

# AGENDA

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**Meeting:** Schools Forum  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Thursday 28 June 2018  
**Time:** 1.30 pm

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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<b>Membership:</b>	<b>Representing:</b>
Neil Baker (Chair)	PHF, Christ Church CE Primary School
Aileen Bates	WGA, SEN Governor Representative
Andy Bridewell	Ludgershall Castle Primary School (PHF Vice-Chair)
Mark Cawley	New Road Nursery
Michelle Chilcott	Academy - South Wilts Grammar
Phil Cook	WASSH, SEN Schools
Tracy Cornelius	PHF - Kington St Michael School
Nicola Coupe	Salisbury Diocesan Board of Education
George Croxford	WASSH
Jon Hamp	Special School Academy Representative
John Hawkins	Teacher Representative
Sue Jiggins	WGA - Primary School Governor Representative
Jen Jones	Observer - Wiltshire College (Head of Learning & Skills Development Service)
Lisa Percy (Vice-Chair)	WASSH
John Proctor	Early Years Representative (PVI)
Nigel Roper	Stonehenge School
Catriona Williamson	PHF, Mere Primary School

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# AGENDA

## PART I

Items to be considered whilst the meeting is open to the public

1 **Apologies and Changes of Membership**

To note any apologies and changes to the membership of the Forum.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve as a correct record and sign the minutes of the meeting held on 22 March 2018 (copy attached).

3 **Chairman's Announcements**

To receive any announcements from the Chair.

4 **Declaration of Interests**

To note any declarations of interests.

5 **Wiltshire Schools Forum Membership and Terms of Reference** (*Pages 13 - 52*)

The report of Lisa Pullin (Democratic Services Officer) seeks approval to the revision of the Forum's Terms of Reference by the Cabinet Member for Education and Skills and highlights membership vacancies in order that these can be recruited to for the beginning of the academic year 2018/19.

6 **Reports from Working Groups** (*Pages 53 - 62*)

To receive minutes, reports and/or verbal updates from the following working groups:

- a) Meeting of the Early Years Reference Group – 4 May 2018.
- b) Joint Meeting of the School Funding Working Group and SEN Working Group – 11 June 2018.

7 **Update from the Families and Children's Transformation (FACT) Programme Board**

The Children and Young People's Trust Board has now ceased and been replaced with the Families and Children's Transformation (FACT) Programme Board. Tamsin Stone (Lead Commissioner) will provide a verbal update to the Forum on behalf of the Programme Board.

8 **Revenue Budget Outturn 2017-18 - Dedicated Schools Budget** (Pages 63 - 66)

The report of Grant Davis (Schools Strategic Financial Support Manager) reports on the outturn position for the Dedicated Schools Budget in 2017-18.

9 **Funding Factors - Trade Union Facilities Time** (Pages 67 - 68)

The report of Grant Davis (Schools Strategic Financial Support Manager) seeks to provide an update to the Forum on the projected expenditure against the Trade Union facility budget for 2018/19 and budget required for 2019/20.

10 **Guidance on Provision for pupils with SEN in Secondary schools** (Pages 69 - 94)

The report of Susan Tanner (Head of Commissioning and Joint Planning) seeks to update Schools Forum on the development of updated guidance for SEN in secondary schools.

11 **Special School Update**

Grant Davis (Schools Strategic Financial Support Manager) will provide a verbal update on Special Schools at the meeting.

12 **Split Site Allowance - Request from Exeter House Special School**

Grant Davis (Schools Strategic Financial Support Manager) will provide a verbal update on a request from Exeter House Special School at the meeting.

13 **Confirmation of Dates for Future Meetings**

To confirm the dates of future meetings, as follows, all to start at 1.30pm:

11 October 2018 – North Wilts Room  
6 December 2018 – Kennet Room

14 **Urgent Items**

To consider any other items of business, which the Chairman agrees to consider as a matter of urgency.

## **PART II**

Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed





## **SCHOOLS FORUM**

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### **MINUTES OF THE SCHOOLS FORUM MEETING HELD ON 22 MARCH 2018 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Lisa Percy (Vice-Chair), Neil Baker (Chairman), Aileen Bates, John Hawkins, Nigel Roper, Catriona Williamson, Phil Cook and Andy Bridewell

#### **Also Present:**

David Clarke (Head of School Effectiveness), Grant Davis (Strategic Financial Support Manager), Lisa Pullin (Democratic Services Officer), Alan Stubbersfield (Interim Director – Education and Skills), Susan Tanner (Head of Commissioning and Joint Planning), Councillor Phil Whalley (Observer - Portfolio Holder for Education and Skills) and Liz Williams (Head of Finance)

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#### **12 Apologies and Changes of Membership**

Apologies were received from Mark Cawley, Michelle Chilcott, Tracy Cornelius, George Croxford, Jon Hamp, Sue Jiggins, John Proctor, and Jen Jones (Ellen Plowman attending in her place). The Clerk had requested a new representative from the Salisbury Diocesan Board of Education, but a name had not yet been provided.

#### **13 Minutes of the Previous Meeting**

The Minutes of the previous meeting held on 18 January 2018 were approved as a correct record.

#### **Resolved:**

**That the Chairman sign the minutes of the meeting held on 18 January 2018.**

#### **14 Chair's Announcements**

##### Liz Williams

The Chairman wished to inform the Panel that this would be Liz's last meeting of School's Forum as she was leaving Wiltshire Council in May to take up a position in another local authority. He presented her with some flowers and all present wished to thank Liz for her strong support of the Forum and all the work she had done to benefit the schools and children in Wiltshire.

## Trade Union Facilities Time Budgets 2018-19

The Chairman wished to confirm to the Forum the discussion and the decision that was made at the Forum meeting on 5 October 2017 in relation to the Trades Union Facilities Budgets for 2018/19.

This had recently been raised at the Joint Consultative Committee and the Chairman reiterated that no new decision could be made as the budget for 2018/19 had been fully allocated.

The resolution (detailed below) was read out at the meeting.

### **Resolved:**

**To continue to support the concept of county-wide representation by the teacher and support staff unions and professional association, ensure the appropriate level of funding of a central Facility time budget to meet legal obligations under Trade Union and Labour Relations (Consolidation) Act 1992, The Employment Act 2002 and the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.**

**To increase the funding to the Trade Union Facilities Time budget from £50,000 to £60,000.**

Jon Hawkins expressed the view that this budget should only fund the teaching unions as it was not sufficient enough to also cover support staff.

The Chairman reiterated that the budget for 2018/19 had already been allocated and should also cover the trades union costs of support staff in line with the resolution agreed on 5 October 2017.

## 15 **Declaration of Interests**

There were no declarations made.

## 16 **Children and Young People's Trust Board Update**

Susan Tanner (Head of Commissioning and Joint Planning) reported that the Children and Young People's Trust Board had not met since the last meeting of the Forum.

Susan reported that Ofsted and the Care Quality Commission had inspected the provision of Special Educational Needs and/or Disabilities (SEND) in Wiltshire between 29 January and 2 February.

The inspection involved visits to special schools and settings and gained feedback from children and young people, parents and carers through webinars and meetings.



The report:

- Praised the effective partnerships and the ambition to deliver the very best outcomes for Wiltshire's children and young people with SEND;
- Endorsed the good work that is ongoing and our commitment to ensure Wiltshire's children are given the right support to thrive and achieve their potential; and
- Acknowledged the concerns by parent carers that the ASD provision in the South of the County needs to be addressed – The Council were able to show plans that were in place to address concern.

A link to the Ofsted website to read the report is [here](#).

**Resolved:**

**That the Forum note the update.**

#### 17 **Reports from Working Groups**

The meeting received updates from the following working groups:

*Note: Early Years Reference Group had not met since the last meeting.*

##### **School Funding Working Group and SEN Working Group**

It was noted that the working group discussed the impact of the Army rebasing programme. The DSG income figures for Wiltshire for 2019/20 will be based on the census information taken in October 2018. This will result in schools not receiving sufficient funding for the increase in pupils from Army rebasing starting school in September 2019. It was confirmed that the issue had been raised with the DfE as a matter of urgency and a response was awaited.

**Resolved:**

**That Schools Forum note the minutes of the joint meeting of the School Funding Working Group and SEN Working Group held on 7 March 2018.**

#### 18 **Budget Monitoring**

The Forum considered the report which provided budget monitoring information against the Dedicated Schools Grant (DSG) for the financial year 2017-18 as at 31 January 2018.

Liz Williams highlighted the following:

- There had been significant movement on the projected overspend (increase of £1.140m) since the previous report to Schools Forum. The biggest movements were in the high needs spend expenditure;
- There had been a data quality issue in the recording of data for the post-16 top up forecast. Although this had now been corrected, it had had a significant impact on the budgeted expenditure;
- The spend on education personal budgets had increased during the year causing a projected overspend of £0.445m against the specialist provision budget;

*Liz explained that there was no ceiling on the education personal budgets and these were based on a banding. The family educating the child receives the top up payment rather than the school. The Forum asked about monitoring of the budgets to ensure that the money was being spent properly. Susan Tanner reported that this had been identified as work that needed to be done.*

- The big unknown was in the early years budgets and more should be known about the likely adjustment to the Early Years Block after the results of the January 2018 census are made available;
- We would still need to look at reducing the spend in the high needs budgets next year and beyond;
- As we are likely to overspend against the overall DSG budget for 2017/18 this will need to be offset initially against the DSG reserve. The current projected overspend would exceed the level of reserves and this would lead to a deficit being rolled forward into 2018/19; and
- Other Local Authorities were reporting the same level of overspends and the team were working on recovery plans to reduce the overspend where possible.

#### **Resolved:**

**That Schools Forum note the budget monitoring position at the end of January 2018 and the potential impact on the DSG reserve and 2018/19 budget if the overspend cannot be reduced.**

#### **19 High Needs Place Funding and Recoupment of Empty High Needs Places**

Grant Davis (Schools Strategic Financial Support Manager) referred to the report which outlined the current process for funding additional High Needs places in Resource Bases (RB) and Enhanced Learning Provision (ELP) settings in mainstream schools. It proposed these changes in light of the new National Funding Formula (NFF) for High Needs.

Grant explained the current position for the funding of High Needs Places and additional High Needs Places and recoupment. He reiterated that Schools Forum had worked to the principle of “the money following the child” and a pro rata amount was funded for Additional High Needs places on a month by month basis. A system of recoupment was introduced in 2015/16 which enabled the local authority to withhold top up funding from those schools with consistently empty High Needs Places to the value of the empty places.

Grant explained that following the proposals of the NFF, funding for High Needs Places was changing and places would be funded at the level of £6,000 per planned place. As a local authority we could not continue to fund at £10,000 per additional place but were proposing to fund at the £6,000.

This proposal would not affect any special schools and if agreed would be put in place from April 2018 for maintained schools and from September 2018 for Academies.

**Resolved:**

**Schools Forum note the contents of the report and confirm its support for the funding of additional High Needs places, and adjustment of top ups for empty places, in mainstream settings to move to £6,000 per place, in line with the changes implemented by the National Funding Formula.**

## 20 **Schools' Costs 2018-19**

Grant Davis (Schools Strategic Financial Support Manager) referred to the report which set out the major issues highlighted in the document that had been released by the DfE “School’s Costs 2018-19 to 2019/20”.

The DfE’s document that was circulated at the end of February 2018, was designed to help the School Teachers’ Review Body (STRB), school leaders, governors, academy trusts and others understand costs for schools over the next two years.

Grant talked the Forum through the analysis and the key assumptions made by the DfE with their potential impact.

Grant intended to give the local MP feedback on this document, but confirmed it was a one-way document and not a document for consultation.

**Resolved:**

**That Schools Forum note the report on Schools Costs.**

## 21 **National Funding Formula and Growth Funding Update**

A verbal report and update was presented to the meeting by Grant Davis (Schools Strategic Financial Support Manager). It was confirmed that Wiltshire

had implemented the National Funding Formula (NFF) as closely as possible. The FSM Ever6 funding was paid at a slightly lower rate than the NFF, due to affordability, as previously agreed with Schools Forum.

The meeting was also updated with the proposed number of pupils due to be arriving in Wiltshire schools as part of the Army Rebasing. The majority of these pupils will be centred around the Salisbury Plain area and the LA is working with the MOD and Department for Education to seek clarity over the exact number of pupils and the funding to support the schools impacted as part of the Rebasing.

**Resolved:**

**That Schools Forum note the update.**

**22 Confirmation of Dates for Future Meetings**

The meeting noted that the future meetings would be held on:

28 June 2018  
11 October 2018  
6 December 2018.

**23 Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30pm - 2.40pm)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services,  
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**Wiltshire Council**

**Wiltshire Schools Forum**

**28 June 2018**

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## **Wiltshire Schools Forum Proportionality, Membership and Terms of Reference**

### **Summary**

The Proportionality, Membership and Terms of Reference of Wiltshire Schools Forum was last reviewed in June 2015, and as part of best practice another review has been carried out. This was an opportune time to highlight any vacancies prior to the end of the academic year so vacancies could be recruited to and representatives be in place for the beginning of the academic year 2018/19.

### **Proposals**

That Wiltshire Schools Forum:

- a) Notes that the proportionality of the Forum has been reviewed and that no changes are recommended.
- b) Considers the revised Terms of Reference and endorse the proposed changes, requesting that that these then be presented to the Cabinet Member for Education & Skills for approval through the delegated decision process.
- c) Notes the current Membership details of the Forum.
- d) Recommends that representatives to the vacancies detailed in the report be requested to be appointed by the Primary Heads Forum (PHF), and Wiltshire Association for Secondary and Special Heads (WASSH) and Wiltshire Governors Association (WGA) as soon as possible.

### **Reason for Proposal**

To ensure that all types of Wiltshire Schools are represented on Wiltshire Schools Forum and to ensure that the Forum complies with Department for Education (DfE) guidance and relevant legislation.

**Alan Stubbersfield**  
**(Interim Director – Education & Skills)**

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**Wiltshire Schools Forum Membership and Terms of Reference**

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**1. Purpose of Report**

- 1.1 To seek approval to the revisions of the Forum's Terms of Reference by the Cabinet Member for Education and Skills and to highlight any membership vacancies in order that these can be recruited to for the beginning of the academic year 2018/19.

**2. Proportionality of Membership**

- 2.1 The proportionality of membership has not been reviewed in recent years and this report seeks to ensure that the membership sits consistently with the current school proportions in Wiltshire. The table below sets out the details of the current proportionality of schools in Wiltshire.

<b>Sector</b>	<b>Schools</b>	<b>TORS 2014</b>	<b>TORS 2015</b>	<b>Representation</b>	<b>Vacancies</b>
Primary	139	4	4	4	
Primary Academy	61	0	1	0	1
Secondary	4	1	1	1	
Secondary Academy	26	3	3	3	
Special	4	1	1	1	
Special Academy	2	0	1	1	
Governors		4	4	2	2
Union		1	1	1	
Diocese		1	1	1	
Early Years		2	2	2	
<b>TOTAL</b>	<b>236</b>	<b>17</b>	<b>19</b>	<b>16</b>	<b>3</b>

- 2.2 As there has been limited changes to the numbers of Wiltshire schools which have converted to academies it is not proposed that any changes are made to the numbers of the membership of the Schools Forum.

**3 Terms of Reference**

- 3.1 Attached as **Appendix 1** to this report is the "Schools Forum operational and good practice guide" that was circulated by the ESFA in September 2017. The Council's Strategic Financial Support Manager has reviewed the Wiltshire School's Forum Terms of Reference that were last approved in October 2015 (attached as **Appendix 2** to this report). The proposed

amendment to the Terms of reference is detailed below, as at paragraph 2.2 of the Terms of Reference.

Original wording

~~In addition to voting members there are 5 observers, 1 each from the 13-19 Strategic Partnership and ASK, 2 elected governor representatives from the Council's Children Select Committee are also invited as observers ex officio and the Education Funding Agency has observer status.~~

Proposed wording

In addition to voting members, the Education & Skills Funding Agency has observer status along with the post-16 representative who also has observer status.

- 3.2 Endorsement is sought for these changes to be presented to the Cabinet Member for Education & Skills and for her to seek approval through the delegated decision process to confirm those changes to the Forum's Terms of Reference.

**4. Membership of the Wiltshire Schools Forum**

- 4.1 At the meeting of Schools Forum on 18 June 2015, a proportionality review of the membership of the Forum was presented. At this meeting, it was recommended that two additional places for representatives on the Forum be created for a Primary Academy and a Special Academy. Those two representatives were subsequently appointed and whilst the Special Academy representative remains in position there is a vacancy for the Primary Academy representative.
- 4.2 When the recent Officer review of the Forum's membership was carried out it was highlighted that the Forum were currently carrying a total of 3 membership vacancies and 4 observer vacancies and that it would be prudent to look to request/appoint representatives to these or remove these posts so that a full compliment of representatives would be in place for the academic year 2018/19.

