

Minutes of Schools Forum Meeting 17th May 2023 at 2.30 pm

<i>Members</i>	<i>Position</i>	<i>Voting</i>	<i>Attendance</i>
Vacancy	Primary Maintained Headteacher	Voting	In process
Karen Joy	Special Maintained Headteacher	Voting	Absent
Victoria Richmond	Primary Academy Headteacher	Voting	Absent
Paul Jackson	Secondary Academy Headteacher	Voting	Present
Fiona May	Special/PRU Academy Headteacher	Voting	Present
Kyle Taylor	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	Present
Hannah Cartwright	Early Years Representative	Non-voting	Absent
Simon Cook	16-19 Provider Representative	Non-voting	Absent
Hillary Sanders	C of E Diocese Representative	Voting	Present
Clare Redmond	RC Diocese Representative	Voting	Present
Vacancy	Teaching Unions Representative	Non-voting	n/a
Stuart Gardner	CEO Multi Academy Trust	Voting	Present
Vacancy	SPI over 19 Provisions	Non-voting	n/a
<i>In Attendance</i>			
Celia Buxton	Assistant Director of Education and SEND LA		Present
Maria Beaney	Finance Business Partner LA		Present
Sarah Phillipson	Governance Professional		Present
Leanne Farach	Director of Children Services		Apologies
Nicola Smith	Trade Union representation		For item 7

1. Welcome, attendance and apologies:

As noted above.

Apologies from Leanne Farach.

The meeting was quorate.

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

2. Declarations of Interest:

No changes to the previously disclosed Declaration of Interests and any matters relevant to the agenda.

3. Election of Chair & Vice-Chair:

Peter Martin nominated himself as Chair and Clive Mailing as the Vice-Chair.

Clive Mailing declined the proposal as he is retiring from all education matters this summer.

Nominations for the Chair role: Peter Martin was nominated, and BF seconded this.

Nominations for the Vice-Chair: Paul Jackson was nominated, and BF seconded this.

Decision - The School forum members voted and agreed for Peter Martin to take the role of Chair

Decision - The School forum members voted and agreed for Paul Jackson to take the role of Vice - Chair

4. Minutes from the previous meetings on 11th January & 28th February 2023:

Accuracy:

The minutes were agreed upon as an accurate representation of the meeting.

Matters Arising:

None

5. School Forum Governance Report - Standard Item - Maria Beaney:

Vacancies for trade unions, maintained school and SPI provisions were noted.

NS stated she would be in contact with local trade unions for representatives.

Q - When the national funding forum is introduced, the forum will not be required. Is this the case?

A - The understanding is that this will continue as we have not met the national funding formula, and it also supports consultation.

Q - Policy states the HTs should have invitations to attend meetings, but they do not get invitations?

A - The newsletter annual planner and Bursar meetings are shared with all HTs, and the Mellor meetings also invite the HTs. We are aware that they are not always getting to everyone, but we do try.

Q - Can we add a mechanism for the CEOs to also join?

A - Yes, we can.

Q - Can we get the papers out 2 weeks in advance to help our colleagues raise any issues or requests?

A - We can try to do this for most papers, but some have tight deadlines. We can share the forward plans for the Heads to see what is coming on the agenda.

The forum discussed the format of the meetings and if they should continue to hold meetings online, it was felt that meeting virtually helps attendance without needing to be face to face. KT, RW, PJ, SG, and FM agreed they prefer virtual meetings.

Decision - The School forum members voted and agreed for the meetings to stay virtual

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

6. Schools Forum Policy Review & Consultation - Standard Item - Maria Beaney:

MB advised that each year, as part of the funding formula, The Schools forum set and approves the Local Authority centrally retained growth fund budget and is required to approve the key funding policies designed to support the funding formula for the next financial year.

The Medway Scheme for Financing Schools:

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 Schools forum approval after consultation with Medway-maintained schools unless specifically directed to amend the scheme by the Secretary of State.

The Schools forum is asked to ratify the scheme for the next financial year, which is for maintained schools going over a 5% deficit to submit a deficit recovery plan. Directed by the Secretary of State, and schools are aware of the updated policy.

Only maintained school members are eligible to vote, and changes have been highlighted in green.

There is one change to the scheme, which was directed by the Secretary of State during 2022 and is now reflected within our policy.

