

**Schools Forum Meeting Minutes**  
**18<sup>th</sup> May 2022 at 2.30 pm**  
**Virtual Meeting**

<b>Members:</b>	<b>Position:</b>	<b>Voting:</b>	<b>Attendance:</b>
Heidi Barton	Primary Maintained Headteacher	Voting	Apologies
Karen Joy	Special Maintained Headteacher	Voting	Apologies
Heidi Barton	Primary Academy Headteacher	Voting	Apologies
Cathy Reid	Secondary Academy Headteacher	Voting	Present
Paul Jackson	Special/PRU Academy Headteacher	Voting	Present
Stephen Avis	CFO Multi Academy Trust	Voting	Present
Richard Warnham	Governor Primary Maintained	Voting	Present
Barbara Fincham	Governor Primary Academy	Voting	Present
Clive Mailing – Vice-Chair	Governor Secondary Maintained	Voting	Present
Peter Martin – Chair	Governor Secondary Academy	Voting	Present
Justin Stuart	Governor Special and PRU	Voting	Apologies
Hannah Cartwright	Early Years Representative	Non-voting	Absent
Simon Cook	16-19 Provider Representative	Non-voting	Present
Kirstin Barker	C of E Diocese Representative	Voting	Absent
Clare Redmond	RC Diocese Representative	Voting	Present
Vacancy	Teaching Unions Representative	Non-voting	N/A
Stuart Gardiner	CFO Multi Academy Trust	Voting	Present
SPI over 19 provisions	Victoria Richmond	Non-voting	Absent
<b><i>In attendance:</i></b>			
Celia Buxton	Assistant Director of Education and SEND LA		
Maria Beaney	Finance Business Partner LA		
Sarah Phillipson	Transcribed Governance Professional		
Leeanne Farach	Director of Children Services		
Kyle Taylor & Owen McColgan, The Howard Academy Trust	Presenting the Business Case		

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No.	Discussion
1.	<p><u>Apologies and attendance:</u></p> <p>As noted above.</p> <p>The meeting was quorate.</p>
2	<p><u>Declarations of Interest:</u></p> <p>Item 8 – Clive Mailing – Represents a school referred to in this item.</p> <p>Item 9 - Cathy Reid and Barbara Fincham – Work with The Howard Trust presenting their Business Case.</p>
3	<p><u>Minutes from the previous meeting 12<sup>th</sup> January 2022:</u></p> <p><b>Accuracy:</b></p> <p><b>Decision: The Minutes were agreed upon as an accurate representation of the meeting.</b></p> <p><u>Matters arising:</u></p> <p><i>Action from the meeting 01<sup>st</sup> December 2021 – CB to come back to the School's Forum with a strategic approach to the dip in numbers going forward. COMPLETED</i></p> <p><i>No Actions from the meeting 12<sup>th</sup> January 2022.</i></p>
4	<p><u>Schools forum Governance Report – Maria Beaney</u></p> <p><b>Schools forum Governance Review:</b></p> <p>MB report explained the Schools forum powers noting the following points:</p> <p>Schools Forum generally has a consultative role. However, there are key situations in which they have decision making powers, which are:</p> <ul style="list-style-type: none"> <li>• De-delegation from mainstream maintained schools for services provided centrally.</li> <li>• To create a fund for pupil growth to support the local authority's duty for place planning and agree on the criteria for accessing this fund – Growth Fund.</li> <li>• To create a fund for decreasing PAN numbers for Good or Outstanding schools if the schools surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree on the criteria for accessing this fund.</li> <li>• Authorise a reduction in school budgets to fund a deficit arising in central expenditure or from de-delegated services that are to be carried forward from a previous funding period.</li> <li>• Agreeing to other centrally retained budgets.</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Funding for central early years expenditure may include funding for checking pupils' eligibility for an early year's place, the early year's pupil premium and/or free school meals.</li></ul> |
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	<p>Schools forum have an important role in approving certain proposals from their local authority and are therefore involved in the decision-making process. As a result, Schools forum are required to be open to the public. Furthermore, papers, agendas and minutes must be publicly available well in advance of each meeting. Its good practice for notification regarding the Schools forum as a public meeting is included on the website, and papers are published at least a week in advance. Local authorities should ensure that the websites are accessible and easy to find.</p> <p>The report also outlined the membership of the forum and the procedures/ Quorum/ timings/responsibilities and the election of the Chair, and voting procedures. (Noted below)</p> <p>Voting procedures: A Schools forum may determine its voting procedures on:</p> <ul style="list-style-type: none"> <li>• The funding formula is limited to school members, academic members and PVI representatives.</li> <li>• De-delegation is limited to the specific primary and secondary phases of maintained school members.</li> <li>• Retaining funding for statutory duties relating to maintained schools is limited to maintained primary, secondary, special, and PRU members.</li> <li>• Decisions are made on a simple majority or the threshold to be set if higher.</li> </ul> <p>It was noted that meetings are to remain virtual for the time being.</p> <p>The Schools forum members noted this report.</p> <p><u>NOMINATIONS for Chair and Vice-Chair</u> All members are eligible to vote.</p> <p><b>Decision – All members voted and agreed for Peter Martin to take the role of Chair and Clive Mailing to take the position of Vice-Chair.</b></p> <p><u>School's forum membership</u> It was noted that several member's terms of office are due for renewal in July and September. It was agreed the clerk starts the process of re-election for HT and Governors membership of the school's forum.</p> <p>It was also noted that PRU Maintained Headteacher is no longer a position on the Schools forum as there are no PRU maintained schools in Medway.</p>
5	<p><u>High Needs Recovery Plan Verbal update – Celia Buxton</u></p> <p>CB gave a verbal update on the High Needs deficit recovery plan worked on in the safety valve Intervention Programme. She explained that she and other senior colleagues at Medway met with Tony McArdle and representatives from the DfE and the ESFA to start the initial conversation about the programme, what was involved, what the plan should look like, and the timeframes.</p>