- 4.3 The current membership of the Forum is as detailed below:

Six elected Headteacher representatives

- 1 Secondary Headteacher – Nigel Roper
- 4 Primary Headteachers - Neil Baker, Andy Bridewell, Tracy Cornelius and Catriona Williamson
- 1 Special School Headteacher - Phil Cook

Three Secondary Academy representatives

- Lisa Percy – Hardenhuish
- Michelle Chilcott – South Wilts Grammar
- George Croxford – Royal Wootton Bassett

One Primary Academy representative

- **Vacancy**

One Special School Academy representative

- Jon Hamp

Four Elected Governor representatives

- 1 Secondary Governor representative – **Vacancy**
- 2 Primary Governor representatives – Sue Jiggins and a **vacancy**
- 1 Special School Governor representative – Aileen Bates

Two Early Years representatives

- John Proctor – Private, Voluntary and Independent nurseries
- Mark Cawley – New Road Nursery

One Diocesan representative

- Nicola Coupe - Salisbury Diocesan Board of Education

One Teaching Association (union) representative

- John Hawkins

Two positions added to Schools Forum membership on 18 June 2015 -

One Primary Academy representative

**Vacancy**

One Special School Academy representative

Jon Hamp

Five Observers (who are not voting members of the Forum)

- Post 16 provision – Jen Jones – Wiltshire College (*This has replaced the previously agreed age 13-19 partnership representative*)
- ASK – **Vacancy (is this still relevant or required?)**
- Two elected Governor representatives from the Council's Children's Select Committee (observers ex officio) **2 x vacancies**
- Representative from the Education & Skills Funding Agency

4.4 In light of the above vacancies, the Forum is asked to recommend that the Wiltshire Association of Secondary and Special Schools (WASSH), the Primary Heads Forum (PHF) and Wiltshire Governors Association (WGA) nominate representatives to the following vacant positions on Wiltshire Schools Forum to commence from September 2018:

- i) Primary Academy representative
- ii) Primary School Governor representative
- iii) Secondary School Governor representative.

4.5 The Forum is asked to give consideration to the appropriateness that representatives of the following are nominated to be Observers to commence from September 2018:

- i) ASK



- ii) Governor representatives from the Children's Select Committee.

## **5. Proposals**

### 5.1 That Wiltshire Schools Forum:

- a) Notes that the proportionality of the Forum has been reviewed and that no changes are recommended.
- b) Considers the revised Terms of Reference and endorse the proposed changes, requesting that that these then be presented to the Cabinet Member for Education & Skills for approval through the delegated decision process.
- c) Notes the current Membership details of the Forum.
- d) Recommends that representatives to the vacancies detailed in the report be requested to be appointed by the Primary Heads Forum (PHF), and Wiltshire Association for Secondary and Special Heads (WASSH) and Wiltshire Governors Association (WGA) as soon as possible.

## **6. Reason for Proposal**

- 6.1 To ensure that all types of Wiltshire Schools are represented on Wiltshire Schools Forum and to ensure that the Forum complies with Department for Education (DfE) guidance and relevant legislation.

**(Alan Stubbersfield)**  
**(Interim Director – Education & Skills)**

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Lisa Pullin

Democratic Services Officer  
[Lisa.pullin@wiltshire.gov.uk](mailto:Lisa.pullin@wiltshire.gov.uk), Tel 01225 713015

20 June 2018

### **Appendices**

- 1 - Schools Forum operational and good practice guide
- 2 - Suggested changes to the Forum's Terms of Reference

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Education & Skills  
Funding Agency

# **Schools forum**

**Operational and good practice guide**

**September 2017**

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## Introduction

1. This guide is designed to provide local authority officers and schools forum elected members with advice and information on good practice in relation to the operation of schools forums.
2. It's organised into 2 sections:
  - section 1 provides information on the constitutional and organisational requirements for schools forums
  - section 2 covers a number of key aspects of the operation of schools forums at local level, drawing on good practice from a number of schools forums
3. The guide draws on the experience and knowledge of schools forum members, local authority members and officers and the department and its partners. Other than where it's describing requirements set out in the Schools Forum Regulations 2012 it's not designed to be prescriptive. However, we hope the guide will stimulate some debate within schools forums and contribute to their ongoing development.
4. The department hopes that schools forums and local authorities find this guide useful. It's been the subject of consultation with a wide variety of external partners. In particular, members of the department's Schools and Academies Funding Group, made up of representatives from central and local government, teaching associations, unions representing support staff as well as organisations representing academies and governors, have provided valuable input and advice on the content of the guide. The department is grateful for their assistance.
5. The department's website contains details of all the announcements, documents and other information relating to school funding and schools forums. This website also has a range of useful links to other sites that may be of relevance to schools forum members.
6. A short [guide to the schools forum for schools and academies](#), which may be helpful to stakeholders and the wider school family, is available on GOV.UK.
7. If you have any queries about the operation of schools forums please contact the Education and Skills Funding Agency (ESFA) using the [ESFA enquiry form](#).

# Section 1: schools forum regulations: constitution and procedural issues

## Regulations

8. [National regulations](#)<sup>1</sup> govern the composition, constitution and procedures of schools forums. Local authorities can provide schools forum members with a copy of [these regulations](#) or alternatively they can be accessed online.

9. A short [guide to the schools forum for schools and academies](#) is also available to provide a wider understanding of the work of schools forums.

## Schools forum powers

10. Schools forums generally have a consultative role. However, there are situations in which they have decision making powers. The respective roles of schools forums, local authorities and the department are summarised in [schools forum powers and responsibilities](#). The overarching areas on which schools forums make decisions on local authority proposals are:

- de-delegation from mainstream maintained schools budgets (separate approval will be required by the primary and secondary phase members of schools forum), for prescribed services to be provided centrally
- to create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund
- to create a fund for falling rolls for good or outstanding schools if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund
- agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of schools forum)
- funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals

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<sup>1</sup> Schools Forums (England) Regulations 2012 (S.I. 2012/2261) (as amended)

- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, that is to be carried forward from a previous funding period

in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require schools forum approval in order to move up to 0.5% from the schools block to other blocks

- in each of these cases, the local authority can appeal to the Secretary of State if the schools forum rejects its proposal

11. Local authorities should be aware that the provisions of the [Local Government Act 2000](#) restrict the delegation of local authority decisions to cabinet, a member of cabinet, a committee of cabinet or an officer of the council, which would not include schools forums. As a result, the local authority cannot delegate its decision making powers to schools forum, for example, decisions on the funding formula.

12. Regulations state that the local authority must consult the schools forum annually in connection with various schools budget functions, namely:

- amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives
- arrangements for the education of 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
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

There is no specific definition of these consultation requirements over and above the wording in the regulations. It's a matter for the local authority to decide on the appropriate level of detail it needs to generate a sufficiently informed response from schools forum.

13. Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the schools budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.

14. The schools forum has the responsibility of informing the governing bodies of all schools maintained by the local authority of the results of any consultations



carried out by the local authority relating to the issues in paragraphs 12 and 13 above.

15. Local authorities will need to discuss with the schools forum any proposals that they intend to put to the Secretary of State to:

- vary the MFG
- use exceptional factors
- vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies
- move up to 0.5% from the schools block, where the schools forum don't agree, or move more than 0.5% from the schools block

Proposals will then need to be considered by the Secretary of State.

## Membership

16. The Schools Forums Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice. A quick guide to the [structure of the schools forums](#) is available.

17. There is no maximum or minimum size of a schools forum. Authorities will wish to take various issues into account in deciding the actual size, including the need to have full representation for various types of school, and the local authority's policy on representation of non-schools members. However, care should be taken to keep the schools forum to a reasonable size to ensure that it does not become too unwieldy.

18. Types of member: schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area and 'non-schools members'. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category, so the structure of forum should be regularly reviewed, we'd suggest good practice is to review the membership as a standing agenda item at each meeting. Academies

members must represent mainstream academies and, if there are any in the local authority area, special academies and alternative provision academies. There is no requirement for academies members to represent specific primary and secondary phases, but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers. Academy members must be separately elected and designated from maintained school representatives, please see paragraph 28.

19. Schools forum members will need the skills and competencies to manage Forum business (as detailed in [school forum powers and responsibilities](#)) and to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. Furthermore, they should be easily contactable and pro-active in raising the profile of issues and communicating decisions, and the reasons behind them, effectively.

## Term of office

20. The term of office for each schools member and academies member should be stipulated by the local authority at the time of appointment. Such stipulation should follow published rules and be applied in a consistent manner between members. They need not have identical terms and there may be a case for varied terms so that there is continuity of experience rather than there being a complete change in the membership at a single point. The term of office should not be of a length that would hinder the requirement for the structure of the schools forum to mirror the type of provision in light of the pace of academy conversions. Examples of how this may work include:

- holding vacancies until the schools forum structure is reviewed providing that this does not mean holding vacancies for an unreasonable length of time, for example, we'd expect this vacancy to be filled for the following term
- increasing the size of the schools forum temporarily to appoint additional academy members, then deleting schools member posts at the end of a term of office or when a vacancy arises
- considering continuity of service; where an academy conversion affects the school of a current schools member, would academies consider appointing that person as an academies member

21. The length of term of office for non-schools members is at the discretion of the local authority. Schools and academies must be informed, within a month of the appointment of any non-schools member, of the name of the member and the name of the body that that member represents.

22. As well as the term of office coming to an end, a member ceases to be a member of the schools forum if he or she resigns from the schools forum or no longer occupies the office by which he or she became eligible for election, selection or appointment to the schools forum. For example;

- a secondary schools member must stand down if their school converts to an academy
- a schools member representing community primary school governors who is no longer a governor of a community primary school in the relevant local authority must cease to hold office on the schools forum even if they remain a governor of a school represented by another group or sub-group
- other situations in which membership of the schools forum ends are if a member gives notice in writing to the local authority and, in the case of a non-schools member, the member is replaced by the local authority, for example at the request of the body which the member represents

## Schools members

23. Schools members represent specified phases or types of maintained schools within the local authority. As a minimum, schools forums must contain representatives of two groups of schools: primary and secondary schools, unless there are no primary or secondary schools maintained by the local authority. Middle schools and all through schools are treated according to their deemed status.

24. Where a local authority maintains one or more special schools the schools forum must have at least one schools member from that sector. The same applies to nursery schools and pupil referral units (PRUs).

25. The local authority then has discretion to divide the groups referred to in paragraph 16 and 17 into one or more of the following sub-groups:

- headteachers or headteachers' representatives in each group
- governors in each group
- headteachers or headteachers representatives and governors in each group
- representatives of a particular school category, for example, voluntary aided

26. Headteachers can be represented by other senior members of staff within their school. Governors can include interim executive members of an interim executive board. The sub-groups don't have to be of equal size. For example, there may be more representatives of headteachers of primary schools than governors of such schools, or vice versa. The membership structure of the schools forum should ensure there is sufficient representation of each type of schools member in each group to ensure that debate within the schools forum is balanced and representative. As a minimum, there must be at least one representative of headteachers and one representative of governors among the schools members.

27. Whatever the membership structure of schools members on a schools forum, the important issue is that it should reflect most effectively the profile of

education provision across the local authority to ensure that there isn't an in-built bias towards any one phase or group.

## **Election and nomination of schools members**

28. The relevant group or sub-group is probably best placed to determine how their schools members should be elected.

29. It's good practice for those who draw up the scheme to ensure that a vacancy amongst a represented group would be filled by a nominee elected according to a process that has been determined by all those represented in that group, for example, community primary school headteachers, or secondary school governors, ensuring that everyone represented has had the opportunity to stand for election and/or vote in such an election. The process must be restricted to the group in question. A headteachers phase group could only vote as a whole for headteacher members if the voting excluded academies, as academies members form a separate group.

30. It's not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, for instance, if they were a governor at a primary and secondary school. They can stand for election from either group but can be appointed to represent only one of those groups.

31. The purpose of ensuring that each group or sub-group is responsible for their election process is to guarantee that there is a transparent and representative process by which members of schools forums are nominated to represent their constituents.

32. Appropriate support to each group or sub-group to manage their election processes should be offered by the clerk of a schools forum, or the committee or democratic services of a local authority. This may just include the provision of advice but may also consist of providing administrative support in actually running the elections themselves.

33. As a minimum, we'd recommend that the clerk of a schools forum make a record of the process by which the relevant schools within each group and sub-group elect their nominees to the schools forum and be able to advise the chair of the schools forum and local authority on action that needs to be taken, where necessary, to seek new nominees.

34. In determining the process by which elections should be operated it's perfectly legitimate for a local authority to devise, in consultation with their schools forum, a model scheme for the relevant schools within a group or sub-group to consider and be invited to adopt. However, such a model scheme cannot be imposed on that body of schools: adaptations and/or alternative schemes may be adopted. A single scheme need not be adopted universally.

35. Care should be taken to ensure that every eligible member of a group or sub-group has an opportunity to be involved in the determination of their group's election process, is given the opportunity to stand for election if they choose to do so, and is involved in the election of their representative(s).

36. It would not be compliant with the regulations for the steering committee or chair of a 'parent' group simply to make a nomination to represent their group or sub-group on a schools forum. Schools members must be elected, subject to paragraph 39 below.

37. The local authority may set a date by which the election should take place and must appoint the schools member if the election has not taken place by that date. The person appointed should be a member of the relevant group.

38. We'd recommend that any scheme takes into account a number of factors:

- the process for collecting names of those wishing to stand for election
- the timescale for notifying all constituents of the election and those standing
- the arrangements for dispatching and receiving ballots
- the arrangements for counting and publicising the results
- any arrangements for unusual circumstances such as only one candidate standing in an election
- whether existing members can stand for re-election

39. In the event of a tie between two or more candidates, then the local authority must appoint the schools member instead. The local authority may decide to appoint someone else rather than one of the candidates and might wish to take into account the experience or expertise of the individuals, and the balance between the different types of school represented on the schools forum.

## **Election and nomination of academies members**

40. Academies members must be elected by the proprietor bodies of the academies in the local authority's area, and they are probably best placed to determine the process. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors. The same factors should be taken into account as for the election of schools members, set out in paragraphs 28 to 39. For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools are classed as academies for this purpose. There is no distinction between sponsored and converter academies.

41. There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it's for the proprietors of academies within each of these sub-groups to elect their representatives. It's not appropriate, therefore, for headteacher phase groups to determine representation unless the academy proprietors have agreed and even then the voting would need to exclude maintained school representatives. There is no requirement for academies members to be split into primary and secondary sub-groups. However, local authorities may wish to encourage academies to consider the pupil proportions across all academies when electing their representatives.

42. Where there is only one academy in a sub-group in the local authority's area, then their proprietor body must select the person who will represent them.

43. It's possible that a single person be appointed as an academies member to more than one schools forum, for example if an academy chain is located across multiple local authorities, providing they are elected on each occasion in accordance with the agreed election process for each separate schools forum.

44. As with schools members, the local authority may set a date by which the election should take place and must appoint an academies member if the election does not take place by that date, or if an election results in a tie between two or more candidates.

## **Non-schools members**

45. Non-schools members may number no more than a third of a schools forum's total membership (excluding observers, see paragraph 58). A representative of providers of 16-19 education must be elected from those providers. This includes those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in special education needs (SPiS), where 20% or more of their students reside in the local authority's area. As with academies the providers are probably best placed to determine the election process.

46. The local authority must appoint at least one person to represent early years providers from the private, voluntary and independent (PVI) sector. Early years PVI settings need to be represented because funding for the free entitlement for three and four year olds and eligible two year olds comes from the dedicated schools grant, and all settings are funded through the early years single funding formula (EYSFF).

47. Before appointing additional non-schools members to the schools forum, the local authority must consider whether the Church of England and Roman Catholic dioceses situated in the local authority's area; and, where there are schools or academies in the area with a different religious character, the appropriate faith group, should be represented on the schools forum. If diocesan authorities nominate members for appointment as non-schools members they may wish to consider what type of representative would be most appropriate, schools-based such as a

headteacher or governor, or someone linked more generally with the diocese, for example a member of the education board.

48. It's also good practice for local authorities to ensure that the needs and interests of all the pupils in the local authority are adequately represented by the members of a schools forum. The interests of pupils in maintained schools can be represented by schools members. Some pupils in a local authority, however, are not in maintained schools but instead are educated in hospitals, independent special schools and non-maintained special schools. Certain types of non-schools members can play an important role in representing the interests of these groups of pupils. They can also play a role in representing the interests and views of the services that support those groups of vulnerable and at risk pupils who nevertheless are on the roll of maintained schools, such as looked after children and children with special educational needs.

49. The purpose of non-schools members is also to bring greater breadth of discussion to schools forum meetings and ensure that stakeholders and partners other than schools are represented. Organisations which typically provide non-schools members are trades unions, professional associations and representatives of youth groups. Parent groups could also be considered. However, as there are clearly limited numbers of non-schools members able to be on a schools forum, care should be taken to ensure that an appropriate representation from wider stakeholders is achieved.

## Other membership issues

50. There are three restrictions placed on who can be a non-schools member of a schools forum. The local authority cannot appoint:

- an elected member of the local authority who is appointed to the executive of that local authority (a lead member/portfolio holder) ('executive members')
- the Director of Children's Services or any officer employed or engaged to work under the management of the Director of Children's Services, and who does not directly provide education to children (or manage those who do) ('relevant officer' (a) and (b))
- other officers with a specific role in management of and/or who advise on funding for schools ('relevant officer' part (c))

51. Schools forums have the power to approve a limited range of proposals from their local authority: the restrictions ensure that there is no conflict of interest between the proposing body (the local authority) and the approving body (the schools forum).

