



f40 Executive Committee Meeting

Tuesday, July 5, 2022 – in person at the LGA in Westminster, London

1. Attendances, apologies, and changes to committee membership

Present: Cllr Alex Dale (f40 Chair and Derbyshire CC); Emily Proffitt (Dep Chair and Staffs primary headteacher); Phil Haslett (Dep Chair and Glos CC); Karen Westcott (Secretary); Margaret Judd (Dorset Council); Andrew Minall (Hampshire CC); Jackie Smith (CEO Brunel MAT & Uplands Educational Trust); Carole Thomson (Oxfordshire Schools Forum); Ed Francis (Worc SEND primary headteacher); Cllr Victoria Aitken (East Riding Ccl); Julia Harnden (ASCL); Deborah Myers (East Riding Ccl); Cllr Shellina Prendergast (Kent CC);

Apologies: Emma Hardy MP (Vice Chair); Annette Perrington (Swindon Ccl); Christine Atkinson (East Riding Ccl); Cllr Scott Edwards (North Northants Ccl); Cllr Fiona Baker (West Northants Ccl); Steve Edmonds (NGA); Cllr Bryony Goodliffe (Cambs CC); Cllr Andrew Leadbetter (Devon CC).

AD welcomed members to the meeting and said it was good to be meeting in person once again. He thanked former Chair James McInnes for his hard work and commitment to f40 during his tenure, until he stood down in March 2022, and said he was looking forward to Chairing the group.

SP and CT joined the meeting online. Everyone else attended in person. However, SP could not hear very well so left the meeting after a short while.

2. Minutes of the meeting held on 22 March 2022

The minutes were **APPROVED** as a correct record of the meeting.

3. Members and Vice Chairs update

AD said he was delighted that Emma Hardy MP had joined f40 as Labour Vice Chair and said she had already tabled a number of Parliamentary Questions on our behalf in the House of Commons. He said she was very much welcome to the group. He thanked VA and DM for their assistance in helping to recruit Emma Hardy to f40.

AD said he was working with the procurement team at Derbyshire County Council on the tender process for the Secretariat role and would update members in due course.

KW said f40 currently had 42 members and she would be contacting those local authorities at the lower end of the funding scale to invite them to join f40.

Action: KW to contact local authorities at the lower end of the education funding scale to invite them to join f40.

4. Matters to be noted:

• Meeting with Jon Andrews from the Education Policy Institute

AM and MJ summarised the meeting with the EPI and said it was a good meeting, and it enabled the EPI to better understand f40's concerns with education funding and the reasoning behind it, such as our concerns around the Minimum Per Pupil Funding Level (MPPFL). They said it would be worth f40 liaising with the EPI again to see if there were any areas that we could work on together, particularly around research.

PH said f40 could perhaps provide some local authority school and SEND funding research, which could help the EPI in its work

Action: KW to contact the EPI again to fix up a second meeting, perhaps for the autumn.

- Letter to Education Secretary Nadhim Zahawi requesting a meeting – noted
- Request for meeting with School Standards Minister Robin Walker – noted

Post meeting note: Nadhim Zahawi has since been appointed to the position of Chancellor, and Education Secretary is now James Cleverly. Robin Walker has since resigned as Schools Minister.

It has been agreed that f40 wait for the dust to settle before approaching the new Education Secretary and Schools Minister for meetings.

- **Parliamentary questions and answers**

AD said it was excellent that Emma Hardy MP had raised a number of Parliamentary Questions in the House on behalf of f40. He said the answers, in some ways, were contradictory, but the most important thing was that the questions had been raised as it highlighted f40's concerns and kept the issues on the DfE's radar.

He said f40 should encourage other MPs to raise Parliamentary Questions in the House on our behalf.

EP said she had asked then Education Secretary Nadhim Zahawi if Government would be doing anything to assist schools with rising costs or to increase teacher salaries?

She said the Minister did respond, but did not make any promises, and said academisation would solve many of the funding issues within education.

