



## **f40 Executive Committee Meeting**

**Tuesday, July 11, 2023 – in-person and online meeting**

### **1. Attendances, apologies, and changes to committee membership**

**Present:** Cllr Alex Dale (f40 Chair and Derbyshire CC); Phil Haslett (Dep Chair and Glos CC); Karen Westcott (Secretary); Margaret Judd (Dorset Council); Andrew Minall (Hampshire CC); Jackie Fieldwick (Brunel MAT & Uplands Educational Trust); Julia Harnden (ASCL); Carole Thomson (Oxfordshire Schools Forum); Cllr Victoria Aitken (East Riding of Yorks Council); Cllr Bryony Goodliffe (Cambs CC); Cllr Fiona Baker (West Northants Council); Cllr Andrew Leadbetter (Devon CC); Jonathan Rallings (County Councils Network); Ed Francis (Worc SEND primary headteacher); Michael Freeston (EYA); Amelia Walker (Somerset Council).

**Apologies:** Emma Hardy MP (Vice Chair); Annette Perrington (Swindon Council); Scott Edwards (North Northants Council); Steve Edmonds (NGA); Laura Mayes (Wiltshire CC); Emily Proffitt (Dep Chair and Staffs primary head); Clive Harris (LGA).

AD welcomed everyone to the meeting and introduced Michael Freeston, of the Early Years Alliance, to members of the Executive, along with Amelia Walker, from Somerset Council, who were both attending for the first time.

### **2. Minutes of the meeting held on 6 April 2023**

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

### **3. Matters to be noted:**

- Invitation to Education Secretary Gillian Keegan to meet with f40 – noted

KW said the PS to the Education Secretary had responded to say she was too busy to meet at present, but they would look to see if another Government Minister could meet with f40 in the coming weeks/months. KW said she had contacted a number of Education Ministers to invite them to the MPs' briefing and to meet with f40.

**Action:** KW to follow up.

MR and PH said it would be beneficial for f40 to contact Minister for Children and SEND Claire Coutinho MP.

**Action:** KW to contact Minister Claire Coutinho.

**NB: Post meeting note** – a meeting has been set up between f40 and Minister Claire Coutinho for September.

- Invitation to Shadow Education Spokesperson Bridget Phillipson to meet with f40

KW informed members that f40 had secured an in-person meeting with the Shadow Secretary of State for Education Bridget Phillipson in October.

- Meeting with the Early Years Alliance

KW informed members that f40 had met with members of the Early Years Alliance during the spring and as a result senior representatives from the EYA had joined both the f40 Executive and the Collaboration Group. AD and MF both said the meeting between the EYA and f40 had been fruitful and it was good to have them represented on the f40 Executive.

KW said she had circulated some information earlier that day, provided by the EYA, from the Government's updated Provision for children under 5 in England statistics, which showed a 30% rise in EHCPs in 3-4-year-olds.

EF said the rise in young children with special needs and requiring an EHCP was startling. He said when he started working in education 30 years ago, he did not know what autism was. He said autism was much more prevalent now, including complex autism.

- Collaboration Group meeting

MJ gave an overview of f40's meeting with the Collaboration Group and said it was good to bring all of the different bodies together to discuss the issues in education funding and where we could work together. Those attending included the NEU, ASCL, EYA, NGA and f40.

MJ said each group had discussed areas of most concern to them, with f40 outlining its concerns in SEND. She said everyone agreed that together they should campaign on SEND, in the hope of securing more funding in the Autumn Statement and policy / cultural change.

Following that, a wider campaign will follow to lobby the three biggest political parties to prioritise education in the next General Election.

MJ said f40 presented its calculations on how much funding it believed was required to meet the current need in SEND, based on increases to the number of EHCPs and inflation since 2015. She said the NEU also did the same and calculated a very similar figure to f40. Based on this, it was agreed that SEND needed an additional £4.6bn base funding just in order to meet the current demand. MJ said this figure did not take into account any further increases to EHCPs or additional inflation. This is the figure that will be used in the campaign when urging Government to increase SEND funding.