52. However, non-executive elected members and those officers who are employed in their capacity as headteachers or teachers and those who directly



manage a service which provides education to individual children and/or advice to schools on, for example, learning and behavioural matters are eligible to be members of schools forums.

53. In the case of non-executive elected members, they may be a schools member (by virtue of them being a school governor), an academies member or a non-schools member. As a non-schools member they may be well placed to fulfil the broader overview and scrutiny role they have within the local authority in general.

54. However, the inclusion of non-executive elected members and certain officers isn't a requirement. Many schools forums don't have such members on them and it's for each local authority and schools forum to consider how best to ensure the right balance of school and non-school representation on the schools forum, taking into account their local circumstances and preferences.

## **The role of executive elected members**

55. A schools forum needs to ensure that there are systems in place for executive members of the council to be aware of its views on specific issues and, in particular, any decisions it takes in relation to the schools budget and individual budget shares.

56. Executive members with responsibility for education/children's services or resources of the local authority are able to participate in schools forum meetings. By doing so such elected members are able to contribute to the discussion and receive first hand the views of the schools forum: it's clearly good practice for this to be the case and the regulations provide the right for executive members to attend and speak at schools forum meetings. However, there is no requirement for this to happen so at the very least there should be clear channels of communication between the schools forum and executive members. Communication may also be assisted if schools forum members attended relevant cabinet meetings as members of the public, for example, when the funding formula is decided.

## **Recording the composition of schools forums**

57. Each local authority must make a written record of the composition of its schools forum detailing the numbers of schools members and by which group or sub-group they were elected, the number of academies members and the number of non-schools members, their terms of office, how they were chosen and whom they represent. This record should also indicate the term of office for schools and academies members. It would be helpful if this were published on the schools forum website so schools and wider stakeholders can easily find who their representatives are.



## Observers

58. The Regulations provide that the Secretary of State can appoint an observer to attend and speak at schools forum meetings, for example a representative from ESFA. This allows a conduit for national policy to be discussed at a local level and provide access for schools forum to an additional support mechanism, for example, where there are highly complex issues to resolve.

## Participation of local authority officers at meetings

59. Only specific officers can speak at meetings of the schools forum. These officers are:

- Director of Children's Services or their representative
- Chief Financial Officer or their representative
- any person invited by the schools forum to provide financial or technical advice
- any person presenting a paper to the schools forum but their ability to speak is limited to the paper that they are presenting

60. In the majority of cases schools forums are supported by a specific officer. In the course of their work, however, schools forums will be required to consider a whole range of issues and they may consider it appropriate that other officers attend for specific items of business. Where this is the case, the local authority should meet the schools forum's requests as far as possible. It's best practice to record attendance at meetings as well as membership to ensure elected members are attending and contributing to discussions.

## Procedures

61. Many procedural matters are not prescribed in the regulations and are at the discretion either of the local authority or the schools forum itself. However, there are requirements in the regulations relating to:

- Quorum: a meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it's 40% of the current membership excluding vacancies). If a meeting is inquorate it can proceed but it cannot legally take decisions (election of a chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to local authority consultation, and give views to the local authority. It would normally be good practice for the local authority to take account of such 'unofficial' views, but it's not legally obliged to do so. In practice, the arrangements for meetings should be

made to reduce the chance of a problem with the quorum. The quorum stipulation is in the regulations to help ensure the legitimacy of decisions

- Election of a chair: under the Regulations, if the position of chair falls vacant the schools forum must decide how long the term of office of the next chair will be. This can be for any period, but the schools forum should consider carefully whether a period exceeding two years is sensible. A long period will also cause problems if the member elected as chair has a term of office as a member which comes to an end before their term of office as chair ends. The schools forum must elect a chair from amongst its own members, so it's not possible to elect an independent chair. In addition, any elected member of the local authority or officer of the local authority who is a member of a schools forum may not hold the office of chair. Schools forums can also appoint to a position of vice chair to provide cover if the chair is absent or the post vacant
- Voting procedures: the regulations provide that a schools forum may determine its own voting procedures save that voting on:
  - the funding formula is limited to schools members, academies members and PVI representatives
  - de-delegation is limited to the specific primary and secondary phase of maintained schools members
  - retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members
- The powers which schools forums: have to take decisions on a range of funding matters increase the importance of clear procedures. For example, decisions are made on a simple majority or the threshold to be met if higher. These procedures should take account of any use of working groups by the schools forum, for example a decision might be taken by voting to accept and adopt a report by a working group (see paragraph 65). As part of any voting procedure there should be clarity in the procedures for recording the outcome of a vote, and any resolutions a schools forum makes in relation to any vote taken
- Substitutes: the local authority must make arrangements to enable substitutes to attend and vote (where appropriate) at schools forum meetings. This applies to schools members, academies members and non-schools members. The arrangements must be decided in consultation with schools forum members
- Defects and vacancies: the regulations provide that proceedings of the schools forum are not invalidated by defects in the election or appointment of any member, or the appointment of the chair. Nor does the existence of any vacancy on the schools forum invalidate proceedings (see paragraph 61 on quorum)
- Timing: schools forums must meet at least four times a year

62. Where the regulations make no provision on a procedural matter, local discretion should be exercised. It's for the local authority to decide how far it wishes to establish rules for the schools forum to follow, in the form of standing orders. While it's entitled to do so, it's of course good practice to allow the schools forum to set its own rules so far as possible.

## Public access

63. Schools forums are more than just consultative bodies. They also have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process surrounding the use of public money at local level. As a result, schools forums are required to be open to the public. Furthermore, papers, agendas and minutes must be publicly available well in advance of each meeting. It's good practice that notification that the schools forum is a public meeting is included on the website and papers are published at least a week in advance. Local authorities should ensure that the websites are accessible and easy to find.

64. Some schools forums already operate very much along the lines of a local authority committee. This is perfectly legitimate and will provide a consistent framework for the running of meetings that are open to the public, and the publishing of papers and agendas well in advance of the meeting and minutes published promptly as required under Regulation 8(13) of the Schools Forum Regulations 2012.

## Working groups

65. It's open to a schools forum to set up working groups of members to discuss specific issues, and to produce draft advice and decisions for the schools forum itself to consider. The groups can also include wider representation, for example, an early years reference group can represent all the different types of provider to consider the detail of the early years single funding formula. The reference group would then be able to give its considered view on the local authority's proposals to the schools forum. The schools forum should not delegate actual decisions or the finalisation of advice to a working group, as this may have the effect of excluding legitimate points of view. These have proved effective for larger local authorities. Examples of some working groups are for high needs and early years.

## Urgent business

66. It's good practice for the local authority to agree with its schools forum an urgency procedure to be followed when there is a genuine business need for a decision or formal view to be expressed by the schools forum, before the next

scheduled meeting. The local authority may of course call an unscheduled meeting; but it may also wish to put in place alternative arrangements such as clearance by email correspondence or some other means. Such instances should be avoided so far as possible but are legitimate provided all members of the schools forum have an opportunity to participate, the logistics provide a reasonable opportunity for consideration and the local authority policy on data security isn't compromised.

67. It's not legal for the chair to take a decision on behalf of the schools forum, no matter how urgent the matter in question. However, a schools forum may wish to put in place a procedure for the chair to give the local authority a view on an urgent issue.

## **Resources of the schools forum**

68. The costs of a schools forum fall in the central school services block of the dedicated schools grant (DSG).

69. It's legitimate to charge the running costs of schools forums to this budget including any agreed and reasonable expenses for members attending meetings, the costs of producing and distributing papers and costs room hire and refreshments and for clerking of meetings. Beyond these costs some schools forums have a budget of their own to use for activities such as commissioning research or other reports.

## Section 2: effective schools forums

### Introduction

70. As the previous section outlined, local authorities have responsibility for establishing schools forums. They also have an ongoing responsibility to provide them with appropriate support, information and guidance in carrying out their functions and responsibilities.

71. The following outlines some aspects of what local authorities and schools forums should consider in ensuring that their schools forums are as effective as possible. The pace of academy conversions in particular means that this significant sector must be properly represented and feel that it's able to play a meaningful part in the discussions of the schools forum.

72. Central to the effectiveness or otherwise of a schools forum will be the relationship between it and its local authority. The local authority will have a significant influence on this: the support it provides; the resources it devotes and the weight it gives to the views of schools forums all contribute to the nature of the relationship. There are therefore a number of characteristics of this relationship that are particularly important:

- partnership: having a shared understanding of the priorities, issues and concerns of schools, academies and the local authority
- effective support: the business of the schools forum is supported by the local authority in an efficient and professional manner
- openness: it's important that a schools forum feels it's receiving open, honest and objective advice from its local authority
- responsiveness: local authorities should as far as possible be responsive to requests from their schools forums and their members
  - schools forums themselves should also be aware of the resource implications of their requests
- strategic view: members of schools forum should consider the needs of the whole of the educational community, rather than using their position on a schools forum to advance their own sectional or specific interests
- challenge and scrutiny: schools forums may be asked to agree to proposals from their local authority that will have an effect on all schools and academies in the local area
  - the extent to which schools forums can scrutinise and challenge such proposals is an important aspect of their effectiveness

73. The characteristics identified above are just some of the aspects that will contribute to an effective schools forum. The following provides more detail on some

of the specific issues that local authorities and schools forums may wish to consider in thinking about their own arrangements.

## Induction of new members

74. When new members join the schools forum appropriate induction materials should be provided. These might include material relating to the operation of the schools forum together with background information about the local and national school funding arrangements. Typically, they might comprise:

- the constitution of the schools forum
- a list of members including contact details and their terms of office
- any locally agreed terms of reference explaining the relationship between the schools forum and the local authority
- copies of minutes of previous meetings
- the programme of schools forum meetings for the year
- the local schools forum web address

75. This operational and good practice guide, suitably supplemented by local material, should also be provided to new members on their appointment.

76. Where there is sufficient turnover of schools forum members in any particular year the local authority may wish to organise a one-off induction event to brief new members. Such an event would usefully include an outline of the role of the schools forum and the national funding arrangements for schools and local authorities. It might also include an explanation of the local funding formula and any proposals for review. The opportunity could also be taken to explain the main reporting requirements for school and local authority expenditure.

## Training

77. Ideally schools forum members should be able to use some of the budget set aside for schools forum running costs for accessing relevant training activities. Some training will be provided by officers of the local authority but members may wish to attend national or regional events, the costs of which, where necessary, can be supported from the schools forum budget. Local and national bodies have a key role to play in developing the competencies of forum members.

78. Training will need to be provided in response to any changes in the role of the schools forum and national developments in respect of school funding, to ensure that members can be fully effective when detailed discussions are taking place.

## Agenda setting

79. The process by which the agenda for a meeting or cycle of meetings is set is in many respects one of the key determinants of the effectiveness or otherwise of a schools forum.

80. The frequency and timing of meetings of the schools forum should be agreed in advance of each financial or academic year. It's good practice to also publish this on the website. In drawing up this cycle of meetings, in consultation with the schools forum, the local authority should provide a clear overview of the key consultative and decision making points in the school funding cycle. These will be drawn from a combination of national and local information and should inform the basic agenda items that each meeting needs to cover. For instance, meetings will need to be scheduled at appropriate points to enable the schools forum to consider the outcomes of local consultations and national announcements.

81. Although the business of schools forums must be open and transparent, it's recognised that from time to time items of a confidential nature will need to be discussed. It's recommended that authorities apply the same principles that they apply to council and cabinet meetings when judging an item to be confidential and adopt similar practices for dealing with those reports in the meeting, for example placing them together at the end of the agenda.

## Preparation for a schools forum meeting

82. It's vital that the schools forum is transparent, open and has clear communication lines to all of the members that are represented. This ensures the wider school family are aware of the business discussed, the impact on their setting and the reasons for the decisions.

83. The vast majority of a schools forum's business will be transacted on the basis of prepared papers. It's therefore important that these are concise, informative and produced in a timely and consistent manner. Recommendations should be clearly set out at the beginning of each report. It's also helpful if the front of the report confirms whether the report is for information or decision and who is eligible to vote where relevant.

84. It's good practice for the schools forum and local authority to agree a standard for papers. It's usual for papers to be dispatched at least one week prior to the meeting at which they will be discussed to allow members to consider them and if necessary canvass views from the group they are representing. Papers should be published on the local authority's website at this time to enable representations to be made to schools forum members.

85. Consistency in the presentation of papers also contributes to the effectiveness of meetings: it helps set the tone of meetings, facilitate the engagement of all members and signal the importance the local authority attaches to the work of

the schools forum. Ideally such a standard should be agreed between the schools forum and local authority. The publishing of papers as a single pdf file is helpful as it saves time and avoids accessing multiple documents both in advance of, and during, the meeting. An executive summary of the reports can provide schools forum members and members of the public with an overview of the agenda and the decisions required.

86. The publishing of papers on a publicly available website well in advance of the meeting ensures that all interested parties are able to access papers. Some schools forums ensure that each represented group meets in the days immediately prior to the schools forum meeting to ensure the agenda is discussed and schools forum members are properly briefed by the group they represent. Although on occasions it's inevitable that schools forums will receive late, or tabled reports it does create some difficulty for members as they will not have been able to seek the views of those they represent.

87. Schools forums can consider adopting a flexible arrangement for time immediately prior to the meeting. For example, it could be used for training of new members, or as a drop-in session for members to ask items of clarification, or for members to meet without officers to discuss the agenda.

## Chairing the schools forum

88. The chair of a schools forum plays a key role in setting the tone, pace and overall dynamic of the schools forum. They should provide an environment within which all members are able to contribute fully to discussions and guide the schools forum to making well informed decisions.

89. The relationship between the chair and the local authority is therefore vital. The chair should be very clear on the substance of the agenda items, understand the issues involved and the decisions and/or actions that need to be taken in respect of school forum business. It's good practice for there to be a pre-meeting between the senior officer of the local authority supporting the schools forum and the chair of the schools forum to ensure that all the issues are clearly understood.

90. Equally, the chair has the responsibility of representing the views of the schools forum back to the local authority: for instance, they should, where appropriate, take the initiative to make suggestions for improvements to the way the business is conducted, and, in exceptional cases and with support of the members of the schools forum take the view that they don't have sufficient information on which to base a decision and ask that an item is deferred until further information is available. However, in doing so, the chair and schools forum should be fully aware of the consequences of deferral.

91. The independence of the schools forum is paramount. Enhancing the role of chair to a paid position, rather than the reimbursement of reasonable expenses, could blur the lines of independence. Similarly, if the chair undertakes significant



work for the local authority in another capacity, for example as an external consultant, they could be viewed as equivalent to an officer of the local authority.

92. Local authorities could consider if sharing contact details of the schools forum chair with neighbouring authorities would be helpful for peer support and improving networking opportunities.

## Clerking the schools forum

93. Clerking of a schools forum should be seen as more than just writing a note of the meeting. A good clerk provides an invaluable link between the members of the schools forum, the chair and the local authority. It's a role often undertaken by an employee of the local authority though we'd recommend consideration is given to the use of an independent clerk.

94. Clerks should manage the logistics of the meeting in terms of ensuring dispatch of papers and producing a note from the meeting. In considering the style of meeting notes consideration should be given to making them intelligible enough for non-attendees to get a sense of the discussion as well as clearly indicating the conclusion and action agreed in relation to each agenda item. Verbatim reports of a schools forum's discussion, however, are unlikely to be very useful. Schools forums may consider whether a simple action log should be maintained by the clerk to ensure all action points agreed are followed up.

95. Beyond this a good clerk can:

- provide the route by which schools forum members can access further information and co-ordinate communication to schools forum members outside of the formal meeting cycle
- respond to any queries about the business of the schools forum from headteachers, governors and others who are not on the schools forum themselves
- be responsible for ensuring contact details of all members are up to date
- maintain the list of members on the schools forum and advise on membership issues in general
- assist with the co-ordination of nomination/election processes run by the constituent groups
- keep the schools forum website up to date, for example by posting latest minutes and papers etc
- monitor, on a regular basis, the schools forum and [schools funding pages](#) on GOV.UK and arrange for the distribution of any relevant DfE information to schools forum members

- if appropriate, provide technical advice in relation to the schools forum regulations and in relation to the operation of a schools forum's local constitution
- organise, operate and record any voting activity of the schools forum in line with the provisions of its local constitution

96. Not all of these tasks may be able to be undertaken by the schools forum clerk. However, each one is important and there should be arrangements in place to ensure they are discharged adequately.

## Good practice for schools forum meetings

97. Schools forums should ensure there is a clear debate of all agenda items. Whilst sub-group meetings are valuable in working through detailed issues, schools forums should consider that the level of debate held at the schools forum meeting and recorded in the minutes will be the official reflection of the level of challenge and discussion on each issue.

