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Learning and Skills Scrutiny Committee Monday, 15 January 2024

MINUTES OF A MEETING OF THE LEARNING AND SKILLS SCRUTINY COMMITTEE HELD BY ZOOM ON MONDAY, 15 JANUARY 2024

Present:

County Councillor Gwynfor Thomas (Chair)

County Councillors: D Bebb, AW Davies, B Davies, D Meredith, S McNicholas, G Preston, L Roberts, S McNicholas, C Robinson.

Co-opted Member: K Chedgzoy, S Davies, M Evitts.

Cabinet portfolio Holders in Attendance:

County Councillors:

P Roberts, Cabinet Member for a Learning Powys

D Thomas, Cabinet Member for Finance and Corporate Transformation

Officers: Georgie Bevan - Head of Schools Service, Sarah Quibell - Service Manager for Education Support Services, Simon Anderson - Inclusion Manager, Mari Thomas - Deputy Head of Finance, Jennie Spraggon – Finance Business Partner.

1. WELCOME AND APOLOGIES

Apologies for absence were received from Lynette Lovell, Director of Education and Nancy Owen, Finance Manager

Chair welcomed Cllr Carol Robinson to the Committee membership.

2. DISCLOSURES OF INTEREST

There were no declarations of interest from Members relating to items for consideration on the agenda.

3. DECLARATIONS OF PARTY WHIP

The Committee did not receive any disclosures of prohibited party whips which a Member has been given in relation to the meeting in accordance with Section 78(3) of the Local Government Measure 2011.

4. ELECT A VICE CHAIR

RESOLVED that County Councillor Lucy Roberts be elected Vice-Chair for the remainder of this municipal year.

Chair, on behalf of the Committee expressed thanks to Cllr Gareth D Jones for his time and commitment as Vice Chair.

5.	MINUTES
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Documents Considered:

- Minutes 13.09.2023,20.09.2023 and 17.10.2023

Minutes agreed by Committee members present as a true and accurate reflection of the meetings and ratified accordingly by the Chair.

6.	SCHOOLS FUNDING FORMULA
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Background:-

Presentation provided to Scrutiny Committee on the Formula Review Consultation.

(The presentation was provided to Committee Members following this meeting).

Summary of proposed changes:

- A. Changes to the way the formula distributes notional Additional Learning Needs (ALN) funding both in Primary and Secondary phase mainstream formulae.
- B. Changes to the way the formula distributes funding based on a factor for deprivation in both Primary and Secondary phase mainstream formulae.
- C. Changes to the way the formula distributes funding for premises in both the Primary and Secondary phase mainstream formulae.

Points raised by the Panel:	Responses received from Officers or Cabinet Members.
ALN	
The graph shown under the Notional ALN funding, for mainstream schools, the adjustment to the funding would take into account the variations in individual schools.	Yes, it would, the changes to the funding will be phased in, for reassurance funding would not suddenly be removed from schools. All Head teachers and Chairs of Governors were involved in finance discussions on these proposals, the proper process for consultation documents was followed, to ensure all stakeholders voices were heard. With the previous formula was based on learner numbers and not the indicators of need. Some schools who needed more funding were not receiving it, whilst others were in receipt of more funding than there was need. The service acknowledges some schools would be affected by the proposed changes. The proposed formula makes distinct links to the learner and learner need.
Data from schools has to be accurate.	It was an expectation that schools would be able to provide accurate and up to date information on eFSM and

