

DEVON EDUCATION FORUM

22 June 2022

Present:-

Schools Members

Primary Headteachers

Mr A Dobson	Marwood Primary
Mr J Stone	Denbury Primary
Ms R Shaw	Exeter Learning Academy Trust (Academy)
Mr P Walker	First Federation Trust (Academy)

Primary Governors

Ms K Brimacombe	Whitchurch Primary
Mr J Clements	Cranbrook, St Martin's CE Primary
Mr A Hines	Rydon Primary (Education SW Trust)(Academy)
Mr I Rogers	Exminster Primary

Secondary Headteachers

Mrs S Crook	Federation of Tiverton Schools
Mr R Gammon	The Kings' School (Academy)
Ms L Heath	Uffculme Academy Trust (Academy)
Mr G Hill	Ventrus Multi Academy Trust (Academy)

Secondary Governors

Ms J Elson	Exmouth CC (Academy)
Mrs J Larcombe	Uffculme Academy Trust (Academy)
Mr A Walmsley	The Ted Wragg Multi Academy Trust (Academy)

Nursery School

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

Observer

Mrs S Pickering	Special Headteacher Substitute Member Mill Water School (observing)
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Apologies

Mrs S Baker	Westexe (Nursery)
Ms S Chanell	Federation of Tiverton Schools
Mr A Davis	Exmouth CC (Academy)
Councillor A Leadbetter	Cabinet Member – Children’s Services and Skills (formal observer)

45 Minutes

DECISION:

That the minutes of the meeting held on 16 March 2022 be signed as a correct record.

46 Items Requiring Urgent Attention

DISCUSSION:

(a) Parent Carer Forum Devon Survey 2021, 2022 and Ofsted Inspection Report

The Chair decided that this matter should be considered at the meeting as matters of urgency due to recent developments and publication.

The Forum noted that the final Ofsted report was expected to be received after approximately a month, published nationally and DEF Members would be advised as soon as possible. The inspectors had reflected on the Parent Carer Forum Devon Survey.

The Parent Carer Forum Devon also offered to brief DEF on the findings of the survey and this was accepted.

ACTION:

Education & Learning (Jackie Ross)/Assistant County Solicitor (Fiona Rutley)

(b) DCC Senior Leadership

The Chair decided that this matter should be considered at the meeting as matters of urgency due to recent changes.

Members were disappointed at the communications to date regarding recent changes at senior leadership level within Education & Learning services, noting also the Director of Children's and Young People's Futures was today with the Ofsted inspection team (a recent job title change from Chief Officer for Children's Services, no responsibilities change). Members requested to be kept informed of developments over the transition period.

DECISION:

that Education & Learning provide more detailed communications before the end of term.

ACTION:

Education & Learning: (a) Jackie Ross and (b) Simon Niles.

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

No matters discussed.

48 **Membership**

DISCUSSION:

The Chairman welcomed new Member(s) to the meeting:-

Ms Helen Brown, Roman Catholic Diocesan Schools Commissioner (DEF Faith representative – DCC appointment).

The following membership changes were noted:-

-Ms Claire Platt, Church of England Diocesan Deputy Director of Education (DEF Faith substitute representative – DCC appointment);

-Ms Sonia Chanell, maintained secondary governor (elected Member).

ACTION:

County Solicitor (Fiona Rutley)

49 Education & Learning Update (including White Paper)

DISCUSSION:

The Forum considered the report of the Education & Learning service (DEF/22/09) on:-

(a) The White Paper - Opportunity for All

The Schools Bill was currently at Committee stage in the House of Lords: <https://bills.parliament.uk/bills/3156> with the Bill policy statements at: <https://www.gov.uk/government/publications/schools-bill-policy-statements>

Government was expected to bring forward the policies and principles in the White Paper relatively quickly. Discussions were being held with the Department for Education and Regional School Commissioner with local authorities (LAs)/Devon County Council regarding the White Paper. Devon was also keen to understand the learning from England LA's expressions of interest in establishing a multi academy trust as part of a test and learn exercise.

Devon was committed to working with schools on the White Paper delivery, including the challenges in supporting SEND and the most vulnerable students.

(b) School Attendance Guidance

New non-statutory Guidance had been published: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073616/Working_together_to_improve_school_attendance.pdf

A greater focus on school attendance/breaking down barriers to attendance was to be welcomed and was critical to meeting the White Paper aspirations.

(c) Homes for Ukraine

To date 330 applications for Devon school places had been received (with 204 pupils on roll). In view of the widely spread rural geographical locations (with no concentration in urban areas) Devon was looking at mapping and at schools working collaboratively within areas. No Government funding had yet been received for Ukrainian (or also Afghan) children and young people. The very recent Government announcement regarding accepting unaccompanied children and young people could have quite significant implications for Local Authorities.

Members suggested that Ukrainian support groups may also be able to provide data to assist school admissions and that figures may well be higher than Devon may currently have anticipated.

(d) Chittlehampton CE Primary Closure and Demographics across Devon

This school closure wef September 2022 demonstrated the impact of falling demographics on falling rolls and surplus places. Devon was working with schools over school places and was in discussion with the DfE regarding strategically managing peaks and troughs and in particular, secondary sector falling rolls in the medium to long term.

