

Total Membership 25
The Forum is quorate if at least 40% (10) of the members are present



London Borough of Waltham Forest
SCHOOLS FORUM

Day/Date/Time	Venue
Wednesday 15 January 2020 Tea/Coffee and Light Refreshments: 5:00pm Main Meeting: 5:30pm	Norlington School and 6th Form Norlington Road, Leyton, London, E10 6JZ (Parking Access via Pretoria Road)
Contact:	Telephone / Email:
Clerk to Schools Forum	schoolforum@walthamforest.gov.uk
Maintained Primary Headteacher Representatives (5)	
Kathryn Soulard	Greenleaf Primary School
Tracey Griffiths	Barncroft Primary School
Lindsey Lampard	Chingford C of E Primary
Linda Adair	Henry Maynard Primary School and Nursery
Ruth Boon	St Joseph's Infants
Primary Academies and Primary Free Schools Representatives (4)	
Amanda Daoud	Lime Trust Larkwood
Anne Powell	Riverley Primary
Maureen Okoye (Chair)	Davies Lane Primary Academy & Selwyn Primary
VACANT	
Maintained Primary Governor Representatives (1)	
Aktar Beg	Edinburgh Primary
Nursery School Representative (1)	
Helen Currie	Forest Alliance Nursery Schools
Maintained Secondary Headteacher Representatives (2)	
Clive Rosewell	Willowfield School
Jenny Smith	Frederick Bremer
Secondary Academies and Secondary Free Schools Representatives (4)	
Tracey Penfold	Highams Park
John Hernandez	Norlington School and Sixth Form
Rob Pittard	Norlington School and Sixth Form
Jane Benton	Chingford and South Chingford Foundation
Maintained Secondary Governor Representative (1)	
Gillian Barker	Walthamstow School for Girls
Special School and Special Academies Representative (1)	
Elaine Colquhoun	Whitefield Academy Trust
PRU (1)	
Catherine Davis	Hawkswood Group
Non School Members (4)	
Early Years Providers	Sarah Kendrick (Redwood Pre-School)
16-19 Providers	Joy Kettle (Waltham Forest College)
Trade Unions	Steve White (NEU)
Diocesan	Andy Stone (Holy Family)

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AGENDA

Agenda Item	Report Name	Report Authors
1	Welcome all and Apologies.	Chair
2	Declarations of Interest	All
3	Minutes of the Meeting held on 11 December 2020 and Matters Arising	Chair
3a	Decision Sheet from Meeting 11 December 2020	For the record
4	Early Years Task and Finish Group consultation proposals regarding free education for 2, 3 and 4 year-olds for 2020-21	Eve McLoughlin
5	Proposals for High Needs 2020-21	David Kilgallon
	Date of Next Meeting: Wednesday 12 February 2020 5:30pm (Light refreshments from 5:00pm) Norlington School and 6th Form Norlington Road, Leyton, London, E10 6JZ	

MINUTES OF SCHOOLS FORUM MEETING

Wednesday, 11 December 2019

Norlington School and Sixth Form

5:30 pm - 7:22 pm

ATTENDEES	
Masefan Agera	Clerk to Schools Forum meetingsandevents@walthamforest.gov.uk
Maintained Primary Headteacher Representatives (5)	
Kathryn Soulard (represented by Karina Thompson)	Greenleaf Primary School
Tracey Griffiths	Barncroft Primary
Lindsey Lampard	Chingford C of E Primary
Linda Adair	Henry Maynard Primary School and Nursery (Not Present)
Ruth Boon (represented by A J Byleveldt)	St Joseph's Infants
Primary Academies and Primary Free Schools Representatives (4)	
Amanda Daoud	Lime Trust Larkwood
Anne Powell	Riverley Primary (Not Present)
Maureen Okoye (Chair)	Davies Lane Primary Academy & Selwyn Primary Academy
VACANT	
Maintained Primary Governor Representatives (1)	
Aktar Beg	Edinburgh Primary (Not Present)
Nursery School Representative (1)	
Helen Currie	Forest Alliance Nursery Schools
Maintained Secondary Headteacher Representatives (2)	
Clive Rosewell	Willowfield School
Jenny Smith	Frederick Bremer
Secondary Academies and Secondary Free School Representatives (4)	
Tracey Penfold (represented by Phil Grundy)	Highams Park
John Hernandez (Vice-Chair)	Norlington School and Sixth Form
Rob Pittard	Norlington School and Sixth Form (Not Present)
Jane Benton	Chingford and South Chingford Foundation (Not Present)
Maintained Secondary Governor Representative (1)	
Gillian Barker	Walthamstow School for Girls
Special School and Special Academies Representative (1)	

Elaine Colquhoun	Whitefield Academy Trust
PRU (1)	
Catherine Davis	Hawkswood Group (Not Present)
Non-School Representatives (4)	
Early Years Providers	Sarah Kendrick (Redwood Pre-School)
16-19 Providers	Joy Kettyle (Waltham Forest College) (Not Present)
Trade Unions	Steve White (NEU) (Not Present)
Diocesan	Andy Stone (Holy Family) (Not Present)
Presenting to Schools Forum	
Ken Barlow	Parent (SEND Crisis Group)
LBWF Officers	
Heather Flinders	Strategic Director Families
David Kilgallon	Director of Learning and Systems Leadership
Duncan James-Pike	Strategic Finance Advisor, Children and Young People Services
Raina Turner	Head of Education Finance
Jerome Francis	Principal Accountant Education Finance
Sergio Dimech	Principal Accountant Education Finance
Hiran Perera	Senior Accountant Education Finance
Masefan Agera	Clerk to Schools Forum
Lindsay Jackson	Business Development Consultant
Observers	
Several present but not recorded	
Apologies	
Jane Benton	Chingford and South Chingford Foundation
Rob Pittard	Norlington School and Sixth Form

1. Welcome and Apologies

The Chair welcomed and thanked all present for attending the meeting. Norlington School & Sixth Form were thanked for offering their school as a venue for School Forum. The Chair provided an overview of rules in terms of discussions as well as apologies.

2. Declaration of Interest

None.

3. Minutes of the Meeting held on 13 November 2019 and Matters Arising

There were no comments.

3a. Matters Arising

There were no comments.

3b. Decision Sheet from Meeting 13 November 2019

There were no comments.

4a. Growth Fund 2020-21

4.1 A growth fund briefing had been held on Wednesday 27 November 2019, where it was confirmed that the growth fund allocation received will be based on prior allocations instead of the actual expenditure in previous years.

4.2 As detailed in Table 1 on Page 2, it was clarified that the correct indicative allocation for the growth fund 2020-21 was £390,000 higher than had previously been advised in November: £1.275 million as opposed to £885,000.

4.3 The three-year projection for Waltham Forest's growth fund confirmed there were adequate reserves to fund any potential shortfalls during this period as set out in Table 2 on Page 3.

4.4 Should the Council's request to release £225,000 from growth fund reserves gain Schools Forum's approval, it would set the total growth fund for 2020-21 at £1.5 million.

4.5 Comments, Questions and Responses

4.6 **Question:** With the use of the reserves, would that have an impact on any of the other items on the agenda?

4.7 **Response:** Not other than the next item on falling rolls.

4.8 **Recommendation:**

4.9 Items 2.1.1, 2.1.2 and 2.2 were to be noted.

4.10 Items 2.2.1, 2.2.2 and 2.2.3 were to be agreed. The Chair confirmed all members could vote.

4.11 **Vote to agree on 2.21, 2.2.2 and 2.2.3:**

A- 12

B- 0

No Abstentions

4b. **Falling Rolls Fund 2020-21**

4.12 A Falling Rolls Fund was established in 2018 to support schools with temporarily falling rolls.

4.13 The current criteria are set out in 4.1.

4.14 Two schools qualified last year: St. Joseph's Catholic Infant School and George Tomlinson school. The same criteria applied this year and St Joseph's Catholic Infant School and Sybourn School met the requirements. The schools would receive £78,000 and £2,000 respectively, as shown in Table 1 on Page 4.

4.15 The Council are proposing to implement a cap for the successive years of qualifying for the fund as set out in 4.6 on page 4.

- Year 1 – No Capping
- Year 2 – Capped at 5 % of the school's post MFG schools block allocation
- Year 3 - Capped at 2% , and then cannot qualify for a fourth consecutive year and beyond

4.16 Should the criteria be introduced, the revised allocations for St. Josephs and Sybourn School would be £37,679 and £2,124.

4.17 From this, the falling rolls fund is recommended to continue but with the introduction of the additional criteria

4.18 **Comments, Questions and Responses**

4.19 **Comment :** From the discussion we have had regarding the schools involved, the schools have to be allowed to take action to reduce costs. While there is no problem with the 5% cap, is this fair if the borough asked them to retain open places?

4.20 **Response:** I've had some further information the last couple of days. There is an intention from the school to reduce their admission numbers. There is a window in which you can do that, you can do it substantially in advance so the school may be able to implement by 2021, as they may have missed window in 2020.

- 4.21 Regarding National Offer Day, if they have 30 or below, they will be able to proceed with a reduction in their planned admission number. Unfortunately, if they anywhere over 31 they are still committed to that class.
- 4.22 If there is some evidence that the school genuinely planned to reduce its admission number and missed the deadline, then we have a precedent where we treat that year as a bulge class effectively and provide protection through that route. As it's an infant school it would only be a commitment for 3 years and it would give them a little more tapering in the second year, so this is being investigated to see how helpful it could be. This is our proposal currently.
- 4.23 **Question:** There are three items, do they need to be voted separately?
- 4.24 **Response:** The first item is whether to continue with the falling rolls fund, and then if so, there is an either/ or for the current scheme or the proposed capping scheme.
- 4.25 **2.1 was to vote to continue with the Falling Rolls fund**
- A- 12
B- 0
No Abstentions
- 4.26 **As the Falling Rolls fund has been agreed to be continued, do we agree that:**
- **It should be with the current criteria estimated at £80,000**
- A- 0
B- 0
No Abstentions
- 4.27 **Introduce the following cap, estimated to cost £40,000 which is 2.2.2**
- A- 11
B- 0
No Abstentions
- 5. Update on LFF 2020-21**
- 5.1 A consultation process was held with all Waltham Forest schools to gain opinions on decisions made in relation to the adoption of national formula funding factors, setting MFG at 1.84% and allocation of additional funding through AWPU.
- 5.2 19 responses were received and detailed in the report. Overall Waltham Forest schools agreed with decisions taken by the Schools Forum in November.
- 5.3 It had been requested that the Schools Forum noted the report and outcomes of the consultations.

- 5.4 It was clarified that the contents of paragraph 1.2, where the report stated indicative budgets were based on pupil numbers and characteristics from the October 2019 census should have read the October 2018 census.

Comments, Questions and Responses

There were no comments.

- 5.5 The Chair commended officers for the piece of work provided to the group. It was highlighted that from prior meetings there were several questions around the lack of time. The Chair asked the group whether provision of time had assisted in going through individual items.

- 5.6 No vote required.

6. Services to Maintained Schools 2020-21

- 6.1 This was directed solely at members from maintained secondary and primary schools only.**

- 6.2 It was requested that the agreement between the LA and maintained schools remained. This contributes towards costs to some of the services they cannot do for themselves, but the academies must do, or pay their MATs to do them.

- 6.3 There is a list in Appendix 1 of the responsibilities it covers, and Appendix B is an illustration of the contribution from each maintained school.

- 6.4 Appendix B used the model created which uses October 2018 census, so it is solely an indication. The LA is asking for £19.78 per pupil which was originally set three years ago, which was to guarantee at the time that it was under half a percent of anybody's budget.

- 6.5 The 0.5% compares favourably which is often a 5% top slice to MATs and the £19.78 to the £77 per pupil lost when the education services grant was abolished a few years ago.

- 6.6 So the report is asking for the maintained schools of the School Forum to note no change in the agreement but if there is the LA can go back to the DfE to adjudicate on matter.

- 6.7 The LA are asking the School Forum to agree to continue to de-delegate the same amount for next year as it has been done for the previous two years, of £19.78 per pupil for maintained schools and £19.78 per place for the maintained special school and the PRU.

