



**25<sup>th</sup> April 2022**

**Agenda Item: 18**

## **REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS**

### **EARLY YEARS AND SCHOOLS FORUM AND EDUCATION TRUST BOARD OFFICER GROUP REPORT**

#### **Purpose of the Report**

1. To advise Committee on the legal status, composition and constitution of the Early Years and Schools Forum and update Members on its work.
2. To advise Committee of the terms of reference, composition and recent work of the Education Trust Board.
3. The report also seeks approval for further update reports on the work of the Early Years and Schools Forum and Education Trust Board to be provided as appropriate. Due to the Pandemic; the last report to Members was in November 2020.

#### **Information**

##### **Early Years and Schools Forum**

4. The Government requires that each local authority (LA) maintains an Early Years and Schools Forum to represent its schools' and early years settings' views on matters relating to the total Schools Budget. There are national regulations which govern the composition, constitution and procedures of Early Years and Schools Forums. However, the responsibility for determining the local funding formula for schools and early years providers lies with the local authority.
5. Early Years and Schools Forums are made up of representatives from schools and academies, but with some representation from other non-school organisations, such as Private Voluntary and Independent (PVI) sector and the Dioceses. Schools and Academies representatives should be roughly proportionate to the number of pupils in each sector. In Nottinghamshire, the membership is reviewed annually to ensure that this proportional representation is maintained.
6. In Nottinghamshire, the current Forum membership as of 1<sup>st</sup> September 2021 is made up as follows and further details are attached as **Appendix 1**:

School and Academy membership (based on pupil population):

- 5 maintained primary Head Teachers
- 1 maintained secondary Head Teacher
- 8 academy representatives
- 1 maintained special school Head Teacher
- 1 academy special school representative
- 5 governor representatives (2 maintained, 2 academies and 1 special).

Non-school membership:

- 2 PVI early years representatives
- 2 Diocesan representatives – 1 Roman Catholic and 1 Church of England
- 1 FE representative from a Nottinghamshire College
- 2 Trade union representatives (1 teaching union & 1 non-teaching union).

Total membership: 28

As of 1<sup>st</sup> March 2022, there are 4 vacancies:

- 2 maintained primary representatives
- 2 academy representatives.

7. Vacancies are appointed to in line with the process determined by The Schools Forum Constitution. There is currently a process running to fill these vacancies which will conclude in time for the next Early Years and Schools Forum meeting in June 2022
8. The Forum is chaired by an annually elected member and is required to meet at least four times a year. Forum members are elected for a period of five years. Members can stand for a further period of five years at the end of their first term of office. Any member who has been a member for 10 years must stand down.
9. The Early Years and Schools Forum is currently being chaired by James MacDonald, Trust Operations Director at The White Hills Park Trust
10. The Forum acts as a consultative body on some issues and is a decision-making body on others. The Forum acts in a **consultative** role for:
  - changes to the local funding formula and operation of the minimum funding guarantee
  - changes to or new contracts affecting schools
  - arrangements for pupils with special educational needs, in pupil referral units and in early years provision.
11. Members of the Forum have a responsibility to represent the interests of their peer group by whom they are elected and can reasonably expect to be canvassed by schools and academies. Members are also expected to provide feedback to their peers through existing headteacher meetings and networks.
12. The Local Authority's role is to ensure that there are suitable arrangements in place for the organisation and administration of the Early Years and Schools Forum to ensure that it is

effective in its operation. Part of this is to ensure that Forum meetings are open to the public and papers are made available on a [public website](#).

13. The Forum is **responsible** for decisions on:
  - movements of up to 0.5% from the schools block to other funding blocks
  - how much funding may be centrally retained within the Dedicated Schools Grant
  - any proposed carry forward of deficits on central spend from one year to the next
  - proposals to de-delegate funding from maintained primary and secondary schools
  - changes to the scheme of financial management (school members only).
14. The Early Years and Schools Forum continues to face significant challenges due to the budget pressures in the High Needs Block of the Dedicated Schools Grant which funds specialist services for pupils with Special Educational Needs & Disability (SEND). During the financial year 2020-2021, the High Needs Block ended with an overspend of £2.473m which was addressed through the Non-Individual School Budgets reserve. Whilst the High Needs Block received an increase of £11.833m for 2020-2021, and a further increase of £10.875m in 2021-2022, the pressures remain and the projected overspend for the end of the 2021-2022 financial year is £0.914m.
15. The element of the high needs budget continuing to face the most significant pressure is that used to fund education for children in independent and non-maintained settings both within and out of Nottinghamshire as a result of parental preferences as expressed through the Education Health and Care Plan processes. Despite actions taken to minimise these costs, expenditure continues to increase year on year. Since 2018, the average cost of an Independent Non Maintained placement has increased from £41,400 to £47,350 per annum. In addition, and as a result of increased permanent and short-term exclusions, there has been a need to provide statutory education funded through the High Needs Block.
16. The School and Early Years Finance (England) Regulations 2021 amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable schools forums meetings to be held remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. Where a schools forum decides to hold a public meeting by remote means only, the forum should provide support or make alternative arrangements so that any interested parties who do not have telephone or online access can attend virtual meetings.

