

**DEVON EDUCATION FORUM
(Devon's Schools Forum)**

23 March 2011

Present:-

Schools Members

Primary School Headteachers

Mrs J Baker	Barnstaple Orchard Vale Primary
Mr J Galling	Exmouth Brixington Primary (<i>substitute member</i>)
Mrs A Ladbrook	East Worlington Primary
Mrs H Nicholls	South Brent Primary
Mr P Walker	Sidmouth St Nicholas CE Primary
Mrs L Wells	Lydford Primary

Primary School Governors

Mrs P Barnard	Sandford Primary
Mr R Butler	Axminster Primary
Mr M Dobbins	Exmouth Marpool Primary
Ms J Frith	Honiton Littleton Primary
Mrs Y Short	Newton Abbot Bearnas Primary

Secondary School Headteachers

Mr D Chapman	Okehampton CC
Mr D Fitzsimmons	Holsworthy CC
Ms F Jarrett	Ottery St Mary The King's School
Mr V Game	Teign School
Mr D Sharratt	Braunton CC
Mrs M Street	Exeter, Isca College

Secondary School Governors

Commander M Bamborough	Gt Torrington CC
Mr M Canham	Barnstaple The Park School
Mr I Courtney	Okehampton CC Chairman
Mr D Paterson	Newton Abbot College
Mrs C Williams	Newton Abbot, Coombeshead CC

Special School Headteacher

Mr K Bennett	Marland School
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Special School Governor

Mrs Faith Butler	Marland School
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Nursery

Mrs S Baker	Westexe
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Academies

Mrs L Heath	Uffculme School
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Non-Schools Members

Ms D Booth	Officer with responsibility for Vulnerable Children
Mr M Gurney	Teachers Consultative Committee (<i>substitute member</i>)
Ms E Lincoln	TRIO
Mr N Holmes	14-19 (<i>substitute member</i>)

Observers

Mrs Fran Butler	EYCS
Councillor C Channon	Cabinet Member - Schools & Skills
Councillor V Newcombe	Chairman - CYPS Scrutiny Committee
Mrs J Warne	Ellen Tinkham (<i>Special Schools HT substitute member</i>)

Apologies

Mr M Boxall	Exeter Montgomery Primary
Councillor A Davis	Cabinet Member – Children's Health & Wellbeing
Mr J Peart	14-19
Mr D Tall	Meavy CE Primary
Dr C Woodhouse	The Axe Valley CC

521 Minutes

DECISION:

That the minutes of the meeting held on 19 January 2011 be signed as a correct record, subject to the following additional words requested by DAPH, to the Stepping Stones Update minute (514):-

At the end of penultimate paragraph of the discussion section, ie line 11, after "if this information could be obtained" add:-

"...before strategic disinvestment/reinvestment was considered so there was equality and best value for all children in Devon."...

522 School Leadership Support Service Progress Report (SLSS)(min 450)

DISCUSSION:

The Forum considered the report of the Executive Director of Children & Young People's Services (DEF/11/07) on the progress and success of this initiative over the first six months of operation. The SLSS offered a confidential professional and personal support and development to all school leaders, promoted good performance, enhanced well-being, promoted understanding of Dedicated Headship time and supported DCC to meet its statutory duty of care to its school leaders. The Director welcomed the support of the associations and engagement of schools which added to the service's success. There was continuous review of the service to build upon good practice further.

The associations welcomed the real success of this and the support to school leaders at this time of great demands placed upon them. DAG were concerned that in some cases there was a difficulty between chairmen of governing bodies, governors and headteachers and DAG offered to assist with resolving or improving this where it could.

DECISION:

(a) that the progress this initiative had secured in its first six months be welcomed;

(b) that the concern relating to school leader relationships raised by DAG be considered at the next termly meeting between DAG and Governor Services (whilst respecting the confidentiality of individual cases).

ACTION: CYPS (Tracey Hart and Debbie Clapshaw)

523 Director's Update

DISCUSSION:

The Director for Learning & Schools outlined key points including:-

Schools' Matters – the new OFSTED framework; new national curriculum from September 2013; Floor Targets "League Tables"; Processes for Self-Evaluation and External Moderation; Academies Update; Draft Position Statements re Appointments and Vulnerable Budgets and Costs of Fixed Term Contracts (ref Redundancy Implications);

CYPS Matters – Restructuring and Organisational change in DCC and CYPS; LDP Partners Selection Award Criteria, Prospective Partners, Devon Stakeholders 10 Point Challenge for Dialogue Partners. Members' discussions included that:-

