



Walsall Council

Walsall Children's Services

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Report to: Schools Forum

Date: 12th June 2012

Subject: Schools Forum Membership

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Purpose of the report: To note the requirements and comments from the Department for Education document "School Funding Reform: Next Steps Towards a Fairer System" and to ensure that Walsall Schools Forum complies.

Recommendation: See final section of report.

1. Introduction

1.1 Department for Education (DfE) produced "School funding reform: Next steps to a fairer system" on 26 March 2012. While this document has consultative elements, in essence it informs interested parties in decisions that government has made which will start to impact from 2013/14.

1.2 The DfE has since then produced further information in the form of frequently asked questions.

1.3 Looking at the requirements set out by the DfE, Walsall Schools Forum already complies. However, since membership was last reviewed in summer 2011 further schools have converted to academy. To meet the DfE's conditions, Walsall will need to do a further review.

2. Excerpts from the consultation

2.1 Below are extracts directly from the consultation (section 1.6 on pages 23 and 24) <http://www.education.gov.uk/consultations/downloadableDocs/School%20funding%20reform%20-%20Next%20steps%20towards%20a%20fairer%20system%20Mar%202012%20FINAL.pdf>

1.6. Improved Schools Forum arrangements

1.6.1. Schools Forums were put in place to support local authorities on matters relating to school budgets and they play an important part in the local decision making process. It is therefore important that they operate transparently and fairly, with representation from all school sectors. We know that in some areas this is already the case and Schools Forums are working very well, creating strong partnerships across local schools and Academies.

1.6.2. Despite this, responses to both our April 13 and July consultations have shown that this is not consistent. We have had representations that Schools Forums are often too large and unwieldy, making it difficult to have a genuine discussion; and that it is sometimes difficult to see how decisions are made. We are also aware that in some cases, the current regulations regarding proportionate membership are not up-to-date. The regulations state that maintained primary schools, maintained secondary schools and Academies should be represented on Forums in proportion to the number of pupils in those types of schools.

1.6.3. In order for local decision-making to operate in a consistently fair and effective way and in consultation with schools, we need to secure greater confidence in Schools Forums. Head teachers, principals, parents and others need to know that funding decisions are open to scrutiny and challenge and are considered in depth by those most affected.

1.6.4. We will make some changes to Schools Forum arrangements so they are in place to support decision-making for 2013-14. The changes will ensure Schools Forum discussions are more focused, that decisions are more transparent and that those most affected have a greater say.

1.6.5. We will not make any changes to the powers of Schools Forums at this stage. When we consulted in July over whether we should give Schools Forums more decision making powers, 47% thought that we should not (and a further 26% were not sure). Schools Forums will continue to have decision making powers.

1.6.6. For 2013-14 we will therefore amend the Schools Forums Regulations to:

- a) Remove the requirement to have a minimum of 15 people on a Forum;
- b) Limit the number of other local authority attendees from participating in meetings unless they are a Lead Member, a Director of Children's Services (or their representative) or are providing specific financial or technical advice (including presenting a paper to the Forum);
- c) Confine the voting arrangements to allow only schools members and providers from the private, voluntary and independent sector to vote on the funding formula;
- d) Require local authorities to publish Forum papers, minutes and decisions promptly on their websites; and,
- e) Require Forums to hold public meetings – as is the case with other council committees.

1.6.7. We will also give the EFA observer status at School Forum meetings. This will enable the EFA to support the local process and to provide a national perspective. The EFA representative would not be required to attend every meeting, but could be available if members thought it helpful or if there were any concerns about the running of the Forum.

1.6.8. In the longer term, we may consider making further changes that will support fairness and transparency in the operation of Schools Forums. These might include: a) Setting a maximum cap on the number of members;

- b) Significant slimming down (or removal) of non-schools members; and,
- c) Requiring an independent secretariat to service Schools Forums.

2.2 The following are extracts from the DfE Frequently Asked Questions (FAQ):

Section 1.6 – Improved Schools Forum arrangements

Q: Paragraph 1.6.6b suggests that union and diocesan representatives will not be able to participate in future. Is this correct? Does this only apply to contribution to discussion, what is the position on these representatives attending the Forum as observers given the proposal to make these public meetings in future?

