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| **Members:** |  | **Position** | **Voting** | **Attendance** |
|  | Jane Shields | Primary Maintained Headteacher | Voting | Present |
|  | Karen Joy | Special Maintained Headteacher | Voting | Absent |
|  | Karen Bennett | PRU Maintained Headteacher | Voting | Present |
|  | Tim Williams | Primary Academy Headteacher | Voting | Present |
|  | Cathy Reid | Secondary Academy Headteacher | Voting | Present |
|  | Paul Jackson | Special/PRU Academy Headteacher | Voting | Present |
|  | Stephen Avis | CFO Multi Academy Trust | Voting | Present |
|  | Richard Warnham | Governor Primary Maintained | Voting | Present |
|  | Barbara Fincham | Governor Primary Academy | Voting | Present |
|  | Clive Mailing | Governor Secondary Maintained | Voting | Present |
|  | Peter Martin – Chair. | Governor Secondary Academy | Voting | Present |
|  | Ian Chappell - Vice-Chair. | Governor Secondary, Special and PRU | Voting | Present |
|  | Vacancy | Early Years Representative | Non-voting |  |
|  | Vacancy | 16-19 Provider Representative | Non-voting |  |
|  | Kirstin Barker | C of E Diocese Representative | Voting | Present  |
|  | Clare Redmond | RC Diocese Representative | Voting | Present |
|  | Julia Harris | Teaching Unions Representative | Non-voting | Absent |
|  |  |  |  |  |
| In attendance | Chris Kiernan  | Assistant Director of Education and SEND LA |  | Present |
|  | Maria Beaney  | Finance Business partner LA |  | Present |
|  | Martin Daniels | Finance team LA. |  | Present |
|  | Sarah Phillipson | Clerk |  | Present |

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| **No.** | **Agenda items** | **Discussion** |
| 1. | **Attendance and Apologies.** | No apologies were given. Julia Harris and Karen Joy were absent.  |
| 2. | **Declarations of Interest.** | Declarations of Interest – no changes.  |
| 3. | **Minutes from the previous meeting.** | **3.1 Accuracy**:* Page 7, Item 6 - Remove “were” in the statement *“In 2016 were 82 children moved”*

The minutes were agreed as an accurate presentation of the meeting with the above items amended.  |
|  |  | **3.2 Matters arising**: * *Action - Clerk to Clarify Ms Reid’s position at The Howard School, email out to all who will confirm if the appointment is to be made.* ***COMPLETED****.*
* *Action – MB to send out to eligible voting members the above proposals and request an agreement. MB -* ***ONGOING.***
* *Action – MB/WV to contact all providers of 16-19 sectors and EYFS sectors. MB/WV -* ***ONGOING.***
 |
| 4. | **Verbal update from the High Needs Sub Group.**Chris Kiernan  | CK noted that the next HNS group meeting is to be arranged. He explained that the action plan has nine saving areas, plus the disapplication of the 0.5% to be agreed by the Schools forum. These saving areas if achieved, will allow the budget to balance by 2027-28. This is in relation to the current £14 million structural overspends. SK reiterated that the overspend is structural and will increase over each year. The target saving over the period is £20 million. This plan has been approved by the LA. The key action points are: * Item 2. Decommission and commission resourced places in mainstream schools. CK advised the members that the Specialist school provision is almost completed, and will go to full council next week. Awaiting DfE sign off for Corn Wallace. This is supported by the regional schools’ commission. The second aspect of this action point is the placement of specialist places within secondary mainstream. CK advised he has met with CEO of the trust to discuss and make proposals around the 220 places needed. The saving on doing these two items for 2029-30 will be £10.2 million in total.
* Item 6 - Reduce the centrally-funded outreach service to a fully-traded service.
* Item 1 - To define and apply the graduated approach with ‘needs’ vs HN funding. Ensure the graduated approach, which should bring the number of EHCPs in line with the National figures.

