**Birmingham Schools Forum**

Thursday 21st January 2021

2pm – 4pm

# Remote meeting via MS Teams

**Present:** Richard Green Primary Forum

James Hill Primary Forum

Maxine Charles Primary Forum

Debbie James Secondary Forum **Chair**

Mike White Academies Representative

Jane Gotschel Secondary Academies Representative

Nicola Redhead Academies Representative (Alternative Provision)

Les Lawrence maintained secondary governor.

Karen Mackenzie maintained primary governor.

David McCallin Maintained Nursery School governor

Sara Reece PVI representative

Catriona Savage PVI representative (joined the meeting at 3.05)

Clare Madden Catholic Senior Executive Leader Lumen Christi

Steve Hughes Academies Representative (Special)

Denise Fountain Maintained Special HT

David Aldworth Maintained Nursery HT

Steve Howell PRU Representative City of Birmingham School

David Room Teacher Associations

Janet Dugmore Support Staff Union representative

Tim Boyes BEP

Lisa Fraser BCC (left the meeting at 3.15pm)

Nichola Jones BCC

Cllr Jayne Francis BCC

Yoke O’Brien BCC Interim Finance Manager – Schools

John Betts BCC Interim Busines Partner with Education and Skills Directorate

Lindsey Trivett BCC (joined the meeting at 2.35)

Patricia Harvey BCC Business Analyst, Finance and Governance(supporting High Needs funding)

Nigel Harvey-Whitten Assistant Director, Commissioning Education & Skills

(joined the meeting at 2.35)

Debbie Holmes LA Project Facilitator Developing Local Provision ((joined the meeting at 2.35)

In attendance: Janice Moorhouse (clerk)