Decision - The School forum-maintained representatives voted and agreed to the policy changes.

The Growth Fund Policy:

MB advised that the Growth Funding Policy was first introduced in 2012 and must be reviewed and approved yearly.

The Growth Funding Policy is designed to provide support to schools for opening new classes and schools. It is funded by the growth funding element of the funding formula and is worth approximately £2 to £3 million per year.

Medway's current policy (see Appendix 2) effectively offers schools three protections:

- Guarantees pupil numbers
- 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.
- 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.

MB explained that for the past three years, the Medway Growth Funding Policy cost had outstripped the amount of funding available (between £0.5 to £2m), with the additional funding being deducted from the schools block and the funding formula.

MB stated that this could not continue.

Medway has looked at other Local Authorities Growth Funding Policies and proposes to consult with schools and academies on a revised Growth Funding Policy - as shown in Appendix 4, before resubmitting it to the Schools forum for approval at the next meeting.

The revised policy will continue to cover the main areas, but the revised policy outlines more details on the criteria and methodology under the policy.

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

There are some considerable differences between the two policies, which will need to be expanded on as part of the consultation as the schools may not immediately understand them.

- If a school expands from an infant school to a primary school, no funding support will be available under this policy to support the school and is in line with Government Policy.
- No longer fund new growth classes via the APT after the first year.

Q - Are the changes to create savings for Medway, or are they reflective of comments from the Schools forum?

A - They are reflective of comments from the Schools forum, but we are aware of the growth funding allocation from the funding formula is £2 to 3 million per year. The current Growth Funding Policy costs around £6k more than this allocation. We fund this by reducing all school budgets and re-balance this budget from the EFSA.

Q - Currently, unless there is more than 20% growth, you would not be funded?

A - Yes, that is correct.

Q - Academies have more of a lag in terms of receiving funding; is this correct?

A - Only because nationally, they have more of a lag due to being based on an academic year.

Q - Do they lose out on money?

A - No, they receive it later.

Q - In 2.2, the example says, "Where the PAN increase is 30, the extra pupils will fully fund the cost of the additional class. In this instance, protection will be provided in the year of admission only "

Is the consequence that because of lagged funding in years 3, 4 and 5, you will always be 30 children short of funding?

A - Potentially, yes.

Q - That is not comfortable as it is 30 x £4,500 per year for 4 years where a school is missing out on the funding. So, the Local Authority has asked the school to increase its PAN, and schools would be less likely to do this?

A - There is a growth plan for the next 3 to 4 years, so we are aware of this. These schools would have to be given protection. The schools that have already signed up for growth are protected.

Q - Can we please add this as an addendum to the policy?

A - Yes, of course.

Q - People need to see where they would lose out in the policy. Could you add it to the consultation?

A - We will add this to the consultation and be very clear.

Q - If this is a one-off bulge class, it is normally agreed it would be funded at the time of intake with Paul Clarke; after that, it becomes Lag funded. The point made would only be if you agreed a permanent increase in PAN because then you would need funding for the continued years.

A - Yes, that is correct. This policy is more in line with other Local Authorities approach. If we continue to use the current policy, we will have to reduce 20k of the lump sum each year to be able to afford this.

Q - Is this the only choice? Should this not be funded by the Local Authority as it is a local growth issue?

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

A - We could ask the Local Authority to fund it from the council tax, but this is unlikely. There is a budget from the growth funding; if this is overspending, it comes from the DFG. If we continue to go over this budget due to place needs, if a school is permanently taking bulge classes, at what point does this become permanent expansion. If we expect a drop in PAN (it is hitting primary at the minute), we will be funding lots of classes that are not full.

Q - Is there, not a mechanism to address the LAG funding issue. Academies could request from the EFSA proposed pupil numbers in that year group while they work to get a PAN established?

A - You can, but they are very few and far between. There are bridging loans which need to be approved by the EFSA.

Q - Could this also be in the consultation document?

A - Yes, we could do this.

Q - Every year, we spend more on growth than we get from the EFSA. Is that because we are not funded correctly? If you followed the new policy, would we be funded correctly or not, due to Medway's growth?

A - It is a combination of both. We would have to offer some protection to schools which would push us over the allocation, but over time we would come back into line.

