

AGENDA



SCHOOLS FORUM

Date: Thursday 3 November 2022
Time: 4.30pm
Place: Microsoft Teams

Distribution

Members of the Committee

Pippa Osborne (Chair)	Dave Baker (Vice Chair)
Julia Anwar	Ross Newman
Jo Dent	Diane Owen
Stuart Evans	Lisa Parker
Kim Garland	Will Roberts
Clare Haughton	Fr. Malcolm Strange
Aaron Jefferies	Andy Watson
David Jenkins	Susie Weaver
Nicola Jones	Bernice Webber
Louise Leader	David Williams
Kirby Littlewood	Louisa Wilson
Steve Moir	

Appropriate Officers attending:

Mustafa Salih
Hilary Smith
Caroline Warren

Councillors attending:

Erica Williams
Trevor Jones

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AGENDA

- 1 WELCOME AND INTRODUCTIONS
- 2 APOLOGIES FOR ABSENCE (Pippa Osborne)
- 3 DECLARATIONS OF INTEREST (Pippa Osborne)
- 4 SCHOOLS FORUM MEMBERSHIP (Mustafa Salih)
 1. Tamsin Moreton to be appointed as Schools Forum Substitute Rep for Special Academies
 2. Maintained Primary Heads nominations
 - *Thursday 29 September: Nomination forms circulated to all maintained primary schools*
 - *Friday 7 October: Discussion at Heads Exec meeting*
 - *Friday 14 October: Deadline for submission of self-nominations*
 - *If only one nomination they can be elected at SF on 3 November*
 3. Substitute Governor Rep – letter to go out Sep/Oct
- 5 ANY OTHER ITEMS THE CHAIR DECIDES ARE URGENT (Pippa Osborne)
- 6 MINUTES FROM 22 SEPTEMBER MEETING (Pippa Osborne)
- 7 IMPLEMENTATION OF NEW BANDING AND TOP UP ARRANGEMENT FOR SPECIAL SCHOOLS AND ALTERNATIVE PROVISION (Mustafa Salih)
- 8 HNWG UPDATE (Susie Weaver)
- 9 SCHOOLS FORUM SELF-ASSESSMENT CHECKLIST (Mustafa Salih) (Verbal)
- 10 COST PRESSURES AND BUDGET PLANNING (Mustafa Salih) (Verbal)
- 11 SCHOOLS FORUM FORWARD PLAN
- 12 ANY OTHER BUSINESS

**South Gloucestershire Schools Forum
Minutes of Meeting held on
Thursday 22 September 2022
Microsoft Teams**

PRESENT:

Dave Baker (Vice Chair)	CEO, Olympus Academy Trust
Julia Anwar	Head of Business Operations, Olympus Academy Trust
Clare Haughton	Page Park Pre-School
Aaron Jefferies	Primary Governor, Coniston Primary School
Nicola Jones	Representative Special Academies
Louise Leader	Headteacher, Pathways Learning Centre
Kirby Littlewood	Headteacher, Stanbridge Primary School
Steve Moir	Headteacher, Bradley Stoke School
Ross Newman	Early Years Schools Forum Representative
Pippa Osborne	Headteacher Christ Church Junior School
Diane Owen	Chair, King's Oak Academy
Lisa Parker	Headteacher, Warmley Park School
Will Roberts	CEO, Castle School Education Trust (CSET)
Susie Weaver	Executive Headteacher, Cabot Learning Federation
Bernice Webber	Headteacher, Old Sodbury CE Primary School
David Williams	Diocese of Gloucester
Louisa Wilson	Headteacher, St. Stephens C of E Junior School

Executive Members:

Erica Williams, Cabinet Member - Schools, Skills & Employment

Officers:

Mustafa Salih, Head of Financial Management and Business Support
Hilary Smith, Head of Education, Learning and Skills
Michelle Palmer, Senior Finance Officer

Others:

Patrick Grant, Education, Skills & Funding Agency (ESFA), (Observer)

1. WELCOME AND INTRODUCTIONS

Attendees were welcomed by the Vice Chair.

2. APOLOGIES FOR ABSENCE

Trevor Jones, Erica Williams, Chris Sivers, Jo Dent, Stuart Evans, Kim Garland, Claire Hill, David Jenkins, Steve Moir, Fr. Malcolm Strange, Andy Watson

3. DECLARATIONS OF INTEREST – None**4. SCHOOLS FORUM MEMBERSHIP – Election of Chair (Ali Davies)**

To be dealt with under Agenda Item 9.

5. ANY OTHER ITEMS THE VICE-CHAIR DECIDES ARE URGENT (Dave Baker)

None

6. MINUTES FROM LAST MEETING – 07th July 2022**Special Schools letter**

Action: Hilary to ask Mustafa if a letter has been sent to schools.

MS confirmed the letter was sent to Special School Heads this week. A lot of the issues raised in the letter from Special School Heads had already been dealt with through different mechanisms.

Remainder of the Minutes recorded as accurate.

7. School Place Planning (Hilary Smith)

Schools Forum had previously received the Commissioning of School Places Strategy and we thought it would be useful to bring a more condensed version in relation to school places.

We looked at the way we do our place planning to see if there are any areas that can be improved and to ensure we are maximising our capital resources through basic need and Section 106. Generally, authorities are not able to fund all the schemes they want to do on the school estate.

We do have our methodology and some best practice where we have the flexibility to take additional children through the year, for example a sudden influx of children from the Hong Kong scheme and Ukraine.

Also, in terms of S106 contributions we are finding that it takes a long time for the achievement of negotiated S106 contributions and there is sometimes a lag to develop new places from when the case for new places was identified. We constantly need to keep it under review.

In terms of places, we have got sufficient primary places overall across the board. It is expected that the number of surplus places will reduce due to the in-year movement and in the longer term, residential development in this area will certainly require additional Secondary infrastructure.

Overall, we have some surplus places and it is concentrated in the North but the pressures are in the rest of the LA area. At every planning area we are at the point of having sufficient places including new schools at Lyde Green and the expansion at Abbeywood and those new provisions are needed. Lyde Green has been subject to delays. It has been very laborious and quite a complex negotiation process with the Department for Education (DfE) and impacting on our ability to open that new school. We will be discussing this with our Secondary schools. The overall summary is that there are sufficient places within the primary sector for the future and in Secondary we can deliver on the Lyde Green Secondary school and complete on the Abbeywood school to meet a sufficiency in places.

Lisa Parker– Are there similar projections in special schools places?

HS – We engaged a consultancy to look at the pupil and SEND data set and it is a really different way of projecting for special schools, not just overall but the different categories of need and how provision is covered within mainstream. It is an element of workstream 5 of our Deficit Recovery Plan.

Diane Owen – what is the timeline and clarity to review the situation and when it should be shared with School Forum?

HS – Keeping a review every year and have a regular update to bring to Schools Forum, in terms of where we are at with our places and using our resources to sustain efficiently and effectively. We will keep it under review and bring a report to Schools Forum to highlight the position.

Diane Owen – Is June the right time for the School Capacity and Place Planning (SCAPP) return to be submitted to the DfE so we can feed additional information into a report to bring to Schools Forum in October?

Action:

School Capacity and Place Planning (SCAPP) - Standing Item each September.

Julia Anwar– There are 2 key projects, Lyde Green and Abbeywood - question about linking of place planning and make sure they both work on a similar timeline.

HS – The reason for the delay is about the current climate of the market and the significant increase in prices we are seeing, and before we have gone to the next stage, prices have increased. We need to know that what we have got on the table is affordable and have got sufficient resources to deliver.

