

**Minutes of Dudley Schools Forum
Tuesday, 14th November, 2023 at 6.00 pm
Microsoft Teams**

Present:

Mrs J Belcher (Chair)
Mrs J Morgan (Vice-Chair)
Mrs R Cox, Mr C Finnerty, Mrs M Harris, Mrs J Higgins, Mrs V Howard,
Mr S Lanckham, Ms L Maskell, Mrs E O'Brien, Mr T Reid, Mr B Roe,
Miss F Sumner, Mr K Tranter, Miss A Ward, Mrs A Webb and Mrs S Watson.

Non-Voting Officers:

C Driscoll (Director of Children's Services), C Ludwig (Finance Manager),
J Moules (Senior School Improvement Officer), M Palfreyman (Head of
Education Outcomes and Inclusion), S Powell (Acting Head of SEND), S
Thirlway (Service Director Education, SEND and Family Solutions), J Wilson
(Senior Principal Accountant) and K Malpass (Democratic Services Officer).

12 **Introductions by the Chair**

The Chair welcomed everyone to the meeting.

13 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Mrs A
Hannaway, Mr M Kelay, Mr P Leyshon and Councillor R Buttery.

14 **Substitute Members**

There were no substitute Members appointed for this meeting of the Forum.

15 **Minutes**

Resolved

That the minutes of the meeting held on 3rd October 2023, be approved as a correct record.

16 **Matters Arising from the Minutes**

No issues were raised under this agenda item.

17 **Head Teachers Consultative Forum – Budget Working Group Verbal Feedback**

Mrs V Howard, Pupil Referral Unit Representative, provided feedback on the discussions held at the previous Head Teachers Consultative Forum – Budget Working Group (HTCF-BWG) meeting advising that the Local Authority were taking steps to increase the number of Special Educational Needs and Disabilities (SEND) bases by a further eight on mainstream school sites in the Borough.

It was advised that Dudley Catering Services would cease on the 31st March 2024 and new providers would be arranged for schools.

Alternative Provision and Inclusion Strategy Workshops had now taken place and it was envisaged that a draft strategy would be developed by the end of the year.

It was reported that seven Ofsted assessments had taken place since September, 2023.

Headteacher meetings had been arranged for November and December, 2023 and a Senior Officer would be attending to provide appropriate updates.

It was noted that training on complaints had been held in October, 2023 with approximately 60 schools in attendance, however, complaints continued to be received.

The Dudley Community Toothbrush Scheme, which provided free toothbrushes for all Key Stage 1 children to tackle issues of poor oral health, had commenced and the Health Related Behaviour Questionnaire aiming to support and understand the lives of children and young people would be circulated to all schools during the current academic year.

An update on the position of the Dudley Schools Grant (DSG) was provided highlighting key points and areas of overspend. The de-delegated budget was also discussed, together with a request for the union facility time and changes to the primary outreach for behaviour to be maintained.

An update was provided regarding the latest developments and progress in relation to delivering better value (DBV) in SEND indicating that significant funding had been awarded to the Local Authority by the Department for Education (DfE) to support ongoing development and the initial delivery of the DBV programme outcomes. Information in relation to the four key strategic workstreams were also referred to.

The Chair expressed her appreciation for the detailed feedback provided.

Resolved

That the feedback provided be noted.

18 **Schools Forum Membership**

A report of the Director of Children's Services was submitted on an update in respect of Schools Forum membership changes effective from 1st November, 2023.

The Democratic Services Officer presented the report submitted, and in doing so, outlined the membership changes as a result of the recent election process. It was reported that Mrs A Hannaway, Primary School Head Teacher representative, had been reappointed for a three-year term of office to 31st October, 2026. Representatives were advised of an error in the second paragraph of paragraph 6 of the report submitted, which should indicate that following the resignation of Mrs C Finnegan, Primary School Head Teacher of Our Lady and St Kenelm RC Primary School, Mrs M Harris, Headteacher at Cradley C of E Primary School, would continue in the existing term of office to 31st October, 2024 as Primary School Head Teacher Representative.

In referring to paragraph 16 under the heading Council Priorities and Projects, Mrs R Cox, Academy Member representative, queried the period the Dudley Council Plan should cover, indicating that it should be for the period 2022/25. The Chair indicated that the date be queried and updated if necessary.

Resolved

- (1) That the updated position in respect of the membership of Dudley's Schools Forum, as referred to in Appendix A of the report submitted, be noted.
- (2) That Democratic Services be requested to query the period of the Dudley Council Plan and update the paragraph under heading Council Priorities and Projects if necessary.

