

**Minutes of a meeting of the Leicestershire Schools' Forum  
via Microsoft Teams on Tuesday 21 November 2023.**

**Chair / Vice Chair**

Martin Towers	Academy Secondary Governor
Suzanne Uprichard	PRU Representative & Maintained Primary Governor

**Present**

Jane Moore	Director of Children & Family Services
Alison Bradley	Assistant Director for Education, SEND & Commissioning
Deborah Taylor	Lead Member for Children & Family Services
Jenny Lawrence	Finance Business Partner for Schools & High Needs
Rebecca Wakeley	Education Quality & Inclusion Service
Dan Cleary	Academy Secondary Headteacher
Peter Leatherland	Academy Secondary Headteacher
Simon Grindrod	Academy Secondary Governor
Ed Petrie	Academy Primary Headteacher
Val Moore	Academy Primary Governor
Lauren Charlton	Academy Primary Trustee
Alison Ruff	Maintained Primary Headteacher
Jane Dawda	Maintained Primary Headteacher
Jo Beaumont	Maintained Primary Headteacher
Rebecca Jones	Maintained Primary Governor
Carolyn Lewis	Diocese of Leicester Director
Rosalind Hopkins (Substitute)	Maintained Special School

**Apologies**

Beth Clements	Interim Head of Service for Education Quality & Inclusion
Kath Kelly	Academy Secondary Headteacher
Mark Mitchley	Academy Secondary Headteacher
Kelly Dryden	Academy Special Headteacher
Felicity Clark	Academy Primary Headteacher
Jason Brooks	Maintained Special Headteacher
Robert Martin	Maintained Nursery Governor
Lisa Craddock	Post-16 Provider
Beverley Coltman	PVU Early Years Provider
John Pye	RC Representative

### 1. **Apologies for Absence/Substitutions.**

Apologies provided for Jason Brooks, Kath Kelly, and Kelly Dryden. Rosalind Hopkins has attended the forum as a substitute for Kelly Dryden. Mark Mitchley, Felicity Clark, Robert Martin, Lisa Craddock, Beverley Coltman, and John Pye did not attend.

### 2. **Minutes of the Meeting held on 12/09/2023 (previously circulated) and Matters Arising.**

Martin Towers discussed the minutes of the last Leicestershire Schools' Forum with forum members, presenting the opportunity to raise any issues or request amendments to the record; no issues of accuracy were raised. Martin has noted a typo on Page 4.

Martin Towers has covered the three action points from the last forum:

1. Martin has made amendments to the self-assessment which was circulated to forum members with the last set of minutes.
2. Jenny Lawrence will be presenting the review of the growth policy and reasonableness of the SEN budget during this forum on behalf of the Local Authority (LA).
3. An induction to Leicestershire Schools' Forum was scheduled for 8 November but needed to be cancelled. A new induction will be organised before the next forum in February 2024; this will be mandatory for new members but will also be offered as a refresher for existing members of the forum.

New members will only be able to attend one forum meeting before needing to attend an induction. It is important that members understand their commitment before budget setting in April 2024.

### 3. **2024-25 School Funding - National Funding Formula Update.**

The Department for Education (DfE) announced in October 2023 that they had made an error and underestimated the pupil numbers used in the calculation of the 2024-25 indicative National Funding Formula (NFF) allocations. This means a reduction in the schools' NFF increases that they had been advised of in July. Overall, this manifests in a reduction of 1%, although a few primary schools have triggered the minimum funding guarantee meaning they won't see as much of a reduction. These are indicative figures; 2023 school census data will be released to local authorities in December 2023 for the calculation of the actual 2024-25 delegated budgets.

A BBC article suggested that the DfE has launched an enquiry into the miscalculation, but it was unclear whether findings will be released to LAs.

Rebecca Jones noted that this miscalculation and subsequent amendment would have caused schools to plan incorrectly and will impact schools that may be experiencing financial difficulties. Rebecca has questioned whether those schools

experiencing difficulties would receive any support from the LA. Jenny Lawrence has confirmed that the LA has had conversations with some schools regarding some of their financial difficulties, but there have been no direct queries from schools regarding additional support. There is a dedicated finance email address which can be used by schools seeking additional support.