Dave Baker – Primary – new housing developments. There are a number of new primary schools to be built, interested in the context of what the numbers and

demographic change says and the need to make sure we have the right capacity in the right places without any schools coming under threat from excess places.

HS – Filton Airbase – there will be a requirement for new schools because of the sheer scale of the development but there are other areas where currently we need to develop new places. Before we go any further now what we need is to sense check what is the capacity of that new development, issues of planning, issues of constraints of existing schools or as Lyde Green where the ring road separates the development from the rest of the community. We are reviewing schemes we have got in the pipeline.

Dave Baker – Not now but future reporting - how do we make those numbers visible?

Dave Baker – Secondary– in the report there is some information on stay-on rates and people moving out of county and wondered whether it is based on clear trends as there is quite a shift?

HS – Basically taken an average based on the trend in past years, this year is the first year we have seen an uplift and we anticipate that this will continue because of our schools' performance. Bristol and BANES are having a positive impact on staying-on rates: worst- and best-case scenario we try and modify the trend and projections.

Ross Newman – Is there any place planning for Nurseries as many are closing or struggling. Will nursery classes be considered in new primary schools?

HS – Yes, we have recently carried out a survey of all our childcare settings. Although on paper we have sufficient childcare places, families are struggling to access childcare. We will bring a report to Members and share with Schools Forum the outcome of the survey. My view is that we need to be working in collaboration with our schools and inviting schools to consider to lower their age range to nursery places. So far, 5 schools are willing to do that.

Louise Leader - Is there any evidence to suggest that the stay on rates are directly linked to an improving schools performance picture, rather than other factors such as financial drivers? e.g., parents not pursuing the public school system locally. This may return as an issue in future years...?

HS – There is evidence generally schools are performing well and a number of parents who would have chosen independent schools now stay in the maintained sector. We also know that some of our local independent schools are struggling to be sustainable. There are other facts impacting e.g. some parents send their children out of county and rather than drive they are now choosing South Glos schools as well.

Dave Baker – We need to revisit this item.

8. Budget Update (Mustafa Salih)

Safety Valve Agreement

Signed the Safety Valve Agreement with the DfE and if we can stay on target on with our spending and deficit reduction then that would unlock £25m coming to the Council to reduce the historic debt.

We returned Q1 in June/July which was approved by the DfE and unlocked a further £1m. We are submitting Q2 tomorrow and that will go into their monitoring system. There continues to be continued pressure on EHCP top-ups and number of EHCPs and underlines the importance of sticking to the plan and that we keep taking our planned steps to bring us back to a balanced position. The challenge is not getting easier it will get more and more difficult to keep on target.

Special Schools Approach

MS produced some slides. Copy of these slides will be sent out with the Minutes

We have implemented the banding for mainstream schools from this September and delayed the banding for the special schools and our intention is to work with special schools to implement the banding from April 2023.

Recap on the principles we all agreed, primarily reasonableness and fairness. We all agreed to take a fair share of the burden to move to a balanced budget position and that Special Schools need to make their fair contribution to that.

Internal discussions are underway as we move to that 1st April 2023 implementation date and we have come up with a new approach that offers more protection to Special Schools and treats them in a very similar way to Mainstream Schools.

Minimum Funding Guarantee (MFG) for Special Schools

The MFG regulations do suggest that the MFG would not be a factor in our banding proposals as the proposed changes are part of a system wide change. For our proposals for 2023/24, I will, however, be submitting a disapplication request to make sure my interpretation of the regulations is correct. This proposal is going to apply to special schools only. We intend to take a bit longer to understand how the PLC operates across a wide range of needs and making sure the funding methodology meets that level of complexity. We have not got a timeframe for this in-depth review but we will come back with regular updates.

We have carried out a detailed modelling that impacts on each special school and we are meeting with Special School Heads on 7th October and will present that to them and take on any comments and bring this review to Schools Forum on the 7th November. We will then present the views of Schools Forum to the Executive Member who will then make the decision to implement on 1st April 2023 or other.

It is fair and in line with mainstream schools; it potentially slows down our recovery and we will need to work harder to find compensating savings in other areas such as Out of Authority placements.

Julia Anwar – External cost pressures – what could the impact be on that safety valve because of those additional costs that occur – worst position?

MS –The council also incurs cost pressures as well as our schools. This has come out of the blue due to inflation rapidly increasing. What we can't do is let these new cost pressures impact on our expenditure with pupils with SEND. We need to make sure they get support. We are obviously aware that we need to monitor that going forward and understand those cost pressures and lobby for more funding support for schools.

Julia Anwar – Safety Vale – is there any conversation with ESFA and DfE about the cost pressures?

MS – Yes the quarter 2 return included the risk to our Safety Valve plans if these unfunded cost pressures are not dealt with by the Government.

Action:

Add agenda item for next meeting – Cost Pressures.

Dave Baker – Special Heads were grateful for the deferral to next year.

Lisa Parker - We do want to work with the Council and all schools and it is a shared issue and we are all concerned about how we are going to meet those new costs like fuel bills.

9. Schools Forum Membership, Constitution & Self-Assessment (Ali Davies)

AD welcomed Aaron Jefferies and Andy Watson, although Andy unable to attend.

Purpose of the report is to look at the membership, the constitution, the 2021 schools census and to note the process of the Toolkit.

The latest membership list is published on our Schools Forum page and is dated September 2022. There are no proposed changes to the membership. No members are coming to the end of their terms of office which is 4 years.

There are 2 vacancies on Schools Forum, namely one Primary Head Maintained Headteacher/Headteacher Rep and one Secondary Academy Headteacher/Headteacher Representative or Governor.

The primary vacancy is being taken forward to the Primary Heads Executive and the Secondary Academy Headteacher will be taken forward through the Academies Group.

In terms of future Schools Forum meetings, the guidelines allow for these to be held virtually indefinitely.

We are not proposing any changes to the review of the constitution and members are asked to note the draft Self -Assessment which will be an agenda item for the November Schools Forum.

Question regarding representation for maintained nurseries and how they can be represented within an academy.

AD – To take away and come back.

Dave Baker – Support for the proposals and recommendations. Agreed.

Dave Baker – this is Ali's last meeting and we will be sad to see her go and wish her well and for her support with Schools Forum.

Item 4 – Election of Chair

Ali Davies thanked Pippa Osborne for putting herself forward as the new Chair. This nomination was seconded by Louise Leader and Susie Weaver.

Pippa introduced herself as Headteacher at Christchurch Junior School and has been the primary maintained headteacher rep on the board since 2019.

I am delighted that Dave will support me in this role as Vice Chair. I am looking forward to further the work of this important committee.

Virtual hands: Pippa Osborne was duly elected unanimously to be Chair of the Schools Forum.

Role of Vice Chair – Dave Baker has done that role for the last few years and willing to carry on and as there were no other nominations, Dave will remain as Vice Chair. He said he will be supporting Pippa and will go through the usual planning process.

10. SCHOOLS FORUM FORWARD PLAN

Nov	3rd			
		7	Implementation of new banding and top up arrangement for special schools and alternative provision.	Mustafa Salih
		8	Schools Forum Self-Assessment Checklist	Mustafa Salih
		9	Cost pressures and budget planning as a general item and will have a better idea of maintained schools and we can get a view from the academies.	Mustafa Salih

Meeting closed

South Gloucestershire Council

REPORT TO: SCHOOLS FORUM

DATE: 3 November 2022

REPORT TITLE: Banding and Top-Up Funding Arrangements for Pupils at Special Schools.

