

DEVON EDUCATION FORUM

23 November 2022

Present:-

Schools Members:

Primary Headteachers

Mrs R Saim	Cedar Tree Federation
Mr C Tribble	Honiton Primary, Substitute
Mr G Chown	Ventrus MAT (Academy)
Mr P Walker	First Federation Trust (Academy)

Primary Governors

Mr J Clements	Cranbrook, St Martin's CE Primary
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Secondary Headteachers

Mrs S Crook	Federation of Tiverton Schools
Ms F Bowler	Braunton Academy
Ms J Fossey	West Exe School, Ted Wragg MAT (Academy)
Mr G Hill	Academy Trust (Academy)

Secondary Governors

Ms S Channel	Federation of Tiverton Schools
Ms G Sanders	Athena Learning Trust (Academy)
Mrs J Larcombe	Uffculme Academy Trust (Academy) Substitute
Mr A Walmsley	The Ted Wragg Multi Academy Trust (Academy)

Nursery School

Mrs S Baker	Westexe
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Special Headteacher

Mr K Bennett	Marland School
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Special Governor

Mrs F Butler	Marland School (Chair)
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Alternative Provision

Mr R Gasson	WAVE Multi Academy Trust
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Non-Schools Members:

Ms H Brown	RC Diocesan Schools, Plymouth (Faith)
Mr B Blythe	16-19 (PETROC)
Mr N Williams	Teachers Consultative Committee Substitute
Ms G Rolstone	Early Years, Private & Voluntary Independent

Apologies:

Mrs B Alderson
Ms K Brimacombe
Ms E Stubbs
Councillor A Leadbetter

Teachers Consultative Committee
Whitchurch Primary, First Federation (Academy)
Budleigh Salterton, St Peter's CE Primary
Cabinet Member – Children's Services and
Skills

61 **Election of Chair**

DECISION:

That Mrs Faith Butler be elected Chair, for a 2 year term of office - until the autumn term meeting 2024.

62 **Election of Vice-Chair**

DECISION:

That Mr Alex Walmsley be elected Vice-Chair, for a 2 year term of office - until the autumn term meeting 2024.

63 **Minutes**

DECISION:

That the minutes of (a) the ordinary meeting held on 22 June 2022 and (b) the special meeting held on 28 September 2022, be signed as a correct record.

64 **DCC Children and Young People's Futures Services**

DISCUSSION:

The Chair decided that this matter should be considered at the meeting as matters of urgency following recent DCC leadership changes.

Forum Members expressed serious concern regarding DCC stability for services given the current number of interim posts in key leadership positions.

Reassurance was sought regarding measures to address stability and key budget/service factors, to mitigate the impact on schools.

DECISION:

That Phase Association leaders would welcome a meeting with DCC leadership at an appropriate stage.

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

DISCUSSION:

The Forum requested a regular update from Cabinet on key issues impacting on the work of this Forum and schools, including the High Needs budget deficit, SEND plan and Children's services plan.

DECISION:

That a regular update be provided at Forum meetings.

ACTION:

Head of Education (Rachel Shaw)/Cabinet Member

66 **Membership**

DISCUSSION:

The Chairman welcomed new Members and the following membership changes were noted following Devon School Leadership Services (DSLs) elections for Primary Maintained Headteacher representation (arising from the resignation of Mr Alun Dobson):-

Mr Christopher Tribble, Honiton Primary, full Member (instead of substitute); and Ms Rachel Miller, Kingskerswell CE Primary (substitute Member).

ACTION:

Legal & Democratic Services (Fiona Rutley)

67 **Head of Education Update (incl Education Annual Performance Report Autumn 2022)**

DISCUSSION:

(a) The Head of Education reported on the Education Annual Performance Data Report Autumn 2022 in the context of the whole Devon picture of school and education services, highlighting:-

-challenges for pupil outcomes in most areas compared with nationally and against statistical neighbours (excepting that grade 4+ GCSE was slightly higher than the national average);

-the gap in performance of disadvantaged children had widened. This group was disproportionately affected by a poor start in life. The Early Years team had now extended support to the end of Reception year, including early pre-

school support e.g. school readiness, children's health, attendance, support for families, speech and language. Early Years lack of funding and settings' financial pressures including the minimum wage, particularly in rural Devon was of concern;

-absence rates were higher than nationally and statistical neighbours;

-Elective Home Education (EHE) continued to increase, with a lack of resources to effectively monitor EHE pupils excepting for safeguarding reasons. Approximately 20% of families were choosing EHE for lifestyle reasons. A significant proportion of the remaining pupils being EHE were due to social, emotional and mental health concerns, risk of exclusion or special educational needs.

