

**DRAFT MINUTES  
MEETING OF THE SCHOOLS' FUNDING FORUM (SFF)**

**9:00 – 16:00, 26 November 2021**

**Village Hotel, Maidstone**

**Present:** Mark Tomkins (Vice Chairperson), Michael Powis, Kate Le Page, Jenny Ashley-Jones, David Stanley, Neerasha Singh, Hayley King, Steve Avis, Phil Sayer, Sue Beauchamp, David Anderson, Annabel Lilley, Shelley Furlong.

Christine McInnes (Director of Education), Matt Dunkley (Corporate Director), Karen Stone (Business Partner), Chris Scott (Schools, High Needs & Early Years Manager), Robin Goldsmith (Clerk).

**Apologies:** John Dennis (Chairperson), Mark Seymour, Richard Rule, David Gleed, Ben Cooper, Tracey McCartney, Céranne Litton, Sarah Beaney, David Meades, David Whitehead, Emma Bradshaw, Shellina Prendergast (Cabinet Member), Sue Chandler (Cabinet Member).

**Guest:** Kerry Greene SEND Strategic Lead, Simon Pleace - Revenue and Tax Strategy Manager, Ian Allwright - People Strategy Manager.

1.	<p><b>Election of the Chair and Vice Chair</b></p> <p>An email was sent to members prior to the meeting asking to nominate a Chair and Vice Chair.</p> <p>The current Chair and Vice Chair were the only nominees received.</p> <p>It was agreed John Dennis will continue as Chair and Mark Tomkins as Vice Chair.</p>	
2.	<p><b>Welcome and Introductions</b></p> <p>The Chair welcomed the following new member to the Schools' Funding Forum:</p> <p>Shelley Furlong – Business Manager of The Royal Harbour Academy</p>	
3.	<p><b>Minutes and matters arising</b></p> <p>The minutes of the previous meeting were accepted as an accurate record.</p> <p>Actions from previous meeting:</p> <p><b>Item 4 High Needs / Deficit Recovery Plan</b></p> <p>KCC are particularly interested in the Forum's views and their colleagues' views regarding the information in slides 7 to 12 which demonstrate how Kent is different to other authorities. (This will be covered in Item 4)</p> <p>A suitable High Needs subgroup should be constructed to propose to the forum. (Covered in Item 5)</p>	

	<p><b>Item 6 High Weald Academy</b> John Dennis suggested we take a view while we continue to discuss the issues regarding 2021/22 which Steve and Mark are keen to be a part of. (Covered in item 10)</p>	
4.	<p><b>High needs Update and Deficit Recovery Plan</b></p> <p>Matt Dunkley and Karen Stone presented the current High Needs position in Kent, future deficit and funding assumptions if current trends continued and possible actions that could be taken to start to address the deficit. This can be found <a href="#">here (link to be added)</a>.</p> <p>Matt Dunkley reminded the Forum the DSG is schools' money, the Council has a responsibility in planning to ensure good quality SEN provision can be developed and sustained in line with available resources and the grant sits within the KCC accounts, however Local Authorities are expected to do so in conjunction with schools &amp; colleges and the Forum have a key role in advising how a balanced budget can be achieved.</p> <p>The Forum was asked for views on the key factors driving Kent's position in regard to why we are different to statistical neighbours and national averages?</p> <p>Hayley King asked whether we have compared our data with other selective LA's. Matt Dunkley confirmed this had been done however other LA's are different and Kent has a much higher percentage of selective schools.</p> <p>Kate Le Page asked whether an analysis had been done with SEN in Grammar schools where children fail and end up in different schools. Children with high functioning ASD are supported well at primary school and capable of succeeding in the grammar system but maybe the support is not necessary there. The selective system could be one of the drivers.</p> <p>Kerry Greene confirmed a piece of work had been done and transition to year 7 was identified as something that could be improved.</p> <p>Jenny Ashley-Jones: the process for applying for EHCP needs to be looked at. Parental confidence is an issue especially when a school is saying they can meet a child's needs with perceived SEN without needing an EHCP and parents go through the process anyway with the associated costs. Parental trust in the school is then undermined and if the child then receives an the EHCP this can lead to a parent seeking a special or independent placement. This increases the negativity shown in some parents and parent support groups. Kerry Greene confirmed the whole SEN operational model is currently under review, and we will be looking at the statutory end and how this does and could work.</p> <p>Sue Beauchamp: over the past five years there had been changes of which parental choice is a significant factor. There appears to be more of a corporate approach to describing a child's behaviour with language changing on referral forms, especially from the secondary multi academy trusts. Instead of 'he swears' or 'he bites' its now 'he's verbally abusive' he 'physically assaults' suggesting the child's place at the school is untenable. Parents understand they have more options if they have an EHCP.</p> <p>Neerasha Singh: In other local authorities (London) schools have more options to buy services i.e., separate teams for ASD and Speech and Language. In Kent all access to specialist teachers is through LIFT which can slow down the whole process. Buying services or having greater access to Educational Psychologists before the EHCP process allows school to understand what can work for a pupil earlier.</p>	

