

NOTTINGHAM CITY COUNCIL

SCHOOLS FORUM

MINUTES of the meeting held at Loxley House on 16 October 2014 from 1.48 pm - 4.53 pm

Membership

Present

Mike McKeever (Chair)
Mark Precious (Vice Chair)
Susie Artis
Caroline Caille
Sally Coulton
Carole Fearria
Sian Hampton
Gary Holmes
Andy Jenkins
Judith Kemplay
Richard Matthews
Janet Molyneux
Terry Smith
James Strawbridge
Wendy Vincent

Representing

Secondary Academies
Primary Academies
Trade Unions
Primary Academies
Maintained Secondary Schools
Secondary Academies
Secondary Academies
Early Years PVI
Maintained Primary Schools
Maintained Primary Schools
Maintained Primary Schools
Maintained Primary Schools
Maintained Primary Schools
Primary Academies
Pupil Referral Units

Absent

Bev Angell
Carol Barker

The Nottingham Nursery
Special Schools

Substitutes

Charlotte Malik (Substitute for Carol Barker)

Colleagues, partners and others in attendance:

Alistair Conquer	- Head of Education Partnerships
Jane Daffe	- Senior Achievement Consultant, Vulnerable Groups
Mick Evans	- Pupil and School Services Manager
Jennifer Hardy	- Project Manager, School Organisation
Trish Haw	- Behaviour Support Team Leader
Chris Hilliard	- Interim Director of Education
Julia Holmes	- Finance Analyst, Children and Adults
Della Sewell	- Employee Relations Manager
Kathryn Stevenson	- Finance Analyst, Children and Adults
Ceri Walters	- Acting Head of Departmental Finance
Sheena Wheatley	- NUT
Michael Wilsher	- Inclusion Officer
Laura Wilson	- Governance Officer/Clerk to the Forum
Sukhjinder Johal) Public
Ann Witheford)

1 APPOINTMENT OF CHAIR

RESOLVED to

- (1) appoint Mike McKeever as Chair until the December 2014 meeting when he retires;**
- (2) agree that the Vice-Chair will take over the role of Chair from the January 2015 meeting.**

2 APPOINTMENT OF VICE-CHAIR

RESOLVED to

- (1) appoint Mark Precious as Vice-Chair until the December 2014 meeting;**
- (3) agree that he will take over the role of Chair from the January 2015 meeting.**

3 APOLOGIES FOR ABSENCE

Bev Angell
Carol Barker

4 DECLARATIONS OF INTERESTS

A member of the Forum declared an interest in agenda item 14 (minute 14) – Funding to Support and Expanding School, and left the room prior to consideration of the item. (The details of the declaration are included within the exempt minutes)

5 MINUTES

The Forum confirmed the minutes of the meeting held on 17 July 2014 as a correct record and they were signed by the Chair.

6 WORK PROGRAMME

The work programme for the December meeting of the Forum was noted.

7 UPDATE ON THE CONSULTATION ON THE LOCAL FUNDING FORMULA FOR SCHOOLS AND THE PROPOSED CHANGES TO THE FORMULA FOR 2015/16

Ceri Walters, Acting Head of Departmental Financial Support, introduced the Finance Analyst, Children and Adults' report updating the Forum on the findings of the local funding formula consultation with schools and recommending changes to the local authority's schools funding formula for 2015/16, and highlighted the following points:

- (a) on 25 July 2014 all Head Teachers of primary and secondary schools were sent a consultation document including 2 proposals to amend the formula;**

- (b) the first proposal was regarding whether schools that incur additional fixed costs due to having more than one kitchen should be allocated additional funding to cover the costs;
- (c) the second proposal was regarding maintained schools and academies contributing towards the cost of trade union representative time off to support members;
- (d) the consultation ran until 12 September 2014 and no responses were received.

The following comments were made during the discussion:

- (e) the consultation took place while the schools were closed, apart from 5 days, which is unrealistic as people need time to consider the options if the consultation is to be meaningful;
- (f) the cost of funding for split site kitchens is approximately £25,000 per year. The total required for 2015/16 is approximately £90,000 because Heathfield Primary doesn't require funding for a full year;
- (g) the HR issues in paragraph 7.1 state '.....where it is a viable option for those schools to move to one kitchen, and the school chooses to do so.....', but the funding should be used to help amalgamate kitchens and provide value for money, so the school shouldn't be able to choose whether they keep more than one kitchen;
- (h) the position of having 2 kitchens will be reviewed annually and there needs to be a business case for schools to retain both kitchens.

