



Walsall Council

Walsall Children's Services

Report to: Schools Forum

Date: 9 December 2014

Subject: The Role and Responsibilities of Schools Forum

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Purpose of the report: To advise, update and remind Schools Forum of their role and responsibilities. This includes decisions that Schools Forum can or cannot make.

Recommendation: **See final section**

1. Background

- 1.1 The purpose of this report is to ensure that members are aware of the responsibilities and role of Schools Forum. The report looks at relevant DfE publications and demonstrates how the regulations and responsibilities are being met. It also looks at best practice.
- 1.2 The relevant documents are *Schools Forums: operational and good practice guide (For local authorities and members of Schools Forums October 2013)* (attached as **Appendix 1**). **Appendix 2** is *School and Early Years Finance (England) Regulations 2014*. This document is still being consulted on by DfE. Finally **Appendix 3** is *Schools Forums (England) Regulations 2012*.
- 1.3 This report will be useful for members based on recent discussions. Examples include what Schools Forum can or cannot do in regards to SEN places, that kitchen capital expenditure is not within the remit of Schools Forum and where there maybe broader responsibilities.
- 1.4 The DfE identify that the following are the characteristics of a successful Schools Forum and its relationship with the local authority:

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 is important that a Schools Forum feels it is 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.

2. Over arching principles

- 2.1 There is a statutory requirement to have a Schools Forum since January 2003. This is not a local decision
- 2.2 Schools Forum is a financial decision making and advisory body. It does not have powers in other areas of education (pages 6-8 of *Schools Forums: operational and good practice guide (For local authorities and members of Schools Forums October 2013)*). However, best practice may see the financial responsibility broaden at looking at impact of expenditure on school improvement.

2.3 Schools Forum does **not** have a role in all financial decisions made by local authorities. Examples would include allocation in areas such as capital expenditure on Basic Need. The agenda should reflect areas within the remit of Schools Forum.

2.4 Walsall Schools Forum has a constitution which was last considered by Schools Forum on 3 December 2013.

Analysis of Walsall Performance against Schools Forums: operational and good practice guide (For local authorities and members of Schools Forums October 2013)

3. Table 1 Schools Forum Structure (Membership)

3.1 **Appendix 4** contains a current list of membership and appropriate details.

3.2 Walsall Schools Forum received a report on 8th July 2014 reflecting was the current membership appropriate. Since 2012 Walsall Schools Forum consider this on an annual basis. This is done in July to ensure that appropriate membership is in place for September when a chair is elected.

3.3 Walsall comply with all terms in the table. However, the requirement to elect a 16-19 provider representative is new from January 2014. It is proposed to let the current term of office expire and then hold an election.

4. Table 2 Schools Forums: Powers and Responsibilities 2014-15

4.1 This section in essence deals with the business that Schools Forum carries out. The majority of items will resonate with members on business that has been considered in recent times.

4.2 The table is very useful as it shows what Schools Forum can do. What it does not show, is things it cannot do. Examples would include consideration of schools capital.

4.3 Under the proposed changes to the regulations, the following would change:

- extend the membership of the forum to include a representative of AP academies and free schools
- extend the membership of the forum to include a representative of special academies and free schools
- extend the forum's consultation role to include the special places to be commissioned by the authority in different institutions, and the arrangements for paying top-up funding
- extend the forum's consultation role to include the AP places to be commissioned by the authority and by schools in PRUs and other providers of AP, and the arrangements for paying top-up funding.

4.4 it is proposed that Schools Forum will need to be consulted on number of special school places. However the decision still remains with the local authority. These proposed changes are being consulted on, so this could be subject to change. Clearly Walsall is in the

process of a thorough review of special school places and Schools Forum is being consulted with

5. Section 1

5.1 The best practice guide states, *“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, e.g. decisions on the funding formula.”*

5.2 Although Walsall council has worked with Schools Forum very closely in recent years, particularly when considering formula changes, this paragraph explains why legally Walsall Council has to ultimately approve decisions.

5.3 Under Section 1.5 it states the various duties around consultation on funding arrangements. In recent years there has been regular communication around funding formulae and central expenditure. To re-enforce the process and ensure duty is met, reports later on the agenda of 9 December 2014 will once again consider the special schools and early years funding formulae.

5.4 Section 1.7 is usually achieved by representatives informing the groups they represent.

6. Membership etc.

6.1 Walsall Schools Forum address these issues every July. Recent reviews have seen members who have not attended regularly being stood down and the size of the Forum adjusted as required.

6.2 Walsall Schools Forum has followed what is identified as best practice in this area and works with academies to split membership between phases.