	<p>Annabel Lilley: we need to change the narrative, what do we need to change to meet the needs of children with SEN. It's about early identification and not just the needs of the child but the needs of the wider family.</p> <p>The Forum were asked for their thoughts on the possible immediate actions to help to alleviate the financial pressures on the high needs block (as shown on slides 17 and 18).</p> <p>The forum agreed to the immediate action of offering a triage/consultation service to parents/schools prior to formal assessment. Sue Beauchamp: asked for clarification as to whether triage would be optional Matt Dunkley confirmed the service would not be optional.</p> <p>Kate Le Page: a few of the mainstream school ideas will penalise inclusive schools.</p> <p>Mike Powis: we all agree that the long-term solution is more children in mainstream however, most of these actions will make it go the other way.</p> <p>Sue Beauchamp: we need to support the children that we want to keep in mainstream. A lot of those options will take away the funding to support these children. We do need to make savings, but we need to make the right savings for those children there now.</p> <p>Jenny Ashley-Jones: limiting funding for individual children with SEN support to one year rather than ongoing support will only make applications for EHCP's go up further.</p> <p>Matt Dunkley will be collating the Forum thoughts for any immediate changes that could be made between now and April. From April there is a possibility of developing a more medium to long term plan.</p>	
5.	<p><b>High Needs Schools Funding Forum Subgroup</b></p> <p>Chris Scott presented a paper which can be found <a href="#">here (link to be added)</a>.</p> <p>The paper requested the Forum's approval to form a subcommittee with the purpose of providing oversight of the high needs block in accordance with an agreed term of reference.</p> <p>The recommendations proposed to the forum were as follows:</p> <ol style="list-style-type: none"> <li>1. It is recommended that the forum agree to form the High Needs Block Subcommittee</li> <li>2. It is recommended that the forum agree the attached terms of reference subject to any necessary amendments</li> <li>3. It is recommended that the forum appoint members representing schools to the new subcommittee</li> </ol> <p>The Forum agreed to form a subcommittee for High Needs.</p> <p>It was agreed that the Terms of Reference would be agreed at the first meeting of this subcommittee for subsequent approval at the next forum meeting. The Forum were asked to share any comments regarding the Terms of Reference to Chris for presentation at the first meeting.</p> <p>The Following members agreed to be part of this group.</p>	Chris Scott

	<p>Early Years Neerasha Singh – Northfleet School</p> <p>Primary David Stanley - Littlebourne C of E Primary and Parkside Primary Schools Kate Le Page - The Wells Free School Hayley King - Tiger Primary School</p> <p>Secondary David Anderson - Queen Elizabeth's Grammar School Michael Powis - Catholic Schools' Partnership</p> <p>Special Annabel Lilley - Orchard Special School</p> <p>The meeting will be arranged before the next Forum meeting on the 20 January.</p>	Chris Scott
6.	<p><b>High Needs Funding Mainstream Top-Up</b></p> <p>Karen Stone presented a paper and a presentation which can be found <a href="#">here (link to be added)</a>.</p> <p>The paper is to provide an update on the High needs Funding top up review.</p> <p>The Forum was asked for their thoughts on the two main options of either a banding approach or individually determined resources. When considering individually determined resources (a version of what we already have) variations depend on “who” is making the decisions: Local Authorities or/and schools. Members were also asked for their thoughts and considerations on the below points.</p> <ul style="list-style-type: none"> <li>• If we move away from the current system – the change will be significant</li> <li>• Practicality of implementation</li> <li>• Need to ensure system is designed to ensure schools have the appropriate resources to support children with SEN to succeed in mainstream schools</li> <li>• Further work is needed to refine the options</li> <li>• The timing issues – balancing up moving quickly and possible disruption</li> <li>• Infrastructure required to make local decision-making work consistently</li> <li>• Piloting of approach?</li> <li>• The future of notional SEN top up</li> <li>• Central vs local decision-making</li> <li>• The role of schools &amp; the local authority in determining funding</li> <li>• Avoiding perverse incentives – linking funding to an EHCP</li> </ul> <p>Hayley King asked if there will be staffing implications for these options. Karen Stone confirmed it is anticipated the banding option could be delivered through current staffing resources. If we went down the locality route, we need to review school support arrangements and how this could be structured to ensure consistency and relevant expertise.</p> <p>Neerasha Singh asked will there be an amount attached to each band. Karen Stone confirmed that was the intention.</p>	