### **Education Trust Boards: Primary, Special and Governor Boards**

17. As Members will be aware, the Department regularly seeks the views of headteachers and governors through a range of consultation processes. These consultations vary from statutorily required consultation over such matters as a school's closure, amalgamation or expansion, through to more informal processes such as e-mailing schools to seek their comments on proposed strategy or policy changes which affect them. Since the report to Committee in November 2020, the Education Trust Board has supported consultation and stakeholder feedback a range of matters and continued to meet virtually throughout the Pandemic.

18. Therefore, the Education Trust Board continues to fulfil an important role in involving headteachers and governors actively as the Department continues to evolve due to the on-going, changing educational landscape, as a result of national education policy. The continued defined purpose of the Board is:

*‘To provide a forum that enables schools to be active participants in guiding innovation and strategy and in shaping service delivery to raise attainment and achievement of children and young people in Nottinghamshire’.*

19. The Education Trust Board comprises two headteacher phase boards, one for primary, and special schools, and a separate board to represent the views of school governors. Whilst the secondary board ceased in April 2015 as attendance at these meetings had declined, partnership working with secondary academy headteachers continued throughout the Pandemic through regular Teams meetings and the ‘Pulling Together’ bulletins.
20. The Special School Trust Board continues to meet and is chaired on rotation by one of the 11 special school headteachers. This Board is currently chaired by the headteacher of Foxwood Academy, James Hutchinson. In the case of the governors’ board, each district of the Council has a governor representative, as well as there being an equal number of representatives nominated by the Nottinghamshire Association of Governors (NAGS).
21. The boards are served by the Service Director for Education, Learning and Skills or by the four Group Managers within the Education, Learning and Skills Service area. Other officers attend as required, according to the agreed agendas. Trust members and officers put forward items for the agenda, with the final version being approved by the chairs. Ed Seely, Headteacher of Edgewood Primary School, and member of the primary trust board continues to represent the collective trust boards on the Children and Families Alliance and fulfils the role of vice chair of the Alliance. **Appendix 2** presents an overview of membership of the Education Trust phase boards.
22. Since November 2021, the Governor Trust Board has engaged in the following agendas:
- Covid update
  - Responsibilities of the Virtual School and LAC for Governors
  - NottAlone Website update
  - Local transformation plan for children and young people’s emotional and mental health / other health programmes
  - Outcome of Governor training survey – plans for governor training moving forward
23. Since November 2020, the Primary Trust Board has engaged with the following agendas:
- Personal and intimate care and medication guidance and policies
  - Integrated SEND Commissioning Strategy/SEND Action Plan
  - Head Teacher Wellbeing
  - Elective Home Educated and Exclusions
  - Blended Learning
  - Equality is everyone’s business toolkit
  - Wellbeing Website

- Locality Working Updates
- Coronavirus Catch Up plans
- Specialist places strategic planning
- Job Evaluation of Teaching Assistant Job Descriptions
- EHCP Annual Review Update
- Locality Working Updates
- Strategy for Looked After Children and Care Leavers 2022-2025 consultation
- Council Plan
- Academisation.

24. Since November 2020, the Special Trust Board has engaged with the following agendas:

- Personal and Intimate Care and Medication Guidance and Policies
- Integrated SEND Commissioning Strategy/ SEND Strategic Action Plan
- Blended Learning
- School Consultations
- Equality is Everyone's Business Toolkit
- Well-Being Website
- Locality Working Updates
- Coronavirus Catch Up plans
- SEND Strategic Place Planning Strategy
- Special Schools Therapy Project
- All Ages Approaches Programme
- EHCP Annual Reviews
- Placement Consultations
- Special School Therapy Offer
- Council Plan.

### **Other Options Considered**

25. No other options have been considered.

### **Reason/s for Recommendation/s**

26. The Council is legally required to maintain an Early Years and Schools Forum for the purposes outlined in the report. The report advises Members of how the Forum is set up and the key features of its work.
27. The Education Trust Board provides the Department with a formal process to consult with publicly funded schools throughout the academic year. This ensures that any policy or strategy developed by the Department are informed by the views of key stakeholders.

### **Statutory and Policy Implications**

28. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

29. The operation of the Early Years and Schools Forum is financed by a ring-fenced budget held within the centrally retained element of the Dedicated Schools Grant.

### **RECOMMENDATION/S**

- 1) That Committee gives approval for further update reports on the work of the Early Years and Schools Forum and Education Trust Board to be provided as appropriate.

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### **Constitutional Comments (EKH 29/03/22)**

30. This report is appropriate to be considered by the Children and Young People's Committee.

### **Financial Comments (MDN 28/03/22)**

31. The operation of the Early Years and Schools Forum is financed by a ring-fenced budget held within the centrally retained element of the Dedicated Schools Grant. There are no financial implications directly arising from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

### **Electoral Division(s) and Member(s) Affected**

All.

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