And,

Q: We currently have observers from the Unions, and Local Authority Members (other than Lead Member). The observers do not have voting rights, but do 'sit round the table' and play an active part in Forum discussions. Can you confirm that the intention is to not allow such people to actively participate and address the Forum (i.e. as a public meeting they could attend and sit in a public area, but not actually speak at the meeting)? Will other non-Local Authority observers (e.g. Diocese) be able to continue to participate in meetings? Are Union observers classified as 'Local Authority attendees'?

A: For 2013-14, all current members can continue to participate in Schools Forums. The only exception to this relates to local authority representatives. Because we want Schools Forums discussions to be better focused, we are

limiting the representation from the local authority to: the Director of Children's Services; the Lead Member; and any local authority member presenting a paper or providing specific technical or financial advice.

Trade Union members and Diocese members can continue to participate in meetings as they do now. However, only School Members and PVI Members will be able to vote on the funding formula.

Trade Unions are not classified as local authority attendees.

We will review these arrangements in the longer term. {18/04/2012}

Q: On School Forums under paragraph 53 of the Operational Implications Guidance, the third paragraph states in bold: "Authorities should, therefore, take immediate steps to ensure that access to, and details of, meetings from now on are compliant with the new regulations." The preceding paragraphs set out the intended changes to the School Forums regulations. I cannot see that there are any new regulations or draft regulations at this point. Can you confirm that there are no new regulations affecting School Forums (since 2010), whether in final form or in draft form?

A: We will be consulting shortly on new schools forums regulations to take effect from the autumn. The 2010 regulations remain in force for the moment, but we are asking authorities to take immediate steps to improve practice where necessary. {26/04/2012}

Q: Are the following three reps allowed to continue on the SFF and have voting rights? 14-19 rep,; school improvement partner and Diocese Representative.

A: The three reps mentioned can continue as members but we are proposing that they should not be able to vote on the formula once the new forum regulations come into force. {26/04/2012}

Q: The current regulations appear to allow members to serve their term of office which will make it difficult to achieve proportionality for us. Can you clarify that the proposed regulations will allow the Authority to cease the terms of membership of existing school and academy membership to allow for either a smaller Forum and to achieve a greater degree of proportionality between school and academy members?

A: It will still be for authorities to decide on the length of terms of office. We would normally expect the required increase in academy representation to be assisted by the provision in the regulations which states that members do not remain in office if "the member ceases to hold the office by virtue of which the member

became eligible for election, selection or appointment to the forum." This means that maintained school heads or governors cannot remain as maintained school forum members once their school has converted. We will be removing the requirement to have at least 15 members. {26/04/2012}

Q: Will the requirement for non-school members be removed

A: We are keeping the requirement to have 14-19 partnership members for the moment because of the proposal to fund 14-16 provision in colleges through the local formula. We will review membership for 2014-15. {26/04/2012}

Q: To allow for consultation with stakeholders on changing the constitution of the forum and comply with equalities requirements and organise elections etc. for new school and Academy members the regulations will need to be published by the end of May at the latest. When will be the regulations to published?

A: We intend to consult on draft regulations in May or June. {26/04/2012}

Q: Have been thinking as to how our Schools Forum membership could potentially be slimmed down - particularly given the impending removal of the minimum 15 membership. Could you release some model structures for Forums to consider?

A: We will not be producing model structures as the composition of the forum is a matter for local decision. What we are doing is making it easier for authorities to slim down the size of forums by removing the minimum size requirement. Authorities may continue to have larger forums if they wish. {03/05/2012}

Re membership whether the following are permitted w.e.f. 1.9.12 within the new school funding reform paper, "Limit the number of other LA attendees from participating in meetings unless they are a Lead Member, DCS or DCS rep, or providing specific financial/technical advice) " ie, specifically :-

Q1: What does "participating" mean?

A: It means taking part by speaking at the meeting. {10/05/2012}

Q2: Can there be an officer working for/directly managing an education service for looked after/vulnerable children (para 1.39 Dec 2010 DfE SF operational and

good practice guidance) – as a Non-schools member (voting) or observer (non-voting)?