98. The use of nameplates for schools forum members also showing which group they are representing can be helpful to members of the public and presenters of papers. In addition, the use of coloured cards or coloured nameplates can be helpful when specific members of a schools forum are eligible to vote on specific items, for example, voting on de-delegation or changes to the funding formula.

99. Consultations with the schools forum are a key responsibility of a local authority, ranging from the funding formula to the letting of contracts. Each consultation will be different and depend on the subject being consulted on, but local authorities should consider the following factors as good practice for effective consultation:

- plan and consult early
- allow reasonable timescales for response (as Forum members may need to consult the groups they represent)
- an open and honest approach
- fully inclusive
- allow for ongoing dialogue
- provide feedback
- clear communications

## Meeting notes and recording of decisions

100. A vital part of the effective operation of a schools forum is to ensure that an accurate record of the meeting is taken. This must include the clear recording of votes where there are contrary views. Recommendations to, and decisions of, schools forums must be clearly set out.

101. Notes or minutes of each schools forum meeting should be produced and put on the website as soon after the meeting as possible to enable members and others to see the outcome of any discussions and decisions and, or votes. It's good practice to formally agree the accuracy of the note and minutes at a subsequent meeting but the publication of the draft minutes should not be delayed as a result and we'd recommend no later than five days following the meeting.

102. In order to provide clarity about representation at each meeting, it's good practice for the minutes to record the group and/ or subgroup that each member represents against their name.

## Communication

103. Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to their effective operation. The more schools and other stakeholders know about the proceedings of the schools forum, the more their work will be an important and central part of the context of local educational funding. This is particularly important given the decision making role that the schools forum has. Local authorities should consider the operational differences between the types of stakeholders and plan their communications accordingly. For example, ensuring effective communications across the PVI sector may be more difficult than with schools, which are more likely to have existing channels of communication for example, headteacher meetings.

104. Each schools forum should therefore be clear what its channels of communication are. It's fundamental that each member of schools forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore, communications directly between members and those they represent is essential; professional associations and phase groups could be suitable channels. This will ensure that schools forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at schools forum meetings. However, the schools forum should also consider additional communication processes. These could include:

- drawing schools' attention to the fact that all its agendas minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents)

- an annual report on the proceedings of the schools forum
- attendance by the chair, or other schools forum member, at other relevant consultative or management groups such as any capital working group; or senior management meetings of the children's services department
- a brief email to all schools, early years providers and other stakeholders after each schools forum meeting informing them of the discussions and decisions with a link to the full papers and minutes for further information
- a schools forum newsletter can be a less formal and more interesting way of communicating forum business and raising the profile of the schools forum and its members

## News updates

105. Most, but not all, members of the schools forum will already be in receipt of regular information on school funding matters from the local authority and the department. Other schools forum members should be copied into such information flows so that they can be kept abreast of developments between meetings.

106. Many local authorities have already established dedicated schools forum websites on which they post key information for schools forum members and other interested parties and updated on a regular basis.



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**WILTSHIRE SCHOOLS FORUM**  
**TERMS of REFERENCE**

**1. Remit**

The Schools Forum is a statutory body which the LA is required to consult on the following functions:

**1.1 Consultation on School Funding Formula**

- (1) The relevant LA shall consult the forum on:
  - (a) Any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 and 47ZA of the School Standards and Framework Act 1998; and
  - (b) The financial effect of any such change.
- (2) Consultation under paragraph (1) shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the relevant authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

**1.2 Consultation on Contracts**

- 1) The relevant authority shall at least one month prior to the issue of invitations to tender consult the forum on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the relevant authority's schools budgets where the estimated value of the proposed contract is not less than the specific threshold which applies to the relevant authority in pursuance of Regulation 8 of The Public Contracts Regulations 2006 (SI 2006 No 5).

**1.3 Consultation on Financial Issues**

- (1) The relevant authority shall consult the forum annually in respect of the relevant authority's functions relating to the schools budget, in connection with the following:
  - (a) The arrangements to be made for the education of pupils with special educational needs;
  - (b) Arrangements for the use of pupil referral units and the education of children otherwise than at school;
  - (c) Arrangements for early years provision;

- (d) Administrative arrangements for the allocation of central government grants paid to the schools via the authority.
- (2) The relevant authority may consult the forum on such other matters concerning the funding of schools as they see fit.

## **2. Composition**

- 2.1 The requirements for the Schools Forum were previously set out in regulations (Statutory Instrument No 344/2010, amended by 1172/2010). These regulations have been revoked and replaced by the Schools Forums (England) Regulations 2012 (Statutory Instrument No 2261/2012) as amended. The constitution of the Wiltshire Schools Forum has been approved by the Cabinet Member for Children's Services through the delegated decision process, and any change to the constitution will require similar approval.
- 2.2 The majority of forum members are "schools members". There are currently:
- 6 elected Head teacher representatives (1 secondary, 4 primary and 1 special);
  - 3 Academy representatives; and
  - 4 elected governor representatives (1 secondary school, 2 primary schools and 1 school with special provision).

These 13 members, along with the two Early Years representatives are the only members allowed to vote on the funding formula.

There are 2 other nominated service partner representatives (1 from the Dioceses and 1 teacher representative) who both have one vote. These are the 17 voting members.

### Original wording

~~In addition to voting members there are 5 observers, 1 each from the 13-19 Strategic Partnership and ASK, 2 elected governor representatives from the Council's Children Select Committee are also invited as observers ex-officio and the Education Funding Agency has observer status.~~

### Proposed

In addition to voting members the Education & Skills Funding Agency has observer status along with the post-16 representative who also has observer status.

- 2.3 The Forum will appoint the same number of substitutes in respect of each voting representative group as that group holds ordinary seats on the Forum. Ordinary members may be substituted by any one of the named substitutes. Substitute members will have all the powers and duties of any ordinary member of the Forum.

## **3. Conduct**

- 3.1 In carrying out their functions, members of the Schools Forum are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standard in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.



- 3.2 Members of the School Forum are required to declare an interest in any individual proposal or service contract which directly affects a school at which they are a governor, member of staff, or which their children attend or in which they might have a direct pecuniary interest.

#### **4. Term of Office**

- 4.1 The term of office for members of the Schools Forum shall be three years subject to their remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which elected/nominated.
- 4.2 There is no limit on the number of terms of office to which a member may be elected or re-nominated if still eligible. Where a member is replaced, the new member serves for the remainder of the term of office.

#### **5. Chair and Vice-Chair**

- 5.1 A chair and vice-chair will be elected annually by a majority of votes cast by individual members. Where possible, the chair and vice-chair will not be drawn from the same voting group. The term of office is for one year. A chair or vice-chair will cease to hold office if they resign by giving notice to both the Chair and clerk of the Forum, or if they cease to be members of the Forum. Both the chair and vice-chair may be re-elected. Where a casual vacancy arises, there will be a vote at the next meeting of the Forum.
- 5.2 The responsibilities of the chair and vice-chair include: chairing meetings, overseeing preparation of the record of the meeting, submitting a budget for LA approval and being accountable for expenditure against that budget.

#### **6. Quorum**

- 6.1 The quorum for the Forum is 40% of voting members. A meeting may continue if inquorate, but any advice given to the LA as a result of such a meeting would not have to be taken into account by the authority.

#### **7. Clerk to the Committee**

- 7.1 The clerk will be appointed by Democratic Services at Wiltshire Council

#### **8. Notice of Meetings**

- 8.1 The clerk will ensure that meetings of the Forum are convened by giving a minimum notice of 5 working days in advance of the meetings, with a full agenda.

#### **9. Proceedings**

- 9.1 Each voting member has one vote and a majority decision is required.

- 9.2 The Forum may remit matters for discussion and research to sub-committees or working groups. However, any resulting advice formally passed to the LA shall have been approved by the Forum as a whole.
- 9.3 The Forum will meet at least 4 times per annum, in each financial year from April 2003.

### **10. Public Participation**

- 10.1 Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Forum at each meeting. A maximum of 15 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.
- 10.2 Questions must be put in writing to the clerk of the Forum no later than 5 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.
- 10.3 Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.
- 10.4 Statements and questions must be relevant to the powers and duties of the Forum. They must not be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper. They must not name or identify individual service users, members of staff or members of partner agencies. Questions must not require the disclosure of confidential information.
- 10.5 The Chairman's ruling on rejection of a question is final.

### **11. Discrimination**

- 11.1 The Committee has an explicit duty to have regard to the duties placed on Local Education Authorities and school governors by the Sex Discrimination Act 1975 and the Race Relations Act 1976. The Forum will note the DfE view that the Human Rights Act 1998 applies.

### **12. Dissemination of the Results of Meetings**

- 12.1 A copy of the minutes of the Forum meetings will be sent to all schools and will be considered by the Children's Services Select Committee and the Cabinet if necessary.

### **13. Consideration of Confidential Reports**

- 13.1 A report will only be considered in a confidential session when it contains confidential or exempt information. That will only apply if the report contains:
- a) Information furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public.

- b) Information the disclosure of which to the public is prohibited by or under any law or by the order of a court
- c) Information relating to any individual.
- d) Information which is likely to reveal the identity of an individual.
- e) Information relating to the financial or business affairs of any particular person (including the authority).
- f) Information relating to any consultations or negotiations, or contemplated consultations and negotiations, in connection with labour relations matters.
- g) Information in respect of which a claim to legal professional privilege could be maintained.
- h) Information which reveals that the authority proposes to serve certain Notices or make certain Orders or Directions.
- i) Information relating to action taken or to be taken in connection with the prevention investigation or prosecution of crime.

13.2 The intention to conduct Forum business in Confidential Session will be indicated by the inclusion of the following text within the agenda:

‘Exclusion of Public;

To consider passing a resolution, in accordance with the Wiltshire Council Schools Forum Terms of Reference, that the public be excluded during the remainder of the meeting, on the basis that if they were present during the business to be transacted, there would be a likelihood of disclosure to them of exempt information of the following descriptions’

13.3 The descriptions referred to above relates to the categories of confidential information listed in paragraph 13.1.

13.4 Public would relate to anyone other than members of the Schools Forum plus the Democratic Services Officer, relevant officers and Cabinet members with exceptions determined by the Chair, in consultation with the Corporate Director.

June 2018

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**Wiltshire Council**

**Schools Forum**

**28 June 2018**

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## **Report from the Early Years Reference Group**

### **Purpose of report**

1. To report on meeting of the Early Years Reference Group held on 4 May 2018.

### **Main considerations for School Forum**

2. The minutes of the meeting are attached at Appendix 1.

### **Proposals**

3. That Schools Forum notes the minutes of the Early Years Reference Group meeting held on 4 May 2018.
- 

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## Wiltshire Council

### Early Years Reference Group

Minutes of a meeting held on Friday 4 May 2018 at County Hall, Trowbridge

#### 1.0 Welcome and Introductions

Angela Brennan, Rosemary Collard, Ashley Harris, Sarah Hawkins, Russ Martin, John Proctor (chair), Trudi Surman, Emily Wood (minutes)

#### 2.0 Apologies

Jane Boulton, Lee Churchill, Mark Cawley, Angela Everett, Jennifer Harvey, Clare MacKinnon (nee Palmer), Nicola McCann, Fiona Webb and Liz Williams

#### 3.0 Minutes of last meeting held on 5 January 2018

The minutes of the meeting were agreed as a true and accurate record.

#### 4.0 Matters arising

Item 5 – outstanding action, KD to forward AB a draft copy of the School Readiness document.

Item 6 – FE hourly rate for 3&4-year olds of £4.16 was accepted by the Schools Forum

Item 7 – 30-hour Code checking consent form, not sure if this includes the telephone number. EW to check and include this field if necessary.

**ACTION: AB to chase up KD for School Readiness document  
EW to amend 30-hour code consent form as necessary**

#### 5.0 Update on FACT

Families and Children's Transformation plan – back in October, Early Help and Safeguarding were merged to form a new team. Work is now progressing with looking to remove barriers effecting change for children and their families, especially important because the Troubled Families project will finish in 2020.

FACT has set-up seven work streams, the one relevant to early years is the 'Best start in life' – looking at the first 1,000 days of a child's life, so this covers maternity services, Health Visitors and childcare settings. The predominant question asked is, what can we do to improve outcomes for these children? Consistent messages need to be given by all sectors.

There is also a SEND pathway – part of this brings the appointment of two new Early Years Inclusion Officers, bringing the total team up to five.

**ACTION: None**

#### 6.0 Update on 2-year-old places

The latest fully analysed data is from Autumn 2017.

85% - 887 funded two-year olds claimed hours (from list of 1041 names), of which:

- 758 attended good or outstanding settings (85.5%)

- 109 attended a new uninspected setting (12.2%)
- 17 attended an RI setting (2%) - Codford Caterpillars, Kingfisher Montessori, Newton Tony Puffins and Wally's Day Nursery
- 3 attended a setting which has subsequently been suspended or has been found inadequate (0.3%)

Funding is promoted via children's centres who make home visits to families on the DWP list plus the lists are also shared with the Health Visiting teams.

A leaflet has been created for professionals to raise awareness (Ten Fact Flyer) and will be shared with early years providers via the electronic newsletter EW produces.

JP raised the issue that in Corsham, they've had no new Better2gether funded children in the Spring. Only one family out of 24 took up the funding opportunity (mainly because an older sibling was already attending). It's recognised that social media should be used more to stimulate interest in the funding, unfortunately the current council policy is not to use 'Shout Out' or 'Spotted', which are the mediums we believe our target audience use. Lucy-Anne Bryant to take this issue up the council's Communications team. We need to understand more why parents are not taking the funding up.

**ACTION: Lucy-Anne Bryant to seek advice from the council's communication about making better use of social media to promote Better2gether funding.**

#### 7.0 Feedback on financial sustainability of nurseries

TS reported from the charitable sector saying that there were no known sustainability issues; that the 30 hours has not had a negative impact. However, the Free Entitlement team have picked up some concerns over sustainability. It is suspected that this may be down to some settings still not charging for consumables when delivering the free hours. AB reported that some of the Delivery Support Funding, that has recently been allocated, is funding three settings to attend business training. In return, they will cascade their newly acquired knowledge to support struggling settings via phone/emails and some face to face.

JP reported that the flexibility agenda is working against those private nurseries offering 52 weeks a year – staffing costs are too high to fund the degree of flexibility which the government would like to see. It is felt, that some settings are reverting to where we were five years ago, with rigid sessions offered as part of the FE scheme.

It's acknowledged that the big nationals seem to continue to expand and that Wiltshire is seeing a decrease in the number of registering childminders – this reflects the national picture.

SH described a concern that the timescale to reinstate FE funding after it was removed because of an inadequate Ofsted judgement, was slow and problematical for one of their nurseries.

A plea was made that if the website was updated (especially concerning Safeguarding advice) that an email alert was sent to let settings know.

**ACTION: EW to ask the WSCB that if they publish new advice/updates to forms/procedures that an email is sent to the sector to alert them of these updates.**

#### 8.0 Treasury Select Committee report on Childcare

JP shared the headlines from this recent report, which was published on the 25 March. Broadly the report is good and in favour of increasing the hourly rate for providers. Nicky Morgan – the chair of the committee has stated that quoting £4.90 as the hourly rate was misleading. The report indicates that there is no evidence that the increases in the National Living Wage have



been factored into the hourly rate nor is it likely that increases in other costs, such as pension auto-enrolment and business rates, have been factored in either. The Government must ensure that the hourly rate paid to providers reflects current costs. The report states "Setting the funding level with reference to wage and overheads data that is more than five years old is unsatisfactory".

Interestingly, in Scotland, they have already removed business rates for nurseries.

The Government have yet to respond to the report.

**ACTION: None**

#### 9.0 Funds to train unemployed mothers as childminders

For information, it is believed that several million pounds have been earmarked by the government to train unemployed mothers to train as childminders. It is not sure if this is linked to the new business grant?

A discussion was had over the challenges childminders had to face, recognition was given to the fact that the profession was relatively isolating and the amount of bureaucracy and scope of regulation to know was extensive. AB is looking to run exit interviews for those who are dropping out of the profession to find out why people are leaving the job. AH said that she knows that the extent of regulation and paperwork can be overwhelming when you're trying to operate as a childminder.

TS from St Osmund's Pre-school shared that they support a couple of local childminders and have found that this peer support to be very useful; this pattern could be adopted elsewhere.

**ACTION: None**

#### 10.0 Childcare team update

As before, focus had been on supporting settings with safeguarding issues, in particular following up on the non-responders of the last SG audit. For the summer, the focus will continue to be on supporting the voluntary sector and developing childcare provision in known 'hot-spots'.

#### 11.0 Workforce Development Update

AB reported on the Housing Association in Westbury who have been working to re-engage the unemployed with different work experience opportunities. They've forged links with various employers and the college to provide individuals with a 2-hour slot in an employer to 'have a go'.

The Childcare Officers continue to work on the list of settings who are happy to offer 'work experience' to those interested in taking up childcare as a career. AH offered that childminders would also be interested in providing experience to others thinking of becoming a childminder. AB to consider this.

Little has been issued from the Government following the release of the Workforce Strategy, no further information has been given regarding the SEND qualification.

It is felt that there is no shortage of apprentices in the sector.

