

## DEVON EDUCATION FORUM

20 November 2018

Present:-

Schools Members

Primary School Headteachers

Mr M Boxall	Exeter Children's Federation
Mr A Dobson	Marwood Primary
Mr J Stone	Denbury Primary
Mr P Walker	First Federation Trust ( <i>Academy Member</i> )

Primary School Governors

Mr M Dobbins	Exmouth Marpool Primary
Ms M Wallis	Whimble School ( <b>Chair</b> )

Secondary School Headteachers

Mr R Haring	Ivybridge CC ( <i>Academy Member</i> )
Ms M Marder	The Ted Wragg Multi Academy Trust ( <i>Academy Member</i> )
Ms A Mitchell	The Ted Wragg Multi Academy Trust ( <i>Academy Member</i> )
Mrs J Phelan	Cullompton CC

Secondary School Governors

Ms J Elson	Exmouth CC ( <i>Academy Member</i> )
Mrs J Larcombe	Uffculme Academy Trust ( <i>Academy Member</i> )
Mr T Newman	Chulmleigh Academy Trust ( <i>Academy Member</i> )

Special School Headteacher

Ms S Pickering	Millwater School
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Special School Governor

Mrs F Butler	Marland School
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Alternative Provision

Mr R Gasson	WAVE Multi Academy Trust ( <i>Academy Member</i> )
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Non-Schools Members

Mr R Gurney	Teachers Consultative Committee
Mr J Searson	Exeter Diocesan Board of Education
Mrs S Barnett	Early Years Private, Voluntary & Independent
Mr M Walsh	16-19, Exeter College ( <i>Substitute Member</i> )

Observer

Councillor J McInnes	Cabinet Member – Children's Services and Skills
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Apologies

Mrs A Blewett	Kings Nympton Primary
Mr A Walmsley	First Federation ( <i>Academy Member</i> )
Mrs T Sturtivant	Tiverton High
Mrs S Baker	Westexe
Mr B Blythe	PETROC

**85**      **Election of Chair and Vice-Chair**

**DECISION:** that Maria Wallis and Faith Butler be elected Chair and Vice-Chair respectively until the autumn term meeting 2020 (2 years).

**86**      **Minutes**

**DECISION:**

That the minutes of the meeting held on 20 June 2018 be signed as a correct record.

**87**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency

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

**DISCUSSION:**

The Chair congratulated Councillor James McInnes on becoming the Chair of the f40 Group which represented 41 English local authorities with historically low funding for education.

**89**      **Membership**

**DISCUSSION:**

The Chairman welcomed new members and the following membership changes were noted:-

Paul Walker – Primary academy full member (instead of substitute member)  
Sarah Pickering – Special School Headteacher (instead of substitute member)  
Mike Gurney – TCC (formerly served on DEF) and  
Rob Gasson – Alternative Provision

Nicky Dunford, Rachel Shaw - Primary academy substitute member  
Sammy Crook – Secondary maintained substitute member.

**DECISION:**

That the Forum's appreciation be conveyed to Bev Alderson who was the TCC member until this summer 2018, for her support and commitment to DEF.

**ACTION:**

County Solicitor (Fiona Rutley)

**90**      **Finance Update**

**DISCUSSION:**

The Forum considered the report of the Head of Education & Learning and County Treasurer (DEF/18/08) and received a note circulated at the meeting from the County Treasurer on the current Month 6 forecast which included a breakdown and figures in relation to management action taken.

The Forum also noted the respective minutes of the Schools Finance Group (SFG) of 7 November 2018 and The School Organisation, Capital and Admissions Forum of 25 September 2018.

The Report covered the Month 6 Dedicated Schools Grant (DSG) budget monitoring position.

Points highlighted at the meeting were:-

- Review of Independent School placement for Adults in their 3<sup>rd</sup> - 5<sup>th</sup> year of post 16 education: a request to clarify interpretation of the Regulations regarding whether the deficit (£2,473,000) should be treated as a carry forward to 2019/2020 in the High Needs Block (N.B. clarification from the Treasurer is appended to these Minutes);
- the EHCP costs did not relate to employee costs and budget pressures had built up over several years as a result in demand led pressures and reducing budgets;
- the need for continued political pressure for allocation of additional resources, noting the active campaigning by the f40 Group led by its new Chair, Councillor McInnes;
- the recent visit to Devon by the Secretary of State for Education when he had listened to representations from the Cabinet Lead for Children's Services and as Chair of the f40 Group, the Chair of DEF and other DEF Members and senior Local Authority Officers;
- attendance by the f40 Chair at the Manchester Conference when the case for fair funding was strongly put which appeared to be acknowledged by Ministers, especially in terms of the High Needs Block and the need to press the case with Treasury Ministers in a detailed and evidence-based manner to highlight the recent impact with a decline in KS4 performance in Devon; and
- the high costs of Independent School Placements and the need for early planning to alleviate cost pressures and difficulties in effective strategic planning attributable, in part, to the Free School programme.