19 Dedicated Schools Grant Projected Outturn Update 2023/24

A report of the Director of Children's Services was submitted on the latest financial forecast in respect of the Schools Budget for the 2023/24 financial year ending 31st March, 2024.

The Finance Manager presented the report in detail and referred representatives to Appendix A, which highlighted a forecasted cumulative overspend of £30.662m, in respect of the centrally retained Dedicated Schools Grant (DSG) budget for 2023/24 as at 30th September, 2023.

A further analysis of the DSG Forecast Outturn by Funding Block 2023/24 as of 30th September, 2023 was outlined in Appendix B of the report submitted. The total in-year position reflected an overspend of £7.345m.

It was noted that the High Needs Block had an overspend position amounting to £7.303m, which predominately related to the increased in-year Education and Health Care Plan (EHCP) top up payments, outborough placements, imports/exports and adjustment and the implications of the proposed pay award.

Representatives were advised that the Central School Services Block had an overspend of £0.327m which related to pressures in relation to fines from the Education Investigation Service, the proposed pay award across the service and payments in relation to outborough non-Special Educational Needs (SEN) independent school.

It was noted that the Early Years Block had an underspend of £0.285m which related to lower pupil numbers and noting the impact of lagged funding which had been partly offset by pay award pressures.

It was assumed that the forecast overspend would be carried forward into the 2024/25 financial year against the DSG reserve, to be resolved as part of the strategic recovery of the High Needs Block in future years. The Local Authority were working collaboratively with Newton Europe and the Chartered Institute for Public Finance and Accountancy (CIPFA) as part of the Delivering Better Value in SEND Programme and were now reviewing and updating the financial recovery plan which would be shared with Schools Forum as part of the regular reporting cycle.

Resolved

That the 2023/24 forecast outturn position at 30th September, 2023 in respect of the centrally retained areas of the Schools Budget, which was funded by the Dedicated School Grant, be noted.

20 **Growth Fund Methodology 2024/25**

A report of the Director of Children's Services was submitted seeking approval from Schools Forum to continue to apply the existing eligibility criteria and funding methodology to funding allocated through a growth fund contingency for 2024/25.

The Senior Principal Accountant presented the report submitted, and in doing so, advised that following approval of the Growth Fund Methodology at the meeting in October 2023, an error in the way that the DfE had calculated the number of pupils for the 2024/25 academic year had been highlighted. The error had resulted in a reduced pupil rate that managed the growth funding to £45 per pupil for primary schools and £55 for secondary school pupils. Further information was outlined in the methodology section of Appendix A to the report submitted.

Resolved

- (1) That the information contained in the report submitted be noted.
- (2) That the eligibility criteria and funding methodology to be applied to funds allocated from the growth fund contingency in 2024/25, be approved.

21 **De-delegated Service Options for 2024/25**

A report of the Director of Children's Services was submitted on the proposed de-delegation services for 2024/25. Additional information was circulated to representatives following discussions at the Budget Working Group on Tuesday 7th November regarding de-delegation for the Behaviour Support Team for 2024-25.

The Finance Manager presented the report and, in doing so, outlined proposals to continue the de-delegation for Union Facilities Time and the Behaviour Pupil Referral Unit, Primary Outreach Service in 2024/25.

Representatives were advised that work was in progress to move the Behaviour Pupil Referral Unit, Primary Outreach Service from a de-delegation to a traded service, however, a further year of de-delegation was required whilst work was being completed in the context of the overall Directorate Redesign, the Delivering Better Value Programme work and the Alternative Provision (AP) Review. Discussions had taken place with Headteachers, who agreed that the service was vital for schools, particularly in the growing need for support as the diversity of children's needs in mainstream school continued to increase. The line management of the team had recently transferred to Education Outcomes and whilst it was recognised that funding from de-delegation could not continue indefinitely, given the significant changes and pressures experienced during 2023/24, it was considered that a further year's funding was required. The additional documentation circulated to Representatives prior to the meeting outlined information relating to the nature of the provision provided.

The Senior School Improvement Officer referred to the current financial position of the Local Authority, the process in relation to the redesign of the Directorate and the implications of the AP Strategy Review and indicated that transferring the Behaviour Pupil Referral Unit, Primary Outreach Service to a traded service was currently not an option.

Mrs R Cox, Academy Member Representative, expressed concern at the lack of information provided in relation to the impact of the support provided by the Behaviour Pupil Referral Unit, Primary Outreach Service. Anecdotal evidence did not provide information on whether suspensions had been reduced or statistical information relating to pupils accessing reduced timetables.