Comments, Questions and Responses

- 6.8 **Question:** I can't see where the figure came from. Have you assessed whether that's provided value for money?

- 6.9 **Response:** The figure came from keeping the contribution to below 0.5% of any school's budget, three years ago when this was calculated. List of services would cost more than the contributions that have come in. This was when the Education Services grant was abolished at the time the LA was supposed to have relationships with both maintained schools and academies reset, which never happened, but the funding was still cut. Three years ago, different strands of the exit strategy which was agreed between the LA and Schools Forum, and this was an element of it.
- 6.10 **Question:** And the second part about has there been any evaluation in terms of money?
- 6.11 **Response:** Costing out of services could be done, and it would be clear that £19.78 wasn't a huge cost or large contribution.
- 6.12 **Question:** Can I just check, a few years ago wasn't there a costing exercise that was done to show it was value for money?
- 6.13 **Response:** I would need to look at that as it's now very out of date. It's better value for money now because it's the same price.
- 6.14 **Question:** It's from the point of view that technically we are brokering a service, where we don't really have any choice over that, and what levers do we have as people who receive that service, to assess the service is being delivered?
- 6.15 **Response:** If that is something you would like us to do, a review of which services are currently doing their own evaluations and questionnaires, a review exercise could be implemented given that three years have passed since the agreement and value for money can be looked at .
- 6.16 **Question:** Is this an exercise colleagues would want the Local Authority to carry out? Can you remember what led to the workshops, as there was a time where workshops were being organised for people?
- 6.17 **Response:** There were three strands to the Exit Strategy that was agreed between the LA and schools:
- Maintained schools to contribute towards the services
 - Pass-porting retained duties funding to the LA
 - Contributions to Services that were formerly formally funded by ESG, such as Early Help and aspects of community safety.
- 6.18 A lot of work was done around where statutory responsibilities truly lie, what was a fair contribution from schools, what was in and scope.
- 6.19 It was agreed that the Council will carry out an exercise review and return in the Summer Term 2020.
- 6.20 **To note 2.1.1 and to agree 2.2.1 - maintained schools only**

A- 7
B- 0
No Abstentions

7. Central School Services Block 2020-21

- 7.1 This includes the second strand of the ESG exit strategy.
- 7.2 Money the Council used to receive for retained duties to schools and academies, had been taken out of the ESG and put in DSG in the central school services block.
- 7.3 The agreement was that this funding would be passported back to the LA
- 7.4 Each element needs to be voted on line by line according to the Operational Guidance.
- 7.5 The Central Schools Services block reduces by 2.5% annually. It also pays for copyright licensing and ESFA top slice that away from the block. The money that is available to the LA and schools to allocate is reduced every year.
- 7.6 The LA have taken the hit on retained duties and have frozen the funds of the admissions service contribution at £745,000, for the last several years.
- 7.7 This year the LA have looked at the support to Schools Forum and have reduced clerking costs.
- 7.8 Appendix A is the responsibilities that the retained duties money covers, and Appendix B shows how the value of the block has been going down and how it's been allocated out across each year.
- 7.9 The LA would like the Schools Forum to agree for them to retain centrally the remaining £1.256 million per central services block (projection of what would be left).
- 7.10 Three votes are required:
- Admissions
 - Retained duties
 - Support the Schools Forum

Comments, Questions and Responses

- 7.11 **Question:** What quality assurance is there on admissions?
- 7.12 **Response:** Admissions carry out an annual survey, currently not published, average rating was 7/10 for the details
- 7.13 **Comment:** There have been concerns raised about the timing of the survey as it doesn't reflect the true issues headteachers face with being oversubscribed but are not full, it is having a fundamental impact on their budget. There need to be questions asked about value for money from admissions
- 7.14 **Response:** Should the LA join this with the review of services to maintained schools?

- 7.15 **Response:** Its relevance would need to align with the schools so it will be put to colleagues as to when this should return. The initial one discussed was to return in Summer 2020.
- 7.16 **Question:** When should the survey around admissions be and what are the implications? Both Primary and Secondary schools have the same feeling
- 7.17 **Response:** This is a funding decision for Schools Forum. The service is under the oversight of SOAB. We need to vote on what we know, and we have received no communication from SOAB, so how should this be facilitated? The concerns remain, and if there is no link between the two, how do you know how they feel about our decision? The alternative is that we don't vote and then there is no admissions service.
- 7.18 **Comment:** My expectation would be best time for survey should be done weekly, once the year 6/7 admissions has taken place.

Everyone to vote – to agree :

- **2.1.1 In relation to admissions**

A- 14
B- 0
No Abstentions

- **2.1.2 In relation to retained duties**

A- 14
B- 0
No Abstentions

- **2.1.3 In relation to support for Schools Forum**

A- 14
B- 0
No Abstentions

8a. Paper from the SEND Crisis group

- 8.1 A speaker provided Schools Forum with a detailed overview on the High Needs proposals and consultation process from the perspective of the SEND Crisis group.
- 8.2 Following the presentation the speaker recommended that the Schools Forum vote against Models A and B and against the planned caps at special schools.
- 8.3 **Comment:** Thank you again for your presentation and for bringing things into focus.
- 8.4 **Question:** Any other questions or comments from colleagues?

- 8.5 **Comment:** I think the view the gentleman has voiced tonight is shared by many of the parents in Waltham Forest who have children that have special or additional needs, as it's a very common concern.
- 8.6 **Comment:** For an inclusive school, that they would be obviously much worse off because schools that are welcoming children, are going to face the greatest cuts, and may be in a situation where we might choose not to be welcoming. This would be the worst-case scenario. I think I would only be speaking on behalf of nursery schools, we are incredibly inclusive from the early years EHCP plans that have come in last year, 20% of all Waltham Forest EHCP plans came from nursery schools, with another 20% waiting. So, for us it would have implications on the kind of open inclusivity that a school should have.
- 8.7 **Comment:** The point that was made about having enough evidence to be able to make an informed decision. I think I would echo in support that the point was made about the information contained within the consultation document, I was often left thinking I want to know more to be able to make an informed decision. So, I think that is a very well-made point, that needs to be taken into consideration. It may well be that the information is out there and held in other areas. It would be helpful to review some of those points.
- 8.8 **Question:** Any additional points?
- 8.9 **Comment:** Just to echo what has been said in terms of feedback that I've had from parents. They have been to a few consultations now and they do not understand the impact of this consultation, and I will say that they are not alone. I have found it very difficult to go through, and I think one of the things that has been articulated so clearly is at the heart of this are children with difficulties, and children who already have difficulty accessing curriculums, we should be putting them at the heart of this process, we should not be putting budgets at the heart of this process, and there should be a process before this to look at what's best for these young people in terms of evaluating and costing out their needs.
- 8.10 **Response:** I think that I would agree. Looking quickly through the responses that came back, I think there were good points made in there about assertions being made in the consultation documents. For instance, the point about how much other boroughs were paying for different levels of SEN children's needs. You know and one borough quoted paid more and one borough quoted paid less, but what we didn't see was a breakdown of all the London boroughs performances. So, I felt there were lots of holes in the information that was provided.
- 8.11 **Comment:** You can't just base it on one borough is paying more and one borough is paying less, because you need to look at how much they are paying per pupil, in addition as well, because we all know the EHCP funding doesn't cover the whole cost.
- 8.12 **Question:** Any additional comments or questions?
- 8.13 **Comment:** Just to say, I'd echo again the fact that we just got the consultation responses this morning, and haven't had time in detail, in your days' work, to have a really good look at that. To be expected to decide tonight is unreasonable.

- 8.14 **Comment:** I'm sorry I've been in inspection all day, so I haven't even seen it. It's no one's fault that I was on an inspection.
- 8.15 **Comment:** Pending comments made in regard to the lateness of the consultation feedback, will Schools Forum decide to make a decision tonight, or decide to defer it again pending a full review of the information that has been submitted?
- 8.16 **Question:** Do you agree with what is suggested?
- 8.17 **Comment:** The following comments made, I think are very fair concerning the consultations and decisions being made tonight or not. I think that if we move onto the next section which is for the LA to present their case, and then at the end of that we decide on whether we decide tonight, or we look to defer it to allow us more time to consider.
- 8.18 **Question:** If deferring what implications?
- 8.19 **Comment:** The critical thing is that the nearer it gets to the end of March, the more we need certainty about how we were going to go forward, because we need to set a budget. There is one decision on the High Needs report, Item 9, that follows which is important for the finance team which is to know whether or not the Schools Forum agree to that 0.15% transfer from the Schools block into the High Needs block, which is effectively a match fund to the decision you made last time about special schools budgets. So, if we think about equity of input here, that's something to come back to.
- We would like to know that because we need to know how big the schools block is for allocating out. They could possibly wait until the January meeting for that decision but then that only gives us one week to finalise running the budget tool and getting it agreed by the DfE. So, it's really pushing it.
- 8.20 **Comment:** I think the issue here is after hearing a range of comments from colleagues I think the consequence of moving it or having it delayed would be for us to consider. People are in agreement with what has been suggested, that they would rather have more time to consider, than to make decisions without the information needed.
- 8.21 **Comment:** Can I suggest then that the LA presents what they need to present, and when we get to that point, we will be able to decide on that, and then defer everything else until the next meeting, pending what takes place.
- 8.22 **Comment:** First, apologies for being late, because I would have said this at the start. I have been part of Schools Forum as an observer in the past, and custom and is that if an observer at the Schools Forum wishes to ask a question you've usually granted it. At the last School's Forum an observer was blocked from asking a question or saying anything. Can we have a definitive answer about observers and what they do and what they don't. And if it's not, why have we moved away from custom and practice, because I've always been allowed to speak on behalf of Specials as an observer for years.
- 8.23 **Response:** Can we just go to the LA presentation first We will come back to that because we've gained a bit of time, in terms of where we are with the agenda.

8:24 **Comment:** If the decision is to be delayed, it can't just be delayed to look at the responses that have come in. It needs to be delayed to be able to hear the responses to the questions that are there and the provision of that evidence. Just delaying to say we know what the questions are won't help us at all.

8.25 **Comment:** People are nodding so I assume they agree.

8b. Statement from the London Borough of Waltham Forest

8.26 The LA clarified and confirmed that a presentation had previously been provided and reiterated that there was no additional presentation. The LA is happy to address any questions around the present status of the consultation process. It was confirmed that the views of the parents' forum would go into the papers being be drafted to cabinet. School's Forum's response would need to be added to the draft, if there is a view.

8.27 Two questions have been proposed in the report at Item 9 to answer, one regarding an inter-block transfer and one is to take a view on Model B.

8.28 If it is concluded that the response is to be deferred, the LA would like to be provided with an idea of time, and what the Schools Forum would require from the LA, as an aid to provide a clearer decision.

8.29 The LA confirmed cabinet papers were being prepared which would summarise the proposals and all consultation response documents. Schools Forum's views will be included in those documents. If collectively, they request additional time, there may be technicalities around when things will be implemented. The LA reiterated that suggestions would always be welcomed and heard.

8.30 **Question:** So, the first clarification, when was the proposed cabinet meeting?

8.31 **Response:** 16 January

8.32 **Comment:** That is the next night after the next Schools Forum

8.33 **Comment:** So, if we do defer, which there is a broad agreement to, we need to make it clear what we are looking for.

8.34 The LA further stated that the proposed ideas were to be put forward as well as all the responses received from the consultation process, so that the cabinet can make their decision. If the views of Schools Forum are only received by 15 January 2020, checks would need to be done to understand what it would mean to go to Cabinet on 16 January. If that should be the view of the Schools Forum, it will be taken forward. The legalities would need to be investigated to determine whether it would be necessary to extend the consultation period to the wider group.

8.35 It could potentially complicate matters, but ultimately throughout the process there has been a continued willingness to respond.