Purpose of Report

- 1 To Consult the Schools Forum on the adoption of a new comprehensive, universal SEND banding model and Top-Up Funding (TuF) arrangements from 1 April 2023 for all Special Schools.

Recommendations

- 2 Schools Forum is recommended to:
 - a) *approve the new banding and top-up arrangements as set out in this report for Special Schools settings shown in paragraph 46 of this Report,*
 - b) *approve implementation of transitional protection outlined in this report to minimise financial turbulence for schools as they transition to the new bandings and top-up arrangements.*

Policy

3. The School and Early Years Finance (England) Regulations set out requirements local authorities have to follow in establishing funding arrangements for schools. These regulations are supplemented by the DfE's High Needs Operational Guide 2023/24 that provides specific guidance regarding the funding arrangements for supporting pupils with special educational needs and disabilities (SEND).
4. The source of funding to support schools and SEND pupils is a ring-fenced grant received by local authorities known as the Dedicated Schools Grant (DSG). Local Authorities must distribute an element of the Schools Budget to their maintained schools using a formula which accords with the regulations made by the Secretary of State for Education and enables the calculation of a budget share for each maintained school. The financial controls within which delegation works are set out in the Council's Scheme for the Financing of Schools.

5. The DSG is allocated to local authorities in 4 blocks as follows:
 - Schools Block: relates mainly to funding for mainstream school budget shares
 - High Needs Block: relates to funding to support children and young people with Special Educational Needs and Disabilities (SEND),
 - Early Years Block: relates to funding for supporting nursery education providers and other general early years education responsibilities,
 - Central Services Block: relates to funding to support LA statutory responsibilities relating to schools.
6. Requirements relating to each of the blocks and the DSG in totality are covered in the regulations previously mentioned.

Background

7. South Gloucestershire Council carried out a review of how Top-Up Funding (TuF) is allocated last year and found that the current system is very complex, decisions are not always consistent and proportionate to the assessed needs of the children and young people. This often leads to confusion for parents, schools and officers and a lack of transparency.
8. In January 2021, a working group, led and facilitated by 2 independent SEN consultants, was commissioned to carry out this review. All relevant partners and sector representatives were part of the working group including early years, mainstream schools, special schools, colleges, local authority officers and parent/carers. A wider group of professionals was involved to test and contribute to all stages of the review. The review engaged with educational psychologists, health professionals like speech and language therapist, occupational therapy, physiotherapy and sensory support alongside other advisory teachers.
9. The working group analysed in detail local, regional, and national data. The review found that South Gloucestershire has more children identified as requiring an EHCP than other comparable Local Authorities (LAs). The funding allocated as TuF is also, on average, much higher than in most other local authorities across the country. Further testing of the local data also revealed an unusual pattern of allocation of TuF funding across different educational settings.
10. The review shared examples of good practice from other local areas and carried out an appraisal of options with a view to deliver a more transparent, clearer and fairer system. The review recommended a new universal, needs led banding model which means that it will apply consistently across all age groups and all types of early years settings, schools and colleges.

The Case for Change

Increasing Transparency and Clarity

11. The Review mentioned previously, highlighted the current complex and confusing arrangements including a plethora of funding allocation methodologies. The following table shows a multitude of funding arrangements shown in red that apply not only across different sectors but even within each sector.

Type of provision	Funding arrangements for top ups		How decisions are made
	Without EHCP	With EHCP	
Early years	Discretionary Inclusion funding	Matrix (hourly rate amended for EY, currently £9.40 per hour)	SEN Panel
Mainstream schools	Cluster funding	- Ready reckoner - Matrix - Individual funding arrangements	SEN Panel
Special schools	None	- Banding - Individual funding arrangements	Special schools request bands, LA decides (SEN panel, EHCP team leader/Manager)
Resource Bases	None	- Fixed rate tops ups for some RBs - Banding - Individual funding arrangements	RBs request top up funding, LA decides (Team Leader, countersigned by Team Manager)
FE	None	- Individual costing requested by colleges	Colleges request top up funding , not considered by a panel (Team Leader, countersigned by Team Manager)

12. The table above highlights the critical need to move to a universal banding and TuF system to instil clarity and transparency for all stakeholders.

Benefiting from Approaches Many other LAs have Adopted

13. The current approaches have also created a lopsided system within South Gloucestershire. The review found that South Gloucestershire, is characterised with more children being identified as requiring an EHCP than other comparable LAs. The funding allocated as TuF is also, on average, much higher than in most other local authorities across the country. Both of these factors can clearly be seen in the following two charts:

Chart 1: Benchmarking data comparing the proportion of children and young people with SEN statements or EHC plans. (DfE 2019/20 data)

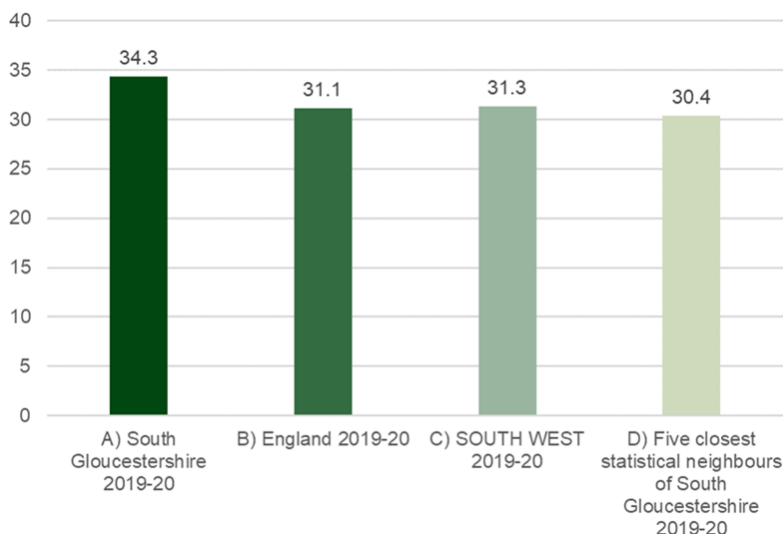
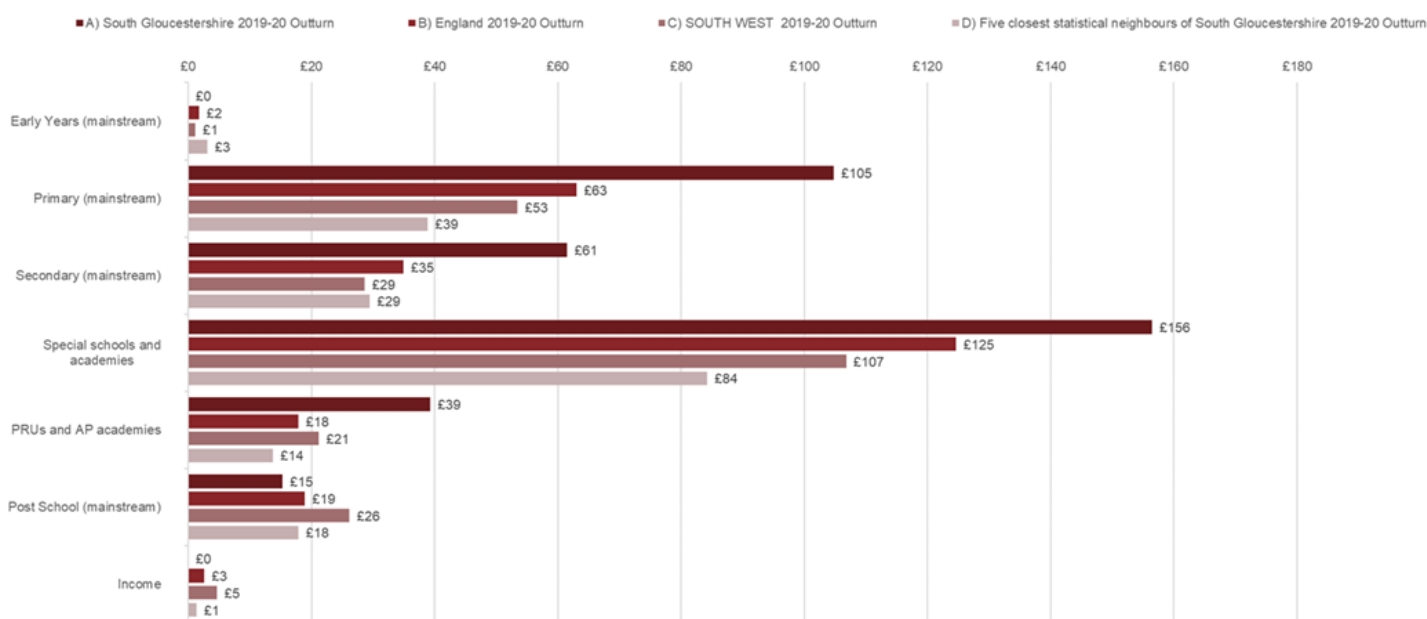