| 1. | **Welcome and apologies for absence.** |  |
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| 1.1 | The Chair welcomed members and officers to the meeting.  Apologies: apologies for absence received from Cllr Kate Booth BCC.    Absent: Paul Doddridge Primary Forum and Cllr Kath Scott BCC |  |
| 2. | **Minutes of the meeting held on Thursday 10th December 2020.** |  |
|  | The minutes were agreed as a true and accurate record of the meeting. |  |
| 3. | **Matters arising from the minutes.** |  |
| 3.1 | Item 3.1: ACTION: draft letter to be sent to the Chair for her signature before sending to the DfE  Tim O’Neill reported this action had not been completed.  The Chair stated this action would not be carried forward.  **ACTION**: Members suggestions on governor representatives to fill the outstanding vacancies to be sent to the Chair and the clerk.  School Improvement contract: agenda item: Nigel Harvey-Whitten joining the meeting.  Tim Boyes and Nichola Jones to meet with Cllr Scott: Tim Boyes reported a meeting had taken place and the DLP project to be announced at Scrutiny Committee.  Item 5.5: support staff payment: John Betts reported written request sent to gain clarity on what evidence was needed in order to exclude from future calculations.  Items 8.3/4/5: Special Schools Formula working group: Steve Howell reported that, despite  assurances regarding invitations to meetings, he had not been contacted.  The Chair stated the minutes to be amended to record as an **ACTION** the expectation for all  stakeholders to be engaged and the LA to assign a route for this engagement.  Pat Harvey stated no meetings held with the special HTs since November. The group was being re-established and all stakeholders including Alternative Provision to be involved and consulted.  Pat Harvey apologised to Steve Howell.  Item 9.3: **ACTION** a breakdown on where the £50k additional HNB costs had gone at the next meeting. Pat Harvey stated this was a part of the report under item 6. | All members |
| 4. | **LA update** |  |
| 4.1  4.2  4.3  4.4  4.5  4.6 | Lisa Fraser reported Dr Tim O’Neill Director for Education and Skills had been appointed as the new managing director of children’s services at the charity Action for Children. To start his role there on 1 February.  The Interim Chief Executive was considering options regarding the vacancy which might include support from Birmingham Children’s Trust.  Places for vulnerable children/children of critical workers: Lisa Fraser reported requests for places in Birmingham at 9.6% were lower than the national average at 14.3%. The LA had followed up the small number of schools when critical workers were unable to access a place.  Officers from the Council’s safety services and Education Infrastructure teams held a webinar for schools on Wednesday 20th January to discuss risk assessments. A recording and slides from the webinar to be shared.  A webinar with Birmingham Public Health regarding lateral flow testing held on Wednesday 20th January.  David Room, referring to a statement from the Director of Public Health that schools were safe to open and that school staff were at no greater risk that the general population, commented that the statement was erroneous. Schools were now closed, staff were at twice the risk as the general population and seven times the risk in special schools.  David Room queried the LA confidence in the Director of Public Health.  Lisa Fraser stated that it was better for the Director to comment on the position he had taken and would look at ways for David Room to meet with the Director for Public Health.  Cllr Francis reported here were weekly updates to Cabinet on local public health information.  The Chair stated that David Room was welcome to feedback to School Forum on a meeting held with the Director of Public Health.  David Room thanked the Chair and stated that this was not the appropriate approach. There was a need to meet with the Council and Council Leaders.  The Chair stated that this was not an issue for School Forum.  Sara Reece queried the on-going concerns related to health visitors raised on several occasions at Early Years Forum.  **ACTION**: Lisa Fraser to follow up with Sara Reece and Early Years Forum.  The Chair thanked Lisa Fraser for her report. | LA/LF |
| 5. | **Mainstream formula -minimum funding guarantee proposals 2021/22** |  |
| 5.1  5.2  5.3  5.4  5.5  5.6 | Report for decision circulated before the meeting to seek Schools Forum approval to the treatment of the Minimum Funding Guarantee (MFG) as part of the mainstream school funding formula for Birmingham for 2021/22.  John Betts reported that, from using the Authority Proforma modelling tool, it was evident that the LA could not fully replicate the national funding formula and maintain a Minimum Funding Guarantee of 2% as the Dedicated Schools Grant financial settlement did not provide sufficient funding to deliver this. The Department for Education had indicated that a MFG of between 0.5% and 2.0% should be used for 2021/22.  The report outlined the reasons why a 2% MFG was unaffordable, identified two options to resolve this situation and suggested a preferred option.  