Jane Moore advised that schools struggling with the impact of this miscalculation should raise these concerns with the DfE. There is some concern that the DfE have not fully considered the impact their miscalculation may have on schools that were relying on the initial indication of funding. The LA has raised this with the DfE on behalf of schools, but Jane felt that the concerns may be considered more thoroughly coming from schools directly. **Martin Towers will circulate a template that schools can use to address matters of concern with the DfE.**

On behalf of the LA, Jenny Lawrence recommended that the forum acknowledges the revised NFF for Leicestershire schools.

#### 4. **2024-25 Disapplication Request.**

The DfE are requesting additional information from the LA to continue to make local adjustments to the NFF for schools undertaking and affected by age range change and exceptional funding. The DfE are requiring evidence that these issues have been discussed and supported by the Schools Forum.

Funding for such additional premises can only be applied to less than 5% of schools and can only account for 1% of those schools' budgets. This funding is quite significant to the budget of smaller schools. To apply this funding for 2024-25, the LA must provide the DfE with a copy of all bills the school must pay, including all lease agreements. The LA finance team works with schools to ensure all relevant paperwork is provided, continuing a process that Leicestershire LA has done for a long period of time.

The NFF is designed to take funding decisions away from a LA and to move to a standardised national formula; as a result, it appears the DfE is making the LA's ability to amend the NFF for local schools more restrictive.

Rebecca Jones has questioned whether affected schools will be able to provide their curriculum without the use of additional premises. The disapplication ensures that those schools have the appropriate funding to support their curriculum provided the DfE approves. However, the minimum funding also provides some protection to those schools. Alison Ruff commented that it is important to raise DfE awareness of these impacts on smaller schools. It has been recommended that the forum write to the DfE outlining these impacts and concerns on behalf of represented schools. **Martin Towers will draft a letter addressing the DfE and will circulate amongst forum members for amendments and input.**

Rosalind Hopkins has inquired and received confirmation that special schools won't get funding for additional premises as they are not part of NFF.

Simon Grindrod has questioned whether schools can be funded to purchase premises that they will no longer receive funding to lease. Simon felt that schools should be afforded the capital to replace premises lost due to a lack of funding. Alison Ruff noted, however, that some of these premises, such as church grounds, may not offer any chance of purchase.

The disapplication of pupil numbers and changes to the MFG are unchanged from that originally introduced in 2013.

On behalf of the LA, Jenny Lawrence recommended that the forum acknowledges and supports the disapplication of finance regulations. This has been agreed by the forum.

## **5. 2024-25 Growth Policy.**

The policy for funding revenue growth in mainstream schools has been revised following DfE changes taking effect from April 2024. Trigger points within the policy will remain consistent and will continue to provide for “bulge” classes in schools or requested expansion for places. The DfE funding rates have been provided to the forum as per the School Growth policy.

Schools that have opened that are still in expansion will remain on the old policy. Any school expansion from April 2024 will be funded on the new growth policy. LA has the option to provide growth fund to schools at the beginning of year or the LA can hold the funding centrally on behalf of the school. The LA has proposed holding funding centrally as per the previous iteration of the policy and will move the funding to schools once places have been agreed. Allocation of funding to new schools opening on new housing developments will likely be brought back to the forum for discussion after February 2024.

Simon Grindrod agreed for the LA to hold funding for school expansions provided that the funding is provided to schools in September. Simon informed the panel of an instance in which funding was not provided to a school within a timely manner. Jenny Lawrence has noted that this is the first time the timeliness of growth funding payments has been raised. Martin Towers has also confirmed that his school has received growth funding without issue. Jenny has requested the details of this instance outside the forum for the issue to be investigated.

An error in the Growth Funding policy has been noted on page 19, paragraph 12 in which “can” should be amended to “cannot”.

Rebecca Jones has questioned circumstances in which the growth of one oversubscribed school might detrimentally impact the financial circumstances of a second smaller school. The first school may receive additional growth funding to support expansion, resulting in spare spaces in the second school. The DfE provided £40mil to support schools with financial difficulties but Leicestershire did not trigger for this funding. Growth funding cannot be used to support growth by popularity, creating a grey area in which growth for popularity can become a school need. A change in one or two pupils can be a big difference to small schools. This is an area that the DfE are continuing to struggle with and will continue to monitor.

The LA gets no revenue funding to expand in specialised schools which is funded by high needs deficit. This is something the LA has raised with DfE.