Chart 2: Top Up Funding for Mainstream Schools (DfE 2019/20 Data) **this chart includes other schools too.note RBs are included in mainstream figures**



14. Put simply, our local SEND system cannot be sustained while we continue to be such an extreme outlier on these two important measures.

New Banding and TuF System as approved in 2021/22

15. Working with school and parent carer representatives, a new comprehensive banding and TuF system has been developed with ongoing reviews to amend as needed as the implementation and transition period is worked through. Mainstream schools started on the new system from 1 September 2022 while the decision was taken to delay implementation for Special Schools so that further work could be done on the banding values for Special Schools. That work has been ongoing with Special School Heads

during 2022/23 and the values and protection mechanisms have been amended so that Special Schools can move onto the new banding system from 1 April 2023 with a reasonable and manageable impact on those Schools.

16. Each band includes a description of need for each area of SEND that a child or young person (CYP) may have, such as cognition and learning, speech language and communication needs, physical and sensory impairments etc. Where a CYP's needs are at band 0 or 1, their support can be delivered via provision ordinarily available in setting/school/college's. The Council has developed the South Gloucestershire Inclusion Toolkit, which gives more detail on what that support might look like ([The South Glos Way Inclusion Toolkit | SafeguardingSouth Gloucestershire Safeguarding](#)).
17. When the severity of needs fall into bands 2 to 6, they will result in the setting/school/college receiving TuF.
18. Bands can be changed to a lower or higher level depending on the changing needs of the individual child/young person. If needs of the individual child change, educational settings will be able to submit an application to change the band allocation. Written evidence, such as recent assessment, or evidence of progress will have to be submitted. Subject to data sharing and consent requirements, decisions will be made through a 'school to school moderation' to ensure consistent and fair application of the process. It also means that professionals, such as SENCOs and Headteachers working in South Gloucestershire schools and colleges, can share their professional expertise and good practice.
19. The Parent/Carer Forum was represented and contributed to all stages of the review, including analysis of local and national data, analysis of the current systems and its impact, considering examples of good practice from other local areas, development of the new methodology, the implementation and communication strategy.
20. A key stakeholder are our parents and carers, hence the close involvement of the Parent Carers Forum in the development of our proposals. The aim is that the benefits for parents and carers of the new banding methodology will include:
 - Introducing a fair, transparent and universal way of allocating top up funding.
 - Simplifying and replacing a number of different tools and approaches currently used which both educational settings and parents find confusing.
 - Introducing a greater focus on partnership working between schools and the local authority in reaching decisions on funding. This will support professional development, sharing of good practice and fairer distribution of the High Need budget.
 - Supporting the local authority to fulfil their legal obligations to make the provision specified in children's EHCPs (section 42(2) of the Children and Families Act 2014) by ensuring that funding is given to schools where the cost of provision

exceeds the national High Need threshold. The Schools Forum is aware that the new banding methodology will, in some cases, reduce the level of funding provided to individual educational settings and therefore supports the proposal to implement transitional financial arrangements, over an agreed number of years, which will ensure that schools can manage this step down change effectively;

- Providing a system which delivers funding in a transparent way, directly linked to the needs of the CYP described in part B of their EHCP;
- Helping to improve the quality of EHCPs and Annual Reviews by encouraging all contributors to specify the needs of the CYP more clearly so that they can be accurately compared to the banding descriptors. This will ensure that the local authority will be able to make better informed and timely decisions about the amendments to the EHCPs.
- Encouraging joint working between parents, schools and the local authority to understand a whole system approach to SEND needs locally described in three key documents: South Gloucestershire Inclusion Toolkit, EHCP Decision Making Guidance and the Allocation of Top Up Funding Operational Guidance.

21. It is also understood that any new system will take time to embed, and it is likely there will be some teething problems. The new system goes a significant way to address the problems with the previous methodologies and the Parent/Carers Forum are well placed to play a role in the ongoing monitoring of the system to ensure that CYP's needs are properly met in all settings.

22. It is a key element of the Council's plans that the Parent Carer Forum will be involved in the monitoring of the implementation of the new banding model.

23. Working with the Schools Forum the Council developed a number of principles to underpin this manageable path to a new comprehensive banding system and the Forum endorsed the recovery plan ([Schools forum \(southglos.gov.uk\)](https://www.southglos.gov.uk)) and the following principles:

Principle 1: Taking Manageable Steps.

24. We continue to be above the England average for the proportion of pupil with EHCPs and also in terms of our top-up levels, as shown in Chart 1 and Chart 2 above.

25. Chart 2 shows that the reductions in South Gloucestershire top-up levels needed to reach the England averages are: Primary - 40%, Secondary - 43%, Special - 20%, PRUs - 54%. Independent/Private - 21%

26. To ensure we take manageable steps to a balanced budget position the aim is to move **towards** the England Averages for the proportion of pupils supported with EHCPS and top up levels rather than **to** them.

