

## Minutes of the Leicestershire Schools' Forum Via Teams on Tuesday, 18 June, 2024 at 2pm

### 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
Jenny Lawrence	Finance Business Partner for Schools & High Needs
Rebecca Wakeley	Education Quality & Inclusion Service
Ed Petrie	Academy Primary Headteacher
Rosie Browne	Academy Primary Headteacher
Dan Cleary	Academy Secondary Headteacher
Dr Jude Mellor	Academy Secondary Headteacher
Kath Kelly	Academy Secondary Headteacher
Mark Mitchley	Academy Secondary Headteacher
Peter Leatherland	Academy Secondary Headteacher
Kelly Dryden	Academy Special Headteacher
Jane Dawda	Maintained Primary Headteacher
Phil Lewin	Maintained Primary Headteacher
Rebecca Jones	Maintained Primary Governor
Rosalind Hopkins	Maintained Special School
Samantha Cooke	DNCC Representative
Catherine Walker	PVI Early Years Provider

### Observing

David Warwick	GMB Union
Heidi Webb	Senior Finance Analyst – LCC

### Absent

Deborah Taylor	Lead Member for Children & Family Services
Felicity Clark	Academy Primary Headteacher
Val Moore	Academy Primary Governor
Lauren Charlton	Academy Primary Trustee
Simon Grindrod	Academy Secondary Governor
Alison Ruff	Maintained Primary Headteacher
Jo Beaumont	Maintained Primary Headteacher
Jason Brooks	Maintained Special Headteacher
Robert Martin	Maintained Nursery Governor
Lisa Craddock	Post-16 Provider
Beverley Coltman	PVI Early Years Provider
John Pye	RC Representative
Carolyn Lewis	Diocese of Leicester Director

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

Apologies provided for Alison Bradley, Carolyn Lewis, Deborah Taylor, Felicity Clarke, Jo Beaumont, and Val Moore. Beverley Coltman has also sent apologies and Catherine Walker will be attending as a representative for PVI Early Years Providers.

Lauren Charlton, Simon Grindrod, Alison Ruff, Jason Brooks, Robert Martin, Lisa Craddock, and John Pye did not attend.

2. **Minutes of the Meeting held on 13/02/2024 (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. Jenny Lawrence raised a required amendment on page 5, which should read: *'Jenny Lawrence has noted that the LA will not know 2024-25 funding until July 2025.'*

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

1. Martin Towers was to circulate a template to forum members that schools could use to address matters of concern with the Department for Education (DfE). However, the template has been removed and is no longer accessible.
2. Jane Moore will present an update on TSIL performance indicators during this forum.

Jenny Lawrence was to check figures in the 2024-25 Schools' Budget relating to 2-year-olds with the Early Years team. The clarification was appended to the last forum's minutes.

3. **Ways of Working**

Schools' Forum is the collective voice of all Leicestershire schools and early years providers to provide constructive challenge to the local authority on aspects of funding and is a key stakeholder in this and wider educational matters. Members are elected or nominated to represent specific groups and serve on that basis and not as individuals representing individual school issues. Individual school issues are not discussed in Schools' Forum and concerns and queries should be raised with the appropriate Local Authority Officer.

4. **2023-24 Schools' Budget Outturn**

Jenny Lawrence has presented the report to the forum. Jenny has drawn the Forum's attention to paragraph 4 and the subsequent table, which details the overspend of the Dedicated Schools Grant (DSG) by £1.9m. The table analyses the cost and demand of Looked After Children (LAC); whilst numbers of LAC are stabilising, the cost of provision for LAC is increasing.

Paragraph 5 explores and summarises the performance of each DSG block. The Local Authority (LA) is trying to understand the impact of changes in DfE

methodology for allocating Growth Funding and is working with the school organisation team to understand the fiscal impact these changes will have on the next and future academic years.

School balances may be seen as a snapshot indicator of financial health. However, whilst the DfE has recently published financial consistency reports for maintained schools, the LA can only see annual reports for academy schools. The DfE have recently published balance information for the 2022-23 fiscal year for Academies and MATs.