In responding, the Senior School Improvement Officer indicated that identifying statistical impact data on effectiveness was problematic. The success of the team's work was manifested by something not happening and it was difficult to capture in a statistical method. The team did not have access to statistical impact data and would be required to contact each school to gain information in relation to the impact created from strategies that had been put in place. Mrs R Cox, Academy Member Representative referred to the historic problems in relation to the issue and expressed disappointment that progress had not been made. It was considered that various service areas could be utilised to gain information to provide statistical impact data.

Eligible members voted on the de-delegated services for maintained mainstream schools for the 2024/25 financial year as follows:-

Union Facilities Time

Primary Sector

Approved

Secondary Sector

Approved

Behavioural Pupil Referral Unit – Primary Outreach Service

Primary Sector

Approved

Secondary Sector (N/A)

N/A

Resolved

- (1) That the de-delegated services proposed for the 2024/25 financial year, be approved as voted by eligible members, as outlined above.
- (2) That the comments outlined above in relation to identifying statistical impact data on support provided by the Behaviour Pupil Referral Unit, Primary Outreach Service be considered.

22 Dudley’s Scheme for Financing Schools 2023/24

A report of the Director of Children’s Services was submitted on the proposed amendments to the Local Authority’s Scheme for Financing Schools, as outlined in Appendix A to the report submitted.

In presenting the report submitted, the Senior Principal Accountant confirmed that as the proposed changes clarified existing information only, no formal consultation was required on this occasion.

Eligible members voted on the proposed changes to Dudley’s Scheme for Financing Schools for 2022/23 financial year.

Resolved

That the proposed amendments to the Local Authority’s Scheme for Financing Schools, as voted by eligible members, as set out in Appendix A to the report submitted, be approved for implementation with immediate effect.

23 **Delivering Best Value (DBV) in SEND Update**

A report of the Director of Children's Services was submitted updating Schools Forum on the Delivering Best Value in SEND programme in Dudley.

The Acting Head of SEND presented the report and, in doing so, indicated that the report had been developed building on previous discussions and provided the latest developments and progress made. Ongoing effort would be focused on addressing the challenges outlined in previous reporting streams and provide insight into the journey towards a more sustainable and cost effective Special Educational Needs and Disability (SEND) provision.

Detailed information had been included in the report submitted and efforts to address the challenges had been refined to four core key strategic workstreams namely:

- Redesigning our specialist services and Ordinarily Available Provision (OAP) offer
- Developing and delivering our sufficiency strategy
- Preparation for Adulthood
- Redesigning our Spend Profile

It was reported that an Interim Lead for Delivering Best Value Programme had been appointed to support the workstream leads in driving the delivery of the four key strategic workstreams.

Mrs R Cox, Academy Member Representative queried whether the strategic measures put in place would support the reduction of the deficit accumulated and whether a financial recovery plan would be developed. In responding, the Acting Head of SEND indicated that Dudley had been identified as a high need Local Authority and strategies were essential to prevent increased spending within SEND services. It was envisaged that the £1m grant funding from the DfE was to support the ongoing development and initial delivery of the DBV programme outcomes and prevent the deficit increasing and not to reduce the current deficit.

The Service Director Education, SEND and Family Solutions referred to the DBV Programme proposition developed for Dudley following work undertaken by Newton Europe alongside Dudley colleagues and funded by the DfE. The Programme had been developed to understand service provision and the financial implications associated with service. Phase 2 of the DBV Programme was to identify key focus areas within the service to assist and improve the Council's spend profile to prevent any further increase in the current deficit accumulated. Reference was made to the Safety Valve Delivery Programme, which had been designed to help Local Authorities tackle overspend on SEND services and whilst Dudley was not currently part of that specific programme, it was envisaged the DBV Programme would contribute towards the Dedicated Schools Grant (DSG) Management Plan. Work to update the DSG Management Plan was currently taking place and would be presented to the Chartered Institute of Public Finance and Accountancy (CIPFA) and DfE in January 2024. A comprehensive report would be provided to Members at the Dudley Schools Forum on 16th January, 2024.

In responding to a question from Mrs R Cox, Academy Member Representative and acknowledging that the core strategies would not rectify the current financial position of the SEND arrangements, the Service Director Education, SEND and Family Solutions indicated that the DBV Programme would maximise opportunities around utilising the high needs block and DSG funding more effectively moving forward. It was clear that the historical arrangements for the funding of SEND provision had not been effective, and it was essential that adjustments were made to tackle the significant ongoing deficit.

The Director of Children's Services reminded Representatives that the DSG Management Plan had been submitted to Dudley Schools Forum frequently and whilst previous actions had been taken, it had not resulted in the reduction in spend on the high needs block as expected as current financial projections directed to an increased deficit by the end of the 2023/24 financial year. The DSG Management Plan required a fundamental review to stabilise spending whilst continuing to provide effective outcomes for children.