27. Top up level changes will be as follows:

- Prim/Sec: 25% reduction rather than 40%/43%
- Spec: 14% reduction rather than 20%
- PRU: 17% reduction rather than 54%
- Ind/Priv: 10% reduction rather than 21%

28. Taking manageable steps will also be achieved by transitional protection, which will operate in two ways:

(i). The target to achieve in top up reductions is a much lower target than the data would suggest and we are also doing it in a phased way over 3 years e.g. for primary and secondary schools:

	Mainstream and Resource Bases	Special Schools
2022/23	7%	5%
2023/24	10%	5%
2024/25	8%	4%

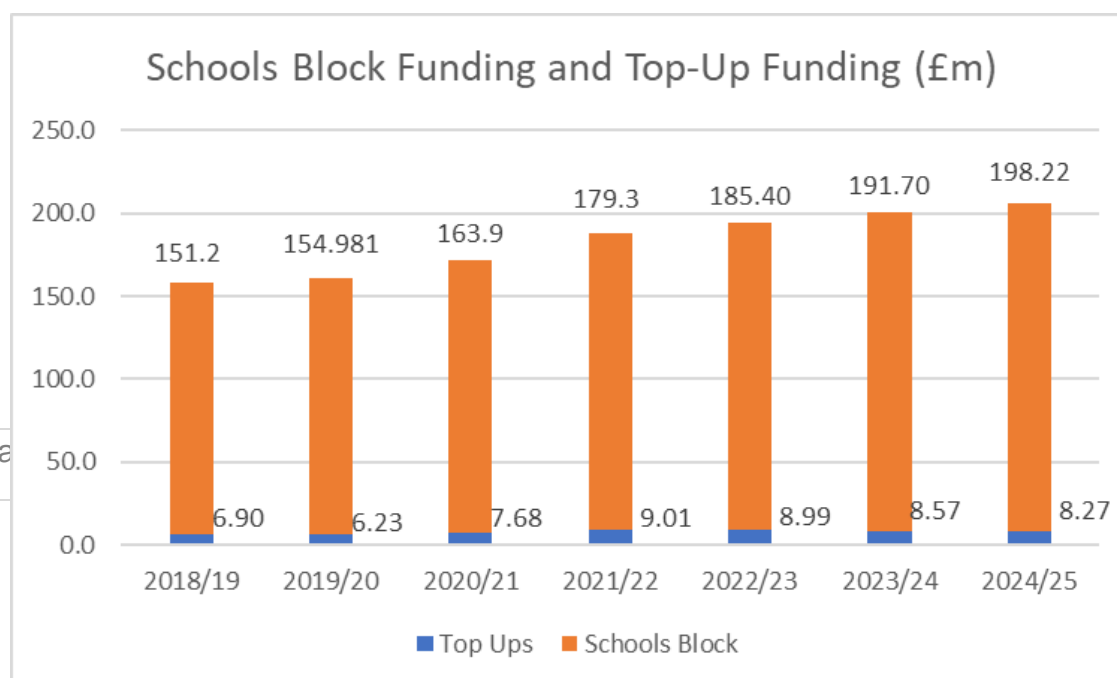
(ii) Individual school level: for schools affected by a greater percentage reduction than the percentages shown above they will be protected at the percentages shown above.

Principle 2: Fairness:

29. All areas of SEND expenditure will take a proportionate impact; the impact is not just being felt by schools.

Principle 3: Affordable

30. Since the introduction of the National Funding Formula South Gloucestershire schools have received extra funding and so are in a more favourable position than they have been to support pupils with SEND. Even with the phased reductions in top-ups overall funding to schools will continue to grow as follows:



31. In addition, investment in Cluster Funds and new Early Years SEND Support will continue to grow overall funding while spending starts to switch from Top-Ups to direct schools funding and early intervention funding.

Principle 4: Flexible and adaptable

32. The overall DSG Sustainability Plan is based on modelling using prudent assumptions and we will need to update the plan each year based on actual spend and actual funding outcomes. The plan will be updated for changes in EHCP numbers, DSG income, inflation and the outcomes from the ongoing banding moderation process.

Principle 5: Ensuring Delivery of a balance DSG Budget:

33. To benefit from the DfE's Safety Valve Programme we must ensure deliver and stay on target to achieve an in-year balance by the end of 2024-25 with a Cumulative Deficit peak of £37.3m. To provide the necessary robustness to the plan the aim will be that all key SEND budgets are capped so that for example if the banding exercise or continued growth in the proportion of EHCPs creates an overspend, then Top-Up rates/protection will be adjusted in the next year to compensate for the overspend. Before considering making such adjustments the Schools Forum will be consulted and provided with information and evidence on the need to do so. Final decisions on this matter would be taken as part of the annual process of setting the following years Schools Budget by Cabinet.

Principle 6: Eliminating the Block Transfer

34. The DSG Recovery Plan agreed with the DfE has a built in an assumption that the £2.2m block transfer will cease from 2027/28. The proposed banding and top up arrangements set out in this report are a key element of achieving the end of this transfer and once achieved that extra £2.2m will flow back to schools and be available for them to further support their SEND pupils from their budget shares.

35. The Council has worked closely with all schools and the Schools Forum to develop a DSG Recovery Plan that covers all areas of SEND expenditure. Many of these developments involve extra investment in supporting SEND pupils, including:

- extra funding for the Early Years Sector including transition funding for primary schools,
- Cluster funds to allow extra support for SEND Pupils in mainstream schools,
- Significant growth in local provision/places for SEND pupils,
- Improved support and guidance for inclusion through the South Glos Way
- Improved partnership working and support from Health

36. Significant progress on many of the initiatives set out above has been made but it is recognised that further improvements are possible and that development work continues.

37. The Council's overall DSG Recovery Plan is shown in a summarised form as Appendix B.
38. It is important to consider the proposals set out in this report for a new Banding and TuF system against that backdrop of overall investment in many areas across the SEND system.

Funding Levels for High Needs and Special Schools in 2023/24

39. The DfE have now released funding allocations and an Operational Guide for the High Needs Block for 2023/24. That latest information has now been combined with the proposed methodology to provide modelling showing the financial impact in the rest of this report.
40. Based on the latest information the High Needs Block for South Gloucestershire will increase by 5.4% in 2023/24 compared to 2022/23. In previous years the final settlement for schools announced in December/January has tended to be higher than the initial announcement but given the national financial context it is prudent to assume no further increases will be forthcoming this year.
41. In addition, the DfE have changed the Special Schools Minimum Funding Guarantee (MFG), (which has normally been set at 0%) to 3% based on a baseline year of 2021/22. The key elements of the MFG are explained in the following extract from the DfE's Operational Guide:

The minimum funding guarantee (MFG) protection for maintained special schools and special academies in 2023 to 2024 is set by a condition of grant that applies to local authorities' DSG. A 3% MFG has been set for special schools in 2023 to 2024. Recognising that some local authorities have already passed on additional funding for pressures in 2022 to 2023, instead of making a year-on-year calculation, the comparison will be with schools' 2021 to 2022 funding baselines.

This means those special schools already receiving an appropriate increase in 2022 to 2023 may not require a further increase to reach the MFG level.

42. In our case we passed on the full 3% to all Special Schools in 2022/23 so we have already met the MFG requirements and do not need to pass on any further increase in 2023/24 to comply with the DfE's MFG (in fact the proposal set out later on in this report is to pass on a small increase of 0.4%).

New Banding and TuF Proposals

43. Adopting the approach developed with Special School Heads results in the following annual methodology:

Special Schools will receive each year a % uplift to their average per pupil Funding levels according to the following formula:

The lower of the Schools Block % Increase **or** the HNB % increase **LESS** the agreed % reductions to move our TuF levels towards the National average (this was agreed at 5% in the first year of operation and is shown in paragraph 28 above).

44. That results in Special Schools' average per pupil Funding Levels being uplifted by 0.4% (5.4%-5%) next year.

45. The following Table shows modelling consistent with this approach for each Special School. The key column showing the increase in funding for each Special school compared to the current year is Column i.