KW said the Collaboration Group was looking to launch the SEND campaign in September with both media and MPs.

**Action:** KW to fix up another meeting with the Collaboration Group in August / September.

- FMRT meeting

AM gave an overview of the meeting of the f40 Finance Managers' Research Team (FMRT) in June and said it had been well-timed as it followed the Collaboration Group meeting.

He said the FMRT members discussed the f40 funding model for High Needs and perhaps how funding should be based more on population, with a bottom-up formula. He said he planned to go back to the DfE to request more information and detail to enable f40 to compile their own preferred funding model.

**Action:** AM to request more information from the DfE.

JR said some figures showed a greater number of SEND cases in affluent areas, which showed that SEND was not necessarily more likely in deprived areas. He said this was an argument for fairer funding across all areas of England.

JH said something to consider on SEND funding if it is based on population is that it could be adversely impacted if the population falls.

AM said the FMRT group was looking at different aspects of SEND funding and agreed that fluctuations in population was something to consider.

VA said they there were falling pupil numbers in East Riding of Yorkshire. She said there was around 60,000 pupils in the county now, but numbers were expected to fall by 10,000 over the next ten years.

JH said she believed [Government statistics](#) indicated a decline in pupil numbers of more than 9% by 2030.

FB said her local authority was also in a rural area and eight primary schools this year had received no applications for new starters in September. She said the council was supporting those schools through it. She said while the pupil numbers were declining for mainstream school, the number of children with SEND was increasing.

PH said in Gloucestershire the concerns around falling numbers centred around small rural schools because they did not have the same resilience.

AM said in Hampshire there were concerns from infant schools, which were particularly impacted by falling rolls due to class size limitations. This was also adding to the challenges they were experiencing in trying to provide the right level of SEND support to pupils.

JR said the media seemed focused on declining pupil numbers in London, with people moving out of the city, but it was obviously a wider issue. He said f40 should maybe consider focusing some messaging on the declining pupil numbers.

#### **4. MPs' briefing in Westminster on SEND and fairness – update**

- SEND briefing paper
- Letter to the Chancellor
- SEND and DSG LA funding graphs

KW ran through the detail of the MPs' briefing that was organised to take place in Westminster that evening and said the focus would be on SEND and the fairness of funding. Members of the Executive were provided with copies of the handout materials that had been prepared for Members of Parliament.

However, during the course of the meeting, f40 Vice Chairs advised that the briefing for MPs be cancelled due to the voting schedule in the House of Commons that evening. Many MPs would be unable to attend the briefing. It was agreed to postpone the briefing for later in the year.

**Action:** KW to reschedule briefing and invite all Members of Parliament.

**NB: Post meeting note** – the MPs' briefing on SEND and fairness of funding has been rescheduled for Tuesday, September 12 in Westminster. Invitations have been sent to all MPs and Education Ministers.

JR said a lot of MPs don't understand why or how the crisis in SEND has developed. He said extending SEND provision to age 25 in the Code of Practice of 2014, along with the growth in autism and SEND, and raised expectations, had led to the huge deficits and crisis in provision we now saw.

He said it was important that f40 and the County Council Network (CCN) got those messages across. JR said local authorities had been told to keep their SEND deficits off the books for another three years. However, he said if and when the DSG deficits were included in a council's main revenue budget again, it could cause them to go bust.

JR said Government seemed to be riding out the SEND crisis until the next General Election and f40 and CCN needed to make it clear to all political parties what the current situation was.

JR said he believed many people felt the problem with SEND provision lay with local authorities, but people needed to understand that while demand and expectation had risen, funding to pay for it had not. He said there was a gulf between parents and councils, and Government seemed happy to allow that to continue. He said f40 and CCN needed to do more to work with the voluntary sector to share their concerns around funding and demand.

