

## DEVON EDUCATION FORUM

22 November 2023

### Present:-

#### Schools Members

##### Primary Headteachers

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

##### Primary Governors

Mr P Elliott	Dartmoor MAT (Academy)
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##### Secondary Headteachers

Mrs S Crook	Tiverton High, Federation of Tiverton Schools
Ms F Bowler	Exeter St Peter's CE Aided, Substitute
Ms J Fossey	Braunton Academy
Mr G Hill	West Exe School, Ted Wragg MAT (Academy)

##### Secondary Governors

Mr A Hines	Education SW 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
Ms S Pickering	Mill Water School (observing)

##### Special Governor

Mrs F Butler	Marland School ( <b>Chair</b> )
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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	PETROC, 16-19
Mrs B Alderson	Teachers Consultative Committee (TCC)
Ms G Rolstone	Early Years, Private & Voluntary Independent

##### Observer

Councillor L Samuel	Cabinet Member – SEND Improvement
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Apologies

Ms K Brimacombe  
Ms G Sanders  
Councillor A Leadbetter

Whitchurch Primary, First Fed'n (Academy)  
Athena Learning Trust (Academy)  
Cabinet Member – Children's Services and  
Skills (Observer)

**101**      **Minutes**

**DECISION:**

That the minutes of the meeting held on 21 June 2023 be signed as a correct record.

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

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**103**      **Membership (incl Appointment of Cabinet Member for SEND Improvement to DEF)**

**DISCUSSION:**

The Chair welcomed new Members and the following membership changes were noted:-

(a) The Forum noted that following this new DCC Cabinet Member position wef 1 September 2023, Councillor Lois Samuel had been appointed to DEF as:

Cabinet Member for SEND Improvement (Formal Observer, non-voting).

This position was in addition to that on DEF of: Cabinet Member for Children's Services and Schools, Formal Observer (non-voting). Urgency procedures had been used for this approval following consultation with DCC Members and all DEF Members (September 2023), with Councillor Samuel invited to this meeting.

(b) Resignation of Ms S Channel (Tiverton High School), Secondary Governor.

Elections were currently in process for maintained governor representatives.

**ACTION:** Director of Legal and Democratic Services (Fiona Rutley)/DAG.

**104**      **Education and Learning Update**

**DISCUSSION:**

The Forum considered the report of the Director of Children's and Young People's Futures (DEF/23/12) including as follows:-

- (a) Key Performance Indicators (KPIs) for attendance, exclusions, elective home education (EHE) and children missing education (CME), since autumn term 2021, to date:
- whilst there had been some improvement in Special Educational Needs (SEN)/Education Health and Care Plan (EHCP) pupil attendance, there was some work still to be done. Attendance was a national issue and Devon's attendance and improvement team was doing further work to understand the reasons with schools and to improve the system;
  - exclusions data indicated that SEN and struggling pupils were more likely to be excluded/suspended, with persistent disruptive behaviour followed by physical assault against a pupil, being the most common reasons for these sanctions;
  - there was a Government consultation on proposed changes to the non-statutory EHE guidance for LAs and parents, open to all to comment, closing date 18 January 2024 [Elective Home Education guidance review - Department for Education - Citizen Space](#) Devon's monitoring of EHE pupils remained well below the annual review target unless there were safeguarding reasons. Whilst EHE remained a right of parents, there had been a significant increase and Devon needed to understand why, as more EHE pupils were as a result of parents dissatisfied with schools rather than lifestyle choices. EHE data was also time tracking pupils as to the length of time they were EHE. School transition years R, 1, 7, as well as year 10 were EHE spike years;
- (b) Staffing changes of key personnel was reported, including that an appointment was not made to the Head of Education post following the recruitment process, with further interim measures to be announced shortly;
- (c) Early Help was to be developed to reduce reliance on EHCPs to address SEN;
- (d) Social Emotional Mental Health (SEMH) Partnership Project;
- (e) Devon School Admissions had high levels of meeting parental preference/ children being offered places;
- (f) 2022/23 Outcomes by key stage, indicated there was a lot of work to do regarding KS2 being below national and regional statistical neighbours, linking the spike in EHE and exclusions in year 7; the low attainment gap widened as pupils moved through the key stages, with pupils needing to be able to access the curriculum to meet their needs; Devon was working closely with Essex Local Authority (LA) which had a similar social mobility pattern; Devon's KS4 results were now improving from a historically lower rate;

(g) School Ofsted - the Head of Education wished to reassure school leaders of the LA's support to help school improvements where required.