Government funding: John Betts reported schools should receive a minimum of £5,415 per pupil  funding for secondary schools and £4,180 for primary schools. From 2021/22, funding to cover  increases to teachers’ pay and pensions had been included within formula funding rather than  being paid separately.  Summary from the APT with the national formula applied and a MFG of 2%: total cost £1,002.769m.  Funding available: £ 996.486m (after accounting for growth and falling rolls funding)  Shortfall: £6.283m.  Reasons behind the shortfall:   * the numbers of pupils used by DfE to calculate the Dedicated Schools Grant allocation for   2021/22 (based on the October 2020 pupil census) was 870 pupils fewer than the Authority forecasted that needed to be used in the 2021/22 formula (181,785 pupils in the local formula, compared with 180,915 used in DSG calculation).   * additional pupils expected and funded from the Growth Fund approved by School   Forum in December 2020.   * the characteristics of some of these pupils means that the deprivation factors they   attract are under-represented in the DSG calculation.  Options to make the formula affordable:   * set a MFG of 0.66% * set the maximum affordable MFG (1.91%)that acts as an overall minimum and maximum factor (members noted that, to ensure overall funding affordability, final   figures might need to go to more than two decimal places.  Members noted the detail in the tables showing 2% MFG as unaffordable, Option 1 MFG at 0.66  and Option 2 MFG at 1.91% with gains above that capped at 1.91%.  Mike White queried the difference of 870 in pupil numbers used by the DfE and asked why there was a difference and how had it arisen.  John Betts stated that there were additional factors such as free school opening part way through the academic year and suggested reviewing how to deal with growth in pupils numbers  In future. If schools opened part way through the year, the LA should be entitled to adjust numbers.  **ACTION**: Mike White to query the difference in Birmingham funding/huge potential variation on the MFG with the DfE.  The Chair summarised the two options and proposed following option 2.  Members agreed.  Noted: there were still questions to pursue regarding the gap between what was expected and what was needed. | LA/JB |
| 6. | **High Needs Block –** 2021/22 use of additional funding proposal |  |
| 6.1  6.2  6.3  6.4  6.5  6.6  6.7  6.8  6.9 | Proposed High Needs Block 2021-22 circulated before the meeting for consultation.  Forum members asked to consider and comment on the 2021/22 budget proposals for the use of the increased resources received for the High Needs Block.  John Betts reported the vast majority of the increased resources received by the Local Authority for High Needs for 2021/22 was directed to delegated budgets. The majority of project funding was spent on front line institutions such as outreach and SALT support in special schools and post 16 specialist support for ASD / complex learners.  The impact of Covid and various local and national lockdowns had made it difficult to bring forward some projects in 2020 and to accurately monitor patterns of spend.  John Betts suggested that greater scrutiny of the use of the whole of the High Needs Block could be beneficial in considering how best to utilise resources by setting up stakeholders group with well defined terms of reference.  Spending categories requiring further clarification: John Betts reported a number of special schools faced challenging financial circumstances and were in financial difficulty. It was not proposed for this to be an ongoing budget at this level. It might be required for longer than one year to work with some schools.  Personal budgets for parents / carers of children to support transport directly to and from education institutions was chargeable to the High Needs Block (unlike centrally organised SEND transport)  As teachers pay and pension grants had been rolled into the overall formulae (for maintained schools, special schools and other education institutions), funding for this was reflected in an increase of £660 to the £10,000 placement factor.  John Betts asked members to consider the use of the 2020/21 HNB allocations after year end, a forecast spending report in November / December 2021 to inform consultation as part of next year’s budget consultation process and a report being presented to a subsequent forum meeting outlining the LA’s approach towards supporting and challenging schools in financial difficulties.  Debbie Holmes stated the LA statement and the Government priorities were being addressed and  reported the number of children with special needs in maintained schools was going down.  Sara Reece asked if Early Years input had been made by Lindsey Trivett.  Lindsey Trivett stated no direct involvement and was assuming Karen Jones who had the remit  for EY SEND had been involved. Lindsey Trivett reported that she did meet with Karen Jones.  James Hill commented on the need to reduce the number of Education and Health Care Plans in  the City and the children be identified correctly by need. The SEND Code of Conduct had to be  followed.  Debbie Holmes reported the number of EHCPs had increased for 2 to 4%. Reviews  highlighted that new referrals weakened mainstream provision. EHCPs were not being stopped  but moving towards more EHCPs as needs were not met without one.  