6.3 Section 1.33 onwards has been a challenge for Walsall. There is no knowledge of a group where all academies in the borough meet. Although schools have converted to academy, in many cases they still work very closely with the collective of their 'phase'. It remains that unless there is objection, election will take place for academy members through their phase and all academies will be contacted when election is required.

6.4 The current changes proposed to the regulations will ensure that if there is an academy special school or PRU they will be entitled to have membership of Schools Forum. Assuming these regulations become law then Walsall Schools Forum constitution will be updated accordingly.

6.5 It is important for members to attend meetings. There needs to be 40% of members present to make decisions. If a member feels they are not able to attend regularly they must review their role. In addition, if a member fails to attend for more than 6 months they (under the current constitution) will be removed from Schools Forum.

7. Other parts of Section 1

7.1 Papers, minutes and agendas of Walsall Schools Forum are publicly available on Walsall Council web site. Members of the public would therefore be able to attend and read about the meetings.

7.2 Where appropriate Walsall Schools Forum does use working groups. This is mainly for indepth pieces of work but the decision is always made by Schools Forum.

7.3 There is provision within the constitution for an urgency sub-committee to meet.

7.4 The cost of Walsall Schools Forum is substantially below the national median

8. Section 2 Effective School Forums

8.1 There are a number of areas identified as best practice that Walsall Schools Forum have adopted. The items considered in this report are areas where there are further developments.

8.2 It will be proposed to update the current induction pack to aid new members when they join Schools Forum.

8.3 Walsall Schools Forum already plan on a 12 month basis and this is another item on the agenda.

8.4 There is a current standard template for reports. However, it is felt with the challenges of school improvement that a revised template needs to be developed.

8.5 Best practice expands on the use of name plates. This has been recently adopted in Walsall. Best practice would suggest including the role that each person plays on their name plate and the use of different coloured nameplates when it comes to more complex voting.

9. School Improvement

9.1 There is nothing in Schools Forum regulations explicitly discussing a role in school improvement. However, the best practice guidance states:

“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.”

10. Summary

10.1 Schools Forum's role is defined in law. There has been strong adherence to this in recent years but there is a wider role for Schools Forum to play in ensuring that resource decisions impact education and improve schools.

10.2 If members require further information and training that is available. Officers deal with finance and schools finance issues on a daily basis. There is the opportunity to use this to achieve specific objectives in terms of development.

10.3 Schools Forum

11. Recommendations

- 11.1 Schools Forum to ensure there is an election for a 14-19 representative when the term of office of the current member expires.
- 11.2 Schools Forum is to note that a response from DfE is expected on revised Schools and Early Years Finance Regulations. Once confirmed there will need to be changes to Walsall Schools Forum consultation.
- 11.3 Schools forum to note an updated induction pack will be developed in line with best practice.
- 11.4 Schools Forum to an updated template is to be developed for reporting. This will ensure that all items cross reference why it is coming to Schools Forum, value for money issues and any other information required.
- 11.5 Schools Forum consider use of adapted name plates.
- 11.6 Schools Forum to note that where future items that do not come under the remit of Schools Forum, the Chair will be advised to reject these items and refer them to the appropriate body.
- 11.7 Schools Forum to note that members are encouraged to contact officers if they feel they need further development or training to deal with some of the more complex financial issues.