RESOLVED to

- (1) **note**
 - (a) **that, as part of the 2015/16 budget setting process, a review of the formula was undertaken in conjunction with a sub-group of the Forum;**
 - (b) **the recommendations of the sub-group included amending the formula in relation to:**
 - **how schools with more than kitchen are funded; and**
 - **how money is recouped from maintained schools and academies for time off for trade union representatives (this is covered in minute 11 (d));**
- (2) **note that the recommended changes were consulted on between 25 July and 12 September 2014 and no responses were received;**
- (3) **approve the amendment to the split site factor for schools with unavoidable fixed costs due to having more than one kitchen as detailed in sections 4 and 5 and Appendix A of the report, and note:**
 - (a) **that a proviso will be attached to the funding that schools, where viable, should move to one kitchen as soon as possible and**

- produce a business case to endeavour to find alternative sources of funding to fund the capital works;**
- (b) the cost of this proposal is estimated at £90,000 in 2015/16.**

8 MINIMUM FUNDING GUARANTEE (MFG) APPLICATIONS MADE TO THE DEPARTMENT FOR EDUCATION (DFE) IN RELATION TO THE 2015/16 BUDGET

Julia Holmes, Finance Analyst, Children and Adults, introduced her report regarding the application made to DfE to request the exclusion of certain factors from the MFG calculation to ensure that affected schools receive the correct level of funding for 2015/16, and highlighted the following points:

- (a) recommendation 1 regarding the exclusion of business rates adjustments for 2014/15 for schools that have incurred significant claw-backs of funding no longer needs to be considered by the Forum;
- (b) in 2015/16 the pre-16 MFG for mainstream schools will continue to be set at - 1.5% per pupil;
- (c) the DfE will only exclude factors from the MFG where not doing so would result in excesses protection or be inconsistent with other policies;
- (d) excluding the additional funding allocated to schools with more than one kitchen means that the funding will be added to the split site factor at £25,000 per school. The schools eligible to receive the additional funding are Berridge Primary, Seely Primary, Dunkirk Primary and Heathfield Primary. This represents an increase in budget but financial regulations cap increases in MFG value per pupil to not increase by greater than 3% on the previous year;
- (e) Berridge Primary and Seely Primary are not in receipt of MFG protection in 2015/16 and will receive the full allocation without having to exclude the additional funding from the MFG calculation, therefore, no application for these schools is required;
- (f) Dunkirk Primary and Heathfield Primary would be affected and an application is required for these schools.

The Forum confirmed that it was happy with the proposal.

RESOLVED to note

- (1) the application made to the DfE by the local authority to exclude the fixed costs funding allocated to schools with more than one kitchen;**
- (2) that this will increase the level of MFG protection by £40,000.**

9 DE-DELEGATION PROPOSALS

a Behaviour Support Team

Trish Haw, Behaviour Support Team (BST) Leader, introduced her report requesting de-delegation of funding for BST services for maintained mainstream schools to enable the local authority to deliver its statutory obligations, and approve an underwrite for the continuation of non-statutory functions, and highlighted the following points:

- (a) the BST supports mainstream schools to meet the needs of children and young people experiencing behavioural, emotional and social difficulties through a wide and innovative range of services;
- (b) in the majority of cases, BST support enables the children and young people to remain in their school and prevents the cost of a permanent exclusion place at a Pupil Referral Unit or special school;
- (c) the work is delivered in collaboration with the school and is monitored/evaluated at every stage;
- (d) in the 2013/14 academic year 58 out of 62 maintained schools and 31 academies (91% of all schools) used and benefited from the BST service, with 98% of the work being evaluated as very good to excellent.

The following comments were made during the discussion:

- (e) it would be useful to have the figures for the income generated so far for 2014/15;
- (f) the intention is to be a fully traded service for non-statutory services but the money for statutory services reduces each time a school academises so it may be difficult to achieve;
- (g) an income of £98,000 plus an additional £50,000 was generated in 2013/14. If the same is generated in 2015/16 and added to the de-delegation of £273,511 it is a lot of money to pay for staff and it isn't clear what the expenditure of the service is;
- (h) some staff in the team are on permanent contracts and others are on temporary contracts;
- (i) any non-statutory services provided should be based on the income generated;
- (j) the work that the team does couldn't be out-sourced within the city;
- (k) the service provided by the BST is good but there is uncertainty around what is statutory and what isn't. This also means there is uncertainty in what schools should receive for the money they provide for statutory services;

