

# **Surrey Schools Forum**

## **Draft Minutes of Meeting**

### **Tuesday 10 November 2020 1.00pm Virtual Meeting on TEAMS (due to COVID 19)**

Approved by Chair-for approval by members at next meeting (10 Dec 2020)

#### **Present**

Chair

Rhona Barnfield Howard of Effingham School (academy member)

Joint Vice Chairs

Kate Keane Ewell Grove Infant and Nursery School (Primary head)

Justin Price Freemantles School Special school head

Other school and academy members:

Katie Aldred (item 1-5) Bagshot Infant School Primary Head

Susan Chrysanthou Furzefield Primary Primary Head

Clare McConnell Bisley CE (A) Primary Primary Head

David Euridge Reigate Valley/Wey Valley PRUs PRU member

Geoffrey Hackett Burpham Primary Primary governor

Eric Peacock Thorpe C of E Primary Primary governor

Fred Greaves Oakwood School Secondary governor

Lisa Kent Manor Mead and Walton Leigh Schools (special governor)

Matthew Armstrong-Harris Rodborough Academy member

Ben Bartlett (item 1-8) Hinchley Wood School Academy member

Kate Carriett (item 1-6) George Abbot School Academy member

Sir Andrew Carter South Farnham Primary Academy member

Elaine Cooper SWAN academy trust Academy member

Gavin Dutton Pirbright School Academy member

Paul Kinder (item 1-5) Warlingham School Academy member

Ruth Murton Thamesmead School Academy member

Neil Miller (item 1-5) Bramley Oak Academy Special academy member

Non school members

Sue Lewis (from item 4c) Private, voluntary & independent nursery providers

Benedicte Symcox Family Voice Surrey (item 1-8)

Joe Dunne RC Diocese of Arundel and Brighton

Jonathan Gambier Guildford Diocese (C of E) (item 1-5)

Nick Trier Teaching union member of Education Joint Committee

Jayne Dickinson Post 16 providers (item 1-8)

**Cabinet member for All Age Learning**

Julie Iles

#### **Local Authority Officers**

Liz Mills (LM) Director–Education, Lifelong Learning & Culture

Jane Winterbone (JW) Assistant Director (Education)

Eamonn Gilbert (EG) Assistant Director (Commissioning)

Daniel Peattie (DP) Strategic Finance Business Partner (CFLC)

Louise Lawson (LL) Deputy Strategic Finance Business Partner (ELLC)

David Green (DG) Senior Finance Business Partner (Schools Funding)

Alix Cordell (consultant) attended to present item 6.  
Julie Smyth and Emma Lucas (HR) attended to present item 9.

## **1 Welcome, Introductions and Apologies for Absence**

Apologies for absence had been received from:

Jo Hastings                      Ottershaw Infant and Junior Schools (Academy member)  
Sally Cave                        Guildford Nursery School and Family centre (nursery head)

New member: Benedicte Symcox (Family Voice)

This was Jayne Dickinson's last meeting.

## **2 Declarations of interest (where not self evident)**

Ben Bartlett and Matthew Armstrong-Harris-headteachers of schools with Cullum centres (items 4/5/8);

Susan Chrysanthou, headteacher of school with SEN centre (items 4/5/8).

## **3 Minutes of previous meeting (1 October 2020) and matters arising**

### **Accuracy**

The minutes of the previous meeting were accepted as accurate.

### **Matters arising (not covered elsewhere on agenda)**

There were no matters arising.

## **4 High needs block**

### **a) DfE benchmarking tool**

DP explained that the DfE had issued a "high needs benchmarking tool" which allowed LAs to compare their spending with up to three other similar LAs, using 2019/20 planned spending data. Surrey had chosen to compare with Hampshire (similar general characteristics), Essex (similar scale) and Kent (as an LA seen as having similar pressures on the high needs block).

Surrey had 10% more EHCPs per 1000 2-18 population than the national average (though Kent had slightly more) Top up costs for state special schools were relatively high in Surrey. Top up costs for non-maintained/independent school placements were much higher in Surrey than in comparator authorities. The number of special school places per 1000 was lower than elsewhere. Spending on alternative provision was also relatively high in Surrey.

One member asked whether the maintained top up figure was distorted by the movement of two former non-maintained special schools into the state sector, while retaining their (higher) former top up rates. LM advised that this issue would be looked at through the special schools banding review.

Speech and language therapy provision would be looked at alongside the banding review.

LM noted that while the tool had limitations it indicated areas which might be worthy of further study. Those areas were similar to those already identified under the transformation programme.

The DfE category of “therapies” largely referred to medical therapies. Where Surrey provided therapies for educational purposes, the cost was included in SEN support services.

DP noted that the higher level of costs in Surrey could not be justified by deprivation factors (which were relatively low). The higher costs were not simply due to the higher incidence of EHCPs. The main contributor was the high level of NMI costs.

