



## **f40 Executive Committee Meeting**

**Tuesday, October 17, 2023 – in-person and online meeting**

### **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 (f40 Secretary); Margaret Judd (Dorset Council); Andrew Minall (Hampshire CC); Jackie Fieldwick (Brunel MAT & Uplands Educational Trust); Cllr Victoria Aitken (East Riding of Yorks Council); Cllr Andrew Leadbetter (Devon CC); Jonathan Rallings (County Councils Network); Michael Freeston (Early Years Alliance); Alex Thompson (Cheshire East Council); Cllr Bob Standley (East Sussex CC); Cllr Samantha Gethen (Solihull Council).

**Apologies:** Emma Hardy MP (Labour Vice Chair); Carole Thomson (Oxfordshire Schools Forum); Cllr Bryony Goodliffe (Cambs CC); Ed Francis (Worc SEND primary headteacher); Scott Edwards (North Northants Council); Laura Mayes (Wiltshire CC); Julia Harnden (ASCL); Cllr Jonathan Price (Staffordshire CC); Amelia Walker (Somerset); Helen Watson (Wokingham Council); Cllr Fiona Baker (West Northants Council).

AD welcomed everyone to the meeting and introduced Alex Thompson, Director of Finance & Customer Services at Cheshire East Council, along with Cllr Samantha Gethen, who is a member of the Children's Services, Education & Skills Scrutiny Board at Solihull Council, as well as Office Manager for Julian Knight MP. They were both attending the Executive for the first time.

### **2. Minutes of the meeting held on 11 July 2023**

The minutes were **APPROVED** as a correct record of the meeting. There were no matters arising.

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

- f40 members' webinar on SEND and fairness of funding – noted

AD said the webinar had been well attended and well received, with around 35 people attending on the day from across f40's membership. He said the webinar had been set up to share information with members about f40's SEND campaign, and to encourage members to invite their MPs to attend the briefing in Westminster later that month.

AD suggested another members' webinar be set up for Spring 2024.

**Action:** KW to arrange a members' webinar for Spring 2024.

- Meeting with the DfE funding team – noted

AD said the meeting with the DfE funding team had been useful. He said they were not surprised by f40's calculation that an additional £4.6bn funding was required to meet current demand in SEND.

He said the DfE had asked how f40 had arrived at that figure and it was explained that f40 had reached the figure by looking at the number of EHCPs issued since 2015, coupled with inflationary pressures since then. A full breakdown explaining the calculation had since been sent to Tom Goldman at the DfE by AM.

AD said the DfE had indicated that, at this point, there was no plan for legislative changes but that they also had not ruled them out.

PH said Gloucestershire County Council was one of those involved in the Government's new Change Programme, which was trialling some of the recommendations that came out of the SEND Review and the subsequent SEND and Alternative Provision Improvement Plan. He said there was a big focus on Early Years and Speech and Language in the Change Programme.

MF said he was also involved in the Change Programme, on behalf of the Early Years Alliance.

PH said there was a lack of capacity with regards Speech and Language therapists to meet the current demand.

MF agreed, but said Speech and Language was not the only issue in Early Years SEND and that point needed to be made to the DfE.

PH said the DfE was being very cautious, so as not to introduce new measures that would have adverse, unexpected consequences in other areas of SEND provision and funding, as had happened when the Code of Practice was introduced in 2014.

PH said they were also looking at National Standards and how they aligned with schools, parents etc.

JR asked if the DfE was going to be looking at the ratios of number of supervising adults to children with SEND? He said, at present, there were too many children with SEND in classes, with too few teachers and teaching assistants. He said it would be problematic without more funding and it would be the SEND children that would suffer, as they would not receive the extra support they required.

EP said it was important to remember that SEND was not just those children with high needs and EHCPs. She said children who were slower learners, but who did not have high needs, were the ones caught in the middle who often did not receive any extra help. She said there were lots of children with lower level or moderate extra needs, but without the funding it was impossible for schools to give them the help they needed.

AD said it would be good to meet with the DfE early in 2024.

**Action:** KW to invite the DfE funding team to meet with f40 before the Spring Budget in 2024.

- MPs' briefing in Westminster on SEND – noted

AD updated members on the MPs' briefing in Westminster in September and said it had been well attended by both MPs and their researchers, with lots of questions and engagement on the night.

He said it would be good to hold another MPs' briefing in 2024 – well before the General Election.

JR said he had attended many MPs' briefings over the years and the f40 event had been extremely well attended.

**Action:** KW to arrange another MPs' briefing in late spring 2024

- Letter to the Chancellor on SEND and SEND campaign Press Release – noted

AD updated members on the letter that had been sent to the Chancellor the day previous by f40 Vice Chair Sir Gary Streeter, urging the Chancellor to take urgent action in the Autumn Statement and informing him of the need for significant extra funding, and f40's calculation that £4.6bn was required to meet current need.

