

**ROTHERHAM SCHOOLS' FORUM  
FRIDAY 17 SEPTEMBER 2021**

In Attendance:-

Deborah Ball (Treeton Primary (Academy) (in the Chair);  
 Angela Acomb – Primary Maintained Governor  
 Lianne Camaish, Aspire  
 John Coleman – Nexus MAT  
 Kelly Crompton – AP Strategic Lead, CYPS  
 Councillor Victoria Cusworth – Cabinet Member for CYPS  
 Julie Day – Head of SEND, RMBC  
 Pepe Di'lasio – Wales High (Academy)  
 Nathan Heath – Assistant Director of Education, CYPS, RMBC  
 Ian Henderson - H.R. Officer, RMBC  
 Andy Krabbendam – CEO JMAT (Academy)  
 Angela McComb – Primary Maintained Governor  
 Lisa McCall – Wales High (Academy) (Substitute)  
 David Naisbitt – Oakwood High (Academy)  
 Vera Njelic - Principal Finance Officer, RMBC  
 Kirsty Peart - Sitwell Infant (Maintained)  
 Lynne Pepper – Herringthorpe Infant (Maintained)  
 Debbie Pons – Clerk, RMBC  
 Colin Price – NEU Representative  
 Alan Richards – Secondary Governor  
 Steve Scott – PVI Sector  
 Sharon Stones – Head of Arnold Nursery and Children's Centre  
 Paul Silvester – Newman Special School (Maintained)  
 Nevine Towers – Diocese of Sheffield

Mick Burns – NEU (Observer)

Apologies were received from:-

Raymund Brent – Primary Maintained Governor  
 Dean Fenton - Head of Access to Education  
 Neil Hardwick – Head of Finance, CYPS, RMBC  
 Janet Hodgkinson – GMB Representative

**17. WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to today's virtual meeting and introductions were made.

**18. DECLARATIONS OF INTEREST**

Colin Price (representing the NEU) declared an interest in Minute No. 26 (Education Union Facilities Time) on the grounds that he was a NEU Trade Union Member. He did speak, but did not vote on the item.

**19. MINUTES OF THE PREVIOUS MEETING**

Consideration was given to the minutes from the previous meeting held on 25<sup>th</sup> June, 2021.

Agreed:- That the minutes be approved subject to noting the amendment above.

**20. MATTERS ARISING FROM PREVIOUS MINUTES**

With regards to Minute No. 2 (Declarations of Interest) it was pointed out that Pepe Di'lasio was not an NEU Trade Union Member.

In terms of Minute No. 8 (High Needs Sub-Group Update) the meeting referred to on the 12<sup>th</sup> July, 2021, had not yet taken place. Once it had been held an update would be provided to the Schools Forum in due course.

**21. DSG MID-YEAR UPDATE**

Vera Njelic introduced the report updating on the the wider Dedicated Schools Grant (DSG) position for 2021/22 including the 2020/21 outturn and DSG reserve balances.

It was noted that on closure of the 2020/21 accounts the Council had not been notified of the final Early Years adjustment for 2020/21 as a result of the January schools and Early Years census. The Council estimated that this would be a clawback of £221,660 with notification of the actual adjustment being delayed until the autumn.

The initial allocations were issued in December 2020 and the latest July 2021 allocations have now been updated as set out in detail as part of the report.

The High Needs adjustment reflected any changes either in the placement by a Local Authority of pupils in schools and colleges located in other Local Authority areas (exports), or in the funding required by schools and colleges accepting pupils and students resident in other Local Authority areas (imports).

Reference was also made to the direct funding of academies (and high needs places) which had been revised.

As at the end of August (period 5), the anticipated outturn position for Early Years was a forecasted breakeven position at year end.

High Needs DSG had a forecast overspend of £0.756m based on the DSG recovery plan and included anticipated growth on EHCs numbers and the implementation of new developments linked to the SEND

Sufficiency Strategy.

Based on this the level of DSG central reserves deficit would increase from a deficit of £21.258m (carried forward from 2020/21) to £22.014m at the end of 2021/22. This would equate to 8.07% of the overall DSG allocation.

In summary, the financial sustainability of the high needs block remained a significant cause for concern for the borough and would require the support of the Schools Forum to implement the strategies to assist in reducing the financial pressures in the High Needs Block.

Agreed:- That the current position be noted.