- the OFSTED consultation was now out for which members may wish to see a sector specific response. DCC was putting together its response and SHAD was invited to provide the

Director with its formal comments to be included given SHAD's concerns that OFSTED was measuring pupil achievement rather than pupil progress which may not be appropriate for pupils with special needs. The shorter timescales proposed in the consultation for OFSTED inspections and action arising for schools judged to be below the required level were also being considered by the Director and how schools could be supported with this;

- Devon's Targeted Intervention and Support Programme (TISP) was currently working with 2010 SATs data assisting 21 primary and 1 secondary school needing to improve from floor target standards. In addition there was the potential to work with another 59 primary and 7 secondary schools vulnerable or borderline in needing to improve. The current cohort was expected to significantly change with the summer 2011 SATs results;

- To date there were expected to be 25 Devon schools becoming academies for September 2011, ie 6.9% of the Devon school population;

The Director had prepared two draft position statements regarding Appointments and Vulnerable Budgets and Costs of Fixed Term Contract (ref Redundancy Implications) on the dangers to and liabilities of schools in the current climate and whether schools were seeking early advice and considering their liability if acting against this. DCC was using best intelligence to monitor schools. Some schools were also in dialogue with the associations for advice on these issues.

The Director also tabled the proposed new DCC structure agreed on 21 March 2011, which included a Head of Education & Learning and a Head of Social Care Provision (covering divestment). Details of the services within the "Head of Education & Learning" portfolio for the summer term 2011 would be sent to schools by the start of the summer term if possible.

Some members felt the regard for schools was lessening and were concerned schools were becoming a dwindling part of DCC functions and with significant staffing reductions, losing school expertise. DEF and DCC could lose sight of the complete picture if various school and education functions were covered in different parts of the new DCC structure.

DECISION:

(a) that the Forum seeks an assurance from Cabinet:-

that school and educational functionality is evident and strategic in the future DCC decision making structure from its inception and that clarification be sought on where schools and other related education functions fit within the future DCC structure, given that the Dedicated Schools Grant comprises 44% of the £1billion gross DCC revenue budget;

(b) that SHAD's concerns that OFSTED was measuring pupil achievement rather than pupil progress which may not be appropriate for pupils with special needs statements be included in the LA's response to the OFSTED consultation.

ACTION: CYPS (Judith Johnson), (b) David Chaplin, OCX (Fiona Rutley - Cabinet ref only)

524 Matters Arising from the Last Meeting and Report back on Issues Raised with Cabinet

DISCUSSION:

The Cabinet Member – Schools & Skills reported on her recent meeting on 19 January 2011 with Lord Hill, Parliamentary Under Secretary of State for Schools and Devon MPs (discussions included the school funding formula and capital programme), as well as various issues considered by the Cabinet at recent meetings (including progress with the establishment of a Joint Venture Company for cleaning, caretaking and catering services (see minute 529 below); school transport and post 16 transport.

525 Finance Update

DISCUSSION:

The Forum considered the report of the Executive Director of Children & Young People's Services (DEF/11/04) on:-

- Corporate Update following the approval of the DCC budget in February 2011 (of the £1billion gross DCC revenue budget the Dedicated Schools Grant (DSG) comprised 44%);
- Forecast Outturn for 2010/11 indicated an underspend of £280k (with variances of £500 underspend on the school contingency, £600k overspend on the Devon Personalised Learning Service, £500k underspend on school meals services and £270k overspend on maternity cover costs);
- Budgets for 2011/12 including:-
 - a revised estimate for the DSG showing a reduction of around £800k due to a reduction in pupil numbers;
 - the Carbon Reduction Commitment (CRC) - DfE had now indicated this was an allowable charge against the central expenditure of the DSG and to avoid increased bureaucracy did not need to be charged to individual schools;
 - the Central Expenditure Limit (CEL) relating to the proposed percentage increase to the centrally managed share of the DSG. Where the proposed percentage was greater than the overall increase to the individual school budgets the Forum must approve this breach.