School	a	b	c=a*b	d	e=d*a	f=e-c	g	h=g*a	i=h-c	j=h-e
		22/23 Actual Funding		23/24 Funding ORIGINAL Proposals			23/24 Funding NEW Proposals			
	Place Nos. (SG Pupils)	Per Pupil Av.	Total TuF Funding	Per Pupil Av.	Total TuF Funding	Annual Reduction in Funding	Per Pupil Av.	Total TuF Funding (based on no change in place Nos.)	Annual Increase in Total TuF Funding	Protection Amount
	No.	£	£	£	£	£	£	£	£	£
Warmley Park	144	15,882	2,282,393	13,842	1,989,192	-293,201	15,946	2,291,522	9,130	302,330
New Horizons	33	20,889	696,310	11,725	390,838	-305,472	20,973	699,095	2,785	308,257
Culverhill	127	11,782	1,490,872	8,571	1,084,637	-406,235	11,829	1,496,836	5,963	412,199
New Siblands	116	15,035	1,742,368	11,166	1,294,051	-448,317	15,095	1,749,338	6,969	455,287
Pegasus	72	19,773	1,426,928	12,234	882,911	-544,016	19,852	1,432,635	5,708	549,724
	492	83,360	7,638,871	57,539	5,641,630	-1,997,241	83,694	7,669,427	30,555	2,027,797

46. The following table shows what the effective Banding Values will be for next year following these proposals, as shown in the final Column:

Bands	Current Banding Values 2022/23	Originally Proposed New Banding Values	Proposed Bands with Protection 2023/24	Proposed Bands with Protection and Uplift 2023/24
	£	£	£	£
Band 1	955	0	1,671	1,678
Band 2	2,387	3,021	5,013	5,033
Band 3	4,296	7,257	9,071	9,107
Band 4	5,729	12,864	12,891	12,943
Band 5	7,638	16,080	19,097	19,173
Band 6	10,503	19,298	27,690	27,801
Band 7	11,936			
Band 8	13,845			
Band 9	18,142			
Band 10	20,251			
Band 11	25,780			
Band 12	29,599			

47. It is important to note that the above figures are modelling shown to exemplify the impact of the proposed methodology they do not represent the final funding amounts schools will receive as they include for example estimates of funding levels for 2022/23. Final amounts received by schools will be based on actual data in place during 2022/23 and 2023/24.
48. Importantly, the TuF rates proposed for South Gloucestershire Special Schools meet the following three important criteria:
- (i) They establish the correct level of support needed to meet the banding descriptors and the escalation of need and support as you scale up the bands,
 - (ii) They are comparable (and in most cases favourable) to TuF rates adopted by many other LAs and one can therefore expect that the level of support schools can put in place is comparable to most other LAs,
 - (iii) They are consistent with meeting the requirements of our recovery plan developed and agreed with the DfE as part of our Safety Valve Agreement
49. Proposed new South Gloucestershire bandings above should cover the vast majority of pupils needs but a degree of flexibility will continue and in the proposed new model there may be circumstances where a school can make an application for an exceptional allocation of TuF.

Consultation

50. Financial arrangements regarding the High Needs Block and expenditure from the High Needs Block are matters the Council is required to consult with the Schools Forum on. This Report is part of that statutory consultation process with the Schools Forum.

Risk Assessment

Financial Implications (includes tax implications such as VAT) (Caroline Warren – CAH Finance Business Partner)

51. The School Finance Regulations set out the arrangements which Local Authorities must follow when allocating the Dedicated Schools Grant (DSG) funding to schools.
52. Expenditure for schools and other pupil related services is funded through the DSG budget, there is no charge to the Council Budget. Hence there is no financial impact to the Council Taxpayer regarding the options for consideration within this report.
53. A do nothing approach is not a viable option as the current overspend on the DSG will continue to escalate.
54. The DSG is currently forecast to be overspent on a cumulative basis in 2022/23 by £24.5m. The Department for Education (DFE) has recently confirmed a change in its approach to DSG deficits. All DSG overspends are to be recovered solely from DSG income.

55. There are clear financial advantages for the Council and schools in adopting the new Banding System and TuF rates proposed in this report including meeting the DfE's Safety Valve agreement which will provide £25m of additional funding to eliminate a significant portion of the current historic cumulative DSG deficit.

Legal Implications (*John McCormack, Head of Legal, Governance and Democratic Services, 01454 865980*)

56. Local authorities must spend High Needs funding in line with the associated conditions of the Dedicated School Grant, and School and Early Years Finance Regulations. The mechanism for allocating top-up funding from the High Needs block to schools is to be determined by the Local Authority. The DfE published High Needs Operational Guidance confirms that the allocation of top-up funding can be determined by a banding framework. *R (AD & Ors) v London Borough of Hackney* [2019] EWHC 943 (Admin) held that a system of banding was lawful and that prior to a decision to move to a new banding mechanism for funding a Local Authority is required to consultation with Schools Forum.
57. The Local Authority has a duty under s42(2) Children and Families Act to ensure that where it maintains an Education Health and Care Plan the education provision contained within the plan must be secured. The arrangements in place must ensure that the Local Authority can meet that duty by providing adequate funding within the banding and provide flexibility for schools to apply for additional funding, where necessary. Arrangements for schools to appeal decisions made on funding and to apply for increased funding are set out in the appropriate operational guidance.

Human Resources Implications (*Nicola Plant, HR Business Partner, 01454 863093*)

58. Decisions taken regarding funding may have an impact on the workforce of council maintained schools. A reduction in funding to schools may have human resources implications for each individual school. As well as any issues arising from proposals set out in this report, the budget allocation for each School will be affected by pupil number changes, pupil's Special Educational Needs changes, DfE funding levels and costs amongst many other factors. The potential Human Resource implications will need to be considered and managed by each school, in line with their delegated responsibilities and required procedures.

Risks, Mitigations and Opportunities

59. There are inherent risks around the pressures being experienced in SEND expenditure. the School and Early Years Finance Regulations 2020 introduced by the DfE now mean that DSG Deficits have to be ringfenced and general funding is not allowed to be used to reduce DSG deficits. DSG funding is the only funding source that can be used to solve DSG deficits. This does reduce the risk of the DSG deficit impacting on other services and the general funds of the Council.

60. Another mitigation is the DSG Sustainability Plan developed with the Schools Forum and the High Needs Working Group, which is aimed at improving the local SEND system and thereby reduce expenditure. This plan will take a long time to start showing financial improvements and hence the current risk will need to be managed over the long term

61. Another potential mitigation is the outcome of the DfE's SEND Review which could identify improvements to the SEND system that could save significant amounts for local authorities.

Author:

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Background Papers

Budget Report – Council February 2022

DSG Funding Tables 2022-23

School Funding Operational Guidelines – DfE

South Gloucestershire council

SCHOOLS FORUM

3rd November 2022

High Needs Working Group (HNWG) Update

1. Purpose of Report

1. The purpose of the report is to provide an update on the work of the HNWG from its meeting on 17th October 2022.

2. Background

2.1

The Schools Forum has agreed to transfer £2.2 million of funding from the School Block to the High Needs Block to support investment which will enable improvements to be achieved and which involve more efficient use of resources. It is essential that accelerated progress in addressing the deficit can be demonstrated.

2.2

A deficit recovery programme of work has been formulated with an agreed governance and reporting structure. There are five priority areas of focus, outlined as five themes (see fig.1) which are now providing the framework and opportunity to improve provision, outcomes, efficiency and reduce expenditure. These themes are now clearly feeding into the overall DfE deficit recovery plan underpinning the programme and there are positive impact measures identified through the updates. Recent work has been undertaken through a series of meetings to ensure the work of the HNWG supports and complements the overall deficit recovery programme in as streamlined way as possible with reporting structures aligned accordingly.

3. Programme governance structure and communication

3.1

The governance structure, including communications routines is illustrated in Figure 2. The High Needs Working Group, taking their direction from the Schools Forum, provide consultation, direction and challenge to the HNWG officers where the programme themes are managed and the work is carried out.