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Moving forward, there are now individual meetings taking place with finance colleagues, SEN. Colleagues and data colleagues. The LA will then submit an action plan back to Tony McCardle and his team, who will then give the LA feedback on the action plan; the LA will have one chance to make edits or changes to it before they agree it or don't agree it depending on how much they believe LA have the capacity to change the system to the point where the high needs run within a positive in year balance.

The LA is not being asked to show how it will remove the entire deficit but to get to a point where it is working with its positive in year balance.

They have been through this process with 12 local authorities, last year, and agreed eight.

There is quite a lot of work to do, and those plans are being developed. The LA will share those plans as they develop, initially with the Inclusive Education oversight group, a subgroup of headteacher representatives from all groups. The LA will need schools for representation on that. The DfE and the EFSA will monitor the Schools forum minutes in terms of a financial point of view.

The key points of the action plan are looking at more leadership system governance of the whole high needs block. (This is where the inclusive education oversight group will come in.) Also, the Schools forum will be looking at the high needs block, not just from the savings line, but actually incoming and outgoing, managing it as a budget.

Another main line of action for the LA is to be a more effective commissioner of services, particularly around the very high-cost independent provision and all of the other provisions that the LA are buying from the high needs block.

The LA has a significant amount of work to do around inclusion and inclusive practices across all schools. A number of areas that have come out from the LA deep-dive data are particularly around the selective sector. There are a few high numbers of children the LA have going into special schools and continuing with more children with EHCPs in mainstream schools. The data for the primaries is growing year on year, but it's not yet in line with national for our secondaries. Non-selective secondaries are in line with national or slightly above, selective schools don't have children with EHCP, so there is a lot of work to be done.

The LA will also look at the post 16 offer and parental confidence. The LA is aware a lot of the work that has been carried out as part of the SEND APP from Ofsted needs to continue. This includes the LA relationship with parents, raising parent's confidence in the system, the more timely responses to EHCP requests, early intervention, early identification of need and putting more resources at the frontline rather than spending it all at the very specialist end. This is where parents and young people in schools end up at because there are not the funds for frontline services.

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**Q - Is it possible to refresh colleague's memories about the amount of money that we are in deficit to the amount sent to independent providers outside Medway?**

A - The LA are in deficit to the tune of £20.5 million. The LA is spending about £15 million on independent provision, but they are not all outside of Medway. Our profile in terms of where our children are placed, the proportion in mainstream resource provision, and the portion in specials are significantly different from the national proportion of 33% in our mainstream schools. Nationally, it's 39%, and 47% in special schools – nationally 30%. The more specialist provision has, the higher cost; if we could pick up all of our children and redistribute them into the placements in line with the national distribution, at this current average unit cost, we would be saving ourselves about £6 million just by doing that. We obviously can't just do that because we can't pick up children and move them around. We have to go through a process, let children roll through the system. There are savings to be made there with more efficient use of funding. There's enough funding in the system that our budget is just shy of £50 million in terms of that high needs block. It is catering for about 3000 children if you consider our AP as well, so there is enough money in the system. It's how we are using it efficiently to meet the needs of those children.

