

**Minutes of a meeting of the Leicestershire Schools Forum
via Teams on Monday 6 June 2022 at 2.00 pm**

Present

Liam Powell	Secondary Academy Headteacher
Chris Parkinson	Secondary Academy Headteacher
Kath Kelly	Secondary Academy Headteacher
Martin Towers	Secondary Academy Governor
Jane Lennie	Secondary Maintained Governor
Jane McKay	Primary Academy Headteacher
Karen Allen	Primary Maintained Headteacher
Jane Dawda	Primary Maintained Headteacher
Alison Ruff	Primary Maintained Headteacher
Kelly Dryden	Special Academy Headteacher
Carolyn Lewis	CE Representative
Graham Bett	DNCC Representative

In attendance

Jane Moore, Director of Children and Family Services
Alison Bradley, Interim Assistant Director Education and SEND
Jenny Lawrence, Finance Business Partner, Corporate Resources

		Action
1.	<p>Apologies and Substitutions</p> <p>Apologies were received from Ed Petrie, Suzanne Uprichard, Jason Brooks and Mrs Taylor.</p> <p>There were no substitutions.</p>	
2.	<p>Minutes and Matters Arising</p> <p>The minutes of the meeting held on 23 March 2022 were agreed.</p>	
3.	<p>2021/22 Schools Budget Outturn</p> <p>Jenny introduced the annual report which presents the 2021/2022 Schools Budget outturn position and confirms the Dedicated Schools Grant (DSG) Reserve.</p> <p>Jenny referred to paragraph 4 which sets out the whole performance of the Children and Family Services Department. Jenny referred to the schools block, early years block and high needs block as there were significant variances. Jenny stated that the schools block referred to school growth funding in 2021/22 that would be required in future years;</p>	

the early years position was created by two issues which were partly additional payments during Covid-19 and a further issue regarding a census return to the DfE for which discussions were still taking place but no agreement had been reached. Jenny said that the High Needs overspend was nearly £11.4m against an anticipated overspend of £5.6m which was largely due to an increased volume of children with EHCPs and a presentation would be given on the next item sharing the next steps in the local authority to address the issues that are driving that position.

Jenny reported that there were just over 80 maintained schools; their balances showed an increase but until the Consistent Financial Reporting returns from schools were received the balances cannot be split between capital and revenue. As previously discussed schools balances/reserves were a position at any point in time and does not take into account plans schools may have to use this money in future financial years. The local authority does not hold reserves information for academies and MAT's, neither is that easily available.

In terms of the Dedicated Schools Grant Reserve there was a deficit of £24.3M which was the position the DfE would see in the statement of accounts. Jenny added that this alarming position would potentially increase the DfE's interest in Leicestershire on the DSG deficit and they had been in contact with Leicestershire to talk about their new programme called Delivering Better Value in SEND but it was unclear what that meant in terms of any support the DfE may give to Leicestershire in order to manage the position or whether this would trigger additional funding. Jenny said that the potential programme to support the local authority through the Developing Better Value was being discussed with the DfE.

Graham Bett asked where the funding was coming from in terms of the £2.288m for the schools block for new schools. Jenny explained that this was revenue funding through the DSG and added that within the schools block there are two separate elements; one is the funding that was delegated out to maintained schools and academies for their budget and the other is the revenue coming into the local authority to fund new school growth. Jenny said that when a new school is opened the local authority had the same funding lag as schools have in terms of changing numbers. Jenny stated that housing developments are rapidly happening and Leicestershire is opening new schools almost annually and this money funds their budget from September to April and also their pre-opening costs.

Jane Lennie asked if the DfE funded new schools and expansions and out of County Council funding. Jenny said that the funding comes through the dedicated schools grant that is given to the local authority which is DfE funded. Jane asked about comparisons to other local authorities in terms of high needs. Jenny commented that it was difficult to know because there was no national data readily available to show the position within other local authorities. Jane Lennie asked if local authorities all publish the same budget information. Jenny stated that they do within each individual local authority's statement of accounts but are not published until July. Jane Lennie stated that if last year's