3.2

Communication flows continue to be well-understood by the members and officers. The timelines for HNWG and Schools Forum are more closely aligned and there is a clear recognition of the need to regularly update the wider stakeholders on developments from the HNWG. Suitable and appropriate opportunities for relevant communications direct to the wider leaders across the LA are considered as part of each HNWG agenda which is supporting the broader system awareness, understanding and engagement across the sector.

4. DSG deficit recovery programme plan | Updates

4.1

The deficit recovery programme plan continues to maintain the focus on the required improvements. Colleagues from the Local Authority are providing regular progress update reports and dashboards. Following discussion and sign off within the HNWG, the report will progress to Schools Forum in line with the governance and reporting arrangements.

4.2 Progress and Dashboard

The monthly report for September was circulated to the group along with key risks and issues, a detailed summary of progress and red risks are outlined in Appendix 1.

Theme 1 required a decision from the HNWG to establish the cluster model as permanent infrastructure for SEND Support in South Gloucestershire. There is increasing evidence of improvements at SEND Support, together with examples of cluster commissioning and employment limitations due to short-term annual funding cycle, are increasing the desire to establish clusters as permanent infrastructure for SEND Support in South Gloucestershire. Permanent status will need to address:

- sustainability of cluster leadership
- stronger cluster contracting arrangements
- schools employment of cluster staff (in particular, redundancy pay after 2 years)
- finance and inter-school pay arrangement
- alignment with children's-services wide

The HNWG agreed to proceed with drafting a business case and agreed that this would be presented to Schools Forum.

4.3 Implementation of bandings and collective responsibility

Implementation of the new banding system is overall going well, recognising that we have executed a clear plan through clear communications with joint decision making and accountability. The HNWG recognise that these changes are now coming into schools, we need to have a collective voice and collective ownership across the piece, whilst recognising the wider challenging period we are operating in. There have been a few isolated examples of not being on the same page. The HNWG is taking a number of actions for further communications to key stakeholders to support this message. A shared letter will be circulated to all stakeholders – reiterating the importance of working together to deliver the improvements and support the work of the Safety Valve with the DFE.

The Parent Carer Forum fed back that they continue to support SEN support work in clusters but are struggling with families who already have an EHCP who are anxious and worried about what it means for their children. The group agreed that we would build on comms and guidance to schools including describing the shift with those people at sharp end where the impact of the changes is most acute. HNWG are keen to strike the balance with communication that reassures and supports and doesn't undermine key messages.

The group recognised that there are other positive areas around cluster working. We need to continue to build upon their momentum and ensure they are working effectively. We are seeing examples of good work, clear impact it has for early intervention, and we need to build on the positives.

An acknowledgement that schools funding is currently challenged by inflation, the pay award, and the energy crisis. It is important for us to separate the HNWG work and improvements to SEND system and VFM with the rising school pressures. Mustafa has links to the F40 group and is lobbying the group with a submission to ministers on schools inflation. He has started a piece of work with Integra to get a picture of pressures facing schools and using that to lobby on behalf of South Gloucestershire.

4.4 Profile of Children and Young People at SEND Support in South Gloucestershire

Ali Ford gave a presentation on the profile of Children and Young People at SEND Support in South Gloucestershire.

Key points:

- We have exceeded our target to increase the percentage of children and young people at SEND Support
- Our percentage of children with an EHCP has increased more gradually than the national benchmark, suggesting that we are increasingly maintaining children at SEND Support
- Our identification of primary need is now broadly aligned with national benchmarks
- Some over-identification of SEMH as primary need continues, more notably in our secondary schools.
- 96% of children and young people referred to High Risk Group had SEMH identified as their primary need. 62% have ADHD, either diagnosed or being assessed.

4.5 Theme 2 Special Schools Verbal Update

The new banding system goes live from April 2023. The new model has been presented to Special School Heads and was received fairly positively. Schools Forum will receive an update in November as part of the consultation with a plan that this view is reported to Exec Members and the final decision will be taken in December 2022.

4.6 Safety Valve Q2 return to DFE report circulated for information

Confidentiality the Q2 Safety Valve return was shared with the HNWG. To greater link the HNWG with the Safety Valve process. It highlights positive updates on Special Schools bandings, ongoing work on implementing the bandings and good news on Early Years changes.

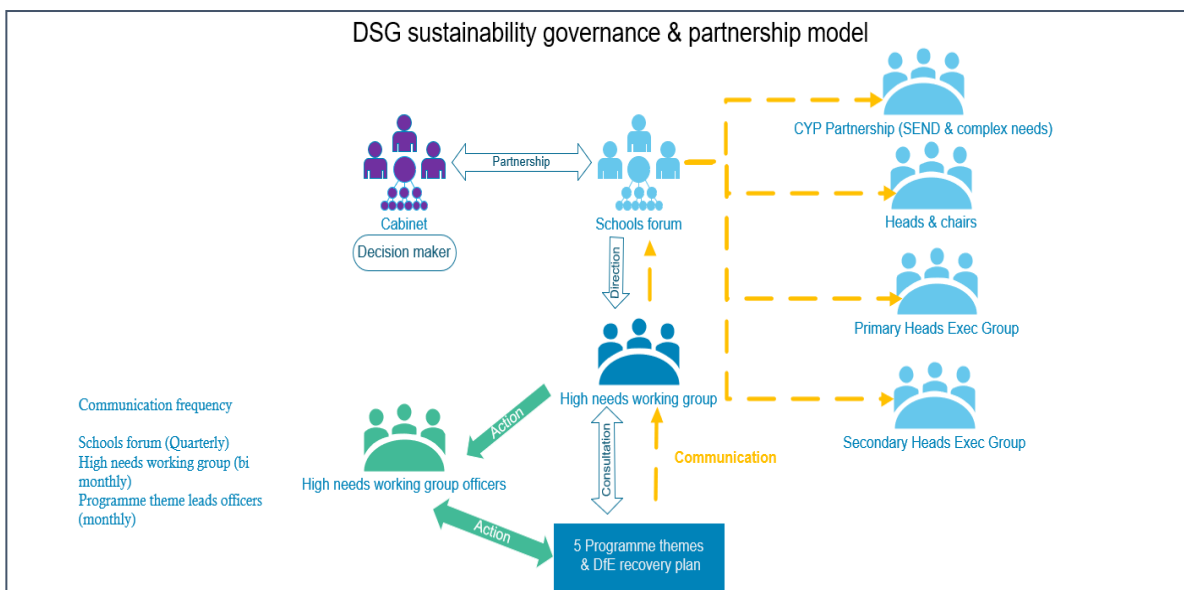
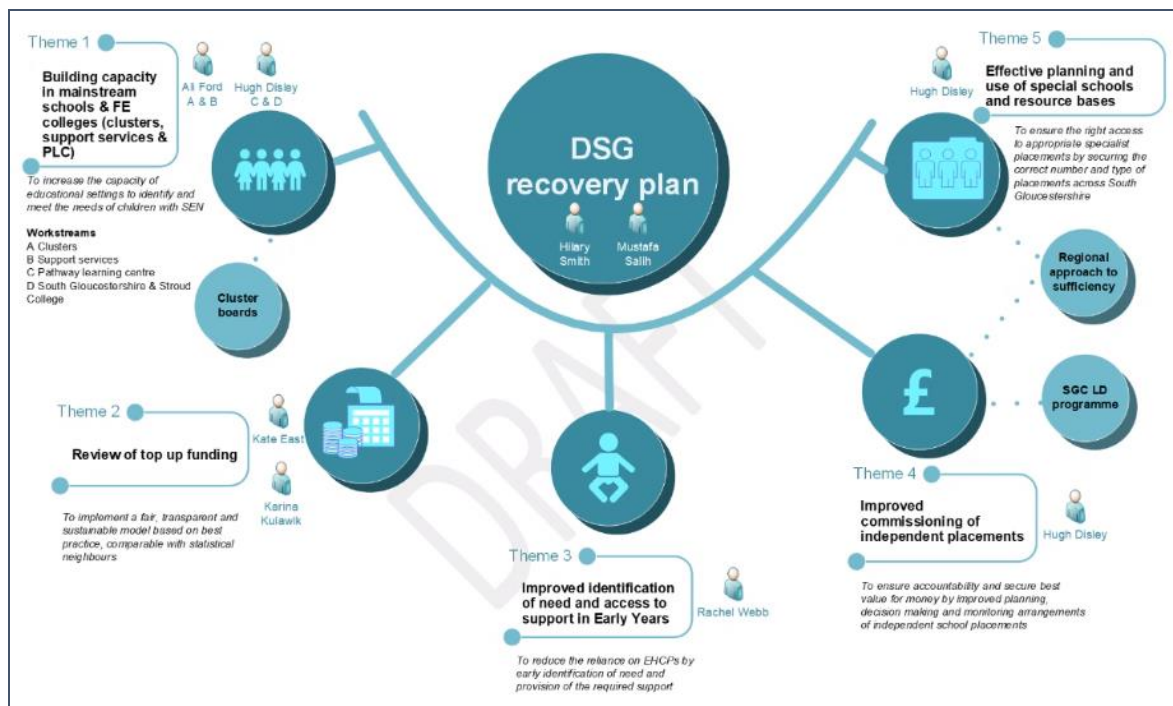
Report Author Susie Weaver/Claire Brown/HNWG
28/10/22