Nicola Redhead reported all six Alternative Provision School were facing cuts in place funding of  of cuts 30-40% based on looking at census data from 2018 and 2019. Nicola Redhead stated  a £280k reduction at her school AP provision in Birmingham was vulnerable.  Nicola Redhead asked   * was the LA aware of this reduction to funding and the impact on young people? * There had been a number of meetings with the EFSA. Would the LA support AP schools   In relation to funding?   * what was happening to the money?   Debbie Holmes stated that the LA was aware, was concerned and would be looking to support AP  provision. Tim Boyes and Nichola Jones to meet with AP HT’s w/b 25th January.  John Betts stated nothing seen to suggest EFSA re-cycling funding. **ACTION**: to follow up  Les Lawrence, referring to a special school in deficit, asked if the deficit was taken from the  HNB or the General Fund.  John Betts reported a financial impact of £6m from two special schools. £3m to be paid from the  HNB and £3m from the LA General Fund for support before closure. Issues around redundancies  picked up by the HNB.  Steve Hughes asked for the total picture of the High Needs spend to be provided and queried the  ‘Top ups and consortia pilot’  John Betts reported the consortia model was due to start in 2022 as a different/better way of  managing placements.  Nichola Jones stated that top up funding was process led, under review regarding which  plan it was attached to and was delegated, ring fenced funding.  Steve Hughes, referring to the increase in the number of speech and language therapists, asked how this would work in practice.  Nicola Jones reported 20 new posts working in mainstream consortia and managed at school  level to support the curriculum with consortia working together to decide how the therapists  would work across a group of schools. The therapists to work to National Health Service  regulations on a set contract making it clear how the therapists would work.  Mike White stated that he supported John Betts proposal to set up a group of all stakeholders in  the High Needs Block. It was crucial to monitor proposed and actual spending of significant  amounts of money.  Steve Hughes stated the setting up a group was long overdue. A challenging but necessary piece  of work.  **ACTION:** John Betts to set up the group.  The Chair thanked Debbie Holmes, Nichola Jones and John Betts for the paper and their  contributions. | JB  LA/JB  LA/JB |
| 7. | **Early Years Rates 2021/22** |  |
| 7.1  7.2  7.3  7.4  7.5 | The Chair welcomed Lindsey Trivett to the meeting.  Early Years Rate Review 2021-2022 – Confirmation of final rates circulated before the meeting for information.  Lindsey Trivett reported the details of the final outcome of the amendments to be made to the Early Years DSG Funding for the financial year 2021-2022 following confirmation of the funding allocations from the Department for Education. The review and recommendations were for one year only. This report supplemented the full report presented to Schools Forum in December 2020 which outlined the context of the Early Years DSG and the work that the annual review had undertaken. The initial allocations for the financial year 2021/22 had now been released by the DfE.  Lindsey Trivett reported the LA could retain a maximum of 5% of the EY block to support central functions. The report in December set out that the LA would look to incrementally increase the central retained percentage towards 5% with a view to reaching the full 5% in future years with the increase spilt with increasing the rate to providers.  Recommendations  Schools Forum to note the financial implications of the updated DfE allocations which take into account the increases to the National Formula on the previous recommendations in December from Early Years Forum:-   * An increase to the centrally retained amount equivalent to 2p per hour resulting in an   amount of £2.7m. (4.2% including ISEY). This to also be used to fund the increase in the deprivation factor.   * Maintain the amount allocated to ISEY of £1m noting that £0.25m is held within the   centrally retained element.   * Agree the funding rates to be applied to Base Rates for 3 and 4 Year olds and Rates for   2-year old’s for providers.  The rate for three and four year olds will increase by 6p per hour to £4.41 per hour. The rate for two-year old’s will increase by 8p to £5.40 per child/hour in 2021/22  Sara Reece emphasised the importance of acknowledging the intent of BCC to share the DfE award. However, the sector was unstable on the one year roll over. Sara Reece stated that it was difficult to budget and asked if Cllrs and the LA could work with the sector to increase leverage on the DfE to increase funding.  Sara Reece reported that in the last five years funding had increased by 4.2%. This included the increase in April. In Early Years settings, labour costs were 70-75% of the running costs and, for example, costs for employing a 23 year old had increased by 26%.  **ACTION**: Sara Reece to email the figures presented Lindsey Trivett.  Lindsey Trivett stated that she was in constant communication with the DfE and that she would speak with elected representatives.  Les Lawrence suggested making an addition to the recommendation for the LA to prepare a case for the DfE for funding that more accurately reflected the funding support needed by the provision.  David Room stated that he supported the proposal made by Les Lawrence.  The Chair thanked the EY for finding a way forward and Sara Reece for her contribution. | SR |