	<p>information was available then this issue would affect every local authority. Jenny commented that this was an issue affecting every local authority in some way and that the £24m needed to be covered by the County Council cash in the meantime as it was a deficit. Jenny added that whilst the position was not readily available there are 14 local authorities subject to Safety Valve Agreements with the DfE and those authorities have larger deficits than Leicestershire.</p> <p>Karen Allen referred to the table on page 12 of the report and asked if the underspend and money brought forward on the schools block was ringfenced for new schools coming through as the need becomes greater and not the high needs block. Jenny stated that the cash was set aside for that but was offsetting the high needs deficit but if the underspend was not there the DSG deficit would be £36m.</p> <p>Schools Forum noted the content of the report.</p>	
4.	<p>High Needs Development Programme Update (presentation)</p> <p>Jane Moore gave a presentation on the current position and future plans on the High Needs Development Programme.</p> <p>Jane reported that there had been improvements and despite running a programme for a significant period of time there are numerous challenges within the SEND system predominantly around the finances of the high needs block as Jenny reported.</p> <p>Jane reported that in order to reduce the in-year deficit the local authority needed to achieve the savings set out in the programme which have not been delivered for various reasons as Jane outlined.</p> <p>Jane reported that the current deficit was projected at £63m over the MTFS period of 4 years and if urgent action was not taken this would be more like £84m over the next four years which was a position the local authority cannot be in. Jane stated that the demand in EHCPs in Leicestershire was rising significantly and had more requests for these plans than most other local authority areas. Jane said that in addition this year a cohort of pre-school children with additional needs had been identified as requiring specialist school placements possibly as a result of better identifying need early but means an increased number of early years children requiring a specialist school placement and the cumulative deficit continuing to rise.</p> <p>Jane stated that this was an area she was increasingly concerned about and felt there was a lack of understanding of the fact that Leicestershire was seeing needs grow at a faster rate than the rest of the country. Jane added this had meant an unprecedented demand on the SENA service, which was something schools are experiencing, and there had been significant challenges around managing staffing levels. Jane said there was still insufficient specialist provision to meet the new demand entering into the system despite the near 500 additional places put in the system. These have been filled with new demand which has resulted in not being able to keep up with demand in the system and struggling to find places for those children whose needs cannot be met in mainstream. Jane said</p>	

the funding had not kept up with demand experienced within the SENA system and although capacity and support had been put in place it was not enough to deal with the challenges being faced.

Jane referred to the slide which outlined that Leicestershire's EHCPs had grown by 54%, compared to 38% growth across England and 32% for the East Midlands. Jane said that the EHCP requests from schools and parents are not slowing down and as a result of concerns in the system, increased dissatisfaction with the service understandably had been raised from schools, parents and children in addition to an increase of appeals and complaints.

Jane said that moving forward and in the long term there would be a different approach to leading and managing SEND in Leicestershire. Jane talked about the resource bases opening in the next academic year and the expansion of all the area special schools including satellite bases in order to provide for places for early years children. Jane reiterated the change in staff in SENA and there was an action plan for the prioritisation of the backlogs being put in place with work around the internal systems and processes. In addition, there was a new database for SEND provision and an electronic portal was being introduced to enable parents and schools to input directly into the system. Jane said that a full review of the programme had been carried out partly because of a lack of progress and the financial position in the high needs block was becoming unsustainable for the local authority but for the SEND system as a whole. Jane stated that a partner was being commissioned to look at the programme to see if it was fit for purpose and secondly what could be done differently or to bring spend in line with the budget and to reduce some of the deficit.

Jane stated that the high-level outcomes were shared on the first slide around the actions taken not having an impact but did point towards a number of areas to focus on with partners across the system to ensure delivery of SEND was a success. Jane said that programme would take a number of years to implement and were in the process of securing a partner to work on the longer-term delivery of the programme and the engagement with schools, parents and carers as the local authority cannot do this alone.

Jane said that the SEND Green paper in general sets a good tone for direction but open to significant challenge and unclear what would remain in the White Paper. Jane added the work going forward would align with the Green Paper.

Jane gave a high-level overview of the programme and the work moving forward in terms of transforming what Leicestershire do for children around SEND and inclusion. The project was called Transforming SEND and Inclusion Programme for Leicestershire which would be a whole system approach of delivering success for children. Leicestershire's ambition for the project was to work collaboratively and are keen to engage schools in the co-production of this and looking at ways of carrying this out. In terms of timescales the next phase of work would start during this month but a partner was yet to be secured.

