

**CAMBRIDGESHIRE SCHOOLS FORUM: MINUTES**

Date: 18<sup>th</sup> December 2019

Time: 10:00 a.m. – 12.28 p.m.

Venue: Kreis Viersen Room, Shire Hall, Cambridge

Quorum - 9 Those present counting towards Quorum: 16

|            |                                       |  |
|------------|---------------------------------------|--|
| Present:   | <u>Academy Board Member</u>           | Philip Hodgson (Chairman)  |
|            | <u>Academy Special School</u>         | Simon Bainbridge   |
|            | <u>Academy Primary</u>                | Susannah Connell   |
|            | <u>Early Years Reference Group</u>    | Deborah Parfitt  |
|            | <u>Maintained Primary</u>             | Liz Bassett<br>Tony Davies<br>Sasha Howard<br>Guy Underwood  |
|            | <u>Maintained Pupil Referral Unit</u> | Amanda Morris-Drake  |
|            | <u>Maintained Governor</u>            | Paul Stratford   |
|            | <u>Maintained Nursery School</u>      | Rikke Waldau   |
|            | <u>Other Academy Appointments</u>     | Jon Culpin<br>Richard Spencer<br>Adrian Ball (New member appointed 16/12)<br>Christopher Bennett (New member appointed 16/12)<br>John King (New member appointed 16/12)<br>James Robertson |
|            | <u>Observers</u>                      | Councillor Simon Bywater (CCC)<br>Councillor Joan Whitehead (CCC)<br>Councillor Peter Downes (CCC)<br>Andrew Read (Diocese of Ely)   |
|            | <u>Officers</u>                       | J Lewis, R Sanderson, M Wade, J Veitch   |
| Apologies: | <u>Academy Alternative Provision</u>  | Nick Morley  |
|            | <u>Academy Representative</u>         | Dr Alan Rodger (Vice-Chairman)   |
|            | <u>Academy Special School</u>         | Dr Kim Taylor OBE  |
|            | <u>Maintained Secondary</u>           | Carole Moss  |

Maintained Special School

Lucie Calow

Other Academy Appointments

Ryan Kelsall, Patsy Peres

Post 16 Further Education

Jeremy Lloyd

Observers

Jon Duveen (Teachers Unions)

Joe McCrossan (Diocese of East Anglia)

Julie Cornwell (Non Teachers Union)

### **133. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were as set out above.

There were no declarations of interest.

### **134. MINUTES OF THE MEETING HELD ON 8<sup>th</sup> NOVEMBER 2019**

Subject to the following correction on the Observer attendance:

Andrew Read to be shown as having attended representing Ely Diocese and not Alex Rutterford Duffety

The minutes of the meeting held on 8<sup>th</sup> November 2019 were approved as a correct record and signed by the Chairman.

### **135. ACTION LOG**

The Forum noted the Minute Action Log with the following updates:

- An update on the progress being made by the High Needs Group would be provided to the Forum in January 2020.
- An update, likely to be verbal, on the meeting due to take place between officers, the Chairman and Department for Education officials in January 2020.

### **136. SCHOOLS FUNDING UPDATE – DECEMBER 2019**

Forum received a report providing them with an update on the latest national funding announcements and local funding formula proposals for 2020/21.

In addition to the report and appendices included with the agenda, the following further papers had been published on the web and circulated to members the day before the meeting.

- an Addendum A on Schools Funding with details of the consultation responses including a diagrammatic summary on the feedback on the proposed transfer between the Schools Block and the High Needs Block and a correction to a census error,
- Appendix D providing a summary of the responses and details of the narrative text,
- Appendix E showing the illustrative impact a reduction of MPPLs would potentially have from previous scenarios and
- Appendix F containing a further questionnaire to be circulated to schools to request information on balances held by schools.