DM said, with regards academisation, East Riding of Yorkshire Council had been asked to pay off the deficit budget of a maintained school in order for it to become part of a multi-academy trust (MAT). She said she had great concerns that if all schools were to become academies by the Government deadline of 2030, local authorities would be asked to pay off all of the outstanding deficit budgets, which they could not afford. She made the point that academies were not permitted to have deficits, so negative balances would have to be paid off, and that issue needed to be addressed by the DfE.

MJ said f40 should perhaps step up its campaigning in preparation for another election, focusing on ensuring that parents understood the concerns around education funding.

EF said we were also approaching party conference season, so it would be a good time to ask each of the parties to sign up to pledges on education funding.

Members of the Executive said the opposition parties rarely mentioned education, and did not mention SEND and High Needs, and this should be a target for f40.

JH said there was a desire for information about education funding and SEND from the opposition parties, but they kept their views close to their chest.

EF suggested we lobby each of the political parties, encouraging them to make education funding a key aspect of their election manifestos.

DM said education funding was in crisis and many schools were in deficits, with the cost of living having a huge impact on both school management teams responsible for budgets and staff and their ability to cope from a personal perspective. She said some support staff were having to access food banks to survive.

She said while some schools did have reserves, they were having to use these in order to stay out of deficit, but that only meant they would be in deficit further down the line.

DM said while some schools did have reserves, many others did not, and an accumulative balance across a wide area did not mean school budgets were healthy. She said Ministers needed to understand that those schools that were managing to balance their budgets were only doing so because they had cut back on support to pupils and resources, and because they had been able to fall back on reserves, not because they had ample funding. However, she said they may not have reserves in the future, so would have little choice but to go into deficit. She said education funding was heading for crisis.

EF said with regards High Needs, the number of children with SEND was growing at the same time as the complexity of need was also increasing, yet funding was not keeping pace.

PH said it was different in mainstream schools in Gloucestershire, with fewer schools in deficit. He said the recent increases in funding had helped. However, he said small rural schools were struggling and faced the biggest challenges. He said Gloucestershire had 32 schools in deficit last year, and this year it was 19. He said that was not to say they were funded well, but they were able to manage their budgets slightly better.

EP said she had been a headteacher for seven years and every year she had had to strip back more and more. She said the lack of staffing and resources in schools would lead to issues later on and schools were only managing to stretch their budgets because they had no choice.

AM said he believed schools were “parking” some expenditure and putting off spending in certain areas because they were in deficit or were trying to prevent themselves from falling into a negative balance. But he said they would have to deal with all of these extra expenditures at some point, so problems will come further down the line. He said schools could not put things off for ever.

PH said he was most concerned about the demand on High Needs budgets.

JS said the SEND Review Green Paper made some very welcome suggestions, but it needed significant additional money if they were to be carried out. She said if the Government wanted to reduce the dependence on independent special schools, they had to improve funding, resources, and training in mainstream schools. And she said special schools could only work alongside mainstream schools to offer support and training if funding was made available.

CT said academies were legally obliged to submit balanced budgets – they had no choice or leeway when it came to running up deficits.

DM said, as a Director of Children and Schools at East Riding of Yorkshire Council, she had directed her team not to advise schools to reduce their staffing in order to balance their budgets as they were already at their limits of what they could deliver. She said some schools had no choice but to go into deficit.

EF said he spent 90% of his budget on staffing. He said he looked at the DfE benchmarking for staffing and he came in under it, so he did not know where else he could make savings.

PH said the context for each school was also very important. He said in Gloucestershire they were working with schools to help them reduce their deficits over time, but if their intake dramatically dropped one year, their available budget would also fall – while their outgoings would remain the same.

JS said with academisation they were simply masking the problem. She said as academies were unable to submit deficit balances, they had to find ways to balance the books, so the true picture of how schools were coping was not always clear.

AM said headteachers were excellent at living within their means, but that did not mean they had enough money to run their schools – it probably meant that they had cut back on many of the support services and resources that helped children to reach their potential.

AD said it would be good for f40 to carry out a piece of research that showed how schools had become masters of masking the funding problem. He said they may be managing now, but there would be problems in the future.

JH asked if the country wanted to get to a point where schools had no reserves at all. She suggested f40 join with other organisations to study what funding schools and education required in order to provide an excellent education to young people. She said working together in the past had proved beneficial and it was probably time to do that again.