**DECISION:** that the Month 6 DSG budget monitoring position be noted, and that confirmation of the position be sought from the Treasurer regarding the first bullet point above (**clarification appended to the Minutes**).

**ACTION:**

County Treasurer (Adrian Fox)

**91 Schools' Funding Consultation and Arrangements 2019-20**

**DISCUSSION:**

The Forum considered the report of the Chief Officer for Children's Services and County Treasurer (DEF/18/09) on Schools Funding and Devon's consultation with schools during the autumn term 2018.

Members' and Officers' discussion included: -

- the need for per pupil/capita information and not just global figures, and the Forum noted that this data was available from the Schools Budget Calculator; SFG had been provided at the September meeting with information for the options and all schools could see data across Devon via the School Budget Share Calculator;
- regular monthly updates would be produced for the SFG meetings and an additional meeting in July would also be programmed and an explanation had been provided prior to the cancellation of the SFG meeting;
- the operational guidance was fully understood by the relevant officers [N.B. the County Council was confident that it delivered provision in line with the guidance, as referred to in Minute 90];
- the DEF and the County Council recognised the rising costs of services to and within Schools;

- the detrimental impact if the proposed 0.5% transfer from the DSG Schools Block to the High Needs Block, noting the pressures in both areas, the limited benefit the transfer would have for children with special needs, the work done presently by schools to support children with special needs which would be adversely affected by any decrease in funding and recognising that it would be for one year only; and
- that in light of the vote taken at (a) (ii) below Officers would be meeting with the Cabinet Lead on 26 November 2018 before making a submission to the Secretary of State (by 30 November) and that meeting would be fully cognisant of the **unanimous** vote taken by the Forum at this meeting.

**DECISION:**

(a) that Cabinet be recommended (in respect of the proposals for the 2019-20 schools revenue funding formula (as set out in section 1 of report DEF/18/09): -

(i) that the formula factors for distributing the funding to schools be approved, in that, the Minimum Funding Guarantee be set at 0% and the Minimum Funding Level be maintained at 2018-19 funding levels. *(Note that the final funding rates may change subject to affordability when the October 2018 pupil data and Schools Block DSG settlement is confirmed in late December 2018;*

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

(ii) that the transfer of 0.5% to the High Needs Block be NOT approved, [despite the response to question one (as set out in section 1 of report DEF/18/09) and the continued funding pressures within the block];

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

(iii) that in view of the Vote taken at (ii) above, the School's Forum agree Option B as it recognises the schools views to maintain a 0% MFG with the understanding that if the authority received additional growth funding from the new methodology from the DfE that it is revised to Option C (as detailed in the Report DEF/18/09);

(b) that the de-delegation or delegation proposals for maintained primary and maintained secondary schools respectively (as set out in section 2.2 and appendix C of report DEF/18/09) be approved;

***(Vote: Maintained primary members)***

***(Vote: Maintained secondary members)***

(c) that the centrally held funding allocations (as set out in section 3 and 3.14 and appendix D of report DEF/18/09) be approved, namely: -

(i) to continue to give £60,000 for the Emotional, Psychological and Social Wellbeing Service, co-produced by Public Health Devon and schools;

(ii) to retain the funding centrally at the same level as 2018-19 for Phase Associations;

(iii) Option 1 to increase the rate to £5.28 per pupil for Schools Admissions Service.

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

(d) that the local authority's disapplication requests that have been applied for and awaiting approval allocations (as set out in section 4 of report DEF/18/09) be noted.

**ACTION:** County Treasurer (Adrian Fox)

**92**      **Head of Education & Learning Update and Attainment 2017/18**

**DISCUSSION:**

The Forum received the Education and Learning 2017/18 Initial Attainment Report which covered an overview of attainment from the Foundation Stage to Post 16 and details within each stage. The Head of Education and Learning would present the findings and trends in detail to a future meeting. The data remained subject to validation by the DfE.

The Forum noted that this year Devon had seen a drop-in progress at Key Stage 4 and this had resulted in performance falling just below the National averages and Devon's statistical neighbours.

**ACTION:**

Head of Education & Learning (Dawn Stabb)

**93**      **Devon Inclusion Project**

**DISCUSSION:**

The Forum received the report of the Head of Education & Learning (DEF/18/10), together with the Annual Exclusions Report 2017/18 (also presented to the Children's Scrutiny Committee on 19 November 2018).