Appendix 4 – Membership

Name	Role within Schools Forum	Appointed by	Term of Office
Mrs. C. Draper	Maintained Primary Head	Elected by PNS Forum annually	Sept 18
Mr. M. Vlahakis	Maintained Primary Head	Elected by PNS Forum annually	Sept 18
Mrs. M. Sheehy	Maintained Primary Head	Elected by PNS Forum annually	Sept 18
Ms. T. Coles	Maintained Primary Head	Elected by PNS Forum annually	Sept 18
Mr. S. Davies	Maintained Primary Head	Elected by PNS Forum annually	Sept 18
Dr. A. Bruton	Academy Head (Secondary)	Proposed by secondary academies through WASH	Sept 18
Mr. K. Whittlestone	Academy Head (Secondary)	Proposed by secondary academies through WASH	Sept 18
Mr. G. Crowther	Academy Head (Secondary)	Proposed by secondary academies through WASH	Sept 18
Dame M. Brennan	Academy Head (Secondary)	Proposed by secondary academies through WASH	Sept 18
Mr. M. Allman	Maintained Secondary Head	Elected by WASH annually	Sept 18
Mrs. C. Fraser	Maintained Special School Head	Elected by special school heads	Sept 18
Mrs. W. Smith	Nursery Head	Elected by nursery heads	Sept 18
Mrs. B.E. Westwood	Academy Head (Primary)	Proposed by primary academies through PNS	Sept 18
Mrs. G. Healy	Academy Head (Primary)	Proposed by primary academies through PNS	Sept 18
Mr. J. Bonhomme	Maintained Primary Governor	Appointed by WAG (replaced a governor who resigned)	Sept 15
Ms. M. Yates	Maintained Primary Governor	Appointed by election amongst primary governors	Sept 15
Mrs. M. Woodcock	Maintained Primary Governor	Appointed by election amongst primary governors	Sept 15
Mr. F. Hodgkinson	Maintained Secondary Governor	Appointed by election amongst secondary governors	Sept 15
Mr. B. Powell	Maintained Special School Governor	Appointed by election	Sept 15
Mr. M. Ison	Academy Governor (Secondary)	Appointed by election amongst academies	Sept 15
Vacancy	PVI Representative	Appointed by PVI's	NA
Mr. S. Pritchard-Jones	Pupil Referral Unit representative	Appointed by the PRU	Sept 15
Ms. H. Harnisch	14-19 School Forum Representative	Appointed by Local Authority (Different legislation pending)	Sept 15
Councillor Cassidy	Observer, Cabinet Portfolio holder for Children's Services and Education	NA	NA
Mr. A. Orlik	Observer, C. of E. Diocese	NA	NA
Mr. J. Dwyer	Observer, Catholic Diocese	NA	NA
Mr. R. Bragger	Observer, Staff side association representative	NA	NA



Education
Funding
Agency

Schools Forums: operational and good practice guide

**For local authorities and members of
Schools Forums**

October 2013

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Executive summary

The two tables in this section are provided as a summary of the structure of Schools Forums and the decision making powers of the local authority (LA) and the Schools Forum according to Regulations.

TABLE 1: SCHOOLS FORUM STRUCTURE			
Category	Schools Members	Academies Members	Non-School Members
Represented groups	<p>Where the LA maintains the following types of school, they must be represented on the Schools Forum:-</p> <ul style="list-style-type: none"> • Secondary Schools • Special Schools • Nursery Schools • PRUs <p>There is no specific requirement in Regulations for a primary rep, but this is captured by requiring membership to be based on pupil proportions</p>	<p>No specific groups, but academies members will represent academies, free schools, UTCs and Studio Schools</p>	<p>16-19 providers</p> <p>Early years Private, Voluntary and Independent (PVI) providers</p> <p>Before considering other groups, the LA must consider diocesan representation</p>
Type of member	<p>Within each of the five groups above there are the following types of member:-</p> <ul style="list-style-type: none"> • Headteachers (or their representative) • Governors • Headteachers and Governors <p>In overall terms there must be at least one headteacher (or their representative) and one governor</p>	Any	Any

Category	Schools Members	Academies Members	Non-School Members
Schools Forum Structure	<p>Schools members and academies members must comprise at least 2/3rds of the Schools Forum membership</p> <p>Primary schools, secondary schools and academies must be broadly proportionately represented on Schools Forum, based on the total number of pupils registered at them</p>		
Voting	<p>Only primary representatives can vote on primary school de-delegation</p> <p>Only secondary representatives can vote on secondary school de-delegation</p> <p>All schools members can vote on any other Schools Forum business, including the consultation on the funding formula</p>	<p>No voting on de-delegation</p> <p>All academies members can vote on any other Schools Forum business, including the consultation on the funding formula</p>	<p>No voting on de-delegation</p> <p>Only PVI representatives can vote on the consultation on the funding formula.</p> <p>All non-school members can vote on any other Schools Forum business</p>
Elected by	The relevant sub-group of the relevant type of school e.g. primary school governor representatives are elected by the governors of primary schools, secondary school headteachers are elected by the	Proprietors of academies	Election only applies to the representative for the 16-19 providers, who is elected by all 16-19 providers ¹

¹ This is a change proposed in the draft 2013 School and Early Years Finance Regulations, expected to come into force in January 2014. Further information on the representative for 16-19 providers can be found in paragraph 1.38

	headteachers of secondary schools.		
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Category	Schools Members	Academies Members	Non-School Members
LA appointment of members	Only if no election takes place by the agreed date or in the event of a tie	Only if no election takes place by the agreed date or in the event of a tie	Can appoint a 16-19 representative only if no election takes place by the agreed date or in the event of a tie For all other non-schools members the LA appoints, but it is good practice to seek nominations from the relevant bodies
Other attendees who are permitted to contribute to a Schools Forum meeting	An observer appointed by the Secretary of State The Director of Children's Services The Executive Member for Children's Services The Executive Member with responsibility for resources	The Chief Financial Officer Officers providing financial & technical advice to Schools Forum Presenters (restricted to the paper they are presenting)	