A: Yes, this can still happen if they directly provide education to children or manage such a person. Non-schools members will not be able to vote on the formula in future though. {10/05/2012}

Q3: Non-executive LA elected members – voting or non-voting, or not permitted?

A: Allowed as non-school members but won't have voting rights in future; can be schools or Academies members if elected in the relevant category.
{10/05/2012}

2.3 The following extracts have been taken from “Reformed funding system – operational implications guidance for Local Authorities <http://media.education.gov.uk/assets/files/pdf/o/operational%20guidance%20for%20ocal%20authorities.pdf> :

Ensuring schools forums are properly constituted

48. We are continuing the requirement in the schools forum regulations that maintained primary schools, maintained secondary schools and Academies should have broadly proportionate representation according to the pupil numbers in each category. We are concerned, however, that the composition of some schools forums has not changed quickly enough to reflect the increased number of Academies. We appreciate that members have been elected to terms of office of a particular length, and that it can be disruptive to be continually re-electing members. Nevertheless, it is imperative that the forums which consider the simplified 2013-14 formulae are properly representative. **Authorities should, therefore, ensure that the composition of their schools forum is compliant with the regulations and reflects the pupil numbers expected to be in each category at 1 September 2012. Any required elections should take place before the end of the summer term.**

Changes to schools forums

49. We have set out in the next steps document that for 2013-14 that we will make some amendments to the Schools Forums Regulations. It is our intention that these should come into force in September 2012 in time for the final forum discussions relating to the 2013-14 formula. In terms of membership and participation, we intend to:

- a) Remove the requirement to have a minimum of 15 people on a Forum;
- b) Restrict other local authority attendees from participating in meetings unless they are a Lead Member, DCS, DCS representative or are providing specific financial or technical advice (including presenting a paper to the Forum);
- c) Restrict the voting arrangements by allowing only schools members and the PVI members to vote on the funding formulae;

50. On the first of these, **smaller authorities in particular may therefore wish to review the total size of their forum and decide whether to reduce the number of members below 15.**

51. The other two changes relate to participation in meetings and voting so **authorities will need to review their forum procedures or standing** 13

orders to ensure consistency with the regulations.

52. We have also said that we will give the EFA observer status at School Forum meetings to support the local process and to provide a national perspective if members thought it helpful or if there were any concerns about the running of the Forum.

Transparency of schools forums

53. We have also said that we need to ensure that forum meetings are more transparent. We know that many authorities run effective forums, but are aware that in some areas there is not such good practice and that schools have found it difficult to find out what is going to be, or has been, discussed. We will therefore amend the regulations as well to:

(a) Require local authorities to publish Forum papers, minutes and decisions promptly in a public area of their websites; and,

(b) Require Forums to hold public meetings – as is the case with other Council Committees

Authorities should, therefore, take immediate steps to ensure that access to, and details of, meetings from now on are compliant with the new regulations. Any regular communications from the authority to schools should also draw attention to forthcoming schools forum meetings and agendas, and the minutes of forum discussions.

54. It is also incumbent on each group of schools forum members – whether, for example, maintained primary school governors, Academy or early years PVI members, to ensure that they communicate with the people or organisations they represent at least before debating major issues and again afterwards. Authorities may be able to facilitate such communication, for example through early years networks or governor newsletters, where such channels do not currently exist. Authorities and schools forum members should consider whether communication within the groups represented can be improved.

2.4 It must also be noted that Walsall has always looked at schools membership being split equally where possible between governor representatives and head teacher representatives. The legislation does not enforce this. It is also possible for a headteachers 'representative' to be a member of Schools Forum if selected by their group. However, there must always be named members of Schools Forum.

3. Primary, Secondary and Academy membership

3.1 **Table 1** summarises the current pupil split on forecast academy conversions as at 1 September 2012. It shows the membership each group has currently and the membership each group would have under the projected pupil split:

Table 1

Jan 2011 Census	Maintained Primary	Maintained Secondary	Academies	Total
Pupil Numbers	21,518	3,769	15,669	40,956
% Pupil Population	53%	9%	38%	100%
Current membership	10	3	4	17
Proposed Membership	9	2	6	17

3.2 This report shows that Schools Forum would need the maintained primary and maintained secondary groups to decrease membership by one member each and for academy members to increase.