Members discussions included:-

- agreeing that the CRC is paid centrally for 1 year only and then reviewing to consider the true costs to individual schools in line with the recommendation of the task group looking at "hidden" subsidies;
- whether by agreeing the breach of the CEL this would reset the base for future years. It was confirmed that this would be the case.;
- the use of the £280k forecast outturn 2010/11 underspend, which had historically been carried forward;

DECISION:

That this Forum recommends to Cabinet:-

(a) that the inclusion of a budget of £340k for the Carbon Reduction Commitment from the DSG be approved for 2011/12 (paragraph 4.5 of report DEF/11/04);

(b) that the breach of the Central Expenditure Limit for 2011/12 (as outlined in paragraph 4.7 of report DEF/11/04) be approved ie:-

£3m – funding set aside for the Local Learning Communities
£340k – for the Carbon Reduction Commitment in (a) above
£2m – funding set aside for the cost of Broadband (a late decision in 2010/11 and therefore not included in the CEL calculation for 2010/11)

(c) that a detailed report be made to the next SFG meeting with a recommendation to the next DEF meeting in May on CRC funding and where subsidies would fall for individual schools;

(d) that SFG consider the use of the £280k forecast outturn 2010/11 underspend, to recommend to this Forum.

ACTION: CYPS (Nicola Allen)

526 Funding Formula Consultation – Report of the Task & Finish Group

DISCUSSION:

The Forum considered the report of the Executive Director of Children & Young People's Services (DEF/11/05) on the task & finish group's "work up" of detailed proposals on funding formula principles which had been consulted on and supported by schools in the Autumn 2010 consultation. However work on proposed national formula could overtake Devon's wish to achieve organisational change of schools helped by changes of the local funding formula. Although a waiver of the national Minimum Funding Guarantee (MFG) was now considered unlikely in the light of a national consultation for decision expected in the autumn 2011 and that other LAs had had their requests for a waiver declined, the group considered its work was still relevant and "in principle recommendations" correct and that changes that could be made locally should be initially focussed upon. All schools were facing increased costs and would increasingly struggle to balance their budgets unless corrections took place, leadership costs of some schools had become disproportionate. The group reaffirmed its support for teaching and learning in small rural settings however the existing model was too expensive and was not working. Options on the Way Forward were explained in detail in paragraph 3.1 of the report, based on the Forum's key tests of:-

- Sustainability
- Greater good of all children and young people and the educational workforce;
- Breadth and quality of experience and expertise available for each young person.

The Forum discussed recommendation 3.1(c) "*The retention of a central subsidy for broadband costs prevents the true costs being allocated or known to individual schools. For 2012/13, the central subsidy should be ceased with funding distributed to schools through the formula. All other central budget should be examined to see if other "hidden" subsidies are operating.*" However a view was that another fairer way of allocating the funding should be explored further eg proximity to the hub, or use of pupil numbers, even though the costs of broadband could not be changed. The principle of schools bearing true costs was further discussed and with the increase in financial autonomy schools should be prepared for true costs.

Members considered the report recommendations to be appropriate and local.

DECISION:

That this Forum recommends to Cabinet:-

- (a) that the principle of focussing on the changes that can be made locally in the first instance be supported;
- (b) that the implementation of the options set out in paragraph 3.1 of report DEF/11/05 be supported;
- (c) that in supporting recommendation 3.1(c) regarding broadband costs allocation, the most equitable way of distributing the funding to schools be explored further;
- (d) that in relation to recommendation 3.1(m) the meeting requested between school associations and the Council Leader and Cabinet Member – Schools & Skills be held as soon as possible.

ACTION: CYPS (John Barnard/Nicola Allen)

527 Internal Audit Investigation (Stepping Stones) (min 501)

DISCUSSION:

Executive Director of Children and Young People's Services reported that the draft was very detailed and complex and should firstly be considered by the School Finance Group.

DECISION:

That the Internal Audit Investigation report be considered by SFG and this Forum at their next meetings in April and May respectively.

ACTION: CYPS (Rob Hutchins) Forward Plan

528 DAPH Paper on Taking the Devon Education Forum Forward

DISCUSSION:

The Forum considered the report of the Devon Association of Primary Heads (DAPH) (DEF/11/10) suggesting the Forum reconsidered the Structure, Constitution and Terms of Reference for both the Forum itself and its standing groups. This was due to the changing educational landscape including the significant increase in number of academy schools wef September 2011 and need to reflect this in the membership, to reconsider the optimum use of member and officer time at Forum and standing group meetings and changing roles of some of the standing groups. Although the Head's Liaison Group (HLG) was a separate body to the Forum it would also be helpful if the role of the HLG was reaffirmed. Forum constitutional recommendations would require the support of the Cabinet. Whilst Forum members supported some of DAPH's proposals it was felt the report should be looked at by a task & finish group as part of that group's deliberations.

It was also noted that at the Head's Liaison Group on 7 February it was discussed that a number of existing Devon Education Forum members were now expected to be in academy schools in the not too distant future. It had been suggested that a task & finish group should be established to consider the membership implications of this for the Forum and/or for this to be the focus for a Forum conference (to replace the November 2010 conference date that was postponed). Ideally discussions should take place during the early part of the summer term. HLG had requested to be updated on this on 4 April 2011.