AB shared a recent experience of visiting a Care Home where they have similar staffing issues to early years. They've learnt that offering staff longer working hours per day but shorter weeks has resulted in improved staff satisfaction and team cohesiveness. This in turn, has allowed them to move away from using agency staff.

The Childcare Officer team are constantly looking out for careers events to attend and represent the profession; posters and stands are constantly being displayed in the county to promote childcare as a career.

Discussion was had about the military rebasing project. It is felt that staff working in settings over in Germany should be able to move straight into Wiltshire settings. AB is developing a Wiltshire Online ICP course, which will be promoted to individuals currently out in Germany.

**ACTION: AB to consider reintroducing the ‘buddying’ scheme for prospective childminders to spend time with existing childminders.**

#### 12.0 Childcare Sufficiency

We must now annually update the Childcare Sufficiency Audit report – the 2018 edition is almost finished. AB listed to the group the known top “hot spots” where there is a concern over a lack of provision. Namely Trowbridge, Royal Wootton Bassett (where we think parents are using Swindon provision) and Larkhill – this should be alleviated with the opening of the new school in the Autumn with its 72-place nursery).

Section 106 applications are being constantly applied for through the planning process; AB is encouraged that early years has a greater prominence in the planning process than ever before.

We want to constantly stimulate new provision as Wiltshire’s population expands.

**ACTION: None**

#### 13.0 Confirmed dates for future meetings

Date	Day	Time	Venue
21 September 2018	Friday	10.00 – 12.00	Lacock Room, County Hall, Trowbridge, BA14 8JN
16 November 2018	Friday	10.00 – 12.00	Lacock Room, County Hall, Trowbridge, BA14 8JN

**ACTION: None**

#### 14.0 Any other business

It is proposed that the council should coordinate an Early Years Conference, it’s been many years since one was run. The idea is to use a school to keep costs at a minimum and possibly run two dates, one being a Saturday to enable those providers who find releasing staff (or themselves) during the week impossible. It was felt that getting a known personality to speak or even OFSTED to brief colleagues on up and coming training and inspection focuses would be attractive and useful.

GDPR – clarification needs to be shared with the sector. There appears to be lots of conflicting advice. JP provided reassurance that the new regulations will not be substantially different from the current data protection law. The ICO will not be wishing to ‘trip’ organisations up and any consequences of not meeting the new regulations will be proportional to the size of the organisation. The main emphasis will be on obtaining consent to share information and the security measures put in place to secure data held.

**ACTION: EW to include a ‘heads up’ in the next newsletter about the conference to stimulate interest and gather feedback as to preferred days of the week to hold the event.  
AB to share with sector GDPR advice once compiled by one of her team.**

**Wiltshire Council**

**Schools Forum**

**28 June 2018**

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**Report from the School Funding Working Group and SEN Working Group**

**Purpose of report**

1. To report on the joint meeting of the School Funding Working Group and SEN Working Group held on 11<sup>th</sup> June 2018.

**Main considerations for School Forum**

2. The minutes of the meeting are attached at Appendix 1.

**Proposals**

3. That Schools Forum notes the minutes of the School Funding Working Group and SEN Group meeting.
- 

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**School Funding Working Group and SEN working Group****11<sup>th</sup> June 2018****Minutes**

**Present:** Grant Davis, Marie Taylor, Judith Westcott, Alan Stubbersfield, Lisa Percy, Neil Baker, Catriona Williamson, Sam Churchill, John Hawkins, and Phil Cook

**Apologies:** Jonathon Curtis, Tracey Cornelius

1	<p><b><i>Minutes from previous meeting</i></b></p> <p>Liz Williams had been asked to prepare details of the Behaviour Support budgets and expenditure. It was agreed that this would be brought to the next meeting.</p> <p>There were no matters arising that had not already been considered by Schools Forum at the March 2018 meeting.</p>	MT
2	<p><b><i>DSG Out-turn</i></b></p> <p>MT presented a paper outlining the financial out-turn position for the DSG for the 2017-18 financial year.</p> <p>The overall position was an underspend of £0.509m which was an improvement from the position reported in January 2018. The main variances were;</p> <ul style="list-style-type: none"> <li>- Overspend on SEN of £1.722m</li> <li>- Underspend on Early Years of £0.617m</li> </ul> <p>There is still an Early Years adjustment to be made in respect of take-up levels. The notification of the adjustment will be made in July.</p> <p>The impact of the underspend is to increase the level of the DSG Reserve to £0.846m.</p>	
3	<p><b><i>Trade Union Facility Budget</i></b></p> <p>GD presented a paper to the group showing a projected overspend for the 2018-19 year. The paper suggested reviewing the budget again for the 2019-20 year to reflect the claims being made against this budget.</p> <p>The group discussed the issue and agreed that it would be more appropriate to consider the budget at the Autumn meeting, when considering the overall DSG budget.</p>	MT/GD
4	<p><b><i>ELP Guidance</i></b></p> <p>JW (Lead Commissioner for SEN) introduced a paper regarding the SEND Provision in Secondary Schools.</p>	

	<p>Following consultation with schools through Wisenet and workshops The Guidance had been drawn up by a working group including SENCOs from the secondary sector.</p> <p>Following some discussion around the parity and equality across the sector, it was requested that additional detail be provided to Schools Forum.</p> <p>Thanks were expressed to all contributors to the Guidance which was well received.</p>	
5	<p><b><i>Special Schools Update</i></b></p> <p>AS provided a verbal update to the group regarding the consultation on options for the future of Special Schools in the North and West of the County to increase the capacity by 220 places by 2026. The report had been taken to Cabinet on the 15<sup>th</sup> May 2018. Three options were contained in the consultation, which had gone live on the Wiltshire Council website.</p>	
6	<p><b><i>AOB</i></b></p> <p>GD confirmed that he was attending a National Funding Formula meeting hosted by the DfE on the 18<sup>th</sup> June and would be in a position to provide feedback at Schools Forum.</p> <p>NB had received a request from the Headteacher at Exeter House Special School to re-consider an application for additional funding for their second site.</p> <p>MT had received a request from Lucy Townsend (Director – Family and Children’s Services) for Nick Breakwell (Head of Service – SEND) to attend future Schools Forum meetings and SEN Working Group meetings – this was welcomed by the group.</p>	
7	<p><b><i>Date and Time of Next Meeting</i></b></p> <p>Next meeting to be held on the 26<sup>th</sup> September 2018, 8:30am in the Bowood Room at County Hall, Trowbridge</p>	

Wiltshire Council

Schools Forum

28<sup>th</sup> June 2018

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## **REVENUE BUDGET OUTTURN REPORT 2017-18 – DEDICATED SCHOOLS BUDGET**

### **Purpose of the Paper**

1. To report on the outturn position for the dedicated schools budget in 2017-18.

### **Main Considerations**

#### **Outturn 2017-18**

2. Appendix 1 shows expenditure as at 31st March 2018. The Dedicated Schools Grant (DSG) was underspent by £0.509 million at the end of the year, an improvement of £1.381 million compared with the forecast at the end of January 2018.
3. There are a number of movements in the variance within the overall total and the January forecast is shown on the summary for comparison. The reasons for the key variances and the movements in the last two months of the year are outlined below.

#### ***Academy Recoupment***

4. The final budget for 2017-18 has been adjusted to reflect all academy recoupment through the year, including part year adjustments for in-year converting schools. The budget has been reconciled to the DSG allocation notified to the local authority in March 2018.

#### ***High Needs Budgets (0-25 SEND Service)***

5. Budgets within the 0-25 SEND Service were overspent by £1.722 million. This is consistent with the position reported to Schools Forum in January 2018 and an improvement on the position reported in March. Data issues in the March report have been resolved.
6. Expenditure on Independent Special School (ISS) placements continues to be higher than budgeted for and has overspent by £1.314 million. Named Pupil Allowances (NPA) budgets are also overspent by £1.149 million. The position is partially offset by a continued underspend against Post-16 budgets. Pressure is expected to increase on post-16 budgets in 2018-19 with increased numbers of post-16 pupils within ISS provision.

#### ***Early Years Budgets***

7. Early years budgets underspent by £0.617 million in 2017-18. It is expected that there will be a further adjustment to the DSG allocation for 2017-18 to reflect the impact of the January 2018 pupil census and this will need to be reflected in the DSG reserve for the following financial year.

### **Impact on the DSG Earmarked Reserve**

8. Any under or overspend against the Dedicated Schools Grant is to be carried forward in to the following financial year. The underspend of £0.509 million will therefore need to be transferred in to the earmarked DSG Reserve. The table below sets out the position of the DSG Reserve as at the end of 2017-18.

<b>Impact on DSG Reserve</b>	<b>£m</b>
DSG Reserve c/f from 2016-17	0.583
Less Late adjustment 2016-17 for final settlement not in 16-17 Note to Accounts (adjustment to early years block allocation)	- 0.241
Further in year adjustment	-0.005
Add transfer to reserves for 17-18 variance	0.509
<b>Closing Balance 17-18</b>	<b>0.846</b>

### **Proposal**

9. Schools Forum is asked to note the outturn position for the Dedicated Schools Budget in 2017-18.

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**Financial Monitoring**

Service Areas	Current Budget 2017-18 £m	Projected Outturn for Year £m	Variation for Year £m	% Variance	Movement from Period 10
<b>1 Funding Schools</b>					
DSG Funded Expenditure - Delegated to Schools Contingency & Growth Fund	114.587 1.053	114.149 0.717	-0.438 -0.335	-0.4% -31.9%	-0.438 -0.109
<b>Total</b>	<b>115.640</b>	<b>114.866</b>	<b>- 0.773</b>	<b>-0.7%</b>	<b>- 0.547</b>
<b>2 0-25 SEND Service</b>					
<b>Pre-16</b>					
Independent Special Schools	4.572	5.887	1.314	28.7%	-0.384
Named Pupil Allowances	2.708	3.857	1.149	42.4%	0.239
Top Up Budgets - Wiltshire Maintained Schools & Academies	10.474	10.143	-0.331	-3.2%	-0.114
Top Up Budgets - Non-Wiltshire Maintained Schools & Academies	0.966	1.559	0.593	61.4%	-0.056
<b>Post-16</b>					
Top Up Budgets - Post- 16 Placements	5.406	3.942	-1.464	-27.1%	-0.637
<b>Support Services</b>					
Specialist Provision and EY Inclusion	0.685	1.120	0.435	63.6%	-0.010
SEND Service	2.167	2.194	0.027	1.2%	0.011
<b>Total 0-25 SEND Service</b>	<b>26.979</b>	<b>28.701</b>	<b>1.722</b>	<b>6.4%</b>	<b>-0.950</b>
<b>3 Commissioning &amp; Performance and School Effectiveness</b>					
Schools Maternity Costs	0.576	0.495	-0.081	-14.0%	0.024
Trades Union Facilities Costs	0.035	0.025	-0.009	-27.3%	-0.006
SIMS & HCSS Licences	0.173	0.048	-0.125	-72.5%	0.000
Speech & Language	0.479	0.513	0.033	6.9%	0.033
Early Year Childcare & Early Dev Team	0.231	0.231	0.000	0.0%	0.000
Other Costs incl. Copyright Licences	0.600	0.562	-0.037	-6.2%	0.000
Admissions Service	0.245	0.212	-0.033	-13.4%	-0.001
<b>Total Commissioning, Performance &amp; School Effectiveness</b>	<b>2.337</b>	<b>2.085</b>	<b>-0.252</b>	<b>-10.8%</b>	<b>0.050</b>
<b>4 Early Years Services</b>					
Early Years Single Funding Formula - 3 & 4 yo	20.835	20.238	-0.597	-2.9%	0.027
Early Years Single Funding Formula - 2 yo	2.752	2.801	0.050	1.8%	0.010
Other Early Years Support	0.462	0.412	-0.050	-10.8%	-0.077
Early Years Pupil Premium Grant & DAF funding	0.288	0.268	-0.020	-6.9%	0.001
<b>Total Early Years</b>	<b>24.337</b>	<b>23.720</b>	<b>-0.617</b>	<b>-2.5%</b>	<b>-0.038</b>
<b>5 Safeguarding</b>					
Child Protection in Schools	0.028	0.028	0.000	0.0%	0.000
<b>Total</b>	<b>0.028</b>	<b>0.028</b>	<b>-</b>	<b>0.0%</b>	<b>-</b>
<b>6 Early Help Services</b>					
Ethnic Minority Achievement Service & Traveller's Education	0.474	0.480	0.007	1.4%	0.014
Secondary Devolved Funding - Alternative Provision	2.801	2.815	0.014	0.5%	0.038
EOTAS	0.542	0.330	-0.213	-39.2%	0.027
Behaviour Support	0.774	0.750	-0.024	-3.1%	0.027
<b>Total</b>	<b>4.591</b>	<b>4.375</b>	<b>-0.216</b>	<b>-4.7%</b>	<b>0.107</b>
<b>7 Children's Social Care</b>					
Looked After Children Education Service	0.203	0.182	-0.020	-10.1%	-0.003
<b>Total</b>	<b>0.203</b>	<b>0.182</b>	<b>- 0.020</b>	<b>-10.1%</b>	<b>- 0.003</b>
<b>8 DSG Within Corporate Services</b>					
Gross Expenditure	3.558	3.207	-0.352	-9.9%	0.282
<b>Total</b>	<b>3.558</b>	<b>3.207</b>	<b>- 0.352</b>	<b>-9.9%</b>	<b>-</b>
	<b>177.674</b>	<b>177.165</b>	<b>- 0.509</b>	<b>-0.3%</b>	<b>- 1.381</b>

Note POSITIVE variances = OVERSPEND

-0.000

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**Wiltshire Council**

**Schools Forum**

**28 June 2018**

## **Funding Factors – Trade Union Facilities Time**

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### **Purpose of Report**

1. Further to the report taken to Schools Forum on 5 October 2017, this is an update on the projected expenditure against the Facility budget for 2018/19 and budget required for 2019/20.

### **Background**

2. The facility time agreement defines the rights to time-off and facilities for the Trade Unions and Professional Association Officials in the course of their union duties within the Local Authority area of Wiltshire Council to school and academy based staff. The principles in the agreement are based primarily on the Trade Union and Labour Relations (Consolidation) Act 1992, The Employment Act 2002 and the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.
3. The LA has formal recognition agreements with our recognised teachers' Trade Unions and Professional Associations and support staff unions to enable schools and academies to claim backfill costs where accredited representatives undertake facilities duties, e.g. negotiation, consultation and support for their members such as Redundancy /Restructures/ Disciplinary, Grievance and Capability Hearings.
4. The list of recognised unions is:

<b>Recognised trade union (school / academy teacher &amp; support staff)</b>
--

UNISON Unite GMB NEU (former NUT) NEU (former ATL) ASCL NASUWT NAHT
--

5. The current funding level for facilities was increased to £60,000 for the 2018/19 year, due to the commitments against this budget. The budget of £60,000 had been sufficient to cover claims from the Teaching Unions and it was unknown as to whether claims would be submitted from the Support Staff Unions.
6. Following confirmation from the GMB Union that they will be seeking funding to cover backfill costs for their member of staff where they are undertaking trade union facility duties.

### **Facility funding for 2018/19 and 2019/20**

7. The teaching unions have requested that it is brought to the attention of the school funding working group that this budget may be insufficient to cover the draw against it for 2018/19 and that a further increase may be necessary.
8. There is a projected overspend to the facilities budget for 2018/19 and the schools funding working group are to consider a further increase to this budget for the financial year 2019/20 and any parameters to attach to this budget.

### **Proposal**

9. To note the potential overspend against the 2018/19 budget.
10. To review the budget for the facility fund budget for 2019/20 in the Autumn when agreeing the 2019/20 school budgets, along with any parameters around apportionment of the budget.

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**Wiltshire Council**

**Schools Forum**

**28 June 2018**

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## **Guidance on Provision for pupils with SEN in Secondary schools**

### **Purpose of Report**

1. To update Schools Forum on the development of updated guidance for SEN in secondary schools.

### **Background**

2. Following a request from Schools Forum a piece of work was taken forward reviewing and considering the scope of SEN provision in mainstream secondary schools. This was taken forward to address the following:
  - Incorporate the '*2014 Children and Families Act*' into guidance for Enhanced Learning Provision (ELP) and other forms of SEN provision in secondary settings (e.g. named pupils allowance - NPA)
  - To ensure that ELP was fulfilling its function as the follow on to resource bases in primary schools.
3. A four-stage process was created to develop the guidance and scope of provision. The stages are detailed below,
  - a. A working group of SENCOs from secondary settings was set up and they drafted a new set of guidance which sought to address these issues.
  - b. The draft was sent out via WISENET with a response form, encouraging all secondary schools to review and develop the scope of the draft guidance.
  - c. Three workshops were set up, in the north, south and centre of the county to which business managers and secondary SENCO's were invited to comment on and review the draft. A total of eight Business Managers and three Governors attended the consultation sessions along with their SENCOs from across the County. Only one written response was received.
  - d. Minor changes were made to the Guidance and it was resent to all school.

4. The table at Appendix 1 sets out the number of places agreed with each of the secondary schools for the 2018-19 academic year.