TABLE 2 - SCHOOLS FORUMS: POWERS AND RESPONSIBILITIES 2014-15

Function	Local Authority	Schools Forum	DfE Role
Formula change (including redistributions)	Proposes and decides	Must be consulted [Voting restrictions in table 1 above] and informs the governing bodies of all consultations	None
Contracts	Propose at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: arrangements for pupils with special educational needs; arrangements for use of pupil referral units and the education of children otherwise than at school; arrangements for early years provision; administration arrangements for the allocation of central government grants	Consult annually	Gives a view and informs the governing bodies of all consultations	None
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval

Function	Local Authority	Schools Forum	DfE Role
De-delegation for mainstream schools for: contingencies administration of free school meals insurance licences/subscriptions staff costs - supply cover support for minority ethnic pupils/underachieving groups behaviour support services library and museum services	Proposes	Primary and secondary school member representatives will decide for their phase	Will adjudicate where Schools Forum does not agree LA proposal
Central spend on and the criteria for allocating funding from: growth fund (to meet requirements for basic need and infant class size regulations) falling rolls fund for surplus places in good or outstanding schools where a population bulge is expected in 2-3 years	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: funding for significant pre-16 pupil growth equal pay back-pay places in independent schools for non-SEN pupils early years expenditure	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal

Function	Local Authority	Schools Forum	DfE Role
Central spend on: admissions servicing of schools forum	Proposes up to the value committed in 2013-14	Decides for each line	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: capital expenditure funded from revenue contribution to combined budgets schools budget centrally funded termination of employment costs schools budget funded prudential borrowing costs special education needs transport costs	Proposes up to the value committed in 2013/14 and where expenditure has already been committed.	Decides for each line	Adjudicates where Schools Forum does not agree LA proposal
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Scheme of financial management changes	Proposes and consults the governing body and Head of every School	Approves	Adjudicates where Schools Forum does not agree LA proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None
Chair of Schools Forum	Facilitates	Elects <i>(may not be an elected member of the Council or officer)</i>	None

Introduction

1. This guide is designed to provide members of Schools Forums, local authority officers and elected members with advice and information on good practice in relation to the operation of Schools Forums.
2. It is organised in two sections:
 - Section 1 provides information on the constitutional and organisational requirements for Schools Forums; and
 - 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 is describing requirements set out in the Schools Forum Regulations 2012 it is not designed to be prescriptive – what is good practice in one Schools Forum may not be appropriate in another, given the diverse circumstances of local areas. However, it is hoped 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 has 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. The main [school funding page](#) on the DfE website has links to the latest news and information on schools funding. There are also dedicated [Schools Forums pages](#) and a [Quick guide to Schools Forums](#).
7. If you have any queries about the operation of Schools Forums please contact the Education Funding Agency: reformteam.funding@education.gsi.gov.uk.

The postal address of the agency is:
Education Funding Agency
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Section 1 – Schools Forum Regulations: Constitution and Procedural Issues

Regulations

- 1.1. National regulations² 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 are available from the [Department's website](#).
- 1.2. A [Quick guide to Schools Forums](#) for schools and academies is also available on the department's website. This explains the role of Schools Forums and the responsibilities of schools and academies.

Schools Forum powers

- 1.3. 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 DfE are summarised in Table 1 on pages 3-5. The overarching areas on which Schools Forums make decisions on local authority proposals are:
 - De-delegation from mainstream 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) 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.
 - Continued funding at existing levels for prescribed historic commitments where the effect of delegating this funding would be destabilising.
 - Funding for the local authority in order to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for each duty and no new commitments or increases in expenditure from 2013/14 are permitted unless agreed by the Secretary of State.
 - Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place and/or free school meals.

² Schools Forums (England) Regulations 2012 (S.I. 2012/2261)

- Authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.

In each of these cases, the local authority can appeal to the DfE if the Schools Forum rejects its proposal.

- 1.4. 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, e.g. decisions on the funding formula.
- 1.5. 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
 - arrangements for the use of pupil referral units and the education of children otherwise than at school
 - arrangements for early years provision
 - administrative arrangements for the allocation of central government grants paid to schools via the local authority
- 1.6. 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.
- 1.7. 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 1.5 and 1.6.
- 1.8. For 2014-15, local authorities will need to discuss with the Schools Forum any proposals to:
 - vary the Minimum Funding Guarantee (MFG)
 - use exceptional factors
 - vary pupil numbers
 - 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
 - Proposals will need to be approved by the Secretary of State.