-Suspensions and Permanent Exclusions continued to increase, with both "at risk" pupils and schools struggling.

Following discussions with a range of groups, a four part plan had been drawn up to ensure that every child thrived (not survived) in education every day:-

(i) attendance was everyone's business with early intervention, support for parents and working with health and police colleagues;

(ii) developing strong relationships in settings with children and young people so that our children wanted to come to school, stay in school and feel a sense of belonging;

(iii) developing alternative routes through the curriculum, needed at a time when vocational study had reduced;

(iv) broadening SEND universal provision in the classroom to manage the higher level SEND needs in mainstream settings.

Much of the plan would utilise the sharing of good practice, expertise and networking.

Members welcomed the comprehensive report data whilst recognising Devon's disappointing performance and noted the monitoring being undertaken, to pick up any matters that may require further consideration at the earliest opportunity.

Member's discussion also included:-

-concern around an increase in some school behavioural approaches that impacted on relationships and hindered meeting SEN in mainstream and negatively impacted on exclusions. Further feedback from Headteachers would be welcomed;

-whilst Devon had a large education support service, team leaders were looking at where rational savings could be made as part of the County Council's budget reductions required across the whole Council. The Babcock transfer of staff back in-house had been positive. Effective training both external and internal could be delivered despite budget reductions through using collaborative expertise within the LA and Devon's educational settings;

-consideration of how Education Welfare (EW) Services could support schools and families prior to any breakdown in relationships. As EW

resources were stretched with no statutory funding around EHE, a traded service model was being investigated, together with networking, collaboration, sharing skills in Early Years, SEND, Social Emotional & Mental Health (SEMH), engaging with parents, also involving the Parent Carer Forum, DSLS and teaching schools.

(b) The Head of Education (Delivery) and The Head of Education (Strategy) responded to a Member question regarding the structure of this shared role established in July 2021, alongside both individuals' ongoing part time employment with multi academy trusts, together with measures in place to ensure no conflict of interest.

DECISION:

That the Annual Report be circulated to all schools and governing bodies, subject to revisions to the emphasis and interpretation of Special School performance data.

ACTION:

Head of Education (Rachel Shaw)

68

Finance Update

DISCUSSION:

(a) Schools Finance Group Minutes - 11 July*, 14 September and 9 November 2022.

The Forum considered the above minutes, including the respective minutes relating to the Finance Update Report (DEF/22/11).

Also available at

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

*(**Note:** The Forum had previously considered AWPU recovery (note 4, SFG, 11 July 2022) at its Special Meeting on 28 September 2022) and resolved:-

“(a) that the transfer of AWPU and per pupil funding (e.g. Pupil Premium) for pupils who are removed from a mainstream school roll, for reasons other than permanent exclusion, and are receiving education funded by the local authority other than at a school (EOTAS) be approved wef 1 September 2022;

(b) the transfer the AWPU and per pupil funding for each term that the pupil is in alternative provision funded by the LA be approved wef 1 September 2022; and;

(c) that the Head of Education send a communication to all schools regarding their ongoing responsibility towards these pupils when in/out of school,

together with information on the EOTA/medical provision placement setting role.)”

DECISION:

that the minutes of the Schools Finance Group (SFG), 11 July, 14 September and 9 November 2022 be received and noting:-

(i) the Forum’s previous consideration at its special meeting (DEF, 28 September 2022, minute 59) of AWPU recovery (SFG, 11 July 2022, note 4); and

(ii) High Needs Place Funding (SFG, 9 November 2022, note 3) i.e. Devon changes in accordance with operational funding Guidance, wef 1 January 2023.

(b) Finance Update Report

DISCUSSION:

The Forum considered the Report of the Director of Finance and Public Value and Director of Children and Young People’s Futures (Interim) (DEF/22/11), which covered:-

- Budget monitoring month 6 (2020/21) Dedicated Schools Grant (DSG);
- Schools Block;
- DSG Deficit Management Plan;
- Early Years and Childcare services £376,000 underspend;
- High Needs;
- Safety Valve Investment;
- Safety Valve Workstream Savings;
- Impact of Cost Reduction on Overall Deficit;
- Capital Investment; and
- Risks.

In summary the report advised that:-

-The month 6 outturn forecast for 2022/23 saw an overspend in the overall Dedicated Schools Grant (DSG) of £36.9 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 £2.6 million since month 5 (£2.5 million from month 4);

-The Management Action of £10 million reflected revised savings expected to be delivered in 2022/23 as per the Safety Valve submission to the DfE. To date, £3.4 million of Management Actions had been achieved since the start of the summer term;

-Current forecast indicated that £1.6 million of savings would not be achieved in this financial year due to 44 of the 77 planned 3-5 year placements within the Independent Sector leaving at the end of the summer term and a delay in resource base provision placements being occupied / opened. This was projecting a cumulative DSG deficit to March 2023 of £123.8 million; and

-The increasing DSG deficit could have a considerable impact on future education budgets within the DSG as well as impacting on the financial sustainability for Devon County Council. An urgent action was still required to reduce the demand on Education Health Care Plans (EHCPs) and independent placements. All stakeholders need to work in partnership to be able to achieve this.

