

## Schools Forum

Minutes of meeting held on Tuesday, 12<sup>th</sup> February, 2013 at 4.00 p.m. at Blakenall Village Centre, Thames Road, Blakenall, Walsall

**Present:-** Mr. M. Vlahakis (Chairman)  
Mrs. C. Draper  
Mrs. M. Sheehy  
Mr. G. Thornton  
Mr. G. Crowther  
Dame M. Brennan  
Mr. J.P. Clarke  
Ms. H. Lomas  
Mrs. J. Ward  
Ms. P. Hunt  
Ms. M. Yates  
Mrs. M. Woodcock  
Mr. F. Hodgkinson  
Mr. B. Powell  
Mr. T. Perrett  
Mr. M. Ison  
Mr. A. Orlik  
Mr. J. Murray  
Mr. R. Bragger

**In Attendance:-** Mr. D. Mortiboys - Walsall MBC  
Ms. D. Morris - Walsall MBC

		<b>Action</b>
<b>1. 12.2.13</b>	<b>Election of Vice-Chairman</b>  The Chairman requested nominations for Vice-Chairman for the remainder of the year.  There were no nominations received and it was agreed that this item stand deferred to the next meeting.	
<b>2. 12.2.13</b>	<b>Apologies</b>  Apologies for non-attendance were submitted on behalf of Mr. D. Brownsword, Mr. E. Gee and Ms. H. Harnisch.	

<p><b>3.</b> <b>12.2.13</b></p>	<p><b>Minutes - 4<sup>th</sup> December, 2012</b></p>	<p>The minutes of the meeting held on 4<sup>th</sup> December, 2012 be approved and signed by the Chairman as a correct record.</p>
<p><b>4.</b> <b>12.2.13</b></p>	<p><b>Matters arising from the minutes</b></p> <p>Ms. Morris informed the Forum that an error had occurred on the report in relation to the High Needs Funding Formula Update where the example quoted referred to 60% and should have been 100%; the corrected final report was part of the papers for this meeting.</p>	
<p><b>5.</b> <b>12.2.13</b></p>	<p><b>Late items to be introduced by the Chairman</b></p> <p>There were no late items for introduction by the Chairman.</p>	
<p><b>6.</b> <b>12.2.13</b></p>	<p><b>Local Government (Access to Information) Act, 1985 (as amended)</b></p> <p>The Forum noted that there were no items for consideration in the private session.</p>	
<p><b>7.</b> <b>12.2.13</b></p>	<p><b>Schools funding formula summary</b></p> <p>A report was submitted.</p> <p>Ms. Morris introduced the report and drew the Forum's attention to Appendix A attached and the criteria and data used in that factor.</p> <p>With regard to the business rates, this related primarily to Academies who paid 20%.</p> <p>After consideration it was,</p>	

	<p><b>Resolved</b></p> <p>(1) That Schools Forum note that the DfE have received Walsall's School Funding Formula and 'believe' it complies with all Regulations;</p> <p>(2) That Schools Forum note that this formula complies with all principles endorsed by schools throughout consultation;</p> <p>(3) That Schools Forum note and endorse the concept that the cash value of MFG and the cap should be the same;</p> <p>(4) That Schools Forum endorse the use of central expenditure limit surplus to support the schools block funding for 2013/14.</p> <p>Schools Forum congratulated staff for their work on this funding formula.</p>	
<p><b>8. 12.2.13</b></p>	<p><b>Notional SEN funding - final definition for 2013/2014</b></p> <p>A report was submitted.</p> <p>Ms. Morris confirmed that the final definition of Notional SEN funding for 2013/2014 was required to be published. She outlined the content of the report and after consideration it was,</p> <p><b>Resolved</b></p> <p>That Schools Forum note and endorse the contents of the annexed report, to be circulated to all schools.</p>	<p>Dawn Morris</p>
<p><b>9. 12.2.13</b></p>	<p><b>Walsall Scheme for financing schools 2013/14</b></p> <p>A report was submitted.</p> <p>Mr. Mortiboys introduced the report and requested the Forum to endorse the consultation and confirmed that it would be referred back to the Forum on 26<sup>th</sup> March, 2013 and to enable further discussions to take place, the provisional meeting scheduled for 12<sup>th</sup> March, 2013 would now take place.</p>	