Membership

- 1.9. The Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice.

- 1.10. 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.
- 1.11. Types of member: Schools Forums must have 'schools members' (para 1.16-1.32), 'academies member(s)' if there is at least one academy in the local authority's area (para 1.33-1.37) and 'non-schools members' (para 1.38-1.42). 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, e.g. annually. There is no requirement for academies members to represent specific phases, but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers.
- 1.12. Schools Forum members will need the skills and competencies to manage Forum business (as detailed in Table 2 on pages 6-8) 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 communicate decisions, and the reasons behind them, effectively

Term of office

- 1.13. 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 as between members. They need not have identical terms – 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 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
 - Increasing the size of Schools Forum temporarily to appoint additional academy members, then delete schools member posts at the end of a term of office or when a vacancy arises
 - Consider 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?
- 1.14. 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.

- 1.15. 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

- 1.16. 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 LA. Middle schools and all through schools are treated according to their deemed status.
- 1.17. 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).
- 1.18. The local authority then has discretion to divide the groups referred to in paragraph 1.16 and 1.17 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 the particular school category.
- 1.19. 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 do not 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 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.
- 1.20. 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 is not an in-built bias towards any one phase or group.

Election and nomination of schools members

- 1.21. The relevant group or sub-group is probably best placed to determine how their schools members should be elected.
- 1.22. It is 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, e.g. 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.
- 1.23. It is not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, i.e. 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.
- 1.24. 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.
- 1.25. 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/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.
- 1.26. As a minimum, we would 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.
- 1.27. In determining the process by which elections should be operated it is 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.
- 1.28. 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).
- 1.29. 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 1.30 below.

- 1.30. 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.
- 1.31. We would recommend that any scheme takes into account a number of factors:
- a. the process for collecting names of those wishing to stand for election;
 - b. the timescale for notifying all constituents of the election and those standing;
 - c. the arrangements for dispatching and receiving ballots;
 - d. the arrangements for counting and publicising the results;
 - e. any arrangements for unusual circumstances such as only one candidate standing in an election; and
 - f. whether existing members can stand for re-election.
- 1.32. 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

- 1.33. 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 1.21 to 1.32. 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, non-recoupment and converter academies.
- 1.34. Where there is only one academy in the local authority's area, then their proprietor body must select the person who will represent them.
- 1.35. There is no requirement for academies members to be split into specific sub-groups. e.g. primary, secondary, special, alternative provision. However, local authorities may wish to encourage academies to consider the pupil proportions across all academies when electing their representatives.
- 1.36. It is 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.
- 1.37. 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

- 1.38. Non-schools members may number no more than a third of a Schools Forum's total membership (excluding observers – see paragraph 1.51). 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 institutions that specialise in special education needs (SEN) and learning difficulties and disabilities (LDD) provision (ISPs), 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.
- 1.39. 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 comes from the Schools Budget, and all settings are funded through the Early Years Single Funding Formula (EYSFF) including funding for the free entitlement for disadvantaged two-year-olds.
- 1.40. 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, e.g. a member of the education board.
- 1.41. It is 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.
- 1.42. 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

- 1.43. 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)).
- 1.44. 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).
- 1.45. 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.
- 1.46. 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.
- 1.47. However, the inclusion of non-executive elected members and certain officers is not a requirement. Many Schools Forums do not have such members on them and it is 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

- 1.48. 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.
- 1.49. 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 is 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, e.g. when the funding formula is decided.

Recording the composition of Schools Forums

- 1.50. 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.

Observers

- 1.51. The Regulations provide that the Secretary of State can appoint an observer to attend and speak at Schools Forum meetings, e.g. a representative from the Education Funding Agency (EFA). 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, e.g. where there are highly complex issues to resolve.

Participation of local authority officers at meetings

- 1.52. 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 Schools Forum to provide financial or technical advice
 - Any person presenting a paper to Schools Forum but their ability to speak is limited to the paper that they are presenting.
- 1.53. 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.

Procedures

- 1.54. 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:
- a. quorum: A meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it is 40% of the current

membership excluding vacancies). If a meeting is inquorate it can proceed but it cannot legally take decisions (e.g. 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 is not legally obliged to do so. In practice, the arrangements for meetings should be made to reduce the chance of a problem with quora. The quorum stipulation is in the Regulations to help ensure the legitimacy of decisions;

- b. 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 is 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;
- c. 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 will be limited to the specific primary and secondary phase of maintained schools members.