Members noted that it was disappointing that the HNS Group had not been able to go through these points in detail, prior to this meeting. It was agreed to hold the next HNS two weeks before the next Schools forum meeting in Nov. **Q –If there is a target to bring ECHPs in line with the national average, suggest that the LA will not award them when necessary?**A – The LA will use the correct graduated response, which is expected to reduce the numbers of EHCPs. EHCPs will be awarded when they are needed. It was noted that mobility issue around the number of SEND children coming into the local area has altered and the LA is now a net exporter and not an importer.  |
| 5. | **Medway Test Briefing Note.** | CK stated that Paul Clark and his team have worked extremely hard on this document, under difficult circumstances. CK referred to the previously shared document noting the following key items to members:  * The outcome of the various consultations has been the delay of the test (by around four weeks) to provide additional time in school for the pupils. Enabling the children to settle into the new school year and to catch up on some of the lost time. The DfE refused to alter the deadline of October 31.
* Rearranged the testing to ensure safe environments.
* Weekend testing for out of area students to be increased from 1 day to 4 days so that social distancing can be implemented and to reduce numbers of pupils, staff and parents on school sites at any one time.
* Medway schools will manage the test themselves this year rather than pairing up with other schools to reduce the movement of staff between sites.
* Fully staffed for invigilators, along with replacement staff if needed.
* LA will be considering keeping the later test day in the future, as it might benefit the vulnerable and disadvantaged.
* Marginally higher on out of area applicants verses in area applicants. This will need addressing in the future.

The chair noted the amount of work and detail which has gone into this process. **Q - What is the procedure around children who are self-isolating or in the bubble which have to isolate?** A – The LA will make arrangements for anyone who is self-isolating. This is factored into the scheduling. A member noted that there are a Primary Heads working party, which is also looking at this along with what would happen in full lockdown. They will be reviewing three options on ways to decide which children will be eligible for grammar schools.  Members noted the Medway Test Briefing Notes. |
| 6. | **KS2 School Improvement and School Forum Funding .**Chris Kiernan. | CK explained this item was for information regarding delegations and top slices which will be asked for agreement in the November meeting. CK confirmed that there are four areas. Two are delegations which affect maintained schools; school effectiveness and governance support. Then there are two top slices, where the money is taken from the academy and maintained schools in the same way. These are for Key stage assessments (primary).Members noted and had no questions on the School improvement and Schools forum funding item. |
| 7. | **School Forum Governance.** | **7.1 Verbal Update - Scheme for Financing Schools**. – Martin DanielsMD explained that Medway’s scheme for Financing schools is for maintained schools, and will consult with the Schools forum annually. The DfE have brought out a directive to alter the Scheme for financing policy under three areas. 1. Submission of financial forecasts – 3 times a year submission of forecasts budgets. Currently, the schools submit their 3-year budget plan once per year.
2. Schools should submit a deficit recovery plan when the deficits go above 5% - currently, the LA requests schools to submit plans with any deficit budget. The LA recommend not to add this into the consultation.
3. From April 2020, schools can now buy into DfE risk protection arrangements – currently, this is not included in the LA policy.