- 8.36 **Comment:** OK it's important that we take a few questions and then we be precise in what we want to happen
- 8.37 **Comment:** It is asking us to give a response to option B. If School's Forum's response is that we agree to option B or we don't agree to option B, that is what will go in the paper to the cabinet. They will then make their decision.
- 8.38 **Response:** Yes, they do the decision making. What we are doing is being asked for an opinion.
- 8.39 **Comment:** What I gather is we need to give a precise rationale for what we want to happen next. It was proposed earlier to move it. It's not a vote but we do need to find out if people want to. Is there a mood from what's been said, to postpone this decision until January? I think that's the first thing. If that is the case what precisely are asking the officers to do between now and January.
- 8.40 **Comment:** I think we should really listen to what the parents have felt like a bit of a lone voice, but my message has been consistently clear for the last 12 months about what special schools feel about this and the parents are echoing exactly what we feel and I think we should have a longer time to listen to the parents who have been very active and passionate. We are at risk of making decisions in order to balance a budget and that has come across strongly now tonight that the timing is all about balancing the budget for April.
- I understand it on one hand, but on the other hand this really should be about children, and children with complex needs across the borough in mainstream or in special
- 8.41 **Comment:** I think it's important to note that all schools are affected. I do not agree that you have been a lone voice. I've got a resource provision and I've got a high percentage of children who are affected. For this meeting and what this group stands for I hear that people want a bit more time, so what I would want us to do now is to give precisely what we would like to happen, which I believe is what the LA is asking for.
- 8.42 **Comment:** My concern with that is we've been through two consultation processes, There was a lot of feedback given with very precise questions put in it, which were not responded to. There is a huge amount of feedback within this document and prior to this as part of the second consultation those questions have not been answered. What I'm worried about is extending it even further and we still don't know some of the key answers. If we are in a position where we need to make a decision in January for Council the next day, we are not going to be making a decision based on the best interest of our children. I believe we have really missed an opportunity to get ourselves in a much better place, and it's unfortunate that we are being placed in this position.
- 8.43 **Response:** There have been two consultation processes that's been completely open to everyone to everyone to be involved and share their views. Every single head has been open to attend and put their feedback in all the way through. We've got fresh things coming in tonight. At this point in time although I feel we need to make a decision now and get on with it, I do feel we need to defer this until January, But we need to be very clear to the LA about what we want from them specifically, to allow us to make a decision. And if the decision is no then the decision is no and the School

Forum makes that decision, and that's just the way it is. But we need to ask precisely what we want from the LA to allow us to make that decision in January.

- 8.44 **Comment:** I think it's important to add to what was said that lots of headteachers were involved in the process. No-one came up with any option in isolation, I don't think anybody liked or desired any outcome. I haven't had time to look at the survey, many people haven't looked at it in depth. I agree that we should defer it to January. But again, I want individuals to be very precise because this is how we get to where we are today when we say that we want something different or changed we are not clear as we could be, which results in things not happening in the way we want them to.
- 8.45 **Comment:** Let's be clear. These are LA proposals because the LA must be the one to put proposals to the group. There were shared assessment proposals out of that group. We then held further consultation meetings and again, what came out of it was an open discussion and an alternative was talked about and then was decided to take forward into the Cabinet paper.
- 8.46 **Comment:** The Director of Learning offered to visit any headteachers and parents in the Summer and met with over 20 individual parents. The Director met with eight school governing body groups and 11 headteachers, who all asked for those meetings. It's been as thorough as it could be. The LA has seen everybody who has asked to see us, we've answered every question that's been asked of us. All we've been doing, is the same as what we have been doing since June. We just need clarity from you as the Schools Forum. If you decide that you don't want to answer this question tonight, we cannot do anything about that, we accept that. But what we would ask from you is, what is it that you want? What else is it that you want?
- 8.47 The Chair informed the group that they were to still revisit the point raised around observers.
- 8.48 **Response:** It's a matter of to what extent you wish to be compliant with the Schools Forum regulations. Schools Forum regulations do not give any speaking rights to observers, only to people who are presenting papers. For example, this evening a member of the public, a parent, has asked to speak to Schools Forum and needed to present a paper in order to address Schools Forum.
- Officers can go away and check the operational guidance to see if it's perfectly OK for you to pass a resolution to allow observers to speak. Officers are simply advising that regulations say no. How you chose to respond to that: we can help you have a look at that.
- 8.49 **Comment:** Can I just say that what you have just described hasn't been custom and practice and I'm a witness to that because I've been an observer for a long time, and I've been able to speak at every meeting.
- 8.50 **Comment:** Ok thank you. I think that I would ask that you check for the next meeting what the regulations are. If we can pass a resolution, let's just comply with what the regulation is saying and if we have power within it to make any adjustments, I certainly will, because if the observer left here feeling like he didn't have a voice when he could have, while others did. I will take that on board.

- 8.51 The Chair revisited the topic of what the Schools Forum would like to agree regarding what they would like.
- 8.52 **Comment:** There are many questions raised in the comments made in the consultation document. I think that is what we are asking for answers to.
- 8.53 **Question:** Were there alternatives offered? I haven't seen them.
- 8.54 **Comment:** This is the document that was attached to the Schools Forum papers, and there a number of comments saying that they want answers to specific questions. I think until that has been provided, we cannot make a decision, because we don't understand. The other point is, as the gentleman had said in his presentation, people have only been asked to comment on Model A and Model B and there are other ways of meeting the funding gap and nobody has been invited to comment on that. So, the consultation I feel is very narrow.
- 8.55 **Response:** That was always the intention. What we have done is what we have been told to do, which is consult on Model A and Model B. We can't consult on whether the wider group wants to use council reserves. That is a Council decision, it not up for consultation. What we have agreed, and reassured parent/colleague is that when and if they put that forward, it will be represented to the cabinet, that is what will go forward. We don't have a remit to take that question to a general consultation.
- 8.56 **Question:** So, when is that going to come to School's Forum?
- 8.57 **Response:** It's not for School's Forum either.
- 8.58 **Question:** But if you've got to take it to Cabinet, surely it needs to come to Schools Forum? It's about school funding.
- 8.59 **Response:** It's about using council reserves and that's not a School's Forum decision, you have a very clear remit. We have brought questions to you that you have a remit to answer, the other questions have to go to Cabinet. That's the process and that's what we're doing. You don't have a right to say whether the Council chooses to use its reserves to support Project A or Project B or Project C. That is a Council decision, and they don't have a requirement to consult on that other than their normal consultation member work that they get involved in.
- 8.60 **Question:** Are they consulting on that more broadly? Because I feel that the local community would be very interested in that consultation in having a view on how those funds are used.
- 8.61 **Response:** The Cabinet has its own strategy for how it spends its money. I'm not a part of it, I don't get involved in it. The Cabinet and its Council makes its own decisions about how to do it and has its own mechanisms. Let's not get these two things confused.
- 8.62 The Chair thanked the LA for clarifying the standpoint regarding remits within consultations.
- 8.63 **Comment:** I have said this before to the Director of Learning in inclusion group meetings. When we started off in that very first inclusion group meeting, it was made very clear that Council reserves were not a part of this and there was no option to

even view the fact that there was going to be use of council reserves. That's come in a little further down the line thankfully but, I do agree that we do need to be seeing a bit more from the Council here about the reserves, because that's what other boroughs are using to help their crisis with SEND. There are 86 Local Authorities now in deficit. There are very few local authorities clawing it back from the schools, they're finding other means.

- 8.64 The Vice Chair referred to a section from the School's Forum guidelines, which highlighted and reiterated their non-involvement in regard to Council resources.
- 8.65 **Comment:** So actually, that statement at the start is absolutely correct. That is a different political argument to be had. What Schools Forum has been asked to do is find a route through this as best they can. Now the borough is temporarily underwriting £5.2 million of an accumulated deficit, which in theory we should be sorting out ourselves but were not because the borough is doing that. So therefore, we have been asked to find a way of living within our means. Either generate more money from schools' budgets or find a way of reducing costs. Effectively the plan we presented here isn't a plan anyone in this room likes. Even if people support the plan, they don't like it. But it's the pragmatic response to what is a dreadful situation. Everything political outside of that, I'm not disputing anything you've said, I'm just saying that that is not the remit of this group. The remit of this group is with the priority you've been given, here's the problem, what's the best solution based on what we can do?
- 8.66 **Comment:** I'm not denying there has been considerable discussion about the points that have been raised outside of this meeting. It's part of the issue, the sharing of that information and knowledge with Schools Forum. Schools Forum feel they need to make a decision on the questions that have been asked. It's the discussions around the other questions that each one of those prompts needing to be shared with a wider audience.
- 8.67 **Comment:** I don't think anyone can ever tell us not to have a view, but I think we've pressed at different points and I would encourage everyone to continue to do that but, there is a remit that we've got and that we have to abide by.
- 8.68 **Comment:** I think the challenge is there is a question and the answer is option 1 or option 2, the question that keeps coming back is will we be able to choose one or two? I need to know this and it's having that information in this Forum to be able to decide.
- 8.69 **Question:** So, do I sense that from our point of view, you want as much information around the options available, while some people may want an alternative?
- 8.70 **Response:** Some of the questions being asked here are not consultation questions they are questions that need to come to the Schools Forum. Well now we need to bring those questions here to look at them. Some of which may not be Schools Forum but for Cabinet.
- 8.71 **Comment:** Nobody likes like this at all. Most people around the table have a clear view.
- 8.72 The Chair provided a brief overview to the group in relation to the challenges she has faced regarding budgets despite having a resource provision.

- 8.73 **Comment:** This wasn't designed by the borough, this was designed by the headteachers in the room. In meetings that took place and we sat down with big spreadsheets and moved things round. This proposal was put forward by all headteachers in the borough who have been engaged in this process. The only reason it may be deferred is because the final consultation paper only went out today and I feel it may be unfair. This is me looking at the process as a whole. My decision in my mind hasn't changed. Because I've had the opportunity to go through the consultation paper and see the comments from parents, that hasn't changed my position, but I feel it's only fair based on the fact that the consultation has not been viewed by everybody in the room.
- 8.74 **Comment:** Schools voted to allow the Local Authority for a disapplication so special schools may be forced to give 1.5%. Now Government have been lobbied by a lot of special schools nationally. The ESFA and the DfE changed the rulings in September, to say that special schools were being protected, and therefore if a Local Authority asked a special school to give 1.5 % back, the special school could consider that, and could give a positive or a negative answer.
- 8.75 **Comment:** There is a point I made earlier about the decision on whether to move money out of schools block into high needs block, following approval of seeking to move money out of the special schools budget into the wider high needs block, and when the proposal came from inclusion group, it was in a sense of equity of pain. That's the link I would make with that.
- 8.76 The Chair stated that there needed to be a definitive response to be able to defer the consultations until January 2020.

Everyone to vote:

- **2.2.1 To agree transfer of 0.15% of schools block to high needs block**

A -10
B - 0
Abstentions – 4

- **2.2.2 A response to the Local Authority's preferred option to be deferred to January**

A - 5
B - 4
Abstentions – 5

- 8.77 The LA provided an overview of what the next steps will be for the Council following the vote to defer the consultations.
- 8.78 **Question:** Can we ask for a response from the Council to the outcome of the consultation? I know it's very transparent what the responses were in terms of the feedback, but actually there were quite a lot of questions in those responses. It might be helpful if we could have answers to those questions.

8.79 **Response:** The consultations were asking for comments and views, you're absolutely right, and that has resulted in some people asking additional questions. I can't sit here and say I can answer all the questions, and it would not be reasonable to do so. So again, I would have to go away and take legal advice. I have no problem with answering questions. would need to be sought before providing further information around it. This was a consultation exercise. If I am allowed to respond to those as part of some sort of feedback, I'm happy to if I can. There may be questions that are specific to a particular parent that I may not be able to answer.

I will go through them and answer them, but I will need to take advice on that. The looking through the responses and teething out any further questions that's the main action that Schools Forum are asking for.

8.80 The Chair encouraged the Director of Learning to provide a detailed account for the group in terms of responses, to maintain the transparency amongst consultation questions.