The powers which Schools Forums have to take decisions on a range of funding matters increase the importance of clear procedures, e.g. 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 1.58). 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;

- d. 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.
- e. 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 1.52(a) on quorum).

f. timing: Schools Forums must meet at least four times a year

- 1.55. Where the Regulations make no provision on a procedural matter, local discretion should be exercised. It is 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 is entitled to do so, it is of course good practice to allow the Schools Forum to set its own rules so far as possible.

Public access

- 1.56. 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 is good practice that notification that Schools Forum is a public meeting is included on the website and papers are published at least a week in advance.
- 1.57. 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

- 1.58. It is 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.

Urgent business

- 1.59. It is 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 is not compromised.

- 1.60. It is not legal for the Chair to take a decision on behalf of the Schools Forum, no matter how urgent the matter in question; but 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

- 1.61. The costs of a Schools Forum fall in the centrally retained budget portion of the Schools Block of local authorities. Nationally there is variation in the level of funding local authorities identify against Schools Forum expenditure: the median budgeted expenditure in 2013-14 was £24,158.
- 1.62. It is 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. The 2012 School and Early Years Finance Regulations provide that the level of resource devoted to running Schools Forums in 2013-14 is limited to 2012-13 levels unless the Secretary of State agrees an increase. Similar arrangements are in the draft 2013 Regulations.

Section 2 – Effective Schools Forums

Introduction

- 2.1. 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.
- 2.2. 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 is able to play a meaningful part in the discussions of the Schools Forum.
- 2.3. 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 is important that a Schools Forum feels it is 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.*
- 2.4. 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

- 2.5. 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:
- a. the constitution of the Schools Forum
 - b. a list of members including contact details and their terms of office
 - c. any locally agreed terms of reference explaining the relationship between the Schools Forum and the local authority
 - d. copies of minutes of previous meetings
 - e. the programme of Schools Forum meetings for the year
 - f. the local Schools Forum web address
- 2.6. This Operational and Good Practice Guide, suitably supplemented by local material, should also be provided to new members on their appointment.
- 2.7. 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

- 2.8. 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.
- 2.9. 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.

Agenda setting

- 2.10. 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.
- 2.11. The frequency and timing of meetings of the Schools Forum should be agreed in advance of each financial or academic year. 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.

- 2.12. Although the business of Schools Forums must be open and transparent, it is recognised that from time to time items of a confidential nature will need to be discussed. It is recommended that authorities apply the same principles that they apply to Council/Cabinet meetings when judging an item to be confidential and adopt similar practices for dealing with those reports in the meeting, e.g. placing them together at the end of the agenda.

Preparation for a Schools Forum meeting

- 2.13. It is vital that 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.
- 2.14. The vast majority of a Schools Forum's business will be transacted on the basis of prepared papers. It is 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 is 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.
- 2.15. It is good practice for the Schools Forum and local authority to agree a standard for these. It is 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.
- 2.16. 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.
- 2.17. 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 is 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.

- 2.18. 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

- 2.19. 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.
- 2.20. 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 is 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.
- 2.21. 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 do not 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.
- 2.22. The independence of 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 LA in another capacity, e.g. as an external consultant, they could be viewed as equivalent to an officer of the local authority.
- 2.23. 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

- 2.24. 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 is a role often undertaken by an employee of the local authority though we would recommend consideration is given to the use of an independent clerk.
- 2.25. 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.

2.26. Beyond this a good clerk can:

- a. 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;
- b. respond to any queries about the business of the Schools Forum from headteachers, governors and others who are not on the Schools Forum themselves;
- c. be responsible for ensuring contact details of all members are up to date;
- d. maintain the list of members on the Schools Forum and advise on membership issues in general;
- e. assist with the co-ordination of nomination/election processes run by the constituent groups;
- f. keep the Schools Forum website up to date: e.g. by posting latest minutes and papers etc;
- g. monitor, on a regular basis, the Schools Forum and general Schools Funding section of the Department for Education (DfE) website or the gov.uk website; and arrange for the distribution of any relevant DfE information to Schools Forum members;
- h. 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; and
- i. organise, operate and record any voting activity of the Schools Forum in line with the provisions of its local constitution.

2.27. 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

2.28. 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 Forum 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.

2.29. 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.

2.30. The use of coloured cards or coloured nameplates can be helpful when specific members of Schools Forum are eligible to vote on specific items, e.g. de-delegation or changes to the funding formula.

