

Leicester City Council Schools' forum SEND minutes

Minutes of the MS Teams meeting held 2pm on Friday 13 November 2020.

Present

Schools members:

Mainstream Academies:

Special Academies:

Special School Governors:

Special School Heads:

Secondary School Governors:

Secondary School Head representatives:

Primary School Governors:

Primary School Head representatives:

Pupil Referral Units:

Name:

Mike Hobbs, Jane Ridgewell

Julie Selby

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Sarah Osborne

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Anna White, Julie Robinson

Glenys Mulvany, Steve Wilson

Matt Potts, Karl Stewart

Shaun Whittingham

Non-school members:

Teaching Unions:

School support staff Unions:

16-19 Providers:

Early Years PVI Providers:

Name:

Jessica Edmonds (Chair)

Sam Randfield

No attendee

Janine Gibson

In attendance:

Cllr Elly Cutkelvin

Richard Sword

Martin Judson

Pat Bullen

Clare Nagle

Simon Walton

Headteacher, Chris Bruce

Headteacher, Steph Beal

Headteacher, Rhian Richardson

Role:

Assistant City Mayor (Education)

Director of Capital Projects (SEND responsibilities)

Head of Finance

East Midlands SEND Regional Coordinator

Senior Project Manager LCC

Principal Accountant LCC

Keyham & Millgate Federation

Ellesmere College

West Gate School

Martin Walsh

Clerk to the Forum

1. Apologies for absence

Apologies for absence were received from Matthew Leedham

2. Declarations of interest

There were no declarations of interest.

3. Introductions

The Chair asked for introductions before commencing the meeting and reminded observers that they would not be able to interject during the presentations. There would be a Q&A session at the end of the presentation.

4. LCC SEND Consultation context/overview (Richard Sword)

The Director Capital Programmes with responsibilities for SEND presented an overview of the Special School Funding Formula Consultation.

- he explained that ECHPs nationally had increased to 354 thousand children and half of all LAs had a significant overspend;
- the DSG had also faced pressure;
- a new Government directive states that the higher needs block cannot be funded by general resources without permission from the Secretary of State;
- locally LCC have not had a review since 2014 and currently have an overspend of 6.6 million in 2019-20 and have forecast a deficit of 5.7 million for 2021;
- it is proposed that a new system would allow a redistribution of funds to allow parity, based on the needs of the child. He stated that this is a redistribution of funds and not cutting funds from the HNB;
- the Children's Hospital and PRUs are not included as their model and finances are operated differently. Ashfield school will be subject to a separate review and there would be no disadvantage;
- the DfE and SFA had been notified and they recognise that all LAs are in similar positions. It is proposed that a revised single funding rate will be used annually for all pupils with an annual review of the cohort;
- regional comparators were used to ensure that the new proposal was equitable. Headteachers and appropriate stakeholders had been consulted and the consultation had also been extended to 27 November.

In conclusion,

Richard Sword stated that the current system isn't fair and equitable and there is only a set amount of funding available. However, the DfE would have to agree any proposed changes before implementation.

5. Keyham & Millgate Federation (Chris Bruce)

Chris Bruce's paper in response to the consultation was noted. He also asked for the following points to be considered:

- the banding process is based solely on staffing ratios;
- the proposal does not consider the special needs of pupils;
- the banding process is not a fair distribution of money because the special schools across the City cater for different kinds of needs;
- no moderation of the banding of pupils has taken place;
- the description of Band 6 differs across schools and cannot be met for under £30k pa;

- mixed messages have been received during the consultation particularly around whether the proposal is a cost-cutting exercise or an equitable re-distribution of funding across special school provision;
- proposal does not include all special schools who draw from the same pool of High Needs Block funding – omission of £5m in revenue;
- at Keyham and Millgate the High Needs Block funding will increase as staffing restructuring is implemented;
- will result in the closure of the City's only SEMH residential provision;
- if proposal goes ahead it will increase out of authority spending creating more pressure on the HNB;
- if proposal goes ahead Keyham and Millgate will only be able to take students who are in Band 3 and maybe Band 4;
- figures do not stack as national data bases show huge differences in SEND spending across the country;
- there has been no sharing of impact analysis as a result of the proposal;
- staffing ratios cannot be costed;
- timeline is not realistic;
- comparisons to the nearby LAs are not an accurate reflection of SEND funding. It was also felt that transport costs had not been considered and there were better ways to use the money from the HNB.

In conclusion,

Chris Bruce asked LCC to reconsider the proposal - not the banding review, but the level of cuts.

