

DEVON EDUCATION FORUM

22 March 2023

Present:-

Schools Members

Primary Headteachers

Ms R Saim

Mr C Tribble

Mr D Perkins

Mr P Walker

Cedar Tree Federation

Honiton Primary

Honiton Littleton Primary (Academy) Substitute

First Federation Trust (Academy)

Primary Governors

Mr J Clements

Ms K Brimacombe

Cranbrook, St Martin's CE Primary

Whitchurch Primary, First Fed'n (Academy)

Secondary Headteachers

Mrs S Crook

Ms J Fossey

Mr G Hill

Tiverton High, Federation of Tiverton Schools

West Exe School, Ted Wragg MAT (Academy)

Pilton CC, Ventrus MAT (Academy)

Secondary Governors

Ms S Channel

Mr A Hines

Mrs J Larcombe

Mr A Walmsley

Tiverton High, Federation of Tiverton Schools
Education SW Trust (Academy)

Uffculme Academy Trust (Academy) Substitute

The Ted Wragg Multi Academy Trust (Academy)

Nursery School

Mrs S Baker

Westexe

Special Headteacher

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Special Governor

Mrs F Butler

Marland School (**Chair**)

Alternative Provision

Ms G Boyden

WAVE Multi Academy Trust (observing)

Non-Schools Members

Mr B Blythe

Mrs B Alderson

Ms G Rolstone

PETROC, 16-19

Teachers Consultative Committee (TCC)

Early Years, Private & Voluntary Independent

Observer

Councillor A Leadbetter

Cabinet Member – Children's Services and Skills

Apologies

Mr K Bennett
Ms F Bowler
Mr G Chown
Ms G Sanders
Ms E Stubbs

Marland School
Braunton Academy
Ventrus MAT (Academy)
Athena Learning Trust (Academy)
Budleigh Salterton, St Peter's CE Primary

84 **Minutes**

DECISION:

That the minutes of the meeting held on 18 January 2023 be signed as a correct record, subject to changes to the attendance list, i.e.:-

-add secondary governor: "Ms S Channel (Tiverton High)"; and

-delete "Exeter Board of Education (Faith) Sub," realigning Non-Schools Members accordingly.

85 **Standards Committee Monitoring**

The Chair welcomed Mrs Saltmarsh, Standards Committee Member to the meeting, who was attending in her Standards role to observe the operation of the Forum.

86 **Membership**

DISCUSSION:

There had been no membership changes since the last meeting.

87 **Matters Arising from the Last Meeting and Report back on Issues Raised with Cabinet/f40**

DISCUSSION:

In response to Members' questions to the Cabinet Member and Interim Director of Children and Young People's Futures, regarding the progress with SEND and impact on young people, together with the DfE Safety Valve Intervention Programme progress and demonstration of close monitoring of the impact of these actions:-

- the Cabinet Member advised of the significant work being developed by the recent key strategic leadership appointees. Whilst it was too early to measure

some improvements he considered there was a sea change in approach and the work with other best practice LAs was positive;

-the Interim Director advised of the work of the SEND Improvement Board and whilst SEND resources was a national problem, there was much better engagement across the County Council with a key focus on working with parents and frontline schools, with improved communications to aid parental understanding. However there was much work to be done within the national context;

-the Interim Director explained that the Safety Valve discussions with government spanned across government departments. Devon's challenge included that proportionately it had the highest overspend in the country, noting its number of smaller schools and rurality. Government required evidence that Devon was making progress in addressing its High Needs issues. The County Council had to sign up to and deliver on actions, needing the support of this Forum, schools and parents.

Finally a Member asked about the County Council's position on supporting refugee children to access education while they were temporarily living in holding centres. In response it was noted that Devon received no government funding to support these children but was working closely with one local academy trust to provide education support.

DECISION:

That regular joint SEND/Finance and Public Value update reports be submitted to this Forum, to include service plans, finance and sub group involvement;

ACTION:

Interim SEND Strategic Director (Jackie Ross) and Director of Finance and Public Value (Adrian Fox) - report
and
Legal and Democratic Services (Fiona Rutley) - DEF agenda

88 Head of Education Update

DISCUSSION:

The Forum considered the Report (DEF/23/07) regarding:-

-Key Performance Indicators (comparing current performance to same time last year), including Attendance, Exclusions, Elective Home Education (EHE), Children Missing Education (CME);

-2021/22 Devon LA's national ranking;

- Making Attendance Everyone's Business;
- Children and Young People's Mental Health;
- Ofsted Complaints data; and
- Shaping Children's Services to Schools.