#### **b) High needs block working group**

LM had circulated draft terms of reference for a high needs block working group for discussion and comment. She suggested that the group needed to develop an understanding of the high needs financial position and to provide system leadership in driving, developing and delivering change in order to use resources differently and improve outcomes for children. The group would be able to commission work through other groups. She proposed that the group might look in particular at:

- \* sufficiency planning: she sought to reduce use of the NMI sector by a “wholly maintained” solution to new specialist placements and key stage transfers for September 2021, which would require a significant increase in maintained sector places. Two tranches of capital funding had already been secured and a third might be required. There would also imminently be three special free schools. Expansion would include SEN centres not just special schools. Placement breakdown was also an issue requiring consideration;
- \* new approaches to alternative provision (see item 6);
- \* driving inclusivity in mainstream schools including using funding to drive whole school models of SEN delivery, which reduced reliance on individual EHCPs.

The group needed to be able to try new ideas and to propose step changes.

LM proposed to use phase councils to identify potential members.

LM agreed that it was important that the work of the proposed group was co-ordinated with that of the SEND partnership. She would clarify the proposed relationship between the group and the SEND partnership and Schools Forum.

Fred Greaves suggested that Surrey governors were keen to know how they could support the work, but that they did not need to be members of the group.

David Euridge suggested that, as a National Leader of Education with experience of working with schools across several LAs, he was a suitable AP representative for the group.

Other points made in discussion included

- It might be useful for the group to include a representative from another LA who could bring in different ideas;
- There was a need to look at how we engaged with parents,

- Early years interests and health issues needed to be explored as early as possible. LM advised that there would be a health representative on the group.

The LA was reviewing placements of those children who had been placed in NMI schools because there had been insufficient places in Surrey schools. Some of these children might be moved to maintained schools mid key stage if that move was supported by parents.

Julie Iles reminded members that it was a principle that children should be educated close to their own communities where possible.

EG advised that the SEND admissions process no longer required parents to state a preferred placement. He believed that parents would be happy with maintained local provision if the capacity was there.

LM acknowledged that early decisions on expansion were needed in order to allow schools sufficient time to recruit and train additional staff.

### **c) Recovery plan**

LM advised that LAs with DSG deficits were required to prepare recovery plans, complying with quite specific DfE guidance on format and content. This was a new requirement for Surrey in 2020/21. The recovery plan had to be shared with Schools Forum. The deficit was ringfenced, thus first it was necessary to achieve a sustainable annual budget and then to start repaying the accumulated deficit. It was important that Surrey's recovery plan submission included clear messages about the inadequacy of the available funding and the difficulties caused by the Code of Practice.

DP noted that the plan would be continuously reviewed and updated.

Historic data showed that year on year funding increases had never matched the level of increases in EHCPs, even in the years when funding increases had been relatively high. Numbers of EHCPs and costs of NMI provision were high compared to statistical neighbours, as shown in item 4a, thus reducing dependence on the NMI sector, through providing additional state maintained places, was a high priority. Educating children closer to home also allowed closer oversight of the placement. Other themes being looked at included:

- Better use of alternative provision,
- promoting independence post 16;
- better use of top up funding, including greater scrutiny of provider costs.

The overall DSG deficit at the end of 2019/20 (not just high needs) had been £31.5m. The projected high needs block deficit at the end of 2020/21 was £70m. Proposed legislation would legally "park" the current deficit for three years, but there was no clarity after that.

Appendix 1 showed DSG expenditure and funding projections in the DfE recovery plan format. This was the summary sheet for the DfE return, which was a large spreadsheet tool. It showed that in the absence of mitigation measures the cumulative DSG deficit by the end of 2024/25 would exceed £300m, whereas with the identified mitigation measures the deficit would be reduced to

£127m. It was expected that the DfE would use the full recovery plan pro forma in discussions with the LA on the deficit.

DP proposed that updated versions of the summary plan would be shared regularly with the Forum. Further details could be shared with the working group.

Members noted that even the mitigated deficit was a large sum and questioned how it could be contained. They asked that their efforts to control spending should be made clear in the recovery plan.

LM advised that the council was seeking to lobby central government as part of its SEND review and the spending review and to suggest what help might be required, but as yet there was no suggestion as to what changes might be made.

LM emphasised that the objective was not cuts but more effective use of resources. It was possible to reduce unit costs while improving outcomes. Outcomes from NMI's were not necessarily better than from state schools. Placing children a long way from home could mean it was difficult for them to integrate into their local community when the placement ended. But there would be a need for greater efficiency and the LA would be transparent over that.

It was noted that the government had promised reviews and that Parliamentary select committees were looking at SEND, but there was no indication of immediate solutions from central government.

One member suggested that the plan didn't consider the best way of meeting children's needs.