JH said even if the funding figure was high, at least it demonstrated how far away schools were from achieving the right level of funding.

EP said f40 should also demonstrate how much it would cost for schools to be fully inclusive.

JS said if funding increased tomorrow, it would take some time for that funding to trickle through to schools and to make an impact. She said three schools in her MAT had each been forced to remove five teaching assistant posts from their staffing in order to make the budgets balance. She said if the MAT was given more money, she would be able to reinstate those posts and provide more counselling services.

EF said the SEND Review Green Paper had made some good suggestions, but they were worthless without more money to pay for them. He said he feared the review would be watered down and kicked into the long grass because the additional money required would not come.

PH said every year schools and local authorities made cuts. He said IT, support services, and SEND had been cut back enormously. There was little else to cut.

EP said all of her teaching assistants were assigned to children with SEND – meaning there was no general additional support for teachers and pupils in the class.

DM said the current system was stacked against schools, and with Ofsted announcing that it would inspect all schools by 2025, some would find themselves failing simply because they have had to reduce support and resources. Where schools failed, they may be forced to academise, and she said the local authority would be forced to pick up any deficit budgets.

AD said it would be worthwhile f40 carrying out a piece of work to show where schools had made cuts in order to stretch their budgets.

AM said case studies would be useful.

JH said research and statistics that cut across all schools and local authorities, and resonated with everyone, would be useful.

JS and EP said they could present case studies on what they had previously in school, compared to what they have now, including the reduction in staff. JS said the quality in schools was declining.

She said Place Funding had not been increased since 2014, so the funding she received was not sufficient to run her schools. She said she was having to use top up funding to pay

for operational costs. She said inflationary increases were applied to post 16 education, but not schools.

PH said he got the impression that Government and the DfE believed the SEND Review Green Paper would solve all of the problems, but it would not.

MJ said the money the DfE had requested for education did not match what was required in the Green Paper.

AD said he believed f40 needed to also speak to the Treasury and the Chancellor, as well as the DfE. He said MPs should be encouraged to ask Parliamentary Questions and should request debates about education funding. He said f40 should be working with MPs to encourage this.

AD said the Executive should focus on these issues more at the next meeting in September.

DM said schools did not have as much additional income to assist them, with PTAs and after school clubs not making the same income as before Covid. She said parents could not afford to pay for as many things as previously, due to the cost of living.

EP said some trips in her school had had to be cancelled because parents could not afford the voluntary contribution towards them.

PH said some parents, however, rightly raised the issue of the high salaries of chief executives of MATS, some of which can run to £400,000. He said when schools were struggling, high salaries were called into question.

DM said some MATs were growing into huge organisations. But JS said some academies were failing because they did not have the right structure in place to improve standards and pupil attainment.

DM said many maintained schools in East Yorkshire were concerned that they would not gain anything by becoming an academy.

PH said he believed the Government's move towards academisation was all about saving money.

AM said maintained schools worked alongside each other in a local authority, forming a family of schools, and were able to create huge economies of scale – getting better value for services and support. He said academisation would further fragment schools and would lose those economies of scale.

DM said each different MAT also had different processes, procedures, and structures that the local authority had to work alongside and manage. She said employing sufficient people within the local authority to work with those varying structures created hidden costs that the DfE did not appreciate.

Action: KW to include cuts to provision as an item on the agenda for the next meeting.

Action: KW to write to MPs, highlighting how they can help in the campaign for fairer and increased school and SEND funding, directing them to the suggested questions in the information pack and encouraging them to request debates about education funding.

Action: KW and AD to work with the f40 Vice Chairs on securing a debate in the Chamber or Westminster Hall about education funding.

5. Members' briefing on July 5, 2022, in the House of Commons

- **Presentation**
- **Handouts**
- **Call to action**

KW and AD updated members on the presentation in the House of Commons that afternoon and said everyone was welcome to attend. KW shared the materials.

EP said the materials were excellent and had been well received when she had shared them with NAHT members.

VA said hard copies of the materials should be circulated to all MPs and to Cabinet Members to enable them to share the information and help the campaign for fairer and increased funding.