The LA is gathering outstanding budget plans for 23-24. Some schools are forecasting deficit budgets, and the LA is working with some schools via the DfE's School Management Resource Advisor (SMRA) programme to identify the underlying issues. Two schools have gone through this process and found it useful, although it has identified several bigger structural issues impacting on the financial position of the school.

The LA has a DSG Reserve deficit of £32m. This deficit is currently held off-book, but proposed changes to be implemented in April 2026 will be required to be fully funded by the council.

There were no questions or comments from members of the forum.

Recommendation: That Schools' Forum note the content of the 2023-24 Schools' Budget Outturn report.

## 5. **TSIL Performance**

Jane Moore discussed the Transforming SEND and Inclusion in Leicestershire (TSIL) update provided with the forum agenda, outlining the key programme statistics and feedback from stakeholders. The improvements and impacts of TSIL are monitored by the performance of EHCPs.

There is a continued and sustained increase in the number of EHCPs requested. TSIL monitors the demand for EHCPs, which rises gradually monthly and is reflective of the national trend. Compared to other LAs, however, Leicestershire receives the second highest number of EHCP requests behind Lincolnshire. The work of TSIL is not reducing the demand for EHCPs.

EHCPs are not being completed within the statutory 20-week timescale. The issues of overall timeliness are outlined in the report; primary factors include the availability of educational psychologists required to complete assessments, which is a national trend that other LAs are experiencing. As part of the 20-week timescale for an EHCP, there is a 6-week window for the LA to acquire professional advice. However, it is taking educational psychologist services longer than the allocated time to provide advice. The LA is working on a revised plan for securing educational psychology advice.

Annual reviews are required to be completed annually. This is a challenge area due to capacity. The LA is exploring how to clear the backlog of annual reviews. There

are slow improvements, which is in part due to the additional resources the LA has recruited.

Children waiting for specialist placements may be a result of a lack of available provisions that can meet individual need. The LA is continuing to develop additional places to meet need. There are additional places, including a new special school, opening within the next academic year and additional funding from DfE to build a further special school.

Timeliness in responding to EHCP requests remains an issue. There have been updates on processes to help meet timescales. £1.2 million has been funded to remodel the SENA service to meet demand and there is additionality to fill vacancies.

Mark Mitchley asked what the positive performances of TSIL have been as the programme has not delivered on the goals that it set out. Jane Moore responded that TSIL has provided more structure to the SENA service. Whilst TSIL has not managed to slow the demand on the service, it has looked at the efficiencies of practices within the service. In addition, TSL has given the LA the best way to understand the data it has access to. The LA is now trying to utilise different methods to meet demand but has not yet been successful to stem demand. TSIL has adjusted the structure of the system, provided internal improvements to the strength of practice, and has projected change over several years. The successes of TSIL have put in frameworks in place for growth.

Mark Mitchley noted that SENCOs have not reported any significant changes and has questioned why schools should provide further funding to a system that is not working. Jane Moore has asserted that SEN is a collective system for which all stakeholders, including schools, need to share a collective responsibility. Whilst different organisations have responsibilities for distinct aspects of the system, the LA set up TSIL on behalf of all responsible agencies. However, the difficulties experienced within SEN are national struggles and it will take time to see impacts and changes. Peter Leatherland has observed that the responsibility for SEN does not feel like it is collective when schools struggle to contact and connect with SENA.

Jane Moore has reminded the forum that there is no reduction in EHCP requests and so the LA does not have a singular answer. Jane has discussed a policy change with the DfE but was not successful. The LA is exploring different methods to try to source educational psychologist advice, but this is an ongoing conversation that all parties can contribute to.

Rosalind Hopkins asked what the plan is for TSIL. If TSIL continues, Rosalind asked what the cost of continuing to fund TSIL would be and what funding block this would come from. Rosalind questioned the risks of continuing TSIL vs the risk of ending the programme, given that it has not had the intended impact. Jane Moore informed the forum that LA will continue to move resources around the department to better enable SENA keep up with demand, which will need a programme to continue a system of improvement. The LA will no longer have a strategic partner in Newton Europe moving forward, nor will TSIL have funding supplied to it. TSIL will continue as a collective system of continuous improvement rather than a specific strategic change programme.