## **2020- 21 SCHOOL FUNDING ARRANGEMENTS**

The Director of Education explained some of the background to what was a complex decision making scenario, he stated that no final decisions were being made that day regarding the budget. It was explained that the Local Authority (LA) proposed the budget, Forum were consulted on it and their recommendations were then sent on to the Local Authority who would make the final decision. Where there were any proposals to top slice the LA budget above 0.5% to the High Needs Block (HNB), the Secretary of State would make the final decision. There was a deadline of the 21<sup>st</sup> January to submit the proposed LA budget to the Department for Education (DfE). It was highlighted that there was to be a meeting with DfE officials the week before the next Forum (13<sup>th</sup> January) to discuss issues around the High Needs Block. (HNB) and any Secretary of State decision over the top slice.

As indicated in the presentation, due to Education and Skills Funding Agency (ESFA) deadlines the LA had already had to submit a disapplication request to the Secretary of State in the event a transfer of up to 1.8% / £6.5m from the Schools Block to the High Needs Block was made. The initial submission and accompanying evidence was detailed in Appendix C to the covering report. It was highlighted that this submission in no way pre-empted the outcome of the consultation or the Schools Forum vote, but was to meet the initial ESFA deadline of 28<sup>th</sup> November. The results of the Consultation and Forum vote would be fed back to the ESFA, and amended disapplication requests could still be made up to 16<sup>th</sup> January 2020.

In terms of a variation in minimum funding levels, the proposal had not been submitted to the DfE, as Forum views were being sought on scaling down the MPPF as a preferred option should the block transfer be actioned.

It was highlighted that there had been no confirmation from the DfE on dedicated schools allocations for next year, which were normally announced by the time of the current meeting, with officers hopeful that there would be an announcement soon. The DfE had not yet responded to the consultation undertaken on Pupil Premium. As soon as it was received, it would be shared with Forum.

### **Consultation Events**

In terms of the Local authority (LA) consultation events undertaken, the deadline had been extended to the previous Friday. As a consequence, the results had only been able to be assessed the previous day.

In response to question 3 “do you agree that the Authority should propose to the Schools Forum a transfer from the Schools Block to the High Needs Block to support the High Needs Budget 2020-21” 54% were in favour 42% against with 4% showing as ‘don’t know’.

On Question 5 regarding the percentage transfer of the four options were provided the results were as follows:

- 0.5% (57% in favour)
- 1.0% (23% in favour)
- 1.8% ((18% in favour)
- An amount in excess of 1.8% (2% in favour)

A 0.5% transfer was the clear, preferred option.

It was explained that if money was moved between blocks there would be an impact on the most deprived schools and a small number were affected which ever scenario was used.

On the £17m extra funding that was to be received, £10m was for the Minimum funding level, £6m for the HNBs with £1m being used to fund schools above minimum floor.

Individual members raised the following issues / attention was drawn to issues in relation to this section of the presentation:

- queried as to where the 0.5% cap had come from. The Director of Education explained that this related to affordability. He stated that it was a complicated situation, in which certain groups would lose out. The Strategic Finance Business Partner suggested that smaller schools were hit hardest by the reduction in minimum level funding. The LA's consultation response, did highlight this issue, with the LA suggesting the per pupil minimum level lump sum should be outside of this calculation. Officers had challenged the Department of Education (DfE) on this, as shire counties had more small schools and therefore the funding was spread more widely.
- with reference to slide 6 included on the agenda, officers explained that following discussions with Cambridgeshire Secondary Heads (CSH), the LA had since contacted the ESFA to seek clarification around the possibility to dis-apply the minimum per pupil levels (MPPL) to mitigate the impact on the most deprived schools in the County. The ESFA had confirmed that the LA would be able to submit a disapplication and that it would be considered prior to the APT deadline.

### **High Needs Update**

More analysis had been undertaken as set out in the report. It was clarified that the funding received for the High Needs Block (HNB) has increased by 7% whereas the number of Education Care Plans (EHCPs) had increased by 33% since April 2017. The funding allocated to EHCPs was still based on historical levels of funding when EHCP levels were much lower. As a result, the gap was increasing between funding and EHCPs. As a result of the lack of capacity in special schools, there were now too many children in specialist placements. There was currently a £16m deficit on the HNB, as a result of the increase in EHCPs, and the increasing cost of high needs students.