Ms J Higgins, Academy Member Representative suggested that projected financial impact statements be included in the DBV Programme and the AP Strategy as SEND learners in mainstream schools did not have appropriate SEND provision available to them to meet their specific needs. A holistic approach was essential in aligning SEND services to ensure the financial recovery plan was successful.

Mrs R Cox, Academy Member Representative queried the judging techniques in terms of the RAG status against each workstream activities and what measures had been put in place to ensure Headteachers were involved. In responding, the Service Director Education, SEND and Family Solutions indicated that currently the status of work areas were tracked in relation to progression. Regular fortnightly meetings were taking place involving the DfE SEND Advisor to review workstream progress plans to ensure that targets were delivered. It was acknowledged that engagement with schools was an essential part in successfully delivering the objectives outlined in the DBV Programme and engagement activities with Headteachers were taking place. A number of workshops had been arranged separately for primary and secondary school provision with feedback activities included. A significant number of individual case reviews had also taken place over a fortnightly period involving schools, headteachers and SENCOS as part of phase one of the DBV Programme. There was an opportunity for further involvement and Representatives were invited to join meetings associated with each workstream to provide appropriate contribution.

The Acting Head of SEND indicated that phase one of the Programme had taken place during October, 2022 and May, 2023 which had been the work undertaken between Newton Europe and Local Authority to identify core workstreams. Representatives were advised that a DBV Project Lead had been appointed in September, 2023 and meetings had taken place following that appointment. Minutes of meeting would be made publicly available moving forward. Whilst it was acknowledged that the DBV Programme was still in its early stages and not many meetings had taken place, details of representation on each workstream would be circulated to Members of the Forum.

Ms L Maskell, Primary School Headteacher Representative referred to a stakeholder meeting that had taken place in October, 2022 where a briefing had been provided by Newton Europe on the DBV Programme, however, whilst it was argued that sufficient opportunity had been provided for engagement and questions from attendees, Ms L Maskell, Primary School Headteacher Representative refuted the comment. However, it was agreed that collaborative working and effective communication streams were essential to ensure the objectives of the DBV Programme were met.

Resolved

- (1) That the content of the Delivering Best Value in SEND Update be noted.

- (2) That a report be submitted to the Dudley Schools Forum on 16th January, 2024 on the updated Dedicated Schools Grant (DSG) Management Plan prior to it being presented to the Chartered Institute of Public Finance and Accountancy (CIPFA) and Department for Education (DfE) in January 2024.
 - (3) That details of Headteacher Representation on each workstream of the Delivering Better Value in SEND be circulated to Members of the Forum.
 - (4) That Representatives contact the Acting Head of SEND to submit requests to join meetings on interested workstream areas.
-

24 **Directorate of Children's Services – Verbal Update**

The Director of Children's Services referred to the Council's financial position and measures agreed by Cabinet at its meeting on 25th October, 2023 designed to improve the overall budget position moving forward. Dudley was a low tax, low spending and low reserves authority and the financial position was concerning. Following an external peer review carried out in September, 2023, concerns had been raised regarding the scale of reserves and the pressures identified across the Local Authority. Significant overspend had been projected by the end of the 2023/24 financial year from the Council's General Fund. Spending control measures identified and approved and in place until the Summer of 2025 included:-

- No new contracts for works and services to be let
- Existing contracts not to be extended beyond end or break point
- No discretionary spending on existing contracts
- End agency and interim contracts
- End fixed term contracts of employment at end or break point
- External Recruitment freeze

The controls applied to all funds of the Council, revenue and capital except where exemptions were applied, namely, where services were completely funded by grant with no call on Council reserves, where any expenditure generated a surplus, where the expenditure was required to deliver an essential service or that expenditure supported an essential service, where there was a clear case that expenditure prevented higher cost essential services or where a service was essential to good governance. A number of services would be impacted as a result of the control measures and the impact would be monitored and reviewed regularly. Whilst the higher needs block deficit was not included in the Council's general financial position, the statutory funding received by the DfE was due to cease at 31st March, 2026.

The formal launch of the Family Safeguarding Model, as part of the Directorate of Children's Services redesign had taken place on 13th November, 2023 with colleagues in attendance from the DfE which included a live parent case study. The event had been well attended by schools representatives and received very positive feedback.

Resolved

That the verbal update on the Directorate of Children's Services, be noted.

25 **Comments made by the Chair**

The Chair wished everyone a Merry Christmas and a prosperous New Year.

The meeting ended at 7.08pm

CHAIR