## **22. NEW FUNDING ANNOUNCEMENTS**

Vera Njelic introduced the report which detailed how on the 19th July, 2021 the Minister of State for School Standards made a written statement setting of the key aspects to schools, high needs and central school services national funding formula for 2022/2023.

Provisional funding allocations for 2022/2023 through the schools, high needs and central services national funding formula (NFF) have since been published.

This confirmed school funding was increasing by 3.2% overall and by 2.8% per pupil, compared with 2021 to 2022.

High needs funding was increasing by £780m or 9.6% in 2022/2023. The high needs national funding formula would ensure that every Local Authority received at least an 8% increase per head of population.

The DfE had thus made a technical change to the historic spend factor within the high needs national funding formula following consultation this year. The factor had been updated to use 50% of Local Authorities' actual spend data in 2017 to 2018 rather than their planned spend.

The DfE were also decreasing the funding lag for the "FSM6" deprivation funding factor by nine months, by moving from using the previous year's January census to the October census for measuring eligibility.

In calculating low prior attainment proportions, data from the 2019 early years foundation stage profile (EYFSP) and key stage 2 (KS2) tests was used as a proxy for the 2020 tests, following the cancellation of assessment due to the pandemic.

In addition, schools' business rates would be paid by the ESFA to billing authorities directly on behalf of all state funded schools from 2022 to 2023 onwards.

It was also pointed out that Local Authorities would only be able to transfer 0.5% of their Schools Block with School Forum approval. To transfer more than this or any amount without Forum approval would result in them having to submit a request to the DfE.

Finally, Dedicated Schools Grant allocations would be released in December 2021 (following the October 2021 census).

The DfE had issued an initial consultation on how they proposed to move towards a hard national funding formula in which all mainstream schools would have their funding allocated according to a single national formula rather than individual local formulae as in the current system. The consultation was to close on the 30<sup>th</sup> September 2021.

Central schools services funding in 2022-23 would increase by 2% for the ongoing responsibilities that Local Authorities continue to have for all schools.

Agreed:- To receive the report and note the latest announcements relating to funding.

### 23. **SAFETY VALVE INTERVENTION PROGRAMME (DSG RECOVERY PLAN)**

Nathan Heath provided an update on the Safety Valve Intervention Programme by way of a presentation which covered:-

#### **What the high needs safety valve was:-**

- Significant pressures on high needs budgets have resulted in many local authorities accruing deficits on their Dedicated Schools Grant (DSG)
- High needs reforms and savings targets have been agreed for local authorities with the highest dedicated school grant deficits as part of Safety Valve Arrangements.
- There were two principal goals identified during the programme which were critical for the local authorities' ability to reach sustainable positions:
  - *appropriately managing demand for Education, Health and Care Plans (EHCPs), including assessment processes that are fit for purpose*
  - *use of appropriate and cost-effective provision. This includes ensuring mainstream schools are equipped and encouraged to meet needs where possible, whilst maintaining high standards for all pupils.*
- Five local authorities moved into those agreements in the last academic year - Bury, Hammersmith and Fulham, Kingston upon Thames, Richmond upon Thames, and Stoke on Trent.

- As part of the first round of safety valve agreements all five local authorities also agreed additional capital investment to support the key strategic priorities as outlined by DSG management templates.
- Learning from first round of high needs safety valves has been shared and disseminated by DFE.
- Learning shared includes key areas of focus and best practice case studies – Rotherham was included within this

### **The Safety Valve in a Rotherham Context**

- Previous updates to forum have given due note to safety valve activity in other local authorities.
- RMBC has previously met with EFSA to go through our management template and provide an overview of long term strategic planning linked to high needs budget.
- As part of the next stage of DFE Safety Valve Agreement, Rotherham have been invited to join negotiations.
- First phase of process will begin at the end of September and includes senior leaders from with RMBC.
- The DFE/EFSA negotiation teams include ex CEX of a Local Authority, Chief financial officers, DFE/EFSA colleagues.
- Work will be undertaken to look at our management plan and develop an agreement that supports a more sustainable long term funding model.

### **Key Areas of Cocus of Safety Valve Agreements**

- Early intervention focus
- Increased SEN support offer
- Review EHCP assessment processes and thresholds
- Culture change and work with school leaders
- Appropriate and thorough provision mapping, with potential development of more local provision

### **Key Areas of Cocus of Safety Valve Agreements – Next Steps**

- Schools Forum will receive regular updates and detailed plans emanating from Safety Valve discussions.
- Schools Forum High Needs Sub-Group will have a key role in driving action linked to our management plans forward.
- Engagement and co-production of future areas of development across stakeholders will be essential in maximising opportunities against Safety Valve Agreement.
- Key areas of focus for Rotherham will develop out of the initial discussions and subsequent negotiations as part of this a rigid long term plan will be developed.