The following issues were raised in relation to this section of the presentation:

- the Director of Education and the Strategic Finance Business Partner confirmed that the £16m deficit, included the £7.5m, would be carried forward.
- queried whether there had been any difference in the consultation response received from smaller schools. The Strategic Finance Business Partner stated that there was not, but they were able to identify the comments from them with reference to the effects of changes to Minimum per Pupil Funding Levels (MPPFL).
- expressed concerns that for small schools, the levels of funding they were receive meant they were not sustainable, and that insufficient funding would result in more closures for schools that were the heart of smaller communities.

The Director of Education explained that they had objected to the MPPFL for this reason.

- questioned whether the Local Authority (LA) was allowed to unilaterally dis-apply Minimum pupil levels. The Strategic Finance Business Partner confirmed that they were not.
- raised concerns regarding the fact that if more schools were not financially viable, the transportation issues of sending pupils to other schools would become an additional funding pressure for the local authority and an extra cost to the taxpayer. It was highlighted that the home to schools special transport budget was already under significant pressure, with the LA already allocating a significant amount of money in the proposed budget to support it.
- sought clarification as to the LAs view of affordability. The Director of Education explained that Officers did not yet know the DfEs definition of affordability. The LA take the view that affordability was about potential impact, and suggested that the DfE might take the view that it was about the cash envelope.
- the Director of Education confirmed that the Authority was still awaiting the results of the DFE consultation on Minimum Funding Levels (MFL).
- The Primary Headteacher raised particular concerns regarding reducing the MFL. In his opinion this was wrong and was difficult to justify. Cutting the minimum funding levels was taking away from the worst funded schools, and would be hard to sell to people in local communities. The Director of Education explained that the Local Authority had pushed for consultation on the national fair funding formula, to make sure that MFL was built into the formula as part of the basic cost of running a school. It was not about capping gains, the minimum level of funding was there so schools could function.
- Officers explained that the Consultation had not asked for views on reducing the MFL, and therefore there would need to be further consultation with schools on this.
- A member stated that decreasing the level of MFL would put further funding pressures on all schools within Cambridgeshire. The Director of Education explained that the current recommended minimum funding levels was unaffordable for the LA. He suggested that some schools were winning large amounts of money which relieved some of this pressure.
- asked whether there had there been an effectiveness review of the proposed funding reductions and an impact review of the agreed 2018/19 budget. It was explained that bench marking was undertaken, but it was difficult to directly ascertain where the LA sat compared to other counties in respect of the Out of County budget special schools evaluation. Officer suggested that it was hard to evaluate the impact of previous budget decisions directly. It was highlighted that the LA was currently funding 10% more EHCPs compared to that of neighbouring counties. It was suggested that because of this, EHCPs might be an area where reductions might have to be made. It was also highlighted that the LA has a higher spend than the national average in areas including; funding special schools and alternative SEND provision and that the majority of money to HNB went back into schools.

- expressed concerns that due to the inadequate funding, Forum could be facing the same situation year after year, Officers were asked what the LA would do to reduce Special Educational Needs (SEND) demand? The Director of Education explained that a reductions programme had been launched. Officers were meeting with the HNB sub group, laying out the actions that were going to be taken, looking at provision, proposing cuts in areas where the LA provided support, as it was evident that the LA could not sustain the level of funding. The current funding formula was disadvantaging Cambridgeshire. (£3million less funding due to the historic formula being used). Post 16 was also not adequately funded for. Officer's view was that to reduce the current budget deficit without taking draconian measures to reduce support would require a 10 year re-payment plan. No LA with a large deficit could make this change in a short period of time. To balance the budget would require 40% reduction in plans and this was without tackling the £16m deficit.
- highlighted that in the Consultation, most people voted for HNB 1.5% transfer and asked whether there was an option to do a mixture of options to include looking at the Revenue budget and using carry forwards/ school balances. The Director of Education and the Strategic Finance Business Partner explained that a lower transfer level than the original 1.8% suggested would require the LA to look at other ways of reducing the spend on High Needs .
- suggestions were made by some Forum Members that they should vote for a 0% transfer, in order to push responsibility for a final decision to the LA, which would come closer to seeking a decision from Central Government who were responsible for the funding crisis. The other option was to go along with the majority view from the Consultation.
- A suggestion was made was that an alternative source of income to help reduce the deficit on the High Needs Block would be for the LA to take back money from reserves above the minimum level. In response to this Officers confirmed that there was no mechanism for the LA to take money from maintained or academy schools. Further discussion needed to be undertaken with schools to identify why some schools held higher balances.
- another Forum member suggested that schools could be asked to volunteer to relinquish their balances. Attention was drawn to a Council in Dorset, where they had set up a mechanism to potentially take excessive balances from schools. Officers had previously been asked to look into this further and the response with details on the Dorset criteria was provided in the Minute Action Log on page 87 of the agenda pack.
- highlighted the inequalities across the whole national funding system, and the complexity of the issues raised. It was suggested that Forum members should be thinking about a strategic response or strategic decision, voting on the basis of sending a message to Central Government on the principle that moving money between blocks and further disadvantaging schools was not the right thing to do. Some Forum members agreed that Central Government needed to see the significant pressure the HNB was under, and stated that they should not disguise this pressure.
- suggested that last year when a 0.5% transfer was approved, it was considered a reasonable decision to make. It was suggested that a further transfer 0.5% transfer was not reasonable as it would not deliver the necessary savings