	<p>Neerasha Singh with the locality model will everyone come together to justify why a pupil will be getting an amount of funding. Karen Stone confirmed that was the intention. The blended model explored by the group suggesting that the EHCP would have its own process embedded as part of the EHCP process and that the locality model would be used for SEN support resources (in the first instance).</p> <p>Sue Beauchamp: we have learnt a lot through the PRU model over the last 3-5 years and there is a need for strong local leaders if a locality model is implemented.</p> <p>Annabel Lilley: wanted to understand the impact of the banding system on Special schools and how quickly it could be rolled out further. Karen Stone confirmed every funding arrangement needs to be reviewed however we need to take this in stages, and we are concentrating on mainstream first.</p> <p>Steve Avis: is it fair to say the aims of this can be condensed down to two things, better allocation of funding to support outcomes and achievements for children with SEN and save money. Karen Stone confirmed this was the case.</p> <p>It was agreed that the Forum members will feedback at the January meeting with their considerations.</p>	
7.	<p><b>Specialist Teaching and Learning Service (STLS)</b></p> <p>Kerry Greene presented a paper and a presentation which can be found <a href="#">here (link to be added)</a>.</p> <p>The paper is to provide an update on the STLS review and asked the Forum to comment on the options for the future funding arrangement for the STLS contract as outlined in section 6.11 to 6.15 in the paper, in addition to wider proposals in the STLS consultation.</p> <p>Annabel Lilley: mentioned that the funding for STLS has been static for 10 years and these schools with SLA's have had to manage the uplift in costs over this period. Concerned over the possible option to separate the outreach element of funding from non-SLA schools as this had previously been agreed to form part of the core contract.</p> <p>Sue Beauchamp: do we have any data showing the impact of the funding at a child level?</p> <p>Michael Powis: in principle, happy to fund the additional £500k however what is the downside of doing this?</p> <p>Kate Le Page: if mainstream is the way we are going then you must fund the additional £500k and the outreach has to stay the same.</p> <p>David Stanley how do we deal with funding on area vs demand. Karen Stone confirmed when we have a finite resource and we have to distribute it the best way we can, there is no perfect system, but we need to consider proxy factors which could drive demand rather than just pure demand.</p> <p>Annabel Lilley that is a good point and we need a more belt and braces formula to distribute the resources where the need is.</p> <p>Mark Tomkins very difficult to comment without seeing the outcome of the consultation, unable to speak on behalf of the schools we represent without seeing their responses to the consultation.</p>	