The Forum in their receipt of the presentation welcomed the structural input to provide solutions to a situation that had been endemic over a number of years.

Whilst the opportunities and understandings from this process would meet the long term aspirations, it was not possible to give any timescales from the discussions to date. This was the reason for why the meeting of the High Needs Sub-Group had not taken place in July, but once further details had been provided the action led process would continue.

Agreed:- (1) That the presentation update be received and the contents noted.

(2) That a copy of the presentation be circulated to the Forum Membership after the meeting.

## 24. SEN INSPECTION UPDATE

Nathan Heath was not yet able to share the outcome of the recent SEN Inspection. The outcome had been expected by the end of August, but as yet had not been received.

Once the report had been published this would be cascaded to Forum Members via the Clerk and this would in turn be considered by the High Needs Sub-Group at its next meeting.

Julie Day detailed how the Authority was visited by Ofsted and the Care Quality Commission (CQC), during July to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014 and the SEND Code of Practice. The outcome letter was still awaited.

Julie also provided an update on the SEN Inspection process by way of a presentation which covered:-

### **Main Expectations**

The local area health, social and education services need to work together to:-

- publish a 'local offer' setting out the support and provision in the area for children and young adults with special educational needs or disabilities (or both);
- provide accessible information to children and young people, as well as parents and carers, about the services and support available in the local area;
- work with children and young people, their parents and carers, and service providers to make sure that any special needs or disabilities (or both) are identified as early as possible.

The local area health, social and education services need to work together to:-

- assess (in co-operation with children and young people and their

parents and carers) the needs of children and young people with special educational needs or disabilities (or both) who may need an education, health and social care plan (EHCP);

- produce an EHCP for all children and young people who are assessed as needing one (all relevant agencies should cooperate to do this and involve the children and young people and their parents and carers);
- provide children and young people with the support agreed in their EHCP, and regularly review their plans.

#### **Over the course of the 5-days the inspectors:-**

- **met with managers** and leaders from the area's education, health and social care services;
- looked at young people's **case files** to better understand how well the local area meets its responsibilities overall;
- visited **early years settings, schools, further education providers and specialist services**;
- spent time speaking to **children, young people** and their **parents or carers**. Many of the meetings and discussions took place virtually;
- looked for evidence of how children and young people with special educational needs or disabilities (or both) are **identified**, how their **needs are assessed and met**, and how they are supported to move on to their next stage of education, the world of work and wider **preparation for adulthood**;
- There was also an opportunity for parents and carers to express their views through a **survey**.

#### **Send Performance Dashboard – Graphical Data.**

##### **Graduated Response**

- SEND online resource
- SENCO virtual network event: dates 3.11.21, 2.03.22, 8.06.22
- Local Offer and school information reports
- Provision mapping – commissioning
- NASEN and Whole School SEND
- Accessibility Planning
- Outreach

Agreed:- (1) That the presentation update be received and the contents noted.

(2) That a copy of the presentation be circulated to the Forum Membership after the meeting.

## **25. ALTERNATIVE PROVISION REVIEW AND UPDATE**

Kerry Crompton provided an update on the Alternative Provision Review

by way of a presentation which covered:-

### **Key principles of ISOS work**

Recap on the overview of the key findings of the ISOS work and development of a clear area wide inclusion panels, including:-

- Strengthening inclusion across borough.
- Regular communication across education system in the borough on development and opportunity.
- Strategic leadership from school leaders and LA to hold accountability across the newly developed approach.
- Clear Vision for Inclusion system across the borough.
- Shared Expectations are held across school system to drive inclusive practice.
- Pro-active approach which places early intervention as key ethos system.
- Responsibilities on all areas of Inclusion system are known and fully understood to drive inclusive practice.

### **Key Updates**

- AP Strategic lead-  
[kelly.crompton@rotherham.gov.uk](mailto:kelly.crompton@rotherham.gov.uk)
- Head of SEND  
[julie.day@rotherham.gov.uk](mailto:julie.day@rotherham.gov.uk)
- Panel meeting dates have gone out to schools for gradual integration of new pathway for Autumn term.
- Processes and operational guidance have been shared with schools
- Referral form and process mapping have been standardised and developed from Inclusion Pathway Steering Group.
- Autumn review and End of year development day have been factored into forward planning.