**Q - We are not alone with this issue; KCC has the same issue with the same challenges, are we closely aligned on how to make saving together?**

A - We are considering this and taking these conversations, considering joint strategies, particularly around commissioning function, and looking at those kinds of joint arrangements. The SEND strategy is a joint with Health Partnership which also is across Kent. There is a lot of alignment there.

**Q - Are there any thoughts on undertaking any form of value for money review because I know a lot of the data and the stats that you shared with us pertain to where some of our High Needs students are studying. There is data on the cost, particularly out of the county. Even internally, is there any opportunity to pull out some data showing where value for money is delivered in terms of outcomes and outputs? For example, I'm particularly thinking about those young people who end up staying in the system until they're 24 rather than working to create true independence for those who can?**

A - Yes, the LA are recruiting a commissioning team; we have a commissioning officer and our placement officer. We have a current vacancy for a commissioning lead. Their focus is particularly around the quality assurance of placements, checking that we have not got children in illegal placements, and making sure we have robust contractual arrangements. Which provide mechanisms by which we can track performance and hold to account where we need to. Conversations have started around post 16 review, looking at all the different options that are across Medway, not just for children with SEN . To make sure that the LA does have the right the right curriculum and provision offer across Medway to meet the needs of all these young people. Part of that review will be looking at the outcomes, the development of independence, preparation for adulthood, not just maintaining children, but actually moving them through to be successful adults.

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**Q - Basically, the DfE are saying the LA don't need to worry about the deficit, the cumulative deficit if the LA can balance the books on an in-year basis moving forward. Potentially move into making an offset surplus position, but certainly not a deficit position. That is, it effectively?**

A - Yes, that is correct as long as we can move toward a positive in year balance, and if they agree to our plan, they will give us additional money towards our DSG. Ultimately over a period of time, it pays back our deficit. The LA will be held to account quarterly and then annually and will only get the money if the LA is meeting its targets. It is worth noting that if the DfE doesn't write it off upfront, the statutory override, which currently sits on, expires in March 2023, and there is no backup. There is no indication that the DfE might or might not extend it. In fact, I would suggest they're probably saying they're not going to. If this is the case, it will fall to the LA reserves to fund, so there is a real urgency about reversing the LAs position and getting this agreement.

LF added that this is a change of tone from the Government, and any actions agreed upon must be fulfilled. It is key that all understand what is being signed up to because it is not a question of the local authority agreeing or school leaders agreeing to parts. It is very much going to have to be "we" agreed to this. When the plans are produced, they must be scrutinised and understood because there is a choice to accept the plans and have the opportunity to have the funding, as explained, or we don't receive the funding and are left to manage going through the years with a £20.5 million deficit.

**Q - Kent has a very different educational setup to Medway, including resource provisions and alternative provision. So, I want to be sure because I know at one of these meetings before, the LA had said that there is enough AP in the system for Medway, so we have moved money. So, is that still the case?**

A - In terms of the proportion of the pupil population compared to national, that we have in AP, yes, there are enough places in the system and enough funding to cover that. The green paper asks the LA to consider what AP does and how it operates, how it operates as part of the SEN system, and how it operates with schools. The LA has undertaken to review that and has Beeches coming on board, which will be more of a revolving door. The LA may well consider how it uses the AP and whether it expands its capacity because of how it operates across the system to support that inclusion. The very simple question on, how many children have you got in a Pru? If we look at national capacity, we've got more than enough capacity for what we need and what we should have.

**Q - Is it correct that whatever decision has to be made, comments and input will go to members via O&S?**

A - This will go to O&S at the same time as the SEND statutory at the September 2022 meeting and will include the discussion from the Schools forum.