He said 30+ MPs had signed the letter and others had said they would write their own letter to the Chancellor, echoing f40's concerns.

AD said members of the media had picked up on the letter, with Schools Week and TES already showing interest in publishing the story.

AD said he was meeting with the BBC the next day to discuss council budgets in general, particularly in relation to social care, and he would try to mention SEND funding and the f40 group.

- Meeting with SEND Minister David Johnston MP – noted

AD said some members of the f40 Executive were meeting with Children and Families Minister David Johnston MP that afternoon in Westminster. He said members would be updated on the meeting afterwards.

AT said Cheshire East Council had had a meeting with Minister David Johnston that morning. He said he had been very interested in the outcomes for children with SEND and the impact of them not being in the most appropriate setting.

- Meeting with Shadow Education spokeswoman Bridget Phillipson – noted

AD said f40 was then meeting with Shadow Education Secretary Bridget Phillipson at Portcullis House immediately after the meeting with Minister David Johnston.

He said members would be updated on the meeting with Bridget Phillipson afterwards.

- Meeting to be fixed up with SEND Community Alliance (SCA) – noted

KW said contact had been made with the group, and she would look to fix up a meeting with the SEND Community Alliance in the coming weeks.

Everyone agreed that it would be beneficial if f40 and the SCA could work together and agree on the need for more funding in SEND provision.

JR said culture change was also required in SEND provision, alongside extra funding. He said if schools were provided with enough funding to support children with SEND properly, there would be no need for such reliance on EHCPs.

JF said policy change was important, but it would not be possible without more money in the SEND system.

**Action:** KW to fix up a meeting with the SEND Community Alliance.

#### **4. DfE error in Schools funding allocations for 2024-25**

AM outlined the error that the DfE had made with regards school funding allocations for 2024/25, which meant schools would get less funding than they had anticipated.

He said the DfE had indicated that they will take into account the lower increase in funding in the next year's allocations, however, no assurance had been given.

PH said the DfE's explanation that the miscalculation in funding had not been a real terms cut – as schools were still receiving increased funding – had not gone down very well.

PH said more notice with regards how much education funding schools and local authorities would receive was required. He said it was crazy that the DfE expected people to plan education support without any indication of the funding levels they would be given.

AD said the DfE had said that despite the miscalculation in funding, schools would still be receiving more funding. But he said the DfE were not taking into consideration that schools had to do far more with their budgets than they did ten and even five years ago.

JF said one of the biggest burdens on schools now was the social care element, which was not being picked up by other support services.

AM said the DfE never recognised new burdens on schools and the fact they were doing far more now than they were in 2010, which was not being funded.

PH said the current approach to education funding was 'patchwork', with additional grants here and there.

EP said if the DfE did not make up the shortfall in funding, caused by the error, schools would likely end up with deficit budgets. She said schools were already very squeezed, so had no room to move if funding was reduced.

PH said in Gloucestershire the local authority was having these conversations with schools frequently, and there was little advice the council could offer. He said schools already did not have surplus teachers and teaching assistants, and had reduced their resources as far as possible, so reducing their costs further was difficult.

EP said, in her experience, there were lots of teachers in mainstream who were not trained in SEND and did not want to be. She said if the complexity of SEND need became too great, they simply left the profession.

She said she tried to keep all children in her school, but it was difficult if a child had such complex needs, including challenging behaviour, which were not being properly met in mainstream school. However, she said there were not the places in specialist schools to cater to every child who needed one.

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

KW updated members and said the office of David Davis MP had been in touch to say they had contacted all f40 MPs to ask for support in securing a debate on SEND in the House.

KW said it was hoped a debate on SEND could be secured for later this year.

AD said after the Autumn Statement it would be important for f40 to look at the SEND position again to see if any improvement had been made with regards both quantum of funding and the fairness of funding.

AD said if a debate on SEND was secured in the House of Commons or Westminster Hall, f40 should contact all f40 MPs to urge them to speak on the issue.

AD also suggested f40 write to member local authorities, urging them to get in touch with their MPs to encourage them to support a debate in the House on SEND.

**Action:** KW to liaise with VA and to contact the office of David Davis MP again to get an update on the SEND debate.

**Action:** KW to contact all f40 members about the debate in the House on SEND.

## **6. Re-working of the f40 Schools and SEND funding briefing papers**

AM said he and MJ were working on the new f40 Schools and SEND funding briefing papers, which will look at both how much funding education and SEND required, along with how it could be more fairly distributed.

AM said they were working on a High Needs distribution tool, to ensure the fairness of funding.

AM said when they had made more progress with the briefing papers, they would take them to the Finance Managers Research Team (FMRT) for input before reporting back to the Executive Committee. He said the Executive would be updated in due course.

PH said the DfE needed to look at the SEND funding formula now, and not wait for the Change Programme to be completed. He said the disparity in funding levels between similar local authorities was getting bigger, with some local authorities receiving far less funding than others.