MD noted there had been recommendations from Jan 2021 that schools have to record on their websites in sums of £10,000 any salaries over £10,000, and add a link to the CFR benchmarking page. This was not included in the directive for the Scheme for Financing school’s policy, but are recommendations, which the Schools forum can consider adding to the consultation document. This document will go out to maintained schools this week to agree. **Decision** -Members agreed to add this to the next meeting agenda. **Action –Add the Scheme for Financing Schools consultation findings to the Schools forum Nov meeting. Clerk/MB.****Q -Why is it that item two does not need to be actioned?** A – This only a recommendation and not set in stone. The LA want all schools to work with the LA to recover their deficit. Members requested the draft document be sent to them for consideration. **Action – MD to update the final draft and send out to all members of the Schools forum. MD.** MB requested the members assist communication with the schools to ensure that they all read and respond on this consultation as it has critical factors which affect them. **Q – Does the LA not follow the consultation with the schools?** A – This does happen, but some schools do not read the communication which comes out. The members discussed the best options around this. Noting a line in educational people governance pages might support this also. **7.2 School Forum: Proposed change to the constitution.**  Chris KiernanCK advised that the Schools forum is currently fully constituted. However, there has recently arisen a concern that while academy trust finance officers are represented on school’s forum, trust chief executives are not. Accordingly, this report recommends that schools forum members agree to include a chief trust executive to the constitution. Schools forum as currently constituted has 17 members (see the attachment to this report). There are 14 voting and three non-voting members. All academy and maintained schools’ representatives aside from governors are headteachers (although as noted above, academy trust finance officers are represented).Given that the large majority of schools 63 out of 102, roughly two-thirds – are academy trusts, it is appropriate that trust chief executives are represented on Schools forum. That is the recommendation of this report.Should Schools forum members agree, the trust chief executives’ member would have voting rights. Because trusts have early years, primary, secondary, and post-6 provision, the chief executive member would take part in all votes.Schools forum members have the option to vote for or against this proposed constitutional change. The lead officer’s advice to Schools forum members is that for a reason set out above a trust chief executive should be included in the constitution of Schools forum.It is recommended that schools forum members vote to approve the inclusion of an academy trust chief executive as a voting member of Schools forum.Should school’s forum members agree the recommended action, the clerk will arrange for nominations to be received by October 19 2020. If more than one nomination is received by the clerk, she will arrange to send out ballot forms, with a deadline date of November 30 for papers to be returned. The trust chief executive with the most votes will be duly appointed as a voting member of Schools forum and will become a schools’ forum member with effect from the 13th January 2020 meeting. **Q – There is an issue that some trusts will have two representatives on the board, with either an HT or a CFO also present? This could restrict the broadness of the forum, and have two voices from the same trust.** A – Spreading representation around is good. Sharing this information is essential for the voting members to understand the background and makeup of the forum. A member commented that he agreed with both points, noting that the purpose of the paper is about reflecting the number of schools who are in the local area, and so he would not expect two members of the same trusts to apply. CK will write to all representatives, outlining the voting process clearly, the current forum membership, and that this was the feelings of the forum, including academy trust members. Members discussed if this would also affect governors in various trusts. Also, they agreed this might not be possible, but ideally, to have broad representation, this would be considered. CK noted that usually, this process doesn’t go to vote due to the limited nominations. **Decision -** All school members eligible voted and agreed on the proposal outlined above with the addendum regarding the broader representation if possible.  |
| 8 | **LA commissioned outreach services.**Chris Kiernan | CK noted that this report is relevant to the High Needs Block. This report sets out the provision made by the Fortis Trust and the Marlborough Centre outreach services. Both services focus on assisting schools in meeting the needs of pupils with additional needs who attend state-funded schools in Medway.He further explained that the report shows the number of schools and pupils, supported in the 2018/2019 school year. This year is the latest available that gives an accurate picture of the service provided by both outreach services, as the last half of the 2019/2020 school year was badly affected by Covid-19.The report shows the net cost of the service, which is currently funded by the local authority (LA), using the high needs block (HNB) and alternative ways of funding the service in the future, one of which is recommended.Current service provision and fundingBoth trusts provide outreach services that are in high demand and are undoubtedly good value for money. The table below shows the number of primary and secondary schools that received service from either or both trusts in the 2018/2019 school year.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **centre** | **primary** | **secondary** | **total** | **cost** |
|  |  |  |  |  |
| The Fortis trust | 69 | 10 | 79 | £280,000 |
| The Marlborough centre | 58 | 7 | 65 | £225,000 |
| total | 127 | 17 | 144 | £505,000 |