DECISION:

That this Forum recommends to Cabinet:-

(a) that a Forum task & finish group be established to reconsider its Structure, Constitution and Terms of Reference for both the Forum itself and its standing groups, in view of the need to reflect the significant increase in the number of academy schools with effect from September 2011 in the membership, optimum use of member and officer time in attending meetings and changing roles of standing groups;

(b) that DAPH report DEF/11/10 be considered by the task & finish group as part of their deliberations;

(c) that HLG be informed of the proposed task & finish group accordingly;

(d) that the associations appoint 1 representative each (ie 1 x DAPH, DASH, DAG representing all phases and SHAD) to the task & finish group.

ACTION: CYPS(Nicola Allen) and OCX(Fiona Rutley)

529 Devon Catering and Cleaning Service Update

DISCUSSION:

The Executive Director of Children & Young People's Services reported on progress with the establishment of a Joint Venture Company (JVC) to provide and undertake services currently provided for schools by the Council's in-house provider, DCCS. Cabinet had agreed to establish a JVC with Norse Commercial Services subject to the approval of the final Business Case. The finalisation of the Business Case was dependent upon final financial, legal and pension arrangements/liability with a view to the transfer of cleaning and caretaking by 1 September 2011, however if it were possible so to do, the transfer would be effected prior to 1 September in view of timescales for also progressing the catering JVC. The Director welcomed schools feedback in determining what arrangements they wished to make for future cleaning, caretaking and catering services and DCCS staff had performed well in accommodating individual school requirements and HR staff had worked closely with schools eg to advise schools on their liabilities. This was DCC's largest transfer of staff to date and school cooperation and support was welcomed. Some 92% schools wished to receive cleaning and caretaking services under the new JVC arrangement. The proposed catering JVC was being considered separately and around 50% schools had confirmed they wished to go forward with JVC catering services. An interactive website was available for schools and school were being kept regularly informed of developments and would also be alerted when the County Solicitor had finalised contracts.

Members were keen that schools were fully aware of their future liabilities and also that given schools were a main party involved there was a mechanism in place for a share of any future profits to be allocated to the schools block. DCC was utilising its experience in earlier joint ventures eg NPS, to ensure the best outcomes for DCC and schools. The Director would also pick up school queries raised by the associations including quoting periods for 7/12ths or a whole year, clarification of £50 per pupil (from the previous school lunch grant), current position of the contracts and advice on these would be communicated clearly to schools.

DECISION:

That advice on school queries relating to the 2011/12 School Budget Share and the previous Schools Lunch Grant brought to the Executive Director's attention be communicated clearly to schools as soon as possible.

ACTION: CYPS (Ray Beale)

530 Special Educational Needs (SEN) Green Paper

DISCUSSION:

The Forum received a verbal summary of the SEN Green paper, the consultation period for which was 9 March – 30 June 2011 including:- key proposals; proposals to help children with a learning need, but not necessarily a special educational need; "immediate" changes proposed to speed up the Statutory Assessment process which DfE assessed to be cost neutral; core features of LAs. Devon was planning its response by holding an officer day in early May to form a draft response, for circulation for comments out by mid May and returns by early/mid June for collation and submission to DfE. Responses to the consultation were important since some of the implications were very significant.

DECISION:

- (a) that the officer draft consultation responses be circulated to schools;
- (b) that a copy of the Director's summary be circulated to Forum members.

ACTION: CYPS (Anne Porter)

531 Safeguarding in Devon Schools Report Update

DISCUSSION:

The Forum received an update report of the Executive Director of Children & Young People's Services (DEF/11/09) covering Training with an outline of costings; Multi Agency Safeguarding Hub (MASH); Safeguarding Audits and Police 121A's (ie police reports on incidents attended when a child is present).

DECISION:

That the future reporting of safeguarding issues to the Forum and/or its standing groups be considered by the proposed Task & Finish Group reviewing the Forum's Structure, Constitution and Terms of Reference (as set out in minute 528 above).

ACTION: CYPS(Nicola Allen)/OCX(Fiona Rutley)

532 Standing Groups etc

(a) The Forum received the following minutes of its standing groups. Minutes discussed and/or brought to the Forum's attention included:-

(i) Forum for Learning and Achievement

Minutes of the meeting held on 2 March 2011.

DISCUSSION:

Minutes A1 – A3, B1-2, B4 were brought to the Forum's attention. Noted that Learning & Development Partnership Service Delivery Agreement (B4) outcomes were monitored via a contract monitoring group.