Kath Kelly acknowledged that there would be a time lag before observable impacts or improvements. Kathy has questioned whether the LA expected observable impacts from TSIL at this stage. Jane Moore noted that the required changes were deeply systematic and so changes were not expected immediately, but there was hope that changes to the educational psychology service would have had a greater impact than it did. The answer to this question is different for different areas of TSIL but the LA would have liked a better impact on EHCPs timeliness due to the amount of money invested.

## 6. Resetting the SEN Funding System.

Jane Moore presented the report to the forum, proposing a Schools Block transfer that invests funding in the most effective way to achieve the best outcome for Leicestershire children and young people with SEND.

The LA continues to overspend on the High Needs DSG. This is a needs-led budget which the LA must spend to meet demand. TSIL focused on reducing growth and demand entering the system. Demand is higher for EHCPs in Leicestershire than in other LAs compared to LA size. TSIL benefits forecasted over the 8 years to full benefits realisation have never been sufficient to fully recover the financial position. The LA bears the cost of children whose additional needs cannot be met in mainstream alone. Many LAs transfer money to the High Needs block frequently to subsidise deficit but Leicestershire's attempt to transfer money to the High Needs block was declined by the Forum and Secretary of State (SoS) twice.

Delivering Better Value (DBV) is a DfE focused programme with an initial objective of supporting local authorities to be able to deliver a balanced budget within 3 years. A schools' block transfer is one action available to LAs in achieving this. Safety Valve is the next level of DfE action based on level of deficit, which includes more interventions from the government. The DfE is not satisfied that LA has not yet reconsidered a transfer to the High Needs block. The LA needs to transfer 0.5% of schools' budget to the High Needs block. If Forum does not agree, the LA will need to go to SoS for disapplication.

Rosalind Hopkins requested a breakdown of the high needs block, detailing what the block is being used and what it is funding. Rosalind also questioned whether the political landscape (with the upcoming 2024 election) had created an opportunity to make a collective approach against the DfE as the system is failing. Jane Moore agreed that the challenges within the system are exacerbated by the national landscape, but that it is unclear how a new government might affect the system. In addition, **Jane has agreed to provide a breakdown of spending from the high needs block.**

Jane Moore had not proposed a basic transfer of funds to the high needs block simply to reduce the deficit. Instead, Jane proposed that money transferred from the schools' block is used to reinvest into schools to deliver sustainable impact and reduce the demand for EHCPs and their cost. SEND is expensive in mainstream schools and there are concerns that moving funding away from the Schools' Block will hinder the ability of mainstream schools to support SEN, which would result in more SEN children being pushed out of mainstream schools when there are not

enough special provisions to pick them up. Jane acknowledged the risk of a transfer, but the LA proposal aims to minimise and take control of the risks presented. **As a forum, it has been recommended that a communication is drafted to share with schools and explain the circumstances of a high needs block transfer.**

Dr Jude Mellor questioned how putting money into supporting mainstream school systems can be done effectively. Jane Moore notes that part of the discussion around a transfer includes using reinvested money to support school inclusion.

Peter Leatherland questioned what happens when Leicestershire is placed into a Safety Valve agreement. This is a different means of planning in which decisions are made for the LA on how spendings occur.

Peter Leatherland noted that TSIL did not work to reduce the LA's high needs deficit. Peter questioned why the schools block should be used to invest money into a system shown to be ineffective. Peter also questioned how removing money from schools would affect school interventions that have already been planned. Jane Moore reminded the Forum that the 0.5% transfer would not be invested into TSIL; this would be a government directed approach and would be used to directly support inclusion within mainstream schools. In addition, Jane clarified that the transfer would enact a cap on schools' gains rather than a direct transfer from existing school budgets.