It was agreed that the materials should be circulated in hard copy.

Action: KW to look at getting more copies of the pack printed and circulated to MPs, Cabinet Members, key Ministers and members of the DfE.

6. SEND Review Green Paper

- **f40 response**

AM gave an update on f40's response to the consultation on the SEND Review Green Paper. He said, in principle, f40 was supportive of the suggestions and sentiment in the Green Paper, but there were new burdens for schools and local authorities, which would have huge impacts on their budgets. He said in order for the Green Paper to have any lasting impact, additional money would be required, yet none was mentioned.

AM said even if additional money was offered, there was not enough trained specialists in the education and support sectors to fulfil the requirements of the Green Paper and its expectations with regards staffing and support. He said schools and support services were struggling to fill the vacant posts they currently had.

He said f40 supported a proposal to have new national standards and bandings, however, the group believed that the practicalities of national bandings meant they would never work. He said half of schools would gain money, but half would lose money. He said if a banding system was introduced, local authorities would have to be funded according to the new banding system, and that was unlikely to happen as it would cost too much.

PH said if a national funding system was introduced, there would have to be additional local funding provided to supplement budgets.

EF said Government wanted to get children out of the independent special school sector and back into the care of the local authority, but he said that would be impossible to do if there were insufficient places.

PH said creating new places under the current system took too long. He said the Free School programme was in dire straits because it took so long to build a school through this process and there was no certainty with regards the outcome.

PH said the average cost of a place at an independent specialist school for the local authority was £44,000 per year, but a council place cost £22,000. He said it made much more sense for the Government to put more money into local authority SEND provision.

EF and EP said there had been a sharp rise in the number of children coming through with SEND, as well as an increase in the complexity of their needs.

DM said in East Riding there was a fall in the birth rate, but a rise in SEND. She said too much money was being spent on litigation and tribunals around SEND provision when it could be better spent on actual provision.

MJ said mainstream schools were saying they were happy to take their own pupils with SEND, but they did not want to take additional pupils and did not want to become known as the school of choice for children with SEND. She said the way Ofsted inspected schools, placing emphasis on exam results, meant schools felt it was not in their best interests to have lots of children with SEND on their roll.

PH said selection from mainstream schools just because a child had an EHCP should be removed. EP said she frequently had parents suggesting their child needed an EHCP because they had been diagnosed with autism – even if they were doing well at school.

DM said the emphasis on decision making needed to be placed back with professionals, rather than parents. She said only professionals should be able to apply for an EHCP.

AM said the f40 SEND Review Green Paper submission would be written and agreed in the next two weeks and would be submitted by the deadline of July 22.

Action: KW to circulate the draft response to the Green Paper for comments and amendments, and to submit by the deadline of July 22.

- **Draft letter to the SEND Review team, DfE and Education Secretary**

AM said KW had also drafted a letter for the SEND Review team, DfE and Education Secretary, which will outline f40's views on the Green Paper and its major concerns around a lack of funding. The letter will be sent when f40 submits its response and will be circulated to members.

Action: KW to work with the Chair and Deputies to finalise the SEND letter and to circulate to members.

- **Request meeting with the LGA**

AD said an email had been sent to Cllr Anntoinette Bramble, Chair of the LGA's Children's Board, inviting her to meet with f40 to discuss education funding and SEND provision, to see if the two organisations could work more closely together on areas where they were aligned. To date, Cllr Bramble had not responded.

AD said it would be a good idea to also contact Richard Cooke, an advisor to the LGA Children's Board, to invite him to meet with f40, and Clive Harris, a member of the LGA's Children's Team.

Action: KW to email Richard Cooke and Clive Harris at the LGA to suggest a meeting.

Post note meeting: Richard Cooke has come back to say that Cllr Bramble and himself would very much like to meet with f40. An online meeting is to be arranged in the coming weeks.

- **Request for meeting with DfE/Tony McArdle about SEND Review**

AD said it would also be good to have a meeting with the DfE and Tony McArdle to discuss SEND provision and the funding crisis after f40 had submitted its response.

Action: KW to request a meeting with the DfE and Tony McArdle.