DECISION:

That the annual monitoring report for the Learning & Development Partnership Service Delivery Agreement be brought to this Forum.

ACTION: CYPS(Judith Johnson), Forward Plan (Nov 2011 for 2010-11 Report)

(ii) School Finance Group (SFG)

Minutes of the meetings held on 11 January and 8 March 2011:-

DISCUSSION:

DSG Monitoring report month 10 and minute B1 Stepping Stones, Minute A3, 8 March 2011 - highlighted SFG's concerns over a number of special needs issues set out in a formal letter to the Executive Director of 14 March 2011. The Director's formal letter of response was reported to the Forum taking SFG's concerns extremely seriously and appointing an officer's task & finish group to address each of these individual concerns and respond accordingly as soon as possible.

Capita SIMS Licences and Annual Maintenance, Minute B2, 8 March 2011 - SFG had received a report outlining the legal situation and there had been legal challenges elsewhere as to how the procurement process had been handled. A report was to be made to the next SFG meeting to ensure compliance with European law.

ACTION: CYPS (Anne Porter and Nicola Allen)

(iii) School Organisation Forum

Minutes of the meeting held on 6 January and 1 March 2011:-

DISCUSSION:

Update on Devon Maintenance Partnership & Major Unforeseen Maintenance Indemnity Scheme (MUMIS) and the Impact of Academies, Minute A2, 1 March 2011 - A further report would be considered at the next SOF meeting on allowing academies to continue to buy into MUMIS since it was funded from the DSG. MUMIS was a DCC in-house insurance scheme set up for the benefit of LA community schools. DAPH also questioned how the loft insulation and cavity wall surveys were being funded.

The Emerging Capital Programme , 1 March 2011

DAPH expressed concern on the transparency of the process and criteria for selecting schools to receive capital allocations. The Cabinet Member - Schools & Skills explained the tight timescale for this to be approved by Cabinet as the timescale between allocations and necessary decisions was limited.

DECISION:

That a report be made to the next meeting of the School Organisation Forum looking at the structures in place for selecting schools for capital programme allocations.

ACTION: CYPS(Chris Dyer)

(iv) Commissioning Board

DISCUSSION:

The Executive Director of Children and Young People's Services reported that this standing group met infrequently and consideration had been given to disbanding it, however recent business did need to continue to be determined within the Forum's committee structure.

DECISION:

That the future role of the Commissioning Board be considered by the proposed Task & Finish Group reviewing the Forum's Structure, Constitution and Terms of Reference (as set out in minute 528 above).

ACTION: CYPS (Nicola Allen)/OCX(Fiona Rutley)

(b) Representations and progress from various standing and task & finish groups - nil.

(c) Minutes for information

(i) 14-19 Strategic Leadership Group - nil.

(ii) Local Admissions Forum - nil.

533 Correspondence

DISCUSSION:

The Forum received a letter from Lord Hill, Parliamentary Under Secretary of State for Schools dated 31 January 2011. Members considered it was important to continue to press Westminster for fairer funding since schools should not expect the same level of funding received in 2011/12 for the following year.

534 Future Meetings

(a) All meetings to commence at 1pm at County Hall, Exeter (unless otherwise indicated):-

Changes made highlighted in bold

Wed 11 May 2011 – changed to 2pm

Wed 29 June 2011

Wed 28 September 2011

Fri 4 November 2011 (conference) *for members only, all day, venue to be confirmed*

Wed 7 December 2011

Wed 18 January 2012

Wed 21 March 2012

Wed 16 May 2012

(b) **DECISION:**

That the timing of meetings be considered by the proposed Task & Finish Group reviewing the Forum's Structure, Constitution and Terms of Reference (as set out in minute 528 above).

ACTION: CYPs(Nicola Allen)/OCX(Fiona Rutley)

535 Forum Member and Officer Changes

(a) **Faith Jarrett (DAPH) and of Jo Frith (DAG Primary)**

The Chairman reported that this was the last meeting of members Faith Jarrett and of Jo Frith and paid tribute to their contributions to the work of the Forum over recent years;

(b) **John Barnard, Head of Resource Strategies**

The Chairman also made a presentation on behalf of all members of the Forum to John Barnard who would shortly be leaving DCC, in recognition of his work for the Forum as its education finance lead since its formation in January 2003, as well as for John's involvement in education and the Local Management of Schools over the past 21 years.

The meeting started at 1pm and finished at 4.15pm

The Schools Forum web is www.devon.gov.uk/schoolsforum