required to close the existing deficit. The member asked whether the Forum should be proosing a transfer at all? The Director of Education clarified that it was not 0.5% on top of last year's 0.5%. From, CCC perspective, the LA was not getting the money in to pay for it, a £16m deficit would eat up unused reserves in the Council, which would then run out of money and would therefore have to reduce the amount of spending going into schools.

- Reiterated the point that if a further 0.5% transfer was agreed, what would it be next year, asking whether the authority was on an escalator of the transfer continuing to increase? The Director of Education explained that the funding gap was increasing year on year and that a strategic conversation was required. Unless the LA received a formula that met the needs of children, the LA would continue to be in financial trouble going forward. Officers were suggesting a 1.8% transfer to keep cash in hand to zero, which bought time and then hopefully going forward the Government would realise the problem, as shire / county authorities were the most negatively affected.
- concerns were raised that at the end of the financial year, the impact of not making a transfer would lead to more school exclusions due to the lack of funding, creating a worse position on the HNB and placing additional costs in other areas.
- suggested that the way it was presented suggested it looked like this was the final time such a transfer would be requested, and that the costs could be accommodated in the future. The Director of Education stated that the LA did not want to take 1.8% next year, as they did not want to go to Secretary of State year after year. There was a need to talk to the DfE about the 10 year plan.
- queried whether Officers would investigate the approach of Norfolk County Council in terms of capitals loans. The Director of Education clarified that the High Needs Block could not be funded through capital loans. It was stressed that the Council was not able to put in any additional funding in without receiving additional funding first.
- asked what decision Forum could make that would be the most beneficial to the LA going forward? The member also asked what would happen if the Forum decided not to agree the 1.8% proposed transfer? In response the officer stated that the LA would need to continue to lobby Central Government for a better funding settlement. The Director of Education explained that a 0% transfer would mean that immediate action would need to be taken to reduce spending on HNB, as would a 0.5% transfer. He commented that the Council's auditors would not allow Officers to propose an unbalanced budget. Children with SEN would be affected the most if a 0% transfer was agreed. It was highlighted that if Forum voted against the block transfer and the LA decided to go ahead with the transfer, then the Secretary of State would make the final decision.
- expressed scepticism that the LA would receive any additional funding from Central Government due to the political position of Parliament. Those who had responded to the Officer Consultation did not necessarily have the background information available to the Forum. It was suggested that a Strategic decision was required.
- queried whether the Forum could make a recommendation to the DfE. The Director of Education confirmed that a 0.5% transfer could be agreed by LA



Members. However, a transfer above 0.5% would have to be agreed by the Secretary of State. He stated that Officers had a meeting with the DfE to finalise the budget on the 21<sup>st</sup> January 2020.