The Inclusion Project was a collaborative approach with Devon Schools to reduce the number of: -

- fixed term and permanent exclusions;
- pupils out of school on reduced timetables; and
- pupils missing school due to medical needs.

The Head of Education and Learning and Members' comments included: -

- the ongoing work to identify children missing school due to medical needs and request by the Forum for more information relating to the number/identity of the Schools affected;
- the number of exclusions was declining, however there was an increase in Parents appealing to the Independent Review Panel whose fees to Schools had increased; and
- the number of Free School Meal entitlement had decreased significantly and the reasons for this was being investigated by the Local Authority and the Forum Members were asked to use their influence to increase awareness amongst parents of their entitlement (as part of the LA campaign) as this had a direct impact on the Dedicated Schools Grant (DSG) and the High Needs Block.

**94**      **Standing (and other) Groups**

The Forum received the following minutes of its standing groups:-

(a) Schools' Finance Group (SFG)

Minutes of the meeting held on 7 November 2018 (considered under Finance Update minute and Schools funding Consultation minute above.)

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

Minutes of the meeting held on 25 September 2018.

**95**      **Dates of Future Meetings**

Meetings to be held at County Hall, Exeter, at 10am (unless otherwise specified):-

DEVON EDUCATION FORUM  
20/11/18

Wed 23 January 2019  
Wed 20 March 2019

Wed 19 June 2019  
Wed 20 Nov 2019  
Wed 22 January 2020  
Wed 18 March 2020.

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

The Meeting started at 10.00 am and finished at 11.50 am

The Schools Forum web is [www.devon.gov.uk/schoolsforum](http://www.devon.gov.uk/schoolsforum)

In response to the Devon Education Forum query around incorrect use of the Dedicated Schools Grant - High Needs Block, in particular, the following extract for students aged 19 - 25.

## *Students aged 19 to 25 with an EHC plan*

1. *Students aged 19 to 25 with EHC plans who are continuing in education may have a range of options, including attending FE institutions, ILPs and SPIs. The school funding regulations require that a local authority may not use its high needs budget to fund places, or pay top-up funding, for 19 to 25 year-olds attending a maintained school, an academy school, an alternative provision academy, a non-maintained special school, or an independent school. There is an exception for those 19-year-olds who are completing a secondary education course started before they were 18-years-old.*

2. *Some schools may consider that they have the appropriate specialist expertise to prepare students aged 19 to 25 with an EHC plan for adult life, including independent living and employment. To receive high needs funding for such young people, a school would have to set up a legally and financially separate entity to provide the appropriate environment for young people of that age. Once established, to be eligible for ESFA funding the new entity should follow the process set out [above](#).*

3. *For information on learners aged 19 to 25 without an EHC plan see [annex 3](#).*

Since the introduction of the Code of Practice the above has been in place for post 19 learners and has always been adhered to in making post 19 placements. To add clarity, we have outlined DCC practice.

All learners are entitled to 3 years post 16 in any post 16 provider and this is funded through a combination of ESFA funding for the place and £6,000 for every high needs learner, then top up for those high needs learners from the LA.

It should be noted that NCY 14 is the year learners turn 19. These learners are identified by the LA every year on the high needs return to the ESFA.

**Post 19 refers to students in National Curriculum Year (NCY) 15 and onwards.**

## **Funding is restricted**

*"...may not use its high needs budget to fund places, or pay top-up funding, for 19 to 25 year-olds attending a maintained school, an academy school, an alternative provision academy, a non-maintained special school, or an independent school."*

Once in NCY 15 funding is restricted to:

- 1) Those with EHCPs  
**AND**
- 2) Only in certain providers – as per guidance. These providers are FE Colleges, Independent Learning Providers (those providing apprenticeships), Specialist post 16 institutions. This status is confirmed through DfE/ESFA databases.

This guidance applies to all post 19 learners in education agreed by DCC SEN team.

# Minute Item 90

DCC does not and will not fund any provision post 19 in maintained school and academies (including special schools), non-maintained special schools or Independent schools in line with guidance.

There is currently one provider who we have been using (placements are historical) which we have advised to seek SPI approval from ESFA in order for us to maintain the arrangements. If they do not we will be unable to place with them in future. We have informed this provider of this. This provider has 7 post 19 learners; 3 of whom have confirmed end dates this academic year, the other 4 are being informed of the funding restrictions this term and an end date will be confirmed.

## **Exceptions**

*“There is an exception for those 19-year-olds who are completing a secondary education course started before they were 18-years-old”.*

Currently there are two post 19 learners who are in exceptional arrangements one of whom was maintained under direct order of Tribunal.