Val Moore raised concern for schools that are popular and reject additional students, resulting in parents lodging an appeal which is upheld, causing student numbers to increase. Schools must take direction from admissions in these circumstances. This growth policy does not cover instruction to overfill from admissions, meaning that additional funding for the school would not be given until the year following the next census.

Jenny Lawrence informed the forum that growth funding can be used for falling rolls. Criteria for this funding is tight and the LA must submit an annual SCAP return to the DfE, which compares capacity in groups of schools (aggregate) with pupil forecasts. This is used by the DfE to calculate capital funding. LA are being funded for where there is fall in roll if the LA can show on a SCAP return that those places will be needed in 2-3 years; there are no schools currently in this position in Leicestershire.

On behalf of the LA, Jenny Lawrence recommended that the forum approved amendments to the School Growth Policy. There was unanimous approval for the policy on the provision that the policy is amended to include a timeframe of providing growth funding to schools which the LA must adhere to. **Jenny will amend the policy and provide an amended version of the policy for the forum.** (This has been appended to the minutes.)

## **6. 2023-24 Notional SEN Review.**

Leicestershire is in the bottom quartile in allocating funding to the Notional SEN Budget and allocates less than other LAs i.e., LAs allocating more funding is likely to have higher expectations of the level of needs met within schools prior to accessing EHCP support.

There is a high correlation of children with SEN and deprivation within the funding system. There are two deprivation measures within funding: deprivation effecting children indices and Free School Meals (FSM) but these do not have a correlation with SEN funding.

The LA continues to measure schools on annual basis for schools that exceed Element 2 which must generate additional funding. Rosalind Hopkins has noted, however, that a school that is good at identifying SEN would have a greater portion of its budget going towards SEN. The DfE and LA struggle to define “Inclusive School” and “disproportionate SEN”. Rosalind expressed her belief that true inclusion is invisible – inclusion is more of a journey that schools should be on rather than a destination. Rosalind has a paper on inclusion that can give clear areas of inclusion identification.

Carolyn Lewis commented that whilst SEN might not follow deprivation it has a significant impact on small schools. Carolyn would like to see more data examining this impact. In addition, Carolyn believed that the Notional SEN Review misses key elements of how the LA’s duty to ensure the outlined provisions of an EHCP trumps the schools’ “best endeavours”. Jane Moore contended, however, that the notional

SEN is not the entirety of the SEN budget. Inclusion in SEN and AP work would be instrumental and inclusion funding should not be conflated with EHCP; the notional SEN is specific on how it needs to be run.

Rebecca Jones has observed a gap in funding that the notional SEN creates regarding children that move from infant to junior schools. Infant schools start support for children with SEN who then move on to juniors; the junior school then receives the notional SEN funding to support the pupil, resulting in a financial loss for the infant school (especially if that school has declining rolls). Rebecca stated that the funding should be provided when the child needs it. Jane Moore acknowledged that this may have the largest effect on infant schools. The TSIL project is working on how quickly needs can be identified and supported, focusing on the youngest children first.

On behalf of the LA, Jenny Lawrence recommended that the LA's approach to funding remains the same as per Paragraph 8 of the 2023-24 Notional SEN Review. This has been agreed by the forum.

## **7. Any Other Business.**

Simon Grindrod had the impression from the June 2023 forum that forum members would get the opportunity to look at how the new TSIL system would operate. Simon looked with a SENCO to identify patterns associated with timescales and process, as well as a rise in rejection in applications, and issues relating to access to professionals. Simon would like the opportunity to share these concerns, patterns, or common problems more formally with Alison Bradley.

The LA hosts regular termly updates for headteachers, school governors, and executive heads of Multi-Academy Trusts (MATs) on TSIL. TSIL acknowledges the delays relating to SEN and has investigated what these delays are. Tribunal overrules almost all LA rejections on applications for EHCPs, which raises the question of whether the LA approves all EHCPs or ensure that it sticks to the code of eligibility.

Simon Grindrod also raised that many children never returned to school following the Covid-19 pandemic. Schools are no longer able to provide the safeguarding vigilance for children that they would if the child attended school. Schools or other professionals are not able to continue to monitor welfare and wellbeing of these children. The LA still has a responsibility of vigilance, however. Simon has questioned whether someone from the LA can explain to schools what the process for this vigilance is.

Jane Moore acknowledged that the number of children that are home schooled or missing education has increased nationally following the pandemic. Jane did not feel that this is an appropriate discussion for forum but has acknowledged that the LA does have a duty of care. Jane also agreed that a briefing can be arranged to share this information.