He said authorities that received less funding were unable to support pupils in the same way that other, better funded authorities were able to do, and were struggling to accept the disparity when they had growing deficit budgets. He said if they were funded more fairly, they may not have such large deficits.

AT said the cost of borrowing on these deficit budgets for local authorities had also gone up. He said Ministers needed to be aware that the £2.5bn cumulative High Needs deficit across England had already been spent by local authorities in providing support to children with SEND.

He said Government needed to understand that councils were having to borrow money to pay for SEND provision.

JR doubted that local authorities would ever be able to pay back the deficits. He said Government should pay off the deficits, and the system overhauled and properly funded.

MF agreed and said if Government wanted to improve the system and provide the right levels of SEND help, it should pay off the deficits and start again.

PH said Government had indicated they would never pay off the deficits unless they were confident that it would not happen again.

PH said with the Safety Valve Programme (set up by Government to help local authorities reduce their deficits and better manage their SEND budgets), councils had to agree to pay off half of their deficit budget in order to receive financial help from the DfE. However, he said it was an extremely difficult task and they may never be able to do it, leading to even bigger issues for them.

AT said he believed the statutory override (put in place by Government so that local authorities do not have to include their deficit budgets in their financial accounting) would remain in place until a solution had been found. He said if the statutory override was removed in three years' time, as Government had indicated, it would result in lots of councils going bankrupt. He said he did not believe Government would allow that to happen, so the statutory override would continue.

AT said he had explained to Government officials in meetings that the current situation was not sustainable and that the amount of money local authorities were paying to manage the debt was going to increase ten-fold. He said interest payments were increasing all the time.

He said by allowing the statutory override to remain in place, Government was effectively asking local authorities to ignore the deficits, which were, in effect, big loans.

AM said it would take local authorities decades to pay back these loans, during which time children with SEND would suffer as councils would be putting money towards reducing debts, rather than into provision.

JR said these were the messages that both Government and Shadow Education Spokeswoman Bridget Phillipson needed to hear.

MJ said while local authorities paid back the deficits, it was taking money away from SEND children.

AL said the mantra for f40 and other organisations should be 'investing in education and our children'. He said currently that was not happening.

AD said f40 needed to think about how it ensured education was a key priority in General Election manifestos.

It was agreed that f40 would invite policy advisors from each of the main political parties to meet with it during the next few months in a bid to lift education higher up the priority list.

AM also suggested meeting with the Department for Levelling Up to push for greater fairness of education funding.

It was also suggested f40 MPs could be more involved in securing meetings with key policy advisors.

Other meetings suggested included:

- Education Select Committee
- Public Accounts Committee
- National Audit Office
- The Lords
- Justice Minister
- Employer organisations

JR said it would be beneficial if the National Audit Office could do some research into the impact of funding cuts since 2010, particularly on support services and early intervention for young people who required SEND help.

JR said if evidence could be provided to show the correlation between the funding cuts and the lack of SEND early intervention – and the position now with rising demand and complexity of need and increased deficit budgets – it would be important detail to present to Government.

VA said speaking with the Youth Justice team would also be helpful as 50% of young people involved in crime are said to have SEND needs.

And AL said it would be useful for employers to lobby for better education and SEND funding as businesses needed young people to enter adulthood with the skills and confidence to fill vacancies and contribute to society.

EP said primary schools were much more able to be inclusive of SEND needs than secondary schools. She said too often children went to secondary school and began to struggle as their needs were not being properly met, and there was little early intervention. As a result, she said they were often taken out of mainstream secondary school.

PH said it was very difficult to show how effective early intervention was as a preventative measure with regards SEND need. He feared getting the Treasury to buy into it would be difficult.

MJ suggested f40 contact the Ministry of Justice to see if there was anyone the group could talk to about the importance of early intervention.

PH said the latest reports on parental perception of schools showed that parents, on average, no longer valued education in the same way as they previously had, due to both the school closures during Covid and teachers' strike action. He said attendance issues were a problem for most schools.

JR said it appeared that the breaking of contracts between schools and parents was an issue across all classes of society and schools.

## **7. Financial update**

KW said f40 had a healthy bank balance and that almost all subscriptions for this year had been paid.

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

KW left the room for the discussion around this item.

AD said tendering for the position of f40 Secretary had begun and some questions had been raised by potential bidders with regards the detail of the tender. Members agreed the answers to the queries.

The closing date for the tendering process is November 2.

## **9. Date of next committee meeting – online meeting, suggested during w/c January 15, 2024**

It was agreed that the next meeting should be online and should be held during the middle of January.

**Action:** KW to circulate a diary poll to ascertain the best day for the next f40 Executive Committee meeting.

**NB – post meeting note:** The next meeting will be held online at 3pm until 4.30pm on Tuesday, January 16.

## **10. Any other business**

There was no other business.

**Ends**