6. Ellesmere College (Steph Beale)

Steph Beale presented her case in response to the consultation as follows:

- would like to share her support for the banding proposal;
- the current system is not fair because the funding rate varies by school not child;
- would argue that the current system is one of winners and losers;
- the proposed system will offer a fair and equitable system across all schools in the City;
- under the current system schools are being penalised for being flexible and welcoming to more complex young people;
- schools have had the opportunity to 'Band' their own children;
- the new system will allow the 'Bands' to be moderated every twelve months and the weighted average will be updated to reflect the cohorts;
- rapidly changing cohorts have never been reflected financially in the past; therefore, these changes will reflect the needs and complex needs of the children and would wholeheartedly be welcomed by Ellesmere College;
- under the new system any child would be funded the same way across the City which represents a fair and equitable system;
- Ellesmere College is not winning more than any other school and this due to losing more under the current system;
- the need for places for children with more complex needs will only be possible under a fair and equitable process where each child attracts equal funding wherever they are placed in the City;
- without the review Ellesmere College will be forced into a significant deficit budget with no way of balancing funds soon;
- SEMH schools in neighbouring LAs are successful on much lower pupil funding;
- under the new proposal Ellesmere College will still be funded less per pupil than all the other schools receive now;
- the rates review will also allow Ellesmere College to accept students with more complex needs;

In conclusion,
Steph Beale welcomed the rates review as set out in the proposal.

7. West Gate School (Rhian Richardson)

Rhian Richardson presented her case in response to the consultation as follows:

- West Gate school has a large range of learners and appreciates the constraints of the high needs block and welcomes the review;
- West Gate school currently has a new leadership school in place and has an inherited a legacy deficit;
- current consultation proposes a base place figure of £23,537, some £2,463 less per child will not allow West Gate school to provide current provision and staffing;
- acknowledge the proposed funding formula does increase our per pupil place funding by £1,463. However, West Gate School believe that this funding strategy does not reflect the needs of individual children;
- due to deficit budget and inadequate funding, leadership and admin are incredibly streamlined and allow no capacity for growth. Thus, penalising the school for having a deficit;
- example of deficit impacting on funding is that instead of supporting us further to improve, West Gate School's Capital funding was cut to £10K last financial year;
- how do the LA propose the funding attached to band 6 could fund 2:1 provision;
- it does not seem equitable or fair our SEMH children with the added complexities of severe learning difficulties and autism/ADHD, will be funded less than another SEMH or SLD child;

In conclusion Rhian Richardson believes that if a child has a similar level of need, they should be funded the same at any city special school provision.

8. Regional SEND Overview (Pat Bullen)

- the contribution and hard work of the SEND sector was acknowledged;
it was suggested that the previous provision and funding had been determined by ad-hoc arrangements in some respects;
- SEND expenditure nationally from 2015 had risen from £5 billion on SEND & Inclusion, rising to £9.4 billion in 2018 -19 academic year and is now over £11 billion;
- DfE recently commissioned a SEND futures research report looking into value for money;
- the conclusion is that a near term revised set of mechanisms to compare special provision because of the heterogeneity in Leicester and elsewhere;
- the funding is responding to the fact that 3.30 % of children have an EHCP plan;
- Nottinghamshire City and Nottingham County Councils do not have an overspend and have found other ways of managing their budgets.

In conclusion,
Pat Bullen explained that the current situation is replicated across all LAs and consequently difficult decisions must be made.

9. Q&A

The Chair explained that questions would be answered in turn.

- Q: clarification was sought on the various elements of the costs
- A; the Head of Finance explained that the cost elements were based on the existing accounting records. Non-teaching pay costs include administration assistants, catering staff, premises officers. Teaching costs included teachers, TAs and supply or agency teachers. Leadership costs are treated separately as non-teaching costs. Other non-pay costs include premises, administration costs, supplies and services, utilities, cleaning and catering;
- Q: is there evidence that non-teaching costs remain static regardless of a pupil's needs;

- A: The Head of Finance stated that the non-teaching funding was based on empirical evidence of actual expenditure by schools in 2019/20 and also 2018/19. The funding proposed is based on the average costs incurred by the majority of schools and excludes any outlying schools where they were spending significantly more on non-teaching costs.
- Q: Will five of the six schools in the scope of the review receive a reduction in other staff and non – staffing costs
- A: Two of the schools will receive a significant reduction as they were identified as outliers in terms of the total expenditure for non-staffing costs and other staff costs;
- Q: Jane Ridgewell asked how the funding was derived and what the justification would be for disregarding the outliers;
- A: The Head of Finance explained that the banding element provides funding in proportion to the level of staffing resources for each band and the non-teaching funding was derived from the expenditure of the majority of schools;
- Cllr Cutkelvin stated that the funding is linked to the child's needs.
- Richard Sword explained the clear descriptors are also linked to the banding.
- It was asked if the process started with the budget or the need to rationalise funding.
- The Head of Finance explained that teaching costs should be proportional to need. Total money spent on teaching by schools in 2019/20 had been re-allocated to the bands, which in turn are weighted according to the staffing resource (teaching cost). It was found that schools get roughly the same level of funding with this banded system (within 5-6 %) compared to what they were spending in 2019/20. The banded system re-distributes the existing funding according to need, it is not intended to provide the full theoretical funding implied by the banding descriptors as this would imply that an additional £5m should be spent on teaching in total over and above what schools were actually spending in 2019/20.
- Sarah Osbourne explained that a lot of work had taken place with all the Special school Headteachers and there are lots of descriptors within each band that will lead to fairer and equitable system across all schools within the constraints of the resources available. Pat Bullen was asked if she thought that the new proposal was fair.
- Pat Bullen explained that if a new system was being devised it would use criteria and descriptors along with allocating according to the need of the child or young person. This decision is being made to make it fair within the finances available to the City Council. She acknowledged the new system would be hard for some and cause some pain.
- Q: It was asked how the information was made accessible to the various stakeholders as the online consultation showed;
- A: Clare Nagle explained that guidance was taken from the Communications team and agreed to investigate the matter and report back to the committee. (Action) Clare Nagle
- Q: It was also asked why there is only one option available to meet the objectives
- A: Cllr Cutkelvin explained that this option had been selected and not imposed after other options had been considered by the CLASS group of heads. Richard Sword added that the DfE had directed that there must be a rating system. Extensive work had also been done regarding the descriptors linked the child's need and there is only a set proportion of each element within the HNB. The focus must be on the child and ensuring that the funding goes with the child and not the school.
- Q: Karl Stewart asked how the issues would be resolved regarding the overspend for OAA on the HNB
- A: Richard Sword explained that there had been a lot of work regarding sufficiency along working more closely with Special School Headteachers regarding out of City placement. There is also a new 'Difficult Placement Panel' to help with this issue;
- Q: Karl Stewart asked if gains and losses could be capped in this instance;
- Martin Judson explained that a transitional plan would be introduced for schools with a reduction in budget to work with over a set of time. Schools who gain financially would see that immediately as there was a pressing need to address underfunding;