	ALN, PLASC information is required for submission tomorrow.
<p>Explanation of the 1:15 ration was requested.</p> <p>In the 1:15 model regardless if a school had one pupil with ALN or 15, that school would have been in receipt of the same amount of funding.</p>	<p>The 1:15 ratio is in relation to the notional ALN funding and the previous processes.</p> <p>The 1:15 ratio used is the same for each school and each stream within dual stream schools. It allows a first class of 1:15 within each year group, within each stream.</p> <p>It allowed schools flexibility to have smaller groups.</p> <p>Yes, in the previous 1:15 model, schools would have received funding equivalent for 15 pupils if they only had one pupil.</p>
<p>Would it be correct to assume that there would have had to be 15 pupils with a need to generate sufficient funding for a teacher.</p>	<p>No, there would have been funding for that first class of 15 then additional classes would have been funded at 1:30. When changed to the per pupil funding formula, the top-up was retained for the notional ALN funding.</p>
<p>Please provide an explanation of Notional ALN funding as opposed to real ALN funding.</p> <p>Funding followed pupils to the school and the school could spend that funding how they felt best appropriate</p>	<p>The formula used provided each school with an amount of funding which the Governing Body and Head Teacher could spend as they deemed appropriate.</p> <p>The ALN and eFSM funding was amalgamated under the 1:15 model. The proposal presented was to separate these 2 elements, to follow the learner. This proposal would give longevity and more autonomy to schools. There are also alternative funding streams available through grants for eFSM.</p> <p>In essence the pupils were not getting the funding to directly support their ALN, individually, the class was benefitting from the funding.</p>
<p>Would the formula be exactly the same as that used for bi-lingual, Welsh medium education.</p>	<p>Yes.</p>
<p>Chair commented that the proposed formula would give greater equity to individual pupils, and that could be achieved through the new proposals.</p>	<p>Absolutely.</p>
<p>It would be presumed that the new formula formed part of the Local Authority's response to the new ALNET Act.</p>	<p>The Schools funding formula was not in direct response to the new ALNET Act. there were 2 new statutory documents:- the Schools Individual Development Plan (S-IDP) and the</p>

	<p>Local Authority Individual Development Plan (LA IDP).</p> <p>In the current SEN system, there was 1 statutory document which was the Statement of Special Educational Need, owned by the LA and funded separately.</p> <p>Under the new system, those learners who would have previously had a Statement of SEN would fall into the LA-IDP category.</p> <p>The S-IDP is new, and schools would now be legally responsible for the content of the IDP.</p> <p>The funding formula would better support schools to deliver the content of the S-IDP.</p> <p>The third category which was not statutory, Universal Learning Provision (ULP) would be for those learners who need additional support but who do were not classed as having additional learning needs, with a notional amount of funding for schools to put in intervention or target groups.</p> <p>The funding pot will not change, the figures shown were indicative, and the Service has a robust framework in place to review what the value of funding for ULP, S-IDP & LA-IDP would be dependent on numbers in each category.</p> <p>Other LA's have decided not to give additional funding to schools for ULP as feel this falls under the remit of what should be provided as part of the quality first teaching for differentiation with classes.</p>
<p>What would be the process for assessment for S-LDP and LA-IDP and were schools in receipt of necessary information to complete documentation.</p>	<p>The LA-IDP was for those learners with the most complex needs throughout Powys. Under the ALNET Act and Code, there were 2 tests for whether a learner meets the threshold for an LA-IDP, and schools would have to provide information in accordance with the requirements of the Act and Code. Powys has a multi-agency Duty to Decide Panel to review information and evidence to form decision on whether the level of need of the learners meets the criteria set out in statute.</p>

<p>Was there a waiting list for the Duty to Decide Panel currently.</p>	<p>Powys are the only LA within Wales that has increased the number of LA-IDP's, other LA's have placed all previous SEN learners on S-IDP's. Powys is the only LA to meet weekly to discuss requests and referrals from schools. Powys does not have a waiting list, upon receipt of a referral the LA has 35 working days for decisions to be made.</p>
<p>There have been issues in the past around the award of Statements of Educational Need for learners, there would have to be a strong gatekeeping mechanism in place under the new formula.</p>	<p>This formed part of the discussion for changes to the formula, we was expected that Headteachers and ALNCO's to know the needs within their schools, along with the rigorous programme in place for checking on referrals. Schools have requested professional autonomy to decide what was correct in the context of their school. There could be a potential risk if the Service did not closely maintain and track this to ensure equity for all learners with ALN and deprivation needs. The 2 statutory levels would provide greater protection to families and learners, as the LA, schools and Governing Bodies would have to legally provide what is held within those documents.</p>
<p>If the funding was not awarded, which entity would be expected to attend Tribunals the LA or the School</p>	<p>In terms for referrals to tribunal, the LA would be responsible and required to attend and represent decisions, schools would not be taken to tribunal directly, they may be called as witnesses.</p> <p>The only time a school would be directly responsible would be if the claim were in regard to disability discrimination.</p>
<p>The proposed figures to be passported directly to schools is £3.699m, what would have happened previously. Was this figure similar to previous years funding.</p>	<p>Previously there would have been approximately £1m held in the funding pot to cover costs of learners moving into the County and schools could apply for additional funding support via the exceptional circumstances panel. Any funding remaining at the end of the year would have been distributed via the formula to schools. This proposal would do away with that</p>