The Head of Education's key issues reported included:-

-that the number of children outside Devon's education system was a significant concern. Data showed that Devon performed very poorly compared to other LAs in 2021-22, particularly with Devon's disadvantaged students;

-there was a concerning higher than previously level of fixed term suspensions and permanent exclusions of pupils. Schools were struggling with and working hard to support pupils with challenging behaviour within the available resources and skills. Schools could also be requested to complete a more detailed Annex G exclusions form for submission to the LA to support better monitoring and understanding. A review of the organisational structure of Devon's attendance, elective home education and inclusion teams was being planned to better support schools and pupils.

The Interim SEND Strategic Director advised that Devon was the fifth highest LA nationally in relation to children with Education Health Care Plans (EHCPs) identifying Social, Emotional and Mental Health (SEMH) needs, with SEMH referrals routinely quickly escalated. The Team Around the School process offered headteacher support and peer challenge to schools.

Members discussion included:-

-concern that there were instances where schools could not access services required for pupils at risk of permanent exclusion prior to the exclusions process. Exclusion as last resort communications and messaging between County Council leadership, staff and schools should be clear and consistent;

-visit to schools to hear the realities of managing children with challenging behaviour would be welcome;

-the completion and submission to the LA of a more detailed Annex G exclusions form could be difficult for schools to achieve within the timescale after exclusion;

-a significant change in culture to a consistent, one approach of inclusive partnership between the County Council and schools was needed. A simple flow chart outlining policy and procedure was also requested to support this;

-there was a potential mismatch between schools' "Good" Ofsted inspection results and the rates of exclusion within Devon;

-the ongoing close working with other LAs on how best to use resources and best practice was welcomed;

-schools should ensure their curriculum met the needs of both SEND children and those with the most challenging behaviour;

-that it was recognised that work was needed to build sufficiency in additional places within schools and workforce and small schools collaboration, so that Devon schools could better support these children and reduce reliance on the independent sector (currently £54m spent on independent provision for challenging children, including residential). Members considered there was significant potential within mainstream schools and colleges and a willingness to include.

DECISION:

(a) that the report be noted, subject to comments and concerns above;

(b) that an annual exclusions report including data and reasons for exclusion be made to the Forum, in addition to any more regular updates as necessary;

(c) that a flow chart detailing policy and process regarding exclusions be prepared and circulated as above;

(d) that the Head of Education would further discuss points raised above in her briefing with DCC children's education and social care staff, be noted.

ACTION:

Head of Education (Rachel Shaw) (b) - (d);
and

Legal and Democratic Services (Fiona Rutley) – (b) DEF agenda

89

Finance Update

DISCUSSION:

(a) Finance Update Report

The Forum considered the joint report of the Director of Children and Young People's Futures and Director of Finance and Public Value (DEF/23/05).

The Report (DEF/23/05) covered:-

- Dedicated Schools Grant (DSG) Month 10 monitoring;
- DSG Deficit Management Plan;

- High Needs Month 10; and
- Risks.

The month 10 outturn forecast for 2022/23 overspend of the DSG of £41.1 million, associated with the continued demand on High Needs and the growing demand on Special Educational Needs (SEN) placements within the Independent Sector despite creating more places within Devon's Special Schools. This was an adverse change of £204,000 since month 9 (£564,000 from month 8).

Management Action of £10 million reflected revised savings expected in 2022/23, as per the Safety Valve Intervention Programme submission to the DfE. To date, £4.2 million of Management Actions had been achieved since the start of the summer term. Whilst a number of LAs had now been accepted into the DfE Safety Valve Intervention Programme, Devon was still awaiting decision.

£4.6 million of saving was currently identified not to be achieved in this financial year for reasons detailed in the Report. This projected a cumulative DSG deficit to March 2023 of £127.7 million, which was £5.4 million over that included in the DSG Safety Valve.

A SEND Day was held by Devon's Senior Leadership Team on 9 February 2023 to understand and clarify the priorities and strategic response to the current SEND challenges, with a Gold Command team set up with initial weekly reporting.

The increasing DSG deficit could have a considerable impact on future education budgets within the DSG as well as the financial sustainability for Devon County Council. Urgent action was still required to reduce the demand on EHCPs and independent placements, requiring all stakeholders to be working in partnership to achieve this.

Members' discussion included:-

- ongoing concern that despite management actions and savings the deficit continued to grow due to increasing High Needs demands. Members noted that the Safety Valve plan produced showed continual rise in costs until March 2025, but not at the present levels;

- the need for focus on a more radical approach and the immediacy of finance and SEND actions and communications across the LA and schools working collaboratively (noting also that a regular joint SEND/Finance and Public Value report to DEF had been agreed at minute 87 above to include service plans, finance and sub group involvement);

- welcoming the working with other LAs on High Needs best practice;

-concern that the opportunity for acceptance into the DfE's Safety Valve programme must not be lost;

-noting that no further detail had yet been received regarding the Chancellor's budget statement 15 March 2023 on the extension of childcare to families on age and hours, so that the impact on settings already struggling and on Devon's rates could be considered.