### **Proposals**

The proposals which are planned to be taken forward are;

1. formally adopt the new guidance.
  2. create a locality led series of workshops and training sessions to support the changes
  3. monitor the financial implications for secondary schools to ensure that pupils needs continue to be met.
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## Appendix 1

DfE No.	School	NOR (Oct '17)	Planned ELP Places	Actual ELP Pupils	Actual NPA's	Actual Total	ELP Proportion	NPA Proportion
4000	Abbeyfield	705	11	11	8	19	1.56%	1.13%
4001	Wyvern	306	3	2	0	2	0.65%	0.00%
4002	Clarendon	778	14	16	6	22	2.06%	0.77%
4006	Trafalgar	618	8	7	2	9	1.13%	0.32%
4013	Melksham Oak	1107	18	19	6	25	1.72%	0.54%
4064	Malmesbury	1142	13	15	9	24	1.31%	0.79%
4066	Corsham	940	13	12	14	26	1.28%	1.49%
4067	Wootton Bassett	1444	16	14	7	21	0.97%	0.48%
4070	Stonehenge	701	12	14	0	14	2.00%	0.00%
4071	Avon Valley	445	10	8	3	11	1.80%	0.67%
4072	Kingdown	1310	15	17	9	26	1.30%	0.69%
4075	John of Gaunt	941	18	17	7	24	1.81%	0.74%
4511	St Edmund's	907	8	8	2	10	0.88%	0.22%
4537	St Laurence	1130	14	17	0	17	1.50%	0.00%
4610	St Joseph's	522	7	9	5	14	1.72%	0.96%
5400	St Augustine's	767	7	10	3	13	1.30%	0.39%
5402	Lavington	731	9	9	2	11	1.23%	0.27%
5403	Pewsey Vale	323	7	8	5	13	2.48%	1.55%
5404	Sheldon	1402	14	18	4	22	1.28%	0.29%
5405	St Johns	1310	12	15	4	19	1.15%	0.31%
5406	John Bentley	707	9	7	4	11	0.99%	0.57%
5408	Bradon Forest	966	4	0	4	4	0.00%	0.41%
5411	Devizes South Wilts	821	14	13	3	16	1.58%	0.37%
5412	Gram	713	0	0	3	3	0.00%	0.42%
5413	Bishop Words	661	0	0	1	1	0.00%	0.15%

5414	Hardenhuish	1239	31	32	4	<b>36</b>	2.58%	0.32%
5415	Matravers	704	15	12	4	<b>16</b>	1.70%	0.57%
6905	Wellington	700	10	7	3	<b>10</b>	1.00%	0.43%
6906	Sarum Academy	318	5	5	4	<b>9</b>	1.57%	1.26%
<b>TOTAL</b>		<b>24358</b>	<b>317</b>	<b>322</b>	<b>126</b>	<b>448</b>	<b>1.32%</b>	<b>0.52%</b>



# SEND Provision in Secondary Schools

## Named Pupil Allowance, Enhanced Learning Provision and Alternative Provision

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Enhanced Learning Provision (ELP), Named Pupil Allowance (NPA) and Alternative Provision (AP) have been established by the Local authority and Secondary Schools in Wiltshire to give pupils the flexibility to have inclusive education that is:

- Matched to levels of need
- Transparent in how it is carried out
- Managed as close as possible to the teaching and learning context of individual schools
- Promoting accountability of use and outcome
- Building on existing expertise and enhancing professional development of all staff working with young people with special educational needs

- Encouraging partnership with young people and their parents/ carers as well as with groups in the community to raise achievement for pupils with Special Educational Needs in their local school

This guidance has been developed from partnership work undertaken by schools and the local authority to improve the availability of high quality, consistent, local provision for secondary pupils with Special Educational Needs (SEN).

This document supersedes the “Enhanced Learning Provision Guidance 2011”.

## 1. Background to the provision

Provision has been developed in line with the following national guidance, which emphasises the key role of mainstream schools in meeting SEN and the importance of partnership working.

- The Children and Families Act 2014 and the subsequent Code of Practice 2015.  
<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
- The proposals within [https://consult.education.gov.uk/school-absence-and-exclusions-team/statutory-exclusion-guidance/supporting\\_documents/Draft%20statutory%20guidance%202017.pdf](https://consult.education.gov.uk/school-absence-and-exclusions-team/statutory-exclusion-guidance/supporting_documents/Draft%20statutory%20guidance%202017.pdf)
- And  
[http://www.wiltshirepathways.org/UploadedFiles/281\\_Wiltshire\\_Children's\\_Trust\\_plan\\_2016-19\\_Final.pdf](http://www.wiltshirepathways.org/UploadedFiles/281_Wiltshire_Children's_Trust_plan_2016-19_Final.pdf)
- [http://www.wiltshirepathways.org/UploadedFiles/256\\_SEN\\_Schools\\_Strategy\\_Sept\\_2015\\_-\\_final\\_CH6.pdf](http://www.wiltshirepathways.org/UploadedFiles/256_SEN_Schools_Strategy_Sept_2015_-_final_CH6.pdf)
- [http://www.wiltshirepathways.org/uploadedFiles/282\\_SEND\\_Strategy\\_Final\\_June\\_2016.pdf](http://www.wiltshirepathways.org/uploadedFiles/282_SEND_Strategy_Final_June_2016.pdf)

## 2. The Development and review process

2.1. ELP was introduced in Wiltshire in 2011 following an extensive consultation process involving schools, Wiltshire Council professionals and commissioners, parent/carers and young people as an addition to NPA and sitting alongside the alternative provision trials set forth in 2010.

2.2. A number of models were explored including:

- Having specialist ELP provision similar to resource bases where the provision in each school would focus on only one particular SEN need e.g. Cognition and Learning or ASD.

This was not taken up because it was felt that the geographical distribution of need would mean that some young people may have to have their schooling away from their community and the single focus on SEN was not always helpful to a young person’s development.

- Creating discrete bases within Secondary schools where pupils with high levels of SEN would be taught in specialised classrooms with teachers dedicated to young people with SEN.

This was not taken up as it was felt that this limited many young people’s experience of inclusion. However, it was acknowledged that this approach may have enabled pupils with more complex needs to attend a mainstream school.

- Creating a limited number of secondary schools that had ELP provision. Effectively having four main provisions across the County linked to the north, south, east and west populations.

This again was given serious consideration, but was put to one side as it increased travel for some young people, created difficulties for how school's with ELP's data would be interpreted and discouraged schools without ELP to develop inclusive practice.

- 2.3. The final decision was to place ELP in every secondary school apart from the two grammar schools. Each school was allocated a number of places based on current numbers of young people with SEN and the demographics of the area. Since 2011 the DfE through the Education Funding Agency has given every local authority, including Wiltshire, the option to review and alter place numbers under their guidance and approval. Accordingly, numbers have year on year been altered to match on-going and expected demand.
- 2.4. In 2011, it was agreed that all ELPs would take pupils with primary needs related to Cognition and Learning and Communication and Interaction (including ASD). However Social Emotional and Mental Health Needs SEMH (in 2011 referred to as Behaviour, Emotional and Social Difficulties, BESD) were not included.
- 2.5. SEMH as a primary designation continues to be outside of ELP as separate provision is made via the Mental Health Transformation fund projects, NPA and sometimes within Alternative Provision allocation to Secondary Schools.
- 2.6. The latest review in 2016/7 led by SENCOs and the Implementation group of the "SEN Strategy Supporting Schools 2015 -18" suggests that, while the alternative models discussed above have their merits, Wiltshire will continue to run an ELP provision in every secondary school (not Grammar schools) alongside Named Pupil Allowance and Alternative Provision.
- 2.7. However, this guidance does set out changes that will enable Enhanced Learning Provision to become a more specialist provision, potentially offering provision to fewer higher banded pupils rather than large numbers of lower banded pupils.
- 2.8. This is designed to:
  - 2.8.1. Target the funding at those pupils who need the most support to improve progress and narrow the gap.
  - 2.8.2. Support inclusion for a wider group of young people with SEND.
  - 2.8.3. Support the development of integrated and creative approaches to funding sources (e.g. Alternative Provision, THRIVE hubs, ELP and NPA)
  - 2.8.4. Develop provision to support the delivery of the Children and Families Act 2014
  - 2.8.5. Develop the partnership between the local authority and secondary schools many of which have converted to academies and now have a range of new powers that enable them to approach provision in new ways
  - 2.8.6. Give greater parity between the expectations and funding for primary and secondary pupils
  - 2.8.7. Overall develop and enhance the provision for pupils with SEND in secondary settings.

### 3. SEND Provision in Secondary Schools

- 3.1. Young people with SEND and an EHCP can have their educational needs met at secondary level (Key stage 3 and 4) in one of four settings:
  - 3.1.1. A mainstream secondary or grammar school with named pupil allowance (NPA)
  - 3.1.2. A mainstream secondary school with support from Enhanced Learning Provision (ELP)
  - 3.1.3. A mainstream secondary school with support from Alternative Provision (AP) sometimes alongside NPA or ELP.
  - 3.1.4. A special school – maintained or academy in Wiltshire
  - 3.1.5. An independent special school run by a private charity or business either in Wiltshire or another County.
- 3.2. Each of the different provisions have different funding arrangements, but there is a common expectation that the provision is tailored to meet the young people's needs.
- 3.3. NPA, Special Schools and ELP all work within Wiltshire's banded funding arrangements.
- 3.4. If a young person does not have an EHCP, but has SEND, their provision will be in a mainstream secondary school or grammar school. There are band descriptors (inclusion band 0) describing the support that should be made available via the school<sup>1</sup>. This is funded from the school's main budget in line with nationally prescribed funding arrangements.

### 4. What is Named Pupil Allowance (NPA) and how does it differ from ELP

- 4.1. NPA is the main way in which it is expected that young people and children with an EHCP will be placed and funded in primary and secondary schools.
- 4.2. NPA can be used for all SEN designations or needs including ASD, cognitive and learning, complex needs, cognition and learning disabilities and difficulties, physical and medical disabilities, sensory loss such as hearing or visual impairment and significant mental health concerns also associated with Social, Emotional and Mental Health concerns (SEMH).
- 4.3. Funding is discussed in greater detail later in this document, but a key distinction between ELP and NPA, is that the school is expected to find the first £10,000 funding for young people on NPA from their delegated SEND funds, whereas for ELP £6,000 of this £10,000 comes from the local authority's High Needs Budget. It is therefore expected that ELP is, on the whole, available for those young people whose core package of support cannot be met from on-going mainstream provision. In this respect, ELP is seen to be similar to the Resource Bases in primary schools.
- 4.4. Young people placed within ELP and NPA can expect to have their needs met in an approach that is:
  - Learner-centred and knowledge-centred – paying close attention to a learner's knowledge, skills, understanding and attitudes, connecting learning to what pupils already know;
  - Assessment-centred – using formative assessment (ongoing day to day and periodic assessment by teachers in the classroom) and summative assessment (more formal testing) to support learning, with pupils, their teachers and their parents working together to monitor progress and identify the next steps.

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<sup>1</sup> These are available on the Wiltshire Local offer website – Useful Documents

4.5. ELP and NPA enables Wiltshire pupils with special educational needs to be successfully included in their local mainstream secondary school. The same range and severity of needs is met in each of Wiltshire's twenty-seven non-selective schools. The aims and purposes are to:

- Provide young people with SEN specialist teaching and therapy targeted at the individual needs recorded in their EHCPs
- Provide a structured, supportive environment where young people can be happy, develop confidence and achieve their potential
- Provide a broad and balanced curriculum and, through the use of a wide range of teaching methods and styles, meet the needs of each learner
- Provide opportunities to develop independent learning skills which support progress
- Enable young people with SEN to be included in mainstream lessons and extra-curricular activities
- Work in partnership with the young person, their parents/carers and professionals to support a full and aspirational education.

## 5. What is ELP?

5.1. Enhanced Learning Provision (ELP) is additionally resourced provision for secondary pupils with high level special educational needs (SEN) across the Code of Practice SEN areas of: -

- Communication and Interaction and ASD
- Cognition and Learning

5.2. The aim of ELP, over NPA, is to ensure that schools can use the agreed place funding to develop and sustain high level and unique interventions for those young people with the most complex SEN which can be best met and supported through a mainstream setting.

5.3. It is expected that the provision will include core elements of:

5.3.1. **A nurturing and supportive environment and provision** which supports those pupils with high levels of sensory sensitivity, vulnerability, anxiety and/or difficulties with social and interpersonal dynamics.

5.3.2. **Core literacy and numeracy sessions** which support and enhance that which is available within the main curriculum. This may also be extended to include other core topics such as PHSE, science or languages.

5.3.3. **Additional provision which is bespoke to the young person.** This may include provision from external providers and other schools, counselling, interventions and possible therapy (e.g. music therapy and equine therapy) specific small group and one to one tuition or support. It may also include bought in services provided by Wiltshire Council.

5.4. A key distinction from NPA is that while all three elements described in 5.3.1 – 5.3.3 will be available for ELP, NPA may only include one or two of these elements or all three at a lower level.

5.5. ELP managers/SENCOS should set out the scope of these core elements within the SEN report on their websites. Young people and parent/carers should be able to read these reports and understand the scope of what is or could be available to them.

## 6. Who is ELP for?

6.1. Pupils considered for ELP should have:

6.1.1. An EHCP

6.1.2. Needs which span two or more areas of SEN or very high needs in one area.

6.1.3. Formerly been placed in a Resource Base or special school or

6.1.4. If the pupil has been in mainstream school, in most cases, a band of Upper 1 or above. (Lower bands will be considered where the pupil has formerly been placed in a resource base or special school)

6.1.5. Needs that can only be met through a series of specific interventions which cannot be maintained only through the school's on-going SEN provision.

6.1.6. The need to benefit from a degree of integrated/inclusive environments alongside more specialist provision.

6.1.7. The need to benefit from the academic scope of a secondary school curriculum with appropriate differentiation that can enhance his/her curriculum

6.1.8. The need and capacity to develop good relationships with his/her peer group.

6.2. Pupils on Band L1. On the whole pupils on L1 will not be considered for ELP and will be expected to stay within the NPA scheme. It is important to note that re-banding a pupil in year 5/6 to U1 or higher will not automatically qualify them for ELP, nor will being on L1 necessarily preclude a young person from being considered for ELP.

6.3. Young people on bands L1 to 4 can be considered for ELP, but it is expected that the majority will be U1, L2, U2 and 3.

## 7. What is Alternative Provision?

7.1. The local authority devolves an annual budget to secondary schools to coordinate and arrange suitable education provision for young people aged 11-16 whom prior to the Power to Innovate trial (from 2011) would have been permanently excluded.

7.2. An additional sum is allocated by Schools Forum to support 'hard to place' out of county pupils (e.g. who may have come from a PRU, have behaviour issues, poor school attendance, and/or low level of attainment at KS4 etc.). This funding is topped up each year and is held by the West Wiltshire Alliance (the LA administers the funding on a day-to-day basis). The deployment of this funding is made on a case by case basis via the Fair Access Panel.

7.3. All funding comes from the DSG High Needs Block and the allocation to schools is based on a formula agreed with Head teachers which takes account of Free School Meals and Military Families. It is perhaps worth noting that it does not include any other factors which might place a pupil at greater risk of school exclusion.

7.4. An extended 3-year service level agreement has been in place with most secondary schools which sets out their roles and responsibilities and parameters for how the funding should be used.

7.5. Wiltshire's Children's Services Strategic Procurement Hub holds responsibility for the development and maintenance of an Alternative Provision Accredited Provider Catalogue, but schools are directly responsible for ensuring quality and safeguarding checks are in place for providers that they work with.

7.6. Pupils will be provided with an appropriate curriculum which meets their needs and gives them the opportunity to achieve expected levels of achievement or higher. Personalised learning

programmes must be full time (25 hours per week) and should be provided from the sixth day if a fixed period of exclusion is agreed. Where a pupil is unable to access provision, a clear plan must be in place to resolve this, with a clear timetable for when full time provision will be restored.

- 7.7. Many schools have used the funding to develop their own on-site provision which has included preventative KS2-3 transition support, KS3 turnaround projects, behaviour management programmes, nurturing activities, flexible curriculum development and programmes which help prepare pupils to make a successful transition to post-16 learning. These interventions are being used by many schools as an alternative to exclusion.

## 8. Who is Alternative Provision for?

- 8.1. Alternative provision is primarily for young people at risk of exclusion. However, this can also include young people for whom preventative measures will reduce the likelihood of them becoming at risk of exclusion.
- 8.2. This may include young people with SEN and can often involve a package of support that is combined with ELP or NPA.
- 8.3. The “High needs funding: Alternative Provision Additional guidance 2016 to 2017 – published September 2015” notes:

“There will be occasions where a mainstream school is not reasonably able to provide suitable education for a child and AP would be in the child’s best interests. For example, as a result of a temporary or permanent exclusion or where pupils have medical needs that mean they are unable to attend a mainstream school full-time.