	<p>Forum agreed to wait until the end of the consultation where the results will be sent electronically with very clear questions. Agreed for a bespoke virtual meeting to be arranged in the first week of January. [Post meeting note: in order to meet timetable for Cabinet discussion the meeting was held December 16th.]</p>	<p>Chris Scott</p>
<p>8.</p>	<p><b>TTO / Pay</b></p> <p>Simon Pleace and Ian Allwright gave a verbal update on this item.</p> <p><u>Term Time Only</u></p> <p>94% of Phase 2 (Voluntary Controlled and Community schools) of the Term Time Only funding has been completed. There are a few exceptions and stragglers to go. The cost to the DSG is in the region of £3.4m for these schools.</p> <p>Phase 3 (Voluntary Aided, Foundation, Free Schools and Academies) should have received a batch of information in the summer including how to claim the funding back from the DSG. The funding being issued is based on the averages from phase 2 schools. There have been schools who have contacted us where the funding is not enough, however in the guidance there is a safety valve where they can make a claim if they believe it's a materially different. We do have checks and controls in place to spot over claiming. The first reimbursement for phase 3 will be made in December. We have set a provisional close date for claims for funding of the 31<sup>st</sup> March.</p> <p>Based on the information we have received to date the total forecast is still estimated to be about £12m.</p> <p>Mark Tomkins asked if tribunals go in favour of the staff, where would the funds come from? Simon Pleace: the claim for the DSG will only support up to the KCC offer anything higher will need a separate decision.</p> <p>Pay</p> <p>The pay award will be reported at the council budget meeting on the 10<sup>th</sup> February. The Unions are asking for 5.25% which includes the 1.25% for national insurance increase and the 4% increase from the chancellor's speech. The national living wage has been announced to increase to £9.90 which KCC has been working towards £10.00 an hour.</p>	
<p>9.</p>	<p><b>Consultation update and decision</b></p> <p>Karen Stone made a presentation which can be found <a href="#">here (link to be added)</a>.</p> <p>The presentation took us through the DFE changes to the school's block for 2022-23, the consultation, and uses of the 1% block transfer and the responses from the school's budget consultation.</p> <p>The consultation focussed on the following three questions:</p> <ol style="list-style-type: none"> <li>1) Do schools continue to support a 1% transfer from the Schools to the High Needs block to support inclusion practices in mainstream school?</li> <li>2) If the transfer continues to be supported, should we continue to use the same approach as previous years and use the same formula factors?</li> <li>3) Should the Minimum Funding Guarantee continue to be set at the lowest rate?</li> </ol>	

	<p>Question 1: 78% of responses agreed with the 1% transfer proposal.</p> <p>Sue Beauchamp queried the basis of doing this if there was a chance that any deficit could be written off in future if we could demonstrate we could balance in-year. Wouldn't schools be in a better financial situation if we kept the funding and then increased the deficit as it could be written off anyway? Matt Dunkley confirmed that in the five LA's which have a deal with the DFE currently, they had to show a plan under which they can breakeven and were then given a grant for a proportion of the deficit. The DFE will scrutinise whether the County has done all they could do.</p> <p>13 Member's agreed to the transfer, 0 disagreed and 0 sustained.</p> <p>Question 2: 59% responded with scenario 1, 19% scenario 2 and 21% scenario 3.</p> <p>12 Member's agreed to scenario 1, 1 for scenario 2 and 0 for scenario 3.</p> <p>Question 3: 51% responded with 0.5%, 41% for 2% and 8% for something different.</p> <p>Mike Powis asked if there was any correlation with the schools voting for 2% and who would receive 2%. Karen Stone said this will affect 18 schools.</p> <p>13 Member's agreed to 0.5%, 0 for 2% and 0 for something different.</p>	
10.	<p><b>High Weald Academy</b></p> <p>Chris Scott presented a paper which can be found <a href="#">here (link to be added)</a>.</p> <p>This report seeks agreement from the Schools' Funding Forum on the revised proposed approach to High Weald Academy in the 2022/23 formula budget and growth policy and the overall growth budget.</p> <p>The recommendations proposed to the Forum were as follows:</p> <p>3.4 It is recommended that the forum endorses this second disapplication request.</p> <p>4.4 It is recommended that the forum endorses this proposal for making allocations to schools admitting pupils from High Weald Academy.</p> <p>4.5 It is also recommended that the Forum agrees that the growth budget for 2022/23 should be the growth allocation in the dedicated schools grant plus any adjustment relating to High Weald Academy.</p> <p>Mark Tomkins asked, 'will removing these children from the High Weald Academy budget cripple them financially?' Chris Scott: High Weald already has their budget for academic year 2021/22 and this will have no detrimental effect financially.</p> <p>Steve Avis shared the latest information: as of the 25<sup>th</sup> of November 154 students have left already leaving only 64 students in year groups 7 to 10 and there are also 52 year 11 students who will remain at the school until August. The listening period has ended, and the Secretary of State has decided to close the school. Steve supports the suggestions in the paper and 56 of those children who have left already did so before census and it will be the 98 after census day that will suffer not receiving full funding elsewhere for 2022/23.</p>	