DECISION:

That month 10 DSG monitoring position as set out in Report (DEF/23/05) sections 1 – 4 be noted, subject to the Forum's ongoing concerns above.

ACTION:

Director of Finance and Public Value (Adrian Fox)

(b) Schools Finance Group Minutes – 8 March 2023

The Forum considered the minutes, including the respective minutes relating to the Finance Update Report noted at (a) above.

Also available at

[Schools Finance Group \(SFG\) – Education and Families \(devon.gov.uk\)](https://www.devon.gov.uk/schools-finance-group)

SFG's recommendation to move the January 2024 Forum meeting date considered at Dates of Future Meetings minute below, due to the timetables for government funding announcements and Devon's budget preparation. SFG's January date would also move by one week to accommodate this.

DECISION:

that the minutes of the Schools Finance Group (SFG), 8 March be received.

ACTION:

Head of Education (Heidi Watson-Jones) – SFG date change

90 2023/24 Advanced Notice of Planned Carry Forwards

DISCUSSION:

The Forum considered the joint Report of the Interim Director of Children & Young People's Futures and Director of Finance and Public Value (DEF/23/06) on estimated carry forward requests to be confirmed during the closedown process.

The Early Years PVI representative advised that Early Years underspend related to funding (e.g. speech and language) that providers could not access unless parents applied.

DECISION:

That it is **recommended to Cabinet:-** that the surplus budget carry forwards to 2023/24 be agreed in principle, as set out in Table 1 of Report (DEF/23/06).

Table 1: Surplus budget carry forward requests:

Budget Line	Amount £'000	Notes
Growth Fund	2,709	Rolled forward 2022/23 underspend to fund ongoing growth fund
Total Central Provision	2,709	
Schools and DSG Contingency	550	Rolled forward to fund contingency agreements in 2023/24 onwards
	640	Rolled to fund School Effectiveness team in 2023/24
Maternity	150	Rolled forward 2022/23 underspend to fund ongoing maternity fund
Total De-delegated budgets	1,436	
Hospital Education	16	Rolled forward 2022/23 underspend
SEND 100	22	Rolled forward to fund Support of Projects
SEN 100 Projects	877	Rolled forward balance of SEND 100 Projects budgets to 2023/24
Total High Needs	915	
Early Years Pupil Premium	100	Project proposal currently being produced
Total Early Years budget	100	
Total Carry forward requested	5,074	

(Vote: Schools, Academies and PVI)

ACTION:

Director of Finance and Public Value (Adrian Fox)

91 **Standing (and other) Groups**

DECISION:

The Forum received the following from its standing and other groups (excepting Schools' Finance Group (SFG) minutes, (considered under Finance Update minute above):-

(a) Standing Groups

(i) School Organisation, Capital and Admissions (SOCA)

Minutes of the meeting held on 7 March 2023, noting that SOCA note 4 regarding Secondary School Admissions round 2023 would be brought to the Forum's 21 June 2023 meeting.

Also available at

[School Organisation, Capital and Admissions Group \(SOCA\) – Education and Families \(devon.gov.uk\)](https://www.devon.gov.uk/education-and-families/school-organisation-capital-and-admissions-group-soca)

(ii) High Needs Funding Sub Group

The Chair gave a verbal update on the meeting held on 20 March 2023, advising that the group had met twice this term, looking at:-

- the SEND improvement plan
- data sets
- identifying more children to be taught in mainstream schools
- the DfE Safety Valve, finance and movements
- how the needs of children and young people with high cost SEN placements and those within Devon with high cost packages could be better met
- the EHCP funding framework and best practice
- teaching assistants support and resources
- partnership working and Alternative Provision pilots
- transparent criteria for funding framework.

It was recognised that given the Group's increasingly important role (without delegated powers), minutes should be submitted to the Forum on a regular basis for accountability and transparency.

(b) Other Groups:

n/a

DECISION:

That minutes of the High Needs Funding Sub Group be regularly submitted to the Forum.

ACTION:

SOCA -

Education and Learning (Simon Niles) – report to next DEF
and
Legal and Democratic Services (Fiona Rutley) – DEF agenda

High Needs -

HN group - minutes to DEF;
and
Legal and Democratic Services (Fiona Rutley) – DEF agenda

92 **Dates of Future Meetings**

DECISION:

That the Forum's January 2024 date be changed to Wednesday 24 January 2024 (from 17 January), to accommodate government funding announcement timetables:-

Meetings at 10am. Please check venue/arrangements

<https://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Wednesday 21 June 2023

Wednesday 22 November 2023

Wednesday 24 January 2024 (moved from 17 January)

Wednesday 20 March 2024.

ACTION: Legal and Democratic Services (Fiona Rutley) - date change

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.00 am and finished at 11.50 am