SEND.

7.5. Richard Brown noted that if we keep saying no, Schools' Forum would not contribute to the resolution of this issue. He accepted the current cost pressures in schools, but queried if these were more due to delays placing individual students into specialist provision. He felt that over last year, HLT had articulated the case for a contribution, providing information and proposals aimed at reducing the issue over time. As such, Forum members shouldn’t see as this proposal that costs individual schools, but an allocation of funding to resolve a system issue.

7.6. In response to David Lowry’s query, it was clarified that the majority of the High Needs Block was not in mainstream provision. Some funding would go into mainstream and in addition, some mainstream schools have specialist provision.

7.7. Caroline Tyson had not seen evidence of changes despite actions being taken and felt that the primary heads she had spoken to would not be supportive of this proposal, seeing it as funding being cut. She was also concerned that by agreeing, a precedent would be set.

7.8. Cathy Murphy noted that she did support the proposal.

7.9. Mary Walker noted that when budget figures were presented about high needs spend being exceeded, one area of underspend had been in mainstream provision in borough. Given this, funding shouldn’t be taken away from an area where resources were being used well and where schools were working with EHCPs.

7.10. Voting results of recommendations - Schools Forum members voted as follows:

7.10.1. To transfer 0.5% from the schools block to the high needs block
    - For – 5 vote; Against – 6 votes; Abstentions – 1 vote. Not agreed (see notes in 8.11 below)

7.10.2. To de-delegate contingencies:
    - For – 4 vote (3 primary; 1 secondary); Against – 0 votes; Abstentions – 0 vote. Agreed

7.10.3. To de-delegate support for UPEG & bilingual learners
    - For – 5 vote (4 primary; 1 secondary); Against – 0 votes; Abstentions – 0 vote. Agreed.

7.10.4. To de-delegate FSM eligibility
    - For – 4 vote (4 primary; 1 secondary); Against – 0 votes; Abstentions – 0 vote. Agreed

7.10.5. To de-delegate licences / subscriptions
For – 4 vote (4 primary; 1 secondary); Against – 0 votes; Abstentions – 0 vote. Agreed.

7.10.6. **In favour** of de-delegating staff costs

For – 4 vote (4 primary; 1 secondary); Against – 0 votes; Abstentions – 0 vote. Agreed.

7.11. At the end of the meeting a voting query was brought to the attention of Richard Brown as Chairperson. It appeared that a member who was not entitled to vote on the decision, mistakenly did so. Forum members were informed before the meeting was closed that the vote result had, therefore, been incorrect. The Chair reported he would seek further advice outside the meeting before deciding how to proceed with the 0.5% transfer decision. A letter was sent to Forum members on 13 November confirming that once the incorrect vote was discounted, an equality of votes would have been recorded at 5 for and 5 against. Whilst the Chair has the option to make an additional casting vote, in these circumstances, the chair confirmed he would not have exercised his option to use the casting vote on such a sensitive subject. The result of the vote was, therefore, an equality of votes 5 for and 5 against and as such Schools’ Forum has not agreed to the 0.5% transfer.

8. **Hackney’s Scheme for Financing Schools**

8.1. The report was noted with discussion held in regard to the section on claw back of excessive surplus balances.

8.2. Mary Walker commented that schools would often hold capital funding to ensure there were available funds for repairs.

8.3. It was noted that surplus spend plans must be submitted where surpluses were identified and that an issue would only arise if the spend plan was not agreed. The purpose of this approach is to ensure surplus funding is only held where there is a purpose to this and that it should not exceed 12%. This was in line with academies’ guidance issued by the DfE.

8.4. Schools Forum members agreed to revisions to the Scheme for Financing Schools, including to clawing back surplus spends over 12% as set out.

For – 9 votes; Against – 6 votes; Abstentions – 2 votes.

9. **Final DSG Position for 2018/19**

9.1. Key issues were outlined. Forum members made no further comment and the report was noted.

10. **Free School Meals Update**

10.1. Frank O’Donoghue presented the report and noted that an FSM update had been presented to the Forum the same time last year.

10.2. This annual report looked at trends regarding the total numbers and proportion of population informing this proxy indicator. There was an overall decline shown, which was more significant outside London. In Hackney, the there is a more differentiated decline. It was noted that whilst take up could be counted, eligibility was unknown as there was no reliable data source to measure this.

10.3. Forum members commented that the on-line process to apply for free school meals was not easy to use. Annie Gammon confirmed that this had been raised with her and she had committed to looking in to ease of use.

10.4. Noted that Hackney should be expecting higher eligibility rates for FSM because children & young people only need reapply when they move into a new phase; as such a year on year removal of eligible students no longer happens. Forum requested that HLT look into ways to encourage take up of FSM through use of posters, etc., noting that increased
FSM take up would bring money into the borough.

**Action:** Andrew Lee to raise with School Admissions & Benefits Team

10.5. Cathy Murphy queried if the benefit change implemented last April could have had an impact, although given transition arrangements, this was felt to be unlikely.

10.6. Richard Brown confirmed that the report would be considered by Forum annually so that trends can be kept under review and action taken as appropriate.

11. **Meetings for 2018/19**

11.1. The following meeting dates were noted by members for the next academic year:

- 7 November 2018
- 6 February 2019
- 24 April 2019
- 19 June 2019

12. **Any other business**

12.1. None.

13. **Confidential Items**

13.1. None