3.3 The only way to maintain the current members and achieve the proportionality required would be to increase the size of the overall forum. As maintained secondary schools are now less than 10% of the pupils in the borough then for the maintained sector to have 3 representatives would require the Forum to be 29 members which would appear to be very unwieldy.

3.4 The DfE see Academies as a grouping. There is no need for there to be a split between primary and secondary academies. The local authority has no say in appointing academy members of the Schools Forum unless academies fail to meet any deadline set. If there is a dispute amongst academies about who should represent them, then it is unclear who would adjudicate but it may be for the Education Funding Agency (EFA) to assist. Schools Forum Regulation 2010 state that, "Academies members must be elected to the schools forum by the governing bodies of the Academies in the authority's area." A recent governor election has taken place on that basis.

3.5 The DfE anticipate increased academy numbers in coming years. It would seem advisable to keep Walsall Schools Forum membership updated regularly on that basis. However, before making a decision on any timelines it would seem appropriate to wait until DfE have consulted on and finalised revised School Forum Regulations.

4. Other Members

4.1 Assuming there are no further changes, then from 1 September the following will be members of Walsall Schools Forum. There will be changes to voting rights. For clarity **Table 2** summarises this:

Table 2

Current member	Role	Voting or Non Voting from 1 September 2012
Ms. H. Lomas Mrs. J. Ward	Special School Head Nursery Head Teacher	Voting Voting
Mr. B. Powell	Special School Governor	Voting
Mr A. Orlik Mrs. M. Robinson	C. of E. Diocese Catholic Diocese	Non-Voting Non-Voting
Mr. D. Clough	Staff side associations representative	Non-Voting
Ms. J. Morgan Vacancy	PVI Representative Pupil Referral Unit representative	Voting Non-Voting
Mr. J. Sharma Councillor R. Andrew	14-19 School Forum Representative Observer, Cabinet Portfolio holder for Children's Services	Non-Voting Non-Voting

5. Schools Forum and De-Delegation

5.1 One of the funding changes relates to central services that the council provide.

Below is a list taken directly from the consultation of services that the council can and in Walsall's case mostly provides:

- a) Support for schools in financial difficulties (this would not be a separate category but within contingencies);
- b) Allocation of contingencies;
- c) Free school meals (FSM) eligibility;
- d) Insurance;
- e) Licences/subscriptions;
- f) Staff costs – supply cover;
- g) Support for minority ethnic pupils or underachieving groups;
- h) Behaviour support services; and,
- i) Library and museum services.

5.2 The consultation explains that under the new funding formula, funding for these activities will be delegated to schools. Assuming the local authority is happy to continue to supply these services then schools have the option to “de-delegate” these services back to the council. The decision on this de-delegation will be taken by the Schools Forum members for maintained primary and maintained secondary respectively. It is therefore important that Schools Forum members ensure processes are in place to consult with their respective groups.

5.3 This funding is already given directly to academies and therefore they already have their own arrangements but could contract with the local authority if they wish.

6. Recommendations

6.1 That Walsall Schools Forum notes the changes around Schools Forum membership, voting rights and related information from the DfE documents précised in this report

6.2 That current academies members are tasked at working with all academies in the borough of Walsall and advising Walsall Council Democratic Services of appropriate representatives by July 2012. If requested Walsall council officers will aid this process wherever possible.

6.3 That maintained primaries and secondaries are asked to advise Walsall Council Democratic Services by 9 July 2012 of how they wish to alter current forum membership in line with their revised number of representatives. If requested Walsall council officers will aid this process wherever possible.

6.4 That the Walsall Schools Forum constitution is updated to reflect voting right changes in line with DfE intentions from 1 September 2012

6.5 Walsall Schools Forum notes Walsall's current compliance in regards to publishing minutes, agendas and running a public meeting.

6.6 Walsall Schools Forum notes that further advice has been requested from the DfE around these changes in membership