- sought more information as to the budget decision made by other LAs. The Director of Education suggested that they would contact other LAs to establish the transfer figures they'd proposed. He commented that the LA could either agree a transfer to sustain the current level of spending on the High Needs Block or write to Central Government to request a cash flow loan.
- the Chairman of CYP Committee who was an observer on Forum explained that he would pass on their views to the Children and Young People's (CYP) Committee. His role was to lobby Government for a better formula so the LA could receive the highest level of funding possible. He acknowledged that the Local Authority was in the same financial position as last year. The Director of Education further explained that they had already written to the newly elected MPs, on budget pressures, outlining the challenges on the High Needs Block and the underfunding of Cambridgeshire schools.
- highlighted that schools did not necessarily understand that funding constraints sat outside the LA. In reply it was acknowledged that the communication from the LA to Forum to schools needed to improve.
- highlighted that Suffolk County Council were forecasting a deficit of £21m, cumulative of £47m and were consulting on a 0.5% transfer. The member sought clarification as to how they had a greater deficit but were proposing a lower transfer. **Action required: The Director of Education confirmed he would contact Suffolk County Council to find out more information regarding how they were managing their budget.** He commented that he had seen their recovery plan which was not as comprehensive as the one Cambridgeshire had created.

Having commented on the Local Budget proposals the majority of voting members took the view that due to the continued underfunding for Cambridgeshire, they were unwilling to give approval to what the majority of Forum believed to be an unreasonable and irresponsible grant funding settlement and on being taken to a vote:

It was resolved by a majority of one:

Not to approve a transfer from the Schools Block to the High Needs Block.

- **Consultation Proposals and proposal to apply for a disapplication to the minimum per pupil levels**

Officers drew attention to the spreadsheet and the overall numbers. It was explained that the first Column showed the effect of taking £50 off each child, the change was shown in the last column of each section. Officers did not support the reduction of the minimum level per pupil levels of 100 and 150 as set out in the last 2 columns. It was explained that the proposals had not currently been consulted on. Officers raised the question on whether schools should be consulted on the proposals before 21<sup>st</sup> January.

Individual members raised / officers clarified the following issues in relation to this section of the presentation:

- in reply to a question from a member, it was explained that in terms of the £50 reduction MPPF, the funding cap increased, small schools and deprived areas were affected the most.
- expressed concern regarding the nature of schools who stood to lose the most. A member commented that schools in the most deprived areas such as in Huntingdon and Wisbech would lose a significant amount. Officers explained that the adjustment of £50, did appear to give the most equitable spread across County, for which the member who had raised it was grateful for this clarification.
- queried which schools would gain the most from this change. The Director of Education indicated that all schools were required to be treated the same.
- Officers in response to a question explained that the Academies financial information was out of date by 1 year and maintained schools information was 6-9 months out of date. They confirmed that more work was required to understand the reasons for some schools holding large balances.
- suggested that Pupil Premium (PP) funding should be used to help offset losing staff. The Director of Education indicated that PP could not be used for this purpose.

It was resolved by a clear majority:

- that should Children and Young People's Committee subsequently approve a transfer between the Schools Block and High Needs Block Schools Forum there should be an application for a disapplication to the Minimum Per Pupil Levels of £50 in the minimum funding level per pupil.
- That information should be shared with schools.

In further discussion, individual members / officers clarified the following issues in relation to this section of the presentation:

- In terms of the effect on schools on different reduction scenarios on MPPLs and providing this spreadsheet information as part of a further consultation exercise, it was suggested that Officers could look to add another column to show the real impact of the decrease in funding allocation. **Action: Officers agreed to make this change and would go for a 0% figure**, and lose the 100 and 150 columns and refine them down.
- Commented the funding for the minimum funding levels would not take account of the inflation cost base. The minimum funding levels were the same for every schools. It would be useful in the consultation to understand the inflation cost base, as the minimum funding levels wouldn't necessarily reflect the cost pressures faced.
- The Director of Education stated that the proposed reduction in the minimum funding level would be across all schools and would have to be untargeted. Whilst the impact was not significant at some schools where increases had been significant, a number of school might only see inflation increases when they were close to the minimum funding level previously. Explaining this would be challenging.

## 1) School Balances

Officers drew attention to slide 7 of the addendum - the School Revenue Balance Survey document, which Officers intended that all schools should complete. In discussion it was agreed that it was a very good idea. The intention was to send it out in January 2020 and report back the results to Forum in February 2020. The point was made that Forum should not be in a position in February where a few schools/trust had not submitted details leading to an incomplete balances picture.