APPENDIX 1 Progress and Dashboard (Sept 22)		
Theme	Update	Red risks
Theme 1 Building capacity in mainstream schools	<p>Exceeded target for increase in children at SEND Support for both 20/21 and 21/22 (as above)</p> <p>Increase against trajectory for reduction in percentage of children with an EHCP (as above). However, the rate of increase was less than national in 20/21 and 21/22 and slowed locally between years.</p> <p>Identification of primary need at SEND Support has improved - reduction in children categorised as OTHER or NOT KNOWN, 21/22 broad alignment with national benchmark for Cognition and Learning, and Communication and Interaction. 4% over-identification/higher-prevalence of SEMH continues, more significantly in secondary schools and primaries.</p> <p>Analysis of provision educational outcomes data for EYFS, Year 1 Phonics Screen, KS1 and KS2 SATS indicates that outcomes for children at SEND Support have declined less than for children with no SEND. KS4 data awaited.</p> <p>96% of children referred to HRG in previous 24 months had SEMH as primary need. 62% had ADHD are were undergoing ADHD assessment</p>	None
Theme 2 Review of Top Ups	<ul style="list-style-type: none"> • Senior Coordinator in post and work is underway planning the Moderation Process for panels in term 2. • Schools contacted re: SENCO and Head Teacher availability, timeline of moderation and obtaining updated list of pupils with EHCP's to identify cases for moderation. • Sharepoint site created for panel member access to moderate 	None

APPENDIX 1 Progress and Dashboard (Sept 22)		
Theme	Update	Red risks
	<p>cases.</p> <ul style="list-style-type: none"> Updated PIA and EQIA for special schools in draft format. PIA to be completed and signed off by 30th September. EQIA to be completed and signed off by 10th October. Meetings taken place with Special School Heads to finalise finance and approach for banding implementation. Timeline created for Cabinet Report. 	
Theme 3 Early Years	<p>114 children benefited from EY Inclusion Funding and Transitions Funding up until September. At mid-point review, Little Treasures - 25 families are currently being supported. A range of holiday activities were provided over the summer for families with SEND and 41 families have used the drop-in support sessions or attended their workshops.</p> <p>Parent Carer Forum unable to achieve one of their KPI's in supporting EY practitioners in the transition of children with SEND due to settings unable to release staff. This is now recorded as a risk.</p>	<p>The Early Years sector are under a huge amount of pressure due to staffing shortages which may impact their engagement with this theme. Mitigation Consideration of how / when communications are issued. Regular stakeholder engagement and consultation. Additional support sessions provided to settings.</p> <p>Officer capacity and time due to business as usual activities resulting in failure to meet project timescales to get workstreams up and running. Mitigation Reorganisation of workloads, reducing the number of meetings required for theme. Project management and officer support.</p>
Theme 4 Improved commissioning of independent placements	<ul style="list-style-type: none"> Joint commissioning working group established across the ICB area (Bristol, North Somerset, South Glos). We have a new Children's Services commissioner recruited taking up post in October who will remain as part of the ISEND leadership team, based in Children's Commissioning Team. Best Value group continues to meet identifying high cost placements and determining if any can be moved back into South Glos for much reduced packages of support. 	<p>Failure of local provision to meet the demand of EHCP placements. Mitigation - Best Value working group and growing capacity of South Glos Special Education Network capacity.</p> <p>Parent-led demand for Special School placements is increasing. Mitigation - Create greater confidence across SEN support, mainstream EHCPs and Special School capacity. Build SEND capacity across all secondary schools to meet demand.</p>

APPENDIX 1 Progress and Dashboard (Sept 22)		
Theme	Update	Red risks
	<ul style="list-style-type: none"> The South West received central funding from DfE for ISEND co-ordination across the region for 3 years. Co-ordinator to be appointed. Continue to have issues regarding independent uplifts above inflation and capacity issues due to failure to recruit staff leading to termination of contracts for our most difficult students (10 in academic year of 21/22). 	<p>Failure of independent providers creating major capacity issues. mitigation - Joint commissioning having potential local authority led models i.e., sub-regional LAs take over or create a new provision to meet demand. Capacity of commissioners to RAG rate independent providers. Sub-regional / LA future planning with regards to specialist free schools.</p>
Theme 5 Use of Special Schools and Resource Bases	<ul style="list-style-type: none"> Aligned with Theme 2 is the ongoing dialogue with Special School Heads and Resource Bases and Access Centres and the SEN network continues led by Heads. The agenda for terms 1 and 2 will include issues around capacity/feedback from Masterdon C showing future need. Establishing a medical policy with Health (ICB and Sirona). Establishing a quality set of standards for alternative provision providers. 	None
Theme 6 Data Management	<ul style="list-style-type: none"> Organisational structure review complete and data setup in Mosaic to ensure correct school is setup at initial data entry phase. DSG Safety Valve and SEND2 Reporting requirements captured and Mosaic audit complete. EHCP Team and Commissioning Operational reporting requirements capture in progress. Workshop in BMR booked to map out end-to-end process to identify issues and potential issues with solution. 	<p>Reporting picture may look different once low level data is pulled out of the system Mitigation Work with key stakeholders to ensure the right data is going into the right system. Ensure the right data is captured and the reporting requirements are clear</p>

Figure 1



SCHOOLS FORUM SELF-ASSESSMENT CHECKLIST (VERBAL)

COST PRESSURES AND BUDGET PLANNING

SCHOOLS FORUM FORWARD PLAN

Jan 2023	19th			

ANY OTHER BUSINESS