- (l) some of the statutory services are partly paid for by the income generated from non-statutory services so it is difficult to provide one without the other;
- (m) if the money isn't allocated the team could cease to exist from the end of March 2015;
- (n) the Forum can't be asked to make decisions in an uninformed way on the expenditure of public funds;
- (o) the budget sheets for the BST service should be available so the Forum has more detail to base the decision on;
- (p) there needs to be business plans in place to support funding requests;
- (q) the service is needed by schools so it is important to ensure that the money is available for statutory services to be carried out;
- (r) the funding for Behaviour Support is given directly to academies by the Government so the team have to charge academies for the work they do.

RESOLVED to defer taking a decision until the December 2014 meeting to enable the following information to be provided:

- **the statutory services that the local authority are responsible for providing to maintained schools that only the BST can provide;**
- **how much the statutory services cost;**
- **how other authorities without a BST carry out their statutory services.**

b Ethnic Minority Achievement

Jane Daffé, Senior Achievement Consultant, Vulnerable Groups, introduced her report requesting de-delegation of funding for the Ethnic Minority Achievement (EMA) team to support children and young people with English as an Additional Language (EAL) until the service can become fully traded in 2016/17, and highlighted the following points:

- (a) over the last financial year the new IDEAL (Identity, Diversity and EAL) team brand has been successfully established with marketing of services to maintained schools and academies. External schools, other local authorities and other organisations regionally and nationally have also accessed the services and income generation has been significantly increased;
- (b) the team consists of 3 consultants and 1 administrative officer, at a total staffing cost of £180,000 per year;
- (c) in 2012/13 income generation was £26,679.46, which increased to £64,233 in 2013/14. The projected income for 2014/15 is £100,000 which is below the funding required for current staffing but it is hoped that this can continue to be increased, although, with a small team this will be a challenge.

RESOLVED

- (1) **for maintained mainstream primary and secondary school representatives, to approve the de-delegation of funding for EMA of £88.61 per EAL pupil for 2015/16 to ensure that the IDEAL team has sufficient time to create programmes and products for a fully traded service to be established in 2016/17:**
- (a) **£194,000 from maintained mainstream primary schools;**
 - (b) **£2,000 from maintained mainstream secondary schools;**
- (2) **to note the total estimated funding to be delegated to schools in 2015/16 is £405,000, which includes £209,000 to academies.**

c Sportsafe Gym Maintenance Service

Mick Evans, Pupil and School Services Manager, introduced his report requesting de-delegation of funding for gym equipment maintenance through the Sportsafe UK Ltd gym equipment maintenance service, and highlighted the following points:

- (a) the local authority has responsibility to maintain school gym equipment to ensure it complies with health and safety regulations;
- (b) Sportsafe UK Ltd are the local authority's approved supplier to inspect, repair and maintain sports and fitness equipment for maintained schools;
- (c) de-delegation means there is a designated contact point between procurement and Sportsafe UK Ltd to arrange maintenance checks and to rectify problems between scheduling visits and Sportsafe commitments. It:
 - promotes efficiency of service;
 - provides better accountability;
 - improves query response time;
 - prevents duplication of payments;
 - ensures timeliness in invoice payments;
 - ensures value for money;
 - ensures the local authority pays the best possible price for the service.

The following comments were made during discussion:

- (d) paragraph 5.2 should refer to an overall total of £21,000, not £23,000;
- (e) academies also receive the funding as part of the formula.

RESOLVED, for maintained mainstream primary and secondary school representatives, to approve the de-delegation of funding for the Sportsafe UK Ltd gym maintenance service for 2015/16:

- (a) **£20,000 from maintained mainstream primary schools;**
- (b) **£1,000 from maintained mainstream secondary schools.**

d Trade Union time off for Senior Representatives

Della Sewell, Employee Relations Manager, introduced her report requesting de-delegation of funding to enable trade union facility time for senior trade union representatives from schools to attend negotiation and consultation meetings and to represent their members in schools in 2015/16, and highlighted the following points:

- (a) as well as maintained schools contributing towards the cost in 2014/15 some academies bought back the service. As a result of this, the rate that is used needs to be realigned to take account of the additional academies that are contributing. There are 2 options for this:
 - option 1 - to reduce the lump per school from £1,650 to £1,298 and to reduce the amount per pupil from £2.00 to £1.35;
 - option 2 - to remove the lump sum of £1,650 and increase the amount per pupil from £2 to £4.49;
- (b) the full impact of the proposals is detailed in paragraph 5.2 of the report, but option 1 is being recommended to the Forum;
- (c) an increase in the number of schools that contribute will reduce the cost.