## **8. Date of Next Meeting.**

The date for the next Leicestershire Schools' Forum is **Tuesday 13 February 2024** from **2pm – 4pm**.

**9. Actions.**

1. Martin Towers will circulate a template to forum members that schools can use to address matters of concern with the DfE.
2. Martin Towers will draft a letter to the DfE addressing the impact that changes to the disapplication may have on smaller schools, especially in relation to the use of external premises. Martin will circulate the letter to forum members for amendments and input.
3. Jenny Lawrence will amend the 2024-25 Growth Policy to include timescales in which the LA must provide funding to schools. This will be presented to the forum members.

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**Leicestershire County Council**

**Policy for Funding New Schools and Pupil Growth in Primary and Secondary Schools**

**September 2023 Revision**

**Policy Background**

Maintained schools and academies receive funding for pupils registered on the October school census only. This means that an increased pupil number reflected in that count is not recognised for funding until the following financial year. Schools therefore have a funding lag where costs may be incurred but revenue is not reflected in the school budget until:

- April of the following year for maintained schools
- September of the following year for an academy

This policy sets out the instances in which revenue funding will be allocated to schools outside the delegated budget for meeting the costs of additional pupils in new schools and where the local authority is requesting additional places in open schools to meet the basic need for school places.

Local authorities receive an allocation of funding within the Schools Block of the Dedicated Schools Grant (DSG) to ensure it is able to fulfil its statutory duty to ensure an adequate supply of school places. This funding is retained as a growth budget and is required to be approved annually by the Schools Forum. Such funding must be allocated on an objective basis and must retain equality between maintained schools and academies. In creating such a fund, a balance must be achieved between retaining sufficient funding to allow planned expansion in schools, either as a result of overall demographic growth or housing development and ensuring that delegated school budgets are maximised.

There are restrictions on what a Growth Fund can be used for, the regulations specify that a growth fund, subject to the locally adopted growth policy can only be used to:

- Support growth in pre-16 pupil numbers to meet basic need.
- Support additional classes needed to meet the infant class size regulation – please see below.
- Meet the revenue costs of new schools.

The growth fund cannot be used to support:

- Schools in financial difficulty; any such support for maintained schools should be provided from a de-delegated contingency. No such contingency is held for Leicestershire maintained schools.
- General growth due to popularity; this is managed through lagged funding. This includes cases where academies have admitted above pupil admission numbers (PAN) by their own choice.

The school funding system operates on a single pupil count from the previous October school census and no school ever receives funding for every pupil for the period in which they are registered on a school roll, all schools will encounter some changes in pupil numbers in any given financial year and should ensure that they plan for any such movement in numbers.

The growth policy may not be the appropriate mechanism to fund growing schools for permanent and significant change to numbers, particularly new schools. In such instances it may be more appropriate to be managed by a variation to pupil numbers which would ensure that the additional pupil number funding would be received through the schools delegated revenue budget. However, in such instances this would remain funded from the local authority Growth Fund.

Local authorities are responsible for funding all growth needs for all school in their area and for new and existing maintained schools and academies and using the same criteria. Where growth occurs in academies that are funded by the Education Skills and Funding Agency (ESFA) on estimates, the ESFA will use the number adjustment process to ensure the academy is only funded for the growth once.

The costs of new schools will include the lead in costs, for example to fund the appointment of staff and the purchase of any goods or services necessary in order to admit pupils.

This policy makes financial provisions for the following circumstances:

**Opening schools.** A new school opening or adding additional year groups until its opening age range is met. Funding is allocated to meet the cost of pupils prior to the school receiving funding based on the school census data for those pupils and for costs incurred prior to opening.

**Additional school places.** Expansion for maintained and academy primary and secondary schools, where the local authority agrees, there is a basic need for additional places as a result of demographic or housing growth where the local authority that meet the criteria set out within this policy whether on a permanent basis or through the creation of a bulge class.

The policy only provides for growth funding for schools for which Leicestershire County Council is required to fund under the School and Early Years Finance (England) Regulations and from within the Schools Block Dedicated Schools Grant.

The Leicestershire Growth Policy makes no provision for:

**Schools, Academies and Free Schools funded by other bodies.** The policy does not apply to any schools that are directly, on a temporary or permanent basis, funded by alternative bodies which are outside the purpose of the Schools Block Dedicated Schools Grant such as Independent schools and post 16 provision.