AD said Government was in a difficult position where it could not win. He said the Government risked upsetting local authorities or parents.

JR said mainstream schools were also not receiving sufficient funding for SEND. He said independent providers were also very costly and having an impact on budgets.

JF said it was not about pitting local authorities against providers and independent schools. She said Government regulation meant that Post 19 provision had to be independent provision, it was not allowed to be owned by a local authority or an academy, and there was no capital funding for additional centres. She said it, therefore, had to be funded through grants. JF said all therapy had to be bought in and Post 19 support was costly.

JF said young people with SEND over 19 years of age were not left languishing in provision until they were 25, unless they were making progress and it was proving worthwhile. She said while funding

SEND provision for young people up to age 25 could be blamed for some of the increased costs in SEND, it was only part of the issue.

PH said he believed Government and local authorities had to get to a point where they agreed on what the key issues were. He said the additional costs associated with Post 19 may be one of the issues, but he also believed the cultural shift and rise in expectation since the Code of Practice 2014 was also a big part of the problem. He said he believed there needed to be a change in policy.

PH said the role of local authorities was to administer what Government wanted, but Government needed to give councils sufficient funding to do it. He said he believed the voluntary sector and parents were unaware of the real funding situation with local authorities. PH said Government needed to either change its policy on SEND or give local authorities enough money to deliver it.

AD questioned whether more funding for SEND would just encourage the independent sector to put up their prices further.

FB said some headteachers of SEND schools with good reputations are concerned that more and more children were being sent their way when they did not have the capacity to support them. She said they were worried that their school would be downgraded by Ofsted because they were being forced to take on more children than they could properly support. FB said if the local authority took cases to tribunal to prevent this from happening, it regularly lost the case and children were sent there anyway.

AW said in Somerset they were in the process of opening six children's homes because the council was being held to ransom by independent providers. She said the local authority was also trying to open a therapy centre but was experiencing difficulties with a slow and protracted process. She said the answer to the rising cost of independent provision was enabling councils to open more schools, children's homes, and therapy centres. She said areas needed a variety of SEND schools to suit different levels of support.

AW said local authorities needed to take control and needed the ability to shape the market, otherwise the crisis in SEND and rising deficits would continue.

PH said it was down to policy change. He questioned why local authorities had to go through a centralised process in order to open new schools.

MJ said in Dorset, the way they navigated opening a new school was to open it as an independent school, but with more reasonable pricing.

JR said the CCN believed there should be a fixed term for EHCPs, so they were not viewed as a 'for life' measure.

AL questioned who would decide how long an EHCP should last? PH said the current EHCP system already had fixed terms built into them as they were reviewed annually. PH said schools liked EHCPs because it was the only way they could access extra money to support pupils.

AD agreed that EHCPs should have a tighter review process, with a system built in to enable them to be stepped down. But AD said there needed to be a cultural change to encourage people to do it.

PH said consideration should be given to how EHCPs could allow access to a graduated response, dependent upon need.

CT said early intervention would be key to reducing the over reliance on EHCPs – ensuring investment was in early help where children required additional support.

JF said there needed to be more accountability in annual reviews of EHCPs, with providers held to account to ensure they were spending the additional money well. She said people carrying out the reviews also needed to understand SEND well. JF said quite often, local authority officers were not in attendance at reviews.

AD asked JR if CCN was aware of what the current accumulated SEND deficit was. JR said CCN had commissioned a survey, which showed a £1.96bn deficit in 2022 and an expected deficit of £3.6bn by 2025.

## **5. Debate in the House of Commons on SEND – update**

AD updated Executive members on plans by The Rt Hon David Davis MP to request a debate in the House of Commons or Westminster Hall on SEND.

AD said members met with Mr Davis in July and he was eager to progress the request. Both f40 Vice Chairs, Sir Gary Streeter MP and Emma Hardy MP, and Chair of the Education Select Committee Robin Walker MP, had offered to support Mr Davis in securing the debate.