8.81 **Comment:** I think in terms of that, if we are doing this, I'm saying all these things without knowing the legal side. I think what I will aim to do is, because I think it would be deemed as reasonable is that if those are questions that have been asked as part of the consultations process, I would prefer if I do some sort of collation of questions and answers to circulate to Schools Forum, that we would look at sharing with the wider consultation group. If it is confirmed that it is something I can do, I will draft some sort of document for the Schools Forum.

8.82 **Comment:** I just wanted to say to the director, that we appreciate how challenging this is, no one wants to do this to children. I would just like to say that a number of times, the consultations, the stuff has come so late there is just no time to look over it, so just to implore you, that we don't have that on the 14th of January.

8.83 **Response:** So, whatever is stated in that document, it will be sent out, if I'm allowed, and uploaded by 20 of December 2019. I will commit to that.

9 **Proposals for High Needs 2020-2021**

9.1 This was previously discussed during the meeting so was no longer required for this item.

9.2 The Chair thanked all in attendance for their contributions and efforts pertaining to the strength and intricacy surrounding the whole process.

10 **Date of next Meeting:**

Wednesday 15 January 2019
5:30pm (light refreshments from 5:00pm)

Norlington School and Sixth Form
Norlington Road , Leyton London E10 6JZ

Meeting closed 19:22.

Schools Forum 11 December 2019

Summary of Decisions

Item 4a **Growth Fund 2020-21**

2.1 **Schools Forum noted:**

2.1.1 The revised indicative Growth Fund allocation for 2020-21 is £1.275 million.

2.1.2 The forecast Growth Fund reserves at the end of the 2019-20 financial year is £0.969 million.

2.2 **Schools Forum agreed:**

2.2.1 The Growth Fund scheme is continued with the current criteria for 2020-21 as in Appendix A.

2.2.2 The £1.275 million indicative Growth Fund allocation is retained centrally.

2.2.3 To use £225,000 from Growth Fund Reserves to set a total 2020-21 Growth Fund budget of £1.5 million.

Item 4b **Falling rolls Fund 2020-21**

Schools Forum agreed:

2.1 To continue the Falling Rolls Fund

2.2.2 To introduce the following cap, estimated cost £40,000:

1st Year – No Capping

2nd Year - Capped at 5% of school's post-MFG Schools Block Allocation

3rd Year - Capped at 2% of school's post-MFG Schools Block Allocation

4th Year & Beyond – Cannot qualify for Falling Rolls Fund

Item 9 **Proposals for High Needs 2020-21**

2.1 **Schools Forum noted:**

2.1.1 The interim summary of responses to the public consultation at Appendix B.

2.1.2 The update to the summary of responses to the public consultation issued as a second despatch.

2.1.3 The responses from the consultation with schools as set out in Appendix C to the proposal to transfer 0.15% (estimated £303,000) from the Schools Block into the High Needs Block for 2020-21.

2.2 **Schools Forum agreed:**

2.2.1 To transfer 0.15% (estimated £303,000) of the Schools Block to the High Needs Block in 2020-21.

2.2.2 **To postpone** a response to the LA's preferred option, Option B, with regard to the funding of Education, Health and Care Plans (EHCPs) until the Schools Forum meeting on 15 January 2020 and any representations it wishes the LA to take into account when any decision is taken.

Meeting / Date	SCHOOLS FORUM 15 January 2020	Agenda Item	4
Report Title	Early Years Task and Finish Group consultation proposals regarding free education for 2, 3 and 4 year olds for 2020-21		
Decision/Discussion/Information	For Discussion and Decision		
Report Author/ Contact details	Eve McLoughlin Head of Early Years, Childcare and Business Development 020 8496 3576 eve.mcloughlin@walthamforest.gov.uk		
Appendices	Appendix A: Early Years Task & Finish Group Members 2020-21 Appendix B: Early Years Block Funding 2020-21 and Options summary Appendix C: Proposed consultation models 2020-21 Appendix D: Draft LA centrally retained budget 2020-21 Appendix E: Draft Early Years Underspend Reserves 2019-2023		

1. SUMMARY

- 1.1 This report provides initial feedback following the first two meetings of the Early Years Task and Finish Group (EYTFG) on 16 October 2019 and 18 December 2019 and the group's recommendations on the funding models that should be consulted on to set the 2020-21 Early Years Funding Formula (EYFF).

2. RECOMMENDATIONS

2.1 Schools Forum to note:

- 2.1.1 The feedback from the first two meetings of the EYTFG on 16 October and 18 December 2019.

2.2 Schools Forum to agree:

- 2.2.1 That all EYFF financial modelling will be based on deductions of 5% for LA centrally retained expenditure (£1.120 million).
- 2.2.2 The draft LA centrally retained budget for 2020-21 as set out in **Appendix D**.
- 2.2.3 The draft Early Years underspend reserve budget 2019-2023 as set out in **Appendix E** (£3.245 million).

2.2.4 That further consultation takes place with providers as follows:

- Whether the SENIF should remain at 3% of the EYB funding or be increased to 3.25% or 3.5% (3 options)
- Whether each of the deprivation rate bands (1-6) should remain at current levels or be increased to 3 times the 2019-20 levels (2 options)
- Whether the level of System Support funding should remain at 0.3% of the EYB or be decreased to 0.1% or 0.2% of the EYB (3 options).

3. REASON

3.1 The Local Authority is required to consult annually with Schools Forum on arrangements for Early Years provision.

4. BACKGROUND

4.1 Schools Forum agreed the proposal to set up an EYTFG which would be chaired by the lead officer for the Early Years Block (EYB). The EYTFG make recommendations to Schools Forum on EYB funding for 2020-21, based on wider consultation with Free Early Education Entitlement (FEEE) providers operating in the borough.

4.2 Expressions of interest were invited from providers currently commissioned to provide FEEE places via the LA's education website, The Hub, for 10% of them to form the EYTFG

4.3 Following receipt of expressions of interest, membership of the group was confirmed and is shown in **Appendix A**.

4.4 This report summarises the key information, discussions and proposals from the EYTFG.

5. SUMMARY OF KEY DISCUSSIONS AND AGREED PROPOSALS FROM INITIAL EYTFG MEETINGS

5.1 EYB funding passed through to providers and LA centrally retained funding

5.1.1 A summary of the indicative 2020-21 EYB budget published by the DfE/ESFA in December 2019 is shown in **Appendix B**.

5.1.2 The DfE/ESFA has set a maximum cap of 5% on LA centrally retained funding from the EYB, the same as the 5% allowed in 2019-20. In line with this 5% cap, The LA centrally retained budget is £1.120 million in 2020-21, and is set out in **Appendix D**.

5.1.3 It is a mandatory requirement that the EYB budget includes a SEND Inclusion Fund (SENIF) budget, the level of funding is determined by the LA. The SENIF is not classed as LA centrally retained funding by the DfE/ESFA as it is passed through to providers, following approval by the LA's Early Years SENIF panel.

5.1.4 In line with the above, all financial modelling will be based on the LA centrally retaining 5% (£1.12 million) of the EYB and a further 3%, 3.25% or 3.5% being allocated to the SENIF (which will be determined following Jan 2020 consultation outcome) as outlined in the three options in **Appendix B**.

5.2 Proposed EYFF Rates for 2020-21

5.2.1 There was consensus from the EYTFG that a lot of work had been carried out in setting the 2017-18 EYFF, due to the significant changes to statutory guidance introduced that year. They felt that this had resulted in setting an EYFF in 2018-19 and 2019-20 which, in general, the sector was happy with. The group therefore felt that would not be necessary to propose or consult on significant changes to the current EYFF in setting the 2020-21 EYFF.

5.2.2 The EYTFG proposed that overall current levels of funding allocated to supplements (minus the agreed deductions for LA centrally retained expenditure and the SEND Inclusion Fund) remain unchanged for 2020-21 as this meant that all providers received a good hourly base rate.

5.2.3 During 2019-20 4.5% of EYB funding passported to providers was allocated to supplements (4.2% to deprivation, which is a mandatory supplement and 0.3% to quality/system leadership, which is a discretionary supplement) with the remaining 95% being allocated to the base rate funding. Further consultation will be undertaken with providers as to the percentage of the EYB that will be allocated to base rate, deprivation and quality/system leadership in 2020-21 and the payment bands for deprivation payments as outlined in **Appendix C**.

5.2.4 The EYTFG felt that it was important to maintain the current overall level of funding allocated to deprivation, as this funding enables early years settings who provide places to the most vulnerable children additional resources to provide those children with adequate support. However, due to IDACI bands having been updated using the 2019 census data and the significant change in demographics within the borough, this has resulted in a significant reduction in the number of children falling into the higher IDACI bands. In order to ensure the same overall level of funding is allocated to deprivation, the proposal is to increase the hourly rates for each band by 3 times the 2019-20 funding levels.

5.3 Top-up rates for two year-old places

- 5.3.1 The funding rates for places for 2 year-olds paid by the DfE/ESFA in 2019-20 was £5.66 per hour. Once the centrally retained (5%) and SENIF (3%) is deducted, this would equate to an hourly rate of £5.21 payable to providers. This was topped-up by 45 pence per hour to £5.66 per hour, which was funded from the EYB underspend in 2019-20.
- 5.3.2 In 2020-21, the funding rates for places for 2 year-olds paid by the DfE/ESFA has increased by 8 pence per hour to £5.74 per hour. Once the centrally retained (5%) and SENIF (3% - 2019-20 level) is deducted, this would equate to an hourly rate of £5.28 payable to providers.
- 5.3.3 Take up of places by eligible two years olds, as recorded in the January 2019 census, was 47%, which was below the national and London averages of 68% and 56% respectively. The recent Life Chances Commission report also noted that outcomes for Waltham Forest early years children were good, but that more 2 year-olds needed to take up their place to maximise impact and increase outcomes further. The EYTFG felt that it was important that take up was maximised in order to ensure the most vulnerable children are supported and that providers are encouraged to provide places to eligible two years olds. Maximising the hourly rates payable is likely to support this.
- 5.3.4 The EYTFG proposed that we continue to top-up the hourly rate by up to 50 pence per hour in 2020-21 (subject to Jan 2020 consultation outcomes) which would cost £172,000 if 900 (75% of those eligible) children took up a place. This would be funded from the early years underspend reserves as outlined in **Appendix E**. This would increase the hourly rate payable to providers to a maximum of £5.78.

5.4 Early Years System Support (EYSS)

- 5.4.1 The LA's centrally retained budgets are capped at 5%. In light of this, the LA's ability to continue to fund the levels of free information, advice and training as it has done previously is not sustainable.
- 5.4.2 The EYFF can include a discretionary quality supplement payment however this can only be used to support workforce qualifications or system leadership.
- 5.4.3 "The Early years entitlements: local authority funding of providers Operational guidance for 2020 to 2021" has been updated to provide clarification of the rules on the use of the quality/system leadership supplement and states that '*Any system leadership supplement should be open and transparent in terms of the process for choosing the 'leaders', the funding arrangements, and the support to be provided*' and '*The supplement can only be used to cover the cost of providing the system leadership, no one should benefit financially*'

outside of it, either those supporting or those being supported. Only costs of service provision should be met.'

- 5.4.4 The local authority commission EYSS training providers on behalf of the sector against agreed criteria and an EYSS budget. These EYSS training providers will then deliver the agreed training/support to Waltham Forest Schools Nursery provision and Ofsted registered providers. The criteria to be on an approved list of EYSS training /support providers are as follows:
- Current Early Years Inspection Ofsted of Outstanding
 - Teaching school status in Waltham Forest or external.
 - Early Years Specialist Leader in Education (SLE)
- 5.4.5 The EYSS training providers have been externally quality assured by DfE / Ofsted based on expertise to provide specialist support, information and training. The training providers are selected primarily from the Waltham Forest Early Years Sector and from other out of borough Early Years Sectors if required. The providers for 2019-20 academic year are:
- Davies Lane Teaching School
 - Church Hill Nursery School
 - St Mary's Teaching School
 - Lloyd Park Children's Charity
- 5.4.6 The 2017-18 EYFF included a system leadership budget of £139,000 (1% of the EYB) but this budget was not spent and was carried over to 2018-19. A further £68,748 (0.5% of the EYB) was allocated from the 2018-19 EYFF. A total budget of £207,748 was therefore available during 2018-19.
- 5.4.7 As at 1 April 2019, £123,708 of this budget was underspent and carried forward into 2019-20. Any underspend from this budget is earmarked for system leadership, therefore, the carried forward amount into 2020-21 will be utilised on System Leadership in future years.
- 5.4.8 The EYTFFG felt that it was important to ensure that schools and PVI sector providers were able to access a range of teaching and learning support, advice and information from peers across the early years sector, in order to further support the improvement in quality of early years foundation stage provision and CPD. However as the EYSS budget is underspent the EYTFFG therefore propose that the sector be consulted on three options:
- a) reducing the top slice to 0.1% of the EYB (£21K) or

- b) reducing the top slice to 0.2% of the EYB (£41K) or
- c) retaining the top slice at 0.3% of the EYB (£62K).