Forum Members' discussion included that they were committed to working in partnership and sharing good practice with DCC and the whole school community, however they highlighted:-

-Members' deep concern at both the continued substantial DSG deficit and that the DSG Safety Valve Plan submission had still not been agreed by the DfE, noting that senior DCC leadership continued to seek confirmation of this. Members hoped that a further approach could be made as a matter of urgency;

-the risk that the Cumulative DSG Deficit (Table 6 of Report (DEF/22/11)) was continuing to rise whilst the DfE outcome was awaited;

-EHCP funding for schools was not being received in a timely manner in many instances, whilst noting the SEND transformation ongoing discussions with schools about how to reduce the number of EHCP requests, which were much higher in Devon than the national average.

DECISION:

(a) that month 6 DSG monitoring position as set out in report (DEF/22/11) be noted, subject to Members' concerns above; and

(b) the current Safety Valve / DSG management plan position as set out in report (DEF/22/11) be noted, subject to Members' concerns above.

(c) that the Head of Education follow up school's EHCP funding concerns.

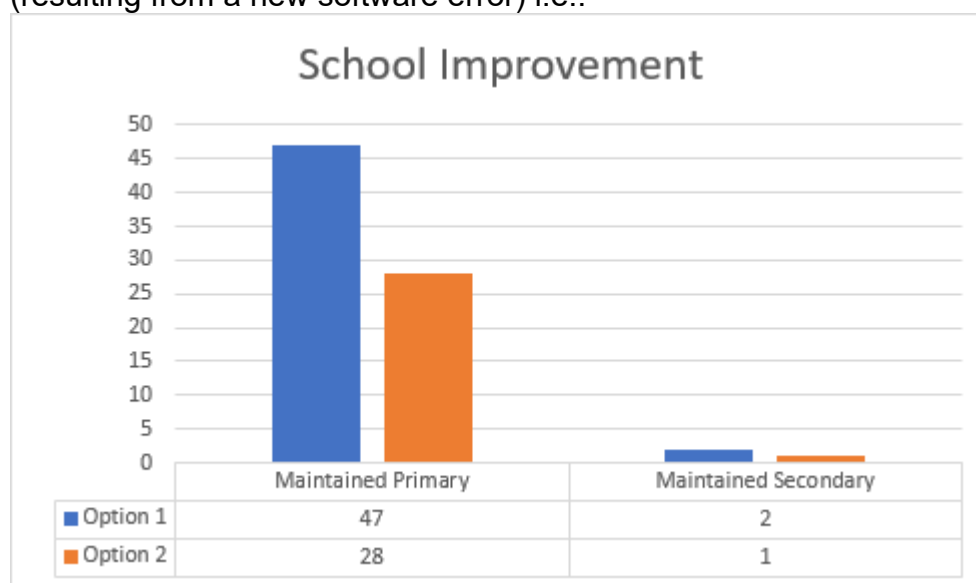
ACTION:

Director of Finance and Public Value (Adrian Fox) – (a) and (b); and
Head of Education (Rachel Shaw) – (c).

DISCUSSION:

The Forum considered the Report of the Director of Finance & Public Value and Director of Children and Young People’s Futures (Interim) (DEF/22/12), following consultation with schools which aimed to deliver the fairest distribution of funding for the majority of schools, whilst keeping within funding requirements and National Funding Formula guidance. There was a welcomed increase in school responses this year, i.e. 39% of schools representing 38,000 pupils responded (analysis of participation at Appendix 1 of the Report).

The Director of Finance & Public Value provided revised details in relation to the De-delegation School Improvement bar chart, at Appendix 2 of the Report (resulting from a new software error) i.e.:-



In relation to the consultation regarding the movement between blocks and recommendation (b) in the Report, it appeared that schools were not fully appreciative of the one-off treatment to transfer funds and so 56% schools did not agree to moving 0.5% from the Schools Block to the High Needs Block (paragraph 3.11). When presented with 3 options of how the £2.48 m would be funded, 92% schools preferred to fund via a one-off transfer from the growth fund surplus. Members voiced concerns that schools were not willing to make the transfer in the first instance against a background of school budgets volatility and instability.