Future optionsWhile the outreach services are valued greatly by the LA, as well as the staff, parents and pupils of mainstream schools who all benefit from them, the way they are funded is not sustainable; and neither is it right in terms of the way school funding is allocated.At present, the service is free at the point of delivery, and 100 per cent funded by the LA. However, the local authority cannot any longer support the services so that they are free at the point of delivery for schools that have pupils who will benefit from their advice and guidance. The HNB has a cumulative deficit of over £9m, and this is forecast to increase to over £13m by April 2021, as an in-year deficit of £4.3m is predicted for the current (2020/2021) financial year. Even if the service were affordable within the HNB, it would still not be right to use the block to fund these services. The funding to support the purchase of outreach services of the type provided by The Fortis and Marlborough trusts is delegated to schools, and therefore should be paid for by them.  CK considered how best to achieve this in a way that causes schools the least difficulty and if possible’ insures’ schools against sudden spikes in need to support pupils. Other than LA funding, the only way to achieve this equitably is through implementing an ‘insurance’ based system. There are options to fund this: 1. Trusts to move to a ‘traded’ model, under which schools pay for the support they need. This has three key disadvantages:
* Traded services for outreach are difficult to cost, inefficient to administer and difficult to market – both trusts would have to allocate resources to administration, which would increase the cost of the service;
* Schools using the service would start to consider the cost as well as the appropriateness of the service and consider alternative suppliers, which for some schools might be a key consideration; and some schools – even small ones – have peaks and troughs of need, with peaks causing a problem if outreach services have to be paid by them at the point of delivery rather than through an ‘insurance’ based system.
1. An ‘insurance’ based system. One is that schools subscribe individually – usually on a per-pupil basis. It is the service supplier that triages to determine the greatest need and delivers outreach support accordingly (as is the case now). The fundamental problem with this funding methodology is that a number of schools will always refuse to subscribe. This can be for several reasons – for example, a headteacher has never, or rarely, used the service, or she/he is content to pay as the need arises. But the outcome is that the cost of the service per school rises in direct proportion to the number of schools declining to subscribe.
2. The second method of funding an ‘insurance’ based service is ‘top-slicing’ the delegated schools’ budget. This means a small reduction – about 0.25 per cent – to the budget of all mainstream academy and maintained schools, to be allocated to the Fortis and Marlborough trusts.

CK stated that the LA recommendation is that schools forum agrees to fund the service through a top-slice at its November meeting and that it agrees to consider financing the outreach services in this way annually. Subject to a report that assesses the value for money (considering the services’ costs and their impact) in the previous school year, every September.Actions for schools forumMembers of schools forum were invited to give their views and in particular, indicate to the two trusts and LA officers whether they are minded to vote in favour of top-slicing and to transfer up to 0.25% of delegated budgets to fund both outreach services in the financial year 2021/2022. This then will go on as part of the consultation with schools before the final agreement is requested as part of the funding formula on January 21.CK stated that Schools forum members should note that, should the indication be from this meeting that there is no or little appetite for the top-slicing of the budget, LA officers will commence consultation with schools on their individual preparedness to subscribe to the services, or to trade if the level of potential subscribers is not at the level needed to make the services viable. The next steps depend on the feedback given by schools forum voting members at this meeting. If the indication is that members are favourable to agreeing to top-slice mainstream schools’ budgets to fund the service, a report will be prepared to propose this and the consultation with schools will begin before the final agreement is requested as part of the funding formula in January 2021.CK explained that should the feedback be that voting members are not likely to support the top-slice, a consultation with schools will be undertaken as outlined in the paragraph above. The proposal will still be made at the November meeting that Schools forum agrees to the top-slice, but the alternatives and likely way forward set out in the report.**Q – Regarding top slice across all schools and academies funding, where could the academies top slice come from? Is it when LA receives it?** A – It would be taken out of academies schools’ budgets by the EFSA and given to the LA. This would be on exactly the same basis as the maintained schools as the formula is the same. **Q - How is the amount needed to be decided, and will this be capped?** A - The service cost £505,000 between both service centres. Will look at school inflation in the future, unless the client base requires a more extensive service, and reviewed annually. **Q Who will monitor the quality of service given?** A – The provider will be responsible for quality assurance. The clients would be expected to respond to the provider if not happy, and then ultimately to the schools forum representative if their concerns were not addressed. This can be communicated. **Q – What happens if another school or Trust wishes to open an additional outreach service?** A – This is a good point and will have to consider this along with conversations with the two providers. The LA will top slice for the first year and then consider a more open market. The Schools Forum can do this by not agreeing on the annual request to review the top slice; this would create an open market. **Q – Is there an element of double counting if the schools are using both? Do we have any trend information for the next meeting?**A – Double counting, does happen. Looks like most Secondary schools use some elements of the services. The trend information is available and can be provided at the next meeting. A member asked if forum members could share this information with MELLOR, the secondary and primary heads meetings. It was agreed that it could. **Q – Have the heads been involved, as there may be some schools that have now sourced their own provision and so this is not a service used by the many?** A – This has been considered, and this is why the information has been brought to the forum for more discussion. CR noted this would only affect academy trust in Medway. MB noted that this would become a part of the funding formula consultation. **Q – Should this also go out to the CEO group meeting?** A – It hasn’t currently, but they can be informed. **Action CK to provide trend information at the November meeting around the use of the outreach services. CR.****Action – Add to the November agenda the proposal meeting that Schools forum to discuss and vote on top-slicing mainstream schools’ budgets to fund the outreach services. Clerk/MB.** |
| 9. | **2021-22 Budget Setting Process**Daniel Martin**.** | MD explained that the Schools’ Forum is required to approve expenditure which is funded from the Schools Block of the Dedicated Schools Grant (DSG) even if the expenditure has been approved by the Schools Forum in previous years as well as the central services schools block of the DSG.The proposed 2021-2022 School and Academy funding formula timetable is below:

|  |  |
| --- | --- |
| Sept 2020 | Information from DFE to LA  |
| Sept 2020 | High Needs and School Block funding operational guide from the ESFA2021 to 2022 growth allocations will be provided to local authorities |
| October 1 2020 | Census Day |
| November 2 2020 | LA to model & consult with schools/academies for 3 weeks |
| November 4 2020 | Schools Forum Meeting – Schools Forum & LA to decide & approve Provisional 21-22 funding formula |
| November 22 2020 | Deadline for schools/academies consultation |
| Nov/Dec 2020 | DFE/LA (Management Information Team) validation of School Census |
| November 20 2020 | Deadline for submitting final exception EFA changes requests |
| November 28 2020 | School Census Data closed by DFE |
| Mid-Dec 2020 | School Census Data available DFE issues Funding Formula Return (APT) to LAs, with School Census (Oct.20) dataLA able to estimate Schools Block – Dedicated Schools Grant allocation for 21-22 |
| **January 13 2021** | **Schools Forum Meeting – Schools Forum & LA to decide & approve Final 21-22 funding formula.** |
| January 21 2021 | Funding Formula Return (APT) to be submitted to EFA |
| February 2 2021 | Council Cabinet Approval for Final 2021-22 funding formula |
| February 28 2021 | Schools to be informed of Schools Block allocation 2021-22 by LA |
| March 27 2021 | EFA informs academies of GAG |

This follows last year’s timetable and DfE set dates. 2021-22 Changes to the National Funding Formula (NFF)MD drew members attention to the following points: * Basis Entitlement – Age-Weighted Pupil Unit (AWPU). The AWPU for 2021/22 has seen an increase of 3% from the 2020/21 amounts with the addition of the Teachers Pay and Teachers Pensions Grants being rolled into this element of the formula for 2021/22.

The table below summaries the Basis Entitlements for 2021/22;

|  |  |  |  |
| --- | --- | --- | --- |
| AWPU Summary | **Primary** | **Secondary KS3** | **Secondary KS4** |
| Basic AWPU | £2,943 | £4,139 | £4,698 |
| Pay Grant Roll In | £47 | £69 | £69 |
| Pension Grant Roll In | £133 | £196 | £196 |
| **Total AWPU for 2021/22** | **£3,123** | **£4,404** | **£4,963** |

* The Minimum Per Pupil Levels (MPPL) for 2021/22 have been set as £4,180 primary schools, £5,215 for KS3 and £5,715 for KS4.
* The Gains Cap for individual schools has been removed from the NFF for 2021/22. In 2020/21 gains cap was set at 6%. It is too early at present as the where the removal of the cap will be affordable for Medway in 2021/22 until work is completed on the APT, but the LA could potentially have to apply a gains cap of between 6% to 8%.
* The full list of the NFF rates for 2021/22 is set out in appendix 2.
* The Schools Forum are asked to note the changes to the NFF and the full list of rates for 2021/22.