AD said if a debate was secured, KW would encourage all f40 MPs to attend the debate and contribute to discussion. All member local authorities would also be encouraged to contact their MPs to discuss local SEND issues with them and to encourage them to attend and speak.

AL asked if f40 could provide local authorities with a template of information that they could provide to their MPs, with spaces for key information specific to their local area to be slotted in.

**Action:** KW to provide a template to local authorities.

AD suggested an online briefing for MPs on SEND and fairness may also be something to consider.

**Action:** KW to explore the possibility of an online briefing for MPs.

JF said the fact education budgets had not kept pace with both inflation and need should be circulated to MPs and all members of f40. However, she said MPs should also be made aware that funding for pastoral care and additional “scaffolding” support for children with SEND had eroded away during the last 13 years. She said that had contributed to the crisis in SEND now and the greater workload for schools as the support was simply not there for them.

JF also said the education sector was having to pick up more than its fair share as the health and care sector was not engaged enough in SEND support.

PH said he believed in early intervention as a philosophy, but said it was a challenge to actually prove that it worked.

PH said he also believed the solution lay in greater investment in mainstream education, enabling schools to be much more successful at inclusion, and in the reduction of EHCPs. He said the invest to save model would ultimately work, and Government needed to recognise the benefits.

PH said the SEND and Alternative Provision Improvement Plan talked about inclusion at mainstream, but schools were completely strapped financially. For inclusion to work, Government needed to re-invest in mainstream schools.

## **6. NCAS workshop on SEND**

AD informed members that f40 had applied to deliver a workshop at the National Children and Adult Services Conference on the SEND crisis, which was being held in Bournemouth in November.

**NB – Post meeting note:** f40 has not been successful in its bid to deliver the workshop.

## **7. Re-working of the f40 School Funding Briefing Paper**

AM updated members on the re-working of the f40 school and SEND funding model and briefing papers. He said he needed to request more information from the DfE and they would be completed later in the year.

He said there were a number of issues to consider, but f40 still believed that if the base level education funding was sufficient, there would be no need to have the Minimum Per Pupil Funding Level, which left many small and rural schools struggling financially.

CT said the current SEND funding system was leaving schools struggling to balance their budgets. She said schools that had pupils with complex needs were regularly having to meet additional costs

out of their own funds. She said one school in Oxfordshire had to spend £38,000 out of its own budget on meeting the SEND needs of one child.

JF said SEND funding needed to be done differently. She said every primary school should have specialist provision unit, which children could access as and when they needed to.

#### **8. Request meeting with DfE funding team**

KW said she planned to contact the DfE to request a meeting with the funding and SEND teams.

It was suggested that it would also be good for f40 to meet with the education specialist in HM Treasury, along with the Department for Levelling Up, Local Governance Finance, and the Labour Party's Deputy Leader Angela Raynor MP and Shadow Spokesperson for Levelling Up, Lisa Nandy MP.

JR said parents were upset at local authorities for failing to provide the level of SEND support they requested, but the focus should be on Government and the need for more funding.

Members said transport costs alone for SEND were enormous.

AD said in Derbyshire they had looked at paying parents mileage to take their children to school, instead of providing home to school transport.

PH said the swing towards parents winning at tribunal meant that local authorities often only took cases to tribunal that they felt sure they could win. Even then, he said, they often lost.

#### **9. Financial update**

KW said the f40 bank balance was healthy and the majority of members had already paid their annual subscription.

#### **10. Re-tendering of Secretariat role**

AD said progress had been made on preparing the tender documents for the Secretariat position and it would go through procurement in due course.

#### **11. Date of next meeting – in-person meeting at the LGA on Tuesday, Oct 17, 2023, at 1pm**

KW said the next meeting would be in person in October as f40 had arranged other meetings in London that morning.

#### **12. Any other business**

There was no other business.

**Ends**