2.31. Consultations with 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

2.32. 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 Forum must be clearly set out.

2.33. 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/votes. It is good practice to formally agree the accuracy of the note/minutes at a subsequent meeting but the publication of the draft minutes should not be delayed as a result.

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

Communication

2.35. Communication to the wider educational community of the discussions and debates of, and decisions made by, 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, who are more likely to have existing channels of communication e.g. headteacher meetings.

2.36. Each Schools Forum should therefore be clear what its channels of communication are. One channel is the requirement that all its agenda, minutes and papers are publicly available on the local authority's website. However, the Schools Forum should also consider additional communication processes. These could include:

- a. the reporting back by Schools Forum members to their 'parent' group of the business of the Schools Forum is a key responsibility of Schools Forum members. This can be a particularly useful method of ensuring 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;
- b. an annual report on the proceedings of the Schools Forum;
- c. 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; or
- d. 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
- e. a Schools Forum newsletter can be a less formal and more interesting way of communicating forum business and raising the profile of Schools Forum and its members.

News updates

- 2.37. 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 DfE. Other Schools Forum members should be copied into such information flows so that they can be kept abreast of developments between meetings.
- 2.38. Many local authorities have already established dedicated Schools Forum websites on which they post key information for Schools Forum members and other interested parties.



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Respond by Friday 17 October 2014
Ref: Department for Education

School and Early Years Finance (England) Regulations 2014

School and Early Years Finance (England) Regulations 2014

The Department for Education is seeking views on the proposed changes to the School and Early Years Finance (England) Regulations. The regulations put in place the new arrangements for local authorities to set school budgets for the financial year 2015 to 2016.

To Chief finance officers and finance officers at local authorities; chairs and clerks of schools forums; and other interested parties.

Issued 8 August 2014

Enquiries If your enquiry is related to the policy content of the consultation you can contact the Department on 0370 000 2288

e-mail:

2014SchoolFinanceRegulations.Consultation@education.gsi.gov.uk

Contact Details

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Gov.UK '[Contact Us](#)' page.

1 Summary

- 1.1 The Department is proposing to amend the Schools and Early Years Finance (England) Regulations 2013. Some of the changes had previously been published as part of the [Fairer schools funding arrangements for 2015 to 2016](#) and [Schools revenue funding 2015 to 2016 – operational guide](#) published on 17 July 2014. The proposed changes will come into force in January 2015 and shall be applied for the financial year 2015 to 2016.

2 Proposed changes to the school and early years finance regulations

- 2.1 The Regulations have been updated throughout to make them relevant to the financial year 2015-16.

A number of amendments have been made to take account of the new provisions relating to special educational needs in the Children and Families Act 2014. Much previous legislation has been re-enacted with amendments. There will be a period of transition from statements of special educational needs (SEN) and learning difficulty assessments to Education Health and Care (EHC) plans, and the drafting of the regulations allows for this.

Some other changes to the regulations are as a result of the Fairer schools funding arrangements for 2015 to 2016 and its supporting operational guide published on 17 July 2014.

Below is a brief explanation of the policy behind the changes to the regulations.

- 2.2 **Regulation 3** makes amendments to the Schools Forums (England) Regulations 2012.

The principal changes to membership of the forum are:

- That if there are any special academies in the local authority's area, there must be at least one member representing them;
- That if there are any alternative provision (AP) academies in the local authority's area, there must be at least one member representing them.

The purpose of these changes is to strengthen the representation on the forum of special provision and AP respectively.

In addition, more specificity is added to the provisions for the forum to discuss SEN and AP matters. In both cases, the forum must discuss places to be commissioned by the local authority – and in the case of AP also by schools – and the arrangements for paying top-up funding. The purpose of these changes is to ensure that the forum discusses the detail of local SEN and AP arrangements.

- 2.3** In **Regulation 14(1)** the transitional provision in last year's regulations for separate levels of place funding for sixth form places in special schools has been removed. Since 1 August 2014 the value of all such places has been £10,000. We have also clarified that the provision does not include hospital places or those aged over 19 years of age.
- 2.4** **Regulation 14(1) and paragraph 18 of Schedule 2 - these changes would mean the dedicated schools grant must not be used to fund places or top-up for 19 to 25 year olds in maintained special schools and special academies.** This reflects the current position that young people with statements cannot remain in special schools beyond age 19. Without these changes, the introduction of EHC plans would otherwise create an anomaly under the existing funding regulations for maintained special schools.