(e) Other Matters

A range of questions/comments (together with Officer responses), in summary included:-

- (i) any further consideration given of the budget settlement for September 2022 to August 2023 following the increasing costs of utilities, catering and the increase in the minimum wage by 6.6% with the possibility of an increasing number of students on Free School Meals? - Officers advised that funding for 2022/23 has already been given through the DSG Settlement and supplementary funding agreed as part of Autumn Statement;
- (ii) whether Devon was getting an increase in the sum to fund Education, Health & Care Plans (EHCPs), to meet increasing costs? - Officers advised that the High Needs Block's considerable pressures were being mitigated through the Deficit Management Plan. Supplementary funding had been given as part of Autumn Spending review to deal with the National Insurance and Social Care Levy;
- (iii) School funding for a Mental Health lead in Devon schools? - Officers advised that Devon did not hold records on what schools bid for from national programmes;
- (iv) any update on Devon's improvement measures for Children's Services? - Officers advised that a report back to the Forum would be made following the Ofsted monitoring visit on 22/23 June 2022;
- (v) establishment of 'hubs' made up of various agencies/interests to improve the support given to young people and their families and MASH's consideration of referred students? - Officers advised this was currently ongoing and requested clarification on the issues raised;
- (vi) any further Government funding lobbying by Devon in liaison with schools via Devon MPs? - Officers advised this would be referred to the Cabinet Member School & Skills; and
- (vii) in relation to re-evaluating future reports under this standing agenda item, in a renewed Devon commitment to work with schools, Members would welcome strategic data including school exclusions/ suspensions and SEND, as the Forum brought together the understanding of the Devon view as it

emerged. Devon's strategic plan objective of making a Child Friendly Devon was welcomed as would data/risk analysis for the Forum to support the lived experience of Devon children and key vulnerable groups to improve outcomes.

DECISION:

(a) that Members advise Education & Learning* of any standing or periodic data they would wish to receive within future written Education & Learning Update reports (in addition to that discussed above);

(b) that the Early Years PVI representative be advised as to the funding available to the sector for Ukrainian refugees, as opposed to statutory school age children;

(c) that Education & Learning progress actions as discussed at (e)(iv) and (vi) above; and

(d) that in relation to significant ongoing matters of relevance to the Forum, further consideration be given to a Forum Member's briefing being held to update Members and/or a special Forum meeting before the next scheduled meeting (23 November 2022).

ACTION:

*Education & Learning - Simon Niles (a) – (c);
Acting County Solicitor (Fiona Rutley (d)).

50 Babcock In-Housing Update

Members noted that the in-housing of Babcock education services was on target to transition wef 1 August 2022. It was envisaged that information regarding the new structure could be shared after the staffing TUPE deadline (28 June 2022), subject to further advice from Devon's human resources team.

51 Finance Update

(Mr Gasson, Alternative Provision representative declared an interest in this matter and withdrew from voting in relation to decision (a)(i) – (a)(ii)).

DISCUSSION:

(a) Schools Finance Group Minutes, 6 June 2022

The Forum considered the above minutes, including:-

- DEF minute 41, Health and Social Care Levy Payments (SFG minute item 5);

-proposed action in relation to SFG minute item 1 (Schools' Non-Domestic Rates), in liaising with District Councils to arrange centralised payment); and

-schools to be encouraged to consider and question the impact on minimum per pupil funding levels and Additional Educational Need (AEN) factor changes proposals within the autumn funding consultation on individual schools, during the consultation period (SFG minute item 4).

SFG minutes also available at

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

DECISION:

(a) that in relation to DEF minute 41, Health and Social Care Levy Payments/ SFG minute item 5 Funding for Alternative Provision:-

(i) the funding mechanism for High Needs providers (Alternative Provision and Special Schools) be aligned;

(ii) that uplift for 2022-23 to be considered of 2.75% to top up rates in addition to a lump sum payment given for the supplementary 1% levy based on the top up value for Devon Alternative Provision and Special Schools (i.e. maintained and academy Special Schools);

(Vote: (a)(i)-(ii), Schools, Academies and PVI Members)

(b) that the minutes of the Schools Finance Group (SFG), 6 June 2022 be received and the proposed action in relation to SFG minute items 1 and 4 above be noted.

(b) Finance Update Report

The Forum considered the Report of Chief Officer for Children's Services and Director of Finance and Public Value (DEF/22/08).

The draft outturn position for the Dedicated Schools Grant (DSG) showed an overspend of £7.7 million prior to transfers to the DSG Deficit Reserve and ringfenced balances. Although this was an improvement of £2.3 million from month 11 position the continued demand on High Needs and on Special Educational Needs placements within the independent sector continued to drive the pressure which remained extremely concerning. The deficit balance would be transferred to the DSG adjustment account. The in-year 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.