	<p>Sue Beauchamp asked where does the funding come from? Chris Scott: the DSG funding will include a whole year's allocation for High Weald for 2022/23.</p> <p>Kate Le Page asked are we setting a precedent here and if any child moves as part of that cohort is funding guaranteed at the next school? Also, if schools are taking these children and they had the space and therefore under their PAN the rules are currently that you won't see any funding for 12 months. I am just asking as there may be other schools in the county that may have similar influxes for similar reasons. Chris Scott: in most cases the receiving schools are exceeding their PAN, and this is considered an exceptional situation.</p> <p>Steve Avis: at the beginning of September there were 219 year 7 to 10 students and at some point, these students will be moving to another school. So, within the funding system there is full funding for all these students. My concerns were if you were to fund these students at the AWPU level that would be a considerable reduction on the level of funding these children attract.</p> <p>Chris Scott: just using the AWPU was what is in our current Growth Policy however in the discussions it has been made clear that we should use all the pupil led factors. Chris also mentioned to the DFE about the issue for the period September 2021 to March 2022 and they suggested they would have a conversation with the affected schools.</p> <p>Sue Beauchamp asked If a child that moved from High Weald moved again, would the new school receive funding. Chris Scott: no this policy would not fund that second move.</p> <p>The Forum gave its full support in endorsing the disapplication request.</p> <p>The Forum agreed to the proposal for making allocations to schools admitting pupils from High Weald Academy</p> <p>The Forum agreed to the budget for 2022/23.</p>	
11.	<p><b>Falling Roll and Growth Funding</b></p> <p>Chris Scott presented a paper which can be found <a href="#">here (link to be added)</a>.</p> <p>This report summarises the disbursements from the 2021/22 falling rolls fund and invites the forum to decide whether the fund should be amended in 2022/23.</p> <p>The Forum was asked in light of the current allocations would it be appropriate to reduce the level of funding for next year's fund from £1.5m to £1m.</p> <p>David Stanley: I was on the group that originally worked through the policy to safeguard schools and I hope we are not basing this solely on the reduction in current spending, do we know of any future projections? Karen Stone: The original figure was heavily influenced by the possible commitment for the ongoing support for High Weald. With High Weald now closing we do not have another school anywhere near that stage. We know the current primary numbers could be falling however the commissioning plan must show these numbers going back up within 3 years and in many cases the plan does not support this.</p> <p>Jenny Ashley-Jones asked whether we are applying this consistently with both good/ outstanding schools and Requiring Improvement schools? Karen Stone: High Weald was not Good or Outstanding school, and we did go to Secretary of State for approval along with several other schools as set out in Kent's policy. However, we did get a firm</p>	



	<p>push back from the DFE as they take into account the current level of school/Trust reserves.</p> <p>The Forum agreed to the reduction in funding for Falling Rolls and renewed the policy.</p>	
12.	<p><b>De-delegation</b></p> <p>Chris Scott presented a paper which can be found here.</p> <p>The paper presented is to request Forum approval to de-delegate a number of specific budgets for 2022-23 financial year from maintained primary and secondary school budgets. This will enable these services to continue to be provided centrally by the Local Authority for the benefit of all pupils in maintained primary and secondary schools (and those in academies who participate in pooled funding arrangements). This request mirrors the request made last year with an inflationary uplift</p> <p>The maintained Primary and Secondary representatives on the Forum are asked to approve the de-delegation in 2022-23, at the rates set out in the table at paragraph 3.1.</p> <p>The relevant members agreed to the rates set out in the paper.</p> <p>Chris also mentioned that he has been contacted regarding the SIMs contract, one of the services funded by de-delegation. The software supplier has been asking schools to sign an agreement with them before January. Currently, the contract is with the Local Authority and no school has a contract with them. We are unclear on the true motivations for requesting this – the communication regarding this has not been good. KCC advice is not to sign any documents or agree anything and KCC will update schools in this matter as soon as legal advice is received.</p>	
	<p>Next provisional meeting dates</p> <ul style="list-style-type: none"> <li>• 20 January 2021</li> </ul>	