| 8. | **School Improvement Contract** update |  |
| 8.1  8.2  8.3  8.4  8.5  8.6  8.7 | School Improvement Contract (circulated before the meeting) for consultation on the terms of  the proposed contract for the provision of School Improvement.  The Chair welcomed Nigel Harvey- Whitten to the meeting.  The item was chaired by the Vice Chair. The Chair and Tim Boyes did not participate in items 8.1 to 8.7.  Nigel Harvey- Whitten reported that the contract was for a period of up to seven years, commencing on 1st July 2021 and with a break clause at year three and five for the estimated value of £7.560m.  This was based on the estimated value of the contract using historical data of £1.089m per annum. The Council wished to encourage tenderers to use their market experience to propose the most efficient outcomes-based service and, therefore, would not prescribe the way in which the services would be delivered.  Ten high level outcomes had been identified:   * Birmingham settings are engaged and have a relationship with the potential provider in   relation to school improvement.   * That the profile and outcomes of Birmingham schools and pupils are improving so that   the cities performance reaches and exceeds that of statistical neighbours and national averages.   * Focus on a school-led system which unites schools for the collective benefit of all pupils   within Birmingham.   * Seek to strengthen system leadership across Birmingham, developing a brokerage role,   particularly through strengthening processes for identification and use of strong practitioners from maintained and non-maintained schools.   * Be able to swiftly and effectively challenge and support schools and provide intervention   where applicable and recommend formal intervention to the Council.   * Work in conjunction with schools and the Council to review the range and volume of   existing school groupings and networks in Birmingham, with the aim of reducing duplication and increasing effectiveness on an ongoing basis; and   * Cultivate a research-based approach which underpins school-led improvement, sharing   best practice local, regionally and nationally to ensure Birmingham is continuously improving and striving for all pupils.  Nigel Harvey- Whitten reported the tender was due to go live mid-March with the evaluation panel made up of senior leaders from across the Council, including those with Ofsted Inspector experience and asked members to comment on the proposals and identify a representative to be on the evaluation process.  Nigel Harvey- Whitten stated that he would take feedback from members over the next 28 days and, where he could be, amend the approach in light of the feedback. The LA was not a ‘system leader’ for the work. The role of the LA was to complete/conclude the procurement exercise in line with regulations.  Regarding timing, Nigel Harvey- Whitten stated he was happy to move to September if Forum were minded to do so.  David Room, commented that estimated funding was based on historic data, asked if that data was accurate and sufficient.  Nigel Harvey-Whitten stated he believed figures to be accurate. The sufficiency of the overall budget envelope was based on calculations and detailed work with the provider.  David Room asked what would happen if things were not going well after the first and/or the second year.  Nigel Harvey-Whitten reported arrangements up to three years would be reviewed regularly. It was felt that the break clause gave a new or existing provider time and confidence in terms of three years in the first instance. Three years was felt to be about the right period. An earlier review was a deterrent to providers bidding.  Steve Howell thanked Nigel Harvey-Whitten for the paper which was helpful and with coherent outcomes. Steve Howell stated that he supported the September dates and asked if comments should be emailed to Nigel Harvey-Whitten.  **ACTION**: Nigel Harvey-Whitten to circulate his email address.  David Room queried the situation if, after a year or a year and a half, the provider was not delivering.  Nigel Harvey- Whitten reported terms and conditions were attached to the contact that could be used to challenge the provider. Would be fair and try to resolve issues. Key Performance Indicator information would be requested on a regular basis and feedback from schools that support was not of a good standard would be taken into account.  The Chair thanked Nigel Harvey-Whitten and asked if School Forum was committed to agreeing to fund for five years or if the item had to be brought back to School Forum for funding to continue.  **ACTION**: John Betts to check if yearly approval was required.  James Hill nominated Steve Howell as the School Forum representative on the evaluation process. Members agreed. | NHW  LA/JB |
| 9. | **Any Other Business** |  |
| 9.1 | Catriona Savage requested Nichola Jones attended the February Early Years Forum meeting in to update members on the overall EY SEND action plan. | NJ |
| 10. | **Dates of future meetings**  Thursday 11th March 2021  Thursday 24 June 2021 |  |
|  | The meeting closed at 3.45pm |  |