- Q: Anna White asked how the level of moderation had been considered within this proposal along with the shortage of SEMH provision within Secondary schools;
- A: Cllr Cutkelvin recognised the concerns regarding SEMH provision and this had not been overlooked. Richard Sword also explained that descriptors recognised the need of the child and the level of moderation would be considered annually;
- Q: Anna White asked Chris Brown if the proposal would impact on the SEMH at Keyham and Millgate school;
- A: Chris Brown explained that this would have an impact on SEMH capacity, and the funding would not be available for 2-1 for the level of need which will impact the high complex students leading to a restructure. He explained that the bands had been requested for last year's cohort and were therefore different to this year. He also explained that moderation was not used in this process and would be done in twelve months.

Cllr Cutkelvin explained that the banding review does link to the cohort at that time. Schools are all funded on the previous year's figures and this will be moderated every year. In depth work had taken place regarding demand going forward and the primary need of SEMH children is ASD and SEMH is a secondary need. The primary need within SEND is ASD, followed by SEMH and a deficit in SEMH places is not expected as part of the process.

Richard Sword explained that a lot of work had taken place regarding sufficiency along with confidence in the provision being provided going forward.

Chris Brown explained that the modelling system is not sound, and the banding figures are not linked to the needs of the student and noted that additional SEND places being created were not ready, and there was a shortage. Leadership had been dismissed as a non-teaching cost, but leaders also teach. Special schools can't meet the need of pupils with the funding, especially band 6;

- Q: Chris Brown asked if the students submitted for the banding was for the correct model.
- A: Clare Nagel explained that it was against the criteria that had been worked out between the special schools and the staffing model that had been put in place.
- Q: Sam Randfield asked if any consideration had been given to transitional arrangement from schools that could lose out.
- A: Cllr Cutkelvin explained that schools that had been underfunded would receive their funding as quickly as possible and a suitable transition would be put in place for schools that had their funding reduced;
- Q: Julie Robinson asked why all Special Schools had not been included in the review. It was also note that mainstream schools are struggling with SEMH and didn't feel that DSPs were the best solution. Therefore, there would be more OOA placements at additional cost to the LA;
- A: Richard Sword explained that the PRUs operate on a different budget and system. The Hospital school also operate a different system. Ashfield school are an Academy and will be reviewed shortly. This will not impact on any other school. Martin Judson explained that Ashfield operated a six banded system currently and during a review we would look to align this with the proposed system.
- Cllr Cutkelvin stated that there would be at least a three-year transition period for schools that had their funding reduced;

Sarah Osbourne explained that there were four Special schools that can't wait for this to be moderated now and a long time had been spent developing this model. It was acknowledged that moderation is needed in the next year. However, change is needed now, to allow a slight increase in funding for the relevant schools.

- Q: Jane Ridgewell asked for clarification on element three mainstream top up review.
- A: Richard Sword explained that this was in progress and a draft paper will be available in December and this should be available to the Forum in the new year.

Chris Bruce welcomed a possible three-year transition where funding reduced and accepted that some schools needed extra funding. However, he suggested that the proposal is flawed and should have been moderated earlier

Richard Sword explained that Headteachers had not been forced to accept this proposal. However, there is a funding issue of no one's making and several schools are in deficit and have serious financial issues. He reiterated that the funding should remain with the child and not the school that they attend.

The Chair explained that a written recommendation from the Schools' Forum would be provided to school Governors in the City. The consultation would remain open until the 27 November and asked for initial thoughts as a response to the consultation should be forwarded the clerk of the Schools' Forum. A draft letter from Forum regarding SEND would be brought to the next meeting 25 November was also confirmed that further questions could be submitted regarding the consultation via the appropriate mechanisms in place.

10. Any other Business

There being no further business, the Chair declared the meeting closed at 4pm.