Minutes of a meeting held at 5.30pm on Wednesday, 19 June 2019 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**
Jane Heffernan, Head of School

**Nursery schools**
Ben Hasan, Headteacher

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

**Academies/Free Schools:**

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

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

**Observers:**
Cllr Chris Kennedy
Cllr Anntoinette Bramble

**Local authority:**
Andrew Lee, Assistant Director, Education Services, HLT
Annie Gammon, Director of Education / Head of HLT
Frank O’Donoghue, Head of Business Services, HLT
Jackie Moylan, Assistant Director of Finance, LBH
Ophelia Carter, Head of Schools Finance, HLT
Silvi Shrestha, Clerk to the Forum

**Absent:**
Martin Jermyn, Governor
Peter Hughes, Principal
Rita Krishna, Governor

1. **Welcome/Apologies for absence**

1.1. The Chair welcomed members to the last Schools Forum meeting of the academic year.

1.2. It was noted that minutes relating to individual schools would be recorded as confidential items.

1.3. Apology for absence was received from Martin Jermyn.
2. Declarations of interest
2.1. Stephen Hall declared his role as the incoming Assistant Director, School Standards and Improvement at Hackney Learning Trust. He will take up this post in September 2019.

3. Approval of minutes of the meeting of the Schools Forum held on 9 February 2019
3.1. Minutes of the meeting on 9 February were agreed as an accurate record.
3.2. It was noted that actions from previous meetings were either complete or would be addressed as part of the agenda.

4. Matters Arising

4.1. Chair’s Term of Office
4.1.1. Members noted a discussion which took place at the November Schools Forum meeting on whether a limit should be set on the amount of time a member can continue in the role of Chairperson. It was suggested such a limit would maintain a balance in appointment as Chair between headteacher and governor members.
4.1.2. The report reviewed the pros and cons of limiting the term of office of a Chair and recommended that a limit should not be stipulated as the risks outweigh the benefits.
4.1.3. The Chair highlighted that the current voting process allows Schools Forum to maintain a balance in appointment of headteacher and governor members through the annual election of Chair and Vice Chair. In addition, the constitution currently stipulates that if the position of Chair is taken by a headteacher, then the Vice-Chair position can only be taken by a governor and vice versa.
4.1.4. Annie Gammon added that the report also recommends evaluating the effectiveness of the Chair through an annual review of Schools Forum performance. This is included as part of the agenda of today’s meeting.
4.1.5. The recommendation was put to the vote.
4.1.6. It was resolved by Schools Forum: to agree the recommendation not to stipulate a limit in term of office of the Chair.

For – 10 votes; Against – 1 vote; Abstention – 0 votes

4.2. FSM update (for information)
4.2.1. Members noted the document providing an update on actions undertaken by the local authority to promote the take up of FSM. Annie Gammon emphasised that whilst the local authority promotes FSM application, schools need to work jointly with the local authority to encourage families to apply.
4.2.2. A member noted the difficulties in submitting online applications. It was stated that the online platform doesn’t allow multiple applications to be made though one person where they may be helping a number of parents, and there are language barriers that also disadvantage non-English speaking applicants. A significant difficulty arises when parent liaison staff cannot make more than one application on behalf of the parent.
4.2.3. However, members also stated that some Primary and Secondary schools have systems in place to support the parents to apply for FSM. It is the responsibility of schools to encourage parents to do it because schools benefit from it. Some schools have used initiatives like giving vouchers to encourage FSM take up.
4.2.4. Members noted that the level of online FSM applications have increased. A request was made for data showing the number of families eligible for FSM compared to the number of applications; and the number of parents who have made online applications compared to paper applications, to get a clearer picture of the issue. 

**Action – Annie Gammon to provide an update at the next meeting.**

4.3. **Raising achievement in Primary School (for information)**

4.3.1. The document addressing queries raised by the Forum in February’s meeting was tabled.

4.3.2. It was noted that the book levels questioned at the last meeting are explained in the paper and an explanation of progress of pupils is also provided.

4.3.3. A member enquired about the number of book levels pupils are expected to progress by. Annie Gammon clarified that pupils are expected to progress by 4 or 5 book levels per year.

4.3.4. The Chair requested for the document to be reissued for the next meeting to enable Forum members to make a decision about further funding for this project from the de-allocated funds.

**Action – Annie Gammon to circulate document on Raising Achievement to for the meeting in November.**

4.4. **Other Matters Arising**

4.4.1. A member enquired whether the local authority has a strategy in place to support schools and nurseries with a falling pupil roll.

**Action – Annie Gammon to provide an update in the autumn term.**

4.4.2. The Chair reported that a Forum member had raised a query, outside of the meeting, on pension administration costs to schools that do not purchase the payroll service. It was noted that schools who do not opt into Hackney payroll service would still incur a charge for pension administration costs as this is undertaken by the local authority and not the payroll provider. Those who opt into the Hackney payroll service are not charged as this cost is included as part of the service they buy into.