RESOLVED

- (1) for maintained mainstream primary and secondary school representatives to approve the de-delegation of funding totalling £72,000 for trade union facility time for senior trade union representatives to attend negotiation and consultation meetings and represent their schools in 2015/16:**
 - (a) £69,000 from maintained mainstream primary schools;**
 - (b) £3,000 from maintained mainstream secondary schools;**
- (2) for maintained mainstream primary and secondary school representatives to approve the recommended approach of option 1 detailed in paragraph 5.2 of the report for the funding to be de-delegated in 2015/16, and note that the cost of this proposal is estimated at £22,000 in 2015/16;**
- (3) for academy representatives to agree, in principle, for academies to continue to contribute towards the cost as well as maintained mainstream schools, and note that the basis for recharging academies will be the same as for maintained mainstream primary and secondary schools;**
- (4) to note the total funding to be delegated to schools in 2015/16 is £163,000, which includes £91,000 to academies.**

e Building Maintenance

Ceri Walters, Acting Head of Departmental Financial Support, introduced the Finance Analyst, Children and Adults' report requesting de-delegation of funding for building

maintenance to enable the local authority to deliver its statutory obligations regarding health and safety, and highlighted the following point:

- (a) the principle of the de-delegation was agreed as part of the 2013/14 and 2014/15 budget processes with any in-year underspends being transferred to a reserve to manage the peaks and troughs associated with the maintenance of maintained schools.

The following comments were made during the discussion:

- (b) It isn't clear what schools should receive for the money they provide for statutory services;
- (c) the legal advice in paragraph 6.4 of the report states 'Presumably, it is a requirement of the funding agreements of the academies that are a party to Nottingham City Schools Forum that they abide by the decisions of the Schools Forum'. It isn't clear what is meant by this and clarification is needed.

RESOLVED to defer taking a decision until the December 2014 meeting to enable the following information to be provided:

- the statutory building maintenance services that the local authority are responsible for providing to maintained schools;
- how much the statutory services cost;
- clarification of the legal advice given in paragraph 6.4 of the report.

10 UPDATE ON PUPIL GROWTH CONTINGENCY FUND

Jennifer Hardy, Project Manager, School Organisation, introduced her report updating the Forum on how the 2013/14 Pupil Growth Contingency Fund was spent and provide the projected spend for future years, and highlighted the following points:

- (a) the was fund increased at the start of this financial year but there is still a shortfall between the level of funding and the requirements of the fund;
- (b) in 2013/14 £559,000 was allocated to schools through the fund, but the total available was £550,000. The fund was spent on:

Category	Spend
Amalgamations	£50,000
Classroom set up	£77,000
Planned expansions	£250,000
Increased pupil numbers	£159,000
Miscellaneous	£23,000
Total	£559,000

- (c) in May 2009 there were 27,969 pupils on roll, this has increased steadily since then and in May 2014 there were 42,461 pupils on roll which is a 51.8% increase since May 2009;
- (d) to meet the increase in demand additional school places have been added across the city since 2010. In 2013/14 1,172 places were added and so far in

2014/15 a further 1,050 places have been added. This includes permanent expansions and bulge years;

- (e) there are still expansions being planned and in progress which will add an estimated 1,599 further places by September 2016;
- (f) the Department for Education only provide capital funding for pupil growth and the local authority is required to provide the revenue funding.

The following additional information was provided in response to questions from the Forum:

- (g) there are currently approximately 200 children without a school place, but the figure changes regularly. Some of the children without school places are because there are no places in the schools the parents want the children to attend;
- (h) when a school is set up the local authority have to cover a whole school year of lag funding;
- (i) when a free school opens the Education Funding Agency provide the funding for its first year and the local authority has to provide the funding for future years;
- (j) the local authority is responsible for ensuring children have a school place which is why it is responsible for funding for academies and free schools.