In response to Member's questions, the Director of Finance and Public Value advised that:-

-Devon was still awaiting a response from the DfE regarding the outcome of the Safety Valve Intervention Programme and the possible Capitalisation Direction (paragraph 1.2 of the Report). The DfE recognised Devon's management plan work and business case, but were clarifying the position on capitalisation before submission to the Treasury for approval. Members were concerned that the delayed confirmation of Devon's proposals could have a significant impact on this financial year and the management plan overall. Whilst work was progressing in the background in the meantime, the magnitude of the deficit could have a severe impact on Devon's ability to respond to this and its wider issues should a DfE/Treasury decision be further delayed; and

-further consideration could be given to the ring-fenced the Disability Access Fund carry forward to see how this may be utilised for both early years and statutory school age disadvantaged children.

Whilst the Report (DEF/22/08) asked the Forum to note most aspects of the report in updating Members on the current position, Members expressed concern at the continued DSG position and the potential impact of a delayed confirmation of the Safety Valve Intervention Programme (referred to above).

DECISION:

(a) that the DSG Draft Outturn position (subject to Statement of Accounts sign off) as set out in sections 1-6 of Report (DEF/22/08) be noted;

(b) that the surplus budget carry forwards for Schools, de-delegated, central school services and High needs as set out in Section 7, table 5 of Report (DEF/22/08) be noted;

(c) that Cabinet be recommended:- that the Early Years surplus carry forwards as set out in Section 7, table 5 be approved;
(Vote: Schools, Academies and PVI members)

(d) that the Individual School Balances carry forwards as set out in Section 7, table 6 of Report (DEF/22/08) be noted;

(e) that the DSG Deficit Reserve transfer as set out in Section 7, table 7 of Report (DEF/22/08) be noted;

(f) that the Forum be informed when the DfE/Treasury Safety Valve Intervention Programme decision was known; and

(g) that the Schools Finance Group be requested to consider Early Years pupil premium and how the Disability Access Fund may see a reduction in the ring-fencing/be distributed.

ACTION:

Director of Finance and Public Value (Adrian Fox)

52 High Needs Funding Sub Group - Revised Terms of Reference (DEF Minute 41(b))

DECISION:

The Forum considered the revised draft Terms of Reference received from the Group (amended Membership section). At the last DEF meeting clarification of membership was requested (minute 41(b), 16 March 2022).

The Chair of the Sub Group reported on its initial meetings in considering the High Needs management plan. It was intended to invite some Officers on an as required basis, over a small basic core. He further advised that the Sub Group would be considering a response to the Green Paper consultation on changes to Special Educational Needs & Disabilities (SEND) and Alternative Provision (AP) in England.

DECISION:

(a) that the High Needs Funding Sub Group Terms of Reference (section C), Membership, read as follows:-

(i) that the Sub Group membership structure should be the same as the Schools Finance Group (currently 14 Members, plus Officers) in terms of phases and groups (HT/governors) to include Early Years and Post 16, drawn from the Forum;

(ii) that the Quorum be set at 5 Members;

(b) that the Sub Group's recommended response to the Green Paper above be emailed to the Chair and Spokespersons of the Forum, together with the wider membership for any comment/approval in accordance with DEF urgency procedures to meet the consultation deadline.*

*note (post meeting): response submission deadline now extended to Friday 22 July 2022).

ACTION:

(a) Education & Learning (Heidi Watson Jones);
(b) Education & Learning (Heidi Watson Jones) /Acting County Solicitor (Fiona Rutley).

53 **SEND 100 Project Update (DEF Minute 37(b))**

DISCUSSION:

The Chair of the SEND 100 Steering Group reported that it was anticipated that this Group would cease once Babcock SEND services came back in-house (transition wef 1 August 2022), with any of its ongoing work managed via the High Needs Sub Group. It was hoped that some of the SEND 100 project carry forward could be used to widen/develop the role of the seconded Project Lead due to end 31/3/23, as appropriate.

It was noted that no current decision was required by the Forum in respect of DEF minute 37(b), 16 March 2022 resolution, i.e.:-

“that the SEND 100 Steering Group (at their meeting on 31 March 2022) examine the detail of the above proposals and make a recommendation to DEF about the extension of the current arrangement to 1 August 2022 and the move to business-as-usual provision under the DSG Management Plan proposals thereafter.”

54 **DEF Proportionality (to September 2022) and Elections**

DISCUSSION:

To note that further to consultation in reviewing Proportionality (pupil census data projected to September 2022), no change in the current Forum Membership was proposed, noting elections to be held for the coming academic year 2022/23.

An academy representative queried the proportionality remaining at the status quo, given primary academy pupil numbers were now shortly below 50% (i.e. 46.4%)

There were currently 3 academy primary representatives and 5 maintained primary representatives across the 8 phase seats.

DECISION: that the status quo remain for 2022/23 elections.

ACTION: Acting County Solicitor (Fiona Rutley)/Phase election officers.

55 **Standing (and other) Groups**

The Forum received the following standing group minutes:-

School Organisation, Capital and Admissions (SOCA)

Minutes of the meeting held on 6 June 2022.

Also available at

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

56 **Future Meetings - Dates and Arrangements**

Please check venue/arrangements at

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

Wednesday 23 November 2022

Wednesday 18 January 2023

Wednesday 22 March 2023.

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 11.56 am