4.4.3. Members noted a discussion which took place in the previous Forum meeting on the Early Years Inclusion Fund and enquired about the criteria and process for applying for this fund.

**Action – Donna Thomas to provide an update on the inclusion fund and how schools can apply for it.**

5. **Changes to the scheme for financing schools – an update**

5.1. The purpose of this report was to inform Forum members of the changes to the scheme for financing schools. Members noted that the changes are highlighted on Item 4.

5.2. A member queried how this information is shared with schools. It was noted that this information is shared on the local authority website.

5.3. **It was resolved by Schools Forum:** to note the new regulations and the directed revisions to Scheme for Financing Schools and offer no further comments.
6. Schools’ surplus balances update including DSG carry forward

6.1. The purpose of the report was to show schools’ balances held at March 2019. Ophelia Carter stated that schools that have a surplus balance may have to submit a surplus spend plan or potentially be subject to a clawback. In addition to an increase in surplus revenue balances of £3.3m (from £11.6m to £14.9m), the school capital reserves have also increased by £0.7m (from £0.8m to £1.5m).

6.2. It was noted that there was an increase in school capital out-turn due to an unexpected one off improvement grant from the government.

6.3. It was noted that there are a number of schools (7 currently) in deficit which is an improvement from previous years. Some have drafted a deficit plan. The closing balance shows that the overall deficit has reduced.

6.4. Ophelia Carter highlighted that Yesodey Hatorah is due to convert to academy status, which means that the local authority is at risk of retaining any deficit the school has on exit. The school is not currently forecast to have a deficit.

6.5. Forum noted the reasons for some schools retaining a surplus balance. Ophelia Carter reiterated that schools have been cautious about spending their money due to the financial implications of the National Funding Formula.

6.6. It was noted that the local authority was reporting a DSG overspend of £1.5m for 2019-20. This overspend has been retained on the Council’s balance sheet and will not be deducted from the following year’s DSG allocations.

6.7. The Chair noted that Forum members have previously requested financial information on academies and free schools balances in order to get a full picture schools finance in the borough. Academies and free schools manage their own finances and are overseen by the ESFA, and therefore the local authority is unable to provide this information. However, this information is available on the DfE website, but relates to the previous academic year meaning it would not therefore give an accurate comparison. It was noted that the Forum would welcome receiving this information in the future even if it is from a different year.

6.8. A member raised a concern that schools that have previously been in deficit and submitted a deficit recovery plan have not yet seen an improvement and a balanced budget. The member enquired what support is in place for these schools. Ophelia Carter informed Forum that HLT provides support by meeting with the Headteacher and Chair of Governors to discuss the increasing deficit and how to mitigate further risks. A deficit recovery plan is put in place for each school and Forum were advised that it can be a number of years before a school reaches a balanced budget. Annie Gammon added that support is further strengthened by close monitoring of finances alongside the SRAS process.

6.9. It was resolved by Schools Forum: to note the report, the current position on the increase in school balances overall, and the position for the DSG carry forward deficit for 2019-20. Forum thanked Ophelia Carter for providing clear information.

7. Schools’ Contingency and Growth Fund: use in 2018/19

7.1. The purpose of the report is to update members on the allocations made from the 2018-19 schools de-delegated contingency and the use of the Growth Fund. It was noted that the de-delegated funds were made up of £248,290 of schools contingency and £500,000 to pay for SRAS.
7.2. Ophelia Carter stated that the use of the contingency is dependent on certain criteria noted in the report.

7.3. Members noted in particular, the support that schools were given through the SRAS process highlighted in point 4.5.

7.4. It was noted that Table 1a and 1b provides a breakdown of expenditure on national non-domestic rates and expenditure on SRAS support for schools. It was noted that there was a variance in the de-delegated contingency fund and the final spend on contingency of £517,115. In addition, there is also a residual amount of £79,491 in the top sliced School Growth Fund. This is the first year that there has been an under-spend in either of these budgets. In previous years, when there was has been an over-spend on schools contingency fund, HLT’s reserve has been used to make up the over spend. The residual amount of de-delegated funding will be credited back to HLT reserve and will be used to offset cost pressures of High Needs fund.

7.5. Frank O’Donoghue reiterated that this is the first time ever the schools contingency fund has been underspent. I view of that, it was suggested that Schools Forum be given the opportunity to address the future treatment of a surplus or deficit balances on this element of de-delegation when proposals are brought forward in the autumn term.

7.6. A member queried when an under-spend of the schools contingency fund could be forecast. Frank O’Donoghue clarified that this information is clear in month 11. It is easier to predict SRAS expenditure which follows a regular process. However, the rates can be volatile and expenditure of contingency fund is difficult to predict.

7.7. It was resolved by Schools Forum: to note the report and, the current position on the use of unspent contingency, and the proposal to address the treatment of contingency balances in future.