Many schools are making increased use of AP before the need for exclusion arises. In the majority of cases the intention is for these children to return to their mainstream school and the length of the placement should be determined by the needs of the pupil. Where a pupil remains on the roll of a mainstream school, then they are effectively acting as a commissioner of AP and retain accountability for the child’s education”.



## 9. Continuum of SEN provision

9.1. There is a continuum of SEN provision in all Wiltshire non-selective secondary schools for all pupils with SEND. Individual arrangements will be made for any pupils with SEN attending the grammar schools. Below is given a synopsis of the continuum of SEN provision. This is however only an overview and should not be used in isolation from the Wiltshire banding descriptors to support admission decisions. For those pupils registered for Pupil Premium (and Plus) this funding should also contribute to development and funding of interventions.

Primary SEN Designation	SEN Support	Named Pupil Allowance	ELP	Alternative provision	Thrive Hubs	Special School (Academy and maintained)	Independent Special School
Cognition and Learning	SEN Support is an appropriate option for all pupils who are on Inclusion band 0. These pupils may have a My support plan or have a school based Individual Education Plan	Band 1 and 2 although there may be cases where bands 3 and 4 may also be met in mainstream particularly in areas of physical or sensory impairment	Upper band 1 & lower and upper 2 & occasionally 3 and 4 if appropriate and it can be clearly shown that a mainstream environment is better than special school	May be utilised in addition to ELP or NPA. A student may well, have a package of support funded from a number of sources.	May be utilised in addition to ELP, NPA and alternative provision where SEMH needs are identified.	For most pupils on upper band 1 and above where a mainstream environment is detrimental to educational progression and wellbeing and a curriculum leading towards GCSEs (or equivalent) is not the primary consideration.	Band 4 and above where the complexity of a student's needs cannot be met without highly specialised support
ASD							
Communication and Interaction							
Sensory Impairment							
Physical Impairment or disability							
Social Emotional and Mental Health		To be used where the pupil has a long term or escalating mental health issue which can be met through provision best coordinated and led by the school where the student can still access mainstream curriculums	N/A	The main approach to responding to social and emotional needs (including difficult or troubling behaviour) of young people with SEMH in mainstream secondary settings	A supportive approach for young people experiencing SEMH issues, either over the short or long term	A special school.  For those young people in band Upper one or above whose education is so significantly disrupted by their SEMH that over a sustained period they cannot progress in mainstream provision or with alternative provision.	



9.2. It is important to note that ELP is a specialist level of provision and should be built upon the provision that the school offers to pupils on NPA as well as those on SEN Support. The funding is almost identical to that made available in a special school as is expected to be of a similar calibre. This provision should include;

- The assess, plan do, review processes
- Differentiation and quality first teaching
- The capacity to adapt and respond to the changing needed of the pupils with SEN.
- Tracking and monitoring processes which offer challenge and support to those working with Pupils with SEN
- Training and CPD for staff
- Technological support
- Learning to learn skills and homework support
- Orientation support including transition support from primary school, breakfast (start the day) clubs etc.

Clear learning plans should be in place which meet the outcomes in the EHCP and schools should be able to show how the assess, plan, do review cycle is regularly enhancing and developing the pupils' curriculum.

## 10. Identification of pupils and Phased Transfer for ELP and NPA

10.1. Planning for transfer to Key Stage 3 must begin by year 5. A multi-agency review should be held (the phase transfer annual review) during the summer term, and consideration should be made regarding year 7 placements. At this review it should be possible, in most cases, to give clear recommendations as to the type of provision the pupils will require at secondary level. In very few cases the options may not be clear e.g. if a pupil has moved schools several times and progress has not been well monitored or if they have made only limited progress towards meeting the objectives in their EHCP. In these cases, the SEND lead worker will be able to offer guidance as to how to proceed.

10.2. It is good practice to engage secondary SENCOs as early as possible in the process and planning for transition may be led by both the secondary and primary schools. This should allow for a transfer of information and careful planning of any transitional arrangements. Secondary Schools are encouraged to hold transition surgeries to which a number of primary schools can attend to discuss students' needs. Relevant topics might include:

- Discussion of pupils with My Support plans who may need an EHCP or Transition Into Secondary funding (TIS – when available):
- Discussion of pupils with EHCPs
  - The scope of interventions and provision maps and how the student can be prepared for secondary school
  - The support and role of parents in supporting transition
  - The relative strengths and weaknesses of ELP, Special School, AP or NPA for a pupil.
  - Opportunities for staff to meet transitioning students.

10.3. The advice and engagement of the SEND lead worker and/or Education Officer should be sought as part of this process. Decisions for secondary placement and provision begin to be made during the summer break and throughout the Autumn terms.

10.4. It is the duty of local authority to make placement decisions, so please be aware that your recommendations or suggestions will not always lead to the same decision as the local authority. It

is therefore important that expectations or commitments are not made prior to the local authority's decision has been confirmed.

10.5. For all pupils who may require specialist provision at secondary transfer the local authority holds a 'specialist placement' panel during the Autumn to consider these cases.

## 11. Considering pupils for ELP and NPA

Pupils with EHCPs will normally transfer into secondary provision on the same banding level<sup>2</sup>.

**11.1. Primary age pupils without an EHCP.** Consideration of ELP/NPA should not be taken forward independently of an assessment for an EHCP; as per the continuum shown above, ELP is largely not appropriate for pupils without an EHCP and a banding below upper band one. However, for those pupils with a My Support Plan making poor progress in year 5, primary schools should make contact with the likely secondary school and SEND team at the earliest possible opportunity to discuss potential support at secondary school which may include consideration of assessment for an EHCP, but also TIS and link this to any discussion about provision.

If it is felt that a pupil may be well placed with an EHCP in ELP/NPA then this consideration needs to be taken forward to the SEN Panel with the coordination of a SEND lead worker.

**11.2. Primary age pupils with an EHCP** Pupils with an EHCP will be having regular reviews. Early in year 5 contact should be made by the primary school with the SENCO of the secondary school which is the parents' preference. Every effort should be made to include Secondary SENCOs in reviews for pupils particularly during year 6.

Joint working is necessary so that appropriate provision and transfer can be planned in an informed way. When transferring to Secondary school the student's current band will be maintained unless progress is shown to have significantly deteriorated or improved. Schools should then use the guidance for a review of banding. Moving to secondary and a student's experience of moving to secondary is not a reason for changing a banding except in exceptional circumstances where a temporary banding may be considered to support transition. In most circumstances, the Prior attainment funding (established in the school budget) will support this process for those who have not achieved required levels and progress through primary school.

As a phased transfer, the decision for a pupil to go forward for ELP or NPA legally has to be made by the local authority. All considerations should be put forward to an education officer/SEND lead worker at the earliest possible juncture when the pupil is in year 5/6. All pupils will then be considered by the team.

**11.3. Secondary age pupils with an EHCP.** The needs and provision of a pupil with an EHCP are considered via the annual review process. Decisions about any provision changes are made by the Local authority's SEN Panel. A secondary age pupil can at any time be considered for change of provision (to or from NPA, ELP etc.) provided they are currently on Band Upper One or above. If this is a consideration the local authority should be included in the development of the annual review and information put forward to the SEN panel to support the change. This would need to include similar information to banding changes e.g. history of academic progress, assessments and specific interventions and gains that can be delivered through the change of provision.

**11.4. Secondary age pupils without an EHCP** Pupils without an EHCP are not able to be considered for ELP or NPA unless they have recently joined the school from an out of County setting or there

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<sup>2</sup> Refer to threshold banding guidance

are exceptional circumstances. In all cases the consideration should be linked to the clear decision that the development of an EHCP would be appropriate. This decision will be made by the SEN panel in conjunction with consideration for an EHCP.

**11.5. Other considerations** ELP may also be considered for a young person without an EHCP where they are coming to the school without appropriate due process or paperwork etc. when the young person:

- Is part of a family in the armed forces
- Is involved in emergency transfers which may be related to legal, safeguarding, fostering, adoption and other processes.
- Has not previously been involved in education or has had a very mobile school career such that paperwork etc. has been lost or delayed.

This can lead to a temporary placement to support transition. In all cases professionals should be either clear that the in-coming paperwork serves the same purpose and is up to date such that a conversion to an EHCP at the next annual review can be achieved, or that the circumstances and needs are such that there is no doubt that an EHCP at band upper one will be needed. In such cases pupils may be temporarily placed without an EHCP with the expectation that within a maximum of 20 weeks an EHCP will be confirmed. Banded funding will not be available in this time and will be secured at the point at which the EHCP is confirmed. If an EHCP is not agreed the pupil would be offered the support that is available at the school for SEN Support and not ELP/NPA.

## 12. Preparing Pupils for Transition

12.1. Transition has been identified as one of the critical times in a child's education; successful transfer can build confidence and contribute to the maximum achievement of positive outcomes.

12.2. It is recommended that as part of transition planning primary and secondary schools work together to create an enhanced package of support to all pupils with SEN. This may involve special projects linked to a piece of work which begins in primary and complete in secondary, a series of visits with particular themes, sensory tours and assessments, opportunities for after school's clubs to be held in the receiving schools. For pupils being considered for ELP this may also include short term staff secondments between the primary and secondary school and should be additional to that which is offered to children young people outside the criteria for ELP. This would be identified as part of the tailored provision identified at point 5.3.3.

## 13. Communication

- 13.1. Community links are essential to the success of all SEND provision. It is good practice for schools to build a strong network of relationships with a range of partners e.g. SENSS, health professionals, support groups such as the Dyslexia Association and National Autistic Society, Advocacy organisations, Wiltshire Parent Carer Council (WPCC), local employers and voluntary groups.
- 13.2. In addition, all secondary provision needs to evidence how the identification, assessment, provision and review process build a young person's self-esteem and wellbeing and enables their communication and voice to play a significant role in all aspects of their education.
- 13.3. Communication with parents and primary schools is also essential and should be a significant part of all reviewing, transition planning, preparation for adulthood and provision activities.
- 13.4. The annual SEN SEF (self evaluation<sup>3</sup>) should make clear the engagement of parents and how this has developed and supported the running of provision.
- 13.5. Likewise, there should be information supporting and acknowledging how young people's views on the education and support they have received has developed and influenced practice

## 14. Preparing for adulthood

- 14.1. For all types of provision if a young person has an EHCP the secondary school must ensure that the young person has had an annual review, which from year 9 (age 13/14) includes discussion and actions that prepare the young person for adulthood. These include:

1. Further education and/or employment – what you might want to study, what type of job you might like and how to get it.
2. Independent living – how to make you as independent as possible as you become an adult, including where you would like to live and travel training
3. Participating in society, including having friends and supportive relationships, and participating in, and contributing to, the local community.
4. Being as healthy as possible in adult life. (For all young people 14+ with learning disabilities this should include the option to take up an annual health check)

- 14.2. Preparation activities should include planning for the development of life skills such as travel training, coping with 6<sup>th</sup> form or college, household skills and developing community links as appropriate<sup>4</sup>.
- 14.3. Good practice suggests that it is appropriate for the school to ensure that every young person has a curriculum vitae prepared with them that they are able to take forward with them into future training, education or employment. This should include subjects studied, grades and references from teachers and/or other professionals who have worked closely with the young person.

<sup>3</sup> Available on Wiltshire Local Offer website.

<sup>4</sup> Further information on running annual review is available on the Wiltshire Local Offer website

## 15. Responsibilities of Secondary schools

15.1. Schools must have on their website a SEND Information Report describing the provision available. This must include information regarding differentiating:

15.1.1. The encompassing provision for all pupils on SEN Support

15.1.2. The additional support and differentiation for pupils with an EHCP on NPA

15.1.3. The enhanced offer for pupils in ELP with an EHCP

15.1.4. The specific offer for those who might need to access alternative provision.

15.1.5. A clear description of the support given for transition from primary school and to post 16 education and how this is differentiated for these three groups<sup>5</sup>

15.2. Schools should also be able to evidence:

15.2.1. How they are working in partnership with relevant agencies including the local authority, Health, Post 16/18 provision, parents and parent/carer organisations.

15.2.2. How they are reviewing and developing the quality of provision. (e.g. The Wiltshire SEN SEF)

15.2.3. The influence and scope of pupil voice

15.2.4. How they are assured of the quality and safety of pupils in alternative and external provision.

15.3. This should include a provision menu or map.

## 16. ELP and NPA Places

16.1. Secondary schools can have an unlimited number of pupils placed via NPA, however in practice if the number of pupils on NPA exceeds 3.5% of the whole school population this may be one of the reasons for considering pupils on L1 for ELP.

16.2. Each secondary school has an allocated number of ELP places based on the original guidance set out by the DfE and then in proceeding years through an assessment of regular and anticipated use.

16.3. This place funding is £10,000 per pupil/place and comes from DSG/AWPU<sup>6</sup> (roughly £4,000 including deprivation factors) and the local authority's High Needs Block allocation (£6,000)<sup>3</sup>. This will come directly to academies and via the local authority for maintained schools. So, as an example, a school may have 18 agreed places. These will be registered and agreed with the Education Funding Agency (EFA) of the DfE. In most, but not all, years the EFA will contact local authorities in the autumn and ask them to negotiate and agree with schools their allocation of places for the next financial/school year. There are often conditions laid down by the EFA about what can be agreed or changed in any given year. For maintained schools the decision to change place numbers primarily lies with the local authority, for academies this must be a partnered decision. However, in both circumstances an agreed numbers will be guided by:

- Numbers of places used in the preceding year and sometimes three years;
- The anticipated numbers in the coming year;
- The overall net impact on the local authority's and the school's capacity to utilise the budget effectively.

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<sup>5</sup> Greater detail is given in pages 106 – 107 Section 6.79 of the Code of Practice 2015

<sup>6</sup> Dedicated Schools grant / Age Weighted Pupil Unit

16.4.ELP place numbers may therefore be increased or decreased year on year in relation to the needs of pupils. It is unlikely that place numbers would be significantly reduced or increased without a clear picture of need supporting this decision.

16.5.If there are more places than pupils in any given year, this will be offset against top-ups. If there are more eligible pupils than places the local authority will provide both place (£6,000) and top-up funding for these additional pupils while they are on the school role. (the AWPU element will already be within the school budget based on the changes instituted through the National Funding formula<sup>7</sup>) It is unusual that the place funding exactly matches the number of pupils registered for ELP. For the majority of schools there will be some recoupment for under use or additional funding for over use.

16.6.Schools should read the Funding Formula guidance to understand explicitly how the new approach changes funding from in previous years. These changes are not part of this guidance and are part of national and not local arrangements. Schools Forum are responsible for any locally managed interpretation.

## 17. Funding

17.1.Funding for ELP, NPA and SEN Support uses the high needs budget and the Dedicated Schools' Grant (DSG). A proportion of the DSG is assigned to additional needs/or SEN within schools. This notional amount is based on a national formula which anticipates the number of pupils with additional needs within a school based on a number of factors (e.g. deprivation, FSM etc.) School's Financial Mangers/Bursars receive a breakdown each year showing the proportion of their budget which has been allocated to additional needs (Sometimes referred to as a funding certificate). It is up to each school to decide how to best interpret and use this funding.

Funding source	SEN Support	NPA	ELP
<b>Place fund</b>	Funding available within the school delegated funds notionally equivalent to £10,000 <sup>8</sup> per pupil.	From element one and two already delegated to the school - notionally equivalent to £10,000 <sup>9</sup> per pupil.	Places agreed annually via Wiltshire Council and DfE Funding Agency and allocated at £6,000 per place, with element one or AWPU and associated deprivation weightings already given to the school via census counts. The full total per place is thus £10,000 (and potentially a little more with deprivation weightings)
<b>Top-up</b>	No Top-up	From High Needs Budget via SEN Panel	From High Needs Budget via SEN Panel. However, if there are unused places top-up will not be sent to the school until the combined allocation of all pupil's top-ups exceeds the place funding allocated <sup>10</sup> .

<sup>7</sup> <https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs>

<sup>8</sup> Please note the most recent consultation paper on notional funding is clear that this is not an exact figure.

<sup>9</sup> Please note the most recent consultation paper on notional funding is clear that this is not an exact figure.

<sup>10</sup> See appendix for example.

### **17.2. PAF (Prior Attainment Funding)**

PAF is made available to secondary schools for year 7 students who have not made age related expected progress/development at the end of year six. All young people with SEN who have not made age related attainment would be counted in this formula. However, this allocation is retrospective. i.e. the amount given to schools is based on the pupils who did not make expected progress in the previous year. Generally, as secondary schools cover a significant catchment the number of pupils who do not make expected progress is broadly similar year on year and thus the funding is similar.

### **17.3. Transition Into Secondary School (TIS)**

TIS is a fund put into place as a pilot in 2017, its purpose is the same as TIPs in nursery to primary transition. The aim is to offer funding to a minority of pupils who do not have an EHCP, but have a SEN Support plan to help them through transition. This funding is not designed as a substitute for an EHCP, but is expected to support the most vulnerable pupils on SEN Support into secondary school particularly where more assessment or knowledge about the child is needed before deciding if an EHCP or SEN Support plan can meet a young person's needs. SENCOs at either the secondary or primary school can contact their SEND lead worker if they wish to consider this option<sup>11</sup>. It is expected that this should reduce the need for hasty assessments for EHCPs in terms 5 and 6. This funding is only available when there is capacity within the High Needs budget.