DECISION:

(a) that **Cabinet be recommended:-**

that the proposals for the 2023-24 schools revenue funding formula as set out in Report (DEF/22/12) be approved as follows:-

(i) that the Minimum Funding Guarantee (MFG) be set at 0%;

(ii) that the sparsity factor be adjusted should actual funding received be lower than the indicative amount stated in the consultation;

(iii) that any unallocated funds be distributed in the following order prior to using surplus growth fund, (should actual funding received be higher than the indicative amount stated in the consultation):-

(A) Bring the Sparsity factor up to the National Funding Formula rates stated for 2023-24;

(B) Add to the MFG up to a maximum of 0.5% per 2023-24 guidance; and

(C) Go towards the amount being transferred to the high needs block up to a maximum of 0.5% (see Movements into Another Block), subject to either:-
-this only being agreed if Report (DEF/22/12) recommendation (b) was approved (paragraph 3.13 of the Report also refers); OR,
-the disapplication to the Secretary of State was successful (paragraph 3.14 refers).

(Note: the final funding rates may change subject to affordability when the October 2022 pupil data and Schools Block DSG settlement is confirmed in late December 2022).

(Vote: Schools, Academies and PVI members)

(b) that **Cabinet be recommended:-**

that should the Secretary of State overrule the Forum's decision* not to support the transfer 0.5% between blocks for 2023-24 through a one-off transfer of the growth fund surplus and thus allows DCC to apply the 0.5% transfer, this should be funded from the growth fund surplus (as Report recommendation (b) and school responses in paragraphs 3.12-3.13).

***(Note:** the recommendation as set out in the Report as (b) relating to specifically approving the proposal to transfer 0.5% between blocks for 2023-24 through a one-off transfer of the growth fund surplus was voted upon but not supported. The Forum were aware this action would cause a disapplication request to the Secretary of State).

(Vote: Schools, Academies and PVI members)

(c) (i) that the de-delegation proposals for maintained primary and maintained secondary schools be approved, as set out in paragraphs 3.17-3.18 and Appendix 2 of Report (DEF/22/12), excepting School Improvement (as set out in paragraphs 3.20 and 3.21); and

(c) (ii) that School Improvement be deferred** for further discussion due to concerns raised by schools during the consultation.

(Vote: Maintained primary representatives)
(Vote: Maintained secondary representatives)

(Note post meeting, (c)(ii) above:** the deferred School Improvement de-delegation proposal should be considered at the next SFG, prior to a decision required at this Forum on 18 January 2023).

(d) that the Central Services funding allocations set out in Report (DEF/22/12) (paragraphs 3.24-3.30 and Appendix 2), be approved as follows:-

(i) to continue to contribute £60,000 for the Emotional, Psychological and Social Wellbeing Service;

(ii) to top slice £223,000 from the Schools Block to fund the Phase Association (Devon SLS and DAG) for one year;

(iii) to retain the funding centrally at the increased £5.99 rate per pupil (£550,000) for Schools Admissions Service; and

(iv) to fund Anycomms+ at a rate of £90 per year for a 3-year period.

(Vote: Schools, Academies and PVI members)

(e) that the revised school responses data De-delegation School Improvement bar chart, at Appendix 2 of the Report (as above) be noted.

ACTION:

Director of Finance & Public Value (Adrian Fox) – (a)-(d) including disapplication request; and

Education (Heidi Watson-Jones) - (c)(ii) SFG agenda.

70 Standing (and other) Groups

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 27 September 2022.

Also available at

[School Organisation, Capital and Admissions Group \(SOCA\) – Education and Families \(devon.gov.uk\)](https://www.devon.gov.uk)

(ii) High Needs Funding Sub Group

The Chair summarised the group's progress, including that DEF's newly established standing Sub Group had met several times to consider:-

- the response to the government's SEND Green Paper Consultation (submitted on 22 July 2022), following circulation to all Forum Members for comment;

-Ofsted, SEND improvement plan, High Needs financial situation and progress with the DfE DSG Safety Valve Plan, as supported by data sets to examine trends, sufficiency and capacity; and

-Next academic term it was proposed to look in detail at Devon's independent special school placements; resource bases and EHCP processes.

Further consideration could be given to the Sub-Group's reporting mechanisms which operated mainly as an advisory/sounding board on High Needs issues (no delegated powers).

ACTION:

(a)(ii) - Legal & Democratic Services (Fiona Rutley) and Chair of High Needs Funding Sub Group.

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Dates of Future Meetings

Meetings at 10am. Please check venue/arrangements

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

Wednesday 23 November 2022

Wednesday 18 January 2023

Wednesday 22 March 2023

Wednesday 21 June 2023

Wednesday 22 November 2023

Wednesday 17 January 2024

Wednesday 20 March 2024.

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 10.05 am and finished at 12.40 pm