8. High Needs Funding Arrangement – an update for decision

8.1. The purpose of this report is to update Schools Forum on progress with the high needs funding arrangements for 2019-20. In addition, it is recommended that members note the DfE call for evidence on SEND funding and make a decision on whether Schools Forum should submit a response. Andrew Lee provided the following key information;

8.2. The SEND deficit is likely to increase yearly. A DfE call for evidence on SEND funding asks whether the current method of funding is suitable. The local authority will provide a response. Schools Forum can also submit a collective response.

8.3. Plans are in place to use the SEND capital grant on two projects; a Primary ASD provision in Queensbridge School and post-16 provision at Garden. A feasibility study for the latter is being carried out. In addition, the local authority published an expression of interest in opening SEMH provisions, however, there has been no interest from schools to take this forward.

8.4. The local authority is developing a strategic SEND provision plan. A plan of intent has been published on the Local Offer which identifies provisions that would be valuable to the borough; this is up for public consultation. Once plan of intent is refined, schools will be consulted on what provisions they would like.

8.5. Work around post-16 high needs is focussing on supported employment for SEND pupils. The local authority introduced a project called ‘Project Search’ which offers internship placements in Homerton Hospital. Andrew Lee stated that it can be
challenging to place high needs pupils in placements as they require significant support.

8.6. The funding arrangement for Special Schools is now based on single funding values to provide stability. The funding arrangement is closely monitored.

8.7. The Early Years Inclusion Fund will form a bridge between early years and high needs block and will be made available to schools and settings under the agreed criteria.

8.8. A member enquired if the inclusion fund will be available for children from deprived background. Officers responded that this funding was to meet the needs of children with SEND and the criteria for funding was not based on financial disadvantage. Hackney had previously operated a discretionary fund for support to disadvantaged families, whereas there was no discretion for this under DSG funding arrangements. Guidance on use of the funding is available on the Local Offer.

8.9. A member enquired about the financial support available to disadvantaged families who are not eligible for the 30 hours free childcare. Members also enquired whether the inclusion fund provides opportunity for families to access this funding for 30 hours child care.

Action – Forum requested that Donna Thomas attend the next Schools Forum meeting to provide a briefing on Early Years funding for SEND pupils and what if any funds could be allocated for deprivation.

8.10. Andrew Lee stated that the local authority incurs high costs for sending pupils to independent settings. Current activities, listed on Table 5.4.2, are carried out by the local authority in an attempt to reduce use of out of borough and independent provisions.

8.11. The local authority have a legal requirement to offer a personal budget. Some children have two or three personal budgets based on their EHCP. Personal budgets for home to school transport increased from 14 (in 2016) to 40 (in 2019).

8.12. The Judicial Review brought by parents was heard in favour of the local authority. Parents appealed this decision in March, however, the appeal was not upheld. Parents have put in a second appeal to the high court and are awaiting a decision.

8.13. The Local Government Social Care Ombudsman (LGSCO) investigated two complaints by parents about the delay to issuing EHC plans. The LGSCO reports, which has significant ramifications nationally, have been published and the local authority is presenting a report about it to Cabinet in July. It took the LGSCO a significant amount of time to reach a decision. A meeting has been organised between the local authority and DfE to discuss concerns raised in the reports which relate to current procedures and different interpretation of terms.

8.14. A member noted that the concept of element 2 funding of £6K has been raised in the codesign group as part of their discussions as there is a lot of confusion about it and because there is a significant disproportionality in the number of SEND pupils in schools. A member enquired how the local authority decides how the money is distributed. Andrew Lee noted the call for evidence tackles this issue. The structure of SEND funding does not tackle this disparity.

8.15. A member enquired about how the local authority is monitoring expenditure in light of the SEND deficit which is expected to increase. Cllr Kennedy stated that the Council audit committee raised concerns about expenditure and were reassured that the local authority is managing costs efficiently and providing a great SEND service. Cllr
Bramble added that the cost pressures are due to lack of funding to meet the demands. Deficit is likely to continue unless the system is reviewed. Furthermore, Andrew Lee noted that the local authority have implemented processes to keep a track of expenditure, including closely monitoring expenditure on pupils which exceeds £60K.

8.16. Andrew Lee added that there is currently a Judicial Review brought by parents against funding from Central Government. The review is using the aforementioned LGSCO investigation reports to put a case against the Central Government.

8.17. It was resolved by Schools Forum: to note the progress on the arrangements for high needs pupils in 2019/20 and agreed to respond to the DfE call for evidence on SEND funding arrangement. It was agreed that the local authority organise an initial draft response drawing points from the discussion today to address how the system could work better.

Action – Andrew Lee and Frank O’Donoghue to take forward.

9. Consultations Update (OCa)

9.1. The purpose of the report is to provide an update on the outcome of the teacher’s pensions fund consultations and provide information on DfE call for evidence around SEND funding.

9.2. It was resolved by Schools Forum: to note the outcome of the teachers’ pension fund consultation.

10. Evaluation of Schools Forum – what went well, what could be improved

10.1. Members were asked to complete an evaluation form on the effectiveness of the Forum.

10.2. Chair stated that future meetings should not be cancelled even if there are no items for discussion as the Forum can use the time to discuss crucial emerging issues.