### **Operational Guidance**

- Overview of process including step by step process is outlined.
- Structure and context of process is provided include clear parameters.
- Contacts and key documents including statutory guidance
- This is a living document, it will develop over time to sit against the development of the process.
- The operational guide should be accessible to all stakeholders and sit against the process.

### **Meetings**

- Twice half termly meetings for each phase.

- Area wide focus and collaborative approach needed.
- Referrals will be discussed against set referral process – differentiated for primary and secondary phase.
- There will also be a focus on students returning to mainstream
- Key areas are essential including decision makers been part of the process are key.
- Schools can access advice and guidance through panel approach
- Thematic areas of discussions will also be shared with context of meetings.

### **Next Steps on Rotherham Inclusion Pathway**

- Inclusion Panels gradually implemented in Autumn term, and developed across academic year 2021-22.
- Review of initial processes – November 2021
- End of year stock take – June/July 2022
- Secondary outreach model – 2022-23
- AP quality assurance and commissioning framework – to be developed across 2021-2022.

The Forum welcomed the update and acknowledged the positive indepth work undertaken.

Agreed:- (1) That the presentation update be received and the contents noted.

(2) That a copy of the presentation be circulated to the Forum Membership after the meeting.

## **26. EDUCATION UNIONS FACILITY TIME**

Ian Henderson introduced the submitted report and provided some background and how there were several pieces of legislation which provided a legal obligation on employers to provide paid time off to elected trade union representatives from their employment to enable them to carry out trade union duties.

The amount of secondment time granted to each education union in Rotherham was dependent upon the funds available from contributing Schools/Academies to the Facility Time Buyback Scheme. The funding received paid for the release of the union officials from their employing school. The amount of facility time available was reviewed and agreed each year and should the funding be reduced or increased through variations in the number of schools contributing, the amount of seconded time off was reduced or increased accordingly.

The teaching profession continued to be one of the most unionised professions in the country and consequently the recognised education unions in Rotherham represented over 99% of teachers in the borough.

The total facility time able to be funded from the buyback budget and afforded to the education unions currently equated to 1.2 FTE (6.25 days). This amount of facility time fell short of the normal industry practice of granting 1 FTE day facility time per 1,000 members.

The NEU had 1348 members which would equate to 6.75 days facility time for that union if the above ratio was applied, half a day more than the total amount of time currently provided to the NEU, NASUWT, NAHT and ASCL combined. A total of thirteen days facility time would be required to align to current union membership figures and a ratio of 1 FTE day per 1,000 members.

Benchmarking had identified that Rotherham's per pupil charge was the lowest in the region, being less than half that of our nearest statistical comparator, Barnsley Council.

To provide a more representative facility time to the education unions, to enable them to represent their members effectively, the per pupil rate could be increased in line with statistical neighbours to provide a higher budget for the allocation.

Options for consideration, therefore, were:-

### **Option 1**

Maintain policy of increasing the per pupil charge by the rate of inflation. It was not recommended that this approach was taken as it failed to address the insufficient facility time required for schools to be adequately supported in employee relation issues in a timely manner by the unions.

### **Option 2**

Increase the per pupil charge to £4.75 from 1st April, 2022. This option would provide the budget required to increase the facility time allocation to representative levels, however schools will not have budgeted for such an increase and the pressure from the current pandemic has already put on school budgets it was not recommended that this approach was taken.

### **Option 3**

The per pupil charge could be increased incrementally over the next five years by 55p over the normal inflationary price increase from 1st April, 2022. This phased approach would allow schools to accommodate the increase into their medium to long term budget planning.

Examples of how members were affected and the highly regarded de-escalation techniques used with schools and colleagues were provided.

The favoured option recommended was that the per pupil charge for the facility time buyback be increased in line with statistical neighbours and this be achieved by the implementation of Option 3 from 1st April, 2022.

Agreed:- That the report be received and a consultation process be

undertaken with schools on the three options contained within the report.

**27. ANY OTHER BUSINESS**

There were no other items of business put forward for the agenda other than a request from Sharon Stones to join the High Needs Sub-Group which was agreed. An invitation would be made to Sharon in due course.

**28. DATE OF NEXT MEETING**

Agreed:- That the next meeting of the Schools' Forum take place on a virtual basis on Friday, 19th November, 2021 at 8.30 a.m.