EG noted that 86% of post 16s with EHCPs would not meet the threshold for adult social care support (which was much higher than for SEN). Much work was being done with Family Voice and families to raise awareness of this issue. More effective programmes for transition to adulthood could more readily be identified when parents realised that continuing residential provision was not an option. The post 16 rep noted that transition planning needed to start before age 16. A member suggested that more effort was needed to ensure that families understood what they were being told about transition and some had had negative experiences of the system. If an EHCP were to end, that should be presented positively in terms of outcomes for young people. LM noted that post 16 transition needed to be seen as a time for choice and opportunity and as a start not an end, for young people with SEND just as for any other.

## **5 High needs block proposals**

### **a) "Additional SEN" funding in mainstream schools**

LM recalled that the LA had made changes over a number of years to additional SEN funding in mainstream schools and that the LA had previously expressed concern over its use. At its worst this funding stream could be an incentive to seek EHCPs. Measures had been taken to reduce the cost rather than to withdraw the funding. However, the LA was now proposing an additional consultation in November on withdrawing this funding from 1 April 2021. The budget was £1.3m.

LM recognised concerns over the possible impact on individual schools. However, of 45 maintained primary schools which received funding both in 2019/20 and 2020/21:

- \* 44 had had a revenue surplus at 31 March 2020;
- \* 26 had had an in year revenue surplus;
- \* 14 had had in year surpluses exceeding the amount of additional SEN funding allocated;
- \* 10 had had year end surpluses exceeding 15% of revenue funding;
- \* 2 had had year end surpluses exceeding 20% of revenue funding.

This raised questions about the impact of this funding.

An equality impact assessment would be undertaken and where necessary there would be a school level review and possibly a transition plan for loss of funding. This would be set in the context of a more devolved funding approach, through clusters of schools (see item 5b).

LM asked the Forum to help in shaping the proposal, which would be subject to consultation during the next four weeks.

Members discussed whether Schools Forum should add a recommendation to the consultation but it was agreed that normally the Forum considered schools' responses before deciding whether to support a proposal.

LM advised that the outcome of the consultation would be reported to Schools Forum. A decision was needed by 21 January (the deadline for reporting proposed school budgets to the DfE). The Cabinet was being asked to delegate a decision on the proposal to the lead member in order to meet that deadline.

LM expressed concerns that schools not currently in receipt of funding might not reply because of all the other pressures on their time. She suggested that schools in receipt of funding might be asked to provide evidence of impact. She confirmed that surplus balances could be taken into account in considering whether a school was in need of assistance.

The Chair noted that the April implementation date could cause difficulties for schools because staff contracts were often for an academic year.

#### **b) Mainstream SEN funding (IPSB and SEN centres)**

LM proposed to move away from the existing model of allocation of IPSB funding based on individual children. The basis of funding for children with EHCPs had not changed for some time. She proposed to implement changes from September 2021. She suggested that the present system was too process driven and hence not effectively used.

EG noted that originally it had been proposed that changes to special school bandings should be introduced from September 2021 and changes to SEN centres and mainstream from September 2022. The Forum had suggested that there should not be a delay for the mainstream changes and so it was proposed to agree changes to mainstream in April 2021 for implementation by September 2021 (ie on the same timescale as for special schools). The solution might be a cluster system where schools shared budgets and possibly staff. The aim was a consistent and equitable system which best supported young people. There was

too much emphasis on 1:1 support at present and he saw scope for efficiency in a more collegiate system. Officers would be seeking to import best practice from other LAs but in a way which worked in Surrey. SLAs would be considered for SEN centres.

LM proposed that a group should be established to look at what Surrey schools usually provide at the universal and SEN support levels. This information could then be made available alongside information on services provided by the LA and health at universal and SEN support levels. It could support the graduated response. The use of IPSB funding needed to be considered within the overall system

EG emphasised the need to concentrate on outcomes rather than resources suggesting that currently the focus was on inputs.

Two members specifically supported a move away from funding hours of support, one arguing that current funding did not cover the specified hours, another that the specified hours were not reviewed as children's needs changed and that sometimes if a target was not met the reaction was just to demand more hours.

The Family Voice representative welcomed greater transparency over the support available. She asked what support would be available to support parents through the proposed changes, noting that parents needed to know what measures would be in place to meet the stated outcomes.

### **c) Inflation for special schools/SEN centres/PRUs**

LM recalled that, for 2020/21, concerns had been expressed at a perceived lack of transparency in discussing the level of inflation provision for the special schools sector. She aimed to agree an overall level of inflation provision in January, having regard to teachers' pay and Surrey pay pressures. Surrey Pay increases were still under negotiation.

EG confirmed that inflation funding would then be distributed to schools as part of the banding review. There would be transparency over how the total inflation sum was identified and there would be a similar process for determining overall inflation funding for SEN centres and pupil referral units.

