

East Sussex County Council Schools' Forum

Friday 12 July 2024

08.30

Remote Meeting

East Sussex
County Council



Agenda

Item	Heading	Paper	Lead	Item for
1.	Welcome and Apologies	N	Chair	Note
2.	Minutes of previous meeting 10 May 2024	Y	Chair	Approval
3.	Matters Arising and Declaration of Interests	N	Chair	Discussion
4.	High Needs Funding for FE Providers	Y	Nathan Caine	Approval
5.	Pupil Exclusion Funding	Y	Katie Ridgway	Approval
6.	Schools' Forum Membership 24/25 <ul style="list-style-type: none">• AP Representation from Sept '24• Election of Chair and Vice Chair	N	Ed Beale	Approval
	AOB			

Next Meeting: Friday 20 September 2024, 8.30am, Venue Remote

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EAST SUSSEX SCHOOLS' FORUM

MINUTES of a meeting of the Schools' Forum held remotely with Microsoft Teams on 10 May 2024

MEMBERS

Primary

Richard Blakeley (Harlands Primary)

Laura Cooper (St John's CE School)

Vicky Anderson (Catsfield CEP School)

Primary Governors

Debra Vice Holt (Oak Tree Federation)

Peter Hughes (South Malling Primary School)

Secondary

Emily Winslade (Priory School)

Helen Key (Chailey School)

Julie Campion - (Grove Park School)

Secondary Governors

Monica Whitehead (Claverham community College)

Academies

James Freeston (King Offa Primary Academy) **Chair**

Gavin Bailey (Swale Academy Trust)

Kelly Johnson (UoBAT)

Zoe James (MARK Education Trust)

Sally Hill (Aquinas Trust)

Richard Preece (Saxon Mount and Torfield)

Pupil Referral Unit

Jo Foulkes (Sabden Multi Academy Trust)

Non School Members

Joanna Sanchez (Diocese of Arundel and Brighton)

Jon Gilbert (Diocese of Chichester)

Hannah Caldwell (Post 16 East Sussex College Group)

ESCC representatives

Cllr Bob Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability)

Carolyn Fair (Director Children's services)

Elizabeth Funge Assistant Director Education

Honor Green (BSD Finance)

Nathan Caine (HofEd SEND & Safeguarding)

Edward Beale (Acting Finance Manager - Childrens Services)

Sarah Rice (Finance Manager - Schools)

Kirsten Coe (Schools Funding Manager - Acting)

Rachel King (Clerk)

1. WELCOME AND APOLOGIES (Note)

1.1 It was confirmed the meeting was quorate, recognising the apologies below.

Jo Foulkes - (Sabden Multi Academy Trust)

Jon Gilbert - (Diocese of Chichester)

Richard Preece - (Saxon Mount and Torfield) Kirsty Prawanna attended as rep

Julie Campion - (Grove Park School, Crowborough)

1.2 The chair welcomed Carolyn Fair, new Director of Children's Services.

2. MINUTES OF PREVIOUS MEETING 12 January 2024 (Approval)

2.1 The minutes for the meeting held were approved as a true record and will be signed by the Chair and scanned to clerk.

3. MATTER ARISING AND DECLARATION OF INTERESTS (Discussion)

3.1 Matters arising - none

Declarations of interest - none.

4. High Needs Block - Demands and Pressures (Approval)

4.1 All members of the forum that joined the sub-group were thanked for their time and input into the discussion. Schools' Forum members were provided an update on the current pressures on the High Needs Block (HNB). Recommendations from the HNB subgroup were reported and members were asked to approve those.

4.2 Recommendations.

That Schools' Forum

a) considers the recommendations (as set out in paper 2.13) made by the HNB Subgroup.

b) agrees whether any amendments should be made to the recommendations from the HNB Subgroup.

Decision - The chair asked if any amendments to the recommendation to be brought forward. No amendments were proposed.

c) That Schools' Forum votes to endorse the proposed financial arrangements for 24/25 (specifically a 3.4% uplift for special and mainstream school top-ups and no changes to the exceptional mainstream funding) and/or any amendments that are made.

Decision:

	Number voting 'Yes'	Number voting 'No'	Number of Abstentions
3.4% uplift for mainstream schools	14	0	0

d) That Schools' Forum agrees the proposal for the HNB Subgroup to undertake more work to develop proposals for future uplifts to mainstream and special school top-ups, based on a more nuanced understanding of costs, and to bring these back to SF for approval.

Comments:

It was asked that East Sussex officers could offer information on Schools Block and understanding any disparity in relation to other local authority areas. **ACTION EB**

It was proposed the sub group discusses more about cost pressures within the special sector.

A proposal for sub group to investigate whether or not there is disparity between costs of pupils with needs in different settings.

An objection was put forward to any inter block transfers in the future.

4.3 The work for this will be reported back to Schools' Forum in the Autumn meeting.

5.0 Permanent Pupil Exclusions - Money following the Pupil (Information)

5.1 Information on this future item for the upcoming agenda at July Schools' Forum was given. A paper will be brought about money following the pupil, following permanent exclusion. There are regulations in place for a deduction of funding for a pupil excluded from maintained schools, but not for academies. This creates a two tier system in East Sussex; if the child is excluded from a maintained school the money will follow but if they are excluded from an academy it will not. In other LAs, there are process which mean maintained and academies are on equal footing. Proposal for next Schools' Forum will be to outline how a system can be created to treat maintained and academies the same, on the basis of research from other LAs.

6. ANY OTHER BUSINESS

The Chair wanted to express the need for a new Chair to take over from the Autumn, as his term will be up after the July 2024 meeting. If anyone is interested, please get in touch.

Meeting concluded at 09:27 am

Next meeting - Friday July 12, 8:30am. To be held on Microsoft Teams

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Report to: Schools' Forum

Date of meeting: 12 July 2024

Report By: Carolyn Fair

Title: High Needs Funding for FE Providers

Purpose: To agree the uplift for Further Education College EHCPs top-ups (Element 3) for the 24/25 academic year.

Recommendations:

That Schools' Forum agrees a 3.4% uplift on all areas of all areas of Element 3 hourly rates in FE Colleges for the 24/25 academic year

1. Background

- 1.1 This report should be read as a follow-on to the report that was submitted to Schools' Forum on 10 May where it was noted that the work to look at an uplift to Element 3 (top-up) for FE providers was being considered separately. This report sets out the additional recommendations.
- 1.2 As part of the DfE SEND and AP Change Programme, East Sussex has been leading work with Post 16 colleges to look at different ways of commissioning and funding provision for learners with SEND across Sussex. As LAs across Sussex place children with EHCPs in East Sussex colleges, it was important to involve them in discussions around both funding uplifts for 24/25 and in terms of funding arrangements for 25/26 onwards.
- 1.3 It is acknowledged across the three Sussex LAs that we want to move to a better way of commissioning and funding provision for learners in FE institutions from 25/26 onwards. Currently, funding arrangements for provision is focussed, predominantly, on the hourly rate of different elements of support provided to learners with EHCPs. Although this has a strong focus on the costs associated with individual children, this does not support commissioners (LAs) nor providers (FE Colleges) in long-term planning and funding of provision. Furthermore, it creates an annual process of agreeing costs which is bureaucratic and time-consuming.
- 1.4 A dedicated Sussex-wide partnership group is looking at the longer-term arrangements for the commissioning of provision, which will make recommendations to Schools Forum in the autumn for the longer-term funding of Post 16 provision. This report, therefore, focuses on increases to the funding for 24/25 only.

2. Supporting Information

- 2.1 In 2017/18, East Sussex worked with LAs across the Southeast of England to develop funding arrangements for Post 16 provision with a view of creating more parity with how institutions were funded across the region. As part of this work, an uplift to funding for FE Colleges was agreed. There have been no changes to the funding of this provision until last year.
- 2.2 In 23/24, East Sussex considered information provided from FE colleges in relation to costs of provision and agreed the following uplifts to hourly rates of provision:
- 4.5% on the LSA specialist hourly rate
 - 3.57% on the instructor /unqualified teacher rate
 - 20% on the Qualified Teacher
 - 5.26% on the Dyslexia/Dyspraxia/Autism Teacher support Lv4 and above
- 2.3 For mainstream schools, there was an increase in top-ups for pupils with EHCPs in September 2018. This was, again, reviewed in 2021 when there was a significant change in the banding processes and associated costs. There have been no changes to mainstream school top-ups until the 3.4% uplift agreed by Schools Forum in May 2024. There have been more frequent changes to Special School top-ups since September 2018, but these have not always realised increases for all schools. There have been top-up increases in 2022, 2023 and 2024 for Special Schools as a result of prescribed elements within our HNB settlement (as outlined in the May report).
- 2.4 It has been agreed that we will be moving to a more consistent and transparent process for the consideration of annual top-ups for all state-run providers that ensures affordability for the High Needs Block and supports the commissioning of provision that meets the needs of learners across the county. As agreed at Schools' Forum in May, work is already underway to review the costs to Special Schools and align the mainstream matrix with associated costs in that sector; work with FE Colleges will also follow.
- 2.5 In advance of this, and following on from the broader discussions that have been held through the High Needs Block Subgroup, and Schools Forum, a comparable approach to funding 24/25 provision across all state-run providers seems the most appropriate way forward.
- 2.6 So as to ensure that there is time to all providers to plan budgets for next year, we will endeavour to ensure that recommendations for future uplifts are brought to Schools' Forum in a timely manner, and at the same time for all state-run providers.

3 Recommendations

- 3.1 In light of the pressures on both the HNB and FE providers in meeting the needs of learners with EHCPs, it is recommended that Schools' Forum agrees a 3.4% uplift on all areas of Element 3 hourly rates in FE Colleges. This would be in line with that agreed for special and mainstream schools for 24/25. The total impact on the HNB of this would be an additional £60k for the academic year.

Carolyn Fair

Director Children's Services

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Report to: Schools' Forum

Date of meeting: 12 July 2024

Report By: Carolyn Fair

Title: PEX Funding

Purpose: To provide an update on PEX funding across the County and to make a recommendation for Schools' Forum to take forward.

Recommendations:

- a) That Schools' Forum agrees to the principle that funding shall follow pupils and therefore be transferred between schools, Academies and the Local Authority unless the pupil is from outside of East Sussex.
 - b) That Schools' Forum agrees that where a pupil is permanently excluded, the school will passport to the LA the remainder of the age weighted pupil unit (AWPU) for that financial year, based on the calculation set out within the School and Early Years Finance (England) Regulations 2012.
 - c) That Schools' Forum agrees that where the exclusion occurs after the October census (the date when schools indicate that they should receive funding for a child for the following financial year) the school or academy will also be required to pay the following year's full year AWPU.
 - d) That Schools' Forum agrees that where a pupil transfers within the same financial year to another school or academy, the amount that the new school receives, will be calculated in accordance with the School and Early Years Finance (England) Regulations 2012.
 - e) That Schools' Forum recommend an early review of the East Sussex Fair Access Protocol (FAP) that will clearly set out the funding principles for permanently excluded pupils and ensure all schools, including academies adhere to them.
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1. Background

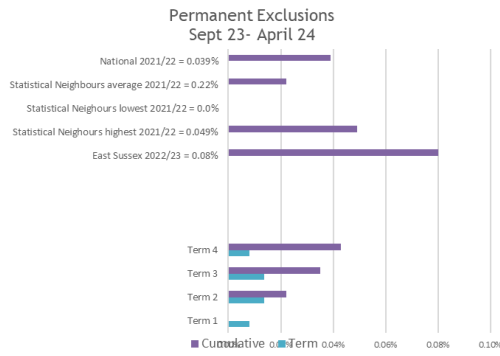
- 1.1 Annually, the local authority spends just over £2m of the High Needs Block on Alternative Provision (AP) specifically at College Central (across element 2, place funding, and element 3, top-up funding). This is mainly Tier 3 long-term provision for permanently excluded pupils and fulfils the Local Authorities statutory duty to provide Day 6 provision as outlined in Section 19 of the Education Act 1996.
- 1.2 In 2022/23 and 2023/24 we have seen a significant increase in permanent exclusions specifically at secondary.

- 1.3 The local authority currently commissions 140 AP places per annum: 108 secondary places and 32 primary places. This is currently provided by College Central, part of the SABDEN multi academy trust. This provision has been operating above capacity for the last two academic years and has been unable to provide statutory Day 6 provision since January 2024. In February 2024, College Central was inspected by Ofsted where they were placed into Special Measures and graded Inadequate.
- 1.4 In 2023/24 there has been an in-year increase in the expenditure on Alternative Provision of £225k as the local authority has been funding alternative Day 6 provision for all pupils who have been permanently excluded since January 2024. This increased pressure is forecast to continue into the Autumn Term 2024.
- 1.5 The transfer of College Central to a new provider, London South East Academy Trust (LSEAT) is scheduled to complete in the Autumn Term 2024. There is a need to accommodate these additional numbers but also ensure that we invest appropriately in preventative provision to reduce the upward pressure on places. We are currently forecasting an increase of £3m on this provision with a 56% increase in commissioned places at secondary which can be used at Tier 2 (short-term places) and Tier 3 (long-term places). We have also commissioned an Outreach Service which will provide Tier 1 provision across East Sussex at an additional cost of £0.5m.
- 1.6 In East Sussex, if a pupil is permanently excluded from a maintained school, the age weighted pupil unit (AWPU) for that financial year, based on the calculation set out within the School and Early Years Finance (England) Regulations 2012, is transferred to the local authority. However, we do not clawback the AWPU for pupils excluded from academies. This means that maintained schools are subsidising the cost of alternative provision for permanently excluded pupils where academies are not.
- 1.7 The High Needs Block forecast for 24/25 and 25/26 means that there is a significant risk of overspend which will have an impact on all mainstream schools, both maintained and academies. It is timely to review the current and forecast pressures of permanent exclusions on the HNB so that there is full transparency about the implications of decisions on the potential for inter-block transfers by Schools' Forum in the autumn.

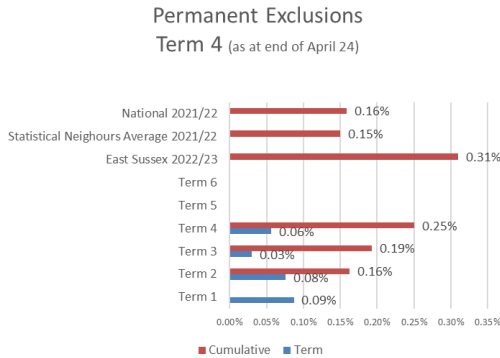
2. Supporting Information

- 2.1 The significant increase in permanent exclusions is having a direct impact on the High Needs Block forecasting. Therefore, we need to move to a more equitable system where all schools agree to the principle of the money following the pupils and therefore be transferred between schools, Academies and the Local Authority (unless the pupil is from outside of East Sussex).
- 2.2 **Primary:** The graph below shows that in 2022/23, permanent exclusions at primary were at 0.08% which was significantly above the National 2021/22 figure. So far, this academic year 2023/24 we are at 0.04% which would signal a reduction in permanent exclusions at primary however, there are two terms of reporting remaining. There have been 25 permanent exclusions at primary,

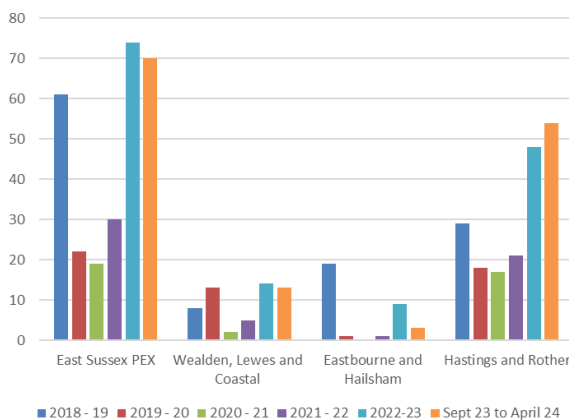
between September 23 and April 24. Of these, 15 have been from academies (60%).



2.3 **Secondary:** The graph below shows that in 2022/23 permanent exclusions at secondary were at 0.31% which was significantly above the National 2021/22 figure. There have been 70 permanent exclusions at secondary, between September 23 and April 24 with our forecasting indicating that we will see an increase on the 2022/23 figure by the end the academic year. Of these 70 permanent exclusions at secondary, 60 have been from academies (86%)



2.3 The significant increase in permanent exclusions is concentrated in one part of the county: Rother, Rye and Hastings which is illustrated by the graph below.



2.4 In academic year 2022/23 the local authority clawed back £11,788 of the age weighted pupil unit (AWPU) from maintained schools. The total recouped is only a fraction of the actual costs incurred by the High Needs Block to make provision for permanently excluded pupils. Furthermore, those schools who are disproportionately contributing to the number of pupils who are permanently excluded are, overall, contributing far less to the costs of the provision.

- 2.5 We have been reviewing the policy in other LAs to see if there are ways in which we can develop fairer funding arrangement which will contribute to the longer-term costs of provision and reduce exposure to all schools through costs to the High Needs Block. At present, we are making one recommendation in relation to the funding following the pupil. We propose to return to Schools' Forum in the autumn to present further changes to the Element 3 Top-up funding and transport costs relating to the placement of permanently excluded pupils at East Sussex Academy for Schools' Forum to consider, once we have completed our research with other LAs.
- 2.6 To ensure that there is absolute clarity and transparency about the arrangements for pupils who are permanently excluded from school, we propose to conduct an early review of the Fair Access Protocol and include funding agreements within this document.

3 Recommendations

3.1 In the light of the above, the following recommendations are made:

- a) That Schools' Forum agrees to the principle that funding shall follow pupils and therefore be transferred between schools, Academies and the Local Authority unless the pupil is from outside of East Sussex.
- b) That Schools' Forum agrees that where a pupil is permanently excluded, the school will passport to the LA the remainder of the age weighted pupil unit (AWPU) for that financial year, based on the calculation set out within the School and Early Years Finance (England) Regulations 2012.
- c) That Schools' Forum agrees that where the exclusion occurs after the October census (the date when schools indicate that they should receive funding for a child for the following financial year) the school or academy will also be required to pay the following year's full year AWPU.
- d) That Schools' Forum agrees that where a pupil transfers within the same financial year to another school or academy, the amount that the new school receives, will be calculated in accordance with the School and Early Years Finance (England) Regulations 2012.
- e) That Schools' Forum recommend an early review of the East Sussex Fair Access Protocol (FAP) that will clearly set out the funding principles for permanently excluded pupils and ensure all schools, including academies adhere to them.

Carolyn Fair

Director Children's Services

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