7. FMRT update

- **NFF consultation**

AM updated members on the FMRT meeting held at the LGA in London on June 28. He said it was a good meeting – the first time the FMRT had met in person for more than two years.

He said they discussed the SEND Review Green Paper and agreed with many of the points in principle, but members had concerns around the need for more funding. He said their comments would be fed into f40's response.

AM said a consultation around the National Funding Formula had also been released, with a closing date of September 9, and a response would also be drafted. He said the FMRT was due to discuss it further in August and a draft response would be circulated for members to comment on before final submission.

AM said the NFF consultation follows on from the NFF consultation last year and is seeking views on its suggested approach to implementing a hard formula between 2027 and 2028.

Action: KW to arrange a meeting with the FMRT to discuss the NFF consultation.

Action: KW to circulate the draft response to the NFF consultation.

AM said Government had also released a consultation on Early Years, which was due to close on September 16. The FMRT may also look at a draft response for this.

Action: KW and AM to further discuss the Early Years consultation.

- **SEND survey**

AM said the FMRT was also looking to carry out another survey, probably around SEND provision and budgets, and would be looking at it more closely in the autumn. He said it was important that f40 members, and possibly non-member local authorities, took part in the survey, so it should be quick and easy to complete, taking a top-level view on two or three key issues.

PH said he believed f40 should look at what a SEND funding formula should look like and provide feedback to the DfE before they introduced a formula for the High Needs Block. He said he was concerned about the equity of SEND funding, with some local authorities receiving far more than others due to the historic factors that are still applied today. He said SEND funding should be levelled up by Government.

PH said Gloucestershire received much less funding than neighbouring local authorities. He said one neighbouring local authority had 7,000 fewer SEND children in their mainstream than Gloucestershire, yet they received £27m more than Gloucestershire.

MJ said SEND funding was still calculated on historic need, and not the need of today.

PH said if Government does put more money into SEND, there needs to be some thought on how it is distributed. He said those authorities that are poorly funded should be the priority. He said if national bandings were introduced, they should take into account level of need and numbers, and fund accordingly.

AM said if Hampshire County Council was funded to the same level as Camden it would receive £315m more into its High Needs Block every year. He said whilst it was quite right that Camden received a higher level of funding due to the relative levels of additional need, the size of the difference in budgets could not be justified fully.

DM said the need will only increase as Covid had had a big impact on children needing extra support. She said a number of young children were behind in their speech and language due to school closures in lockdown.

EP said a third of the nursery intake at her primary school had speech and language issues, which was a direct impact of Covid.

PH said Covid had also led to behavioural issues among some primary aged children, and others had social problems.

PH said f40 should develop a clear position on how SEND should be funded, and VA agreed. PH said he would draft a position statement for other members to comment on. VA said members could present anecdotal evidence on the issues – using everyday occurrences to demonstrate the problems.

Action: PH to draft a SEND funding formula position and circulate it before the next Executive meeting in September.

8. National Children and Adult Services Conference – November 2022

AD updated members and said f40 had taken a stand at the National Children and Adult Services Conference in November in Manchester. He said f40 had also applied to deliver a workshop to delegates on education funding and was waiting to hear if it had been successful. A decision is expected to be made in July or August.

Action: KW to inform members when a decision is made on the NCAS workshop. KW to liaise with members about f40 attendance at the conference once more details are released.

9. Financial update

KW said f40 had a healthy bank balance and almost all members had paid their annual subscription for 2022/23. Reminders had been sent to the four remaining member authorities who had not yet paid.

10. Date of next committee meeting – Sept 2022

It was agreed that the next meeting, on Tuesday, September 27, would be held in person at the LGA.

Post meeting note: It was agreed at the MPs' briefing that f40 should hold another briefing in the House of Commons in September, perhaps on a Tuesday between 10am and 11am. KW is looking at the possibility of arranging this and will circulate details in due course. However, it will have to be after the summer recess and before party conferences. This may mean that the date of the f40 Executive Committee on September 27 changes so that it coincides with the MPs' briefing.

Action: KW to update members on the possibility of holding another MPs' briefing in the House of Commons in September, and any changes to the date of the Executive Committee meeting.

11. Any other business

No other business.