Q - You mention that we expect rolls to fall, so has this been considered with bulge classes and the new schools being built? Is there an expectation that this will need to reduce? If the Local Authority need to find places, this is likely to be affected by this policy.

A - We have a 5-year forecast looking forward to pupil numbers. We have a 4-year dip in Primary Reception and year 1. This year the numbers have risen but not back to the same numbers, and we are expecting this will roll into secondary. However, we have an influx of secondary pupils entering the area. We are updating this year's forecast to address this for year 7, and it is monitored each year. We know the primary dip will hit the secondaries and continue to revisit this. Kent is also moving some children to Medway. The birth rate numbers are also being reviewed.

A Schools forum member noted that this policy undermines the need for more places due to no funding.

Decision - The School forum requested the policy requires amendments before consultation with schools to review the above comments.

The Schools In Financial Difficulty Due to Pan Class Sizes Policy:

MB explained that 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 yearly.

The policy offers temporary protection (up to three years) to schools that are required to open more than one class but with low pupil numbers and cannot increase the remaining class sizes because of the maximum class size of 30 required by law in KS1.

The current policy (Appendix 3) is no longer fit for purpose. Medway has looked at other Local Authorities falling rolls policies and proposes to consult with schools and academies on a revised policy, as shown in (Appendix 5). This will be resubmitted to the school's forum for approval at the next meeting.

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

The new Falling Rolls Policy will replace the Schools in Financial Difficulty Policy. The new policy outlines the criteria and methodology under the policy for both primary and secondary schools and is a complete change from the previous policy.

A Schools forum member noted it is confusing when you get the funding as it is before the census funding. This needs to be precise.

Q - A school might have 30 pupils across years 1 and 2, the same as having one year group. Does the policy reflect this?

A - The new policy will look at total numbers as opposed to one class.

Q - One criterion looks at the previous census from October; is this for just KS1?

A - It is across the whole school.

Q - But this does not make sense as the policy only applies to KS1?

A - I can update this.

Q - The examples need to be clearer?

A - Yes, we will look at this.

Q - KS1 cannot exceed the 30-class limit, which is why the policy is there. It feels like very restricted funding is being offered?

A - I am restricted to the policies the central government allows. We are trying to improve our existing policy, which has always been challenging.

Q - It is a cliff-edge policy. The example used 42/60, so the schools do not get anything, but if they are 41/60, they can claim even though there is little difference in the class needs. Can it be a tapered approach?

A - It is a tapered approach that needs to be more straightforward. However, there must also be a top-level so we do not get to a cliff edge.

Q - We have a number of rural schools. Can we put more explanations or signpost them to where they can go, as they are minimal?

A - Yes, I can expand this within the policy.

Q - Is the Ofsted stipulation correct, as a poor Ofsted result will likely cause falling roles?

A - That section is mandatory.

Q - As part of the consultation, as some of these changes are complex, could you hold a session on this?

A - Yes, we aim to restart the bursary meetings, which would be great to gain information on this.

MB added that the existing policies will be in operation until these changes are worked through.

Decision - The Schools forum noted, reviewed and commented on the School's In Financial Difficulty Due to Pan Class Sizes Policy; before consultation with schools. The forum requested that this policy be reviewed to review the above comments.

Consultations:

The consultation on the revised Growth Funding Policy and the New Falling Rolls Policy will open on 05th June 2023 and close on 30 June 2023.

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

Copies of the consultation will be uploaded to the main Council website and SLA online. Schools and academies will be asked to submit one consultation response per school and one response per academy CFO/CEO using the Office Forms.

7. Trade Union Outturn Report - Nikki Smith:

NS explained that the Trade Union facilities budget is managed through Medway Council and enables schools to access support, advice and guidance on all employment-related matters from local Trade Union (teaching and non-teaching) representatives.

The Schools forum has previously approved the de-delegation of this service for mainstream maintained schools and the PRU, whilst academies and special schools were able to purchase this service via SLA online as in previous years.

The locally recognised trade union representatives are from NEU; UNISON; NAHT; NASUWT; GMB; Voice-The Union. The recognised unions are invited to local engagement meetings by Medway Council.

Trade Union representatives have experience working effectively and developing successful relationships with local schools and academies. This was born out during Covid 19 when all recognised Trade Unions regularly attended the Medway Schools and Trade Unions meetings, convened by the council, which focused on problem-solving local issues and the interpretation of Government advice to ensure schools could remain open during the outbreak.