Jane said that as Jenny had mentioned earlier in terms of the high needs block financial position the indications are that it was deteriorating further from what was reported in February where a £63m deficit was set out for the next 4 years. Jane added that some of this was a significant increase in early years specialist placements and special school forecast numbers were above than what was forecasted. Jane added there were challenges around provider costs which are inconsistent and do not reflect needs and there was no leverage in the market around negotiating fee reductions particularly from the independent providers where there was increased pressure to place from both schools and parents.

Jane said as Jenny mentioned the DfE launched a new programme to support local authorities in financial difficulty and they have now relaunched the second phase which 9 authorities with the highest level of DSG deficit have entered into the Safety Valve Agreements. Jane added that alongside this they have informed another 55 authorities to join the Delivering Better Value in SEND programme and Leicestershire had received its invite just after Christmas to be part of the programme which was as a result of the 2021 deficit. Jane reported that it was a 36-month programme which included a 6-month diagnostic, an 18-month implementation and a number of months where there was some financial support available and a financial adviser would be allocated. There was a meeting in March which set out the programme and Leicestershire was informed it was in phase 2 of the programme which meant it would not start until September but this was too late as Leicestershire would be in a huge deficit. Leicestershire are currently working with the DfE on how the programme can align with current plans and initiatives in place.

Jane referred to Leicestershire's position to other authorities and the deficit was not one of the highest but are reaching the top middle if urgent action was not taken.

Alison Ruff made the comment that there was massive pressure from paediatricians seeing children online, receiving a diagnosis which was then put back to the school to deal with. Alison said that this was a massive issue in terms of those children that really need an EHCP and those that are lower ability. Jane said there were significant challenges with health and issues within SENA on managing resources and for some reason Leicestershire has an issue around parental expectation. Karen Allen commented that after talking with other SENCOs and headteachers it seems apparent that SENA are providing automatic and same answers for all children or if a response is received at all. Karen added that responses are several months overdue which results in angry parents taking it to Tribunal which they would probably win. Karen said that the system worked it would save a lot of money.

Jane Lennie asked what the local authority think is the reason for the greater increase in places compared to other areas and there was clearly something that is being carried out wrongly or not doing. Jane Moore outlined a variety of possible reasons but that a whole system approach should have been taken but to now deal with it as a whole system issue for which was the plan going forward.

Jane Lennie asked if the extra provision for SEMH children and

expanding the 5 special schools was going to be sufficient to meet existing need. Jane said it was more a case of ensuring the right provision is built in the right place and the right children are in the right specialist provision. Jane said that another SEMH school (Bowman Academy) would be going ahead in 2023 and there are other units coming on track but as new builds come through they continued to be filled. Jane added that there were many things required to solve some of the challenges including at government level as well.

Jane Dawda reiterated Karen Allen's point of view there are times when pupils need more than what you were hoping to gain but equally Jane Moore's point was thinking of those children who do not necessarily need the provision and Jane outlined some successes with parents in her school. Jane Dawda added that looking at reducing hours and working with parents on the provision their child needs could be an area to look at.

Jane added that giving more flexibility to schools to manage inclusion in schools was something to look at but parents may not tolerate this as they like to see 32.5 hours in their EHCP plans. Jane added that there is more that can be done but need to be innovative about managing this as well.

Jane referred to Martin Tower's comment about potentially forcing change for children in high-cost provision into the lower cost, right provision as it would ultimately meet the need. Jane replied that the Code of Practice does not allow for this, and the local authority would be taken to Tribunal so have to provide the higher-cost provisions. Jane added that further work would take place to make parents aware that better provision was being built in Leicestershire than some of the higher-cost provisions.

Karen Allen commented that in terms of parents viewing schools none of the county's specialist provision are prepared to let parents visit until their provision had been agreed in their EHCP. Karen added that this was not the case with alternative provision, and it was expected that parents would choose the alternative provision which would end in a Tribunal where the parent would probably win costing the local authority even more money on a place that was not necessary. Karen added that again it was about the whole system approach. Jane Moore said that marketing of the new provision had been discussed when it was being developed and was interested to hear this and had been a helpful comment. Alison Bradley said the independent sector may be doing their marketing in a different way to Leicestershire schools but the provision was not giving the wrong impression in terms of the child might not need to be at the school because the case details were not known. Alison said that Karen was right to raise it was a whole system approach and the broader systems and communication implications but commented that there may be valid reasons why the provisions are not letting parents view their facilities. Karen commented that it was easy to get information out there through either SENA or SENDIASS.