Rosalind Hopkins questioned whether transferred funding to the high needs block would be ringfenced and whether spending of this funding would be reported to the forum. Given that SEN is not equal across schools, as some schools are managing SEN within their budget, Jenny Lawrence has assured the forum that the LA would be careful and transparent with how the transfer is being used. The transfer will have its own budget with governance for fair and proper use.

Rosalind Hopkins reported feedback from mainstream schools which were spending above the £6k notional SEN which was coming from their school budget. Rosalind has questioned whether a report evidencing the challenges within the SEN system and how schools are funded might inform how money from the transfer might be spent.

Phil Lewin has asked whether the LA will ask schools to stop requesting EHCPs, given that the demand for EHCPs has not reduced through TSIL. Phil noted that the schools are expected to educate SEN children but do not have the funding to do so. There are better ways to fund medium-term SEN interventions, but funding is not forthcoming, so schools are forced to request an EHCP to ensure funding is provided. Legislation does not support the LA declining EHCP requests as LA decisions are overturned at tribunals. In addition, children who go onto EHCPs do not come off EHCPs when needs reduce. Releasing government funding for innovative interventions within schools prior to an EHCP would require a policy change within the DfE, which the DfE are not willing to do.

Martin Towers asked whether the LA would have a better chance of taking children off EHCPs when needs reduce if annual reviews were more thorough. Jane Moore agreed that this would be more effective in theory, but in practice the capacity within

schools and the LA, as well as a challenging parental population, have not allowed for this.

Dan Cleary asked whether there would be a benefit in communicating these issues with the public more clearly. The Forum should coordinate messaging for the public to encourage system and policy change.

Peter Leatherland and Rosalind Hopkins have been nominated to represent the Forum at the SEN Funding Review Group. The high needs block transfer does not impact Early Years (EY) provisions and so there is no requirement for an EY representative.

**A formal paper on the proposed 0.5% high needs block transfer will be presented to the Forum at a future meeting.**

Recommendation: That Schools' Forum note and comment on the content of this report.

Recommendation: That Schools' Forum nominate a member to become a representative on a SEN Funding Review Group.

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

Beverley Coltman has requested that the Schools' Forum admit more than one EY representative. The Schools' Forum Constitution does not limit EY to one representative. Beverley felt that the limitation by the forum of allowing only one representative is unfair given that over 98% of early years places in Leicestershire are provided by PVIs.

Jenny Lawrence reminded the forum that the legislation regarding proportionality concerns school members and EY members; if EY members increased, schools would also need to increase proportionately. However, the forum is struggling to fill school member vacancies. The constitution is also agreed at Council level, so formal routes would need to be undertaken to make any changes. Jenny questioned whether there are communication needs for EY that the current representation at forum does not permit. **Jenny will meet with Beverley Coltman and Catherine Walker to discuss their representation concerns.**

Beverley Coltman reported that EY providers would like to request open discussions regarding the pass-through rates on the new funding entitlements for 9-month+ children and 2-years-olds. The pass-through rate for 2-year-olds is 97% as the funding rate for that age group went down this fiscal year. EY providers would like transparency on what any money which is not passed through to providers will fund and whether this will be used to reduce the £4mil deficit EY are repaying. **Jenny Lawrence will provide a report on the requested information to the next Forum.**

Jane Dawda will be retiring and so will be unable to resume her membership with the Schools' Forum.

8. **Date of Next Meeting.**

The date for the next Leicestershire Schools' Forum is **Tuesday, 17 September 2024** from **2pm – 4pm**.

9. **Actions.**

1. Jane Moore will provide a breakdown of spending from the High Needs block to the next forum.
2. Schools' Forum to draft communications to be shared with schools, detailing the circumstances behind a High Needs block transfer.
3. Jenny Lawrence will provide a formal paper on the proposed 0.5% High Needs block transfer to be presented for the Forum's vote.
4. Jenny Lawrence will meet with Beverley Coltman and Catherine Walker to discuss their EY representation concerns.
5. Jenny Lawrence will provide a report on the pass-through rates on the new funding entitlements for 9-month+ children and 2-years-olds.