Reducing the top slice to 0.1% for the next 3 years will allow the underspend of £123K to be utilised over the next 3 financial years.

5.5 Meeting the needs of children with SEND

- 5.5.1 As outlined in 5.1.3 above, it is a mandatory requirement that the EYB budget includes an SENIF.
- 5.5.2 Schools and PVI settings are able to use early years pupil premium (EYPP) and disability access funding (DAF), as well as deprivation funding paid as part of their EYFF payments to fund additional costs incurred to support the needs of children with developmental delay or SEND. They are also able to access free support from the SEND Success outreach programme which is commissioned by the LA and provided by Whitefield School.
- 5.5.3 Should the funding outlined in 5.5.2 be insufficient to cover the additional cost of meeting the needs of a child with SEND that does not have an EHCP, schools and PVI settings can apply for additional funding from the SENIF via the SENIF panel for pre-reception class children. The SENIF Panel comprises a multi-agency membership including LA officers across Early Years, Early Help and the SEND Service as well as NELFT and School and PVI sector reps from the early years sector.
- 5.5.4 Following consultation with providers as part of the 2018-19 EYFF process, it was agreed that the SENIF be based on 3% of EYB funding. The EYTFG felt that the budget should increase in 2020-21 from the current 3% of EYB funding that was set aside for 2019-20. This increase in budget would fund SENIF panel placements (children who do not have an EHCP), fully fund EHCP's for pre-reception aged pupils and alleviate some of the pressures on the High Needs Block budget overspend.
- 5.5.5 For 2019-20, the percentage top sliced from the EYB funding was 3%. The EYTFG propose that providers are consulted on creating a SENIF based on top-slicing 3%, 3.25% or 3.5% of EYB funding. This funding is top-sliced from the DfE/ESFA allocation for 2 year olds; the universal 15 hour offer for 3-4 year olds; and the additional 15 hours for 3-4 year olds from working families as set out in **Appendix B**. If the top-slice of 3.5% is agreed, this would create a budget of £784,571 to fully fund Early Years SEND services as set out in 5.5.4 above.

6. Maintained Nursery Schools (MNS)

- 6.1 During 2019-20 the EYB budget contained a supplementary payment for MNS. This equated to an additional £1.71 per hour, which is paid in addition to the base and deprivation payments made to all other providers for 3&4 year-olds. There are no supplementary payments made in relation to 2 year-old children, so these payments are made in line with all other providers.
- 6.2 Local authorities with MNS continue to receive supplementary funding in 2020-21, however there is no confirmation at this point that this funding will continue beyond 31 March 2021. As the academic year ends in July 2021, this could present an issue with regards to a funding shortfall during the Summer term 2021.
- 6.3 Based on the number of children taking up a place in the Summer term 2019, this could equate to a funding shortfall as outlined in Table 1 below:

Table 1: Estimated MNS funding shortfall Summer term 2021:

	No of hrs universal 3&4 yr old entitlement	No of hrs extended/working family 3&4 yr old entitlement	Total hours	Hourly rate top up	Total Payment
Acacia Nursery	14,535	3,765	18,300	£1.71	£31,293
Church Hill Nursery School	16,025	5,049	21,074	£1.71	£36,037
Low Hall Nursery School	12,874	4,839	18,300	£1.71	£31,293
				Total	£98,623

- 6.4 As the ongoing arrangements for MNS supplementary payments beyond 31 March 2021 are unclear at this point, it would be prudent to look at the use of any in-year underspends to support contingency arrangements for the Summer term 2021, should this supplement cease. Longer term arrangements with regards to EYNFF payment rates for the full financial year 2021-22 would be made as part of the 2021-22 EYNFF budget setting process.

7. Consultation

- 7.1 The EYTFG has requested that officers consult on the models of funding as set out in **Appendix C**.
- 7.2 Providers will be consulted on:

- Whether the SENIF should remain at 3% of the EYB funding or be increased to 3.25% or 3.5% (3 options)
 - Whether each of the deprivation rate bands (1-6) should remain at current levels or be increased to 3 times the 2019-20 levels (2 options)
 - Whether the level of System Support funding should remain at 0.3% of the EYB or be decreased to 0.1% or 0.2% of the EYB (3 options)
 - Whether the hourly rate for 2 year-olds should be topped up by 50 pence per hour. Yes or No options.
- 7.3 Consultation will take place between 16 and 24 January 2020 via an online survey. Providers will be made aware of the survey via the Early Years Hub Newsletter and via their respective EYTFG representative.
- 7.4 The results of the consultation will be reviewed by the EYTFG at its meeting on 3 February and will form the basis of the final report to Schools Forum on 12 February 2020 on the proposals on the 2020-21 EYFF.

Appendix A: Early Years Task & Finish Group Members 2020-21

The Voting Members of the Group are:

Sector	Name	School/Setting Name	Email Address
Maintained Schools (including Maintained Nursery Schools*)	Helen Currie	Church Hill & Low Hall Nursery Schools	helen.currie@fans.waltham.sch.uk
	Tracey Griffiths	Barn Croft Primary School	tgriffiths9.320@lgflmail.org
	Shaesta Khan	Mission Grove Primary School	Shaesta.Khan@missiongrove.org.uk
	Ruth Boon	St Joseph's Infant School	ruth.boon@st-josephs-inf.waltham.sch.uk
Academies	Maureen Okoye	Davies Lane Primary School	office@davieslane.waltham.sch.uk
	Jenny Georgallis	Hillyfield Academy	jenny.georgallis@hillyfieldacademy.com
PVI term time providers	Ruth Mattison	Handsworth Pre-school	info@handsworthpreschool.co.uk
	Hawa Hansa	Noor Ul Islam Preschool	preschool@noorulislam.org.uk
	Pam Chapman	Shernhall Pre-School	shernhallpreschool@btinternet.com
	Sue Ruff	St. Andrews Pre-school	standrews.ps@btconnect.com
3 to 4 PVI all year-round / full day-care providers	Mark Bloomfield	Little Green Man Nursery	littlegreenmanE11@hotmail.co.uk
	Denise O'Sullivan	Little Diamonds Nursery	littlediamondsnursery@yahoo.co.uk
	Hannah McCarthy	Footsteps Day Nursery	hannah@footsteps-nurseries.com
	Sarah Kendrick	Redwood Pre School	sarah@redwoodpreschool.org.uk
Childminders	Elisha Brett	LBWF (Representing Childminders)	Elisha.Brett@walthamforest.gov.uk

*As there are 3 places for maintained sector reps and 4 expressions of interest, we will have 3 members and 1 observer at each meeting.

Non-voting members - LBWF Officers:

LBWF staff	Eve Mc Loughlin	Head of Early Years Childcare and Business Development (Chair)
	Elisha Brett	Deputy Head of Early Years & Childcare
	Mohammad Akhtar	Early Years Finance & Business Manager
	Vira Yurchenko /	FEEE Finance Officer

	Charlotte Park	
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Non-voting Advisors to the group to attend as and when required / invited:

	TBA	Accountant - Education Finance Team (High Needs Block)
	Barbara Thurogood / Joanna Mahadoo	Group Manager SEND Service / Provisions and Partnership Team Leader

Clerk to the group is Temi Adeniji: temilade.adeniji@walthamforest.gov.uk

Appendix B: 2020-21 DSG Early Years Block Published Dec 2019 and options summary

2019-20 DSG Final budget allocatons Published in July 2019

2019-20 early years national funding formula (EYNFF) LA hourly rate for 3 and 4-year-olds (£ / hr)	2019-20 part time equivalent (PTE) 3 and 4-year-old child numbers for universal entitlement funding for 2019-20 (PTE)*	2019-20 initial funding allocation for universal entitlement for 3 and 4-year-olds (£ million)	2019-20 PTE 3 and 4-year-old child numbers for additional 15 hours entitlement for eligible working parents for 2019-20 (PTE)*	2019-20 Initial funding allocation for additional 15 hours entitlement for eligible working parents of 3 and 4-year-olds (£ million)	2019-20 LA hourly rate for 2-year-old entitlement (£ / hr)	PTE child numbers for 2-year-old entitlement funding for 2019-20 (PTE)*	2019-20 initial funding allocation for 2-year-old entitlement (£ million)	2019-20 Initial funding allocation for early years pupil premium (£ million)	2019-20 funding allocation for the Disability Access Fund (£ million)	2019-20 Initial allocation for maintained nursery school supplementary funding (£ million)	2019-20 total early years block (£ million)
5.52	4,776	15.026	1,541	4.85	5.66	688	2.22	0.091	0.076	0.226	22.489

2020-21 Early Years Block budget Published on 19 December 2019

2020-21 early years national funding formula (EYNFF) LA hourly rate for 3 and 4-year-olds (£ / hr)	2020-21 part time equivalent (PTE) 3 and 4-year-old child numbers for universal entitlement funding for 2020-21 (PTE)*	2020-21 initial funding allocation for universal entitlement for 3 and 4-year-olds (£ million)	2020-21 PTE 3 and 4-year-old child numbers for additional 15 hours entitlement for eligible working parents for 2020-21 (PTE)*	2020-21 Initial funding allocation for additional 15 hours entitlement for eligible working parents of 3 and 4-year-olds (£ million)	2020-21 LA hourly rate for 2-year-old entitlement (£ / hr)	PTE child numbers for 2-year-old entitlement funding for 2020-21 (PTE)*	2020-21 initial funding allocation for 2-year-old entitlement (£ million)	2020-21 Initial funding allocation for early years pupil premium (£ million)	2020-21 funding allocation for the Disability Access Fund (£ million)	2020-21 Initial allocation for maintained nursery school supplementary funding (£ million)	2020-21 total early years block (£ million)
5.60	4,776	15.244	1,541	4.92	5.74	688	2.25	0.091	0.079	0.226	22.812

Option 1

	PTE No of children	Rate per hour	Budget	5% LA centrally retained topslice	3% SEND Inclusion Fund Top slice	Balance passed through to providers	0.3% EY System Leadership	Base rate 95.5%	Deprivation 4.2%
Estimated 2 year old allocation	688	£5.74	£2,251,751	£112,588	£67,553	£2,071,611	£6,215		
Estimated 3-4 year old allocation- Universal 15 hrs p/w	4776	£5.60	£15,244,194	£762,210	£457,326	£14,024,658	£42,074	£13,393,549	£589,036
Estimated 3-4 year old allocation- Additional 15 hrs p/w for working parents	1541	£5.60	£4,920,373	£246,019	£147,611	£4,526,743	£13,580	£4,323,040	£190,123
Maintained Nursery School Supplement Funding	232	£1.71	£226,149			£226,149			
Early Years Pupil Premium	300	£0.53	£90,643			£90,643			
Disability Access Fund	128	£615 per child	£78,720			£78,720			
Total			£22,811,830	£1,120,816	£672,490	£21,018,525	£61,869	£17,716,588	£779,159

Option 2

	PTE No of children	Rate per hour	Budget	5% LA centrally retained topslice	3.25% SEND Inclusion Fund Top slice	Balance passed through to providers	0.2% EY System Leadership	Base rate 95.6%	Deprivation 4.2%
Estimated 2 year old allocation	688	£5.74	£2,251,751	£112,588	£73,182	£2,065,982	£4,132		
Estimated 3-4 year old allocation- Universal 15 hrs p/w	4776	£5.60	£15,244,194	£762,210	£495,436	£13,986,548	£27,973	£13,371,140	£587,435
Estimated 3-4 year old allocation- Additional 15 hrs p/w for working parents	1541	£5.60	£4,920,373	£246,019	£159,912	£4,514,442	£9,029	£4,315,807	£189,607
Maintained Nursery School Supplement Funding	232	£1.71	£226,149			£226,149			
Early Years Pupil Premium	300	£0.53	£90,643			£90,643			
Disability Access Fund	128	£615 per child	£78,720			£78,720			
Total			£22,811,830	£1,120,816	£728,530	£20,962,484	£41,134	£17,686,947	£777,042

Option 3

	PTE No of children	Rate per hour	Budget	5% LA centrally retained topslice	3.5% SEND Inclusion Fund Top slice	Balance passed through to providers	0.1% EY System Leadership	Base rate 95.7%	Deprivation 4.2%
Estimated 2 year old allocation	688	£5.74	£2,251,751	£112,588	£78,811	£2,060,353	£2,060		
Estimated 3-4 year old allocation- Universal 15 hrs p/w	4776	£5.60	£15,244,194	£762,210	£533,547	£13,948,437	£13,948	£13,348,655	£585,834
Estimated 3-4 year old allocation- Additional 15 hrs p/w for working parents	1541	£5.60	£4,920,373	£246,019	£172,213	£4,502,141	£4,502	£4,308,549	£189,090
Maintained Nursery School Supplement Funding	232	£1.71	£226,149			£226,149			
Early Years Pupil Premium	300	£0.53	£90,643			£90,643			
Disability Access Fund	128	£615 per child	£78,720			£78,720			
Total			£22,811,830	£1,120,816	£784,571	£20,906,443	£20,511	£17,657,204	£774,924

Appendix C: Proposed consultation models 2020-21

Table 1: Current and proposed split of Early Years Block Budget allocation

	2019-20 Current	2020-21 Option 1	2020-21 Option 2	2020-21 Option 3
LA Centrally retained Top slice	5%	5%	5%	5%
SEND Inclusion Fund Top slice	3%	3%	3.25%	3.5%
Budget allocated to LA & SEND Inclusion Fund	<u>8%</u>	<u>8%</u>	<u>8.25%</u>	<u>8.5%</u>
Remainder budget	<u>92%</u>	<u>92%</u>	<u>91.75%</u>	<u>91.5%</u>
	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
The remainder budget is split as follows:				
System Leadership	0.3%	0.3%	0.2%	0.1%
Base Rate	95.5%	95.5%	95.6%	95.7%
Deprivation	<u>4.2%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.2%</u>
	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

Table 2: Current and proposed hourly rates for Deprivation factor

	2019-20 Current	2020-21 Option 1	2020-21 Option 2
IDACI Band 1 (score 0.2 & 0.25)	£0.10	£0.10	£0.30
IDACI Band 2 (score 0.25 and 0.3)	£0.20	£0.20	£0.60
IDACI Band 3 (score 0.3 & 0.35)	£0.30	£0.30	£0.90
IDACI band 4 (score 0.35 & 0.4)	£0.55	£0.55	£1.65
IDACI Band 5 (score 0.4 & 0.45)	£0.75	£0.75	£2.25
IDACI Band 6 (score 0.5 +)	£0.90	£0.90	£2.70
Total projected spend on deprivation factor	£568,343	£187,117	£568,343
DfE Budget Allocated to the deprivation factor	<u>£569,445</u>	<u>£585,834</u>	<u>£585,834</u>
Over /(under) spend on allocation	<u>-£1,102</u>	<u>-£398,717</u>	<u>-£17,491</u>

Appendix D: Draft LA centrally retained budget 2020-21

2020/21 CENTRALLY RETAINED BUDGET ALLOCATION - INCOME & EXPENDITURE

INCOME		
EYB Centrally Retained Budget		£1,120,816
Total Budget		£1,120,816

EXPENDITURE	No of FTE posts	EYDSG total annual charge
Staffing costs:		
Head of Early Years, Childcare and Business Development	1	
Deputy Head of Early Years & Childcare	1	
EY Finance & Business Manager	1	
Communication & Participation Manager	1	
Senior Project Officer	1	
Place Development & Premises Manager	1	
Assessment & Progress Lead (T&L)	1	
Finance Officer	2	
Early Years & Childcare participation officer	2	
Childminding Development Team Leader	0.6	
SEND Support and monitoring Officers PVI's	2	
Childminding Development Workers	1.8	
EY Advisory Teacher	0.5	
Business Degree Apprenticeship	1	
Sub Total Staffing		£762,750
Non-staffing & SLA expenditure:		£358,066
Total Expenditure		£1,120,816

Non-staffing & SLA expenditure covers:

Hub Charge SLA

Contract with NELFT to provide Data from HV team re: 2 year partnership pathway

SLA with LBWF data team to provide EY data dashboard

Supporting Vulnerable Children - Early Help SLA

Home Learning Project

Safeguarding in Education Early Years Lead

Annual Childcare Sufficiency Assessment

Licence and annual maintenance costs Finance IT system

New provider online compliance check system

WF Directory- Childcare element

EYFSP Moderation

Parent Champion incentives

FEEE places marketing costs

Provider Training - 4 to 5 conferences / large training events per annum plus other training provided by the LA inc. refreshment costs

General Office supplies

Training venue costs - for Snowberry building running costs

Parking Permits & Essential User Permits

Phone costs

General ICT costs

Staff training

Appendix E: Draft Early Years Underspend Reserves 2019-2023

	19/20	20/21	21/22	22/23	Total
	£	£	£	£	£
Outstanding payments from previous financial year (e.g 18/19 payments made in 19/20 following year end reconciliation)	398,140				398,140
SaLT in CC's Public Health Contract*	172,600	172,600	172,600	172,600	690,400
Workforce Development Commissioned Service (inc All Talk Project & Specialist SEND support)*	60,000	80,000	60,000		200,000
Premises & Place development (Revenue Place Creation grant for new FEEE places)	8,500	45,000	45,000	45,000	143,500
Contribution to Children's Centres Contract costs*	200,000	200,000	200,000	200,000	800,000
Top up of 2 year hourly rate from £5.21 (£5.66 from DfE minus 5% deduction for LA centrally retained and 3% for SEND inclusion Fund) to £5.66 for 2019-20. Top up of 0.45 per hour for 800 (60% take up) children in 19/20.	137,484	171,855	190,950	210,045	710,334
From 20-21 onwards, top-up of £0.50 per hour from £5.25 (£5.74 from DfE minus 5% deduction for LA centrally retained and 3.5% for SEND inclusion Fund) to £5.75 for 900 children based on an average of 2 terms take-up (380 hours). Increasing to 1000 children in 21-22 and 1100 in 22-23					
EY LA Centrally Retained Underspend	44,860	44,860	44,860	44,860	179,438
Unallocated	181				181
System Leadership underspend 17/18	0	41,236	41,236	41,236	123,708
Total	1,021,765	755,551	754,646	713,741	3,245,701

* Committed Expenditure via contract or Schools Forum Decision (highlighted in green)

SUMMARY OF ANNUAL PLANNED USE OF EARLY YEARS RESERVE:	£
EY DSG underspend as at 31.03.2019	2,707,701
July 2019 ESFA prior year adjustment	538,000
EY reserve available 2019-20	3,245,701
Less Planned use of reserves in 2019-20	-1,021,765
EY reserve Carried forward into 2020/21	2,223,937
Less Planned use of reserves in 2020-21	-755,551
EY reserve Carried forward into 2021/22	1,468,386
Less Planned use of reserves in 2021-22	-754,646
EY reserve Carried forward into 2022/23	713,741
Less Planned use of reserves in 2022-23	-713,741
EY reserve Carried forward into 2023/24	0

Meeting / Date	SCHOOLS FORUM 15 January 2020	Agenda Item	5
Report Title	Proposals for High Needs 2020-2021		
Decision/Discussion/ Information	For Discussion and Decision by all		
Report Author/ Contact details	David Kilgallon; Director of Learning and Systems Leadership David.Kilgallon@walthamforest.gov.uk 020 8496 3504		
Appendices	Appendix A: Answers to specifically asked questions Appendix B: Update on consultation responses		

1. INTRODUCTION

- 1.1 At its meeting on 11 December 2019 Schools Forum was asked to give a response to the LA's preferred option, Option B, about the funding of Education, Health and Care Plans (EHCPs) and any representations it wishes the LA to take into account when any decision is taken.
- 1.2 Schools Forum decided to postpone a response until its meeting on 15 January so that it could have more time to consider the consultation responses and for the LA to answer specific questions that were raised in the consultation.
- 1.3 This means that the proposals will no longer be presented to Cabinet on 16 January as planned and this will now take place later in the Spring. As a consequence of this, the LA decided to extend the consultation to all in line with the request from Schools Forum, with a new deadline for the end of consultation of Thursday January 9 2020 at 9am. This extension was communicated to parents, carers and colleagues in a letter from the Strategic Director on 17 December 2019.
- 1.4 The additional document answering specific questions is attached as Appendix A to this report and can be found at:
<https://walthamforest.gov.uk/sites/default/files/HNB%20Specific%20Consultation%20Questions%20Dec%202019.pdf>.
- 1.5 Links to all other consultation documents can be found at:
<https://www.walthamforest.gov.uk/content/consultation-high-needs-block-funding-bands-education-health-care-plans>
- 1.6 An update on consultation responses is attached as Appendix B to this report.

2. RECOMMENDATIONS

2.1 Schools Forum to note:

2.1.1 The answers to specifically asked questions.

2.1.2 The update on consultation responses.

2.2 Schools Forum to agree :

2.2.1 To support the LA's preferred option, Option B, with regard to the funding of Education, Health and Care Plans (EHCPs).

2.2.2 Any representations it wishes the LA to take into account when proposals are put to Cabinet for decision.

3. REASON

3.1 The Local Authority must consult annually with Schools Forum on financial issues relating to arrangements for pupils with special educational needs, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding.

3.2 The LA believes Option B to be the best option within the parameter that the DSG operational budgets for 2020-21 need to be within the DSG allocation available.

Overall themes – specifically asked questions for SEND High Needs Block Consultation

Consultation questions received as part of the SEND High Needs Block Consultation have been reviewed and have been thematically grouped. Comments which do not raise a specific question have been categorised 'Statement, not specifically asked question' and to be explicitly clear, these comments will be considered as part of the consultation. They are not outlined below as they do not raise a specific question.

Consultation proposals, documents, meetings

1. There is not enough information to understand the impact of this proposal/respond

As part of the consultation, some specific questions have been asked about further background information to understand the impact of this proposal and to respond. The information below sets out those specific questions raised and provides additional information for each point.

Q. It has been asked why historically more funding has been allocated to primary pupils than secondary pupils.

A. This is based on historical decisions made by Schools Forum in previous meetings.

Q. It has been asked what the rationale is for Model B.

A. The rationale is to spread a reduction across a broader cohort which means that the level of the reduction for each individual EHCP is lower.

Q. It has been asked why, under model B only, funding levels for EHCPs in Schools Resourced Provision would not be included in the changes.

A. This was included to afford a level of protection for those young people with high levels of need who have been placed in our Specialist Resourced Provision.

Q. It was asked whether the removal of band G would mean schools will be expected to make up the shortfall between funding and cost of provision.

A. To be clear, there is and has never been any proposal to remove band G or any other banding.

Q. It was asked why no other information is included in the consultation document if Schools Forum are to be consulted on the proposed transfers and how schools are in a position to participate in the consultation without knowledge of the wider context of how they will be impacted with a combination of the two arrangements.

A. The response to this is that we have given schools and schools forum the financial information needed to calculate the impact on their individual schools and to make decisions about the allocation of resources.

2. Could the Council clarify the current banding system?

There are three elements of funding that schools receive to support young people with an EHCP:

- Element 1 relates to the pre-16 core funding: included within the funding through the local schools block funding formula
- Element 2 relates to the notional SEND funding
- Element 3 relates to the 'top up' funding allocated by the Council

The consultation relates to element 3. Elements 1 and 2 would remain unchanged for individual children.

As the current banding system is complex and there are numerous levels within each banding, it is necessary to set out information for each banding in a comparable way. The table below sets out the lower thresholds for bands 'E' to 'I' so that you can see the current funding for those lowest thresholds in those bands:

Summary of our current “Top Up” banding thresholds at the lowest points:

	Level E	Level F	Level G	Level H	Level I
Primary Mainstream	£8,427	£15,177	£17,927	£21,677	£43,427
Primary SRP	£8,000	£14,750	£17,500	£21,250	£43,000
All through Mainstream	£7,137	£13,887	£16,637	£20,387	£42,137
Secondary Mainstream	£7,137	£13,887	£16,637	£20,387	£42,137
Secondary SRP	£8,000	£14,750	£17,500	£21,250	£43,000

3. What is the council expected to save through these proposals?

This is an area which is currently overspending.

As well as these current pressures, the High Needs Block allocation to Waltham Forest for Financial Year 2020-21 (next year) is £42.38 million. Although this is an increase of £4.94 million (13%) on the allocation for 2019-20 (this year), this leaves, based on predications, a funding gap of £2.670 million for 2020-21.

When current pressures and next year’s funding gap are added together, this means that we will be underfunded by £5.3 million by 31 March 2020.

An accumulated deficit of £5.3 million is at risk of breaching the Education and Skills Funding Agency’s threshold of 1% of the total Dedicated Schools Grant (DSG) and the Local Authority would be required to report to the Education and Skills Funding Agency on its plans for bringing the DSG back into balance.

4. Why has no neutral option been given in the consultation?

Guidance outlines that consultation documents should be clear about what is being proposed and it is perfectly lawful to consult upon a preferred option. There is no obligation to consult upon a ‘do nothing’ proposal. Given the current overspend position and the duty upon the Council to set a balanced budget, a ‘do nothing’ option is not in our view a viable to consult upon. As such, we have, in partnership with members of the Schools Forum, put forward two specific options for consultation and identified the one we consider is a preferred option.

Those being consulted are specifically asked “Do you have any other comments on our proposals for EHCP banding?” Consultees are therefore able to provide any other comments they wish and express any views they may have in response to this question including any response that states that no changes should be made. When Cabinet is asked to make its’ decision it will have all of the options (including a ‘do nothing’ option) and any alternative proposals put forward set out.

5. What is the cost of this consultation?

This consultation is being run by members of staff who are already in place in Waltham Forest. Therefore, the additional cost of running this consultation is minimal.

6. What public meetings have been arranged to discuss the proposed model/options? / How are consultation responses being taken into consideration?

The following meetings have taken place:

- Schools Forum refreshed the membership and terms of reference of the Inclusion Group which was set up in December 2018 with the aim of identifying proposals to allocate HNB funding for the financial year 2020-21
- Further officer meetings took place in May 2019 following the work of the Inclusion Group to identify suitable proposals to take forward
- A consultation then took place during the summer. Part of this was an online survey, which was undertaken to capture direct responses to the options presented to make changes to current bandings in the 'top-up' funding element of the High Needs Block applied to children with EHCPs
- As part of the consultation process, meetings were carried out with school teachers and leaders, parent groups including the SEND Parent Forum and school governors
- Three further consultation engagement workshops were held between September and October 2019 with representatives from schools, the Waltham Forest Parent Partnership group and the SEND Crisis network
- Schools, parents and carers, and stakeholders were then invited to respond to the revised proposal to change the bandings applied through an online survey between 4 November 2019 and 10 December 2019

All consultation responses will be taken into account and we will ensure that Cabinet are fully informed of alternative options identified when they make their decision.

7. Why was the first consultation stopped?

Following the conclusion of the initial consultation in July, the Council decided to postpone the taking of any decision so that further engagement could be carried out with a working party in response to concerns raised through the consultation process and to use those engagement sessions to identify other options that might be taken instead. There had also been an indication that central government could be increasing funding and so we placed the process on hold for this work to be carried out.

Further engagement meetings were held between September and October 2019 with representatives from schools, the Waltham Forest Parent Partnership group and the SEND Crisis network. Those meetings led to the creation of the proposals currently being consulted upon. Schools, parents and carers, and stakeholders were then invited to respond to the revised proposals to change the bandings through an online survey between 4 November 2019 and 10 December 2019.

8. Is it possible to hold a weekend consultation meeting?

There have been meetings during the school day and also early morning and evening meetings held during the consultation with the aim of making the meetings as inclusive as possible for residents wishing to attend.

Analysis of background information

9. What was the size of the sample and consistency and quality of the plans reviewed to test the level of provision?

Following the banding proposal identified and consulted on in the summer, the council conducted a sample audit of EHCPs for 25 children receiving 'E' band funding to assess potential impact or implications should banding funding levels be reduced. This research was presented and discussed at the second further engagement consultation meeting that took place 18th October. Whilst the data was anonymised, it was agreed that the information would not be circulated beyond the meeting to prevent upset from parents who may have been able to identify the care plan for their child, based on the care requirements that were set out in the care plans that were sampled. It was at this meeting the decision was taken to carry out the same activity for 'F' band EHCPs. Research was then carried

out for 25 'F' band EHCPs. The findings of both the 'E' and 'F' band research activities were discussed at the final further engagement consultation meeting 30th October. Both proposals have been examined through the sampling of EHCPs chosen at random from the current population. This approach to selecting the EHCPs means that the consistency and quality of the plans were reflective of plans currently in place.

10. What other comparative research can be undertaken with other boroughs?

We have undertaken research with other London Boroughs which has involved reviewing the websites of all other London boroughs as well as follow up phonecalls to try to obtain their banding information.

A question was asked about what a Level 1 funded EHCP looks like across these Councils for comparable levels of need. The table below sets this out using information we have been able to access:

Borough	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
Barnet	Primary: £5,683 Secondary: £6,251	Primary: £7,956 Secondary: £8,751	Primary: £13,639 Secondary: £15,003	Primary: £22,732 Secondary: £25,005	Primary: £34,097 Secondary: £37,507	N/A
Bromley	Made up from Notional SEN budget	£2,000	£4,000	£6,000	N/A	N/A
Islington	£1,190	£3,100	£5,300	£8,400	£11,120	£16,260
Hackney	£4,736	£ 6,077	£ 6,500	£ 11,432	N/A	N/A
Southwark	£4,000	£8,000	£12,000	£16,000	N/A	N/A

Legal duties and statutory frameworks/guidance

11. What are the parameters for how a Council can allocate its SEND resources to schools?

The High Needs Block is the funding provided by the government for the Council to support pupils with Special Educational Needs and Disability, Alternative Provision and a range of SEND services.

There are three elements of funding that schools receive to support young people with an EHCP:

- Element 1 relates to the pre-16 core funding: included within the funding through the local schools block funding formula
- Element 2 relates to the notional SEND funding
 - Element 3 relates to the 'top up' funding allocated by the Council

The notional SEN funding for each school is calculated using a formula. This formula uses percentages of the school's core funding for various factors.

In Waltham Forest in 2019-20 these were:

- Basic Entitlement per pupil (2%)
- Prior attainment (100%)
- Social deprivation (50%)
- English as an Additional Language and Mobility (20%)

Schools should use their SEN funding to meet the needs of the cohort of children and young people with SEND in their setting.

Things that a school may want to consider when allocating funding on resources:

- Expertise within the school to plan for any training needed

- Curriculum pathways
- Specialist advice needed
- Specific SEND resources
- Provision specified in Education Health Care Plans
- Evidence-based interventions

12. What are the Council’s legal duties and how will children’s needs continue to be met with reduced funding?

The Council’s objective in carrying out its function of assessment of educational needs is to meet the needs of the young people within Waltham Forest. As set out in the consultation document the level of funding provided to schools to meet individual children’s special educational needs is made up from different elements from the High Needs Budget that is provided to schools.

A child can be moved to a higher band and can have individual items of provision funded separately from the Resource Level funding where this is thought appropriate. Schools may raise issues when they think a resource level needs to change for a child as can parents and carers. There is a statutory obligation to meet assessed needs. Whilst the proposal if implemented would reduce the ‘top up’ funding that is automatically allocated when a child has an EHCP this does not mean that the individual child’s needs set out in the EHCP would not be met. As set out in the consultation document and in 11 above, schools receive SEN funding which is to be used for the provision of SEN support. Where a child’s EHCP set out needs which were not met through the existing provision within schools and the ‘top up’ funding then they could be moved to a higher band/have individual items of provision funding separately.

13. What is the impact assessment of these proposals?

An Equalities Impact Assessment has already commenced and will continue to be updated and presented to the decision makers who are the Cabinet Committee of the Council.

14. Could the council launch a Judicial Review against the Government?

A Judicial Review can only be taken where there are grounds to do so. There has been a very recent judicial review challenge of the government’s funding of services for children with special educational needs and disabilities. This was a challenge claiming that government budget decisions had left local authorities unable to fulfil their legal obligation to provide education to children with special educational needs and disabilities. The Court ruled that there was no unlawful discrimination in the way that the government makes provision for SEND funding and so that challenge was unsuccessful.

Cabinet will be presented with all consultation responses and representations, and with all of options and alternatives put forward in order to take their decision.

Budgets and funding questions

15. What impact does the government’s additional funding for SEND have on this consultation?

The High Needs Block allocation to Waltham Forest for Financial Year 2020-21 (next year) is £42.38 million. Although this is an increase of £4.94 million (13%) on the allocation for 2019 -20 (this year), this leaves a funding gap of £2.670 million for 2020-21. This is in addition to current funding pressures.

Due to the changes in government funding, and our engagement meetings with stakeholders, we no longer propose to continue with the changes to the current banding model that we consulted upon in May. The way in which we now propose this is achieved is through a combination of transfers from schools’ budgets into the High Needs budget, which Schools Forum will be consulted on, and smaller changes to the current banding system.

16. What other options can be explored to meet the funding deficit?

Other proposals which have been put forward through the consultation process, as noted in the consultation document, are:

- That the budget deficit should be met through the use of Council reserves – please see response to Q21 of this document
- Allocating funding from alternative Council budgets - this is not a preferred option because all budget lines within the Council are under some form of budgetary pressure
- Reduction in funding for the Council's central SEND Service budget they receive from High Needs Block and that the service look to absorb this reduction through service changes being made - whilst this is not an option being consulted upon, we will look at how we can make this service the most efficient in terms of its use of resources and the allocation from the High Needs Block this service receives
- Reduction of the funding allocated to support the BACME (Behaviour, Attendance and Children Missing Education) Service from the High Needs Block allocation - Whilst this is not an option being consulted upon, we will look at what changes we can make to this service and identify if any reductions from the allocation from the High Needs Block this service receives are viable

Although the above proposals are not being consulted upon (because these are not the preferred options for the reasons outlined) we will ensure that Cabinet are informed of these options, and any others that are identified and alternative proposals when they make their decision.

17. Will the new model be sustainable in the long term?

The models being consulted upon are to enable a balanced budget to be achieved in the High Needs Block for 2020-2021. The Council's view is that the new model will be sustainable in the long term.

18. What is the role of health funding?

The Children and Families Act 2014 introduced a number of new duties for CCGs to:

- commission services jointly for children and young people (up to age 25) with SEND, including those with Education Health and Care EHC plans
- work with the LA's to contribute to the Local Offer of services available
- ensure that health providers inform parents and the appropriate LA where they think that a young child under compulsory school age has, or probably has, SEN and/or a disability
- have mechanisms in place to ensure practitioners and clinicians will support the integrated EHC needs assessment process
- agree personal budgets, where they are provided for those with EHC plans.

19. What is the costed provision map/cost breakdown for EHCPs?

The provision map is an individual document for each child drafted by the child's school. The provision map is used to identify the support package for a child and is used to review progress. These documents are held by schools and will be seen by the council as part of a child's review.

20. How do these proposals fit with other council savings and are government bodies aware of this consultation?

The Council's budget still requires savings over the remainder of this MTFS period. There are plans in place to deliver the required MTFS savings, as is reported to the Council's Cabinet Committee. The Council's linked SEND HMI is aware of that we are undertaking this consultation.

21. Can I have more information on using council reserves?

The DfE have recently consulted on ring-fencing the DSG, where they propose to change the conditions of grant for the DSG with effect from the end of the financial year 2019 -20 (i.e. any overspend at the end of 2019-20 will fall under the new arrangements).

Subject to the outcome of consultation, the DfE propose that future arrangements for dealing with overspends will be worded as follows:

- the local authority must carry forward the whole of the overspend to the schools budget in future years;
- the local authority may not fund any part of the overspend from its general resources, unless it applies for and receives permission from the Secretary of State to do so.

The main reason for including the second bullet is that some local authorities have traditionally made small contributions from their general fund to some elements of the schools budget, unconnected to considerations relating to DSG deficits, and the DfE would not wish to prevent this in future.

This DfE consultation is expected to inform and affect budget setting processes for 2020-21, as well as the presentation of reserves in the annual accounts for 2019-20.

It may be therefore that the Council cannot use its' reserves without permission of the Secretary of State in future. The report to Cabinet will set out what options the Council's does have at the time it takes any decision in relation to the use of council reserves.

22. What has the council done to address overspends in this area to date?

The following actions have been taken to address overspends in this area to date:

- In September 2018 the Council raised the issue of short-term action and longer term action required from 2019-20 onwards. The short-term action included a 0.5% transfer from the schools block (£1 million) and a 1% contribution from special schools and AP
- In November 2018 Schools Forum rejected the request to move funds from the schools block to the high needs block
- The Council applied to the DfE for permission to move the funds
- In December 2018 the DfE announced £683,000 extra for both 2018-19 and 2019-20 and invited Councils to make their Schools Forums aware of the additional funding and to consider asking for a smaller transfer
- In December 2018 the Council also refreshed the Inclusion Group to devise an agreed longer-term financial strategy
- In January 2019 the Council revised its request to £0.322 million, being the balance of the £1 million requested originally
- In February 2019 the DfE rejected the request
- In May 2019 there was an extraordinary meeting of Schools Forum to agree a document to go to a wider consultation with proposals to make changes to the bandings
- In July 2019 The Director of Learning negotiated with the Whitefield and Hornbeam special academy trusts through their commissioning groups. Whitefield (SEND Success), and Hornbeam (Home Hospital) both agreed to provide an amended service offer which protects the quality of current service delivery, but which represents far better value for money for the High Needs Block.
- In early autumn 2019, the Council lobbied the Chancellor of the Exchequer about the need for additional funding in the High Needs Block to Support Vulnerable Children

23. What would the Council do if Special Schools refuse to transfer their funding?

The Council will apply for a disapplication request to the DfE. Schools Forum have agreed to this approach as has the maintained special school.

24. What is the added cost of supporting EHC provision to people of the ages of 19-25?

Using a snapshot of current spend on ages 19-25, the current estimate is £2.223 million for financial year 2019-20. £1.470 million in Further Education and £753K in schools.

25. What are the implications of recent alternative proposals outlined to reduce funding to the central SEND Service and BACME Team?

Reduction in funding for the Council's central SEND Service budget they receive from High Needs Block and the service to look to absorb this reduction through service changes being made, has been put forward as an alternative proposal. Whilst this is not an option being consulted upon, we will look at how we can make this service the most efficient in terms of its use of resources and the allocation from the High Needs Block this service receives.

Reduction of the funding allocated to support the BACME (Behaviour, Attendance and Children Missing Education) Service from the High Needs Block allocation, has been put forward as an alternative proposal. Whilst this is not an option being consulted upon, we will look at what changes we can make to this service and identify if any reduction from the allocation from the High Needs Block this service receives are viable.

26. Forest Pathways - How will the commissioning of a new provider reduce the costs involved?

We have agreed reduced costs with a new provider which offers significant advantages for the new commissioned service. The new provider is a post 16 establishment and value for money can be achieved through delivery from a college setting, with no reduction to levels of pastoral support.

Current/future support queries

27. What happens if a child's provision falls between two bands?

A child's needs are assessed and will be met by the most appropriate band, as assessed.

28. What support is there for children without an EHCP?

The Local Offer is a guide to all the services that are available for children and young people in Waltham Forest with special educational needs and/or disabilities aged from birth to 25.

29. What is the Council doing to ensure EHCPs are not 'passed around' between staff?

A named SEN Officer is allocated for each individual child/young person. As with any SEND service, we do have to manage fluctuations in staffing as a result of recruitment and retention, and we continue to work to minimise the number of changes of workers for children and young people.

Meeting / Date	SCHOOLS FORUM 15 January 2020	Agenda Item	5B
Report Title	Extension Consultation Response report		
Decision/Discussion/ Information	For Consideration and Discussion by all		
Report Author/ Contact details	David Kilgallon; Director of Learning and Systems Leadership David.Kilgallon@walthamforest.gov.uk 020 8496 3504		
Appendix	Extended Consultation Report		

1. INTRODUCTION

- 1.1 The appended paper has been submitted on behalf of the Local Authority.
- 1.2 It is a revised report of consultation responses capturing additional responses received during the extension period of the HNB consultation as agreed at the previous Schools Forum Meeting.
- 1.3 This report has been produced 8 January 2020, a day before the consultation officially closes (9 January 2020). A further report will be published only if further responses are received.

2. RECOMMENDATIONS

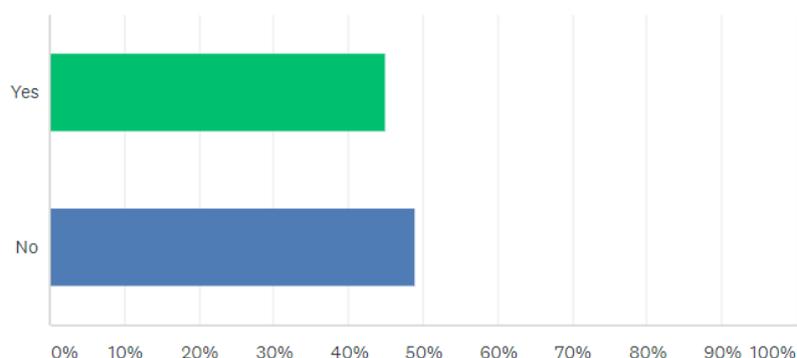
- 2.1 Schools Forum **to note** the contents of this paper.

High Needs Block
Extended Consultation Report
8 January 2020

Question 1.

Do you think that bands should continue to be different for primary and secondary schools?

Answered: 131 Skipped: 2



ANSWER CHOICES	RESPONSES
Yes	45.04% 59
No	48.85% 64
TOTAL	131

[Comments \(67\)](#)

Update

Four further responses have been received. Three respondents agree that bands should continue to be different for primary and secondary schools, one respondent does not. Comments were not left in response to this question.

The summary of comments from the earlier report remains unchanged and is reflected below.

Responses	Number of Responders
Yes, bands should be different (with secondary receiving more funding)	5
Yes, bands should be different (with primary receiving more funding)	2
No, bands should be the same	3
Bands should be based on needs	19
Lack of enough information to be able to make a decision	20
Other	18
Total	67

Question 2.

Q2

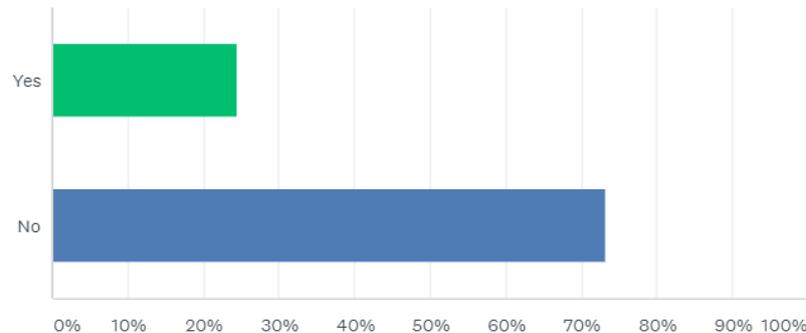


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If we adopt option A (same banding for primary and secondary schools), do you agree with the proposed bands?

Answered: 131 Skipped: 2



ANSWER CHOICES	RESPONSES
Yes	24.43% 32
No	73.28% 96
TOTAL	131

[Comments \(79\)](#)

Of the four further responses received, two respondents agree with the proposed bands. Two respondents disagree.

The following comment was left:

#	Response	Response category
1.	Primary and secondary school are different education band.. that band should be different..	B

The overall summary of responses to question 2 has been updated to include the new comment. A summary of all responses is captured in the table below.

Response Reference	Responses	Number of Responders
A	Yes, agree with model A	
B	No, disagree with model A	2
C	No, secondary should receive more funding	6
D	No, primary should have more funding	2
E	No, reject all cuts	2
F	Concerns about the impact of the cuts/quality of provision delivered by school	29
G	Bands should be based on needs	6
H	Lack of enough information to be able to make a decision	6
I	Other	26
	Total	79

Question 3.

Q3

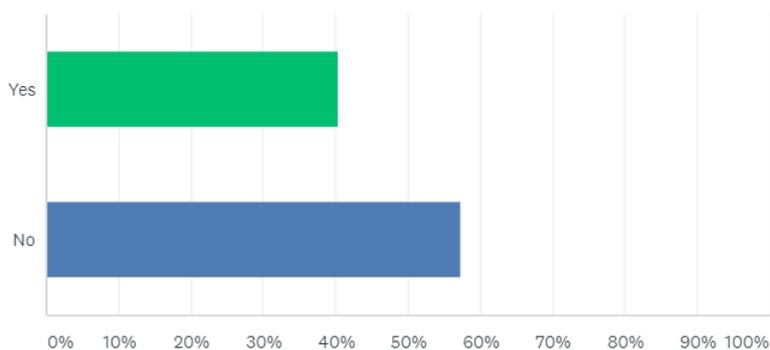


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If we adopt option B (different banding for primary and secondary schools), do you agree with the proposed bands?

Answered: 129 Skipped: 4



ANSWER CHOICES	RESPONSES
Yes	40.31% 52
No	57.36% 74
TOTAL	129

[Comments \(69\)](#)

One respondent skipped this question. There were three further responses to this question. All respondents agree with the proposed bands and did not leave further comments.

The summary of comments remains unchanged and is captured in the table below.

Response Reference	Response categories	Number of Responders
A	Request the same funding for primary and secondary	0
B	Request not to make any changes at all/reject proposal for change	7
C	Concerns about the impact of the cuts/quality of provision delivered by school	20
D	Funding should be based on need	4
E	Found the consultation to be complicated and unclear/lack of sufficient information to be able to make a decision	10
F	Specifically concerned about the impact changes will have for child/children	10
G	Other	18
	Total	69

Question 4.

Q4
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Do you have any other comments on our proposals for EHCP banding?

Answered: 104 Skipped: 28

Only one of the four respondents left a comment.

#	Response	Response category
1.	Any cuts would be damaging to individual pupils, and would be hard to manage particularly when a school has a high number of SEND pupils	C

The overall summary of responses to question 4 has been updated to include the new comment. A summary of all responses to this question are captured in the table below.

	Response categories	Number of Responders
A.	Schools cannot cope with the funding cuts	16
B.	Funding should be based on the needs of the child	9
C.	Concern about the impact funding reduction will have for individual child	16
D.	Council should access additional funding from the government/elsewhere and not make cuts	4
E.	Agree option A	1
F.	Agree option B	6
G.	Reject both models	7
H.	Reject model B	1
I.	Secondary should receive more funding	1
J.	Do not understand the consultation/insufficient information to make an informed choice	19
K.	Reject Models A and B and instead adopt the following Waltham Forest SEND Crisis 'Children First' option.	3
L.	Other	21
	Total responses	104