	<p>He confirmed that the proposed changes and the process were set out in the report now submitted. Mr. Mortiboys agreed to circulate to Members the document outlining the changes to the scheme.</p> <p><b>Resolved</b></p> <p>(1) That Schools Forum recommend the draft Scheme for financing schools 2013/14 for consultation with all schools;</p> <p>(2) That Schools Forum endorse potential further consultation on any required or potential revisions to the Draft Scheme before the next Schools Forum meeting, with particular reference to any updated advice from the Department for Education or around the Balance Control Mechanism;</p> <p>(3) That Schools Forum note the timetable for consultation and opportunities for further input before 26<sup>th</sup> March, 2013.</p>	
<p><b>10. 12.2.13</b></p>	<p><b>Premature retirements</b></p> <p>A report was submitted.</p> <p>Mr. Mortiboys drew the Forum's attention to the definitions on early retirement and premature retirement contained in Paragraph 2 of the annexed report and stated that Walsall schools had a choice to make on how they coped with premature retirement costs going forward. Academies had already picked these costs up. He highlighted the choices set out in Paragraph 4 of the report that had been considered by the Working Group. The Chairman stated that the Working Group had expressed the view that independent legal advice was required to establish who was responsible for the payment of premature retirement and whether teaching staff would be expected to follow the Council's early retirement scheme which related to staff aged 55 to 60, whereas teaching staff had previously been eligible for early retirement from aged 58 to 60.</p>	

Mr. Mortiboys reminded the Forum that it had a sum of money set aside in its budget for the running costs of the Forum and they could consider using the underspend to obtain the advice, although he recommended using the Council's legal officers who would provide free advice.

Mrs. Sheehy clarified that queries had arisen in the Working Group as to whether it was a decision for Governors to grant premature retirement in the case of redundancy or whether it was a legal requirement that had to be complied with. Conflicting advice had been given on whether it was a policy of Walsall Council and was not legally assigned, therefore, independent advice would be preferred.

Mr. Crowther referred to a discussion with HR and legal services on the definitions of early or premature retirement that then became part of the redundancy cost and was, therefore, not part of an early retirement package.

Mr. Bragger referred to the two concepts as being very different as the pension scheme stated that those made redundant from age 55 could access their pension but this had to be funded, although it was relevant to a small number of people. The DfE default position would pose a risk to vulnerable schools when teachers were made redundant in order to balance the school's budget to find that the school was liable for the additional costs. The position did need to be clarified.

Mr. Mortiboys suggested that the Forum would need to be clear on the advice it would be seeking and suggested that a cap be put on the funds to be used for obtaining the advice.

In response to points raised, Mr. Mortiboys confirmed that should Schools Forum fail to recommend a scheme for financing schools, the Council would request the Secretary of State to adjudicate.

Mr. Crowther undertook to approach the legal advisors for his Academy on this issue. The question would relate to Annex 7 and interpretation of the contents.

	<p><b>Resolved</b></p> <p>(1) That Schools Forum agree that expenditure up to £10,000 be allocated to enable external legal advice to be sought in respect of the definition of early and premature retirement in respect of Annex 7 of the Scheme for financing schools;</p> <p>(2) That Mr. Crowther and Ms. Sheehy be nominated as representatives of Schools Forum to meet with both external and the Council's legal advisers to request an opinion on Annex 7 of the Scheme and to feedback into the Working Group that had been established to discuss this matter prior to submission of the advice to the Forum;</p> <p>(3) That, notwithstanding the above resolution, Schools Forum note that the premature retirement section of the scheme for financing schools has been updated in line with the DfE default position;</p> <p>(4) That Schools Forum note the work of the Working Group and were aware of the various options that could be pursued and potential future papers that could be brought to Schools Forum.</p>	
<p><b>11. 12.2.13</b></p>	<p><b>Balance control mechanism</b></p> <p>Mr. Mortiboys reported that the Scheme for Financing Schools had included some balance control mechanism (BCM) since 2007 and Academies could retain up to 12% of their balance. It was considered that to keep control would hopefully streamline and tie in with national policy as the DfE were looking for a national funding formula in 2015.</p> <p>The Chairman stated that the proposal would move from the current mechanism to a system with no balance control. The Forum discussed the differences between maintained schools and Academies and it was,</p>	

	<p><b>Resolved</b></p> <p>That proposals for a balance control mechanism be submitted to the Primary and Secondary Heads Fora for discussion and the outcome of those discussions be submitted to Schools Forum.</p>	
<p><b>12.</b> <b>12.2.13</b></p>	<p><b>Forward Plan</b></p> <p>The Forward Plan was submitted.</p> <p>The Forum was advised that a meeting would be required on 12<sup>th</sup> March, 2013 and it was agreed that the balance control mechanism be included.</p> <p>Ms. Lomas questioned the progress on SEN funding and was informed that work was taking place and information would be submitted to the SEN Group prior to referral to head teachers.</p> <p><b>Resolved</b></p> <p>That the Forward Plan be agreed.</p>	
<p><b>13.</b> <b>12.2.13</b></p>	<p><b>Late items to be introduced by the Chairman</b></p> <p>There were no late items submitted.</p>	
<p><b>14.</b> <b>12.2.13</b></p>	<p><b>Correspondence</b></p> <p>There was no correspondence received.</p>	
<p><b>15.</b> <b>12.2.13</b></p>	<p><b>Date and time of next meeting</b></p> <p>It was <b>NOTED</b> that the next meeting of Schools Forum would be held on Tuesday, 12<sup>th</sup> March, 2013 at 4.00 p.m. at Blakenall Village Centre, Thames Road, Blakenall, Walsall.</p>	

The meeting terminated at 5.25 p.m.