The SEN reform programme is a significant culture change. We want to allow time for the SEN reforms to bed in and for local authorities and existing further education and training providers to respond to these challenges. We consider that there are a number of risks associated with extending special school provision up to 25 which may cause uncertainty and volatility in the market as the SEN reforms are introduced.

Young people with EHC plans may need longer in education or training in order to achieve their outcomes and make an effective transition into adulthood. However, this position does not mean that there is an automatic entitlement to continued support at age 19 or an expectation that those with an EHC plan should all remain in education until age 25. For those that do need more time, the core aim of this further education must be on preparing them for adulthood within an adult orientated environment. This should include opportunities to experience the world of work and to develop as far as possible independent living skills and the ability to make independent choices and decisions in an adult context.

Special schools can still set up provision for 19 to 25 year olds that is a legally separate entity from the school through the Education Funding Agency's (EFA) market entry process. This ensures the policy objectives are embedded fully in new provision and helps manage the market.

As the reforms bed in we will keep the provision for 19 to 25 year olds with EHC plans under review.

- 2.5 Regulation 14(3)** implements, with transitional provision, the change in value for an AP place from £8,000 to £10,000 a year. Regulation 14(4) makes clear that places in pupil referral units include those to be commissioned by schools as well as directly by the local authority, and that the local authority is responsible for including the appropriate sum in the pupil referral unit's budget share for all such places. This was always the Government's intention but has not happened in all authorities in previous years.
- 2.6 Regulation 16 and Schedule 2, paragraph 15(c)** require local authorities to pay the early years pupil premium (of 53p per hour) to all early years providers that are delivering Government-funded early education to eligible three- and four-year-olds. Children will be eligible if: they meet the eligibility criteria for free school meals; they have been looked after by the local authority for at least one day; they have been adopted from care; they have left care through special guardianship; or they are subject to a child arrangement order.
- 2.7 Regulation 21(2)** makes revised provision for the determination of budgets for new maintained schools and for schools that have opened in recent years and are still adding year groups. Such schools are to be funded on the basis of estimated rather than actual pupil numbers. Any difference between estimated and actual numbers may be corrected for in the following financial year. The purpose of this change is to allow more discretion to local authorities in funding such schools, rather than requiring them to apply to the Secretary of State for a variation in every case. Local authorities will be expected to follow the same principles in setting budget shares for new and recently opened academies and free schools.
- 2.8 Schedule 1, paragraph 10(e) and Schedule 2, paragraph 13:** we have noticed that the previous regulations split local authority functions in relation to remission of boarding fees between the two schedules. We have put all these provisions in Schedule 2 to indicate that we regard expenditure on them as falling within the schools budget.

- 2.9** The former **paragraph 26 of Schedule 1**, relating to teachers' emoluments in circumstances where they have failed to complete induction satisfactorily, has been deleted. We no longer regard this expenditure as falling outside the schools budget.
- 2.10** **Schedule 2, paragraph 14** has been extended so that early years expenditure held centrally cannot relate to an excluded provider. An excluded provider is defined as an independent school that: does not meet the spiritual, moral, social and cultural development of pupils set out in the Independent School Standards; does not actively promote fundamental British values; or promotes, as evidence-based, views and theories which are contrary to established scientific or historical evidence and explanations. A definition of excluded provider has been added to **Regulation 1**.
- 2.11** **Paragraph 18 of Schedule 2** has been amended to reflect the provisions in the Children and Families Act. It now includes persons aged between 19 and 25 years of age with an EHC plan, but not where they are attending schools or academies.
- 2.12** **Schedule 3, paragraphs 14 and 15** have been amended to reflect our new policy for 2015-16 of setting thresholds for average year-group size rather than school size to decide whether a school should receive funding through the sparsity factor. Detail of the new policy is in chapter 3 of Fairer schools funding arrangements for 2015 to 2016.

3 Proposed changes to the conditions of grant

- 3.1** The dates in the conditions of grant will be updated by one year so that they relate to the financial year 2015-16. There are no other proposed changes.

4 How to respond

- 4.1** Consultation responses can be completed online at: <https://www.education.gov.uk/consultations/>

by emailing:

2014SchoolFundingRegulations.Consultation@education.gsi.gov.uk

or by downloading a response form which should be completed and sent to:
Department for Education
Beth O'Brien
Department for Education
Great Smith Street
London
SW1P 3BT

5 Additional Copies

- 5.1** Additional copies are available electronically and can be downloaded from the [Gov.UK](http://www.gov.uk) website.

6 Plans for making results public

- 6.1** The Department will publish our response to the consultation on the [Gov.UK](http://www.gov.uk) website and lay the Regulations before Parliament by early December 2014.