### **17.4. Pupil premium and Pupil premium plus.**

Pupil premium and Pupil Premium Plus is part of a school's budget for every pupil who has registered for free school meals within the last 6 years. For secondary pupils, this figure was set at £935<sup>12</sup> and is higher for pupils who are adopted, under special guardianship orders, a child arrangement order or order of residence. Schools are encouraged to regularly invite parents to apply for free school meals to maximise this grant. For pupils with SEN and on pupil premium it is expected that this grant will specifically support their learning.

### **17.5. Alternative Provision (AP)**

Alternative Provision funding comes from the High Needs block and is delegated directly to secondary schools (within the scheme) to support pupils at risk of exclusion.

There is a Service Level Agreement between the schools and Wiltshire Council for AP. Where a student has an EHCP or is registered as SEN Support, Alternative Provision can be used alongside SEN provision to create a package of support around a student. Alternative Provision is designed to support pupils who have social, emotional and potentially mental health issues, particularly where this results in behaviour which benefits from additional support and intervention.

### **17.6. Transforming mental health – THRIVE hubs**

Transforming mental health (TMH) is a new stream of funding and provision which is creating additional and extended services to support young people with mental health issues alongside CAMHS. Again, these new services can be combined to create a package of support around a student. In 2018 12 secondary schools now have THRIVE Hubs; more are planned for future years.

AP and TMH are designed to support the wide range of needs for student with social, emotional and mental health issues including behavioural issues. For this reason, students who are appropriately supported by these funding streams and provisions will not be considered for ELP unless their primary area of need is not SEMH. These students may be able to be funded via Named Pupil Allowance (NPA), but it will be expected in all cases that support from these two other provisions are utilised as the primary source of funding and are contributing to a package of support. The NPA funding in such cases would be clearly focused on the educational needs as the two other provisions would be seen as supporting the social emotional and health issues.

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<sup>11</sup> Criteria are currently being created to support this option in 2017

<sup>12</sup> Figures accurate at December 2017



### 17.7. Named Pupil Allowance (NPA)

NPA can be made available to any student with an EHCP in a mainstream setting. All students identified with lower band one should be first considered for NPA. This will be appropriate for all students regardless of their primary SEN designation, apart from SEMH where the transforming mental health provision alongside CAMHS and AP should be considered together. NPA uses the same banding system as ELP, primary provision and special schools. The majority of pupils with an EHCP in primary settings will be funded through NPA and thus should be able to transfer to Secondary school with the same provision.

The overall funding for a pupil on NPA is a combination of school delegated funding and a banded top-up from the High Needs fund.

Provision	Funding
Element one or AWPU (Age weighted pupil allowance) and deprivation indices additions calculated through census and NFF	Roughly £4,000
Element Two or notional SEN funding delegated to the school	Roughly £6,000
Element Three, banded top-up via High Needs funding (all bands <sup>13</sup> )	Between £2,023 - £15,796 <sup>14</sup>
<b>Total</b>	<b>£12,023 – 25,796</b>

### 17.8. Enhanced Learning Provision (ELP)

17.8.1. ELP funding is through the place funding described above with the top ups. So a school with 18 places will receive £180,000 place funding.

Provision	Funding
AWPU and deprivation indices additions calculated through census and NFF	Roughly £4,000
Place funding from the EFA	£6,000
Element Three, banded top-up via High Needs funding (bands U1 – 3)	Between £4,067 - £15,796
<b>Total</b>	<b>£14,067 – 25,796</b>

17.8.2. Each place is identified with a pupil and they will also receive a banded top up. Where places are unused the top-up will not be paid to a school until all of the place funding is utilised. Equally so if additional pupils are admitted to ELP both place and top up funding will be given. The AWPU (and associated deprivation weightings) will be in the school budget unless the young person is transferring from another school after the census date.

17.8.3. The advantage of ELP over NPA financially is that the place funding is guaranteed via the EFA, provided sufficient places are used. It should be used to create a continuous, tailored, experienced and well monitored provision for pupils with SEN, but should not be seen in isolation from the notional funding already established in the school's budget and indeed the other grants and allowances directed towards lower attainment, disadvantage, vulnerability and additional need.

<sup>13</sup> Please See Banding Guidance documentation for full details of how this should be used.

<sup>14</sup> Figures current as of April 2017.



## 18. Monitoring

18.1.1. It is beholden upon secondary Schools to monitor and assess their SEN practice for all pupils with SEND including those on SEN support and those on NPA and ELP.

18.1.2. This can be achieved through the annual SEN SEF (the forms are available on the Wiltshire Local Offer<sup>15</sup> website). This should be sent to the commissioning team for SEND at Wiltshire Council, normally in term 6 of each academic year. This meets the need identified in the transfer agreements for all Academies which were formally maintained schools as follows:

*The Company acknowledges that Enhanced Learning Provision (“ELP”) is part of the continuum of SEND provision in all Wiltshire non-selective secondary schools for all pupils with SEND in the areas of cognition and learning and communication and interaction. Subject to continued receipt of relevant funding, the Company shall:*

- *continue to provide ELP at the Academy (or such alternative provision as the Council may from time to time substitute for ELP at Local authority maintained schools);*
- *submit a statement of information required for the purposes of moderation and accountability of ELP at the Academy (or such alternative provision as the Council may substitute from time to time) in such format as the Council, acting reasonably, shall request; and*
- *ensure that the Company is represented at annual ELP moderation meetings (or such alternative moderation meetings as the Council may substitute from time to time).*

18.1.3. It is also beholden upon secondary schools to ensure that they quality check all external providers that are used to provide support and interventions. There is a list that Wiltshire Council hold of organisations that have been used by Wiltshire schools. However, any provider must be checked by the school to ensure that it meets safeguarding, legal and ethical practice. Schools should carry out initial checks and then at regular intervals ensure that they are satisfied that the organisation or individual is continuing to maintain satisfactory standards and approaches. Wiltshire Council will inform school if they have taken forward checks that support this process.

## 19. Support for Secondary Schools

### 19.1. Local authority support

19.1.1. Schools are supported in the monitoring and development of provision at an individual pupil and whole school level by their educational psychologist, SSENS team and education officer. A Key point in the year is the **Annual Planning Meetings** when school and local authority staff discuss individual pupils and whole school issues and together undertake an annual audit of support needed. Schools need to request an annual planning meeting as part of their SEN SEF.

19.1.2. **Solution surgeries** can be booked in for the coming year at the Annual Planning Meeting and others arranged as needed, provided sufficient notice is given. Some of this support is

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<sup>15</sup> <https://www.wiltshirelocaloffer.org.uk/>

available directly through contractual arrangements that Wiltshire Council hold with CAMHS<sup>16</sup> and Virgin Care and Wiltshire Council services. Others will be delivered via traded services.

- 19.1.3. If individual support is needed for NPA or ELP pupils, then a **Single Action Referral Form (SARF)**, currently being replaced by the **online DART tool**, can be completed which combines a degree of triage with the referral process. This can be used to draw in the support of an Educational Psychologist or SSENS professional.
- 19.1.4. The **Single Point of Contact or Multi-Agency Safeguarding Hub (SPOC/MASH line<sup>17</sup>)** and the advice of SEND lead workers and education Officers can also be drawn upon, particularly when annually reviewing EHCPs and consideration of banding or place changes or developing case work around a child.
- 19.1.5. There are also dedicated professionals supporting children with English as a second language, traveller children and those for whom you have a safeguarding concern. Please phone the MASH line if you have safeguarding concerns. In addition, the Early Help team also include family key workers. Please visit the Wiltshire Pathways site for more information. <http://www.wiltshirepathways.org/> . This site also has further information about training regarding safeguarding and from CAMHS. Some young people with complex needs will need help from more than one team, where this is the case you may need a CAF as well as an EHCP in operation, but this will need to be carefully coordinated.
- 19.1.6. **SWAPP courses** – the Local authority in partnership with Virgin Care also continue to run supportive courses for parents around ASD. If you have a child or family who may benefit from this please contact the SPOC/MASH line or look on the Wiltshire Local Offer for more information. In addition, during 2018/19 it is anticipated that additional parenting courses will be developed alongside Triple P specifically focused on support to parents of young people with SEND other than ASD.
- 19.1.7. **Wiltshire Local Offer** also has a wealth of information about help, support and assessment. Do particularly look at the “Useful documents” section and links to wider organisations. This will also link you to assessment tools such as the graduated response. <https://www.wiltshirelocaloffer.org.uk/>
- 19.1.8. **Leading SENCO programme** – the Leading SENCO is a relatively new programme that you can call upon if you have whole school SEN concerns which need some leverage. If you contact the SEN Commissioning team, they can put you in touch with a Leading SENCO who will work through a process with you to help identify concerns, target problems and support you through finding solutions.

## 19.2. Virgin Care and Health teams

- 19.2.1. Support from other services can also be drawn upon including, Speech and language therapy, Occupational and Physiotherapists, CAMHS, school nurses, GPs and paediatricians. Virgin Care now have a single point of Access (SPA). The SPA will be the first point of contact for children, young people, families, GPs and health and social care professionals to reach and access support from Wiltshire Children’s Community Service.
- 19.2.2. The team can be contacted on 0300 247 0090, via email [vcl.wiltshirespa@nhs.net](mailto:vcl.wiltshirespa@nhs.net) or by visiting [wiltshirechildrensservices.co.uk](http://wiltshirechildrensservices.co.uk).

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<sup>16</sup> Children and young people’s mental health services.

<sup>17</sup> The SPOC line is about to have a new name as it is being linked to a broader first point of contact.

19.2.3. The Single Point of Access is not a call centre, walk-in centre for patients or a Hub for a single service, no hands on physical care takes place and is not an additional service, it is a way of bringing existing services together.

19.2.4. Using the new Request for Support form (<http://wiltshirechildrensservices.co.uk/wp-content/uploads/2018/05/WiltshireCCSReferralForm.pdf>), will help children and families find services more accessible. Service delivery will remain the same with no changes made to the way services are run. For more information please see: <http://www.virgincare.co.uk/improved-access-to-wiltshire-childrens-community-services/>

### **19.3. Other Schools**

19.3.1. The SSENs teams and in some cases the Education Officers continue to support SENCO networks across the County. Please contact the SPOC/MASH line if you would like to be put in contact with these networks. The networks provide a communication route from and to the local authority and between schools. This can lead to training and moderation exercises.

19.3.2. A number of schools also work in partnership to deliver cluster training days, conferences and partnership projects. These activities often draw in experts from the local authority, Health and national advocacy and development organisations and can significantly contribute to staff CPD.

19.3.3. You may also like to contact other schools as part of the annual SEN SEF to complete a peer review. These have been extremely valuable and give you an opportunity to bench mark your practice as well as learn from colleagues.

19.3.4. We would also highly recommend that you make contact with one or more of Wiltshire's Special Schools. They are able to create packages of support for young people as well as offering training and advice. Contact details are on the Local Offer.

### **19.4. Parent/carer and advocacy organisations**

19.4.1. Wiltshire benefits from a very well run and supported parent carer organisation for parent/carers who have children/young people with SEND. In 2017 there are over 2500 parent/carers members of the Wiltshire Parent Carer Council (WPCC). WPCC is there to support parent/carers and can work in partnership with secondary schools to support families. We recommend that as part of an EHCP or My Support plan parent/carers are given contact details of WPCC<sup>18</sup>.

19.4.2. If a young person needs advocacy support you can also contact NYAS <http://www.wiltshirefis.org.uk/info-centre/services/family-life/advocacy-services/4578> or <https://www.nyas.net/>. They will appoint someone to help young people in meetings or if they have a concern or complaint.

### **19.5. Links and websites**

19.5.1. Many of these are mentioned on the Local offer site, but do be aware of the new "On your Mind" site which offer online counselling and support to young people in Wiltshire. <http://www.onyourmind.org.uk/> . We also recommend the MOMO site which has the capacity for young people to use tablets, phones and PC/Laptops to develop their My support plan or EHCP. <http://mindofmyown.org.uk/>

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<sup>18</sup> [https://www.wiltshireparentcarercouncil.co.uk/en/Home\\_Page](https://www.wiltshireparentcarercouncil.co.uk/en/Home_Page)

## **19.6. Training and CPD**

19.6.1. A wide range of training is available which can be found on the Wiltshire CPDonline/ Right Choice site and through Annual Planning Meetings. Additional information can be found by contacting the SPOC/MASH line or directly through the SSENs team or Educational Psychology team. Most Local authority and Health training packages continue to be delivered either free or at cost and continue to be good value for money.

19.6.2. In addition, the local authority continue to arrange a number of specialist training to support new initiatives and the annual SENCO conference.

19.6.3. The LA provides a wide range of training and information can be accessed from the Wiltshire CDD site <http://www.wiltscpd.co.uk/courses/bookings/>

## **20. Incremental changes to implement this approach to SEND in Secondary Schools**

20.1. The implementation of this guidance will be introduced incrementally beginning with the year 7 cohort. No pupils already in a given provision will be have their placement changed unless this is in the moral way considered through a standard annual review processes i.e. young people in year 8 and above.

## Appendix 1

### Example funding; EFA allocated places 10

Example 1	AWPU + deprivation indices	Place funding	Top up	Total
Pupil 1	£4,000	£6,000	£3,664	£13,664
Pupil 2	£4,000	£6,000	£3,664	£13,664
Pupil 3	£4,000	£6,000	£3,664	£13,664
Pupil 4	£4,000	£6,000	£3,664	£13,664
Pupil 5	£4,000	£6,000	£3,664	£13,664
Pupil 6	£4,000	£6,000	£5,017	£15,017
Pupil 7	£4,000	£6,000	£6,689	£16,689
Vacant	£4,000	£6,000	0	£10,000
Vacant	£4,000	£6,000	0	£10,000
Vacant	£4,000	£6,000	0	£10,000
<b>Total</b>	<b>£40,000</b>	<b>£60,000</b>	<b>£30,026</b>	<b>£130,026</b>

Vacant places £30,000

Off set £100,026

Total Top up paid £26

Example 2	AWPU + deprivation indices	Place funding	Top up	Total
Pupil 1	£4,000	£6,000	£3,664	£13,664
Pupil 2	£4,000	£6,000	£3,664	£13,664
Pupil 3	£4,000	£6,000	£3,664	£13,664
Pupil 4	£4,000	£6,000	£5,017	£15,017
Pupil 5	£4,000	£6,000	£5,017	£15,017
Pupil 6	£4,000	£6,000	£5,017	£15,017
Pupil 7	£4,000	£6,000	£6,689	£16,689
Vacant	£4,000	£6,000	0	£10,000
Vacant	£4,000	£6,000	0	£10,000
Vacant	£4,000	£6,000	0	£10,000
<b>Total</b>	<b>£40,000</b>	<b>£60,000</b>	<b>£32,732</b>	<b>£132,732</b>

Vacant places £30,000

Off set £102,732

Total Top up paid £2,732

Example 3	AWPU + deprivation indices	Place funding	Top up	Total
Pupil 1	£4,000	£6,000	£3,664	£13,664
Pupil 2	£4,000	£6,000	£3,664	£13,664
Pupil 3	£4,000	£6,000	£3,664	£13,664
Pupil 4	£4,000	£6,000	£5,017	£15,017
Pupil 5	£4,000	£6,000	£5,017	£15,017
Pupil 6	£4,000	£6,000	£5,017	£15,017
Pupil 7	£4,000	£6,000	£6,689	£16,689
Pupil 8	£4,000	£6,000	£5,017	£15,017
Pupil 9	£4,000	£6,000	£5,017	£15,017
Pupil 10	£4,000	£6,000	£6,689	£16,689
<b>Total</b>	<b>£40,000</b>	<b>£60,000</b>	<b>£49,455</b>	<b>£149,455</b>

Vacant places £0

Off set £149,455

Total Top up paid £49,455

Example 4	AWPU + deprivation indices	Place funding	Top up	Total
Pupil 1	£4,000	£6,000	£3,664	£13,664
Pupil 2	£4,000	£6,000	£3,664	£13,664
Pupil 3	£4,000	£6,000	£3,664	£13,664
Pupil 4	£4,000	£6,000	£5,017	£15,017
Pupil 5	£4,000	£6,000	£5,017	£15,017
Pupil 6	£4,000	£6,000	£5,017	£15,017
Pupil 7	£4,000	£6,000	£6,689	£16,689
Pupil 8	£4,000	£6,000	£5,017	£15,017
Pupil 9	£4,000	£6,000	£5,017	£15,017
Pupil 10	£4,000	£6,000	£6,689	£16,689
Extra place	£4,000	£6,000	£3,664	£13,664
Extra place	£4,000	£6,000	£5,017	£15,017
<b>Total</b>	<b>£48,000</b>	<b>£72,000</b>	<b>£58,136</b>	<b>£178,136</b>

Vacant places £0

Off set £178,136

<i>Total Top up paid</i>	£58,136		
<i>Additional places payment</i>	£20,000	<i>Total additions</i>	£78,136

Vacant places will accrue £4,000 AWPU provided they are vacant at the point of census.