**Q - Thank you for confirming that the sectors will have to be part of this solution - what is the timeline for this to happen to ensure that all sectors are consulted?**

A - The LA have several different mechanisms. Task and finish groups are working on different aspects of the system at the moment, and they will feed into the inclusive education oversight group. It will then come out to the wider Group CEO group, the secondary and the primary heads and their zones, and share detailed data. In terms of

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	<p>the selective, we're working through drilling down into the data; the LA is very good at articulating where we are and possibly how we've got there. The narration of the journey needs a bit more co-production and work on it. It is live at the moment. The Inclusive Education oversight group will be the governance and leadership, and will ultimately agree and sign off of the plan. That has representation from the CEO group from the secondary and primary head groups. This will then be shared with the wider groups as well.</p> <p><b>Q – What is O&amp;S?</b>  A – In essence, oversight and scrutiny.</p> <p><b>Q - The Inclusive selection group are health partners and part of this process, so can we be assured that they are equally aligned and parallel to some of the challenges that we will have to face over the coming years?</b>  A - In terms of our partners, the SEND strategy is a joint strategy with health. There is alignment in terms of those objectives and the health objectives. A lot of work needs to be done as some of the health work is taking longer. So we will have to make some decisions, as we cannot wait. The plan will align with SEND strategy, and health is very involved with that strategy, and it will feed into the SEND partnership board. A lot of the action around this will be schools based and local authority based because of the urgency and need to take control and do things ourselves rather than wait for Health England So yes, they are a partner. Are we wholly reliant on them in terms of some of the delivery? Probably not, because we can't afford to not deliver.</p>
6	<p><b>Schools forum Policy Review – Maria Beaney</b></p> <p>MB explained that the policies are part of the annual review of key funding policies designed to support the funding formula for the next financial year.</p> <p><u>The Medway Scheme for Financing Schools</u></p> <p>The Medway Scheme for Financing Schools policy is a statutory requirement and needs to be approved every year. Changes to the policy can only be approved with the Schools forum approval after consultation with Medway maintained schools.</p> <p>There are no planned changes to the scheme, and the Schools forum is asked to ratify the scheme for the next financial year as per appendix 1.</p> <p>Only maintained school members are eligible to vote.</p> <p><b>Decision – All eligible members voted and agreed on the policy - CM proposed, and RW seconded.</b></p>



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#### The Growth Fund Policy

The growth fund policy was first introduced in 2012 and was last reviewed in 2021, and must be reviewed and approved each year.

Medway's policy effectively offers schools three protections for each new class opened, it:

- 1) Guarantees pupil numbers.
- 2) Offers a yearly lump sum of £6,000 for each year a new class is opened if the new class is funded through the funding formula.
- 3) Offers a yearly lump sum of £61,000 (£55,000 plus point 2 above) for each year a new class is opened if the new class is not funded through the funding formula.

The Schools forum is asked to approve the Schools Growth Fund Policy as per appendix 2. It was noted that the changes are cosmetic and therefore haven't been discussed with Schools or academies. All mainstream members are eligible to vote.

**Decision – All eligible members voted and agreed on the policy. CR proposed, and BF seconded.**

#### The Schools In Financial Difficulty due to Pan Class Sizes Policy

The Schools in Financial Difficulty policy was first introduced in 2018 after a year of discussion and amendments to the policy by members. The policy was reviewed and updated in May 2021 and must be reviewed every year.

The policy offers temporary protection (up to three years) to those schools that are required to open more than one class but with low pupil numbers and are unable to increase the remaining class sizes because of the maximum class size of 30 required by law in Key Stage 1.

However, an additional proposal has come from the last Schools forum meeting, which is to request a representative from the school to come and answer questions about their business case. As well as a second potential change to the policy is what happens if the school requests an appeal. Currently, the business case is considered, which has happened historically.