<p>If an individual moved into Powys with ALN, what resources would there be in the new system to cover this funding if the £1m reserve is removed.</p>	<p>process as was lengthy. The funding was similar to previous year's levels.</p> <p>Approximately £300k will be held in reserve for emergency such as this the one mentioned or those learners who suffer life changing medical conditions or accidents.</p>
<p>Clarification requested of the significance of the Notional ALN Funding graph.</p>	<p>The slide demonstrated that the current level of funding did not follow the learners need, particularly in the Secondary sector. The Primary sector had a requirement for the new categories to be undated, however, they had been using ALN and FSM indicators.</p> <p>The Secondary Sector were using the current formula which provided the 1:15 in each year and stream, and not reflecting the ALN or FSM need within the school grey and yellow bars reflects the need within the schools.</p>
<p>Clarification sought as to whether there an equivalent variance in the Primary and Special school Sectors</p> <p>Link between two bars – completely broken on the graph blue line through Ysgol Calon Cymru – is that correct</p>	<p>The Special Schools formula was reviewed last year, the changes discussed today only related to mainstream education.</p> <p>Primary schools formula was based on ALN and eFSM indicators, there would be some re-distribution of funding, as the current formula takes the number of SEN learners on the register at each school, under the proposed formula there would be nuances around the ULP, S-IDP and LA-IDP's.</p> <p>There would be connections between eFSM and ALN. Although will have learners who are deemed one without the other. The current formula did not enable the differentiation whilst allowing schools to have autonomy.</p>
<p>Whilst the School and LA professionals would assess for an S-IDP or LA-IDP who decides on need for an ULP and what would be the criteria.</p>	<p>The school decides ULP provision for the lower-level requirement of support. There would need to be evidence to support request that individual learners are in need of support that would be additional and different to other learners within the class.</p>
<p>Request for information on Early Intervention for the youngest of learners, aware would be dependent</p>	<p>Early intervention was one of the reasons the decision was made to fund ULP. All schools can identify resource</p>

<p>on circumstances but if resources applied early enough later problems or issues could be prevented.</p>	<p>requirement through ULP for that Early prevention or intervention measure. Consultation feedback from the Primary Sector was that they were seeing significant increases in the levels of ALN, the funding evidenced the impact on the schools need to deliver outcomes for learners.</p>
<p>Disadvantaged Learners</p>	
<p>Explanation required on how the Service was or planned to proceed with tackling poverty and was the Service going above and beyond any requirement.</p>	<p>Should the proposals be accepted, they would support learners who had socioeconomic disadvantage through a wide variety of work already being undertaken by the LA. The Service is ensuring the funding is learner led, to support those children at a socioeconomic disadvantage.</p> <p>The LA had undertaken a significant amount of work through the Child Poverty Taskforce and through investment of the child poverty force RADY (Raising the Attainment of Disadvantaged Youngsters) programme, dovetailing work undertaken by the LA with what schools need.</p> <p>The funding was to ensure equity for all and providing opportunities for schools where there was high levels of deprivation, intervention was the best form of solution. The LA now has Family Liaison Officers (FLO's) across communities, funded from a separate grant. The feedback from schools has led to these proposals being made. The impact of Covid has led to schools facing different challenges in behaviour ALN and deprivation not experienced previously.</p>
	<p>Cabinet Member stated that there was a concern held by themselves and Officer following the expansion of universal eFSM, that some learners were slipping through the net as families were not applying under the measure of eFSM which was a gateway to a raft of other supported measures and assistance. Request for all Members especially those who were Governors to communicate this message via newsletters, emphasising</p>