If approved MD explained that the next steps would be for the LA to consult with all Schools and Academies in Medway about the options outlined in this report and will report back to the Schools’ Forum. An email will be sent to all headteachers, governors and school finance officers for both Schools and Academies inviting them to offer a consultation response.**Q – There is a National funding formula dictating these numbers and the LA should get the funding for this. Why is there a need for a gains cap when the funding formula states schools should be receiving this?** A – The amount of money received for the growth funding is not sufficient to cover the costs; this is also the case with the High needs block and the outreach services. This has to be funded. The building elements also come from this formula. The only way to afford these items is to use the Schools Block of the Dedicated Schools Grant (DSG).The ESFA have refused to make up the shortfall in the growth funding and the rates bills increases. They are basing their calculations on per pupil. A member noted that this had been discussed each year, and it had been agreed previously that if schools are significant losers in the funding formula the Schools forum were not going to fund any shortfall, as schools should now have been prepared for this. MB noted that in the past, a school had come to the forum as it was losing 7%. The members at the time believed it was unfair for one school to lose this level of funding and then protected at the time. Members noted that this was only a temporary agreement, and some could lose due to the capping also. It appears that the schools who need the most support will be losing the most.MB explained that in the proposal, there is no mechanism to protect schools who are losing as any funding would have also taken from the top-slicing. **Q - Will the rolling of the pay and pension grants be included in this?** A – I don’t know at the moment, sometimes the government does exclude this and sometimes they don’t. Once this information is available then the LA would review the top slice. **Decision –** The Schools forum were asked to: * APPROVE the adoption of the proposed timetable in the above timetable. **APPROVED.**
* SUPPORT the Council’s request mirror the NFF rates wherever possible in the above table. **APPROVED.**
* SUPPORT the Council’s proposals on the consultation with schools and academies as outlined above and using the rates in the above table as part of the consultation. **AGREED.**
* Members NOTED and COMMENTED on the report.
 |
| 10 | **Funding Support Business Cases.** | Miers Court Primary School case was discussed and funding approved for release. – see confidential minutes for full details.  |
| 11 | **AOB** | None.  |
| 12 | **The Forward Plan 2020-21.****Date, time and venue of the next meeting.**  | December 3 at 2 pm.  |

Signed by Chair ………………………………………………………………………….………………….Date:………………

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| **ACTIONS** | **RESP** |
| Action carried over– MB to send out to eligible voting members the above proposals and request an agreement. Carried forward. | MB |
| Action carried over – MB/WV to contact all providers of 16-19 sectors and EYFS sectors. | MB/WV |
| Action –Add the Scheme for Financing Schools consultation findings to the Schools forum Nov meeting.  | Clerk/MB |
| Action – MD to update the final draft and send out to all members of the Schools forum.  | MD |
| Action CK to provide trend information at the November meeting around the use of the outreach services.  | CK |
| Action – Add to the November agenda the proposal meeting that Schools forum to discuss and vote on top-slicing mainstream schools’ budgets to fund the outreach services.  | Clerk/MB |

**CONFIDENTIAL**

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| **No.** | **Agenda items** | **Discussion** |
| 10 | **Funding Support Business Cases.** | Miers Court Primary School case was discussed. – see confidential minutes. A member noted that the proposal was consistent with other decisions made. **Q – I thought these applications had November deadlines, and what year does it relate to, as the census figures are tomorrow? If it was for last year, why has it only been presented now?** A – It was for last year. It formed part of the 20/21 growth funding the LA calculated in January last year, but school forum members have not yet approved the release of the funding. We need to treat this business case like the others and approve under the old policy.**Q – Did we not discuss that we would pay per pupil up to the number of the threshold. We also discussed bringing all schools who are qualifying to the forum?** A - Yes, we did agree that we would look at who qualifies and contact the schools and bring them forward in the Nov meeting. This is happening and we have seven schools’ cases ready. **Q – Are we confident that we didn’t already turn this school down?** A – We didn’t bring them to the forum in the past.**Q – What about other schools which missed the deadline?** A - The school was considered at the budget setting, but the forum didn’t see a business case from them. **Q – When did the applicant come in?** A – The case must have come in, as we allocated their case into the budget, but the business case didn’t come to the forum. A member noted that he felt the business case must have come in later for it not to have been included in the previously considered cases. It was also pointed out that the census numbers are not due yet so it is hard to see how schools could have already presented business cases for this year. It must be clear to the members who qualify for the extra funding on a per-pupil basis. MB agreed. Members asked if there were any other additional schools likely to come to the forum. MB confirmed there was not. **Decision -** Members voted and agreed to approve the Funding Support Business Case funding of Miers Court Primary school.  |