RESOLVED to

- (1) note the 2013/14 actual spend detailed in paragraph (b) above and paragraph 2.1 of the report;**
- (2) note the 2014/15 projected spend of £1.341 million detailed in paragraphs 2.6, 2.7 and 2.8 of the report;**
- (3) agree to allocate additional funding of £513,000 from the Statutory Schools Reserve to support further school expansion, increasing the Pupil Growth Contingency Fund to £1.523 million, noting that any money not spent will be returned to School Forum at the end of the financial year;**
- (4) note that the Pupil Growth Contingency Fund required for 2015/16 will be incorporated into future budget reports.**

11 PERMANENT EXCLUSIONS - INCLUSION COST RECOVERY ARRANGEMENTS FROM SEPTEMBER 2014

Michael Wilsher, Inclusion Officer, introduced his report informing the Forum that the local authority will recommence a cost recovery model for permanent exclusions for all secondary schools and academies from September 2014, and highlighted the following points:

- (a) the local authority and all city schools and academies are committed to reducing exclusions, however, there has been a significant increase in the amount of permanent exclusions from primary and secondary schools and academies;
- (b) current legislation states that the local authority is responsible for arranging suitable full time education for permanently excluded pupils from the 6th day of exclusion and, as a result of this a full cost recovery model was implemented in 2010 to ensure that funding was available for the local authority to carry out its statutory duty;
- (c) the original model included £300,000 from headroom funding to support schools in meeting the full cost recovery of £14,900 for the first year or the first 2 exclusions. Schools were only charged the Average Weighted Pupil Unit rate and the £300,000 topped up the value to £14,900;
- (d) full cost recovery continued in 2011/12 and 2012/13 but, due to changes in Learning Centre funding, it was agreed that full cost recovery would not operate in 2013/14;
- (e) the figures for permanent exclusions from secondary schools over the last 5 years are:
 - 2009/10 – 58;
 - 2010/11 – 30;
 - 2011/12 – 42;
 - 2012/13 – 27;
 - 2013/14 – 74;
- (f) the figures for permanent exclusions from primary schools over the last 5 years are:
 - 2009/10 – 10;
 - 2010/11 – 7;
 - 2011/12 – 6;
 - 2012/13 – 12;
 - 2013/14 – 21;
- (g) it is the intention to use the cost recovery to allow partnership between schools/academies and the local authority to support early intervention to reduce permanent exclusions. As well as supporting intervention projects it will also provide a mechanism to ensure the local authority can provide full time education to permanently excluded pupils if the number increase beyond the capacity of the Learning Centres;
- (h) the Average Weighted Pupil Unit will be charged for the first two permanent exclusions from any single secondary school or academy, but cost recovery of £14,900 will be effective for any further exclusions.

The following comments were made during the discussion:

- (i) there appears to be a cross-over between cost recovery and the de-delegation requested for the work of the Behaviour Support Team;

- (j) the legal advice in paragraph 6.4 says that the Forum has to approve the decision but the recommendation is for it to be noted;
- (k) if all excluded pupils can't be educated at a Learning Centre because the capacity has been reached, the local authority has to find education for them in another way which would require additional funding;
- (l) the top-up funding for Learning Centres that will take effect in April 2015 needs to recognise deprivation;
- (m) the budgets for Learning Centres and alternative provision aren't clear which makes it difficult to make a decision on cost recovery;
- (n) a sub-group of the Forum is meeting in November to look at the Learning Centre budgets for next year;
- (o) consultation documents regarding alternative provision have been sent out but not all Headteachers have been involved in the process;
- (p) there needs to be a link between the money asked for and the implications on schools budgets;
- (q) the Learning Centres don't require money so it is unclear what impact the money gained from cost recovery would have. It is also unclear how previous money from cost recovery was used;
- (r) the number of exclusions from primary schools is worrying.

RESOLVED to defer taking a decision until the December 2014 meeting to enable the following information to be provided:

- a clear description of Learning Centre budgets, including costs and funding;
- where from schools budgets the £14,900 is expected to come from;
- what the £14,900 will be used for;
- the total amount of money available for alternative provision;
- whether the Forum notes the decision or approves it.

12 DATES OF FUTURE MEETINGS

RESOLVED to meet at 1.45 pm on the following Thursdays:

<u>2014</u>	<u>2015</u>
18 December	22 January
	12 February
	23 April
	23 July

13 EXCLUSION OF THE PUBLIC

The Forum decided to exclude the public from the meeting during consideration of the remaining agenda item in accordance with Section 100A(4) of the Local Government Act 1972 on that basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14 FUNDING TO SUPPORT AN EXPANDING SCHOOL

Jennifer Hardy, Project Manager, School Organisation, introduced her report.

Representatives from the school were in attendance for this item.

RESOLVED to approve the recommendations in the report.