Individual members raised the following issues in relation to this section of the presentation:

- asked whether Forum could submit a Freedom of Information (FOI) request for those schools who had not provided the information by the deadline. The Director of Education confirmed that they could send an FOI to an Academy.
- Sought more information regarding whether the balance information should be at School level or academy trust level. The Director of Education confirmed that it should be at a school level due to the different ways different Academy Trusts worked. It was commented that there was a perception that some schools were holding too much money in end of year balances. This view could not be substantiated until the relevant information was available.
- suggested that it would be better to collect the balance figures from maintained schools in March/April or at financial year end. Officers explained that they wished to gather a figure now, which could then be refined as part of a standard process. They suggested that it was also the right time to collect information from academies, in order that they could be challenged and also be in a better position to justify their position if large balances were being held. It was accepted that seeking the information earlier would require estimates to be made and therefore estimates should be requested for larger sums e.g. would change the requirement for them to provide their estimated figures in terms of 1000s of pounds and not pounds.
- Officers were happy to take any changes on the format of the questionnaire outside of the meeting.

Having received a draft Schools Balances Questionnaire and on the basis that all schools should be asked to complete it

It was resolved unanimously:

To undertake a survey on school balances to be sent out in the first week in January for reporting back to the February Forum meeting.

## **2) Growth Funding**

Forum's attention was drawn to the information in slides 13 and 15. It was highlighted that Central Government was not funding Cambridgeshire's growth adequately.

It was resolved unanimously:

- a) To approve the revised growth fund rates for 2020/21 (as set out slide on 14 of the original presentation)
- b) To approve the reduction of the centrally retained growth fund to £2m. (as detailed on Slide 16 of the original presentation)

## **Other Issues on the addendum document**

Attention was drawn to a census error made by one school which had, had an impact on all schools. Schools representatives were reminded of the importance of both ensuring the information was provided in good time and carefully checked for accuracy. It was highlighted that CCC did not have the capacity to check through schools returns and therefore Headteachers must take responsibility for checking and signing off the census.

One Member asked how the error arose. The Director of Education explained that the school had not updated their pupil figures for their nursery children and had just forwarded their previous numbers.

## **4. De Delegations**

The maintained primary representatives on Schools Forum had agreed at the last Forum Meeting in November 2019 to wait making any final decision on de-delegations until seeing the results of the Consultation. On the basis that they had already indicated at that meeting that they were minded to agree and support the de-delegations on the basis of economies of scale and added value.

It was resolved unanimously:

- a) To approve the continuation of de-delegations as set out on slide 8 of the addendum document in respect of:
  - i. Contingency
  - ii. Free School Meals Eligibility
  - iii. Insurance Catch-Up
  - iv. Maternity
  - v. Trade Union Facilities Time
- b) To defer making a decision on the insurance de-delegation until the receipt of information at a later Forum meeting on the outcome of the DFE consultation on Risk Protection arrangements due to be published in January 2020.

## **5. Central Schools Services Block (CSSB) Funding.**

Attention was drawn to the details provided in Slides 20 and 21.

Following approval in principle at the previous meeting of Forum,

Resolved unanimously to approve the following as set out on slides 20 and 21:

- i. The Contribution to Combined Budgets
- ii. The Capital Expenditure from Revenue
- iii. School Admissions
- iv. Servicing of Schools Forum
- v. Retained duties funding

### **131. AGENDA PLAN**

It was resolved to:

Note the agenda plan with following updates:

Friday 17<sup>th</sup> January additional reports on:

- a) High Needs Working Group Update
- b) Feedback from meeting with Department for Education officials 13<sup>th</sup> January.

Friday 28<sup>th</sup> February 2020 additional report on the Schools Balances Survey.

Friday 17<sup>th</sup> July 2020 – Year-end Balances and Financial Health

### **DATE OF NEXT MEETING**

The Cambridgeshire Schools Forum will meet next on Wednesday 17<sup>th</sup> January 2020 at 10:00 am in the Council Chamber, Shire Hall, Cambridge.

Chairman  
17<sup>th</sup> January 2020