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	<p>A Schools forum member noted that mostly primary schools had presented cases. There is a reality that the impact of having less children than a higher number - in terms of the schools income and the work that comes with is not equal. If we were going to accept requests for funding where schools don't have students in the they were expecting, should there be a consideration of a change in the formula for when you're talking about, your 100<sup>th</sup> child rather than your 31<sup>st</sup> child along with the impact that comes with that.</p> <p>Another member agreed that the Schools forum could take account of the impact without altering the policy.</p> <p>A member suggested that the policy should note that all decisions are at the Schools forum's discretion and consider all issues and the context of the school's presentation. A member responded to say she felt that all matters must be transparent to all schools applying, and this is not at the members discretion; any changes to this should be consulted on.</p> <p>It was also noted the examples are hard to understand. However, the Chair explained that these examples had been reviewed numerous times by the Schools forum, and it was very difficult to get clearer examples.</p> <p>MB added she could consult to add these additional suggestions with the schools in December 2022 for policy review next year.</p> <p><b>Decision –The eligible members voted to agree on the policy changes as currently outlined in the document. SA proposed, and CM seconded.</b></p>
7	<p><b>DSG 2021-22 Outturn Tabled for the meeting – Maria Beaney</b></p> <p><b>See Confidential minutes</b></p>
8	<p><b>School Reserves Outrun Report – Maria Beaney</b>  <b>Declared interest – CM withdrew from the discussion.</b></p> <p>MB explained that the Medway Scheme for Financing Schools outlines the maximum carry forward reserves for any maintained schools as follows:</p> <ul style="list-style-type: none"> <li>• Revenue - 8% of their total yearly grant income (I01, I02, I03, I05 and I08).</li> <li>• Capital – A school must spend their annual Devolved Formula Capital Funding (DFC), and any brought forward balances within three years.</li> </ul> <p>At their annual May meeting, the maintained schools, Schools forum members will vote on whether to claw back any funding from a maintained school whose reserves are above the maximum allowable limits outlined in point 1.1 above.</p> <p><b>2021-22 Year-End Schools Revenue and Capital Reserve Balances:</b></p> <p>As of 31<sup>st</sup> March 2022, there were 25 maintained schools with revenue reserve balances totalling £3.181m (within this total, 1 school has a deficit of £0.033m), which is an increase of £0.088m or 3% from the previous year. Confidential Appendix A shows the level of school reserves for the last three years.</p> <p>As of 31<sup>st</sup> March 2022, the capital reserve balances at the end of the 2021-22 financial year were £0.546m, an increase of £0.020m from the previous year. Again, confidential appendix A shows the level of school reserves for the last three years.</p>

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	<p>As of 31st March 2022, the capital reserve balances at the end of the 2021-22 financial year were £0.546m, an increase of £0.020m from the previous year. Again, confidential appendix A shows the level of school reserves for the last three years.</p> <p>No schools converted to academy status during 2021/22, but The Will Adams Centre converted on the 1<sup>st</sup> April 2022, and their details are not included within this report.</p> <p>There is 1 school currently shown as being in deficit, St John Fisher. Five schools will be/are working closely with the Schools Finance Team to address potential deficits which may arise in 2022-23 or are already in an agreed Deficit Recovery Plans.</p> <p>There are 2 schools with higher than permitted revenue reserves totaling £0.040m and 8 schools with higher than permitted capital reserves (although schools have three years to spend their capital reserves). These are highlighted in green, and each school must briefly explain why they are above the maximum limit in section 3.</p> <p>The Schools forum is asked to note the position on schools' balances for 2021-22 and vote on whether to claw back funding on the 10 schools that were over the maximum carry forward limits.</p> <p><b>The Schools forum noted</b> the position on schools' balances for 2021-22 shown above.</p> <p><b>See Confidential minutes for a vote</b> on whether to enact the revenue clawback for those schools who were over the maximum carry forward limits as above.</p>
9	<p style="text-align: center;"><b>Funding Support Business cases item:</b></p> <p style="text-align: center;"><u>Howard Year 7 Class</u></p> <p style="text-align: center;"><b>See Confidential minutes</b></p>
10	<p><b>AOB: "Funding for Ukrainian refugee pupils" SA</b></p> <p><b>Q – The DfE set out pupil funding levels for any pupils that join a school. The DfE has noted that they will be working on the funding and distribution through the LA. Do we have an update on this?</b></p> <p>A – The LA has not been given any guidance yet, and so would advise the schools to monitor their costs to be ready for the DfE guidance to come out.</p> <p><b>Q - Are we safe to presume there will be a pro-rata basis at the start of the school?</b></p> <p>A – The tracking is only as good as the information given. We are finding children outside of these numbers. LF advised schools not to take anything for granted and if pupils are making their own way into the area, keep records.</p>
11	<p><b>Date and time of the next meeting: proposed forward plan.</b> Noted.</p>

The meeting closed at 16.15.

Signed by (Chair) ..... Date: .....