**Schools expanding age range.** In this instance there is no increase in the overall need for school places. The school growth policy does not apply, and schools will be funded in accordance with provisions within the Schools and Early Years (England) Finance Regulations and the agreed local authority process in place for the appropriate year.

**Schools expanding size where there is not a basic need for additional places.** Where Governing Bodies or Trusts determine an increase in school size unrelated to basic need, the expansion will not be funded by the local authority through this policy.

**Infant class sizes.** Funding for ensuring that schools are not in breach of the infant class size regulations was, following consultation with schools, fully delegated to all maintained schools and academies in 2013, schools are

expected to accommodate the requirement within the schools delegated budget.

**Specialist provision.** Funding for new or expanding specialist provision. Growth funding is within the Schools Block Dedicated Schools Grant (DSG) and a Block Transfer would be required to fund growth in special schools. This would require consultation and Schools Forum approval.

Local authorities are able to provide funding to support schools with falling rolls where places may be needed in the following three to five years. The need for such places is evidenced through the annual School Capacity Survey (SCAP) submitted to the DfE by local authorities. The Leicestershire Growth Policy will make no arrangements for such funding until such time the national data generates a funding allocation.

The funding rates to be applied to fund additional school places will be per the DfE allocation of growth funding for the authority and updated annually at the commencement of each financial year. For 2024/25 the annual rates will be:

- £1,550 per primary pupil
- £2,320 per secondary pupil
- £76,195 per new school

Rates will be pro-rata from opening date.

This policy was approved by the Leicestershire Schools Forum on 21 November 2023 and will apply from 1 April 2024.

### **Opening Schools**

1. In accordance with the School and Early Years Finance (England) Regulations the funding for an opening school will be by the application of the local authority's school funding formula for each pupil estimated to be on roll in the September of each year until such time the school has a full contingent of year groups submitted to the EFA annually through The Local Authority Pro-forma Tool (APT)
2. The basis for the pupil number estimate will be taken from the tender documents submitted by the operator of the schools in their application. This may be adjusted for relevant data held by the local authority and / or the school operator.
3. A payment equal to the new school rate received by the local authority from the DfE to recognise pre-opening costs. For schools agreed to open in September 2024 funding will be in accordance with the previous policy published within the tender documentation of £125,000 and £9,250 for each class opened, tis transitional arrangement will only apply to schools opening in September 2024 with schools opening after this date the new payment rates will apply.

### **Additional Classes in Open Schools / Academies**

4. The local authority will fund additional permanent school places annually at the applicable rate of funding received from the DfE from the point those places are commissioned and where the local authority is making capital provision with its Medium-Term Financial Strategy to deliver additional classroom space to support an increase in Form Entry subject to meeting the criteria below:

- Where the local authority carries out a formal consultation and approves an increase in the capacity of a school
- Where a school/academy carries out a formal consultation and approves an increase in capacity at either the request of the local authority or supported by the local authority

For the purpose of this policy one Form of Entry or an additional class is deemed to be 30 pupils, this threshold may be triggered in more than one year particularly in small primary schools where expansion may be phased e.g. 15 places per year for each of two years. Funding will be allocated annually until the point the expansion has been completed across all year groups. The local authority may for years 2 onwards consider enacting a variation in pupil numbers rather than a direct growth fund allocation.

5. Grant allocations will be reported to the Schools Forum, the report will detail the grant and also the criteria under which it is allocated.

### **Additional Places – Bulge Classes**

6. Where the local authority may request a school to offer a bulge class in order to meet basic need funding will replicate that for permanent place expansions.

### **Approval Process**

7. Eligibility for funding under this policy will be assessed within the School Organisation Service at Leicestershire County Council.
8. Academies should seek an assessment of eligibility for school growth in advance of seeking Regional Schools Commissioner (RSC), or other, approval prior to it being undertaken. Approval of expansion by the RSC does not constitute approval for funding under this policy.
9. The application of the policy is at the sole discretion of the Leicestershire County Council. Where exceptional circumstances arise that might warrant allocation of growth funding but not wholly consistent with the criteria set out in the policy, then the matter should be referred to the Director and Lead Cabinet Member for further consideration

Leicestershire County Council

November 2023 – Policy applicable from 1 April 2024