Discussion also included:-

-Data indicated the more disadvantaged pupils were being EHE, but where there were patterns the LA discussed with schools to understand the context, as well as with Ofsted around inclusivity, to avoid concerns such as off-rolling;

-A consistent inclusive Devon schools approach and stronger partnership working of the LA, schools and health would improve attendance, exclusion and EHE rates. A deeper understanding of the data and review of systems could support these vulnerable pupil groups;

-DEF were keen to have clarity around Devon's arrangements to cover the Head of Education role to avoid disruption to the LA and schools partnership working.

**DECISION:**

That the Forum thank the two interim Heads of Education for their work and support over recent months and for stepping into the role (until end autumn term 2023).

**ACTION:**

Head of Education (Rachel Shaw)

**105 Update on Devon's SEND Transformation Programme**

**DISCUSSION:**

The Forum considered the Report of the Director of Children's and Young People's Futures (DEF/23/16), regarding Devon's partnership approach to SEND improvement and the development of the Dedicated Schools Grant (DSG) management plan as part of the Safety Vale negotiations with the DfE.

Devon's SEND Improvement Director (interim) was now four months into a twelve month contract with Devon, presenting a revised approach to SEND Improvement following Ofsted requiring action to address four areas of significant weakness. The revised approach had broadened the SEND transformation programme; it was developing a new governance structure which was already operating well; developing of management plans for improved service and financial stability; looking at Devon's SEND cohort; primary needs; school provision and outcomes in absenteeism and SEN exclusion rates. The Early Help offer was crucial in reducing the demands and expectations of both schools and families for EHCPs. This was a system

wide challenge, requiring greater collaborative working and collective ownership across the LA, schools and health.

The SEND Improvement Director (interim) was happy to share Devon's more detailed data with schools, although national data was not available.

**DECISION:**

(a) that the revised approach to SEND improvement to enable system wide change be noted; and

(b) the current position in developing Dedicated Schools Grant (DSG) management plan (Safety Valve) be noted.

**ACTION:**

SEND Improvement Director (interim), Kellie Knott (data for schools).

106

**Finance Update**

**DISCUSSION:**

**(a) Schools Finance Group Minutes - 13 September and 6 November 2023**

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

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)

**DECISION:**

that the minutes of the Schools Finance Group (SFG), 13 September and 6 November 2023 be received.

**(b) Finance Update Report**

The Forum considered the report of the Director of Children and Young People's Futures and Director of Finance and Public Value (DEF/23/13).

The report (DEF/23/13) covered:-

-Dedicated Schools Grant (DSG) and Schools Funding Month 6 Report 2023/24;

-Schools;

-DSG Management Plan;

- High Needs;
- Management Actions; and
- Risks.

The summary indicated that:-

-Month 6 outturn forecast for 2023/24 saw a significant overspend in the overall Dedicated Schools Grant (DSG) of £38.1 million which was associated with the continued demand on High Needs after taking into account management actions savings of £12.2 million identified in the current Safety Valve Intervention Management Plan;

-The management action of £20.2 million reflected the budgeted savings expected to be delivered in 2023/24 as per the current Safety Valve submission to the DfE. As at month 6, £9.8 million had been identified as being at risk of not being delivered due to either delays in projects not commencing or no longer happening;

-An additional £2 million savings within the independent sector had been identified from 3-5 year placements ending and Adult Social Care contribution;

-The DSG Adjustment Account, which showed the cumulative DSG Deficit was projected to rise to £162.5 million by the end of 2023/24;

-A high level of requests continued for Education, Health and Care Plan (EHCP) referrals, 1,648 requests had been received for the period January 2023 to September 2023 compared to 1,540 for the same period in 2022. However the number of requests being refused at 6 weeks and 16 weeks had increased since 2022 for the same period. Support from schools was required to take action to mitigate the growing demand;

-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; and

-An interim SEND Improvement Director from the DfE was working with Devon to drive forward the SEND Improvement Plan and the Safety Valve. Programme Management support had also been identified within the LA to help both support and deliver the SEND Improvement Plan and the Safety Valve Plan to manage the High Needs Block deficit.

In response to questions, Officers advised that from their ongoing work with DfE advisers, the DfE needed to see an evidenced, robust and realistically deliverable Safety Valve Plan before Devon was accepted onto its programme. It was anticipated that a Plan to meet the DfE's requirements could be achieved by the 15 December 2023 submission date.

Whilst DEF was being asked to note the update, Members remained concerned about the ongoing difficult financial situation as above.

**DECISION:**

that the month 6 DSG monitoring position be noted.

**107      2024-25 Schools Funding Arrangements Consultation Responses**

**DISCUSSION:**

The Forum considered the Report of the Director of Finance & Public Value and Director of Children and Young Peoples Futures (DEF/23/14) following Devon's consultation on schools funding arrangements 2024/25 with schools (closed 22 October 2023).