In July 2018, 2019 and 2020, reports were presented to the Schools forum, which provided details of the service and sought agreement for increases in charges to schools and academies to continue the service. These reports were compiled jointly by the HR Business Partner for Schools and Finance Business Partner - Education and Schools. NS further stated that due to a restructuring of HR Services at Medway Council in 2022, there is no longer an HR Business Partner for Schools and Trade Union facilities budget management and now falls within the remit of the Council's Employee Relations Team.

The Scheme:

NS outlined the scheme and stated that the Local Authority reimburses the time spent by nominated local TU representatives to undertake trade union duties and activities at Medway schools and also at academies when they have bought into TU facilities through www.educationservicesmedway.org.uk

This is set out in national guidance issued by the DfE. Trade union representatives whom the Local Authority does not employ would have their own arrangements in place with their employers to release time for trade union duties which is covered by national guidance. The Local Authority currently has an agreement with an Academy Trust to reimburse them for the time spent by a NEU trade union representative on their payroll, compensating them for duties carried out across Medway Council schools and the academies that have bought into the TU facilities agreement.

The current TU Facilities pooled budget includes de-delegated funds and income from Academy schools that buy into the scheme has only covered claims for teacher representatives to date, as Medway Council employs the majority of non-teacher representatives. Mechanisms are in place to release them for reasonable time off, the costs of which are met by the employing department.

NS noted that GMB are currently intending to recruit a school-based representative. If there were to be a request for the pooled facilities to be extended to cover non-teaching representatives (where Medway Council does not directly employ the TU representative), there

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

would be an expectation to treat non-teaching trade unions and their representatives equitably with teaching unions leading to increased pressure on the facilities budget.

Benefits of using this service include:

- School compliance with statutory entitlement of employee's right to representation;
- Access to trade union representatives with experience of working effectively and developing successful relationships with schools and academies;
- Attendance by trade union representatives at formal meetings with staff;
- TU liaison with the Local Authority on policy and procedure development;
- Support with individual casework and change management projects that effects employees;
- Advice and guidance in relation to industrial action;

NS further stated that if de-delegated funding is removed, the staff in maintained schools would not have access to local TU support at formal meetings or during consultation processes unless they purchase the SLA.

Some academies do not currently buy the TU facilities service and may experience delays in meetings with staff because of the lack of availability of regional TU reps. It is unlikely that Governors or Finance Managers would see the direct benefits of the TU Facilities Service. Still, most Headteachers and senior leaders will have had experience with situations where a TU rep is needed to attend a meeting to accompany a school-based employee and to comply with rights to representation.

Where academies choose not to participate (and potentially maintained schools if the funds were to be delegated in future,) trade unions are expected to make their own agreements and arrangements for invoicing for representation. In practice, this has not been happening in Medway, although it has in other Local Authority areas.

Income and Expenditure Analysis:

The Trade Union Facilities SLA is calculated on a per-pupil basis. NS further stated that there is no national determination for a formula nor a cap on amounts that schools can be charged. Local Authority fees and arrangements for facilities time vary considerably nationally. At this time, Medway Local Authority does not recuperate its costs but would like to start to redeem a small amount to cover the work and overheads involved. This includes: securing ongoing positive employee relations with the unions; engaging with the recognised trade unions for schools in council-led forums; managing the buy-in processes for non-maintained schools; invoicing; and budget management. Around 10% of expenditure would be required, equating to approximately £3,600 per annum.

See Table 1 (exempt item in Appendix 2), which outlines the income and expenditure for the 2022-2023 year as well as the balance on the trade union reserve and forecast income and expenditure for 2023-24.

NS noted that charges were set at £1.50 per pupil from September 2020 for all schools; the prices were increased to recognise underfunding in previous years and a budget deficit situation. Charges to schools were increased from £1.50 to £1.65 per pupil from 01st September 2021 to pre-empt budget constraints and ensure continued services to staff across Medway schools. A school with 350 pupils would pay £577.50 (£52.50 more per year than previously). This represents excellent value for money and remains considerably lower than neighbouring Local Authorities.

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

It is NOT proposed to increase the costs of the service for 2023/2024.

Decision - The Schools forum members voted and agreed to a contribution from the budget to cover Medway Council overheads to assist the continuation of the service for a sum of £3600.