## **6 Alternative provision update**

Alix Cordell reported that there were c 900 Surrey pupils either on full or part time alternative provision or missing education. There is quite a broad range of alternative provision locally, including educational pupil referral units, medical PRUs, hospital tuition, A2E, personal budgets, the Surrey Alternative Learning Programme (SALP), online school, the Alternative Learning Programme (ALP) and others, at a total cost of £18m including transport. Children require alternative provision for a variety of reasons, which leads to a variety of routes into AP and a variety of governance methods. Thus it can be difficult to measure outcomes or to know which cohorts are at risk of needing AP. There is a need for

- a clear AP offer
- clear pathways into AP
- a clear understanding of who was using it.

A commissioning strategy is being developed, which aims to reduce the use of independent AP providers, particularly those outside Surrey and to develop contract arrangements for independent providers. Better outcomes were expected at less cost from developing an internal market. A quality assurance framework for AP would also be developed.

Proposals also included an SEMH outreach offer for both primary and secondary schools, an improved ASD outreach offer and a service level agreement for learning support units. The inclusion working group was reviewing A2E provision and to consider whether the service could provide effectively for children brought back from out of county placements.

There was a capital development programme for PRUs.

AP transport would be brought within the scope of the wider SEN transport review.

A survey of headteachers on proposals to make alternative provision work better would be completed by Christmas. Additionally a Surrey Says survey had been used to collect children's views on AP. Work was also under way to introduce service level agreements for PRUs

The post 16 rep noted that colleges provided alternative provision for 14-16s EG suggested that Surrey could make more use of college provision. It was considered part of external provision for the purposes of the review. Family Voice had had favourable feedback on college courses.

One member questioned whether the proposed cost containment of £0.8m in 2020/21 and £2.6m for a full year were achievable while improving services for vulnerable children. Alix advised that the cost containment would be achieved mostly by reducing the use of external tutors, and she was confident from benchmarking against other LAs that this should be achievable.

The Family Voice rep noted that Family Voice had been working with the User Voice and Participation service on the survey of children and also on another survey of parents and carers. She asked that Family Voice could be involved with the survey of schools.

Another member noted that there was often a link between AP and SEN and also emphasised the importance primary council attached to keeping children in their own communities.

## **7 Disapplication proposal submission (for transfer of funds to high needs block)**

LM noted that the format of the proposal was similar to 2020/21 and that most of the information in the proposed submission was already in the public domain. Forum members were being given the opportunity to comment on the draft and those comments would be considered and shared with the lead Cabinet member prior to sign off of the final submission. She suggested that in view of the scale of the high needs deficit, every option needed to be considered to reduce it and that, if we did not submit a disapplication request, the DfE might ask why we had



not. Equally it may be that the Secretary of State's position would be the same as in 2020/21.

One member commented that he understood the reason for the application and the content was much as he would expect, but that many of the figures could be interpreted in different ways. He suggested that headteachers were already under enormous financial pressure. He asked how schools should best present a counter case. LM advised that the appropriate route for schools to make representations was via Julie Iles.

LM urged that members focused their attention on solving the underlying problem: a cumulative high needs block deficit of £80m and £21m of savings already needed for next year. She suggested that there was a need for a joint approach. She recognised that schools were facing pressures which were unimaginable a year ago, Julie Iles observed that any representations were stronger if they were made collectively.

## **8 High needs place planning 2021/22**

EG explained that every year the LA had to advise the ESFA of the number of high needs places it wished to be funded directly by the ESFA in academies and colleges.

For 2021/22 the proposed place numbers were generally based on current actuals unless there was good reason to do otherwise. All academies and colleges with high needs places had been written to and offered the opportunity of a discussion. Very few had taken it up. If places were not filled the provider retained the place funding for the vacant places.

ESFA rarely disagrees with a proposal if the academies/colleges agree. The return was due in on Friday 13 November.

## **9 Surrey pay 2021/22**

Please see separate annex. This item was for consultation only and no formal proposals for Surrey pay 2021/22 have been published as at 13 Nov 2020

## **10 Local learning fund**

LM proposed to bring a further paper on the impact of the local learning fund allocations later, to give colleagues the opportunity to complete their projects and to assess the impact.

A large proportion of funding requests had been for training, suggesting that there was a need to review the training offer and to identify gaps in provision

Members had no questions to ask on this item.

## **11 Schools Forum business**

### **Election of Chair and two Vice Chairs**

Nominations should be sent to David Green by Friday 20 November. None had been received so far.

## **12 Any other business**

Nick Trier had asked to address the Forum on concerns about the proposals for implementation of the 2020 teachers' pay settlement in Surrey. It was suggested that he contacted schools directly to express his concerns.

**Meeting ended** 4.45pm

Date of next meeting      Thursday 10 December 2020 1pm, virtual meeting on  
TEAMS