Officers advised that in respect of Report recommendation (a)(ii)(a), proposal 4, regarding the transfer between bocks (section 4(c) of the Report), the Forum was not currently being asked to take a decision on Proposal 4 itself due to outstanding information still awaited, but to agree in principle on how funding would be distributed, in relation to the consideration of Proposal 4 at the Forum's meeting in January 2024. Should the Forum not agree to Proposal 4 at its January 2024 meeting, this would not form any part of the allocation should the County Council receive additional funds from Government in December 2023.

Some Headteacher representatives raised a concern regarding process and how the views of schools would be taken into account in the consideration of proposal 4, seeking an adjournment to consider their position.

Following a short adjournment:-

Headteacher representatives noted that schools' views could be further sought (where appropriate), before consideration by the Forum in January, if the County Council could provide the outstanding information shortly.

**DECISION:**

(a) that the proposals for schools funding (in line with the results of the consultation) be approved:-

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

(ii) to distribute any unallocated funding in the following order:

(A) Go towards the amount being transferred to the high needs block up to a maximum of 0.5%, provided that Proposal 4 was agreed in principle;

(B) Increase AEN factors by up to the allowed maximum of 2.5%;

(C) Increase all other factors up to the allowed maximum of 2.5%;

(D) Increase the MFG up to a maximum of 0.5% per 2024-25 guidance;

(iii) to bridge any funding gap in the following order:

(A) reduced AWPU by up the allowed maximum of 2.5%; and

(B) reduced all other factors by up the allowed maximum of 2.5%.

**(Vote: Schools, Academies and PVI)**

(b) the de-delegation of the services listed in Section 5a of the Report, in line with the results of the consultation be approved;

**(Vote: Maintained primary representatives)**

**(Vote: Maintained secondary representatives)**

(c) that the funding of central services listed in Section 6 of the Report, in line with the results of the consultation be approved;

**(Vote: Schools, Academies and PVI)**

(d) that the proposal to submit a disapplication request for exceptional circumstances relating to school premises for 2024-25 (Section 7 of the Report) be approved; and

**(Vote: Schools, Academies and PVI);**

(e) that it be noted that further information relating to (a)(ii)(A) above would be forwarded to Forum Members as soon as possible this academic term, to enable them to discuss with their respective school colleagues (where appropriate) in advance of its consideration at the 24 January 2023 DEF meeting.

**ACTION:**

Director of Finance & Public Value (Adrian Fox)

**108 Transfer of AWPU for Reasons other than Permanent Exclusion**

**DISCUSSION:**

The Forum considered the Report of the Director of Children and Young People's Futures (DEF/23/15) regarding reclaiming Age Weighted Pupil Unit (AWPU) funding paid to all mainstream schools, where a pupil's education was provided under section 19 of the Education Act, "illness or otherwise." This was so that support was for those services supporting the student and reducing the demand on the High Needs Block and followed the child when they were reintegrated back into school.

The Alternative Provision representative advised that recommendation (ii) as worded could cause some budgetary management issues and suggested "per pupil funding" should not be included in the 80% AWPU transfer.

**DECISION:**



That the Forum supports:-

- (a) the transfer of 100% of AWPU and per pupil funding (e.g. Pupil Premium) for pupils who were removed from a mainstream school roll, for reasons other than permanent exclusion, and were receiving education funded by the Local Authority (LA) other than at a school (EOTAS);
- (b) the transfer of 80% of AWPU for each term that the pupil was in alternative provision funded by the LA, while remaining dual registered with the main school; and
- (c) that the proposed changes take effect from the beginning of the 2023-24 academic year.

**ACTION:**

Director of Finance and Public Value (Adrian Fox).

**109 Standing (and other) Groups**

**DISCUSSION:**

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)

(A) Minutes of the meeting held on 26 September 2023; and

(B) In respect of note 4, In-Year Admissions Moving to Direction:-

**DECISION:**

That DEF supports the Local Authority proposal to move to direction for in year admission applications where a decision to admit has not been made within statutory timeframes - non determination.

Also available at

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

(ii) High Needs Funding Sub Group

Minutes of the meeting held on 17 October 2023.

**ACTION: -**

**110      Correspondence**

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**111      Dates of Future Meetings**

Meetings at 10am. Please check venue/arrangements

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

Wednesday 24 January 2024 (revised date)

Wednesday 20 March 2024

2024/25 Calendar:-

Wednesday 19 June 2024

Wednesday 20 Nov 2024

Wednesday 22 Jan 2025

Wednesday 19 March 2025.

**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 12.30 pm