NS left the meeting.

8. The Forward Plan - Maria Beaney:

The Plan was shared for all to note. The outturn report has been moved to the July meeting as a standard order.

Comments were requested from the Schools forum members via email to Maria Beaney.

9. DSG 2022-23 Outturn (Deferred to the next meeting) - Maria Beaney:

Noted by the Schools forum members.

10. School Reserves Outturn Report - Maria Beaney:

The confidential appendix was shared with the Schools forum members; all noted this was not to be shared.

MB explained The Medway Scheme for Financing Schools outlines the maximum carry-forward reserves for any maintained schools as follows:

- Revenue: 8% of their total yearly grant income (I01, I02, I03, I05 and I08)
- Capital - A school must spend their annual Devolved Formula Capital Funding (DFC) and any brought forward balances within three years.

Maintained schools and Schools Forum members will vote on whether to claw back any funding from a maintained school whose reserves are above the maximum allowable limits.

2022-2023 Year-End Schools Revenue and Capital Reserve Balances:

MB outlined the revenue reserve balances:

As of 31st March 2023, there were 25 maintained schools with revenue reserve balances totalling £2.784 million, a decrease of £0.397 million or 12% from the previous year. The confidential Appendix A shows the level of school reserves for the last three years.

As of 31st March 2023, the 2022-2023 capital reserve balances were £0.571 million, an increase of £0.024 million from the previous year. Again, confidential Appendix A shows the level of school reserves for the last three years.

The Will Adams Centre converted on the 01st April 2022, and their funding is not included within this report.

The Authority is currently working with two schools in Deficit Recovery Plans with deficit reserves. Four further schools will be/are working closely with the Schools Finance Team to address potential deficits which may arise in 2023-2024.

No school have higher than permitted revenue reserves, and only one school has 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.

Minutes of Schools Forum Meeting

17th May 2023 at 2.30 pm

Decision - The Schools forum-maintained representatives voted and agreed not to claw back the capital funding.

Decision - The Schools forum members noted the position on school balances for 2022-2023 (School Explanations and commentary shared via a confidential Appendix A.)

Funding Support Business Cases - Standard Item:

No business cases at the time.

11. AOB: SEND Funding:

Q - Is there an update on SEND funding, as there is a lot of confusion and concern around no top-ups from non-EHCPs? I am sure this will come to future meetings. CFOs are very confused about this and the effects of any reduction in funding.

A - You are referring to the transition ECHP banding. There is a program of 2 years to transition, we are taking this very slowly and reviewing. There are funding guarantees around the special schools and resource provisions. I am very happy for the CFOs to send any concerns they have to CB. The aim was always to ultimately remove the top-up without EHCP, with the original proposal. This is not happening at the minute, while the bandings are coming out. This has been to a number of forums but misses the CFOs, so this needs to be set up for them.

Action CB to take the communications to the CEO forums.

Q - Is there a formal mechanism for feeding back concerns etc?

A - We can look at this.

Q - We signed off budgets in November 2022, with consultation on the 05th May and procurement starting 09th May, so should the consultation be finished first?

A - There are a number of different works undertaken; some items have to be commissioned to allow support and with no breaks in service. The consultation was around the structure of the provision and how the system will work. There are overlaps, but the HTs will receive the consultation results. Those out are the ones which had to be done to ensure continuation of services.

Q - Lots of HTs were concerned about the SEND consultation?

A - There have been 47 out of 101 schools - not looked at the CEO response, which was 6. There were lots of duplications. There will be a full response to all schools, and it will come to the Schools forum, and a lot of meetings are set up to allow a clear understanding. The secondary heads and primary heads meetings are already set.

It was noted that the CEO representative will also be included in this discussion.

A member noted that the cut and paste was due to heads agreeing with each other's responses but should still be considered of value.

12. The Forward Plan - Date, time, agenda and venue of the next meeting:

- 05th July 2023, 2.30 pm virtual meeting
- 20th September 2023, 2.30 pm virtual meeting
- 06th December 2023, 2.30 pm virtual meeting
- 10th January 2024, 2.30 pm virtual meeting
- 15th May 2024, 2.30 pm virtual meeting

**Minutes of Schools Forum Meeting
17th May 2023 at 2.30 pm**

The meeting closed at 4.30 pm

Signed by (Chair) Date: