

GATESHEAD SCHOOLS FORUM AGENDA

Thursday, 12 March 2020 at 2.00 pm in the Dryden Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies
2	Minutes (Pages 3 - 6) The Forum is asked to approve as a correct record the minutes of the last meeting held on 6 February 2020
3	Term Time Only Non-Teaching Staff (Pages 7 - 8) Carole Smith, Resources and Digital
4	Mainstream High Needs Top Ups (Pages 9 - 12) Carole Smith, Resources and Digital
5	Dedicated Schools Grant Q3 Outturn (Pages 13 - 14) Claire Reid, Resources and Digital
6	Dedicated Schools Grant 2020/21 Budget (Pages 15 - 16) Carole Smith, Resources and Digital
7	Date and Time of Next Meeting Thursday 14 May 2020, 2pm Dryden Centre

Contact: Rosalyn Patterson - email: rosalynpatterson@gateshead.gov.uk,
Tel: 0191 433 2088, Date: Thursday, 5 March 2020

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

GATESHEAD SCHOOLS FORUM MEETING

Thursday, 6 February 2020

PRESENT:

Ken Childs (Chair)	Special Schools Governor
Alison Hall	Primary Maintained Schools
Denise Kilner	Nursery Sector Representative
Steve Haigh	Secondary Academy Headteachers
Christine Ingle	Diocese Representatives
Peter Lague	Trade Union Representative
Mustafaa Malik	Primary Headteachers
Ethel Mills	PVI Sector Representative
Andrew Ramanandi	Primary Headteachers
Michelle Richards	Special School Headteachers
Domenic Volpe	Maintained Secondary Headteachers
Christina Jones	Pupil Referral Unit
Clive Wisby	Primary Headteachers
Councillor Sheila Gallagher	Elected Member

IN ATTENDANCE:

Carole Smith	Resources and Digital
Rosalyn Patterson	Corporate Services and Governance

1 APOLOGIES

Apologies for absence were received from Sarah Diggle, Chris Toon, Julie Goodfellow, Matt Waterfield and Martin Flowers.

2 MINUTES

The minutes of the meeting held on 9 January 2020 were agreed as a correct record.

Matters Arising

Following the last meeting the Emotionally Based School Avoidance service is undergoing the recruitment process for the learning mentor, all schools in Gateshead had agreed to buy back the service and the Forum was thanked for its contribution.

3 EARLY YEARS FUNDING

Forum received a report outlining the Early Years Funding modelling for 2020/21.

The proposed top slice for the early years block is 4.5%, £519,028. It was noted that if there is any underspend it would be added to the Inclusion Fund for early years children with special educational needs.

There has been an increase in funding to the LA of £0.08 per hour or 2 year old and 3 and 4 year old funding. This rate has been fully passported to providers for 2 year olds. In terms of 3 and 4 year old funding the base rate has increased by £0.09 per hour and the deprivation supplement will be amended to take account of the January 2020 census, when the Acorn data is refreshed.

RESOLVED - That the Schools Forum noted the updated EYSFF factor values and noted the two-year-old funding rate.

4 SPECIAL SCHOOLS FORMULA

A report was presented on the work of the Special Schools Funding Review group. The review of the fixed cost element has been undertaken over the past two years as the previous formula was based on 2012/13 data and was therefore out of date.

Following conversations with Special School Headteachers a number of factors were chosen that will not vary massively year on year.

The point was made that further information giving more of a breakdown would have been helpful in order for the Forum to fully scrutinise. It was noted that this relates only to the fixed costs which is a small element of the funding block. The group looked at what is bespoke to Special Schools and it was also agreed that by having a fixed cost element this protects LA funding.

It was confirmed that it has been impossible to benchmark the formula as this differs between authorities. The pupil top up funding formula is pupil need driven whereas other areas pay per number of pupils.

RESOLVED - That the Forum approves the new formula factors for use in calculating 2020/21 special school budgets.

5 SCHOOLS FORUM CONSTITUTION

A report was presented which proposed to increase membership of the Forum by one to allow for maintained secondary school representation. It was noted that this will ensure representation is proportionate.

It was suggested that membership be reviewed in the near future once the Catholic primary schools convert to academy status.

RESOLVED -

- (i) That Schools Forum agreed to the proposed change in the Schools Forum constitution.
- (ii) That the Schools Forum request that School Governor

Support try and recruit a secondary maintained school governor.

6 RISK PROTECTION - OUTCOME OF THE DFE CONSULTATION

Forum received a report on the roll out of Risk Protection Assurance (RPA) to maintained schools.

Historically this was £25 per head, however the proposal for 2020/21 is £18 per pupil. There were some positive experiences of RPA shared within the Forum.

It was noted however that RPA is not cost effective for Catholic school as they have insurance purchased through the Diocese.

RESOLVED - That the Schools Forum noted the information in the report.

7 CENTRAL SCHOOLS SERVICES BLOCK

Forum received a report seeking approval to centrally retain the former retained duties element of the ESG at a flat rate of £15 per pupil. This is calculated as £358,342.

It was questioned as to how much is being requested to be paid by schools for EMTAS and whether this is to be fully funded by schools. It was agreed that officers would look into this.

RESOLVED - That the Schools Forum approved the central retention of funding allocated for retained duties.

8 MAINSTREAM SCHOOLS FUNDING

The Forum received the APT that has been submitted to the DfE for approval following a query around PFI charge. There had been an overestimate in the assumed increase in the estimated PFI charges.

RESOLVED - That the Schools Forum approved the factor values outlined in the report and noted the information in Appendix one of the report.

9 DATE AND TIME OF NEXT MEETING

The next meeting will be held on Thursday 12 March 2020 at 2pm in the Dryden Centre.

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TITLE OF REPORT: Term Time Only Non-Teaching Staff

Purpose of the Report

The purpose of this report is to inform Schools Forums of the implications of implementing the February 2019 amendment to Part 4 of the Green Book introducing guidance on the employment of term time only employees.

Background

Currently, holiday entitlement is calculated on a pro rata basis based on the number of hours and weeks an employee is required to work per year. As term-time only employees work 39 weeks per year, they only accrue holiday for these weeks. Therefore, they do not receive the statutory minimum of 5.6 weeks holiday per year that a full year employee accrues.

Recent caselaw (*The Harper Trust v. Brazel*) refers to a term-time only employee claiming that she must receive the statutory minimum holidays in accordance with the Working Time Regulations and the pro rata of holiday entitlement to 39 weeks is incorrect. The Court of Appeal agreed with the employee and stated that the Working Time Regulations do not provide for pro-rating of holiday for any employee who works part year.

This decision may be subject to a Supreme Court appeal, however to assess the potential implications of applying the case law to the Council's term-time only employees, the current position regarding term time only workers has been examined. Applying the case law would result in positively adjusting the pay for the majority of term-time only employees to account for the increase in holidays to the statutory minimum. Appendix 1 details estimated term-time only statistics.

Whilst technically the case law is applicable only to statutory holidays, to avoid creating an equal pay risk, the case law should be applied to contractual holiday entitlement, not just the statutory minimum. The impact will be a greater positive adjustment than that detailed in 6 above and will apply to all term-time only employees.

Currently, term-time only employees are paid for 39 weeks work plus a pro rata of their holiday entitlement, which is then equated over 12 months. This means they receive a reduced pay each month in order to receive pay over the 13 weeks of school closures. At present this is not adjusted when term-time only employees leave, join or have contractual changes that affect their annual leave entitlement during the year.

The Green Book Part 4 Guidance, which was revised in February 2019 provides a suggested calculation to be applied when term-time only employees leave or join during the year to ensure that they receive all monies (pay and holiday) owed to

them. In addition, it recommends that councils consider the impact of contractual changes affecting their annual leave accrual rate during the year.

HR Advice and Payroll have considered the guidance and the suggested calculation for leavers and joiners during the year in detail and have determined that this provides term-time only employees with an accurate payment for the work done and holidays accrued. Therefore, it is expected that the majority of term-time only employees leaving during the year will receive a payment on the ending of their contract for any underpayment of salary. In addition, it will allow the Council to recover any monies overpaid to a term-time only employee.

HR Advice and Payroll have applied the suggested Part 4 calculation to contractual changes during the year and have determined that this will continue to pay term-time only employees incorrectly. Therefore, it is recommended that when a term-time only employee has a contractual change affecting their annual leave accrual rate two calculations are undertaken at the date of change to ensure their pay is correct and there is no unlawful deduction of salary.

Proposal

It is currently unclear if the case will progress to the Supreme Court, but the Council intends to make a provision in their 2019/20 Final Accounts for the potential cost of implanting the suggested Part 4 of the Green Book and the cost of backdating the changes to August 2017. The estimated cost to maintained schools is approximately £600K and HR Payroll are currently working on what the cost would be to Gateshead Academies funded from Gateshead Dedicated Schools Grant (DSG).

It is proposed that if the case does progress to the Supreme Court that the cost of the increase holiday pay and the effect of mid-year leaver and starters be funded from DSG reserves to reduce the impact on all schools and especially those schools that employ higher numbers of non-teaching term time only employee's which includes all Gateshead Special Schools. When the situation is crystalized, we will work closely with Gateshead Academies to ensure that DSG reserves are available to both maintained schools and academies to cover these costs.

Recommendations

It is recommended that Schools Forum notes the contents of the report and that further reports will be brought to Schools Forum when it is known if the case goes to the Supreme Court.

For the following reasons:

To inform Schools Forum of the current situation re term time only non-teaching staff, and to make Schools Forum aware of the possible call on DSG reserves.

CONTACT: Carole Smith Ext 2747



REPORT TO SCHOOLS FORUM

12 March 2020

TITLE OF REPORT: Mainstream High Needs Top Ups 2020/21

Purpose of the Report

To bring to Schools Forums attention and for approval the proposed Mainstream schools top up rates from April 2020.

Background

Under the funding arrangements for children with Special Educational Needs, the government intends for all children and young people in similar circumstances to be funded on a comparable level. This intention is inclusive for all types of High Need pupils up to the age of 25.

Current Mainstream School Top Up Rates

A banded top up structure for mainstream schools was introduced in 2013/14 in accordance with Department for Education (DfE) guidance and was last updated for 2017/18, with a reduction in line with the negative minimum funding guarantee (MFG) of minis 1.5%.

Proposed Mainstream School Top Up Rates 2020/21

As additional funding has been allocated to Gateshead's High Needs Block for 2020/21 it is proposed that the mainstream top up rates be increased in line with mainstream MFG of 1.84%

The previous and proposed rates are shown in Appendix 1.

Recommendations

That school forum approves the mainstream banding proposal for 2020/21.

For the following reason(s):

To enable Mainstream School top up budgets to be set and mainstream schools to estimate their high needs income for financial year 2020/21

CONTACT: Carole Smith Ext. 2747

Appendix 1

Mainstream Schools top ups 2020/21

Mainstream (Reception to Year 11)				
	No of hours support per fte	Current Top Up Funding per FTE	Proposed Top Up Funding per FTE	Requirements
From School Resource	1 to 10	£0	£0	<ul style="list-style-type: none"> -Access to high quality universal services supported by curriculum differentiation or environmental access/adaptation as appropriate. -Some targeted or integrated support. -Group strategies used flexibly to promote independent or child-initiated learning. -Some specific reinforcement or skill-development activities may be required. -Access to regular and additional targeted teaching in small groups and/or individually to address the pupil's individual needs, including social (skills), physical, medical and self-help skills. -Some intensive individualised programmes may be required with long term adaptation of the curriculum to address the attainment levels which will be significantly below age related expectations in National Curriculum subjects. -Input from specialist outside agencies.
Band 5	11 to 15	£2,719	£2,769	<p>As from schools' resources plus:</p> <ul style="list-style-type: none"> -Individualised programmes/adaptations will be required with adaptations for specific skills development to ensure access to the curriculum and/or significant physical/medical needs are met. -Additional and different activities may be required with regular opportunities for over learning (repetition). -Additional access to specialist equipment may be required. -Ongoing advice and support from specialist outside agencies.
Band 4	16 to 20	£5,440	£5,540	As per Band 5 but with higher levels of support required.
Band 3	21-25	£8,160	£8,310	<p>As Band 4 and 5 plus:</p> <ul style="list-style-type: none"> -Extensive individualised programmes and some one-to-one support to enable the pupil to concentrate and access the curriculum or to meet complex physical and/or medical needs more severe than at Band 4. -Regular supervision throughout the day, including the use of time out and other such approaches. -Some support may be required during unstructured times. -There may be multi-agency direct involvement.

Band 2	26 to 30	£10,870	£11,070	As Band 3 plus: -access through the usual mainstream groupings may not be appropriate for some areas of the curriculum due to significant or complex learning/physical/medical needs so extensive individualised programmes will be required which may involve the use of specialist teaching techniques, alternative communication methods, appropriate equipment and materials. -On-going direct support and advice from external agencies. -Support during un-structured times for health and safety reasons.
Band 1	31 to 35	£13,590	£13,840	Pupils in this band would be those who require full time support in mainstream school because they: -are very disabled -present with exceptionally challenging behaviour, -are severely autistic -present serious Health and Safety considerations.

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TITLE OF REPORT: Dedicated Schools Grant Revenue Outturn 2019/20

Purpose of the Report

To inform Schools Forum of the quarter 3 (December 2019) projected outturn position of Dedicated Schools Grant (DSG) for 2019/20.

Background

The DSG is made up of four funding blocks:

1. The **Early Years block** for 2 and 3 & 4-year-old funding;
2. **Mainstream Schools block** which includes some centrally held and de-delegated funding;
3. **High Needs block** (HNB) which includes special schools, alternative provision and top-ups to maintained schools and academies; and
4. **Central Services Schools block** which includes central functions carried out on behalf of schools, for example, licences, schools' admissions, pension costs.

Schools Forum receives details of DSG revenue monitoring throughout the financial year, with the format presented based on the expenditure headings of the Section 251 statement.

The quarter 3 report for 2019/20 is included at Appendix 1, which shows a projected outturn of £102.508m against the budget of £101.761m; an over spend of £0.747m. This is a movement of £82,000 since the last quarter and relates primarily to:

- An increase in the projections in relation to special schools due to the impact of MFG and capping not factored into previous projections; and
- A reduction in the forecast of EY spending, which may be the subject of clawback in 2020/21.

It is expected that the DSG reserve will be required to meet the final overspend. Schools Forum has agreed this in principle. There is an ongoing review of HNB spending in an attempt to be more aligned to the resources available.

The balance of the DSG reserve at 31 March 2019 was £0.816m. Agreeing to use the reserve to fund the projected £0.747m overspend, offset by an increase in reserve funding from the 2018/19 Early Years adjustment of £0.142m, will result in the reserve reducing to £0.211m at 31 March 2020. It should be noted that EY adjustment for the previous year can be a clawback of funding rather than additional funding depending on the hours or delivery, an estimate of this will be reported with the quarter 4 position.

Proposal

That Schools Forum notes the content of the report.

Recommendations

That Schools Forum notes the content of the report.

CONTACT: Claire Reid ext 3613

2019/20 DSG Revenue Monitoring Quarter 3

DSG Area	Total Approved Budget £'000	Outturn £'000	Variance £'000	Comments/Notes
Maintained Schools Budget Share	73,067	73,067	0	
DEDELEGATION				
Contingencies	0	1	1	
Behaviour support services	270	270	0	
Support to UPEG and bilingual learners	235	234	(1)	
Staff costs	180	119	(61)	Maternity Credits & TU facilitator costs
HIGH NEEDS BUDGET				
High Needs Budget (including Special Schools, PRU and Additional Support Top-ups)	16,020	17,757	1,737	Special schools, maintained schools & academies top-ups +£0.704m Independent sector +£0.626m Alternative provision +£0.405m Staffing & other provision +£0.003m
EARLY YEARS BUDGET				
2,3 and 4-year-old funding to PVI's	9,481	8,792	(689)	-£0.477m 3/4 year olds, -£0.105m 2 year-olds, -£0.107m other: staffing, DAF, IF
CENTRAL PROVISION WITHIN SCHOOLS BUDGET				
Contribution to combined budgets	421	423	2	
School admissions	142	142	0	
Servicing of Schools Forum	116	116	0	
Termination of employment costs	528	313	(215)	Premature Retirement costs
Pupil growth/ Infant class sizes	780	780	0	Funding allocated to schools re Thomas Hepburn
Other Items	165	138	(27)	CLA/ MPA Licences top sliced from DSG for all school licences
Statutory/ Regulatory duties	356	356	0	ESG topslice agreed by Schools Forum
TOTAL DSG	101,761	102,508	747	Appropriated from DSG reserve

	£'000
Reserves balance at 31 March 2019	(816)
Appropriation to reserve: July Early Years adjustment re 2018/19	(142)
Appropriation from reserve: in-year deficit	747
Projected reserve balance at 31 March 2020 (surplus)/ deficit	(211)

TITLE OF REPORT: Dedicated Schools Grant Revenue Budget 2020/21

Purpose of the Report

To seek approval from Schools Forum of the budget for Dedicated Schools Grant (DSG) for 2020/21.

Background

The DSG is made up of four funding blocks:

1. The **Early Years block** (EY) for 2 and 3 & 4-year-old funding;
2. **Mainstream Schools block** which includes some centrally held and de-delegated funding;
3. **High Needs block** (HNB) which includes special schools, alternative provision and top-ups to maintained schools and academies; and
4. **Central Services Schools block** which includes central functions carried out on behalf of schools, for example, licences, schools' admissions, pension costs.

Schools Forum received details of the allocations for each block at its meeting in January 2020. After recoupment by academies, the total budget for 2020/21 for Council-led DSG spending is £106.137m, an increase of £4.376m on the budget for 2019/20. The budget reflects the approvals already granted by Schools Forum in relation to formula changes, HNB and EY top-slices, de-delegations and central retention of former retained duties.

Details of the budget and the increase from 2019/20 are included in Appendix 1. In line with previous years, the format presented is based on the expenditure headings of the Section 251 statement. The main changes relate to:

- An increase in the maintained schools budget share, £2.684m;
- An increase in HNB of £2.519m which has been allocated to special schools, the independent sector, alternative provision, an increase in maintained and academy top-ups, additional SEN support and the Emotionally Based School Avoidance post;
- A net reduction in the Central Services Schools Block of £0.275m which reflects the reduction in funding for historic commitments.

Schools Forum will receive regular revenue monitoring reports against this budget during 2020/21.

Proposal

That Schools Forum agree the budget for 2020/21.

Recommendations

That Schools Forum agree the budget for 2020/21.

CONTACT: Claire Reid ext 3613

2020/21 DSG Revenue Budget

DSG Area	Approved Budget 2019/20 £'000	Budget 2020/21 £'000	Variance £'000	Comments/Notes
Maintained Schools Budget Share	73,067	75,751	2,684	Increase in ISB
DEDELEGATION				
Contingencies	0	0	0	
Behaviour support services	270	211	(59)	De-delegation adjustment
Support to UPEG and bilingual learners	235	268	33	De-delegation adjustment
Staff costs	180	180	(0)	
HIGH NEEDS BUDGET				
High Needs Budget (including Special Schools, PRU and Additional Support Top-ups)	16,020	18,539	2,519	+£0.9m additional funding for Special, maintained and academies top-ups +£0.7m independent sector +£0.6m alternative provision +£0.1m SEN support & inclusion
EARLY YEARS BUDGET				
2,3 and 4-year-old funding to PVI's	9,481	9,495	14	Increase in EYB allocation
CENTRAL PROVISION WITHIN SCHOOLS BUDGET				
Contribution to combined budgets	421	488	67	Realignment of CSSB budgets
School admissions	142	127	(15)	Pension cost reduction
Servicing of Schools Forum	116	116	0	
Termination of employment costs	528	313	(215)	Historic commitment reduction - budget set at spending levels
Pupil growth/ Infant class sizes	780	150	(630)	19/20 fund allocated to schools
Other Items	165	140	(25)	VAT on licences previously included in budget
Statutory/ Regulatory duties	356	358	2	ESG
TOTAL DSG	101,761	106,137	4,376	