	that there was no stigma attached, in this context as every child in the Primary Sector would be entitled to eFSM within the next year.
Clarification sought on the funding of eFSM in the Secondary Sector.	Currently £200k was distributed to Primary Schools in addition to the FSM funding. However, there was no similar amount distributed to Secondary schools so the funding would be additional monies to support learners in the Secondary Sector for eFSM. The funding would be weighted to be equitable for those schools where it was recognised had significant numbers of learners with eFSM and from disadvantaged backgrounds.
Additional funding for Secondary schools for e-FSM from where would this be drawn, the delegated budget.	Yes, it would be from the delegated budget as it formed part of the 1:15 pot as discussed earlier, the same funding distributed more equitably by changing the funding formula.
Premises Element of mainstream Formula	
General fund element was queried was noted this was the same rate for all schools based on square meterage, where a schools was in a poor state of repair, it would surely be at a disadvantage to a newer, more modern school.	Within the current formula there was a top up based on the condition factor of all schools, therefore the top-up would remain available dependent on the condition factor outside of the mainstream premises funding element.
In relation to kitchen would it have been more appropriate for the funding to be based on the number of meals produced rather than the area of the kitchen.	There was not a significant difference in costs dependent on the number of meals and for assurance purposes all factors were looked into.
Request for the reaction from schools to this proposal be given as there appears to be such a differential.	The proposal was based on information provided by schools.
All Elements of the Funding Formula	
The 3 priorities discussed today which were all valid subjects, how were these priorities chosen.	The 3 priorities were decided upon after feedback from Head Teachers, through various conversations, the Head Teacher perception survey and from face-to-face meetings particularly around barriers to wellbeing.
Was there representation for Welsh medium education on the funding group.	There was representation from different schools via Governing Bodies and Head Teachers, the membership was being reviewed to ensure there was coverage from all schools. The Chair

	and Vice Chair of the forum are connected to bi-lingual schools.
<p>TROCHI and Welsh medium education has to be considered and reflected by the funding formula, otherwise an opportunity to create bi-lingual children would be missed.</p> <p>There is a need for vision within the formula to drive forward the bilingual provision in education. The idea of obtaining equity does not exist with this formula. The English medium stream have 100% of lessons taught through language of their choice, the Welsh medium stream have far less, at approximately 20-25%.</p>	<p>The LA funds 1:15 for the Welsh medium stream and 1:30 in the English medium stream.</p> <p>The Portfolio Holder remarked that TROCHI was a challenge, in how to meet the demand that was seen in pockets around the county. Point made of embedding into the formula review was noted as a possibility, however there was already a Welsh medium element within the formula at both Primary and Secondary level.</p> <p>Request could be made from this Committee to the School Budget Forum to review TROCHI as part of their deliberations, to bring recommendations forward in the process, for inclusion in the funding formula in the next academic year.</p>
<p>Request for the positive and negative cost range within the Secondary Sector from the current to the proposed funding formula.</p>	<p>The information on range would be gathered and forwarded to the Committee in terms of highest and lowest.</p>

Observations:

Scrutiny made the following observations:

- The Committee welcomed:
 - Efforts made on tackling child poverty, through the work of the RADY (Raising the Attainment of Disadvantaged Youngsters) programme and the utilisation of grants awarded.
- The Committee requested that:
 - There was a continued emphasis on communication by the Cabinet, the Schools Service and schools in respect of families applying for FSM (Free School Meals) provision. This could provide a gateway for other available benefits, of particular importance for Powys' most disadvantaged learners.
 - A review of the progress and possible outcomes of the School Funding Formula to be brought to Learning and Skills Scrutiny Committee, with input from Head Teachers across the sectors.
 - That the School Budget Forum as part of their deliberations for future recommendations, consider the TROCHI immersion across Powys within the Schools Funding Formula.
- The Committee remained unconvinced about:

- Responses to schools, learners and their families for LA IDP's (Local Authority Individual Development Plan) being received within 35days, as was not evidenced nor the experienced of some Committee members.

Scrutiny's Recommendations to Cabinet

1. The responsibility on schools to ensure accurate data was submitted to obtain necessary and appropriate funding through the formula, must be stressed by the Schools Service.
2. For Powys CC to provide a functioning and equitable TROCHI service across the County, there has to be consideration within the School Funding Formula which is driven by both the Cabinet and Council.

7.	WORK PROGRAMME
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Comments:

- Committee wish to incorporate School visits into the 2024-25 programme.
- Working Group to be established to complete a deep dive on TROCHI immersion provision, progression and development.

County Councillor R G Thomas (Chair)