Alison Ruff commented about the marketing and the negative use of words about schools on an independent school's website and so visiting a provision in Leicestershire could make the decision of whether it was right for a child or not. Alison agreed that it was good point about reduction in hours as from previous experience a pupil at her school could have had their hours reduced towards the end of school.

Graham Bett extended his genuine sympathy to everybody who was having to work through these challenges. Graham commented that it felt like there was a new steer from officers which must reflect a Cabinet decision. Graham asked what the steer was coming from Cabinet on this as this was a context in which the Department had to operate. Jane said that the financial pressures at the local authority are now unsustainable which means something radically different needs to happen because the high needs block position cannot continue and this had been made clear to Jane as Director. Jane said that Mrs Taylor and other Cabinet members are absolutely clear this was a national case and they were helpfully putting pressure on Government around funding by writing to all the MPs, advocating the pressures in the system so Mrs Taylor was welcoming of the content of the Green Paper and the direction of travel the Government are setting now but was also very clear there was not enough money in the system and putting local authorities in an unsustainable position. However additional funding would not fully address the systematic issues within the SEND system. Jane added that Members are getting increasing letters from their constituents complaining about the pressures being created.

Graham Bett commented that discussion had taken place on the whole system approach and if things could be done in a different way it would be better for the child and he hoped this would be the limit for finances and therefore not making cuts elsewhere to improve services. Graham added that this was a national problem, even with all the local work happening, and in the end only the Government can solve the massive deficit.

Jane stated that other funding cannot be used to clear the deficit and need to come together collectively more to own this as this was not just a local authority problem although it falls to us and now looking to a more partnership solution. Jane added that making cuts does not solve the problems and at the moment there was no pressure to make cuts but are going to have to look closely and strongly about how the position was resolved. Jane added that it was the biggest problem in the County Council, alongside social care, and was being taken very seriously corporately but at the moment it was about system change and not cuts.

Jane Dawda raised there are significant concerns in terms of the number of EHCPs in small schools as the whole SEN budget is taken up whereas another small school may have no EHCPs so their SEN notional budget can be spent more widely with children with other different needs instead of going into deficit.

	<p>Jenny added that she receives a lot of comments about how the notional SEN budget works and are awaiting the outcome of the last school funding consultation which closed in March which alluded to some changes to the SEN system. Jenny added that a different approach was needed to a deficit but it was unclear what that would look like and what the national expectations would be.</p> <p>Jane commented that it has got to a position where an EHCP means money or a different school but should be about the assessment of needs and how these can be met.</p> <p>Karen Allen commented that school funds are also supporting children. Discussion took place on why there was a huge growing number of children with far more complex needs in mainstream schools which needed to be captured.</p> <p>Jane said that one of the challenges in the Green Paper was where the funding sits and was not just a local authority issue but a school and health problem which needs to be clearer in terms of funding for the high needs block and expectation of funding through the school funding.</p> <p>Jane added that the Department was working on securing a partner and the Department want to work and engage with school leaders and the Forum in the work going forward and come out and have conversations how this can be taken forward.</p>	
5.	<p>Any Other Business</p> <p>a) Leadership Changes</p> <p>Jane updated the meeting about the leadership changes in the Department. Paula Sumner left at the end of last month and Alison Bradley had been recruited to the Interim Assistant Director post initially for 12 months and underneath Alison there was an interim education structure in place so Justine Roberts had been recruited to replace Alison's post which is Head of Education, Inclusion and Quality. Ted Walker was replacing David Atterbury as David is retiring in July and Tom Common remains Head of SEN.</p> <p>Jane commented that the structure is interim partly because of the Green Paper and the White Paper as need to be in a clearer picture as a local authority of what that will look like but was confident that the interim structure was strong and Alison will lead the system as it was needed to be led especially in this phase of going forward.</p> <p>b) Clerk to Schools Forum</p> <p>Jane informed the meeting that Karen Brown would be stepping down as Clerk to the Forum to move to another role within the Council.</p>	

	<p>c) Chair of the Schools Forum</p> <p>Karen Allen announced that she was retiring and would be stepping down from the role as Chair of the Schools Forum which she had been in since 2016. Karen asked Forum members to think about and consider this role for the September meeting. Members thanked Karen for her time on the Forum.</p>	
6.	<p>Date of Next Meeting</p> <p>Monday 4 July, 10.00 am via Teams – additional meeting</p> <p>Thursday 29 September, 2.00 pm via Teams</p>	

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